

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

BIRMINGHAM CITY COUNCIL

LICENSING AND PUBLIC PROTECTION COMMITTEE

WEDNESDAY, 21 JUNE 2017 AT 10:00 HOURS
IN COMMITTEE ROOMS 3 & 4, COUNCIL HOUSE, VICTORIA
SQUARE, BIRMINGHAM, B1 1BB

A G E N D A

1 NOTICE OF RECORDING/WEBCAST

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

2 APOLOGIES

To receive any apologies.

3 DECLARATIONS OF INTERESTS

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

4 APPOINTMENT OF LICENSING AND PUBLIC PROTECTION COMMITTEE

To note the appointment by the City Council of the Committee and Chairman for the Municipal Year 2017/18 as follows:-

Labour Group (11)

Councillor Nawaz Ali
Councillor Alex Buchanan
Councillor Liz Clements
Councillor Lynda Clinton
Councillor Basharat Dad
Councillor Barbara Dring (Chairman)
Councillor Carol Griffith
Councillor Nagina Kauser

Councillor Changese Khan
Councillor Chaman Lal
Councillor Mike Leddy

Conservative Group (3)

Councillor Bob Beauchamp
Councillor Des Flood
Councillor Rob Sealey

Liberal Democrat Group (0)

Independent (1)

Councillor Ian Cruise

5 **ELECTION OF DEPUTY CHAIR**

To elect a Deputy Chair for the Municipal Year 2017/18

6 **FUNCTIONS, POWERS AND DUTIES**

To note that the City has agreed this Committee's Functions, Powers and Duties, as set out in the attached schedule.

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

The Committee is recommended to meet on the following Wednesdays at 1000 hours at the Council House, Birmingham:-

2017	2018
12 July	17 January
13 September	14 February
18 October	14 March
15 November	18 April
13 December	

8 **APPOINTMENT OF SUB-COMMITTEE**

(i) To note the appointment by the City Council of the Committee and Chairman for the Municipal Year 2017/18.

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

(iii) Members of the Sub-Committee may nominate another member of their respective Party Group on the Licensing and Public Protection Committee to attend in their place.

Licensing Sub-Committee A - Mondays (0930 hours)

Cllrs	Barbara Dring (Chairman)	Lab	Oscott Ward
	Nagina Kauser	Lab	Aston Ward
	Bob Beauchamp	Con	Erdington Ward

Licensing Sub-Committee B - Tuesdays (1000 hours)

Cllrs	Lynda Clinton (Chairman)	Lab	Tyburn Ward
	Nawaz Ali	Lab	South Yardley Ward
	Des Flood	Con	Bartley Green Ward

Licensing Sub-Committee C - Wednesdays (0930 hours)

Cllrs	Alex Buchanan (Chairman)	Lab	Billesley Ward
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<u>7 - 14</u>	9	<u>MINUTES - TO CONFIRM AND SIGN THE MINUTES OF THE LAST MEETING</u>	Item Description
<u>15 - 16</u>	10	<u>SCHEDULE OF NOMINATIONS TO SERVE ON OUTSIDE BODIES</u>	to approve representation on various bodies.
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<u>31 - 94</u>	12	<u>REGULATION AND ENFORCEMENT ANNUAL REPORT 2016/2017</u>	REPORT OF THE ACTING DIRECTOR OF REGULATION AND ENFORCEMENT
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<u>113 - 122</u>	14	<u>HEALTH AND SAFETY LAW ENFORCEMENT PLAN 2017/2018</u>	REPORT OF THE ACTING DIRECTOR OF REGULATION AND ENFORCEMENT
<u>123 - 162</u>	15	<u>SEX ESTABLISHMENTS POLICY PRE-CONSULTATION REPORT</u>	REPORT OF THE ACTING DIRECTOR OF REGULATION AND ENFORCEMENT
<u>163 - 170</u>	16	<u>LICENSING FEES AND CHARGES INCLUDING OBJECTION TO HACKNEY CARRIAGE AND PRIVATE HIRE FEES AND CHARGES</u>	REPORT OF THE ACTING DIRECTOR OF REGULATION AND ENFORCEMENT
<u>171 - 176</u>	17	<u>REPORT ON CHANGE OF LAW IN RELATION TO NEW RULES FOR NICOTINE CONTAINING ELECTRONIC CIGARETTES AND REFILL CONTAINERS</u>	REPORT OF THE ACTING DIRECTOR OF REGULATION AND ENFORCEMENT
<u>177 - 182</u>	18	<u>ADDENDUM TO ENVIRONMENTAL HEALTH SERVICE PLAN 2017/2018 TO INCLUDE FLYPOSTING ENFORCEMENT</u>	REPORT OF THE ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

<u>183 - 190</u>	19	<u>FIXED PENALTY NOTICES ISSUED MARCH AND APRIL 2017</u>	REPORT OF THE ACTING DIRECTOR OF REGULATION AND ENFORCEMENT
<u>191 - 240</u>	20	<u>PROSECUTIONS AND CAUTIONS MARCH AND APRIL 2017</u>	REPORT OF THE ACTING DIRECTOR OF REGULATION AND ENFORCEMENT
<u>241 - 248</u>	21	<u>OUTCOME OF APPEALS AGAINST SUB COMMITTEE DECISIONS TAKEN DURING MARCH AND APRIL 2017</u>	REPORT OF THE ACTING DIRECTOR OF REGULATION AND ENFORCEMENT
<u>249 - 252</u>	22	<u>ACTION TAKEN BY THE CHAIR OF THE LICENSING AND PUBLIC PROTECTOIN COMMITTEE DURING MAY 2017</u>	Item Description
<u>253 - 254</u>	23	<u>SCHEDULE OF OUTSTANDING MINUTES</u>	To consider the schedule of outstanding minutes.
	24	<u>OTHER URGENT BUSINESS</u>	To consider any items of business by reason of special circumstances (to be specified) that in the opinion of the Chairman are matters of urgency.
	25	<u>AUTHORITY TO CHAIRMAN AND OFFICERS</u>	Chairman to move:- 'In an urgent situation between meetings, the Chair jointly with the relevant Chief Officer has authority to act on behalf of the Committee'.

Article 8 – Regulatory and Non Executive Committees

This Article sets out details with regard to Regulatory and Non-Executive Committees, which are not part of the Executive functions and neither are they part of the Scrutiny arrangements.

Chairs of these committees are appointed by the Full Council and Deputy Chairs are elected by each committee at its first meeting, for the purpose of substitution for the Chair if absent.

8.1 Regulatory Committees

LICENSING AND PUBLIC PROTECTION COMMITTEE

Functions

- (a) To exercise the powers and duties of the Council with regard to licensing matters and, in particular, to:
 - (i) exercise and enforce the Council's local licensing powers;
 - (ii) issue, renew or otherwise control any licences issued to any authorised caravan site(s); and
 - (iii) approve the appearance and design of signs displayed in Hackney Carriages.
- (b) To exercise the licensing, regulatory and registration powers and duties of the Council under all relevant legislation relating to these matters.
- (c) To exercise the powers and duties of the Council with regard to public protection matters which are non-executive functions and, in particular, to:
 - (i) be accountable for working conditions in offices, shops and railway premises and in factories;
 - (ii) exercise the powers and duties of the Council under all relevant legislation and relating to the non-executive functions of the Committee.

BIRMINGHAM CITY COUNCIL

LICENSING AND PUBLIC PROTECTION COMMITTEE 12 APRIL 2017
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**MINUTES OF A MEETING OF THE LICENSING
AND PUBLIC PROTECTION COMMITTEE HELD
ON WEDNESDAY 12 APRIL 2017 AT 1000
HOURS IN COMMITTEE ROOMS 3 AND 4,
COUNCIL HOUSE, BIRMINGHAM**

PRESENT: - Councillor Barbara Dring in the Chair;

Councillors Nawaz Ali, Bob Beauchamp, Alex Buchanan,
Lynda Clinton, Neil Eustace, Des Flood, Jayne Francis, Nagina
Kauser, Mike Leddy, Gareth Moore and Rob Sealey.

NOTICE OF RECORDING

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

APOLOGIES

- 832 Apologies were received from Councillors Basharat Dad and Penny Holbrook for their inability to attend the meeting.

MINUTES

- 833 The Minutes of the meeting held on 15 March October 2016, having been previously circulated were confirmed as a correct record and signed by the Chairman.

REVIEW OF CHARGES FOR HIGHWAY SERVICES FOR 2017/2018

The following report of the Assistant Director, Highways and Infrastructure was submitted:-

(See Document No. 1)

Officers made introductory comments relating to the report and responded appropriately to questions from Members of the Committee.

834

RESOLVED:-

That the fees and charges set out in Appendix 1 to the report are approved as follows:-

- City Council retained fees and charges with effect from 12 April 2017
- Highways Maintenance and Management Private Finance Initiative (HMMPFI) Service Provider, Amey retained fees and charges with effect from 7 June 2017.

(Councillor Rob Sealey wished to be record as abstaining from voting on the above resolution)

REGULATION AND ENFORCEMENT SERVICE PLAN 2017/2018

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

(See Document No. 2)

The Acting Director of Regulation and Enforcement made introductory comments relating to the report and responded appropriately to questions from Members of the Committee. Following concerns expressed by Councillor Gareth Moore relating the lack of priority given to dealing with fly posting by businesses, the Head of Environmental Services undertook to report back to the Committee of work being undertaken in that area.

835

RESOLVED:-

- (i) That approval be given to the service plans as presented for 2017/2018, namely:-

Appendix 1 Coroners and Mortuary
Appendix 2 Environmental Health
Appendix 3 Licensing
Appendix 4 Register Office
Appendix 5 Trading Standards

- (ii) That the Acting Director of Regulation and Enforcement report further on the work being undertaken in respect of fly posting by businesses.
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CONDITIONS OF LICENCE FOR PRIVATE HIRE OPERATORS

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

(See Document No. 3)

Chris Neville, Head of Licensing, made introductory comments relating to the report and advised the Committee that he had received a letter that morning from a2z Licensing on behalf of Star Cars which sought to change Private Hire Operator Conditions 10 and 23 as set out in the attached schedule:-

(See Document No. 4)

During the debate Members expressed concern relating the operation of drivers from other areas and the notable increase in drivers from Wolverhampton. Reference was made to those drivers caught speeding undertaking speed awareness courses and for the need for the drivers to still alert the Licensing Department in such circumstances. Reference was made the proposed change to condition 23 made by a2z Licensing and it was felt that this would lead to problems. The issue of having appropriate insurance and the contractual relationship between drivers and firms such as Uber was raised.

Chris Neville, Head of Licensing, responded appropriately to the comments and questions from Members of the Committee indicating that he would seek to meet with officers from other Authorities to discuss cross border working.

In conclusion Members felt that the proposed changes to the Private Hire Operator Conditions suggested by a2z Licensing should not be considered at this stage given the late submission.

The recommendations were put to the meeting and by 11 votes for to 1 vote against it was-

836

RESOLVED:-

- (i) That having considered the proposed updated conditions for private hire operators at Appendix 1 to the report the Committee agrees to implement them with effect from the implementation date of the proposed policy on vehicle; and
- (ii) that Outstanding Minute No. 648 be discharged in so far as it relates to private hire operators.

(Councillor Des Flood wished to be recorded as having voted against the above resolution)

CONDITIONS OF LICENCE FOR PRIVATE HIRE DRIVERS AND VEHICLES

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

(See Document No. 5)

Chris Neville, Head of Licensing, made introductory comments relating to the report and advised the Committee that he had received a letter that morning from a2z Licensing on behalf of Star Cars which sought to change Private Hire Driver and Vehicle Condition 17 as set out in the schedule referred to in the previous item at Document No. 4.

Members were of the same view as in the previous item regard the changes proposed by a2z Licensing.

At the suggestion of the Chair it was agreed to include the word 'hospitals' in condition 16.

837

RESOLVED:-

- (i) That having considered the proposed updated conditions for private hire drivers and vehicles at Appendix 1 to the report the Committee agrees to implement them with effect from the implementation date of the proposed policy on vehicle signage subject to the inclusion of hospitals in condition 16; and
- (ii) that Outstanding Minute No. 648 be discharged in so far as it relates to private hire drivers and vehicles.

IMPLICATIONS OF THE CASEY REPORT FOR LICENSING

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

(See Document No. 6)

Chris Neville, Head of Licensing, made introductory comments relating to the report and responded to comments and questions from Members.

Councillor Gareth Moore suggested that schools and other groups such as the Birmingham Education Partnership and the Birmingham Safeguarding Board should be consulted.

838

RESOLVED:-

- (i) That Outstanding Minute 720 (iii) be discharged;
- (ii) that the action plan in the Appendix be noted;

- (iii) that the proposals in paragraphs 7.1 to 7.3 to consult on a policy requiring all licensed drivers and operators to attend safeguarding training be approved;
 - (iv) that the proposals in paragraphs 7.1 to 7.3 to consult on a policy requiring all licensed vehicles to carry CCTV recording equipment be approved;
 - (v) that a further update report be presented in October 2017 with final recommendations to this Committee.
-

REGULATING FACE TO FACE FUNDRAISING INSTITUTE OF FUNDRAISING SITE MANAGEMENT AGREEMENT

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

(See Document No. 7)

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

At 1212 hours the meeting was adjourned.

At 1217 hours the meeting was reconvened.

Councillors Neil Eustace and Rob Sealey did not return to the meeting.

Chris Neville, Head of Licensing, responded to comments from Members and explained that the matter could be reviewed in a year. He noted that it was the intention to discuss the introduction of Site Management Agreement for suburban town centres

839

RESOLVED:-

- (i) That approval be given to a Site Management Agreement for the city centre with the Institute of Fundraising based on the new proposals identified in Section 6 of this report; and
 - (ii) that the officers be authorised to bring forward proposals for Site Management Agreements for any other suburban town centres in Birmingham where an identified demand is recognised
-

ACTIONS TAKEN BY THE CHAIR OF THE LICENSING AND PUBLIC PROTECTION COMMITTEE DURING MARCH-APRIL 2017

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

(See Document No. 8)

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

840

RESOLVED:-

That the report be noted.

PROSECUTIONS AND CAUTIONS DURING FEBRUARY 2017

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

(See Document No. 9)

The Acting Director of Regulation and Enforcement highlighted several notable cases within the report and explained why there were no Trading Standard cases within the report. Councillor Gareth Moore particularly welcomed the Animal Welfare Cases reported.

841

RESOLVED:-

That the report be noted.

FIXED PENALTY NOTICES ISSUED FEBRUARY 2017

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

(See Document No. 10)

Mark Croxford, Head of Environmental Services, made introductory comments relating to the report. He noted that Department for Environment Food & Rural Affairs had brought out a consultation on changes to fixed penalties and littering offences and, following comments from Members, he undertook to consult Members electronically.

842

RESOLVED:-

That the report be noted.

**OUTCOME OF APPEALS AGAINST SUB COMMITTEE DECISIONS:
FEBRUARY 2017**

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

(See Document No. 11)

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

843

RESOLVED:-

That the report be noted.

SCHEDULE OF OUTSTANDING MINUTES

The following schedule of Outstanding Minutes was submitted:-

(See Document No. 11)

Officers updated the dates for which reports would be forthcoming in relation to various Outstanding Minutes and it was -

844

RESOLVED:-

That Outstanding Minute Nos. 648 and 720 (iii) be discharged and all other Outstanding Minutes be noted.

OTHER URGENT BUSINESS

The Chairman was of the opinion that the following matters could be considered as matters of urgency in view of the need to expedite consideration thereof and instruct officers to act if necessary.

A. Electronic Cigarettes

Councillor Gareth Moore requested an update on legislative changes relating to the sale of e-cigarettes and it was-

845

RESOLVED:-

That the Acting Service Director of Regulation and Enforcement be requested to report on legislative changes relating to e-cigarettes.

B. Non-attendance of drivers

846

Councillor Gareth Moore noted there were incidences where drivers were not attending meetings of Licensing Sub-Committees and he wondered if the department should be charging a penalty in such circumstances. Chris Neville, Head of Licensing, indicated that he could look at the options in that regard and report back to the Committee.

It was-

847

RESOLVED:-

That the Acting Service Director of Regulation and Enforcement be requested to report on the options for charging drivers for non-attendance at Sub-Committees.

C. Statutory Guidance issued under section 182 of the Licensing Act 2003

848

The Committee Lawyer noted that the Statutory Guidance issued under section 182 of the Licensing Act 2003 had been revised and he would be circulating it to Members.

Chris Neville, Head of Licensing, briefly explained the revisions and indicated that he would be reporting them to Committee.

D. MPs giving references to applicants for Licences

849

Councillor Lynda Clinton asked if anything could be done to stop MPs giving references to applicants. A discussion took place during which it was noted that MPs did not have to abide to the Councillors Code of Conduct and therefore could not be prevented from giving references. The Head of Licensing undertook to write to MPs highlighting that they may wish to consider their position on this issue.

Before moving on to Authority to Chairman and Officers and noting that the meeting was the last in the Municipal Year, the Chair thanked Members and officers for their work over the year. Councillor Mike Leddy thank the Chair for her Chairmanship of the meetings of the Committee throughout the year.

AUTHORITY TO CHAIRMAN AND OFFICERS

850

RESOLVED:-

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

The Committee Meeting ended at 1241 hours.

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CHAIRMAN

BIRMINGHAM CITY COUNCIL

LICENSING AND PUBLIC PROTECTION COMMITTEE

21 JUNE 2017

NOMINATIONS TO SERVE ON OUTSIDE BODIES

Safety of Designated Sports Grounds – Advisory Groups

The Committee is requested to appoint Members to serve on each of the 3 Advisory Groups which consider Ground Safety matters in respect of Aston Villa Football Club, Birmingham City Football Club and Warwickshire County Cricket Club.

Last year Membership was drawn from across the City Council.

2016/2017 Representatives

Aston Villa Football Club

Councillors Bob Beauchamp, Des Flood, Roger Harmer, Tony Kennedy (Chairman), Mike Leddy and Mike Sharpe.

Birmingham City Football Club

Councillors Robert Alden, Randall Brew, Andy Cartwright, Lynda Clinton (Chairman), Zafar Iqbal, and Mike Ward.

Warwickshire County Cricket Club

Councillors Neil Eustace, Mahmood Hussain, Nagina Kauser, Ewan Mackey, Majid Mahmood (Chairman) and Habib Rehman.

Report to:	LICENSING AND PUBLIC PROTECTION COMMITTEE	
Report of:	ACTING SERVICE DIRECTOR REGULATION AND ENFORCEMENT AND INTERIM CHIEF FINANCIAL OFFICER	
Date of Decision:	21 JUNE 2017	
SUBJECT:	LICENSING AND PUBLIC PROTECTION – OUTTURN 2016/17	

1. Purpose of Report:
<p>1.1 This report sets out the outturn income and expenditure for 2016/17 incurred on services that are the responsibility of the Licensing and Public Protection Committee.</p> <p>1.2 The Cabinet approved the City Council's Outturn Report for 2016/17 on 16 May 2017 although the figures are still subject to audit by the City Council's approved external auditors.</p>

2. Decision(s) Recommended:
<p>The Licensing and Public Protection Committee is requested to :</p> <p>2.1 Note the revenue outturn overspend of £1.244m as detailed in Appendix 1.</p> <p>2.2 Note the delivery of the savings programme for 2016/17 as detailed in Appendix 2</p> <p>2.3 Note the expenditure on grant funded programmes in Appendix 3.</p> <p>2.4 Note the position on Capital expenditure, as detailed in Appendix 4.</p> <p>2.5 Note the position on reserves and balances, as detailed in Appendix 5.</p>

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

3. Consultation	
3.1	<p><u>Internal</u></p> <p>The Revenue and Capital Outturn position for the City Council as a whole was considered by Cabinet on 16 May 2017. The Chair of Licensing and Public Protection Committee, the Acting Service Director of Regulation and Enforcement and the Interim Chief Financial Officer have been consulted in the preparation of this report.</p>
3.2	<p><u>External</u></p> <p>Not applicable.</p>

4. Compliance Issues:	
4.1	<p><u>Are the recommended decisions consistent with the Council's policies, plans and strategies?</u></p> <p>The budget is integrated with the Council Business Plan, and resource allocation is directed towards policy priorities.</p>
4.2	<p><u>Financial Implications (Will decisions be carried out within existing finances and Resources?)</u></p> <p>This Licensing and Public Protection Financial Outturn report gives details of monitoring of service delivery within available resources of the Place Directorate.</p>
4.3	<p><u>Legal Implications</u></p> <p>Section 151 of the Local Government Act requires the Interim Chief Financial Officer (as the responsible officer) to ensure proper administration of the City Council's financial affairs. This report forms the concluding part of the Council's budgetary control cycle for 2016/17. Budgetary control, which includes the regular monitoring of and reporting on budgets, is an essential requirement placed on Cabinet Members, Committees, and Members of Executive Team by the City Council in discharging this statutory responsibility. There are no specific implications in relation to other policies.</p>
4.4	<p><u>Public Sector Equality Duty</u></p> <p>There are no additional specific Equality Duty or Equality Analysis issues beyond any already assessed and detailed in the budget setting process and monitoring issues that have arisen in the year to date. Any specific assessments will be made by the Directorates in the management of their services.</p>

5. Relevant Background/Chronology of Key Events:

Revenue Budget

- 5.1 The City Council approved the overall budget for 2016/17 on 1 March 2016. The Licensing and Public Protection Committee noted the original net revenue budget allocation of £5.951m (as detailed in Appendix 1) on 16 March 2016.
- 5.2 The budget was reduced by a net £0.741m during the financial year. The major changes are summarised in the table below.

	£'m
Original Budget 2016/17 Reported to LPPC 16 March 2016	5.951
Planned use of Reserves – Licensing Fees and Charges	(0.311)
Depreciation Adjustments	(0.199)
Cross Cutting Savings (Energy, Printing, etc.)	(0.010)
Additional resources for staff increments	0.124
Cross Cutting Savings (Workforce)	(0.404)
Consolidation of Surveying Services (in Economy Directorate)	(0.062)
Additional Resources (3 posts) for Coroners Service (ongoing)	0.110
Resources for Employee Pay Award	0.091
Centralisation of IT Services	(0.064)
Pension Strain Funding	0.096
Centralisation of Pension Strain costs and budget	(0.096)
Trade Union Facility Time	(0.016)
Current Approved Budget 2016/17 – Year End	5.210

Revenue Outturn

- 5.3 The provisional revenue outturn expenditure for the Licensing and Public Protection Committee is £6.454m, which represents an overspend of £1.244m against the annual net budget of £5.210m. This has been incorporated into the overall Place Directorate overspend and mitigated corporately.
- 5.4 The table below sets out a high level summary of the year end overspend by service (full details in Appendix 1) and how this is comprised of over the savings programme and base budget pressures.

Outturn Year End Variations				
Budget Head	Savings Programme	Base Budget (underspend) / Pressures	Total (underspend) / Pressures	Forecast (underspend) / Pressures at Month 10
	£'m	£'m	£'m	£'m
Environmental Health	0.005	(0.741)	(0.736)	(0.555)
Pest Control	-	0.123	0.123	0.040
Register Office	-	0.010	0.010	-
Mortuary and Coroners	0.095	0.277	0.372	0.340
Trading Standards	0.005	(0.115)	(0.110)	0.010
Licensing	0.343	1.172	1.515	0.865
Highways	-	0.070	0.070	-
TOTAL	0.448	0.796	1.244	0.700

5.5 The key components include:

- **Environmental Health (£0.736m) underspend** from a managed approach through recruitment freeze blocks on expenditure planned to mitigate Pest Control (As the two services are managed jointly) and pressures in other parts of the committee's portfolio.
- **Pest Control +£0.123m overspend** due to the service not being able to achieve its income target.
- **Registration Service +£0.010m overspend** although there was improved income generation and recovery from the 2016/17 fee structure, it fell short by £0.010m.
- **Mortuary & Coroners +£0.372m overspend** – pressures from external costs and increased volumes for autopsies, laboratory fees and the 1974 Inquest (£0.165m).
- **Licensing +£1.515m** – historical structural financial pressures on savings applied to services that can only be operated on a cost recovery basis. Overdrawn balance on Entertainment licensing of £0.215m included in overspend.
- The net overspend of £1.244m has been incorporated into the overall Place Directorate overspend and mitigated corporately.

Savings Programme

5.6 The Committee's Savings Programme totalled £0.671m for 2016/17, shown in Appendix 2.

5.7 At the year-end £0.038m (6%) of the programme has been fully delivered and the remainder of £0.633m or 94% was not delivered.

Mitigations, Issues and Management Actions 2016/17

5.8 Managers within Regulatory Services have been involved in a number of actions this financial year to mitigate budget pressures for this year end and future financial years.

5.9 Registration Service

- The 2016/17 fee structure for existing and new services was agreed by the LPPC committee on 17 February 2016.
- A streamlined financial administration process was also implemented during the year that allowed more staff resources to be directed at front line services.
- A base budget review identified structural pressures of £0.500m which have been rectified for 2017/18 onwards with additional resources in the base budget as presented to Committee 15 March 2017.

5.10 Pest Control

- Further contracts were secured in 2016/17 for Pest Control to clear waste land. This included a significant contract for the City's Council Housing land.
- Additional contracts were agreed to clear council owned sites after groups of Travellers have moved on during the year.

5.11 Licensing

- Officers completed a base budget review during 2016/17 and this identified structural issues relating to prior year savings and income targets for the service of £0.700m. These have been rectified for 2017/18 onwards through additional budget. The detail was set out in the budget report 2017/18 presented to Committee in March 2017.

5.12 Mortuary and Coroners

- The service continued to see pressure from Deprivation of Liberty Safeguards (DoLS) legislation, for which some policy contingency was made available for 2016/17.
- Costs were incurred for the inquest into the 1974 Birmingham Bombings. The pressure from this in 2016/17 was £0.165m. Costs relating to this are expected to continue, and also to increase significantly as the inquest gathers momentum in 2017/18.
- The funding for costs in 2016/17 was not identified.

Capital

5.13 The Capital programme (for Mortuary and Coroners) to undertake essential health and safety works in the mortuary was approved in 2016/17, this is to be funded through prudential borrowing of £0.024m per annum.

5.14 As reported to Committee at Month 8 (18 January 2017) the major part of this scheme will now commence after April 2017 and the capital budget was moved into 2017/18. A small preliminary expense of £0.005m was incurred in 2016/17.

5.15 Vehicles for the Illegal Money Lending service were funded through a £0.107m Contribution from Revenue grant (these assets remain the property of the funding organisation, not BCC).

5.16 A vehicle was purchased for the Animal Welfare service (£0.014m) and this will be funded through prudential borrowing charges to the service (revenue) in future years.

5.17 Total Capital expenditure for the year was £0.126m as detailed in Appendix 4

6. Grant Funded Programmes

6.1 There are two grant funded programmes: Illegal Money Lending and Scambusters.

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

Illegal Money Lending

6.3 The Illegal Money Lending Team (IMLT) England investigates and takes action against Illegal Money Lending or “Loan Shark” perpetrators across the whole of England.

- 6.4 The project in 2016/17 was to be funded through specific grant from National Trading Standards Board (NTSB) (£3.098m) with additional funding of £0.215m from Financial Conduct Authority.
- 6.5 The total funding for 2016/17 is £3.523m, a decrease of £0.082m from 2015/16.
- 6.6 The revenue outturn for 2016/17 was £3.313m (£3.098m from grant (100%) with additional £0.215m from FCA for specific projects).

Scambusters

- 6.7 The Scambusters team investigates and takes action against fraudsters operating across council boundaries in the central region.
- 6.8 Overall funding was originally agreed at £0.265m for 2016/17. The available funding has increased to £0.332m following an additional award of £0.067m from National Trading Standards Board (NTSB) to reflect the cost pressure of two significant court cases that the team is leading on.
- 6.9 The revenue outturn for 2016/17 was £0.332m and therefore 100% of the grant available has been utilised.

7. Proceeds of Crime Act

- 7.1 Regulatory Services secures funding through the Proceeds of Crime Act 2002 in response to financial investigations undertaken post sentencing by the courts.
- 7.2 This money is strictly ring-fenced for community and crime prevention projects as follows:
- 7.3 Trading Standards and Illegal Money Lending have spent £0.415m (£0.158m and £0.257m respectively) on specific PoCA projects from April to March 2017.
- 7.4 Proceeds of Crime income (representing a proportion of money recovered through the legal system) received so far this financial year totals £0.409m (Trading Standards £0.263m, IMLT £0.146m).
- 7.5 The income received and the expenditure on projects has been reflected in the two reserve accounts and is reflected in Appendix 5.

8. Balances and Reserves:

- 8.1 The balances and reserves at the end of the financial year are shown in Appendix 5.
- 8.2 The balances at the start of the year (1 April 2016) totalled £1.368m and these are all specific ring-fenced resources.
- 8.3 The planned use of reserves of £0.324m for the Licensing service is in relation to licence fees for 2016/17 and Scambusters in relation to grant underspent in 2015/16.

8.4	Entertainment Licensing has carried a deficit balance from 2015/16 representing the cost pressure of providing a licensing service where licence fees are for the most part set nationally.
8.5	Hackney Carriage and Private Hire licensing returned a surplus in 2016/17 that has been added to the service balance. This must be incorporated into future fee setting calculations.
8.6	Income of £0.409m received from Proceeds of Crime have been transferred to the appropriate reserves and expenditure of £0.415m has been funded from reserves (net £0.006m).
8.7	The balances as at the end of the financial year are £1.837m.

9.	Evaluation of Alternative Option(s):
9.1	This report sets out the Outturn position for 2016/17 and all the issues, financial risks and options were reported during the financial year to the Licensing and Public Protection Committee.

10.	Reasons for Decision(s):
10.1	The Report informs the Licensing and Public Protection Committee of the Revenue Budget for 2016/17 and the outturn position at the year end.
10.2	The position in respect of the Licensing and Public Protection Committee's use of reserves, the Savings Programme and the risks are also identified.

Signatures
Alison Harwood Acting Service Director Regulation and Enforcement
Michael O'Donnell Interim Chief Financial Officer
Date

List of Background Documents used to Compile this Report:
Licensing & Public Protection - Revenue and Capital Budget 2016/17 – 16 March 2016
Licensing & Public Protection - Budget Monitoring 2016/17 (Month 2) – 13 July 2016
Licensing & Public Protection - Budget Monitoring 2016/17 (Month 4) – 14 September 2016
Licensing & Public Protection - Budget Monitoring 2016/17 (Month 6) – 16 November 2016
Licensing & Public Protection - Budget Monitoring 2016/17 (Month 8) – 18 January 2017
Licensing & Public Protection - Budget Monitoring 2016/17 (Month 10) – 15 March 2017

List of Appendices accompanying this Report (if any):			
<ol style="list-style-type: none"> 1. Appendix 1 - Financial Performance Statement at Outturn 2. Appendix 2 - Savings Programme Performance 2016/17 3. Appendix 3 - Summary of IMLT and Scambusters 4. Appendix 4 - Capital Expenditure 5. Appendix 5 - Balances and Reserves 			
Report Version	3.1	Dated	08 June 2017

Licensing and Public Protection Committee - Outturn 2016/17 - Revenue Expenditure

Subjective Headings

Budget 16Mar2016	Subjective Categories	Current Budget	Actuals	Variation	Forecast Year End Month 10	Savings Programme at Risk	Pressures
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
£'000		£'000	£'000	£'000	£'000	£'000	£'000
10,086	Employees	10,233	10,370	137	185	0	137
957	Premises	955	848	(107)	100	0	(107)
200	Transport and Moveable Plant	200	202	2	(80)	0	2
2,541	Supplies and Service	3,262	2,801	(461)	(640)	95	(556)
198	Capital Financing	208	208	0	0	0	0
3	Recharge Expenditure	3	664	661	0	0	661
13,985	Gross Expenditure	14,861	15,093	232	(435)	95	137
(4,023)	Fees & Charges / Reserves	(3,831)	(4,097)	(266)	510	0	(266)
(4)	Rents etc	(4)	(33)	(29)	0	0	(29)
(3,537)	Misc Income / Depreciation	(4,023)	(3,446)	577	625	353	224
(470)	Recharge Income and Interest	(1,793)	(1,063)	730	0	0	730
(8,034)	Income	(9,651)	(8,639)	1,012	1,135	353	659
5,951	Net Expenditure	5,210	6,454	1,244	700	448	796

Service Areas

Budget 16Mar2016	Service Areas	Current Budget	Actuals	Variation	Forecast Year End Month 10	Savings Programme at Risk	Pressures
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
£'000		£'000	£'000	£'000	£'000	£'000	£'000
3,532	Environmental Health	2,842	2,106	(736)	(555)	5	(741)
(3)	Pest Control	184	307	123	40	0	123
450	Registrars	700	710	10	0	0	10
1,122	Mortuary and Coroners	1,146	1,518	372	340	95	277
1,566	Trading Standards	1,410	1,300	(110)	10	5	(115)
(764)	Licensing	(1,058)	457	1,515	865	343	1,172
5,903	Net Expenditure - Regulatory	5,224	6,398	1,174	700	448	726
74	Access and Development	74	86	12	0	0	12
(88)	Highways Regulatory	(88)	(30)	58	0	0	58
62	Surveying Services	0	0	0	0	0	0
48	Net Expenditure - Highways	(14)	56	70	0	0	70
5,951	LPPC - Net Expenditure	5,210	6,454	1,244	700	448	796

Note: figures exclude : PoCA, IMLT and Scambusters (see Appendix 3)

Licensing and Public Protection Committee

Savings Programme and Tracker at Outturn 2016/17

Description	Total Programme 2016/17	Progress against specific Savings with Actions Required					TOTAL
		Actions in place to fully achieve Savings (in line with Policy Decision)	Actions in place to fully achieve Savings (new Policy Decision required)	Actions in place to Achieve savings in year only	Actions in place but some risk to delivery	Savings not deliverable	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
	£'000	£'000	£'000		£'000	£'000	£'000
EGJ7/SN38 Environmental Health	(34)	(5)	(24)	0	0	(5)	(34)
EGJ7/PL19 Licensing and Enforcement *	(532)	(4)	0	0	0	(528)	(532)
PL17 Mortuary and Coroners	(95)	0	0	0	0	(95)	(95)
Pest Control	0	0	0	0	0	0	0
Registrars	0	0	0	0	0	0	0
EGJ7 Trading Standards	(10)	(5)	0	0	0	(5)	(10)
Regulatory Services	(671)	(14)	(24)	0	0	(633)	(671)
Highways Services	0	0	0	0	0	0	0
Total Savings Programme	(671)	(14)	(24)	0	0	(633)	(671)

Savings 2016/17 = £0.332m, plus £0.339m (Licensing and Enforcement) savings from 2015/16 not achieved

Licensing and Public Protection Committee

Grant Funded Programmes at Outturn 2016/17

Service Areas	Grant Allocation 2016/17	Actuals Year to Date	Year End Variance
(1)	(2)	(3)	(4)
<u>Illegal Money Lending Team (IMLT) England</u>	£'000	£'000	£'000
Employees	2,543	2,473	(70)
Premises	62	35	(27)
Transport and moveab	241	222	(19)
Supplies and Service	535	412	(123)
Recharge Expenditure	142	171	29
Gross Expenditure	3,523	3,313	(210)
Grant Income (NTSB)	(3,098)	(3,098)	0
Fees & Charges (including FCA)	(425)	(215)	210
Income	(3,523)	(3,313)	210
Net Expenditure	0	0	(0)
<u>Scambusters</u>			
Employees	141	156	15
Premises	1	0	(1)
Transport and moveab	5	3	(2)
Supplies and Service	174	161	(13)
Recharge Expenditure	11	12	1
Gross Expenditure	332	332	0
Grant Income (NTSB)	(332)	(332)	0
Income	(332)	(332)	0
Net Expenditure	0	0	0

Licensing and Public Protection Committee

Capital Programme at Outturn 2016/17

Service Areas	Allocation 2016/17	Actuals Year to Date	Year End Variance
(1)	(2)	(3)	(4)
	£'000	£'000	£'000
Mortuary Floor and Ventillation*	6	5	(1)
EH Animal Welfare Vehicle	0	14	14
Illegal Money Lending Team Vehicles	0	107	107
Capital Expenditure	6	126	120
Illegal Money Lending Direct Revenue Financing	0	(107)	(107)
Direct Revenue Financing	0	(107)	(107)

* Capital Budget of £0.362m relating to Mortuary Floor and Ventilation has been transferred to 2017/18
(as reported to LPPC 18 January 2017)

Licensing and Public Protection Committee - 2016/17 Outturn - Balances and Reserves

Balances and Reserves at Outturn 2016/17

Reserves and Balances (1)	Licensing		Grants		PoCA		Total Ringfenced Reserves (8)	General Balances (9)	Total Reserves and Balances (10)
	Entertain - ment Licensing (2)	Hackney Carriage and Private Hire (3)	Illegal Money Lending Team (4)	Scam - busters Team (5)	PoCA Trading Standards (6)	PoCA Illegal Money Lending (7)			
	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000
Reserves and Balances 01 April 2016	215	(366)	(279)	(13)	(338)	(587)	(1,368)	0	(1,368)
Transactions (to)/from Balances in 2016/17									
Planned use of reserves in 2016/17*	0	311	0	13	0	0	324	0	324
Appropriations to Reserves in year	0	(584)	0	0	(263)	(146)	(993)	0	(993)
Appropriations from Reserves in year	(215)	0	0	0	158	257	200	0	200
Net Movements 2016/17	(215)	(273)	0	13	(105)	111	(469)	0	(469)
Reserves 31 March 2017	0	(639)	(279)	0	(443)	(476)	(1,837)	0	(1,837)

BIRMINGHAM CITY COUNCIL

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

21 JUNE 2017
ALL WARDS

REGULATION AND ENFORCEMENT
ANNUAL REPORT 2016/2017

1. Summary

- 1.1 The report advises on the work undertaken during the year April 2016 to March 2017 by the Regulation and Enforcement Sections: Environmental Health, Trading Standards, the Register Office, Licensing, the Coroners and Mortuary service and the England Illegal Money Lending Team which report to your Committee.

2. Recommendation

- 2.1 That the report be noted.

Contact Officer: Alison Harwood, Acting Director of Regulation and Enforcement
Telephone: 0121 303 0201
Email: alison.harwood@birmingham.gov.uk

3. Background

3.1 The sections of Regulation and Enforcement that report to your Committee are:

- i. Environmental Health.
- ii. Trading Standards.
- iii. Register Office.
- iv. Licensing.
- v. Coroners and Mortuary Service
- vi. England Illegal Money Lending Service.

3.2 Regulation and Enforcement underwent a significant restructure in 2010/2011. During this restructure the delivery of all services was reviewed. The final operating model has continued throughout 2012/2013, 2013/2014 and 2014/2015 to deliver both statutory and other services that fulfil the corporate priorities of Birmingham City Council.

3.3 The Environmental Health section delivers services in the areas of: public health; food safety; health and safety at work; environmental protection; animal welfare; statutory nuisance; drainage; and pest control.

3.4 The Trading Standards section delivers consumer protection and business support services in the areas of: consumer advice and assistance; commercial investigations; product safety; underage sales; consumer credit; internet crime; proceeds of crime; metrology; and fair trading.

3.5 The Register Office Service is responsible for the registration of births, marriages and deaths, the legal preliminaries to marriages (other than those in the Church of England), the arranging and conducting of civil marriage ceremonies, the issuing of certified copies of register entries and the legal preliminaries to and registration of civil partnerships.

3.6 The Licensing Service consists of the General Licensing, Hackney Carriage and Private Hire Licensing and Licensing Enforcement teams.

3.7 The Coroners Service and the Public Mortuary provide support staff to the Senior Coroner for Birmingham and Solihull.

3.8 Birmingham City Council Regulation and Enforcement continue to host the National Illegal Money Lending Team for England and also the regional Scambusters team.

3.9 Administrative support, management information and the co-ordination of legal proceedings with the Chief Legal Officer is undertaken by Regulation Support Services and the staff are (where appropriate) designated in accordance with the Corporate Professional Support Services.

3.10 The NHS Primary Care Teams was disbanded in April 2013 and the public health role was moved into the Local Authority. Officers continue to work

closely with the Director of Public Health to deliver significantly on public health outcomes in Birmingham.

4. Implications for Resources

4.1 The activities detailed in this report were undertaken within the reduced resources available to your Committee.

4.2 The Illegal Money Lending project for England and the regional Scambusters team are currently fully funded by Central Government by the Department of Business, Innovation and Skills (BIS) through a governance arrangement with the National Trading Standards Board. The budgets for these projects have been reduced and the consequences managed through staff reductions and reduced expenditure. These resources are ring fenced for this specific activity and claimed through an expenditure invoicing procedure.

4.3 There has been a reduction in resources available to deliver services within Environmental Health and Trading Standards over recent years in order to deliver the efficiencies required.

Service	£ K 2010/2011	£ K 2011/2012	£ K 2012/2013	£ K 2013/2014	£ K 2014/2015	£ K 2015/2016	£ K 2016/17	£ K 2017/18
Licensing	204	376	490	215	(139)	(874)	(764)	(8)
Environmental Health	6,337	5,593	5,153	3,836	4,036	3,532	3,532	4,047
Trading Standards	3,414	3,133	2,857	2,004	1,931	1,593	1,566	1,454
Register Office	1,167	1,195	1,205	835	741	386	450	877
Coroners Mortuary		1,642	1,662	1,460	1,386	1,025	1,122	1,196
Pest Control	0	0	(67)	(73)	(355)	(1,720)	(3)	4

4.4 This has also resulted in a reduced number of budgeted FTEs within two service areas following the implementation of the Environmental Health and Trading Standards Future Operating Model, this is detailed below:

Service	FTE	FTE	FTE	FTE	FTE	FTE	FTE
	2010/2011	2011/2012	2012/2013	2013/2014	2014/2015	2015/2016	2016/17
Environmental Health	122.0	108.0	93.6	91.0	87.6	82.7	83
Trading Standards	57.7	41.1	35.1	38.8	36.4	33.4	33

5. Implications for Policy Priorities

5.1 The services delivered through your Committee contribute to the Birmingham City Council Business Plan 2016+.

- 5.2 Our aim is to create a sustainable, future-proof model of local public services – focused on supporting the needs of people, partnership working, empowered staff, and community engagement.
 - 5.3 Our values are putting residents first; acting courageously; being true to our word, and achieving excellence.
 - 5.4 The vision is based on the fundamental ideals of prosperity, fairness and democracy set out in previous years. Within this, there are six key strategic outcomes: a strong economy, safety and opportunity for all children, a great future for young people, thriving local communities, a healthy, happy population and a modern council.
6. Public Sector Equality Duty
- 6.1 The various actions identified in the report were undertaken in accordance with the Regulation and Enforcement's enforcement policies which ensure that equalities issues have been addressed.
7. Consultation
- 7.1 Consultation is undertaken with members of the public, traders and elected members wherever possible to ensure that our services are delivered and tailored to the needs of our customers and stakeholders.

ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

Background papers: Various files and computer records in the Licensing, Environmental Health, Trading Standards and Register Office Services.

ENVIRONMENTAL HEALTH

Background

Environmental Health provides a range of interventions at a local and city wide level with the principle aims of protecting public health and the environment as well as supporting businesses to succeed. The range of services includes food hygiene, health and safety, pest control, infectious disease control, noise nuisance, environmental protection, animal welfare, defective drains, dangerous trees, and environmental crime including fly tipping, littering, and fly posting. Most of our services are statutory i.e. the City Council has a legal obligation to deliver them and they are reported through the Licensing and Public Protection Committee.

All of Environmental Health's services contribute towards the public health agenda helping to protect the health of our residents, with the ultimate aim of reducing inequalities in health.

Officers deliver both reactive and pro-active services, e.g. delivering the food, health and safety and environmental protection inspection programmes as well as providing reactive services responding to requests for assistance from members of the public, elected Members and partner agencies. Our officers are highly skilled and ensure that work is prioritised according to public health risk, the impact on peoples' lives and our statutory responsibilities. There are a wide range of options available to officers to bring about improvements including the provision of education and advice or where necessary, taking proportionate enforcement action.

Officers are also responsible for initiating and managing projects aimed at improving identified problem areas. Proactive projects have been deployed on both a citywide basis focussing on specific topics, and at a local level tackling issues that have been raised through residents, community groups, forums and Ward Committee meetings. Officers are involved at all stages of project working from planning and consultation to co-ordination of partnership working and implementation. These projects have benefited greatly from partnership working with both internal departments and external partnership organisations including; the West Midlands Fire Service, Police and National Health Service. This joint working is in line with the city council's focus on integrated working and has proved efficient, effective and mutually beneficial to all of the participating organisations involved, to businesses, the residents of Birmingham and to the wider public.

Customer Satisfaction with the services has been excellent. More details are contained in the final appendix of the full report; Pest Control's overall satisfaction is 95% and 71% for Environmental Health which is good considering the regulatory nature of the work. Environmental Health have fluctuated this year in their satisfaction rates and it is felt that this is attributable to less resources being available to negotiate disputes/neighbourhood problems which are not reaching the threshold for statutory interventions.

The work undertaken by the Environmental Health Service is précised in the table below and more descriptive detail is given in the following pages:

All Environmental Health and Pest Control Requests for Assistance		
Total Jobs		68,627
	Env Health RFAs total	31,114
	Pest Control RFAs total	14,867
	All Inspection Total	19,051
	Other Jobs not RFAs	3,595
Environmental Health Breakdown		
Waste related enquiries	RFAs	9,398
	Waste Incidents not subject to complaint	2,967
Statutory nuisance	Noise	4,783
	All others	1,428
Animal Welfare	Dog Wardens	3,375
	Animal Welfare (not dogs)	324
Food complaints		3,863
Infectious diseases		1,196
Licensing enquiries		346
Health and Safety	Enquiries	526
	Incidents (Accidents)	592
Unauthorised encampments	On council land	359
Other		4,924
Source of RFAs	Cllr, MP, CX & SD	1,010
	Public	30,104
Pest Control Breakdown		
Rats	Rat in Garden	6,034
	Rat in House	3,813
	Mice reported as Rat in House	509
Pests other		4,511
Source of RFAs	Cllr, MP, CX & SD	55
	Public	14,812

Environmental Health Inspections Breakdown		
Inspections	Food Inspections	7,946
	Food Standards Inspections	2,234
	Health and Safety	2,572
	Environmental Protection	125
	No Smoking Compliance	2,537
	Duty of Care	3,469
	Animal Welfare	168

Number of Criminal Prosecutions undertaken by Environmental Health:

CASES FINALISED BY LEGISLATION 2016/2017

LEGISLATION	CASES	OFFENCES	FINES	COSTS AWARDED	OTHER PENALTY
Pet Animal Act 1951	1	1	-	£500	12mth conditional discharge. Disqualified from keeping a pet shop for 24 months
Clean Neighbourhoods & Environment Act 1995	2	2	£515	£385	12mth conditional discharge
Dogs on Leads Order 2014	4	5	£2,210	£1,190	
The Fouling of Land by Dogs Order 2014	2	2	£375	£500	
Section 33	45		£69,793	£28,616	+ 8 month prison sentence, + 6 week community order with curfew, + 4x 12 month conditional discharges, = 1x 6 month conditional discharge; clean-up costs recovered £815
section 34					
Section 46					
Section 80	2	4	£2,250	£1,700	12 month conditional discharge
Section 87	574	574			
Food Safety and Hygiene (England) Regulations 2013	63	153	£687,629	£100,866	16wk prison sentence suspended for 12mths
Health Act 2003	1	2	£180	£275	
Health and Safety at Work etc. Act 1974	3	3	£13,480	£507	12mth suspended prison sentence + 100 hrs unpaid work
Prevention of Damage by Pests Act 1949	1		£50	£2,591	
Town & Country Planning Act 1990	1	9	£80	£3,175	
TOTALS	699	755	£776,562	£140,305	

Litter Reduction Initiatives

During the year a programme to support continued reductions in litter levels was run across the city that involved anti-litter and free printed matter distribution scheme compliance patrols. Working with the support of West Midlands Police, a total of 6,306 Fixed Penalty Notices were issued which is an increase of 451 over last year. During the year 574 criminal prosecutions were instigated against persons who committed litter offences and who declined to discharge their liability to prosecution by paying a fixed penalty amount. The average fines and court costs imposed by the court on conviction were £193.19 plus costs of an average £181.37.

Over the course of the year 208 consents were issued to permit the distribution of free printed matter in the City's designated control areas. These consent zones continue to be an effective tool in reducing defacement from discarded promotional material.

Street Litter Control

Environmental Health has been promoting the voluntary agreement in relation to fast food take aways and street litter. The programme involves both statutory enforcement and roll out of a Voluntary Agreement for businesses to adopt in order to proactively undertake litter deterrent and clearance activities. Partnership working has been carried out with bodies such as business improvement districts and both small and large businesses. Businesses and local authorities play a vital role in educating the public not to drop litter and setting a good example through existing practice (an example would be where a business organizes their staff to litter pick in the vicinity of the premises on a regular basis). 20 zones were surveyed by Environmental Health which included multiple businesses the action has resulted in 5 notices being served and 70 businesses joining up to the Voluntary agreement. This is a well-received initiative and Environmental Health is continuing partnership working with businesses and using enforcement where required. The street litter control – voluntary agreement has been successful in 90 McDonald franchises joining the Voluntary Agreement and a further 40 Subways within Birmingham also joining the voluntary agreement in relation to helping keep the streets litter free. This has continued with 56 William Hills that have joined up to the voluntary agreement which includes litter picks of cigarette butts & receipts. There is continues work with regards to re-surveying areas to ensure compliance of the voluntary agreement.

Waste Enforcement Unit – (Commercial and Household Waste Enforcement)

Waste related offending including fly-tipping and non-compliance with business waste disposal requirements creates a significant financial burden for the city due to the clean-up costs involved and environmental blight caused. The Waste Enforcement Units primary focus is to investigate and apply criminal sanctions where offences can be evidenced to the court standard, including where witnesses to offending are prepared to give evidence in court.

During the year just over ten thousand waste related complaints and requests for assistance were received. Through a team of 14 officers enquiries were managed and triaged through a series of investigation and evidence gathering processes. This includes investigation of small scale local offending through to complex investigations involving multi-agency involvement through the Government Agency Intelligence Network (GAIN).

The enforcement team is supported by a Waste Prevention team whose primary roles are to support correct household waste presentation, to promote household recycling and to facilitate community involvement, including community clean-ups and schools engagement. This team also undertook a programme of local environmental quality assessments aimed at assisting management of waste

hotspots and delivery of street cleansing resources through the ward waste management teams and plans.

From enforcement operations, 5 persons suspected of involvement in fly-tipping were arrested with support from West Midlands Police, 11 fly-tipping vehicles were seized, 40 waste related cases were concluded at Birmingham magistrate's court and a total of 96 cases were submitted to the City's solicitors for consideration of criminal proceedings. The summary of enforcement interventions for the period is shown below:

Waste Investigations/Interventions	2016/2017
Investigations into suspected commercial waste disposal offences and offences	652
<u>Section 34 Environmental Protection Act</u> – statutory trade waste information demand notices issued	536
<u>Section 34 Environmental Protection Act</u> - Fixed penalty notices issued to businesses (£300)	185
<u>Section 87 Environmental Protection Act</u> - Fixed Penalty notices issued for commercial and residential litter related waste offences (£80)	71
<u>Section 33 Environmental Protection Act</u> - Fixed penalty notices issued for fly tipping (£400)	33
Number of prosecution files submitted to legal services	96
Vehicles seized for suspected involvement in fly-tipping	11

Fly Posting and Placarding

Environmental Health has continued to undertake a range of education and enforcement interventions with regards to illegal advertising. As a result criminal proceedings are currently being progressed against a number of individuals and companies in relation to offences that have occurred during the course of the year. In addition to criminal proceedings, your Officers employ a range of civil remedies in order to try and bring about a reduction in illegal advertising. Such action includes charging beneficiaries of the advertisement for costs incurred in removing their illegal advertisements. Environmental Health continues to work with Amey under the terms of the City Council's PFI contract and with the Department's Pest Control section who assist in removal of illegal advertising for Civil Debt Recovery purposes.

A number of changes have been made to the City Council's website and contact centre scripting which should make it easier for members of the public to report incidents of flyposting and should speed up response/removal times.

During the course of the year, Officers from Regulation and Enforcement have made representation with regards to eight premises licence reviews which has resulted in specific conditions being imposed on the premises licences designed to control illegal advertising.

Safety of Void Commercial Properties

In 2016/2017 Officers continued to work with colleagues from West Midlands Fire Service, West Midlands Police and Acivico on tackling problems associated with void and insecure commercial buildings. During the year, action was taken to investigate and deal with the highest risk buildings that posed an imminent injury to both fire crews and persons who might enter the building (in particular rough sleepers). The work of Building Watch runs in parallel to the City Council's Empty Property Strategy, which targets interventions at void residential buildings.

Domestic Noise Complaints

This section deals with noise problems impacting on residents caused by loud amplified music, intruder alarms, barking dogs, and mechanical noise, from either a domestic, industrial or commercial source.

During 2016/2017 a total of 4,783 noise complaints were received. Many of these were resolved through informal action. Where informal action proves unsuccessful and the noise is continuing, evidence of the noise is gathered from installing noise monitoring equipment into the complainant's property and/or by officers visiting the resident's property to listen to the noise during the day or at night. Environmental Health provides an out of hours service which operates between the hours of 19:00 hours until 01.00 hours Sunday to Thursday and from 20:00 hours until 03:00 hours on Friday and Saturday. This provides an invaluable service to residents to enable evidence of the noise to be gathered at unsociable hours.

89 noise abatement notices were served for noise offences affecting residents and 14 seizures of sound equipment took place following breaches of notices. After 28 days those who pay for the full costs incurred by the city in undertaking the seizure of the noise equipment, have their property returned. In cases where further breaches of notices occurs after seizure i.e. where new or returned equipment is used to create a further problem, criminal proceedings are taken against the offender.

This service continues to be an effective way of preventing noise nuisance, and our actions have a dramatic impact on those members of the community whose lives are impacted by noisy neighbours.

Smoke Free Birmingham

Environmental Health and Trading Standards work closely with other partners to control illicit and counterfeit tobacco products, underage sale and inappropriate use and sale of tobacco in Birmingham, including Shisha and E-cigs. Tobacco control requires an integrated approach with partners because as well as being more cost effective there are other factors that require consideration:

1. Reducing smoking prevalence reduces the harm to people's health and contributes to reducing health care and economic costs (worklessness) associated with early onset of morbidity and mortality from smoking related diseases. Reducing the availability of tobacco products to young people under the age of 18 contributes to reducing the uptake and subsequent addiction to tobacco.
2. Securing tobacco control has a direct economic benefit to Birmingham which is directly linked to reducing/preventing the impact from counterfeit and non-duty paid tobacco on society.
3. A regulatory focus on responsible smoking and tobacco-use directly supports compliance and tackles unfair competitive advantage within businesses [smoke free] premises, and underpins community safety initiatives relating to reducing crime and increasing safety at venues and on public transport.

The core tobacco control activities that Trading Standards and Environmental Health contribute to are:

- Protecting people from harm (from illicit tobacco; second hand smoke).
- Helping people to quit (smoke free environments and policies; working with stop smoking services).
- Preventing people from starting smoking (underage sales, point of sale displays; smoke free).
- Smoke free workplaces and public places (businesses; services and travel).

Environmental Health has responsibilities for enforcing the smoke free provisions contained in the Health Act 2006. This prohibits smoking in public places that are indoors or publicly shared vehicles or commercial vehicles. To facilitate this during 2016/2017 we continued and implemented a number of targeted interventions which included:

- Proactive inspection of businesses and work vehicles to check compliance with smoke free legislation.
- Education and enforcement exercises involving the smoking of shisha, working extensively within a multi-agency setting.
- Raising awareness of shisha business compliance and public health associated issues with other agencies.
- Working with other West Midlands Local authorities and Public Health England to produce effective harm reduction messages and platforms to inform shisha users
- Maintained partnership working with planning to ensure Environmental Health is a consultee with planning applications with any proposed smoking shelter.

These activities were also supported by Trading Standards around the under-age sales and Health Warnings, and by Her Majesty's Revenues & Customs in relation to illegal importation of tobacco based products. Planning, Public Health, West Midlands Fire Service and Police Service have also provided support.

Inspections in relation to checking compliance with no-smoking legislation have continued. During 2016/2017 2715 premises were inspected. 13 complaints were received and investigated regarding smoke free non-compliance. In total 14 people received fixed penalty notices for contravening the Health Act 2006, which required payment of the statutory fee of £50 or £30 if paid early. There has been one summons issued, relating to businesses not complying with the Smoke free regulations under the Health Act 2006 legislation.

Shisha Premises

Shisha is a sweetened form of tobacco and involves the use of a pipe or hookah which is used to inhale the smoke once it has been passed through water. The list of health effects associated with shisha is similar to those associated with cigarettes. The tobacco used in the pipes or hookahs contain tar and nicotine, and results in exposure to much higher levels of carbon monoxide. The practice of smoking shisha is not in itself illegal. However, businesses are still required to comply with the same smoke free legislation that relates to smoking in any premises where the public have access to.

Compliance and safety of Shisha premises in Birmingham has continued to be a priority. Working collectively with Trading Standards, Licensing, Public Health, West Midlands Fire Service, West Midlands Police Service and Planning, these agencies form a cohesive working partnership, working with both businesses and residents to increase the safety and compliance of the businesses and increase resident's confidence in their neighbourhood.

Last year, compliance inspections were undertaken of 11 shisha premises within the city. Five health and safety prohibition notices were issued in respect of dangerous equipment and practices in these premises. The majority of these inspections have been undertaken with other agencies. Work in this area continues during 2017/2018.

City Centre Project 2015/2016

Environmental Health continued in 2016/2017 to provide assistance with reducing impacts from noise levels and antisocial behaviour within the City Centre. The Guide to Busking and Street Entertainment was approved by Licensing and Public Protection Committee and the Cabinet member for Transparency, Openness and Equality and was launched in October 2016. Business, residents, buskers and entertainers have been provided with the guidance which includes advice on how noise and antisocial behaviour related issues are dealt with. Should these behaviours not be adhered to then this forms the basis for action against individuals under the Community Protection Notice (CPN) procedure (Anti-Social behaviour, Police and Crime Act 2014). To date no CPN has been served for this activity, however, a number of warning letters have been served on individuals.

In November 2016 Environmental Health contracted two Anti-Social behaviour officers to assist with dealing a number of antisocial behaviour activities within a defined footprint of the City Centre. This activity includes assisting rough sleepers into support services, evidencing any criminal behaviours for further action; assisting

with waste issues in alleyways; first actions around noise from buskers and preachers. The ASB officers work closely with West Midlands Police; Retail and Colmore BID's; Health related services; homelessness and support services.

Pest Control

During 2016/2017, the Pest Control Section continued to offer a range of services to both domestic and commercial customers in the city. In domestic premises we continued to include free treatment for rats. The section also continued to provide free advice on the control of all other pests and supplied free poison for the treatment of mice. The latter is available through all Birmingham City Council Neighbourhood Offices. In addition, between July and October the section offered a chargeable service for the treatment of wasps' nests to both domestic and commercial customers.

Commercially the section provided a wide range of competitively priced pest control services which are reported in the City Council's Fees and Charges Policy. The section has treated all pests (except rats at domestic properties) on a chargeable basis to all private non-food businesses and all City Council Departments. We have successfully obtained new contracts and continue to expand our portfolio of chargeable treatments. During 2016/2017 we continued to operate chargeable services for squirrels, ants, bird control, fleas, cockroaches and bed bugs. By far the greatest change has been with the continued expansion of the Land and Property Clearance Service. This has again helped to alleviate budgetary pressures. Officers continue to look for Pest Control opportunities by working closely with internal and external partners.

Furthermore, the section provided specialist support services to the Environmental Health Section and other City Council Departments. These included the clearing of 'filthy and verminous' premises and the disinfection and cleaning of areas which may have become contaminated with bodily fluids.

Key achievements of the Pest Control section during 2016/2017 include:

- The section has dealt with a total of 14,866 requests for assistance (RFA) from residents of Birmingham. Of these 9847 were to resolve problems associated with rats either in gardens or within domestic properties.
- Pest Control has continued to liaise and promote our Property Clearance Service to internal and external partners. The role has grown in terms of capability, size of land and size of contracts. Work enquires for clearance work have increased from 363 enquires in 2014 to 721 enquires. Staff working in this area has increased from 6.5 to 15 full time equivalent officers working 5 days per week.
- The take up of pest control treatments from internal council departments has fallen; however, the Service has received very positive feedback from those contracts which we hold. This has resulted in more opportunities being made available from existing income streams. We continue advertise and seek opportunities offered outside Birmingham City Council.

- 321 domestic premises were proactively approached to undertake an inspection for the presence of rats. Those premises in hotspot areas which were identified as having rat infestations were treated to eradicate the problem and others were given proofing advice to prevent problems in the future.
- Working with Environmental Health to remove flyposting/placarding across the City of Birmingham 1500 have been taken down.

Complaints relating to bedbugs have significantly increased. Each job is likely to take two to three times as long to complete as dealing with an average rat in garden job due to what is involved in delivering the treatment. In 2008 we received 249 requests for this service, in 2013/2014 this had increased to 595. Officers are now dealing with 816 requests for assistance in 2014/2015. As we are now charging for bedbugs from April the levels of enquires during 2015/2016 are 358 and for 2016/2017 317

Food Safety Inspections

More than 3,600 food hygiene inspections and over 2,200 food standards inspections were carried out during 2016/2017. This represents 94% of the programmed inspections that were planned for the year. Items covered during inspections include hygiene of premises and practices, compositional standards, claims and advertising, traceability, food fraud, sampling and training.

Food Hygiene Rating Scheme

Following the launch of the National Food Hygiene Rating Scheme in November 2012, the scheme has grown in popularity. The new ratings website where hygiene scores for businesses are displayed features over 6,200 Birmingham food businesses. As part of the scheme officers provide window stickers for all businesses in the scheme. The scheme, in addition to providing information to consumers, is seen as a useful tool to encourage businesses to improve. This is demonstrated by the increasing number of businesses applying for a rescore after making improvements, over 150 made such an application in 2016/2017.

Food Enforcement Action

During 2016/2017, 92 premises were found to present an imminent risk to health and were closed immediately until all necessary works were carried out. This is significantly higher than the average number of closures which are normally carried out in Birmingham. Although this could be considered a large number, compared to the total number of inspections carried out, 3,641, it only represents 2.52% of premises which seriously failed to meet basic hygiene requirements and put their customers at risk.

Throughout 2016/2017, 63 prosecutions were finalised for food hygiene and food labelling related offences, with total fines amounting to £687,629 and costs recovered of over £100,000. In addition 10 businesses received a simple caution.

Primary Authority Partnerships

Officers from the Food Lead Team and Health and Safety Team have been taking steps to improve business compliance through the promotion of the Primary Authority Partnership Scheme, in conjunction with the Better Regulation Delivery Office. Regardless of its size, a business operating across council boundaries can form a Primary Authority Partnership with a single Local Authority in relation to regulatory compliance. By working closely with the business, a Primary Authority can advise on the principles of the food regulations and health and safety regulations to the businesses specific circumstances. This provides robust and assured advice and this advice must be respected by all regulators enabling the business to operate with assurance and confidence. Any activities undertaken by the Local Authority as part of the Primary Authority Partnership are recharged to the business on a cost recovery basis (the scheme does not allow for an element of profit). Partnerships have been signed with:

For food safety and standards matters partnerships have been signed with: Mondelez, Handmade Burger Company, Virgin Trains, Interstate Hotels and Resorts, Valerie Patisserie Holdings, Thai Leisure Group, and Wing Yip, with further partnerships being developed with Cross Country Trains, Chiltern Trains, and Walter Smith Butchers.

For health, safety and welfare matters partnerships have been signed with: Marks & Spencer, The John Lewis Partnership, Claire's Accessories, Valerie Patisserie Holdings, Philpotts and Gala Bingo.

Sampling

Complimentary to the inspection activity already detailed as part of the City Council's statutory responsibilities we also undertake a range of proactive food related surveys. These include investigations into the microbiological safety of food products as well as composition and labelling to check that food sold in Birmingham is safe to eat and meets the statutory requirements.

As part of this programme, 8 food and water surveys were carried out comprising of 121 samples in total; this is a reduction from the 122 samples taken in the previous year. Of these 121 samples 23 were unsatisfactory. This is a slightly higher failure rate than in previous years which demonstrates the improved targeted and intelligence led programme. All of the issues identified were raised with the companies concerned and their home or primary authorities and follow up action was taken to ensure that problems were rectified and where necessary food products removed from sale.

Infectious Diseases and Food Poisoning

All sporadic cases and outbreaks of gastro-enteritis are investigated. During 2016/2017, 1,196 sporadic cases and 7 outbreaks were investigated. Investigations of outbreaks of gastro-intestinal disease includes the promotion of regular hand washing and disinfection of surfaces as well as other controls in order to reduce the spread of infection as quickly as possible. Officers work with the Health Protection

Unit to ensure a joined up approach to controlling the spread of gastro-enteritis and food poisoning.

Outdoor Events

Officers have worked in partnership with the Council's Events Division. An officer was appointed to offer specialist advice concerning food safety at the major outdoor events which took place in the City including the Christmas German Market, the Vaisakhi celebrations and the Carnival. Over 250 inspections were carried out of food premises at events to ensure that they are a success. The demand in this area of work is hugely increased and for 2016 included very high profile events in the city.

Health and Safety Regulation

The City Council has the responsibility for enforcing health and safety law in approximately 21,000 commercial premises. During 2016/2017 there were 3,690 health and safety related interventions made, these included inspections; dealing with requests for assistance; investigating accidents, incidents and cases of occupational disease; and targeted interventions (project work).

Inspections

During the 2016/2017, 291 premises received proactive inspections. These were undertaken in accordance with the National Local Authority Enforcement Code ('the Code'). Inspections comprised of: high-risk rated business sectors; activities identified nationally as high-risk by the Health and Safety Executive; and high risk sectors and activities identified using local intelligence. They included:

- Inspecting 36 warehouses and tyre fitting premises to ensure that risks from falls from height and workplace transport are controlled. This activity was a national priority as defined by the HSE.
- Carrying out interventions at 20 distribution premises to assess the controls in place to prevent employees and members of the public being struck by moving vehicles. Again this activity was a national priority as defined by the HSE.
- Undertake intervention work with all 9 of the cooling towers, in Birmingham, for which the council has enforcement responsibility so as to ensure that the risk from legionella is being controlled.
- Inspections of Shisha bars have been undertaken to assess the risks to the health of employees and health and safety of members of the public. As a result of these inspections a number of prohibition notices were served.
- Checks of gas appliances and catering equipment identified a number of unsafe catering appliances. 5 Prohibition notices were served to prevent the use of unsafe equipment.
- Further work has been undertaken to carry out inspection of machinery at all food businesses. Prohibition Notices were served where unsafe food machinery was found (e.g. safety guards were missing or not used). As a result of ongoing concerns and reported accidents this work will continue in the forthcoming year.

Requests for Health & Safety Assistance

During 2016/2017 officers responded to 334 requests for assistance concerning working conditions or practices. These included concerns regarding staff welfare and dangerous work practices.

Incident Investigations

There were 592 notifications of accidents, dangerous occurrences and cases of occupational disease reported during 2016/2017. Whilst not all of these required investigation, 74 investigations into serious incidents were either begun or continued during the year. Some of these investigations take a considerable investment of time and have included working with expert witnesses and other regulators.

This year, incident investigations included:

- Two investigations of employees falling over 4 metres through sky lights at two separate premises over the year.
- A reported accident causing seriously injury to an employee when a chain cutting machine fell.
- An employee falling 4 metres down a lift shaft whilst moving stock.
- An incident where an employee fell 2.5 metres from a delivery hatch.
- A contractor falling from a ladder and down a flight of stairs causing injury to his back and neck.

Enforcement Action

As a result of enforcement activities, 55 Prohibition Notices were served requiring the cessation of dangerous activities. These related to areas such as defective fork lift trucks, dangerous gas appliances, unguarded catering equipment, employees working at height without edge protection and dangerous electrical systems and 34 Improvement Notices were served, requiring improvements in safety standards.

Successful legal proceedings undertaken during 2016/2017 include:

- The owner of a restaurant was fined £13,000 for failing to comply with an improvement notice in relation to gas safety requiring improvements to be made. Officers had found unsafe procedures being used in relation to the operation of gas equipment during an inspection.
- Two owners of a food business were sentenced for breaching a machinery guarding Prohibition Notices which had been served during previous inspections. Against one of the owners the Court imposed a 12 month suspended sentence and ordered him to carry out 100 hours unpaid work and the other owner was fined £480. In both cases the defendants were ordered to pay the costs for the action.
- The owners of a supermarket were prosecuted for failing to protect employees when a worker was seen using a baler machine with his hands inside the unit whilst it was operating and for obstructing the investigating officer. Following the request by the company for an adjournment, the case had to be withdrawn when the company was taken over by receivers.

A further 7 files are currently being prepared for the instigation of legal proceedings.

Role in National Health and Safety Agenda

Birmingham City Council continues to maintain a prominent role in the national health and safety agenda. On a regional and national level we have been prominent in representing local authorities on groups including:

- Officers representing the Council as chair of the West Midlands Health and Safety Liaison Group and member of the Midlands Health and Safety Regulators Group
- We continue to work closely with our Primary Authority Partners and have provided a positive impact through the generation of inspection plans and assured advice to reduce unnecessary inspections.
- Our officers contributed to the Primary Authority Supermarket Group which consists of local authority Primary Authority Partners who work with supermarkets. We have helped to direct consistent assured advice across the sector.
- Two business forums with local businesses to offer assistance and support in dealing with health and safety requirements.

Environmental Protection

During 2016/2017 the Environmental Protection Unit (EPU) worked to safeguard public health and the environment from adverse emissions across all environmental media (land, air, and water), including emissions of noise / vibration and the control of waste. EPU comprises of four disciplines that contribute to this aim: Acoustics, Air Quality, Contaminated Land and Pollution Control.

Acoustics

The development of policy and provision of services to address problems concerning both noise nuisance and environmental noise continued to play an important role in our work during 2016/2017. EPU Acoustics continue to provide expert advice and noise monitoring services to support noise/vibration complaint investigations, planning and licensing consultation issues. The primary work delivered by the service for Environmental Health covered:

Receiving 479 requests for noise monitoring to support noise nuisance complaint investigations (a slight increase on the previous year) and installing equipment at 364 residential properties across the city. The waiting time for installation of noise monitoring equipment was been maintained at 1 week.

Continuing to provide support to the wider Environmental Health on technically complex noise nuisance cases and noise reports presented in support of planning applications, and also provide support to the Licensing Section with regards to outdoor events.

The provision of advisory support to premises licence holders when setting noise limiters imposed as conditions on premises licences.

In addition EPU Acoustics provided assistance to other Council departments, housing associations and local authorities on a fee paying basis.

During 2016/2017 this assistance brought in around £7900, which can be broken down as follows.

EPU Acoustics received requests for noise monitoring from other Council departments (including Housing Anti-Social Behaviour officers and Social Services). In these cases EPU Acoustics install the equipment and provide analysis facilities. The investigating department then determined the appropriate level of enforcement action.

An EPU officer continues to provide acoustics support, on a fee-earning basis, to a nearby Local Authority. This support resulted in additional income of £1,289.

Air Quality

The monitoring and improvement of air quality across the City has continued to be an important aspect of the role of the EPU with attention on local and national air quality being focussed by the European Commission commencing infraction proceedings against the UK Government for ongoing breaches of the EU Air Quality Directive.

The work carried out during 2016/2017 focused on two pollutants, nitrogen dioxide (NO₂) and particles [(coarse particles (PM₁₀) and fine particles (PM_{2.5})]. In December 2015 the UK government announced that they intend to mandate that Birmingham implements a Clean Air Zone to address exceedances of the Air Quality objective for NO₂ in the City Centre. During the year it became clear that the Government's Air Quality Plan would need to be revised following the scandal around vehicular emissions, reported in the media as the Volkswagen Scandal, and by continued legal challenges by the environmental legal group Client Earth.

Officers from the service have worked closely with colleagues from a range of other Council services, specifically within Transportation, to progress the Clean Air Zone obligations, this including working with Defra to devise a framework for a scoping study to devise a baseline position for the City and ultimately to predict changes to that baseline arising from technical interventions. By the close of the financial year the preliminary work around the scoping study was completed and the scoping study would commence in earnest within the following financial year.

The year also saw the establishment of governance around air quality with the creation of an Air Quality Members Steering Group comprising key Cabinet Members (Clean Streets, Recycling & Environment, and Transport, and Health & Social Care, as well as the Chair of Licensing & Public Protection) supported by an officer level steering group. The focus of the groups was to deliver on the Council's obligations and also to ensure that air quality is mainstreamed across all Council decision making processes.

In order to demonstrate the quality of the air in Birmingham the service maintained the following monitoring network:

- Air quality was continuously monitored at five locations across the City with a data capture rate maintained in excess of the Department of the Environment Food and Rural Affairs (Defra) target of 90%.
- Officers from the service undertook non-continuous monitoring of nitrogen dioxide using diffusion tubes at around 90 sites around the city.
- Birmingham continues to contribute to the national polycyclic aromatic hydrocarbon and Black Carbon monitoring networks for which the Council receives payment.

The outputs from the monitoring are used to demonstrate compliance (or otherwise) with legislative limits.

Monitoring of PM10 is undertaken at 2 sites and demonstrates that the City remains below the legally defined objective level. The monitoring of NO2 levels showed that busy roadside locations and certain parts of the city centre continued to exceed the national annual mean objective level (of 40µg/m3). Although the levels exceed the national standard, they continue to show an encouraging downward trend at some locations.

Despite some encouraging signs, the challenges around the Clean Air Zone will necessitate a revision of the network and plans commenced to relocate two air quality stations to within the city centre area and also to revise the tube network once the CAZ baseline study is complete. The revision of the network will be completed in the following financial year.

Contaminated Land

The work carried out by the Contaminated Land Function includes fulfilling the Council's obligations in respect of Part 2A of the Environmental Protection Act 1990. This involves implementation of the Contaminated Land Inspection Strategy, and ensuring that the legacy of historic land contamination is addressed during the regeneration of the City.

- A revised Contaminated Land Inspection Strategy has been drafted but challenges relating to financing as a result of the loss of Government funded grants require consideration before this can be formally progressed.
- During the year officers continued to review site assessments and/or remediation strategies in response to applications for planning consent. The majority of these related to the redevelopment of brownfield sites.
- There were 78 formal requests for environmental information to support conveyancing reports. This work is income generating and resulted in revenue of over £6,000 (a reduction on the previous year).

Pollution Control

The work of the Pollution Control Officers covers the proactive regulation of emissions from industrial processes, the investigation of complaints relating to

environmental emissions from industrial and construction sites and licensed entertainment premises in the city centre, and providing consultation responses to both Planning Management and Licensing on environmental matters. Significant achievements in 2016/2017 included:

The emissions produced by 220 industrial and commercial processes were regulated, ranging from petrol stations to the Jaguar car manufacturing plant. During 2016/2017 we conducted 125 inspections, but due to resources only achieved 90% completion of the planned inspection programme. The remaining processes will be inspected in the next financial year.

The prevention of future environmental problems is also an important element of work. During 2016/2017 Planning Management consulted us in relation to the environmental consequences of proposed developments relating to 2,497 requests for comment on specific planning applications. These included major developments which can have significant consequences within the city. One particular application related to an application for residential adjoining the new markets site at the Hub in Aston. Environmental Protection recommended refusal on noise grounds, a stance which was supported by Planning officers and Committee. The developer subsequently appealed the decision and the case was heard by a Planning Inspector who, following presentations by our officers, ruled in the Council's favour purely on noise grounds.

Officers are asked to comment on applications made under the Licensing Act 2003. They assessed 200 licence applications for new Premises Licences or variations of existing licences. Officers also assisted in assessing Temporary Event Notifications. Officers regularly raised representation and attended the relevant Committee to explain their concerns. This further assists in preventing future noise problems. Pollution Control Officers were also been involved in the investigation of nuisances arising from industrial premises and from licensed entertainment premises within the city centre and also assisted the Environmental Agency in investigations pertaining to permitted waste installations.

The response to notifications of illegal or unauthorised encampments, principally due to travelling families, is also a function led by this service. In 2016/2017 officers dealt with 117 such encampments on Council land. This year was especially challenging with the number of encampments effectively doubling that of the previous year and this produced significant challenges for the service and for affected citizens. The service has refreshed the support available and now employs a new company of enforcement agents (bailiffs) to enforce evictions and also to provide cover for officers when not in work (weekends, holidays). Furthermore, the drive to find a site that can act as a transit site and thereby relieve pressure on more sensitive land, whilst affording both the Council and West Midlands Police with additional powers to repossess sites has continued, and a cross service working group comprising all landowning departments has been established to consider the problem and deliver a sustainable solution.

Low Emissions Towns and Cities Programme

The Low Emissions Towns & Cities Programme (LETCP) was established in 2011 and is governed by a Board comprising all West Midland Authorities which meets bi-monthly. The LETCP is directed by a part-time Co-ordinator employed by Walsall with additional strategic and technical support contracted by Walsall and Birmingham. The objective of the LETCP is to produce and implement a West Midlands Low Emission Strategy (LES) to both encourage low emission vehicle uptake while discouraging the use of high emission vehicles.

The programme is grant funded through Defra and awards have been issued over three years, giving rise to three distinct phases to the project. Phase one has effectively completed with the finalisation of the Low Emissions Vehicle Strategy, whilst Phase two completed back in 2015. Phase three is not yet scoped and with the focus on Clean Air Zones the LETCP has been otherwise engaged. It is proposed to revisit the role and function of the LETCP, along with the remaining funding (Phase three) in the new financial year, following publication of the new Air Quality Plan by Government.

Animal Welfare

The Animal Welfare Team is responsible for a wide range of inspection and enforcement activities. These involved a variety of pet animal and livestock keepers, including licensed premises such as dog breeders, commercial kennels and catteries, pet shops, horse riding establishments, exotic and dangerous wild animal keepers, people who use and train performing animals, zoos and animal transporters. Significant achievements in 2016/2017 included:

- Fulfilling the service level agreement with the Children, Young People and Families Directorate to effect an assessment of a dog when kept by a prospective adoptive or foster parent, resulted in 74 assessments being carried out and reports being submitted. This resulted in additional income of £6,577.52.
- A total of 84 licences were issued to animal establishments following inspection and a further 3 performing animal certificates issued.
- Disease restrictions continued to affect the transport of farm animals and a total of 1,407 activities involving inspections and enquiries were recorded on the Defra databases. Some 13 animal transport vehicles were inspected, of which 4 were found to be defective.
- A total of 87 visits were made to the five abattoirs in the city to ensure compliance with animal movement controls and the safe disposal of animal by-product waste.
- The Dog Warden service received 3,349 requests for assistance and advice. A total of 796 stray dogs were seized, of which 710 were impounded at kennels and 86 returned directly to their owners. A total of 299 dogs were claimed by owners, which resulted in additional income in respect of claim charges of £5,525. A further £2,127 was recovered by the DWEO, from those dog owners whose dogs were returned to them direct.
- Concerns over the fouling of public areas by dogs resulted in 803 complaints. A total of 75 proactive dog fouling surveillance enforcement exercises were

undertaken and 18 Fixed Penalty Notices being issued to owners who failed to clear up after their pets and some 50,000 poop-scoop bags were handed out to dog owners.

- Other initiatives to deal with dog fouling nuisances, involve the use of anti-dog fouling stencils, spraying dog faeces with high visibility paint with associated posters displayed on lamp posts and the use of posters produced by Keep Britain Tidy, depicting eyes that glow in the dark. Improved statistical reporting now allows for the identification of dog fouling hot spots, in order to target surveillance and proactive work effectively.
- The DWEO worked in partnership with housing associations, residents groups, schools, West Midlands Police and other residents groups to promote and support dog fouling initiatives.

Dog Control Orders

The 5 Dog Control Orders came into effect on 1 March 2014 and continue to be effective tools in tackling irresponsible dog owners who fail to control and clean up after their pets. The Orders have been implemented by the DWEO through educational and enforcement means. Some 12,000 signs have been affixed to lamp posts across the city and 493 warning letters sent to dog owners. The team have also issued a total of 28 (£80) Fixed Penalty Notices, 18 for dog fouling offences, 8 for dogs that have been seen straying off leads on public road and a further 2 for dogs that were found in children's play areas or school land, contrary to the dog exclusion order. One person has also been reported for failing to have their dog on a lead on a public road, for failing to put the dog on a lead when instructed to do so by an authorised officer and also for obstructing officers by failing to provide a name address and date of birth.

Promoting Responsible Dog Ownership

Promoting responsible dog ownership is seen as essential in reducing the problems associated with the control and care of dogs and also in reducing the numbers of stray and unwanted dogs. In addition to the 75 dog fouling surveillance exercises the DWEO have also participated in a range of local community events. The 15 events undertaken involved action/enforcement days, all out days and free dog micro chipping events and were aimed at raising awareness to dog owners of their legal and social responsibilities. There was an emphasis on promoting dog micro chipping, as compulsory micro chipping for all dogs came into force on 6 April 2016. All events involve partner organisations, including West Midlands Police, Dogs Trust, and People's Dispensary for Sick Animals, Park Rangers and Housing Officers. Activities involve educational and enforcement patrols, the issue of discounted dog neutering vouchers and free dog micro chipping.

The DWEO have enforced the provisions of the dog micro chipping regulations, following its implementation. This has resulted in a total of 67 Notices being issued to keepers of dogs, where it was discovered that their dog was not micro chipped in accordance with the new regulations. Of these Notices 42 were complied with, 17 were withdrawn as the keeper no longer had the dog and one person was reported for prosecution and a further 7 are pending further action. One person was also reported for prosecution as she sold a puppy that was not micro chipped and another

person was reported for obstructing an authorised officer seeking to check a dog for a microchip.

In line with the introduction of compulsory micro chipping a new process has been developed and is now in place to ensure that all cats and dogs found deceased across the city are now scanned for a microchip. Officers in the Animal Welfare Team collate and retain any information on these animals and will also notify the animal's owner. This is a service improvement and whilst many animal owners are upset to learn that their pet is deceased, it nonetheless provides closure.

Animal Related Complaints and Other Activities

The DWEO assisted with 33 eviction and forced entry processes. This assisted the Council's Housing Department, Housing Associations, estate agents, and private landlords. This support resulted in additional income of £2, 848.00

The service in relation to dog cruelty complaints temporarily ceased, but was subsequently reinstated. This resulted in a reduction in recorded animal cruelty complaints; however officers investigated a total of 129 requests for assistance in relation to poor living conditions, abandonment, lack of veterinary treatment or the malnourishment of dogs. As a result of these enquires, 3 persons were reported for prosecution for 4 offences of animal cruelty.

The DWEO continued to be part of the 'dogs at risk' scheme sponsored by the Dogs Trust. The scheme aims to reduce the numbers of unwanted puppies being produced by the distribution of discounted dog neutering vouchers. The team were able to obtain further vouchers and a total of 62 vouchers were issued.

Importation of Animals

The importation of dogs and puppies continues to be an issue of concern. Officers investigated 7 enquiries regarding dogs illegally imported into the UK. Six puppies were found to fail the import rules and were therefore seized and placed into quarantine kennels as required by legislation. All expenses incurred being paid by the dogs' owners.

Officers also investigated 25 reports of commercially imported dogs, which had been referred by Defra. The necessary additional requirements for commercially imported dogs were found to be in place.

TRADING STANDARDS SERVICE

The Trading Standards Service deal with a wide range of enforcement activities. They deliver services through an intelligence operating model that targets resources to ensure they tackle high risk issues (e.g. product safety, fraud etc.), the protection of vulnerable consumers and investigating organised crime groups. Business advice is offered on a first line basis but more bespoke advice can be offered through the development of a Primary Authority Partnership (PAP). Details of our priority areas are provided below.

Age Restricted Products

The prevention of the supply of age restricted products to minors remains a priority for the Service. Prevention work includes advisory visits to retailers where complaints may have been received, or to those who may have applied for a licence to supply alcohol. The majority of this work is reactive rather than proactive due to resources. Intelligence led test purchase exercises with the assistance of young volunteers are still undertaken. Where sales are made enforcement action as well as licence reviews would be considered.

Last year a total of 21 complaints were received for a whole range of age restricted products. This is a slight reduction on last year's figures. All premises where complaints have been made have been visited by officers and advised of their duties and obligations under the law. These premises are usually subject to a test purchase in due course. The number of complaints is encouraging when you consider how many retail premises sell age restricted products. This could be due to the amount of work undertaken over the years to advise businesses, but also the firm approach we take when sales have been made. However, we must also consider that incidents are under reported.

Alcohol - Six complaints were received relating to the alleged sale of alcohol to under 18s. All premises that were subject to a complaint received a visit from an officer. Advice, along with a warning notice and information pack would be issued reminding retailers of their obligations. Three of these premises were subject to an attempted test purchase; all resulted in no sales to the volunteer. Of the remaining three, one had closed down, and the other two will be tested in due course.

Tobacco - 11 complaints were received relating to the alleged sale of tobacco to under 18s. All would have been visited by an officer and advised in the same way as those subject to alcohol complaints. Six were subject to a test purchase exercise; of which one sold and is currently being investigated. Five of the premises were engaged in the supply of illicit tobacco products so were not considered suitable for our young volunteers to attempt a test purchase on a risk basis, but are in the process of being investigated.

Fireworks - The number of specialist premises selling fireworks continues to decline as most fireworks are sold through larger supermarkets. West Midlands Fire Service is responsible for registration of premises to sell fireworks/explosives. We do, however, continue to engage with both the Fire Service and the Police during 'Firework Season' and they have a point of contact should any issues arise. We have had input to information that the Fire Service have produced.

Trading Standards only received one complaint about Fireworks and this concerned licensing issues which the Fire Service dealt with. However, two enquires were received from West Midlands Police concerning the alleged sale of fireworks not to minors but to adults. A joint inspection was carried out; only one of the premises sold a small quantity of fireworks, but were not licenced, this was dealt with by the Fire Service. In addition they were also found in possession of a very small amount of illicit tobacco; this resulted in a warning and information was logged on our intelligence databases.

Knives and other products - No complaints concerning underage knife sales were received. One complaint was received concerning alleged offensive weapons, in reality it was a toy gun and the retailer removed the item voluntarily. Also one complaint was received regarding the supply of a computer games; this was dealt with by a comprehensive advice visit .

One complaint was received concerning Electronic-cigarettes being sold to minors it was visited during a test purchase exercise and no sale took place.

In April 2016 two officers assisted the Police in Castle Vale as part of an Age Restricted Product Awareness programme for local retailers. Seven premises were visited and comprehensive inspections carried out with trader advice packages issued; this was well received by the retailers and was a good example of continued partnership working.

Used Car Crime

Buying a vehicle remains one of the single most expensive purchases a consumer will make (apart from property). Consumers are entitled to know 'material information' regarding a vehicle's condition and history before making a decision to buy. They need to be assured that the vehicle is correctly described and most importantly safe. Unfortunately it is common for unscrupulous traders to mislead consumers when describing vehicles in advertisements whether they appear on business websites or advertisements that are placed on specialist websites such as Autotrader Gumtree or Piston Heads or even on vehicles that are advertised at the roadside. Trading Standards have a crucial role in identifying vehicles which may have been mis-described. The Service received 560 complaints in relation to car issues, these range from minor issues through to allegations that vehicles were unroadworthy. The Trading Standards Service advises businesses on how they can ensure they meet their obligations when selling vehicles. Trading Standards will also investigate incidents where vehicles have been mis-described. Officers also participate in sharing intelligence and developing joint initiatives on a regional basis in relation to used car sales.

Successful outcomes:

1. In July 2016 Mr. Mahood HUSSAIN a Director of **M.A. Trade Centre**, a company based in Yardley pleaded guilty to offences under the Road Traffic act 1988 for supplying a dangerous and unroadworthy vehicle and the Consumer Protection From Unfair Trading Regulations 2008 for placing a misleading advertisement. Following a complaint the vehicle was examined

by an independent vehicle examiner who commented that the vehicle was supplied in a dangerous and Unroadworthy condition due to the fact that the wheel securing nuts were loose on the rear wheels, the brake servo pipe was incorrectly fitted and the vehicle had sustained collision damage that would require extensive repairs. HUSSAIN and his company were ordered to pay fines and court costs totalling £7500.

Trading Standards also supported the consumer in a Small Claims action against the trader. The consumer won the case against the company but was forced to obtain a High Court writ to enforce the judgement. The case was covered by the TV series "The Sheriffs Are Coming" which was aired on 4th April 2017. The programme highlighted the difficulties that consumers and enforcement officials share when dealing with traders of this type.

2. In April 2017 Mr Mahood HUSSAIN appeared in Magistrates Court again following another complaint for similar offences. On this occasion HUSSAIN received fines totalling £2,397.
3. In October 2016 Mr Sohail Vikaas AHMED a Director of **CIA Motors Limited** who are based in the Tysely area of the city pleaded guilty to offences under the Road Traffic Act 1988, for selling a vehicle that was unroadworthy, The General Product Safety Regulations for selling an unsafe product and the Consumer Protection From Unfair Trading Regulations 2008 for placing a false advertisement.

In accepting AHMED'S guilty pleas the Court accepted that he did not sell the vehicle personally. He received fines of totalling £2,998. This highlights the fact the company directors are responsible for the activities of their companies

4. In another case a car trader was found to have supplied an unroadworthy Bentley for £29k. The consumer had instigated a civil action and also contacted Birmingham Trading Standards. An independent examination confirmed the vehicle was unroadworthy and therefore dangerous. The owner of the vehicle was interviewed; he was subsequently cautioned after giving a full refund and costs.
5. The directors of **French Car Spares Ltd** (Safraz HUSSAIN, Sherbaz HUSSAIN & Mohammed Aamir HUSSAIN) have recently pleaded guilty to misleading consumers as to the availability of spare car parts which creates offences under the Consumer Protection from unfair Trading Regulations 2008. Sentencing is expected in June 2017.

The case was instigated after numerous complaints to both police and Trading Standards from aggrieved consumers who had made online orders for spare car parts which then did not arrive. Customers were encouraged to pay for these parts by direct transfer into an account in the name of, or controlled by brothers. The company also used other trade names and customers were also given other false information. Many customers received nothing at all. Trading Standards obtained numerous witness statements from disgruntled consumers. A warrant was executed at the business

address and police also carried out a search at the home address. The three Directors were subsequently interviewed.

Other - Officers have also carried out other investigations and issued advice and warnings where appropriate. One extremely serious incident that came to the attention of this Service was when a consumer purchased a vehicle that was held together using a scaffolding pole that had been welded in place. In this instance no enforcement action was possible because the trader disappeared. However, this only emphasises the dishonest nature of some of those involved in the car trade and highlights the advice that consumers receive to do their checks into a vehicles history before they buy. This is why investigating used car crime complaints remain a priority.

Clocked Cars

Vehicles are commonly mis-described in relation to their mileage readings. Traders will falsify mileages by altering the odometer reading; this is known as “clocking”. This is done in order to make the vehicle more appealing to a prospective purchaser and hence add financial value on the sale. Thus the seller makes a financial gain by altering the history.

Altering the history or description of a vehicle is a criminal offence under the Consumer Protection from Unfair Trading Regulations 2008 and can also be an offence under the Fraud Act 2006. Car clocking is a wide-spread fraud which often involves numerous individuals conspiring together in a gang. They often use internet selling sites to reach buyers all over the country. The ease of setting up on-line accounts allows the rogue seller to hide their own identity and use false accounts to cover up their tracks.

Car clocking is a serious criminal activity that can affect anyone who purchases a used car. When purchasing used vehicles mileage is a major selling point. Where consumers unknowingly purchase a vehicle that has been clocked not only are they purchasing a vehicle that has been misrepresented they are also more often than not purchasing a vehicle that can have major mechanical problems that lead to expensive repair bills in the future. Again consumers are advised to carry out all necessary checks into a vehicles history before they purchase. Anyone who thinks that they have purchased a clocked vehicle from a trader in Birmingham should report the matter immediately

Intelligence Led Approach

Over the last 12 months as well as responding to requests for assistance from members of the public Birmingham Trading Standards Service have targeted a number of car traders. A review of complaints is undertaken and an action plan devised to target those that have had a high numbers of complaints.

Interventions have varied in approach from visiting car traders and advising them both in person and in writing about their obligations under various pieces of

legislation in order to try to educate traders. Where implemented this has seen a reduction in the number of complaints received

In a more direct approach this service has visited two unrelated car traders that were suspected of failing to adhere to the requirements of the Consumer Rights Act 2015. Numerous complaints had been received about each business with allegations that cars were either misdescribed, faulty or even unroadworthy and where they were failing to address complaints; thereby potentially restricting consumers' rights.

During the visits officers were accompanied by an independent vehicle engineer capable of identifying dangerous and unroadworthy vehicles. The visits resulted in the seizure of 15 vehicles from one trader and 6 vehicles from another trader that were identified as being potentially unroadworthy. The vehicles were removed to a safe location whilst investigations continued.

In the case where 15 of the vehicles inspected on the forecourt were found to be unroadworthy criminal proceedings have been instigated and the case is expected to come before the courts over the summer.

Consumer advice and assistance

The Service no longer provides general consumer advice.

Members of the public requiring consumer advice are referred to the Citizens Advice Consumer Service (CACS).

CACS provide consumers with advice about their rights and what actions are open to them to resolve their civil disputes.

Referrals will be made to our Service by the CACS where it is considered that there is a criminal element to the complaint or where the consumer is considered vulnerable.

A total of 4,372 requests for assistance were received by the service last year. Approximately a quarter of these requests had an element of civil dispute in the complaint.

Product Safety

Trading Standards enforce the provisions of the Consumer Protection Act and the General Product Safety Regulations aimed at ensuring all consumer products are safe to use. In addition to this there are a number of Regulations aimed at specific products.

The Trading Standards Service received 238 safety related enquiries over the year; these included toys, cosmetics and other household goods. The highest number of complaints related to electrical goods.

Cosmetics and products containing chemicals

In recent years Birmingham Trading Standards has discovered non-compliant cosmetics in particular aimed at the Asian and Afro Caribbean market. A number of cases have been instigated over the past year including:

1. Officers carried out inspections at two premises on the Coventry Road and Stratford Road belonging to **Chaudhry Cash and Carry Ltd**. Non-compliant cosmetics such as henna hair dye and henna paste were found contravening the provisions of The Cosmetic Products Enforcement Regulations 2013. Officers also discovered wooden rolling pins and mashers used in the preparation of food painted with excessive levels of lead in the paint. These contravene the requirements of the General Product Safety Regulations 2005. Criminal proceedings were instigated. The company and two directors Mohammed Zaman CHAUDHRY and Mohammed Dilpazir CHAUDHRY were pleaded guilty at Birmingham Magistrates court. The company was fined £3,500 for one specimen offence for an item containing excessive lead and £2,500 for one specimen offence of henna contravening labelling provisions under the Cosmetics Regulations. Each Director was also fined £3,500; costs of £2,802 were also awarded and all the goods seized being forfeited.
2. Following a complaint an inspection was undertaken at a business on Soho Road various cosmetics were identified and seized which did not comply with The Cosmetic Products Enforcement Regulations 2013 and The Consumer Protection Act 1987. A number of electrical hair products were seized for testing to see if they complied with the Electrical Equipment (Safety) Regulations 1994. The cosmetics tested failed to comply with The Cosmetic Products Enforcement Regulations 2013 and The Consumer Protection Act 1987 and the Stella Pro Curler failed to comply with the Electrical Equipment (Safety) Regulations 1994. All the goods were forfeited and the owner of the business was cautioned.
3. At another inspection at a business on the Coventry Road various cosmetics were found not to comply with The Cosmetic Products Enforcement Regulations 2013 and The Consumer Protection Act 1987. These cosmetic products were seized by the officers. The cosmetic samples were sent to Birmingham City Laboratories to be tested. The cosmetics tested failed to comply with The Cosmetic Products Enforcement Regulations 2013 and The Consumer Protection Act 1987. Criminal Proceedings have been instigated and the matter is expected to come before the courts shortly.
4. In February 2017 an officer visited 5 sites in Birmingham dealing with Volatile Organic Chemicals and the supply of solvent based paints to the public which is prohibited in most cases. These premises had been identified by the British Coating Federation. All the sites visited were found to be compliant and had the necessary paperwork and knowledge in place. One site had closed down and moved out of the area.

Electrical

Following intelligence from the port authorities a business in Marston Green was visited; officers found a number of extension leads not compliant with the Electrical Safety Equipment Regulations. The company was formally interviewed and cautioned and the goods forfeited.

Hover boards

Hover boards had been particularly prevalent in previous year with an influx being imported but many not being fully safety compliant.

The port authorities alerted us to further consignments; some of these resulted in suspension and forfeiture. In other cases such as below other options were considered:

1. Following intelligence from the port authorities a visit was made to a trading Estate in Sutton Coldfield. There was suspicion that the Hoverboards failed the safety provisions of the Consumer Protection Act 1987 and The Supply of Machinery (safety) Regulations 2008.

The company had imported 1,200 hover boards; these were put under suspension. The company produced technical documentation indicating that the goods were compliant however further examination put the validity of these in doubt.

An agreement was reached where the company employed the services of an accredited test house in the UK. Working together with the test house and officers the products were brought into compliance with the Machinery Regulations by ensuring they met the Health & Safety Requirements of carrying out of risk assessments, providing the requisite technical file, EC declaration of conformity and CE marking. They made proposals to have all the products modified, including a new power supply which the test house assessed and approved. In addition they were to affix labelling identifying themselves as the importer.

Ultimately after the necessary changes had been made the goods were deemed to be compliant and the suspension was lifted.

Toys

A regional safety project commenced in the previous year resulted in discovery of a children's doll called Gong dolls; they were identified as being unsafe. They failed to meet safety provisions of the Toy (Safety) Regulations 2011. The dolls contained phthalates which exceeded the acceptable levels. If ingested when a toy is chewed the chemical, used to soften plastics, can lead to an increased risk of cancer, asthma and fertility problems in later life.

The retailers were asked to indicate their supplier who was subsequently interviewed resulting in a caution with the goods being forfeited.

Electrical Garage Door

A complaint was received regarding the sale and supply of an unsafe garage door. This is a specialised area of work that we had not come across before. This particular garage door was fitted with one safety feature which is known as a photocell. According to expert advice the standard for any automated garage door this photocell alone is not a sufficient safety device. In order for the door to comply it would have needed either a light curtain, a safety edge or needed to be operated by a hold to run system. The danger of not having these features could have led to a potential injury to both pets and homeowners. An investigation was conducted and the company was formally interviewed. A Caution was issued to both the Company and Director regarding this issue.

As a result of this work one of the Operations Managers was asked to attend a meeting of the Door and Hardware Federation (Garage Doors Division) and give a presentation on the work of Trading Standards. This was well received and has resulted a better understanding of the technical issues but also the legal issues in taking cases forward.

Second Hand Nursery Products sold on line

As part of a regional survey we made six online test purchases of second hand nursery products; these included a pushchair, travel system (pushchair and car seat combined), playpen, travel cot, stair-gate and a highchair.

The products supplied were inadequately packaged and therefore damage could potentially occur in transit. No instruction booklets/leaflets were supplied, although some could be obtained online. All items had a used appearance. All sellers declared themselves as traders but sold a variety of second hand items. There were adequate descriptions of the products in the adverts and mention was made of consumers' cancellation rights and how to return goods.

Of these test purchases two items were never delivered. The seller did not send the highchair as he discovered it was faulty and so refunded us. The travel system was delivered to the wrong address and never found its way to us.

Some of the items were submitted for testing and the playpen and pushchair failed to meet safety standards.

Each of the sellers will receive written warnings and advisory leaflets on The Consumer Protection Act 1987, General Product Safety Regulations 2005 and The Toy (safety) Regulations 2011.

The project highlights the risk in purchasing second hand nursery products especially on line, where you don't get the opportunity to examine the goods and check the instructions first.

National Consumer Week 28 November – 2 December 2016

This year's theme focused on and promoted the campaign 'Switched On' to raise consumer awareness to their rights when buying electrical goods such as smart TVs, tablets and washing machines. The aim was to make it clear to consumers what protection customers have when they buy goods in stores or online which are later found to be faulty under the Consumer Rights Act 2015.

Birmingham Trading Standards held 4 events over the week in Birmingham. We carried out events in Supermarkets and Community Centre's. Information packs were given out to consumers with information from the Chartered Trading Standards Institute and the Citizens Advice Bureau about consumer rights in relation to buying electrical goods and their rights under the Consumer Rights Act 2015 as well as general consumer advice, together with freebies including pens, pencils and key rings, and Safety Chains kindly donated by Betterware.

In addition to this a media press article was released promoting the event and twitter was updated on a daily basis with details of the events and one of the Operations Managers did a TV interview with the TV Station, Made in Birmingham, at one of the events.

This has been a very successful event, and through the guidance given consumers can hopefully pass on information to their family and friends. At events we also use the opportunity to also provide information on scam prevention.

Rogue Traders - Rapid Response

Trading Standards have continued to provide a rapid response service for consumers who are being targeted by rogue traders. This was initially provided for residents within the nominated No Cold Calling Zones; however we will respond to all citizens who are in need of a quick response.

A dedicated telephone number has been made available and Officers will respond immediately to assist consumers in dealing with the problem trader; 9 such responses have been conducted by the service this year.

The Police are also aware that building complaints are not just civil matters and are starting to deal with these matters as fraud themselves as well as reporting to Trading Standards.

During these responses officers also use the opportunity to assess a householder's vulnerability to further bogus caller visits. Officers will provide practical advice on how to prevent such problems arising again and will supply the consumer with warning stickers and notices to deter any rogue traders from calling at their premises in the future. Officers will also gain information from any business cards that may be left or flyers and this is shared with the trading standards community. This helps build an intelligence picture to enable appropriate targeting of resources. It is known traders work together and they are becoming serious organised crime groups. Intelligence logs are now a priority and the numbers of logs have increased throughout the year.

We continue to revisit victims that are perceived to be particularly vulnerable in order to ensure no further incidents have occurred and to reiterate advice previously given with the aim to increase their confidence at saying no at the door.

Victims that have come to our attention may have also been referred to the Adults Safeguarding, as some victims are at risk of being financially abused by rogue traders and therefore need extra care and attention to help overcome these issues.

Rapid Response can be generated by a call from a concerned relatives, neighbours or even banks. One intervention resulted in traders leaving a residents property and the prevention of a withdrawal of large sums of money.

On one other occasion a rapid response revealed a vulnerable consumer had been the victim of a rogue builder and was also then targeted by someone purporting to be a Trading Standards Officer offering to get money for the poor building work. This turned out to be a complete fraud perpetrated by an organised crime group. This matter was referred to the Economic Crime Unit of the Police as it appeared the organisation was operating across the country.

No Cold Calling Zones

There are currently three established No Cold Calling Zones in Sparkhill, Yardley and Garretts Green/Sheldon. We continue to conduct perception surveys within the zones. The results were positive in the fact that residents welcomed the No Cold Calling Signs to be in place as they felt on average the number of cold callers had reduced over the years. The majority indicated that they still did not want uninvited callers at their door, they supported the use of the signs and that they felt safer being in a NCCZ. They felt they had more confidence to say no to uninvited callers and they would not approve of the signs being removed.

Since introducing the zones, resources have reduced significantly and less work proactive work has been carried out within the zones. We still provide a reactive service to residents within a no cold calling zone. As protecting vulnerable residents is a priority we will attempt in this coming year to raise the profile of the zones.

Rogue Trader Cases

1. A cowboy builder who took nearly £40,000 in cash for over-priced and poor quality work on a pensioner's home in Birmingham was jailed for 37 months at Birmingham Crown Court in September 2016.

George Thomas Humberstone, 33, of Clees Caravan Park, Walsall Road, Great Wyrley, pleaded guilty to an offence under the Criminal Law Act 1977,

The case was brought after Trading Standards officers received complaint from a 71-year-old man, stating Humberstone demanded more money for work previously carried out at a property in south Birmingham.

Humberstone carried out work at the pensioner's home, which ranged from £180 to £2,700 for repairs between 10 April 2013 and 10 November 2015 totaling just under £40,000.

An independent building survey, carried out as part of Trading Standards' investigation, revealed the property was in a good condition and it could have been completely re-roofed for just £5,250.

As we are all aware that having building work carried out can be stressful and expensive but in this case George Humberstone misled an elderly vulnerable man over a two and a half year period. The case was further aggravated by the fact Humberstone has previous convictions for similar offences. He had also been advised in the past by other trading standards services and this particular criminality was committed while he was on licence.

Elderly and vulnerable people are often targeted by rogue traders, who make unsolicited visits to people's homes to carry out repairs to their property, convincing them to pay extortionate prices for substandard or incomplete work which is often unnecessary.

When a trader calls unsolicited, consumers are advised be polite but firm and to say that they don't want any work doing there and then. It is important that consumers do not become pressured into making decisions on the doorstep.

2. Magical Kitchens and Builders

Between April and June 2015 the service received 6 referrals from Action Fraud regarding Magical Kitchens and Builders. Action Fraud is the UK's national fraud and internet crime reporting center.

The referrals were from homeowners who had paid large sums of money to Mr Devlin in order for building work to be carried out. In five referrals work has been started but has never been completed. In one referral money had been paid for building work but to date no work has ever been done. An investigation was undertaken and it became apparent that the owner of the business Scott Devlin has been made bankrupt. Due to the sums of money involved with one homeowner paying over £100,000 we decided to pursue the matter.

A trial was listed for week commencing May 2017, however on 25th April 2017, Scott Devlin decided to plead guilty to a number of Fraud Offences. The other party involved in the business, is due to plead guilty to two money laundering offences on the 26th June 2017. Both defendants are due to be sentenced on this date.

Scams

National Scam Month

National Scam Month takes place in July. Four venues across the city hosted events (north, south, east and west) these included 3 large supermarkets and a leisure centre. Two officers attended the events for half a day. During this time officers engaged with over 300 members of the public giving advice on scams and how to avoid them. Information was available on postal, telephone, doorstep and internet scams. Media was generated using Twitter. All these events were very well received and it gave officers the opportunity to interact with the general public as well as sign post them were appropriate to other Council services, such as waste collection, animal welfare and Council tax.

Scam Education

Seven Scam awareness/educational talks were delivered to various community groups and one sheltered housing complex. Over 150 consumers were given detailed scam awareness information; primarily how to avoid and recognize them and what to do when caught by out by a scam. After each session there is always a lively question and answer session where many concerns, queries and experiences are shared and debated.

National Scams Hub Referrals

The National Scams Hub (NSH) is a project that is being run on behalf of National Standards by East Sussex Trading Standards; it is now known as the National Scams Team. Though it started off as a small project aimed at raising awareness of scams and creating links between different agencies to try and spot victims of scams it has increased its media profile through campaigns such as 'Think Jessica' which deals with postal scams, as well as referring increasing numbers of individuals to its partners for intervention work, and acting as a 'Knowledge' hub.

It must be remembered that most scams and in particular postal scams are highly addictive, the most common phrase mentioned to the officer was 'I feel so ashamed' and it is this emotion that the scammers play on.

18 postal scam referrals were made and followed up by officers; these were personal visits where information was given on how to stop being a scam victim and what to do with any new scam contact. This service is highly personalized and great skill is needed by the officers to delicately broach the subject that the person visited has been a victim of a scam.

Officers are working with Adults Safeguarding and a report was presented by the Head of Service to the Adults Safeguarding Board. The report set out the issues faced by scam victims with a view to services working more collaboratively to ensure that potentially vulnerable citizens were not overlooked and were protected from scams.

As a consequence the lead officer for scams has carried out a number of joint visits with an officer from West Midlands Fire Service. 18 referrals were received but visits to these individuals did not begin until the 31/3/2017. However the details have been included here. This small project was seen as a great success and will provide a model for future operations; by working with partners we can ensure that the best service is provided to safeguard the citizen's wellbeing. Of the 18 visits done two were referred to Adults Safeguarding and a further one to West Midlands Fire Service for a 'Safe and Well' visit. Apart from the two referrals to Adult Safeguarding one of the more unusual visits was to a Convent home for retired nuns where it was discovered that one of the retired nuns had been sending personal information to postal scammers. The officer along with the manager of the Convent discussed the matter at great length with the victim and information given to the home in general on Scams.

Frauds and Scams

The service works closely with Central England Trading Standards Authorities (CEntSA) and is a member of its Regional Intelligence Group. The group is used to identify emerging criminal threats and prolific offenders who operate across the CEntSA region and allows authorities within the region to pool resources in order to tackle serious and organised crime.

The service continues to receive referrals from CACS relating to potential scams, many of which relate to on-line transactions. Many of them emanate from outside the EU and are virtually impossible to trace. Intelligence is logged and referrals are made to Action Fraud and the National e-crime unit.

Illegal Alcohol

All visits to trade premises are now intelligence led usually as the result of consumer complaints or intelligence received from other sources such as crimestoppers.

During 2016/2017 174 bottles of illicit spirits were seized worth over £2200 from 5 licenced premises across the city. Most of these items were counterfeit back label product which is diverted non-duty product that has fake duty stamps and labels attached by criminal networks to avoid paying duty. This is a considerable part of the purchase price accounting for over 75% cost of an average bottle of whisky, vodka, rum or gin. There were also 47 bottles of totally non-duty spirits seized as well. Of these 5 premises 3 were subject to licence reviews and had their licences revoked. The two others were subject to cautions and voluntary licence variations to prevent similar occurrences in the future.

This is due in main to the intervention by Trading Standards in main by conducting licence reviews and prosecuting premises where there have been significant seizures.

In February 2017 officers from the service were involved in a joint initiative operation with HMRC targeting off-licence premises highlighted by HMRC. On this operation officers helped HMRC seize nearly 5,000 cans of non-duty beer and over 500 bottles of non-duty wine from two premises. These may also be subject to licence reviews.

There is no doubt that the amount of complaints and occurrences of illicit alcohol has reduced significantly over the last 4 years.

Role of Responsible Body under the Licensing Act 2003

Trading Standards is designated as a responsible authority for the purposes of the Licensing Act 2003.

Licensed premises who make applications for new or varied licences must serve a copy of their application to Trading Standards as well as the other responsible authorities to enable them to raise objections or suggest measures for improvements. In 2016/2017 222 applications were received and reviewed; these included new applications and variation requests. Several were objected to due to previous enforcement activities which resulted in re-applications or modifications and in some cases other agencies were asked to contribute to help with recommendations.

This year Trading Standards submitted eight licence reviews for premises found to be selling or stocking illicit alcohol and/ or tobacco.

A new initiative has been to undertake reviews for premises stocking illicit tobacco this is due in part because the new revised guidance issued under section 182 of the Licensing Act 2003 specifically states that reviews can be undertaken “for the sale or storage of smuggled tobacco and alcohol”

Of the eight reviews heard by the licensing sub-committee all have had their licences revoked, 6 were for illicit alcohol and two were for seizures of illicit tobacco which were hidden in purpose built enclosures.

Officers also attended Magistrates court on two occasions and successfully defended previous appeals against revoked licences.

Trading Standards has made strong contacts with all of the other responsible bodies including the new centralised police licensing unit to ensure that local knowledge and intelligence is shared by those who can best use it. We have also begun to develop strong links with neighbouring local authorities where we have found great advantages in joint working including in one case an officer from another authority attending a licence review to assist in identification of individuals. Trading Standards also assisted the police with one of their licensing reviews and were able to help towards a successful revocation of the licence.

Also during the year Trading Standards received complaints about lap dancing clubs and has used this as an opportunity to engage with Licensing in their upcoming review of sexual entertainment venue, (SEV) policy.

Illicit Tobacco

In May 2016 new tobacco legislation was introduced which meant a major change in the way Tobacco can be sold and advertised in the UK. The Tobacco and related products Regulations 2016 (made under the Consumer Protection Act 1987) brought

in Standardised packaging also known as plain packaging, this refers to packaging where the attractive, promotional aspects, including logos and graphics are removed and the appearance of all tobacco packs on the market is standardised. This includes the shape and colour of the packaging and the typeface and colour of all text of tobacco products such as cigarettes and Hand rolled tobacco.

Retailers and manufactures were given 12 months in which to get rid of existing and old stock, we are now at the point where only plain packaged tobacco can be legally sold in the UK.

There continues to be concern from tobacco companies and enforcers that the changes would make it easier for counterfeiter, however, most would agree that health factors and reducing the levels of young people taking up smoking is far more important than the protection of brands.

This year Birmingham Trading Standards has continued to carry out its activities in enforcing the law in relation to sales of illicit tobacco from retail premises.

During this period Trading Standards have received over 80 complaints alleging sales of illicit tobacco from retail premises this has resulted in Officers carrying out over 60 inspection/ advice visits in relation to intelligence received.

The advice visits have then been followed up by a number of joint operations working with West Midlands Police and HMRC, in some instances a Tobacco sniffer dog was used to enhance the inspection. Trading standards has seized 2,137,460 cigarettes which equates to 106,873 packets and 250 pouches of hand rolling tobacco with a street value of approx. £500,000. There have been a number of enforcement outcomes resulting in 8 prosecution cases, a number of which are still ongoing, 4 simple cautions being offered and a number of official warnings issued.

Where the premises was found to be a licensed, a review of the licence was carried out and due to overwhelming evidence provided by Trading Standards each of these reviews resulted in the revocation of the premises licence. (Detail of which can be found in the licensing section of this report).

So far 2 of the 8 prosecution cases have gone to court and have resulted in successful convictions.

Illegal Tobacco factory

One of the joint operations mentioned earlier resulted from intelligence received by Birmingham Trading Standards. We then shared this intelligence with partners in HM Revenue and Customs (HMRC) and acted as the driver to ensure this matter was given appropriate priority and resource. The outcome is detailed below.

A suspected illicit cigarette-processing factory has been dismantled in Birmingham during a raid by HM Revenue and Customs (HMRC) and Birmingham Trading Standards.

The machinery was believed to be capable of producing 35 million cigarettes a month, at a potential cost to taxpayers of almost £138 million in lost duty and taxes a year.

HMRC officers, working with Birmingham City Council Trading Standards, Immigration Enforcement, the Government Agency Intelligence Network (GAIN) and West Midlands Police, shut down the suspected plant at an industrial unit on the outskirts of the city centre on Tuesday 8 November and Wednesday 9 November.

Four lorry loads of processed and raw tobacco, cigarettes and packaging materials were seized and shipped away from the site. A range of machinery to process the cigarettes, and paperwork, was also seized and removed throughout the week, ending on Friday evening. A nearby residential address was also searched.

After the operation, ten men aged 26 to 40 from Brazil and Paraguay were arrested by Immigration Enforcement officers for immigration offences. All ten are detained while steps are taken to remove them from the UK.

Counterfeiting - Intellectual Property Theft

Anti-counterfeiting activities are intelligence led and prioritised towards safety related matters. Where matters are not safety related referrals are made to trade mark owners to investigate and take their own legal action.

Trading Standards work hard to combat the manufacture, sale and supply of counterfeit consumer goods. Counterfeiting is harmful to the economy and national research indicates that UK manufacturing loses £11 billion a year as a result of counterfeit products. Tackling the sale of counterfeit goods provides a level playing field for Birmingham businesses which in turn supports local jobs and improves the local economy.

Throughout the year, 247 complaints have been investigated in relation to various household products, including: toys, electrical goods, clothing, alcohol, tobacco, and cosmetics. Priority has been given to goods which may have an impact on consumer safety, in particular tobacco and alcohol.

There are a number of cases under investigation and other matters going through the court process awaiting final sentencing.

A national online auction seller of alleged counterfeit and unsafe children's novelty costumes has been targeted and entry warrants executed at a residential address where a quantity of goods were seized.

Whilst in another case intelligence led to a business supplying counterfeit Vaseline cream. Whilst at the premises officers also discovered non-compliant cosmetics and prescription medicines. The company have been interviewed and report submitted with a view to instigating criminal proceedings

Meet (UK) Ltd – following intelligence 180 counterfeit items including designer watches, sunglasses and purses were seized bearing trademarks for Apple, Chanel,

ICE and Michael Kors. Meet (UK)Ltd trading as Kings Watches Great Hampton Street, Hockley – and Meet Singh Alwadi, (24), of West Park Road, Smethwick, both pleaded guilty to six offences under the Trade Marks Act 1984 at a hearing held in Birmingham Magistrates Court. The company is due to be fined shortly 2017, while Alwadi was given a community order for 12 months and 75 hours unpaid work.

Proceeds of Crime 2016/2017

Trading Standard has two dedicated Financial Investigators who seek to confiscate money and assets from offenders under the Proceeds of Crime Act 2002, to prevent them from benefiting from their crimes. This has increased our capacity to support other investigations and ensure that criminals are targeted and their ill-gotten gains confiscated.

All criminal cases taken by the Directorate are considered for their applicability for a Proceeds of Crime confiscation investigation. In addition the Financial Investigators powers are also used to assist Trading Standards investigators in securing evidence.

Throughout last year over 38 cases were referred to the Financial Investigators from Trading Standards and other sections within the City Council. As a result over 50 applications were made for Productions Orders to enable financial data to be obtained from banks and building societies. All applications for Orders were granted. Though no Restraint Order was obtained existing ones were managed to ensure the payment of previous Orders.

During the period 2016/2017 11 Proceeds of Crime Act confiscation hearings with 22 defendants were held at the Crown Court, all of which were found in favour of Birmingham City Council. In total, 22 Confiscation Orders valued at £462,456.87 were made. Out of this £47,879.75 was ordered to be paid as compensation to victims who gave evidence as part of the respective case. This included victims of car clocking, Hajj and fraud cases.

During the same period over £350,000.00 was received from various defendants which represented payments to satisfy Orders from this year and previous years. Cash seizures totaling over £20,000.00 have also been made.

All funds that are confiscated during these investigations are reinvested into the criminal justice system, with Trading Standards receiving 37.5% under the Asset Recovery Incentivisation Scheme.

Hajj

For the Muslim community the Hajj pilgrimage to Mecca in Saudi Arabia is one of the most important and spiritual experiences in their lifetime.

The Saudi authorities control the amount of pilgrims that can attend from each country through a quota and visa system, in the UK this being 25,000 annually. Anyone wishing to undertake a pilgrimage, however, has to book a package through specialist Hajj and Umrah travel operators who can typically charge individuals between £3,000 and £5,000.

Unfortunately there has been a prevalence of unscrupulous traders taking advantage of would be pilgrims giving misleading indications as to the quality of the travel and accommodation; in some cases letting them down totally having taken the money.

Over the past 5 years Birmingham Trading Standards has proactively sought to raise awareness of the issues amongst the Muslim community and to improve compliance amongst the Hajj and Umrah travel operators. In previous years the work undertaken has attracted considerable publicity including amongst Asian satellite channels. Trading Standards has also continued liaison with the locally based Association of British Hujjaj.

A number of cases instigated in previous years reached their outcomes at court over the last year, examples include:

The director of **Al Safah Tours** in Alum Rock was found guilty of 16 offences under the Consumer Protections from Unfair Trading Regulations and was sentenced to 12 months imprisonment. This case had resulted following from numerous pilgrims about misleading descriptions and poor standards of accommodation. In a further outcome, proceeds of crime proceedings have resulted in a £110,000 Confiscation Order

In another case from previous year, **Al Hashmi Hajj** and Umrah Tours Limited of Aston were guilty for offences in relation to failure to have a valid Air Travel Operators Licence (ATOL) and sentenced to £14000 fine. Two directors Mr Choudhury and Mr Odud were also found guilty and fined £7,000 each. Costs of £16,484 were also awarded as well as a Confiscation Order of £7,500 against Mt Choudhry.

In 2015 Birmingham Trading Standards had taken the lead role nationally in tackling Hajj fraud and had worked with other Trading Standards and City of London Police across the country. Birmingham Trading Standards had instigated proceedings in two cases which came before Crown Court:

In one case, **Ashton Hajj and Umrah of Tameside** had been the subject of numerous complaints from across the country over the years. A Birmingham led investigation in conjunction with City of London Police and the local Trading Standards resulted in the Director, Babbur Hussain being found guilty and sentenced to 14 months imprisonment. Another associated in the business, Sabir Raza received 11 month suspended sentence and was ordered to do 180 hrs unpaid work. The offences related to false claims the business had ATOL protection and also misleading customers about the quality of accommodation.

In another case carried out in conjunction with City of London Police Holy Makkah Tours Ltd based in London and its Director Mr Nozir and Mr Chowdry were found guilty of offences in relation to failure to have ATOL. Sentencing and Proceeds of Crime proceedings are expected to be concluded shortly.

Weights and Measures

Weights and Measures continue to be one of the traditional functions carried out by the Trading Standards service. Trading Standards officers continue to visit large

packers of food or other consumer goods based in the city to ensure compliance with average weight legislation. These companies include several large confectionary companies and packers of various food items. Officers continue to give first line advice and assistance how to comply with legislation as well as improving their systems to develop their businesses and make them more effective.

Officers have dealt with various short weight complaints over the year including food and other consumer items. As usual the majority are about short measure beer and petrol. Several visits are made by officers where it appears that trade premises need advice or enforcement activity.

Several days were devoted to following up short measure petrol complaints and several pubs were visited following short measure beer complaints and test purchases were made to check quantities. In one case a formal warning was issued to the pub to improve.

A BSI auditor accompanied two officers to show how a short measure beer complaint is undertaken including equipment used and actions taken.

As usual officers inspected the Frankfurt German market to ensure their compliance with UK legislation and tested a wide range of weights and measures equipment including weighing machines, spirit measures and beer dispensers.

The service continues to maintain and use a variety of test equipment that is used by officers to undertake weights and measures complaints such as weights, both small and large from 0,1g up to 150kg, as well as weighing machines, measures for beer, wine and spirits and a variety of length measures including one used to measure taxi measures miles.

We received over 40 notifications from self-verifiers of petrol pumps and weighbridges across the city which was checked for compliance. We also tested and stamped 2 petrol pumps this year with a revenue of over £200. However, as many other nearby authorities have cut back on their metrology activities we currently have processed nearly £2,000 of revenue already this year with more due. This could become quite a significant source of revenue over 2017/2018. Work is being undertaken to ensure all the Trading Standards officers are proficient to deal with this work.

An officer from Birmingham attended the Centsa metrology group which met every quarter at a different host authority where trends across the region are discussed and expertise is shared. To save time and resources this will now become a virtual group only but with a desire to keep up contact and ensure expertise is not diluted.

Essential Packaging

During the year a short –term essential packaging project was set up following complaints from members of the public about excessive packaging of consumer items. There were two broad areas that the project fell into.

Firstly packaging of items sent through the post and by courier firms, so-called secondary packaging which is over and above the primary packaging that the items are put in when prepared for retail sale.

A number of items were ordered on-line to see what secondary or postal packaging was used.

Some of the worst examples were ordered again to make sure this was not a one-off situation. The poorest examples of over packaging have resulted in letters of advice and warning being sent to the companies in question.

The second area of work was undertaken following a consumer complaint about a Mondelez product, 78g Milk Tray chocolates.

Gift confectionary chocolates were identified as an area of consumer products where packaging did appear to be excessive.

A survey of similar items involved making test purchases of 17 packs of gift confectionary chocolates was made during the Christmas period.

The six poorest examples were sent to an expert to comment on the suitability of the packaging. Unfortunately the results were inconclusive, but we are working with a local manufacturer to limit and risk on non-compliance.

The local home authority for the other manufacturers has been written to advising them of the exercise and of the results of the expert with a view to them advising the manufacturers in their area.

Also as part of the project the home authorities of all the main gift confectionary manufacturers were written to and invited to a mini seminar that was held in Birmingham in November 2016. Unfortunately this was not seen as a priority by the other local authorities.

The seminar was a successful sharing of experience with the lead officer from the previous Lincolnshire Trading Standards essential packaging team discussing issues they came across as well as a member of WRAP, (Waste and Resources Action Programme) a registered charity who advise businesses how to be resource efficient in packaging and eliminate waste.

Noroguetradershere.com

Trading Standards has formalised its agreement with Noroguetradershere.com, an internet based scheme that seeks to promote reputable traders. An official primary authority partnership was launched between BCC and NRTH.com on 6th March 2017

Traders joining the scheme still have to be agreed to be vetted by Trading Standards. Checks are made to ensure the trader is complying with Consumer Protection legislation and that there are no unresolved justified complaints against the trader.

We continue to promote this scheme at all events where we are helping to prevent citizens becoming victims of rogue builders. We also provide information of the scheme to victims of rogue builders. The scheme is expanding regionally and has taken on traders across the region.

Frankfurt Market

Trading Standards carries out inspections at the stalls at the pre-Christmas Frankfurt and craft markets.

Prior to the event traders are sent an advice pack in advance. Stalls are checked for compliance for a range of Consumer Protection legislation, including weights and measures, pricing and product safety. Generally the level of compliance is high with only a few minor issues that were resolved.

Working with partners – events

Officers attend a number of Safety Advisory Group meetings for key events that are facilitated by the Council. This is a collaboration of interested parties that include licensing, police, fire service, transport services, central safety services, St Johns Ambulance, events team and the event organisers. We ensure that consideration is given to the safety of products being sold at events and information packs are provided to any potential stall holders.

We also inspect at events especially ensuring that goods being offered for sale are safe and where alcohol is being sold to ensure systems are in place to prevent young people having access.

We have attended the Fusion Festival, Vaisakhi, Frankfurt Christmas and Craft Market, St Patricks Day Parade and Pride.

These events bring thousands of visitors into the city so it is important that they are well run and that goods being provided are compliant. By engaging with our partners both from within the authority and other organisations we are ensuring the safety

Trading Standards BSI Accreditation

Birmingham Trading Standards are externally accredited with British Standards to ISO 9001: 2015 for Quality Critical Services with exclusion to design and development, as these elements are not an integral factor to Regulation and Enforcement. We are externally audited by BSI twice a year (June and December) to ensure that we comply with the Standards and maintain our accreditation.

The Golden Thread running through the European Foundation for Quality Management (EFQM) knits together both the new standards and the Council's values (amongst others) to put citizens first and achieve excellence. This demonstrates our commitment to customer focus which is at the forefront of everything we do and is evidenced by our customer satisfaction results which are displayed on the council's website.

Our Quality system is fully supported by senior management who strongly believe the system must be fully embedded within the culture of the organisation. Internal audits are conducted twice yearly (March and September) to ensure the system is operating efficiently and to identify any areas of non-conforming services. We have a service plan encompassing the Council's strategic outcomes with the leader's objectives, and it includes customers' and partners' views in determining our Key Performance Indicators for the future. Review of our procedures are identified through the forward planning process and discussed prior to conclusion at bi-monthly senior management meetings.

Trading Standards Website

The Trading Standards website consists of 25 pages within the BCC website. The pages cover a variety of subjects and include useful information and links for consumers. The pages and content are regularly updated by the Trading Standards editors. Currently the content management system is Jaddu which was implemented in July 2106. The total number of views of the Trading Standards website was 34,174 in the last year. On the landing page there is a live Twitter feed which was created so the newest tweet appears on the page.

Twitter

The @bhamts twitter account has 1,960 followers which is an increase of 375 new followers from last year. Many advisory tweets are put on each day covering mainly scam awareness, electrical safety including whatever is current. A total of 2,647 tweets were put on for this year and 1,521,300 impressions created this equates to 7 tweets a day and 4,167 impressions a day. In July 2016 during National Scams Month the #ScamAware tweets created on average 1.979 impressions. TS support various campaigns on twitter e.g. Gas Safety week, Cyber Aware, National Consumer week, Electrical safety week, National CSE day, Mental Health week, Dementia week, new Business companion launch, Home Office campaign Fire Kills. The TS twitter account also supports the main Birmingham City twitter account on various campaigns i.e. elections, cleaner streets and events in the city and other service areas within the council.

Centsa newsletter & National Scams Team monthly newsletter

The service's good work this includes prosecutions, licence reviews, POCA results, Scam prevention work and community events have been mentioned in the quarterly Centsa newsletters with a lot of good coverage. In addition to this TS scam prevention working including a Rogue trader prosecution has been published in the NTS Scams newsletter.

Trading Standards Outputs 2016/2017

The work of Trading Standards positively impacts the entire 1,073,045 Birmingham residents, 30,380 businesses and 33,000,000 visitors to the city each year.

A total of 4,372 requests for assistance were received by the service last year. 144 of these were requests for advice from businesses. The service supported or

intervened for consumers to enable the return of £86,466.35 as redress for poorly delivered goods or services.

13 successful prosecutions and 7 cautions were concluded. Total fines amounted to £37,250, while custodial sentences totalling 20 years and five months were imposed. In addition suspended sentences amounting to 53 months and community orders for 995 hours of unpaid work were made. Four defendants were disqualified from being directors and one defendant was made the subject of a Criminal Behaviour Order for a term of six months. We were also successful in being awarded 48% of our costs totalling £27,534. In total, 22 Confiscation Orders valued at £462,456.87 were made. Out of this £47,879.75 was ordered to be paid as compensation to victims who gave evidence as part of the respective case. This included victims of car clocking, Hajj and fraud cases.

Trading Standards Cases Heard 2016/2017:

Legislation	Cases	Offences	Fines	Costs	Other Penalty
Consumer Protection from Unfair Trading Regs 2008***	3	39	£33,100	£21,834	
Fraud Act 2006 **	5	123	-	£1,500	13 years & 5 months imprisonment 28 months suspended sentence for 2 years 11 months suspended sentence for 18 months 760 hours unpaid work
Theft Act 1968	1	25	-	POCA timetable set	7 years imprisonment
Trade Marks Act 1994****	4	47	£4,150	£4,200	14 months suspended sentence for 2 years 235 hours unpaid work
Totals	13	234	£37,250	£27,534	See above

** includes 2 Theft Act offences, 1 POCA offence & Anti-Social Behaviour Crime & Police Act

*** includes 4 RTA offences & 1 General Product Safety offence

**** includes 1 Tobacco Products (Manufacture Presentation and Sale) (Safety) Regs offence & 1 General Product Safety offence

REGISTER OFFICE

The Registration Service is a statutory function which Birmingham City Council is required by law to provide in terms of accommodation and adequate staffing to register all civil events within a specified national time frame. These events include the registration of births, deaths, stillbirths, marriages and civil partnerships, conversions of civil partnership to marriage, attesting the legal preliminaries to marriages, civil partnerships and conversions, the provision of a certificate service and the provision of citizenship ceremonies. All events to be registered are those which occurred within the boundary of the City. In discharging these functions, registration employees officiate at ceremonies at the Register Office in addition to approximately 60 approved premises. They also attend and register marriages taking place at religious buildings. The service also provides the statutory citizenship ceremonies, a Nationality Checking Service, other non- statutory civil ceremonies. The Service is directed by the Registrar General, whose General Register Office is part of HM Passport Office. It is administered locally by Birmingham City Council and the Proper Officer for Registration Matters is Jacqui Kennedy, Corporate Director of Place Directorate.

Service Successes

Event	2015/16	2016/17	% Difference
Birth registrations	22,278	24,534	8.75+
Still –birth registrations	151	157	4+
Death registrations	9894	10,265	3.75+
Birth re-registrations	585	584	0.2-
Marriages	1742	1855	6.5+
New British Citizens	2335	2760	18.2+
Primary Customers	66,516	69,055	3.8+

In total 1,855 marriages were celebrated and registered in the city, comprising of 1,397 marriages at the Register Office and the Ceremony Suite. Staff attended 9 marriages at religious buildings and 440 at the City's approved venues. There have been 9 marriages under the Registrar General's Licence Act which allows a person who is terminally ill, and cannot be moved to a place where marriages take place, to get married wherever they are.

Registration staff made 208 S24 reports of possible offences relating to sham marriages during the year.

11 civil partnership ceremonies took place in the City over the year, with 226 same sex notices of marriage reflecting the increasing trend of same sex customers choosing to marry rather than form a civil partnership. 26 civil partnerships have been converted to marriages.

7,853 notices of marriage and 29 notices of civil partnership were given during the year.

86,829 certificates of birth, marriage, death and civil partnership were issued to the public at first time registrations

21,707 certificates issued from the registers which date back to 1837.

151,252 legal documents were issued to the public over the year. These documents will include birth, death, marriage, civil partnership and conversion certificates issued from the registers which date back to 1837, citizenship certificates, Superintendent Registrar's certificates for marriages, certificates of no impediment allowing people to marry abroad and Registrar's certificates for burial or cremation, certificates for worship and registration of religious buildings for marriages and approval of premises.

There have been 10 applications received from trustees of buildings to register the buildings as places of worship, 3 applications for the solemnization of marriages. These applications were processed by the staff at the Register Office in conjunction with General Register Office.

The Nationality Checking Service has assisted approximately 900 customers with their applications to become a British Citizen.

Over the financial year ending 31st March 2017, employees have generated - £1,908,469.75 in income an increase of £142,126 on the previous year.

In addition officers have:

- Attended Faith Advocacy and NHS Bereavement Group meetings.
- Assisted the General Register Office in changing national Registration policy.
- Attended various homes, hospitals, and secure units to obtain a birth or death registration in emergency circumstances.
- Participated in valuable partnership working with central government bodies such as UKBA, DWP and the General Register Office.
- Participated in more local partnership working with organisations such as Gateway Family Services, BCC Children Centres, Approved Premises and religious bodies as well as supported MacMillan Nurses as the staff member's nominated charity.
- Continued to report suspected Sham marriages and Civil Partnerships and fraudulent applications for certificates

The Registration Service has continued to provide the Emergency Bereavement Service to enable families to bury their deceased relatives or to repatriate the body to a Country outside of England and Wales within a very short period of time when required by religion or culture.

Furthermore, the Service has provided a 365 day service for marriages and civil partnerships, where one party is terminally ill, in accordance with the Registrar General's Licence Act.

The Registration Service continued to help students make their first step into the working environment by accommodating work experience students from Birmingham-based schools and colleges as well as supporting the Department of Work and Pensions work placements. Service managers have continued to offer

DWP work placements and work with other service areas to help resource the Register Office.

Challenges to Service Provision

The continuing heavy workload of the Registration Service and limited employee resource remain a significant challenge. In order to respond to the high volumes of birth registrations a further review of the birth appointment system has taken place providing more appointment slots. This has brought the average birth appointment waiting time down by over three weeks and the service has significantly improved its KPI percentage figures.

It is to be noted, however, that despite these improvements the requirement to undertake non Birmingham resident registrations resulting from the closure of non Birmingham maternity hospitals, continues to put great pressure on the service and it continues to miss the required KPI standards. Due to the failure of the service to meet its KPI targets, the General Register Office reviewed the service and concluded that even with the revision of the diary appointment system that without additional staffing resource the service will continue to fail to meet its statutory KPI targets.

The service commenced negotiations with Sandwell Registration Service with a view to entering into a partnership arrangement which will enable registrations for Sandwell residents to be undertaken by Sandwell.

As a Designated Register Office (DRO) Birmingham Register Office is one of only two districts in the West Midlands which deal with citizens who are subject to immigration control. These particular customers are required to attend a Designated Register Office regardless of where they reside. Birmingham is the largest and most central DRO in the country and consequently the ceremony service area continually deals with customers and telephone calls from all over England and Wales, and from British and non-British subjects all over the world who wish to marry in England and Wales.

Service managers have strengthened partnership working with faith advocacy groups, GPs and hospitals to help reduce factors which delay the death registration process.

Improvements

An electronic cash book was introduced in April as part of the streamlining of procedures.

The citizenship ceremonies were reviewed in the autumn and the service has subsequently been enhanced. A representative from the Lord Lieutenants Office and the Lord Mayor or Deputy now attend each ceremony.

The provision of death registration appointments has been revised to increase the availability of urgent appointments and a new bespoke electronic index system has been introduced.

In January 2017 an electronic card payment facility was piloted which helped with service efficiencies.

In February the service participated in a death care event presented to the members which aimed to explain the death registration process and the potential causes of delay.

Income Generation

As the fees are mainly of a statutory nature it is difficult to achieve additional income. The provision of a birth or death registration has to be given free at the point of service. A birth or death certificate, which is optional, costs on £4.00. Whereas many in the service believe that the fee for a registration and certificate should be much higher, the final decision for what is charged belongs to the Treasury. Following a government-led review of the funding of the local registration service many of the statutory fees remain at their current level. Registration Districts will however be able to apply fees to a range of services which are currently provided free of charge. The date when these new fees may be applied has not yet been set and the cost of provision of statutory services continues to be cost ineffective.

The fees and charges were reviewed and following a benchmarking exercise a number of none statutory fees were revised which has helped improve the services' financial position.

Private Citizenship ceremonies were introduced which have proved popular and helped to bring in additional income.

LICENSING

Background

The Licensing Service consists of the General Licensing, Hackney Carriage and Private Hire Licensing and Licensing Enforcement teams.

All three teams are located at Ashted Lock, Building 1-3, Birmingham Science Park, Dartmouth Middleway, Birmingham, B7 4AZ. The service moved to its new location from its former premises at Crystal Court on 7th December 2015.

The Licensing Service operates to an ISO 9002 BSI accredited Quality Management System, is an Investors in People employer and in 2015/2016 we retained the Customer Service Excellence award that recognises high standards of customer care.

General Licensing

The General Licensing Team is responsible for administering over 11,000 licences registrations and permits across a wide range of licensing functions, which includes amongst others, sales of alcohol, late night refreshment, regulated entertainment, sex establishments, charitable collections, amusement machines, gambling premises, skin piercers and scrap metal dealers.

The number of licences, registrations and permits issued by the team during the year 1st April 2016 until 31st March 2017 can be broken down as follows:

FUNCTION	LICENCE TYPE	NUMBER ISSUED
Licensing Act	Premises New	189
	Variation	49
	Variation DPS	615
	Transfer	191
	Provisional	0
	TENs	1302
	Personals	713
	Minor Variation	99
	Club Premises New	2
	Club Premises Variation	2
	Club Premises Minor Variation	2
Gambling Act	Premises New	1
	Premises Transfer	8
	Premises Re-Instatement	1
	Premises Variation	2
	Gaming Machines Alcohol New	28
	Gaming Machines Alcohol Transfer	1
	Gaming Machines Alcohol Variation	13
	Prize Gaming Permit	0
	Gaming Machines Club Fast Track Conv.	2
	Gaming Machines Club New	1

FUNCTION	LICENCE TYPE	NUMBER ISSUED
	Provisional Licence	0
	TUNs	0
	OUNs	1
Sex Establishments		
Sex Shop/Cinema	Grant	0
	Renewal	8
	Transfer	0
	Variation	0
	Short Term	0
Sexual Entertainment Venue	Grant	0
	Renewal	6
	Transfer	1
	Variation	0
	Minor Variation	0
Massage & Special Treatments		
1 level	Grant	16
	Renewal	71
2+ levels	Grant	8
	Renewal	39
	Variation (Additional Treatments)	0
	Transfer	1
Societies Lotteries	Grant	26
Street Collections	Grant	149
House to House Collections	Grant	15
Skin Piercers	Grant	180
Scrap Metal - Collectors	Grant	11
	Renewal	0
Scrap Metal - Sites	Grant	2
	New Site Manager	1
	Renewal	0
	Minor Variation	1
Total for year		3757

The figures shown do not reflect the number of current licences, registrations or permits at any given time, but detail the number of applications completed during the period 1 April 2016 – 31 March 2017.

Hackney Carriage and Private Hire Licensing

The Hackney Carriage and Private Hire Licensing Team issued 9,350 licences during 2016/2017, and conducted a further 4,292 transactions, when replacement, transfer and other sundry transactions are taken into account.

The number of licensed operators fluctuated throughout the course of the year but at the end of March 2017 the number was 89 (compared to 79 in 2015/2016).

The team is responsible for the Hackney Carriage Driver Knowledge Test which incorporates the Verbal Communication Test (VCT) as well as the combined verbal communication and knowledge test for private hire drivers.

Licences are required for Hackney Carriage and Private Hire drivers, Hackney Carriage and Private Hire vehicles and Private Hire operators.

Licence holders' details are shared with the City Council's Data Warehouse to prevent and detect benefit fraud and to cross reference information about individual licence holders to verify its accuracy.

Licensing Policy

During 2016/17 the Licensing & Public Protection Committee consulted on and renewed its conditions of licence for private hire operators, drivers and vehicles. It agreed a Site Management Agreement to control face to face fundraisers in the city centre, revised the knowledge test for private hire drivers, began a public consultation on a new emissions policy for all licensed vehicles to correspond with the Council's wider Air Quality Plan, and it reviewed its Cumulative Impact Policy areas under its Statement of Licensing policy.

Licensing Enforcement

The Licensing Enforcement Team is responsible for the inspection of licensed vehicles and premises, as well as dealing with requests for assistance in respect of general licensing, hackney carriage and private hire matters.

In addition to the team's own Licensing Enforcement Officers, a Police Officer is seconded to the team as Taxi Liaison Officer. PC David Humpherson joined Licensing early in January 2013.

PC Humpherson has recruited and trained a team of Special Constables to assist our officers on plying for hire investigations. They have been trained in taxi and private hire legislation and to act as evidence gatherers by taking un-booked journeys in private hire vehicles. The additional resource that these officers provide adds to the impact that our own officers can make in respect of dealing with illegal plying for hire. It also addresses the problem that most drivers recognise our own officers. This year officer Humpherson has installed a number of warning signs on street furniture in the Night Time Economy areas of the city to warn private hire drivers that it is illegal to ply for hire and that they are being watched by CCTV cameras, the evidence of which can be used in court. A number of investigations are underway based on the results of evidence from CCTV cameras.

The team undertakes regular exercises to combat the persistent problem of illegal plying for hire, as well as conducting targeted stop check exercises to check compliance with vehicle and driver conditions. Where non-compliance is discovered, the team takes appropriate legal action according to the circumstances and whether the non-compliance relates to a breach of a licence holder's conditions of licence or amounts to a criminal offence, in accordance with Regulation and Enforcement's approved Enforcement Policy.

The team also investigates more complex issues including unlicensed vehicles, false insurance documents, false insurance claims, and applicants making false or misleading representations on application forms.

Apart from the routine matters of illegal plying for hire and driving without insurance, the following are some examples of cases that were concluded in 2016/2017:

- Two private hire drivers were separately prosecuted under the Equality Act 2010 for failing to carry a passenger because the passenger was accompanied by an assistance dog.
- Two people were separately prosecuted for 'touting' for customers: i.e. they were soliciting members of the public to take journeys in private hire vehicles when the member of the public had not made a booking.
- A licensed driver pleaded guilty to using a forged insurance document under the Forgery & Counterfeiting Act 1981 with the intention of inducing Birmingham City Council to accept that it was genuine. He was sentenced to 6 months imprisonment, suspended for 18 months and 120 hours of unpaid work.

In response to complaints about drivers refusing to take passengers in wheelchairs or with assistance dogs, Enforcement Officers organised a series of test purchases to measure drivers' willingness to take a wheelchair passenger and a passenger with an assistance dog. Eight ranks were approached by a passenger in a wheelchair in on every occasion the taxi drivers agreed to take the passenger in his chair. Eight bookings were made with private hire operators by a passenger with an assistance dog. In each case the operator was not advised that the passenger was accompanied by a dog. All 8 drivers agreed to take the passenger with the dog.

Officers were pleased to note that on 6th April 2017 Section 165 of the Equality Act was enacted to create a criminal offence for a driver in a wheelchair accessible vehicle to refuse to carry a passenger in a wheelchair.

One of the primary duties and responsibilities of the team is to ensure all requests for assistance received are investigated fully and fairly. This is carried out in accordance with the Regulation and Enforcement BSI accredited management system and published service standards.

Requests for Assistance (RFAs) are categorised and coded in order to identify possible trends. This also makes it possible to identify repeat offenders and take proportionally more severe enforcement action if appropriate.

During the period of 1 April 2016 to 31 March 2017, the team dealt with 879 requests for assistance. In accordance with our Enforcement Policy, based on a risk approach, we routinely inspect Private Hire Operators, sex establishments and premises licensed for sexual entertainment and Massage and Special Treatments. Hackney carriage and private hire vehicles are inspected at unannounced stop-check exercises. In addition 792 licensed premises were inspected in response to either a request for assistance (RFA) from a member of the public or other business or as part of an ongoing assessment of risk.

During the year 18 high visibility stop check exercises were conducted across the city in conjunction with officers from West Midlands Police. Officers from the Central Motorways Patrol Group frequently assisted our officers. At a stop check, vehicles and drivers are inspected to ensure compliance with our conditions of licence. Licensed drivers caught committing non-licensing offences such as not wearing seat belts or other road traffic offences are dealt with by the police. Motorway patrol officers (and the Licensing service's own police officer) are approved vehicle inspectors who are authorised to inspect vehicles to determine their condition under the Road Traffic Act 1988. Twelve of the stop checks also incorporated a plying for hire exercise in which the team of special constables are deployed.

The overall compliance rate during 2016/2017 for safety critical conditions when measured at roadside stop-checks was 78.5% for private hire vehicles and 85.4% for hackney carriage vehicles. This measure was introduced at the beginning of 2012/2013. The greatest single reason for non-compliance was for lights.

The tables below record the percentage of vehicles which were compliant with safety critical conditions when inspected in stop-checks year by year since 2012.

	Hackney Carriage Vehicles % Fully Compliant with Safety Critical Conditions	No of Vehicles Checked	Private Hire Vehicles % Fully Compliant with Safety Critical Conditions	No of Vehicles Checked
2012/2013	83.2%	191	72.7%	959
2013/2014	86.1%	273	78.7%	1213
2014/2015	85.4%	426	81.6%	1307
2015/2016	83.6	390	80.2	1165
2016/2017	85.4	471	78.5	971

During the operational year all licensed private hire operators' businesses inspected. At inspection, the most common failing was the requirement to keep copies of up to date insurance certificates for drivers.

Prosecutions

Numbers of Cases

In 2016/2017 Licensing Officers submitted prosecution reports against 47 defendants and administered 151 simple cautions. During the same period 42 prosecution cases were finalised at Court. The majority of the prosecutions were for plying for hire offences, although two were taken under the Equality Act 2010 for refusing to take passengers with assistance dogs.

Costs and Fines

Fines totalling £13,508 were imposed and costs of £21,351 were awarded to the City Council against requests totalling £28,717 (74%). Offenders received sentences ranging from fines, community punishment orders and imprisonment, detailed below:

- 184 penalty points.
- 36 months disqualification.
- 6 months imprisonment.

LEGISLATION	CASES	OFFENCES	FINES	COSTS AWARDED	OTHER
Criminal Justice & Public Order Act 1964	3	3	£395	£1,000	
Equalities Act 2010	6	6	£1,468	£3,132	
Forgery & Counterfeiting Act 1861	1	2		£2,868	6 months imprisonment suspended for 18 months, 120 hrs unpaid work
Local Government (Miscellaneous Provisions) Act 1976					
Section 48	1	1	£57	£469	
Section 54	1	1	£145	£288	
Road Traffic Act 1988***	1	5	£660	£431	30 points & 2 years disqualification
Town Police Clauses Act 1847 (plying)	27	54	£9,128	£10,568	154 penalty points, 12 months disqualification
TOTALS	42	75	£13,508	£21,351	

Appeals against Sub Committee Decisions

The following tables list the number of cases proceeding to Court during the period 1 April 201 to 31 March 2017, together with outcomes and costs recovery:

Outcome	Magistrates' Court	Crown Court	Total
Dismissed	23	4	27
Allowed	4	1	5
Allowed in part		2	2
Withdrawn pre- or at Court	4	3	7
Other	2 x Consent Order agreed 1 x Allowed with conditions		3
Total	34	10	44

Note: These figures demonstrate that in 77% of cases, the decisions of the sub-committees were either supported by the Courts, or the appellants withdrew their appeal altogether. In 2015/16 that figure was almost identical at 79%.

Appeal Costs	Requested	Ordered	Percentage
PH/HC	£15,892.80	£9,685.80	61%
Licensing Act	£34,353.42	£25,360.42	73.8%

Work of the Licensing Sub-Committees

During the period 1 April 2016 to 31 March 2017 a total of 301 hackney carriage and private hire cases were referred to Licensing Sub Committees for consideration (in 2015/2016, 327 cases were referred to the Sub Committee). Part of the reduction is due to the decision to delegate to officers certain decisions including the consideration of suitability of evidence as to good character where the applicant is from a failed state and cannot comply with the requirement to provide a DBS (Criminal Record Check).

Sub Committees also considered 84 applications under the Licensing Act, these were for:

- Grant of Licence 39
- Variation 3
- Temporary Event Notice 7
- Personal 1
- Expedited Review 23
- Review 1
- Transfer 3

Service Delivery Plan 2016/2017 – Outturn

The Service Delivery Plan identifies targets and levels of performance. In order to ensure the delivery of quality services, the Licensing Service operates within the Regulation and Enforcement ISO9002 accredited management system (REMS). The Licensing Service is committed to a programme of activities designed to ensure that our Service Provision and Service Standard targets are met.

Service Provision	Acceptable Quality Level	Annual Outturn
We will respond to all General Licensing applications in a timely manner: Percentage of applications processed within 60 days* *Subject to tests and Committee timetable	90%	96.4%
We will respond to all HC & PH Licensing applications in a timely manner:	100%	100%
We will respond to Requests for Assistance (RFA's): Percentage of RFA's responded to within 5-day target	97.5%	79.3%

Service Provision	Acceptable Quality Level	Annual Outturn
We will submit all reports within two thirds of the time allowed us by law	98%	55.8%
Percentage of successful licensing prosecutions	95%	91.3%
Percentage of personal callers to Licensing seen within 15 minutes of their appointment time	97%	100%

CORONERS AND MORTUARY

2016 (the Coroner's Service operates a calendar year for statistical data) saw a significant increase in the number of deaths notified to the Coroner. The number rose to 5,080, an increase of 5.7% on 2015 (19% over the last two years) and represented 44% of all deaths in Birmingham and Solihull (up from 41% in 2015 and 37% in 2014). 1,566 Post Mortems were carried out on the order of the Coroner.

In relation to inquests the number conducted increased by 24% on the previous year to 746. 93% of inquests were completed within 6 months, the same as in 2015 with less than 1% of inquests not completed within 12 months, well below the national average. The average time to completion remained at 12 weeks against the national average of 18 weeks.

The service compared favourably with national averages in relation to the percentage of deaths that were inquested, the percentage that were subject to post mortem analysis and the amount of histological and toxicological testing that was carried out.

Efforts were made to reduce the time taken from notification of a death to the release of the deceased to the family for them to arrange funerals. The average time where no post mortem was required fell from 2.3 to 1.6 days through the year and for those where post mortems were carried out the reduction was from 4.3 to 2.9 days.

Customer satisfaction with the service remained excellent.

ENGLAND ILLEGAL MONEY LENDING TEAM

The England Illegal Money Lending Team is hosted by Birmingham City Council, tackling loan sharks across communities in England. The team moved under the governance of the National Trading Standards Board in 2012.

The team consists of 32 Investigators and Regional Liaise Officers that support individuals and communities being exploited by loan sharks.

The England team receives approximately 600 intelligence / information reports each year that are investigated and risk assessed. The risk assessment will include action to be taken as well as any perceived or real risk in respect of our duty of care to the complainant / victim.

Every intelligence report is investigated to ensure that any decision about further action is informed and considered. The process is underpinned by the requirement to continually review all information to ensure the team has not underestimated or failed to act on the information.

In 2016/2017 work undertaken by the team included:

- 43 warrants executed.
- 61 Arrests.
- All cases received either a custodial or suspended custodial sentences.
- Value of the loan books identified £9,708,900.

Examples of completed cases include:

- Operation Boniface. A hospital Consultant at Central Middlesex and Northwick Park Hospitals in Harrow, pleaded guilty to two counts of illegal money lending at an earlier hearing on 8th September 2016. He had issued loans, totalling more than £1million to hospital colleagues over a period of approximately five years. During an interview he admitted to issuing loans ranging from £500 to £50,000 to his customers since 2011. He said that he knew he was acting illegally but was of the view that it would take too long to obtain a license which would have curtailed his money making. An examination of records revealed that victims had often had loans totalling thousands of pounds. Dr Savani was also ordered to pay £525,000 proceeds of crime.
- Operation Japanese Windflower. A 47 year old male, who operated an illegal money lending business from casinos located in Teesside and Leeds, was sentenced to 38 months in prison by His Honour Judge S R G Hickey following a hearing at Durham Crown Court on 1st April 2016.
- Operation Jodo. A 41 year old male who operated an illegal money lending business to over 100 customers for a period of six year, charging interest rates of 100% in the Brinnington area of Stockport was sentenced to 33 months in prison by HHJ Potter following a hearing at Minshull Street Crown Court in Manchester on 28th July 2016.

In 2016/2017 there were 1,957 victims identified, the LIAISE team had 1075 contacts with victims and witnesses. Of the 100 victims that completed the team's questionnaire, 15% said they had felt suicidal in the last year; 5% because of the

loan shark. This reduced to 0% after the team's intervention. Every witness that engages with the team is risk assessed and appropriate measures are put in place to ensure their safety.

In 2016/17 the LIAISE staff trained 10,400 frontline staff. This is instrumental in giving people the skills and knowledge to encourage their clients to report activity.

Over 260 pieces of intelligence can be directly attributed to the work of LIAISE officers in 2016/17

Over 100 community projects were funded by proceeds of crime money in 2016/2017.

These included:

- A sofa being upholstered in Stop Loan Sharks fabric and going on tour in Manchester.
- A Stop Loan Sharks mosaic being designed and unveiled at a shopping centre.
- Graffiti murals on Youth Centres in Bradford.
- The development on a Stop Loan Sharks card game for people with autism to play.
- Design a piggy bank workshops being run for people with head and brain injuries.

Over 1000 credit union accounts were offered a £25 savings incentive through proceeds of crime money. These accounts were opened by people at risk of borrowing from loan sharks, and for many represented saving for the first time.

The stop loan sharks website went live in January 2017. With over 4000 hits in the first two months, it provides a new method for people to get information about the team and report loan shark activity.

Lesson plans about financial capability skills that are delivered around the Stop Loan Sharks message are now being delivered in 5000 schools across England.

Three organisations won the Stop Loan Shark Champions Awards 2016/2017. They were:

- Work out Your Money – Havant CAB – worked to deliver the Stop Loan Shark lesson plans to 100 children from 8 schools, and adapted it for delivery to adults.
- Hull and East Yorkshire Credit Union - Stop Loan Shark campaign in Goole and Hull – work in schools, supermarkets and a credit union incentive scheme
- Shotton Colliery Community Centre – ran a week of action and promoted a credit union incentive with fantastic results.



“People that had never been able to save joined the Incentive Programme and found it very easy to keep coming into the centre during the 10 weeks putting as much as they could afford. One lady was overjoyed that her Christmas Dinner expenses would be sorted out and she could afford a Turkey and the trimmings as it was her first year on her own and did not know how she would cope. Young people also joined the Credit Union and one young girl wanted to save for a mobile phone. Her brother told her not to save as she could get a new phone on contract, she decided to join as she had never had a mobile of her own which had not been passed down, each time this girl saw the Centre Manager she would give her half of her baby sitting money. One young lad decided to withdraw some of his savings in December so that he could buy his mam a Christmas present as he had never bought something that she had not paid for herself. He has continued to save and is now looking forward to his holiday.”

This year the Treasury announced that the team would be funded via an industry levy collected by the Financial Conduct Authority. The levy will be in place by 2017/2018 and will afford a degree of consistency over a sustained period.

BIRMINGHAM CITY COUNCIL

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

21 JUNE 2017
ALL WARDS

FOOD LAW ENFORCEMENT PLAN 2017/2018

1. Summary

- 1.1 The Local Government Act 2000 requires each Food Authority to identify its strategy and the resources required to fulfil its Food Safety function each year in the form of a Food Law Enforcement Plan.
- 1.2 The Food Law Enforcement Plan for 2017/2018 which is attached to this covering report includes a review of the food safety activity carried out in 2016/2017.

2. Recommendation

- 2.1 That the Food Law Enforcement Plan be agreed.

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3. Background

- 3.1 The Food Law Enforcement Plan sets out the City's commitment to Food Safety Enforcement for the year ahead.
- 3.2 The plan shows the number of food hygiene and food standards interventions which will be required and identifies those areas of work which are considered essential to protecting food safety in Birmingham.
- 3.3 The plan includes the targets that were set for last year (2016/2017) and reviews performance against them.
- 3.4 The activities in this plan are a statutory requirement under EC Regulation 882/2004 Article 3, and the requirements of the food authority are defined in Article 4. This includes carrying out effective and appropriate official controls and having sufficient numbers of suitably qualified and experienced staff.

4. Consultation

- 4.1 The work outlined in this report involves consultation with interested parties such as the Food Standards Agency, DEFRA, and Public Health England.

5. Implications for Resources

- 5.1 Whilst the exact costs are difficult to forecast we estimate that the plan will be delivered within the resources available to your Committee at a ratio of 11.5 full time equivalent officers.

6. Implications for Policy Priorities

- 6.1 Safe food is not only crucial to the health and safety of citizens and visitors to the City but the work which is referred to in the Food Law Enforcement Plan is also consistent with other policy priorities including economic success, staying safe and being healthy.
- 6.2 It is important that all groups within Birmingham, as well as visitors to the city, are offered suitable standards of food quality and hygiene to allow them the healthy lifestyle opportunities to which they are entitled. By targeting food safety interventions according to business risk ratings every effort is made to ensure safe food for all.

7. Public Sector Equality Duty

- 7.1 Equality issues are accounted for during food safety activities carried out by officers.

ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers:

Local Authority Framework Agreement - Food Standards Agency 2001

FOOD LAW ENFORCEMENT PLAN 2017-2018

1. Background

- 1.1 All local authorities are required to produce a Food Law Enforcement Plan which sets out the measures the authority will take to safeguard food safety during the forthcoming financial year and reviews the targets set for the previous year.
- 1.2 Birmingham has approximately 7,657 food premises including manufacturers, wholesalers, retailers and caterers, ranging from small and medium sized businesses to major concerns and this includes 79 food businesses which need specific approval. In addition many other businesses change hands throughout the course of a twelve month period, and currently there are 988 unrated food businesses requiring inspection and rating. This provides a constant challenge to ensure that all food businesses are included in the regular food inspection programme.
- 1.3 As well as carrying out food hygiene and food standards inspections, all food complaints relating to adulteration, composition, labelling, fitness and quality are investigated. An annual food and water sampling programme is carried out to ensure that microbiological, chemical and compositional standards are met, including nationally co-ordinated surveys. All reported outbreaks and sporadic cases of suspected food poisoning are also investigated.
- 1.4 Food safety activities are undertaken in line with the 'Better Regulation Agenda' brought in by the Regulatory Enforcement and Sanctions Act 2008, i.e. being proportionate, accountable, consistent, transparent and targeted. The Act, therefore, places greater emphasis on providing advice and guidance to food businesses in addition to firm but fair enforcement.

2. Demands on the Food Service

- 2.1 Each Local Authority has different demands which impact on the delivery of the food safety service and within Birmingham these include:
 - Ensuring that the statutory inspection targets are met in respect of such a large number of food premises in the largest local authority in England and Wales.
 - Ensuring that an equitable service is delivered in a multi-cultural City so that information on food hygiene and technical advice is accessible to all food traders.
 - Dealing with a high turnover of food businesses and proprietors within the City and maintaining an accurate database to ensure that all food premises are inspected.

- 2.2 The on-going reduction in officer numbers within Environmental Health will impact on the service, particularly in respect of planned activities

3. **Introduction to The Food Law Enforcement Plan for 2017/2018**

- 3.1 The priorities for ensuring food safety in Birmingham for 2017/2018 are to:
- Carry out a programme of food hygiene interventions for the year.
 - Investigate all requests for assistance in relation to food hygiene, food standards and food complaints, including sporadic cases and outbreaks of infectious disease.
 - Carry out a comprehensive food and water sampling programme, including private water supplies.
- 3.2 The work plan to safeguard food in Birmingham during the forthcoming year is detailed in Appendix 1.
- 3.3 Some of the figures, such as those for requests for assistance, infection control cases and food alerts given in Appendix 1 are not targets, as these will depend on the number of complaints and requests made which can obviously vary, but are the expected numbers based on the figures for 2016/2017.
- 3.4 The aim is to achieve a level of food safety in Birmingham that is consistent with the City Councils vision of a safer and healthier city.

4. **Food Premises Interventions**

- 4.1 Under the Statutory Food Law Code of Practice, all food premises are categorised according to an intervention rating score. This determines the frequency of primary food hygiene interventions, from 6 months to 3 years, and depends on the type of food business, the type of food processing or handling undertaken, hygiene and structure of the premises and how well risks are controlled.
- 4.2 These criteria are assessed and scored in Birmingham to give food businesses a rating under the 'National Food Hygiene Rating Scheme' (visit www.ratings.food.gov.uk). The scores for 6263 premises are available via the ratings website and since the launch officers have also been issuing window stickers for display in food premises for all businesses. The ratings range from 0 (urgent improvement necessary) to 5 (very good). As part of the scheme, businesses can request a rescore when the conditions have improved, a charge for this service is introduced from 1st April 2017.
- 4.3 Currently, 84.47% of rated food businesses in Birmingham are classed as 'broadly compliant', which leaves approximately 1,189 which are not, this figure includes 889 0-1 rated premises. Officers will be concentrating on those worst premises i.e. those in the 0-1 range by carrying out additional

interventions and taking enforcement action where necessary in order to raise standards to 'broadly compliant'

- 4.4 The authority will continue to utilize a range of interventions depending on the previous history of the food business. These interventions include inspections, audits, monitoring, surveillance, verification visits, advice and guidance and information/intelligence gathering. The intervention programme will be as indicated below.

The higher risk category A to D premises will still be subjected to full inspections. This includes inspections of premises requiring approval, manufacturers and larger more complex food businesses, these types of businesses add an additional 30 officer days per month demand on resources.

In relation to Category E rated premises, we will critically review the nature of the businesses and base our interventions as follows:

- those businesses with no inspectable risk (vending only, bookmakers retailing drinks only, chemists) will be removed from the programme;
- full inspection of low risk child care establishments following referral from Ofsted;
- full inspections of any premises subject to a food hygiene complaint;
- full inspection of 10% of category E premises where open food is handled.
- the remaining premises will be subject to a self-assessment questionnaire by correspondence

1,273 unrated food businesses – these are new registration businesses and those discovered operating that have not yet been inspected. These will be completed as resources permit.

An identified backlog of 153 category D inspections

Approx 500 new registrations expected this year

- 4.5 Food standards inspections which cover the quality, labelling and composition of food are rated differently but, where possible, these will be carried out at the same time as food hygiene inspections. Particular emphasis will be placed on food standards during inspections of manufacturers. Officers will also check on the traceability of products and their authenticity during inspections, to detect and reduce food fraud.
- 4.6 The food hygiene and food standards interventions which are required during 2017/2018 are given in Appendix 1.

5. Food Related Complaints and Requests for Assistance

- 5.1 Investigations are carried out into complaints about poor hygiene in food premises and in response to requests for assistance from food proprietors who need additional advice about their business. The number of complaints reached an all-time peak last year of 3,237.
- 5.2 In addition, an average of 498 complaints are received each year from members of the public who are concerned about the food they have bought or eaten. These are investigated on health risk basis and are often complex investigations involving other Local Authorities, national companies and importers where food has originated from outside Birmingham or the UK. The main aim of these investigations is to find out whether the complaint is indicative of a general problem which could have serious implications for public health at a local, regional or national level and to take steps to control any further risk. Where the issue is low risk, investigations will be delayed until the next programmed inspection.
- 5.3 The FSA operates a system to alert the public and food authorities to problems concerning food which does not meet food safety requirements or which is inadequately labelled and where a product recall has been issued. Many of these are for information only where the company concerned has been able to trace and recall most of the product, but some require local authority involvement to contact retailers or caterers to ensure the food is removed from sale. With such a large number of caterers and retailers in the City, this can prove a challenging and time consuming exercise. Where a large scale response is required this will impact on other demands of this plan.

6. Home/Primary Authority Principle

- 6.1 The Service supports the Home Authority Principle set up by LGR (Local Government Regulation) and the Primary Authority Principle set up by BRDO (Better Regulation Delivery Office). This means that a formal partnership arrangement is set up so that one local authority becomes the main point of contact to give the business advice on food policy matters and to advise other local authorities on any complaints they may be investigating within their area.
- 6.2 Regulatory Services has formal partnerships for food safety and food standards matters with:
- Mondelez - chocolate and confectionery manufacturer
 - Wing Yip - Chinese importer and wholesaler
 - Walter Smith (Birmingham) Ltd - retail butcher
 - Valerie Patisserie - Bakery
 - Hand Made Burger Co. - Restaurant chain
 - Virgin/ Cross Country Trains - Catering outlets on train services
 - Greggs - Bakery (informal partnership at present)
 - Thai Leisure Group - restaurant chain

- Black and White - restaurant chain (proposed)
- Sweet Heart Ice Cream - manufacturer (proposed)

6.3 This is a resource intensive exercise as additional meetings and inspections are required in order to properly advise both the business and other local authorities. Where Primary Authority Partnerships have been agreed, we operate a cost recovery system from the company, with approximately £28,000 recovered this year. For this reason we are continuing to convert our existing Home Authority arrangements to Primary Authority Partnerships. We are not able to make a profit on these arrangements, they are purely cost recovery. The principle is supported through our contact with businesses involved in the Greater Birmingham and Solihull Local Enterprise Partnership.

6.4 In addition, Birmingham is the originating authority for approximately 150 food manufacturers, whereby the Home Authority principles are applied, although formal partnerships have not been established with these companies. We have a statutory duty to deal with referrals from other Local Authorities where products manufactured in Birmingham are sold in other areas, and problems are identified. There is no requirement for these businesses to enter into a formal partnership arrangement.

7. Food Sampling

7.1 A food and water sampling programme will be developed during the year in conjunction with Public Health England (PHE) and the Public Analyst.

7.2 The sampling programme will be restricted to national and regional surveys co-ordinated by PHE and CENTSA, the surveys planned and numbers of samples proposed have yet to be agreed due to funding restrictions. There has been a year on year reduction in sampling, from 589 in 2013/2014, 163 in 2014/2015, 122 in 2015/2016, with a similar number of 121 in 2016/2017, the number planned for this year is not known at this stage. The aim of the programme is to ensure that food and drink supplied, manufactured and sold within Birmingham meets regulatory standards in terms of microbiological safety, labelling, composition and quality, and are accurately described, giving consumers accurate information when purchasing food products.

8. Control of Infectious Diseases

8.1 All outbreaks and sporadic cases of food poisoning and suspected food poisoning are investigated, including potentially serious infections such as typhoid, paratyphoid, dysentery and E. coli 0157. Officers work in close liaison with the Consultants in Communicable Disease Control, Public Health doctors and nurses of the Health Protection Agency to protect the public health of people who live and work in or visit the City. Joint guidelines have been produced to ensure that all cases of infectious disease are investigated thoroughly. Reciprocal training is carried out to train professionals for both Regulation and Enforcement and Public Health England.

9. Food Premises Database

- 9.1 It is important that the food premises database is kept as up to date as possible so that all food premises are inspected regularly. To achieve this a range of initiatives are carried out including the registration process, area surveys and officer's working proactively to identify new food premises in their districts. This additional surveillance ensures that new food businesses which have not registered are identified so that they can be included in the food inspection programme.
- 9.2 A number of issues were highlighted relating to the recording of premises on the database, and the ratings applied. A management report has been developed that identifies anomalies in relation to the information held about food businesses, including the ratings applied. This report will be run quarterly and any such anomalies will be corrected. This will ensure that the database is up to date and returns to the FSA are accurate.
- 9.3 There are 1,273 unrated food businesses that have been identified on the database. These are being included in the inspection programme which will improve the integrity of the database and the returns to the FSA. A regular report will be run to identify unrated premises, to ensure that steps are taken to manage this situation in future.

10. Advice to Businesses

- 10.1 In accordance with the Enforcement Policy, advice is offered wherever possible to food businesses, to assist them in complying with relevant law and the principles of good practice. This advice may be given during inspections or when requests for assistance are received directly from established food traders or from those considering setting up new food businesses.
- 10.2 A special starter pack to help new or proposed food businesses has been developed which is available on the City Council's website (www.birmingham.gov.uk/foodsafety). A wide range of other online leaflets in community languages is also available. The pack is also provided to new businesses at initial inspections when appropriate.
- 10.3 In addition, the food safety web pages on BCC's website provide more information and advice to food businesses and consumers and where to find additional support, such as from the Food Standards Agency.
- 10.4 Officers also work closely with the Events Division to ensure that food and health and safety at large outdoor events in Birmingham are assured. An information pack has been developed for traders to receive in advance and on-the-day inspections will be carried out at events such as Vasaikhi, Eid Mela, Frankfurt Christmas Market and Taste of Birmingham. The demand in this area of work has increased and the trend continues this year with very

high profile events in the city. Additional resources have not been identified to cover this demand and will therefore impact on other parts of this plan.

11. Food Safety and Standards Promotion

- 11.1 Queries from the public will be responded to on food safety matters as part of the overall request for assistance service.
- 11.2 As part of our partnership with Public Health the authority will continue to explore ways to encourage food outlets to provide healthier choices on their menus.
- 11.3 Due to changes in labelling regulations all food business will be required to provide greater information to consumers about allergenic ingredients. Following a significant on-going education programme in the city to prepare businesses for this change, this process will now step up to include planned enforcement at premises deliberately flouting the legislation.

12. Review of work undertaken in 2016/2017

Inspections and legal action

- 12.1 Appendices 1 and 2 give detailed information on the food safety work carried out during 2016/2017.
- 12.2 Some 3,641 food hygiene inspections were carried out in 2016/2017 and 2,234 food standards inspections. This represents 94% of the programmed inspection target and also included a number of low risk inspections to premises not included in the programme but where complaints had been received. The shortfall included overdue Category D premises that are planned to be completed this year.
- 12.3 Officers though concentrated on ensuring that the genuine low scoring premises were improved, by carrying out additional inspections and taking enforcement action where necessary. Although these premises are not automatically re-rated the current rate of improvement after officer action stands at 85%.
- 12.4 Birmingham has 79 food businesses which require specific EC approval. These are premises which produce or store high risk meat, fish or dairy products on a wholesale basis. This process usually involves a number of inspections, a review of the company's food safety management system and an assessment of other conditions before approval can be granted and requires a more in-depth knowledge of assessing food safety systems. These types of premises were responsible for E.Coli outbreaks investigated by Professor Pennington and represent the highest risk to food safety

- 12.5 During 2016/2017, 92 premises were found to present an imminent risk to health and were closed immediately until all necessary works were carried out. This is significantly above the average number of closures which are normally carried out in Birmingham but a slight decrease on last year's record high. Although this could be considered a large number, compared to the total number of inspections carried out, (3,641) it only represents 2.52% of premises which seriously failed to meet basic hygiene requirements and put their customers at risk.
- 12.6 63 premises were prosecuted for food hygiene and food labelling related offences, with total fines amounting to £687,629 and costs recovered of over £100,866. In addition 10 businesses received a simple caution. This is a 50% increase in the number of prosecutions compared to previous years and continues an upward trend.
- 12.7 One of the particular reasons for the rise in enforcement activity was a project to inspect a number of overdue Category A-D premises identified in last years plan. These businesses had a significantly higher proportion subjected to enforcement, including closure, prosecution and the service of legal notices. This demonstrates the importance of regular interventions to ensure food safety. A full report on this project and outcomes will be reported to committee.

Food and water sampling

- 12.8 A range of surveys have been carried out to investigate the microbiological safety of food products as well as composition and labelling. The sampling programme has included surveys of food manufactured in Birmingham as well as a number of surveys on healthy eating claims
- 12.9 As part of the sampling programme, 8 food and water surveys were carried out, complaints and outbreaks were investigated, in total comprising 121 samples in total. Of these, 23 were unsatisfactory i.e. 19% due to high bacterial counts or adulteration. This is a higher failure rate than in previous years and demonstrates the improved targeted and intelligence led programme. All of the issues identified were raised with the companies concerned and their home authorities and follow up action taken to ensure that problems were rectified and where necessary food products removed from sale.

Food Hygiene Rating Scheme

- 12.10 The ratings website where hygiene scores for businesses are displayed features over 6,000 food businesses. As part of the scheme officers issued window stickers for all businesses in the scheme. We continue to support the introduction of legislation requiring the mandatory display of ratings stickers.

Training

- 12.11 All officers who carry out food inspections have received training in food safety, although this was less than the 10 hours required, and the ever-popular Birmingham Practical Food Inspection courses were held in June 2016 in conjunction with Birmingham University and Wolverhampton University.

Project Work

- 12.12 Officers have worked in partnership with the Council's events division, an officer was appointed to offer specialist advice concerning food safety at the major outdoor events which took place in the City including, the Christmas German Market, the Vaisakhi celebrations and the Birmingham Carnival. Safety advisory groups were attended for 20 events and 11 events were subjected to actual inspections. Over 250 actual inspections were carried out of food businesses at those events to ensure they were a success. The work included denying access to businesses with a rating less than 3, on four occasions requiring a business to cease trading due to unsatisfactory conditions, but also working closely with businesses to secure compliance when this was possible.
- 12.13 In addition officers from The Food Lead Team have been working with Severn Trent and the Council's events team to address the issues of water supply at outdoor events. Where potable water is supplied it is required to meet drinking quality standards, even where it is not supplied for drinking purposes. We are also working closely with Severn Trent to identify and report illegal standpipe use, this not only is theft of water but can also pose a serious public health risk if defective standpipes are used.
- 12.14 Officers have worked with traders on the Bull Ring Indoor Market to improve the efficiency and effectiveness of temperature control equipment to ensure that products sold remain safe. Further work has been undertaken to improve the hygiene ratings of businesses at the Bull Ring Indoor Market. This is funded by the markets.

13. Trends

- 13.1 Appendix 3 gives statistical information showing the trends in a number of areas of food safety since 2011. The number of food premises in Birmingham and the interventions required has been fairly steady. The number of interventions carried out in 2016/2017, due to excluding the low risk inspections, was 94% of the actual target.
- 13.2 The number of Emergency Prohibition Notices served has fluctuated over the past 6 years but with a definite increase in the last two years, the average has risen to 61 served per year. The number served in 2016/2017 was significantly above this average, see appendix 3.

- 13.3 The number of Food Hygiene requests for assistance has continued to rise in comparison to the previous year. The numbers are more than double that received in the early 2000's, perhaps showing an increased public awareness of food hygiene and a demand for high quality, and ease of making complaints via the internet. The number of complaints about food has increased this year to 50% above the six year average.
- 13.4 The number of sporadic cases of infectious disease has increased last year, after a trend that had seen the numbers declining. This highlights the need to continue to direct resources at poor performing food businesses and the importance of food safety in the Service Plan in reducing foodborne infection. The number of reported outbreaks of infectious disease has risen this year; although most community outbreaks are being investigated by Public Health England.
14. Resources
- 14.1 The food safety work during 2016/2017 was carried out within existing budgets, except where indicated.

Essential food related work carried out in 2016/2017 and planned for 2017/2018

APPENDIX 1

Activity	No. planned/ expected 2016/2017	No. achieved 2016/2017		Comments	No. planned or expected in 2017/2018
Food hygiene primary inspections, category				<p>The interventions planned for 2017/2018 include all of the category A-D premises. The category E premises are subject to interventions as detailed in the report.</p> <p>The programme will also include the overdue D premises, new registrations and unrated premises.</p>	
A (High risk)	129	129			131
B	438	452			564
C (Medium risk)	988	988			924
D	732	654			862
E (Low risk)	255	255			142
Overdue A-C	27	27			0
Overdue D	312	202			153
Overdue E	4305	4305			0
Unrated	988	934			1273
New Registrations	500	1219			500
Food standards primary inspections	2674	2234		Food standards inspections are carried out at the same time as food hygiene inspections. As the number of food hygiene inspections was in excess of the target for food standards inspections, the number of food standards inspections was therefore increased. All premises classed as high risk for food standards such as food manufacturers were inspected.	2234

Activity	No. planned/ expected 2016/2017	No. achieved 2016/2017	Comments	No. planned or expected in 2017/2018
Requests for assistance: Food hygiene/ standards Food complaints TOTAL	2622 460 3082	3237 626 3863	These are not targets but expected figures – the numbers depend on the demand made by consumers and traders	3237 626 3863
Infection control: Sporadic cases Outbreaks	1109 1	1196 7	Most outbreaks of gastro-intestinal disease are caused by person-to-person spread of viruses which may not be food borne. However, the initial symptoms are the same as for food borne bacterial causes and so all outbreaks are investigated.	1196 7
National food alerts: For action For information TOTAL	1 73 74	2 74 76	The numbers depend on alerts issued by the Food Standards Agency	2 74 76
Food and water sampling	Programme of sampling to be carried out	samples carried out	More details are given in section 12.	The programme will be developed during the year in consultation with the PHE and BCL
Food related training for EHP's	10 hours for each officer	10 hours	All officers involved in food safety enforcement are required by the Code of Practice to complete 10 hours relevant training per year	10 hours per officer

Additional food related work carried out in 2016/2017 and planned for 2017/2018

APPENDIX 2

Topic	Activity in 2016/2017	Planned for 2017/2018 including resources implication (officers days per month)
Healthy Tums in Brum	Competition has been delayed due to PCT funding ending.	No funding anticipated at this stage.
Hygiene scores on the web	There are now 6428 food premises featured on the website, and officers are giving out stickers to all food premises following a programmed inspection	Charging for revisits is launched in April 2017 as agreed by Committee. The charge is £150.
Practical food inspection course	Two courses were provided on the identification and inspection of primary food	2 courses (depending on demand) in conjunction with B'ham and Wolverhampton Universities. (8 days)
Outdoor events	A lead officer has been assigned to liaise with Leisure Services on events such as Vaisakhi, the German Market and the Lord Mayor's show, Taste of Birmingham and to provide advice to mobile traders attending.	As for 2016/2017, additional resources to be directed at ensuring compliance during the German Market. (7 days)
Home/Primary Authorities	Additional work required – liaison with the company, advice given on policy matters and liaison with other local authorities.	Further development of Primary Authority partnerships with additional companies. (50 days)
Meetings at national level and consultation documents: FSA, LGA	Meetings have been attended as required, and consultation documents commented on.	As for 2016/2017 (5 days)
Liaison meetings: Water Authorities & CCDC's	Meetings have been attended as required.	As for 2016/2017 (2 days)
Food Fraud	Investigation of complaints.	To investigate the traceability of fresh meat at retail sale, and the labelling and marketing of fresh meat. (3 days)
Private Water Supplies	Monitoring and sampling of private water supplies.	To carry out risk assessments of private water supplies and private distribution networks. (5 days)
Markets business support.	Provide advice and guidance to markets section and market traders to improve compliance	As for 2016/17 (10 days)

Food Safety related statistics 2011/2017

Activity	2011/2012	2012/2013	2013/2014	2014/2015	2015/2016	2016/17	6 year average
Total number of food premises in Birmingham	7158	7379	7505	7330	7564	7657	7432
Programmed/ Primary Food hygiene inspections carried out	4032	3284	3104	2947	3087	3641	3349
Food Standards inspections carried out	2524	3071	2169	2320	2674	2234	2498
Emergency Prohibition Notices served	45	38	34	46	116	92	61
Food safety prosecutions completed at court	22	30	19	21	31	63	31
Food hygiene RFA's dealt with	1758	1807	1210	2030	2622	3237	2110
Food complaints RFA's dealt with	482	532	440	450	460	626	498
Sporadic infectious disease cases investigated	1225	1190	1058	1211	1109	1196	1164
Outbreaks investigated	32	23	19	11	1	7	15.5
Food alerts received	40	44	34	34	74	76	50

BIRMINGHAM CITY COUNCIL

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

21 JUNE 2017
ALL WARDS

HEALTH AND SAFETY LAW ENFORCEMENT PLAN 2017/2018

1. Summary

- 1.1 Local authorities are required, by the Health and Safety Executive's National Local Authority Enforcement Code (May 2013), to produce an annual Health and Safety Law Enforcement Plan (HSLEP).
- 1.2 This requirement is part of section 18(4) of the Health and Safety at Work etc. Act 1974 (HASWA), and requires all enforcing authorities to comply with requirements in the Code.
- 1.3 This document which is Birmingham's HSLEP sets out the Health and Safety work programme for 2017/2018.

2. Recommendation

- 2.1 That the report is noted and the Health and Safety Law Enforcement Plan for 2017/2018 be approved.

Contact Officer: Gary James
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3. Background

3.1 To meet the Health & Safety Executive's (HSE) *National Local Authority Enforcement Code*, Birmingham City Council as a local authority enforcing health and safety law is required to:

- make a commitment to improving health and safety outcomes;
- set out our priorities and plan of interventions for the current year taking into account local and national priorities; and
- target our interventions to maximise their impact.

3.2 To meet these requirements of the current *National Local Authority Enforcement Code*, the City Council should:

- make a formal corporate commitment to improving health and safety outcomes;
- implement a written intervention plan which is agreed by senior management including Members, and:
 - a. there is a statutory requirement to ensure adequate arrangements are provided for the enforcement of health and safety within the City
 - b. include a range of risk-based interventions such as planned inspections, planned enforcement initiatives, investigation of accidents and complaints,
 - c. link health and safety interventions with national, regional and local objectives such as national campaigns, and
 - d. include planning and delivering objectives with other partners and stakeholders.

3.3 This Health and Safety Law Enforcement Plan (HSLEP) includes proactive inspections of premises categorised as posing the highest risk identified through either national or local priorities. This enables resources to be directed to those areas where we believe we can have a positive impact in improving health and safety standards.

4. Consultation

4.1 The work outlined in this report is in response to the requirements of the HSE who direct local authorities on health and safety interventions nationally. The work has also been chosen to target high risk incidents that have been reported to the City Council in the previous financial year or are of an on-going concern.

5. Implications for Resources

5.1 The HSLEP will be delivered within existing budgets. However, priorities may have to be reviewed during the course of the year according to

circumstances. For instance, a large number of major accidents may require resources to be diverted from other areas of work identified in the plan.

6. Implications for Policy Priorities

- 6.1 The promotion of health and safety in the workplace, and where required effective enforcement interventions make an essential contribution to the health and well-being of residents and visitors to the City.
- 6.2 There are also direct economic benefits to businesses that are able to manage health and safety to a high standard. These are borne out through reduced absenteeism, insurance premiums, equipment repairs, etc.
- 6.3 The activities undertaken by Environmental Health in relation to health and safety supports the City Councils Business Plan 2016+ and the Leader's 2016 policy statement of working together for a fair, prosperous and democratic Birmingham.

7. Implications for Equality and Diversity

- 7.1 The inspection and control of workplaces is essential to protect the health, safety and welfare of all people employed in or who are visitors to Birmingham. There have been no specific implications for equality and diversity identified.

ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: Nil

HEALTH AND SAFETY LAW ENFORCEMENT PLAN 2017/2018

1.0 Overall aim of the service

1.1 The Health & Safety Law Enforcement Plan (HSLEP) represents our commitment to improving health and safety outcomes for employers, employees and visitors to Birmingham. The HSLEP also represents our continued commitment to the Health and Safety Executive's (HSE) Strategy, *Helping Great Britain work well 2016*¹. It also continues to support the recommendations of the Löfstedt review *Reclaiming health and safety for all: An independent review of health and safety regulation*².

1.2 Through a range of different interventions we will:

- Work in partnership with businesses to enable them to succeed economically;
- Secure justice for the victims of poor health and safety provision / management;
- Help prevent work-related death, injury and ill-health;
- Deal with serious risks (i.e. those likely to cause serious injury, ill-health, or death);
- Use risk-based and intelligence-led interventions to target our activities appropriately and proportionately. In accordance with the *National Local Authority Enforcement Code*, we will take a common-sense approach and only target the higher-risk activities and be proportionate and consistent in our enforcement.

2.0 Introduction

2.1 Section 18(4) of the *Health and Safety at Work etc. Act 1974* (HASWA) requires that enforcing authorities perform their duties in accordance with guidance from the HSE. This guidance is known as the *National Local Authority Enforcement Code* (the Code).

2.2 We will, in line with the Code, continue to reduce the burdens on business, which disproportionate enforcement of health and safety enforcement imposes. We achieve this by employing a range of different ways of dealing with businesses. These include proactive inspections, reactive visits in response to accidents and complaints, mailshots, etc. collectively, these are referred to as "interventions".

2.3 One of the key elements of the Code is that local authorities must, annually, publish their HSLEP. This HSLEP sets out the arrangements to demonstrate how we will comply with Section 18 of HASWA, and outlines the work programme for the forthcoming financial year.

¹ <http://www.hse.gov.uk/strategy/assets/docs/hse-helping-great-britain-work-well-strategy-2016.pdf>

² <http://www.dwp.gov.uk/docs/lofstedt-report.pdf>

- 2.4 Our work programme incorporates the requirements of the Code; covers a number of the national priorities listed by the HSE within Local Authority Circular 67/2 (revision 6) and takes into account local health and safety priorities which are based on local intelligence mainly generated through incidents / accidents received.

3.0 Primary Authority Partnership (PAP)

- 3.1 These continue both nationally and in the City Council, to grow. PAPs enable businesses to nominate a single local authority from whom they can receive assured professional advice. All other local authorities are required to adhere to this assured advice when considering taking action against the partner company. Please see section 6.0 for a list of our current “health, safety and welfare” PAPs.

We are continuing to seek opportunities to develop further partnerships and hope to announce more during 2017/2018.

4.0 The Scope of the Health and Safety Service

- 4.1 Health and safety regulation within the UK is predominately undertaken by the HSE and local authorities. The *Health and Safety (Enforcing Authority) Regulations 1998* states the sectors the HSE and local authorities regulate, this is largely dependent on the work activity being carried out in the premises. The Environmental Health Section is responsible for enforcing health and safety legislation in a wide range of premises in Birmingham, these include:

Warehousing & distribution	Steel stockholders & timber merchants	Sports stadia, theatres and cinemas
Retail and catering outlets	Hotels, hostels and residential care homes	Children's day nurseries
Offices	Tattooists and beauty treatments	Consumer Services e.g. coin operated laundrettes

4.2 There are around 21,000 business premises in Birmingham which come under our jurisdiction for health and safety regulation. Taking a risk based approach to proactive inspections as per HSE guidance, these individual business or specific types of businesses are only inspected where national or local intelligence indicates that there may be an increased risk to the health and safety of employees and or the public. By targeting our resource in this way it ensures that we reduce the burden on compliant and low risk businesses, and focus support on those businesses that need it most.

4.3 Our approach to regulation is in line with the HSE³ and our Enforcement Policy⁴, as well as taking into consideration the principles of Better Regulation:

- Targeted (to take a risk-based approach);
- Proportionate (such as only intervening where necessary);
- Accountable (to explain and justify service levels and decisions to the public and to stakeholders);
- Consistent (to apply regulations consistently to all parties); and
- Transparent (being open and user-friendly).

5.0 Priorities for 2017/18

5.1 Our key delivery priorities are listed below:

³ <http://www.hse.gov.uk/pubns/hse41.pdf>

⁴ <http://www.birmingham.gov.uk/regulatoryenforcementpolicy>

Strategic national priorities

- Investigate notifiable incidents, dangerous occurrences and cases of work-related illness in accordance with national incident selection criteria.
- Undertake a programme of targeted inspections of cooling towers to address the risk of legionnaire's disease.
- Inspect falls from height and workplace transport management in warehousing / distribution premises / other premises where history of falling from height known (not chains).
- Inspection of vehicles delivering goods to all sector premises to reduce risks from unstable loads
- Investigate all notifiable incidents where work-related violence is implicated to ensure that the business has both suitable management systems in place, and adequate security measures.
- Inspection of bulk LPG storage and retail premises to ensure pipework is maintained to reduce the risk of

Local priorities

- In conjunction with the national priorities mentioned above, we will also inspect:-
- Manual handling tasks and the risk of falls from height in tyre premises (not chains).
- Food machinery safety in catering premises to ensure that guarding of dangerous moving parts is being maintained.
- Shisha bars to ensure that employees are not being exposed to unacceptable health risks or from unsafe workplace conditions.

Partnership work

- Identify further business partners to enter into Primary Authority Partnerships, and grow existing ones.
- Continue through attendance at the West Midlands Health and Safety Liaison Group to share best practice with local colleagues and participate in relevant intervention work.
- Work with local and multisite businesses and the HSE through attendance at events or partnership work

6.0 Primary Authority Partnerships

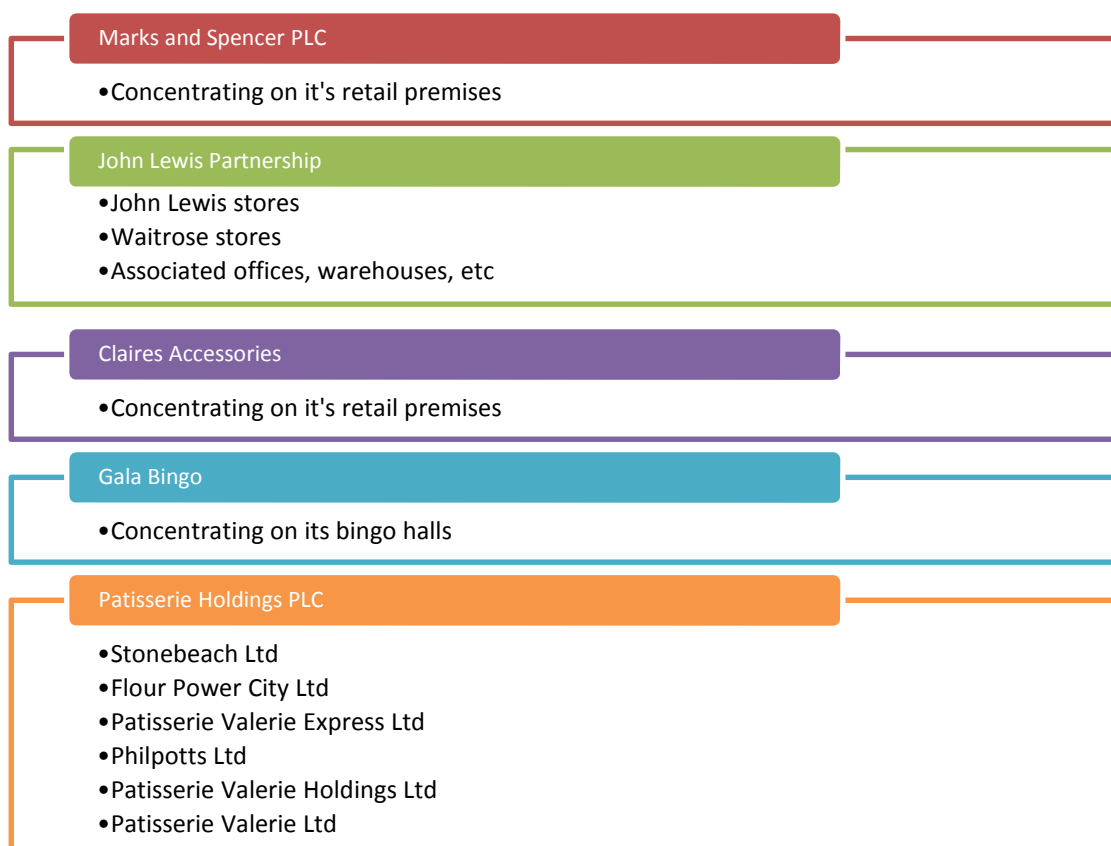
We are continuing to support and develop our PAPs covering England and Wales.

Primary Authority Partnerships allow us to:

- Work closely with the business helping them to apply health and safety regulations to their specific circumstances.
- Provide robust and reliable advice which must be recognised by all local regulators.
- Introduce, where required, a national inspection plan to improve the effectiveness of inspection, avoid repeated checks, and enable better sharing of information.
- Monitor enforcement action to ensure that the business is treated consistently and that responses are proportionate to the issue.
- Recover the costs incurred by managing the partnership including officer time and travelling expenses.

The City Council cannot profit financially from PAPs. However, the partnerships do promote the positive work of Birmingham City Council nationally.

We have five “Health, Safety and Welfare” Primary Authority Partnerships with



We will continue discussions with other companies to develop further Partnerships.

HEALTH AND SAFETY INTERVENTION PLAN FOR 2017/2018

Topic	Rationale	Number (‘Expected’ figures are as for 2016/2017)	Target
Health and safety related requests for assistance (RFA)	To respond to requests for assistance in line with Regulation and Enforcement’s target of responding to all RFAs within 5 working days	Approximately 400 expected	100% response
Category 1 accidents (Fatalities and Serious injuries)	To investigate serious cases where health and safety management may have broken down and to prevent further injuries or ill health	7 expected	100% investigated
Category 2 accidents (Serious injuries and Occupational Disease Notifications)	To investigate cases where health and safety management may have broken down and to prevent further injuries or ill health	Approximately 100 expected	100% investigated
Category 3 accidents (Less serious but reportable accidents)	To investigate cases where health and safety management may have broken down and to prevent further injuries or ill health	Approximately 300 expected	All will be assessed but not investigated unless specific reason determined (e.g. the accident occurred where we are targeting project work in that sector).
Reduce the risk of legionella	To ensure that the risk of legionella is appropriately controlled at source e.g. Cooling Towers. There are 9 registered Cooling Towers which fall to Birmingham City Council for enforcement that have been subject to full inspections since 2009.	9 (These will not be full inspections but focus on key parts of safety management)	100% inspected
Reduce the risk of serious injuries from workers /others being struck by moving vehicles or falling from height. Machinery guarding and Occupational Health	Carry out proactive inspections of Steel Stock Holders/ Builders Merchants / other such premises to check on safety measures in place to prevent workers from being at risk of injury or ill health within these business sectors.	30 visits	100% inspected

Topic	Rationale	Number (‘Expected’ figures are as for 2016/2017)	Target
Reduce the risk of falling from height or muscular skeletal disorders in tyre premises	Carry out proactive inspections of tyre premises to check on controls preventing workers or stock from falling from height or workers sustaining ill health handling of tyres	15 visits	100% inspected
Reduce the risk of employees being injured whilst unloading delivery vehicles	Carry out proactive inspections of delivery vehicles to trade estates to ensure the loads are secure and that the workers follow appropriate checks before unloading vehicles	20 visits	100% inspected
Reduce the risk of explosion caused by leaking LPG	Carry out proactive inspection of bulk LPG storage and retail premises to ensure suitable maintenance and inspection is being undertaken to prevent LPG escaping.	10 visits	100% inspected
Reduce the risk of ill health to employees in Shisha bars and unsatisfactory workplace conditions	Carry out proactive inspections of Shisha Bars to check on health control measures and workplace conditions	10 visits	100% inspected
Reduce the risk of personal injury and work-related stress in connection with violent incidents.	Investigate all notifiable accidents and RFAs where work-related violence is the causal factor.	14 expected	100% investigated
Reduce the risk of, amputations, crush injuries, as a result of coming into contact with unguarded dangerous parts of work equipment.	Inspect work equipment known to have caused serious injury (e.g. mixers, dough rollers, chippers, etc.) in catering establishments to ensure workers are not exposed to risks to their safety.	200 inspections	100% inspected
Reduce the risk of, serious injury from use of lifting equipment, e.g. fork lift truck, passenger lift, window cleaning cradle(s) where defects have been found during thorough examinations.	Contact the duty holder (email/letter) or visit where serious defects have been reported to make sure the equipment has been taken out of use or the repairs carried out.	75 notifications expected, but anticipate <10% will require contact / visit	100% of those requiring visits will be investigated
Training	Provide up to 10hrs training for all staff authorised under Health and Safety at Work etc. Act 1974. Where appropriate provide and facilitate training to external organisations and local authorities and / or to generate an income.	All health and safety authorised staff	100% of identified training

BIRMINGHAM CITY COUNCIL

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

21 JUNE 2017
ALL WARDS

SEX ESTABLISHMENTS POLICY PRE-CONSULTATION REPORT

1. Summary

- 1.1 Sex Establishments are regulated by the Local Government (Miscellaneous Provisions) Act 1982 as amended by Section 27 of the Policing and Crime Act 2009, and include Sexual Entertainment Venues (SEV's), Sex Shops and Sex Cinemas.
- 1.2 This legislation allows the Council to set a Policy, conditions and fees for the grant, variation, renewal and transfer of Sex Establishment licences.
- 1.3 The current Sexual Entertainment Venue (SEV) Policy is required to be regularly reviewed. The purpose of this report is to commence the review process and invite comment from members of the Licensing and Public Protection Committee and other interested parties which will then be considered when revising the document.
- 1.4 It is proposed to integrate all Sex Establishments into a single policy document, which incorporates separate standard conditions for the different types of premises. There is currently no specific Policy relating to Sex Shops or Sex Cinemas.
- 1.5 The consultation extends to the Standard Conditions associated with each type of Sex Establishment, as well as the policy document itself.

2. Recommendations

- 2.1 That Officers commence the primary consultation process immediately.
- 2.2 That any responses to the Primary Consultation should be submitted to the Licensing Manager before 27th July 2017.

Contact Officer: Emma Rohomon Licensing Manager
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3. Background

- 3.1 The current Sexual Entertainment Venue Policy has been in effect since November 2014.
- 3.2 Previously, a working group comprising Members of your Committee and Officers considered expanding the scope of the existing SEV Policy. The recommendation of the working group was to consider implementing a single Sex Establishments Policy, with separate Standard Conditions for each type of Establishment (as at Paragraph 4).
- 3.3 Members of your Committee are invited to consider the existing Policy and conditions attached at Appendix 1-3.
- 3.4 This is the start of the consultation process. Suggestions or proposals put forward by the Committee will, where appropriate, be included within the revised document(s).
- 3.5 All consultees will be requested to make any suggestions for amendments before 27th July 2017 in order that they may be considered when producing the revised documents.
- 3.6 Consultation will also take place with other stakeholders, including (but not limited to) existing licence holders, West Midlands Police and by posting the consultation on our website and BeHeard.
- 3.7 The revised Policy and conditions will then be subject to further public consultation in the same manner.
- 3.8 A proposed timetable is attached at Appendix 4 which outlines the expected progression of this matter. This timetable may be subject to change, dependent upon the results of the consultation.

4. Proposed Initial Amendments

- 4.1 It is proposed to integrate all Sex Establishments into one policy document, for consistency and completeness. Such a document to incorporate standard conditions for each different type of Sex Establishment.

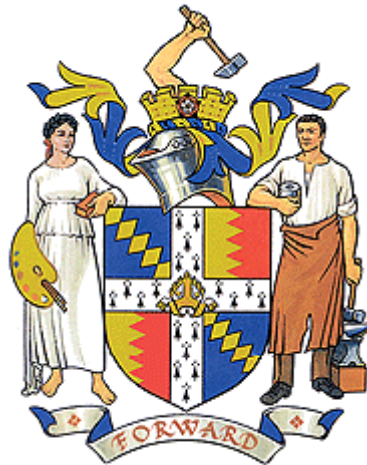
5. Matters for Consideration

- 5.1 The majority of the existing Sexual Entertainment Venue policy consists of procedural matters regarding the application stage and other matters which may arise through the term of the licence, i.e. variation, revocation, renewal etc.

- 5.2 In March 2010, the Home Office produced Guidance for local authorities carrying out their functions under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended).
- 5.3 A link to this guidance can be found at <http://www.birmingham.gov.uk/sexualentertainmentvenues> but for ease of reference, the sections on Licensing Policies, and on the European Convention on Human Rights have been replicated at Appendix 2 to this report.
6. Consultation
- 6.1 Consultation will be carried out with other interested parties, including, but not limited to: existing licence holders and their representatives, Licensing Officers and Licensing Enforcement Officers, Business Improvement Districts, Elected Members, partner enforcement agencies such as West Midlands Police and relevant third sector organisations.
- 6.2 Responses to the initial consultation will be used to inform revisions to be made to the Policy and associated conditions. A revised version(s) will be brought before your Committee in September 2017 that takes account of the results of the consultation, as far as is practicable.
7. Implications for Resources
- 7.1 The cost of administration and compliance activity for Sex Establishment licences is met through licence fees. This includes the cost of devising and reviewing Policies.
8. Implications for Policy Priorities
- 8.1 The issues addressed in this report relate to the City Council priorities associated with creating a cleaner, greener and safer city and providing excellent services.
9. Public Sector Equality Duty
- 9.1 The benefit of an agreed Policy is to ensure a consistent approach.
- 9.2 Consultation will be carried out with other interested parties, as detailed in Paragraph 6 to this report.

ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: Nil



BIRMINGHAM CITY COUNCIL SEXUAL ENTERTAINMENT VENUE POLICY

EFFECTIVE FROM 1st November 2014

Licensing Service at Crystal Court,
Aston Cross Business Village
50 Rocky Lane,
Aston,
Birmingham, B6 5RQ

OR alternatively by email to: licensing@birmingham.gov.uk

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1. **Introduction**

- 1.1 Birmingham City Council (“the Council”) is able to regulate sex establishments through Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (“the 1982 Act”), in particular sex shops and sex cinemas.
- 1.2 On 6 April 2010 the Policing and Crime Act 2009 (“the 2009 Act”) came into force and amended Schedule 3 of the 1982 Act. Sexual Entertainment Venues (“SEVs”) were added as a category of sex establishments to enable local authorities to regulate those premises which provide lap dancing, pole dancing, table dancing, strip shows, peep shows and live sex shows and other similar entertainment.
- 1.3 The Council resolved on 12 October 2010 to adopt the new amendments to gain regulatory control of SEVs with effect from 3 January 2011. Consequently, this SEV policy applies to the whole of Birmingham.
- 1.4 The adoption of Schedule 3 allows the Council to prescribe standard conditions and fees for the grant, variation, renewal and transfer of SEV licences and the appropriate number of premises to be licensed in a relevant locality, which may be nil.
- 1.5 The aim of this policy is to provide guidance for prospective applicants, existing licence holders, those who may wish to object to an application and members of the Licensing and Public Protection Committee when making a determination on an application. This policy will be reviewed regularly and revised where necessary.
- 1.6 Each application will be dealt with on its own merits
- 1.7 Consideration will be given to the provisions of the Human Rights Act 1998, the Provision of Services Regulations 2009 and the Home Office guidance issued in March 2010 entitled “Sexual Entertainment Venues – Guidance for England and Wales” when considering applications for SEVs.
- 1.8 The Council does not take a moral stance in adopting this policy. The Council recognises that Parliament has made it lawful to operate sex establishments and that such businesses are a legitimate part of the retail and leisure industries. It is the Council’s role as a Licensing Authority to regulate such premises in accordance with the law.

2. **Sexual Entertainment Venues**

- 2.1 An SEV is defined in the 2009 Act as “any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer”.
- 2.2 The meaning of ‘relevant entertainment’ is “any live performance or live display of nudity which is of such a nature that, ignoring financial gain it must

reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of an audience (whether by verbal or other means)". An audience can consist of just one person.

2.3 This definitions would apply to the following forms of entertainment [as they are commonly known]: lap dancing; pole dancing; table dancing; strip shows; peep shows and live sex shows. This list is not exhaustive and should only be treated as indicative. The decision to licence premises as sexual entertainment venues shall depend on the content of the relevant entertainment rather than the name given to it.

2.4 The 2009 Act provides exemptions from the definition of SEVs as follows:

- Sex shops and sex cinemas (which are separately defined in Schedule 3 to the 1982 Act).
- Premises which provide relevant entertainment on an infrequent basis. These are detailed as premises where:
 - (a) no relevant entertainment has been provided on more than 11 occasions within a 12 month period;
 - (b) no such occasion has begun within a period of one month beginning with the end of the previous occasion; and
 - (c) no such occasion has lasted longer than 24 hours.
- Other premises or types of performances or displays exempted by an order of the Secretary of State.
- Private dwellings to which the public are not admitted

2.5 Premises which provide regulated entertainment on an infrequent basis will continue to be regulated under the 2003 Act insofar as they are providing regulated entertainment under that Act either by virtue of a premises licence or club premises certificate or a temporary events notice issued under that Act.

2.6 In practice this means that the vast majority of lap dancing clubs and similar venues will require both a SEV licence for the provision of relevant entertainment and a premises licence or club premises certificate for the sale of alcohol or provisions of other types of regulated entertainment not covered by the definition of relevant entertainment.

2.7 Live music or the playing of recorded music which is integral to the provision of relevant entertainment such as lap dancing for which a SEV licence is required is specifically excluded from the definition of regulated entertainment in the 2003 Act. Therefore, a SEV will not require a premises licence or club premises certificate just because it plays recorded music for a performer to dance to.

3. **Waivers**

3.1 Schedule 3 of the 1982 Act makes provision for the Council to grant a waiver from the requirement to hold a sex establishment licence in any case where it

considers that to require a licence would be unreasonable or inappropriate. A waiver may be for such a period as the Council thinks fit. Applications for waivers will be considered in exceptional circumstances.

- 3.2 The Council may at any time give a person who would require a licence but for a waiver, notice that the waiver is to terminate on a date not less than 28 days from the date the notice is given.

4. **Making an Application**

- 4.1 The 1982 Act provides a maximum licence period of one year. The authority may grant a shorter licence if it thinks fit. A shorter period may be granted for example where a licensee wants a licence for a limited period for a trade exhibition or a show.
- 4.2 An application for the **grant, variation, renewal or transfer** of a licence must be made in writing to the Licensing Authority together with the application fee in accordance with the requirements set out below.
- 4.3 There are three separate notice requirements:
1. The applicant must, within seven days after the date of the application, publish an advertisement in a local newspaper circulating in the local authority's area. A suggested form of advertisement is available on request from the Licensing Section.
 2. Where the application is in respect of premises the applicant must display a notice of the application on or near the premises where it can be conveniently read by the public. The notice must be displayed for 21 days starting with the date of application. Again a suggested form of notice is available on request.
 3. The applicant must send a copy of the application to the Chief Officer of Police no later than seven days after the date of the application. Where the application is made electronically it is for the Local Authority itself to send the copy within seven days of receipt of the application.
- 4.4 The application form can be used for grant, variation, transfer and renewal applications. Applicants must provide their name, address, age (where the applicant is an individual), the premises address and the proposed licensed name of the premises.
- 4.5 Applicants must, at the time of submission of a new grant or variation application, provide a scheme showing the exterior design for consideration by the Licensing Authority before the premises are opened for business in order to ensure that exterior design of the premises complies with the Standard Conditions of Licence.

- 4.6 In addition applicants must, at the time of submission of a new grant or variation application, provide a plan showing the interior layout of the premises and where relevant entertainment will take place for consideration by the Licensing Authority.
- 4.7 Applicants for SEVs must also submit a copy of their “club rules” and customer code of conduct. Such club rules must contain the required conduct of performers.
- 4.8 Such club rules will form part of the conditions of licence (if granted) and may be subject to amendment by the Licensing Authority prior to approval.
- 4.9 Applicants must provide evidence to the satisfaction of the Licensing Service of the registration for, and payment of business rates for the premises in question at the time of application.
- 4.9 Officers of the Licensing Service may, as part of the application process, visit the relevant locality of the premises to establish and report on whether there are any characteristics of the locality which may require consideration by the Licensing and Public Protection Committee.
- 4.10 Officers of the Licensing Service may also consult with colleagues from other Departments such as Planning
- 4.11 With regards to online application tacit authorisation does not apply to applications for SEV licences. This means the applicant must wait for the Licensing Authority to determine the application before they can operate a SEV.

5. **Fees**

- 5.1 The 1982 Act permits the authority to set a reasonable fee. Fees for Sex Establishments are reviewed annually by the Licensing and Public Protection Committee and set at a level appropriate to recover the costs of carrying out the licensing function under that Act namely: administration (including any hearings or appeals), inspection and compliance.
- 5.2 The above process is also applicable to the function of licensing SEVs and the appropriate fees for applications can be found on the Council’s website at: www.birmingham.gov.uk/licensingfeesandcharges.
- 5.3 Application fees must be paid in full at the time of submission of the application.

6. **Making Objections to Applications**

- 6.1 The 1982 Act permits a wide range of persons to raise objections about the **grant, renewal, variation or transfer** of a SEV licence. Objectors can include residents, resident associations, trade associations, businesses, Councillors (providing they do not sit on the Licensing and Public Protection Committee),

regulatory agencies such as Planning and Environmental Health, or MPs. The Police are a statutory consultee for all applications.

6.2 Objections must be made in writing (email is acceptable) no later than 28 days after the date of the application to the Licensing Authority and should include the following:

- the name and address of the person or organisation making the objection;
- the premises to which the objection relates;
- the proximity of the premises to the person making the objection, a sketch map or plan may be helpful to show this.

6.3 Objectors should limit their objection to matters which are relevant to the statutory grounds for refusal as set out in the 1982 Act. The relevant grounds for objection are:

- That the applicant is unsuitable to hold an SEV Licence;
- That the SEV, if granted would be carried on for the benefit of person/s who would be refused an SEV licence if they had applied themselves;
- That the layout, character or condition of the premises are inappropriate for the proposed SEV;
- That the use of the premises as an SEV would be inappropriate due to the use of premises in the vicinity;
- That the use of the premises as an SEV would be inappropriate due to the character of the relevant locality; and/or
- That the number of sex establishments or sex establishments of a particular type is inappropriate in the relevant locality.

Any objections received by the Licensing Authority which do not relate to the grounds set out in the 1982 Act will be rejected by the Licensing Service.

6.4 The courts have consistently stated that moral objections are inadmissible in such applications and will therefore be rejected.

6.5 Objections will be considered by the Licensing and Public Protection Committee determining the application. The applicant will be informed of any objections received in respect of their application and the objection(s) will become public documents. (However, objector's personal details such as name, address and telephone number will be removed.) A copy of the hearing procedure will be sent to the applicant and any objectors prior to the hearing.

7. Determination of an Application

7.1 **All applications for the grant of a SEV licence will be determined by the Licensing and Public Protection Committee.** Valid objections to any application will be considered by the Licensing Committee or delegated to a Licensing Sub Committee at the hearing to consider the application.

Applicants and objectors will be given an equal opportunity to state their case in accordance with the Licensing and Public Protection Committee's procedure for hearings, which is available from the Licensing Service.

- 7.2 The 1982 Act provides five mandatory grounds and four discretionary grounds for refusal of a SEV licence. Each application for a SEV will be decided upon its own merits and the Licensing Authority will give clear reasons for its decisions. Any decision to refuse a licence **MUST** be relevant to one or more of the following grounds:

7.3 Mandatory grounds for refusal

Specific mandatory grounds for refusal of a licence are set out in paragraph 12(1) (a to e) of Schedule 3 in the 1982 Act. A licence cannot be granted:

- (a) to any person under the age of 18 years;
- (b) to any person who is for the time being disqualified due to the person having had a previous licence revoked in the area of the appropriate authority within the last 12 months;
- (c) to any person, other than a body corporate, who is not resident in an EEA State or was not so resident throughout the period of six months immediately preceding the date when the application was made; or
- (d) to a body corporate which is not incorporated in an EEA State; or
- (e) to any person who has, within a period of 12 months immediately preceding that date when the application was made, been refused that grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal.

7.4 Discretionary grounds for refusal

The only discretionary grounds upon which the Council may refuse an application for the grant or renewal of a licence on one or more of the grounds specified in Schedule 3 paragraph 12(3) are that:

- (a) the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reasons;
- (b) if the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he/she made the application himself/herself;
- (c) the number of sex establishments, or of sex establishments of a particular kind, in the relevant locality at the time the application is made is equal to or exceeds the number which the authority consider is appropriate for the locality;
- (d) the grant or renewal of the licence would be inappropriate, having regard:
 - (i) to the character of the relevant locality; or
 - (ii) to the use to which any premises in the vicinity are put; or
 - (iii) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

8. Suitability of an Applicant

8.1 In respect of 7.4(a) and (b) above with regard to the suitability of an applicant to hold a licence, the criteria for Members to consider include, but are not limited to:

- that the operator is honest
- that the operator is qualified by experience to run the type of sex establishment in question
- that the operator understands the general conditions
- that the operator is proposing a management structure which delivers compliance with the operating conditions e.g. through managerial competence, presence, a credible management structure, enforcement of rules internally, a viable business plan and policies for welfare of performers
- that the operator can be relied upon to act in the best interests of performers e.g. in how they are remunerated, the facilities they enjoy, how they are protected and how and by whom their physical and psychological welfare is monitored
- that the operator can be relied upon to protect the public e.g. transparent charging, freedom from solicitation
- that the operator can show a track record of management of compliant premises, or that he/she will employ individuals who have such a track record.
- Compliance with other regulatory and taxation schemes

9. Suitability of Premises

9.1 The Council would expect that when an application for an SEV licence at permanent commercial property is made, that the applicant will be able to demonstrate that the layout, character and/or condition of the premises is appropriate to the relevant entertainment proposed at the premises.

9.2 The Council would expect that when an application for an SEV licence at permanent commercial property is made, that property should have the appropriate planning consent.

10. Use of Premises in the Vicinity

10.1 In considering the grant, renewal or variation of the licence would be inappropriate to the use which any premises in the vicinity are put, the Licensing Authority shall consider, among other considerations:

- (a) the fact that the premises are sited in a residential area;
- (b) the premises are sited near shops used by or directed to families or children, or no frontages frequently passed by the same;
- (c) the premises are sited near properties which are sensitive for religious purposes e.g. synagogues, churches, mosques, temples;
- (d) the premises are sited near premises or areas which are sensitive because they are frequented by children, young persons or families, including but not limited to educational establishments, leisure facilities

- such as parks, libraries or swimming pools, markets and covered markets;
- (e) the premises are sited near places and or buildings of historical/cultural interest, tourist attractions.
- (f) the premises are sited near civic buildings

11. Character of the Relevant Locality

11.1 With reference to paragraph 8.4(d) 'relevant locality' for the purposes of paragraph 12 of Schedule 3 of the Act means:

- (i) in relation to the premises, the locality where they are situated, and
- (ii) in relation to a vehicle, vessel or stall, any locality where it is desired to use it as a Sexual Entertainment Venue.

11.2 In considering if the grant, renewal or variation of the licence would be inappropriate, having regard to the character of the relevant locality or to the use of which any premises in the vicinity are put, the Licensing Authority shall consider, among other considerations, whether the grant of the application would be inappropriate, having regard to:

- (a) the fact that the premises are sited in a residential area;
- (b) the premises are sited near shops used by or directed to families or children, or no frontages frequently passed by the same;
- (c) the premises are sited near properties which are sensitive for religious purposes e.g. synagogues, churches, mosques, temples;
- (d) the premises are sited near premises or areas which are sensitive because they are frequented by children, young persons or families, including but not limited to educational establishments, leisure facilities such as parks, libraries or swimming pools, markets and covered markets;
- (e) the premises are sited near places and or buildings of historical/cultural interest, tourist attractions.
- (f) the premises are sited near civic buildings

11.3 The Council will consider relevant locality on a case by case basis taking into account the particular circumstances of each case. However, the Council will not seek to define locality as the whole of the Council's administrative area or an entire town.

12. Appropriate Number of Sexual Entertainment Venues

12.1 As set out within paragraph 7.4(c) above, paragraph 12 of Schedule 3 provides that a Local Authority may refuse an application if it is satisfied that the number of sex establishments or sex establishments of a particular kind in the relevant locality at the time the application is made is equal to or exceeds the number which the authority consider is appropriate for that locality. The Council is able to determine that the appropriate number for a locality is nil.

- 12.2 The Council may choose to set an upper limit guide on the number of SEVs which it considers appropriate in any area within the Council's administrative control. Each application MUST in any event be considered on its merits at the time the application is determined by the local authority.
- 12.3 The Council considers that the City Centre, being that part of the City which falls within the ring road (A4540) is an area in which it is appropriate to have an upper limit guide on the number of SEVs within it. The Council considers the appropriate upper limit for this area is eight.

13. **Conditions**

- 13.1 When issuing an SEV licence the Licensing Authority is permitted to issue it on such terms and conditions and subject to restrictions as specified at the time the licence is issued either in the form of conditions specific to the individual or standard conditions applicable to all SEVs.
- 13.2 The Council has decided to produce regulations prescribing standard conditions and these shall apply to every licence granted, varied, renewed or transferred by the authority unless they have been expressly excluded or varied. These regulations are attached to this policy at Annex A.
- 13.3 It is an offence to operate an SEV without a licence or contravene a condition of the licence. The maximum penalty upon conviction is £20,000

14. **Renewal Applications**

- 14.1 Provided an application for renewal has been accepted by the Licensing Service prior to the date of expiry, the licence shall be deemed to remain in force until such time as the renewal is determined by the Council, or the application is withdrawn.
- 14.2 The statutory requirements for advertising and giving notice, are the same as those applying to initial grants, which are dealt with at paragraphs 5-13. Renewal applications will be dealt with by way of delegated authority to officers, unless there are any objections or other matters of concern, in which case, the application will be heard by the Committee.

15. **Revocation of a Sexual Entertainment Venue Licence**

- 15.1 A licence can be revoked by the Council at any time on any one of the grounds set out in 7.3(a - e) or any one of the grounds set out in 7.4(a and b) of the policy.
- 15.2 The Council will not revoke a licence without the licence holder being given an opportunity to appear before the Licensing and Public Protection Committee and be heard.
- 15.3 Where a licence is revoked, the Council shall give the licensee a statement in writing of reasons for its decision within seven days of the request being

made. Where a licence is revoked its holder will be disqualified from holding or obtaining a licence in the area of the Local Authority for a period of 12 months from the date of revocation.

- 15.4 When the authority revokes a licence, the decision does not take effect until the time for bringing an appeal has expired and if an appeal is brought until the determination or abandonment of that appeal.

16. Cancellation of a Sexual Entertainment Venue Licence

- 16.1 The Council may at the written request of the licence holder cancel the licence.
- 16.2 If a licence holder dies then the licence will be deemed to have been granted to the licence holder's personal representatives and will remain in force for three months from the date of the licence holder's death and will then expire.
- 16.3 The Council can, however, on the application of the licence holder's personal representatives extend the three month period if the Council is satisfied that an extension is necessary for the purpose of winding up the late licence holder's estate. The Council will only do so where there are no circumstances that make such an extension undesirable.

17. Variation of a Sexual Entertainment Venue Licence

- 17.1 A licence holder may at any time apply to vary a term, condition or restriction of a licence or apply to change the location of a licensed vessel. The statutory requirements for advertising, giving notice, consideration by the Council, hearings and the giving of the reasons are the same as those applying to initial grants, which are dealt with at paragraphs 5-12. On receiving such an application, the Council can either:
- (a) make the variation as requested;
 - (b) make such variations as it thinks fit;
 - (c) refuse the application.
- 17.2 The applicant will be given an opportunity to attend a Licensing and Public Protection Committee before a decision is made to make a variation other than that being applied for or to refuse the application.
- 17.3 Where the Council imposes some other term, condition or restriction other than one sought in the variation application, the decision does not take effect until the time for bringing an appeal has expired and if an appeal is brought until the determination or abandonment of that appeal.

18. **Right to Appeal a Decision**

- 18.1 The decisions against which a right of appeal lies are refusals for the grants, renewals, variations or transfers, the imposition of conditions and also revocation.
- 18.2 Appeals must be made to the Magistrates Court within 21 days, starting from the date the applicant is notified of the Licensing Authority's decision.
- 18.3 It is important to note that appeals only lie against the mandatory refusals on the basis that the mandatory ground does not apply to the applicant/licence holder. Further, no appeal lies against the Licensing Authority's decision made on the discretionary grounds set out at paragraphs 7.4(c and d), namely:
- that it is inappropriate to grant or renew a licence on the grounds of the character of the locality or the number of premises in it; or
 - the use of premises in the vicinity or the layout, character or condition of the premises.
- 18.4 The only discretionary grounds against which an appeal lies are those in paragraph 7.4(a and b) relating to the suitability of the applicant, the manager and/or the beneficiary of the operation.

ANNEX A

BIRMINGHAM CITY COUNCIL

STANDARD CONDITIONS FOR SEXUAL ENTERTAINMENT VENUES (SEV)

These regulations are made under paragraph 13(1) of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (the “1982 Act”) as amended by the Policing and Crime Act 2009 (the “2009 Act”) to prescribe conditions. In these Regulations, except when the context otherwise requires, the following expressions shall have the following meanings:

- (i) “The Council” shall mean the Birmingham City Council and all enquiries concerning these Regulations and its conditions shall be directed to Licensing Section, Crystal Court, Aston Cross Business Village, 50 Rocky Lane, Aston, Birmingham, B6 5RQ. 0121 303 9896. licensing@birmingham.gov.uk
- (ii) These conditions apply to all premises licensed as a “sexual entertainment venue” as defined by the said 1982 Act that is to say terms, conditions and restrictions on or subject to which licences under Schedule 3 of the 1982 Act are in general to be granted, renewed, varied or transferred.
- (iii) “Sexual Entertainment Venue” (‘SEV’) means any premises at which relevant entertainment is provided before a live audience, directly or indirectly for the financial gain of the organiser or the entertainer.
- (iv) “Premises” includes any vessel, vehicle or stall but does not include any private dwelling to which the public is not admitted.
- (v) ‘Relevant Entertainment’ means any live performance or any live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of

sexually stimulating any member of the audience (whether by verbal or other means).

- (vi) The Council may at any time waive, modify or vary these conditions or impose additional special conditions in any particular case.
- (vii) If the Licensee wishes any of the terms of the licence to be varied an application must be made to the Council.
- (viii) In the event of a conflict between the prescribed conditions and special conditions contained in a SEV licence the special conditions shall prevail.

OPENING HOURS

- 1. The licensed premises shall not be open or used for the purposes for which the licence is granted except between the hours prescribed within the licence or those hours of operation determined by the Licensing and Public Protection Committee.

WINDOW, FASCIA BOARD ADVERTISEMENT AND DISPLAYS

- 2. Save for the entrance lobby, the interior of the premises shall not be visible to passers-by and to that intent the licensee shall ensure the area of the premises in which relevant entertainment is offered shall not be capable of being seen from outside the premises.
- 3. The windows, doors, fascia board, walls and all external parts of the premises including the roof shall not contain any form of writing, sign or display save for:
 - (a) The address of the premises.
 - (b) The licensed name of the premises.
 - (c) A notice stating the opening hours of the establishment.
 - (d) In the case of a licence granted to a body corporate:

- (i) If the premises name is not the same as the full name of the body corporate then such corporate name and;
 - (ii) If the premises are also the body's registered office for the purposes of the Companies Acts then an indication in a form acceptable to the company that such is the case.
- 4. The lettering used in respect of such permitted items shall be of such colour and style as may be approved by the Council.
- 5. The licensee shall not permit the display outside of the premises of photographs or other images, which indicate or suggest that relevant entertainment takes place in the premises.

LICENSED NAME

- 6. At the time of granting the licence in respect of the premises the Council will authorise a name referred to as "The Licensed Name" by which it is intended that the premises shall be known and the licensee shall ensure that the premises are known solely by that name and by no other, save as provided for by the paragraph below.
- 7. To change the licensed name, an application shall be made to the Council not less than 28 days prior to the proposed change and the Council shall have an absolute and unfettered discretion to allow or refuse such change.

EXHIBITION OF LICENCE

- 8.
 - a) A copy of the licence (two pages) shall be suitably framed and exhibited in a position that can easily be read by all persons entering the premises.
 - b) The conditions of licence and all such documents listed as Appendices to said licence shall be retained in a clean and legible condition and immediately available for inspection by anyone who so requests.

9. The licensee shall retain a copy of a form signed by each employee and performer confirming that they have read and understood the licence and conditions. The copy shall be retained for a period of six months after they cease work at the premises. A copy of the licence and conditions shall be given to each performer.

RESPONSIBILITY OF THE LICENSEE

10. The licensee or a responsible person over 18 years of age nominated by them in writing for the purpose of managing the SEV in their absence shall be in charge of and upon the premises during the whole time they are open to the public.
11. The written nomination referred to in condition 10 above shall be maintained in a daily register, kept on the premises and made continuously available for inspection by an officer authorised by the Council or police officer.
12. The person in charge shall not be engaged in any duties that will prevent them from exercising general supervision and they shall be assisted as necessary by suitable adult persons to ensure adequate supervision.
13. The licensee must ensure that there is a current insurance policy in force to cover the performers whilst the premises are open and that a copy is displayed in areas where all staff have access.

EMPLOYEES AND MANAGEMENT STAFF

14. The licensee shall keep and maintain at the licensed premises a written record of the names, addresses, and copies of photographic proof of age documents of all persons employed or performers permitted to operate within the licensed premises whether upon a full or part time basis and shall, upon request by an authorised officer of the Council or police officer, make such

records available for inspection to them. (see Conditions regarding Door Supervisors)

15. Condition 14 does not relate to persons engaged to carry out repairs or provide services from external companies to the premises, however, such persons must be aged 18 years and over if the premises are open for the purpose of providing sexual entertainment.
16. The licensee shall ensure that all persons employed or permitted to work within the licensed premises hold the appropriate rights to work and shall keep copies of any documentation used to verify the details of these rights where necessary.
17. The licensee shall maintain a register of the names, addresses and dates of birth of such person or persons (whether employees or otherwise connected with the business) who have authority to manage the premises in the licensee's absence.
18. Where the licensee is a body corporate or an unincorporated body any change of director, company secretary or other person responsible for the management of the body is to be notified to the Licensing Authority

CHANGE OF LOCATION AND ALTERATIONS TO PREMISES

19. Where the licensed premises is a vessel or stall, the licensee shall not move the licensed vessel or stall from the location specified in the licence unless a variation application is submitted for the Council's determination giving not less than 28 days notice. n.b. this requirement shall not apply to a vessel or stall which habitually operates from a fixed location but which is regularly moved (whether under its own propulsion or otherwise) from another place such location as is specified in the licence.
20. Alterations or additions, either internal or external and whether permanent or temporary, to the structures, lighting or layout of the premises as shown on

the plan, including any change in the permitted signs on display shall not be made except with the prior approval of the Council.

CLUB RULES

21. Any club rules imposed on the performers shall be displayed in a prominent position within the premises for all employees to have easy access whilst at work.
22. A copy of the club rules shall be provided to performers engaged by the premises by means of a written contract signed by the recipient. Copies of the same must be retained on the premises and produced to an authorised officer of the Council or police officer on request.

FEES

23. Receipts or records of payments received should be provided to performers where “house fees” are charged or when any fines are issued.

PERFORMANCES

24. No person under the age of 18 shall be permitted to be on the licensed premises when sexual entertainment is provided. A notice shall be clearly displayed at the entrance to the premises in a prominent position stating that "No person under 18 will be admitted when sexual entertainment is being provided" so that it can be easily read by persons entering the premises.
25. Each area where relevant entertainment is conducted shall be supervised and/or contain a panic alarm for the safety of performers.
26. A customer code of conduct shall be prominently displayed in each area to which the public are admitted.
27. Performers shall be aged not less than 18 years.

28. Full nudity is only permitted in the approved designated areas, as stipulated or shown on the approved plan attached to the licence. In all other public areas within the premises the performers and employees must at all times wear at least a G string (female) and or pouch (male) covering the genitalia
29. During all performances (including performances usually termed 'private dances') there must not be any deliberate contact, by the performer, with any patron or person within the audience except:
 - a). Leading a patron by the hand to and from a chair or private room or designated dance area.
 - b). Simple handshake greeting at the beginning and/or end of the performance.
 - c). A customary ("peck on the cheek") kiss at the end of the performance.
 - d). the placing of monetary notes or dance vouchers into the hand or garter worn by the performer.
30. No performances shall include any sex act involving any other persons or objects (or involve any form of auto-erotic stimulation).
31. A price list shall be displayed in a prominent position giving the price and the duration of any 'private dances'.
32. Any person employed to supervise or attend to the exterior or entrance area of the premises must, at all times be suitably and sensibly dressed so as not to indicate or suggest the nature of the relevant entertainment taking place at the premises.
33. No fastening or lock of any description shall be fitted upon any booth or cubicle or other area within the premises except as shown on the plan; within the toilets, within the performers' dressing rooms and/or staff areas.

34. At all times during a performance, performers shall have unrestricted access to a dressing room.
35. Patrons or members of the audience shall not take photographs or record digital images of performers within the premises via a camera or mobile phones

DOOR SUPERVISORS

36. The licensee shall ensure all door supervisors employed or contracted to work on the premises are suitably licensed by The Security Industry Authority or appropriate agency.
37. Where door staff are used, the licensee shall maintain profiles for all door staff that are, or have been, working at the premises in the last six months. The profile is to contain proof of identity (copy of passport /photo driving licence) and proof of address dated within the last six months (bank statement /utility bill). Separate proof of address is not necessary when the proof of identity is a photo driving licence. All profiles are to be made immediately available to Authorised Officers upon request.
38. An adequate number of licensed door supervisors, based on a risk assessment undertaken by the licensee, shall be on duty on the premises whilst relevant entertainment takes place.
39. At least one door supervisor shall be on duty at the premises at all times when the relevant entertainment takes place.

CCTV

40. CCTV shall be installed in each room within the premises where the public has access save for the toilet and staff only areas. All cameras shall continuously record whilst the premises are open to the public and recordings shall be kept available for a minimum of twenty-eight days.

41. A member of staff who is fully trained in the use of the CCTV system shall be on duty at all times when the premises are open until the premises are clear of customers.
42. The premises will provide copies of any recordings upon request by a police officer or an authorised officer of the Council within 24 hours of the request.

TOUTING FOR BUSINESS AWAY FROM THE PREMISES.

43. The licensee shall not allow the use of vehicles including limousines for the promotion of the relevant entertainment.
44. The collection of patrons and or potential clients is not permitted unless the vehicle is licensed in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1976.
45. The licensee shall not permit any person whilst on a public thoroughfare to encourage any other person to visit the SEV premises by any means.
46. The licensee shall endeavour to ensure any marketing communications associated with the SEV or relevant entertainment shall comply with the code of practice as issued by the Advertising Standards Authority.

ADMISSION OF AUTHORISED OFFICERS

47. Officers of the Council, Police, and other authorised agencies who are furnished with authorities (which will be produced on request) shall be admitted immediately to all parts of the premises at all reasonable times and at any time the premises are open for business.

ANNEX B

SCHEME OF DELEGATION OF DECISION-MAKING AND FUNCTIONS

The Licensing and Public Protection Committee is responsible for making licensing decisions with Sub-Committees and officers having delegated powers to make some decisions. The table below describes how licensing decisions will be made. This scheme of delegations will be subject to regular review

Nothing within this scheme of delegations shall prevent matters being referred to a higher level where appropriate. E.g. officers may refer matters to a sub committee, or a sub-committee may refer a matter to full committee.

Matter to be dealt with:	Decision to be made by:		
	Full Committee	Sub-Committee	Officers (Senior Licensing Officer or above)
Application for grant or transfer	All cases		
Application for renewal or variation	If relevant objection made		If no relevant objection made
Minor variation application	If relevant objection made		If no relevant objection made
Revocation of Licence	All cases		
Cancellation of Licence			All cases
Make/amend regulations prescribing standard conditions, terms and restrictions	All cases		
Setting of fees	All cases		
Waiver	All cases		
To make and amend policy relating to the licensing of sex establishments	All cases		
To enforce the provisions of Part II and Schedule 3 of the Local Government Miscellaneous Provisions Ac 1982			All cases

BIRMINGHAM CITY COUNCIL

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

SECTION 2 AND SCHEDULE 3
(Licensing of Sex Establishments)

CONDITION OF LICENCE FOR A SEX SHOP

INTRODUCTION

1. In these conditions "The Council" shall mean the Birmingham City Council and all enquiries concerning this licence shall be directed to Licensing Section, P.O. Box 17013, Birmingham, B6 9ES. Telephone 0121 303 9896.
2. These conditions are imposed by the Council pursuant to its powers under paragraph 13 (1) of Schedule 3 to the above Act and apply to all premises licensed as a "Sex Shop" as defined by the Act save and insofar as they do not conflict with any special conditions forming part of the Licence nor with the provisions of the Act itself.
3. These conditions are only applicable to a "Sex Shop" as defined. Separate conditions exist in relation to a "Sex Cinema" (as defined by the above Act).

OPENING HOURS

1. The licensed premises shall not be open nor used for the purposes for which the licence is granted except between the hours of 9 am and 6.30 pm on any weekday (including Saturday).
2. The licensed premises shall not be so open or used at all on Sundays, Good Friday, Christmas Day or any other general or public holiday.

WINDOW, FASCIA BOARD ADVERTISEMENT AND DISPLAYS

1. The interior of the premises shall not be visible to passers-by and to that intent the licence holder shall obscure all windows and doors in a manner satisfactory to the Council.
2. The windows, doors fascia board, walls and all external parts of the premises including the roof shall not contain any form of writing, sign or display save for:-
 - (a) The address of the premises

- (b) The Licensed name of the premises (as explained in paragraph 4 hereof)
 - (c) The form of warning notice required to be displayed by virtue of the provisions of Section 1 (6) of the Indecent Displays (control) Act 1981
 - (d) A notice stating the opening hours of the establishment
 - (e) In the case of a Licence granted to a body corporate:-
 - (i) If the Licence name is not the same as the full name of the body corporate then such corporate name and;
 - (ii) If the premises are also the body's registered office for the purposes of the companies Acts then an indication in a form acceptable to the Company that such is the case.
 - (f) The wording "PRIVATE SHOP" or "ADULT SHOP" but no other indication as to the nature of the business carried on at the licensed premises.
3. The lettering used in respect of such permitted items:-
- (a) Shall be of such colour and style as may be approved by the Council.
 - (b) In the case of the permitted items 'a', 'b', 'c', and 'e' the lettering used shall not exceed one foot in height for each letter, provided also that if different sizes of letters are used in respect of different items, that used in respect of item 'f' shall not exceed the height of any other lettering.

LICENSED NAME

1. The Council at the time of granting the licence in respect of the premises appoint a name referred to as "The Licensed Name" by which it is intended that the premises shall be known and the licence holder shall ensure that the premises are known solely by that name and by no other, save as provided for by paragraph 2 below.
2. An application in respect of a change of licence name shall be made to the Council in writing not less than 28 days prior to the proposed change and the Council shall have an absolute and unfettered discretion to allow or refuse such change.

EMPLOYEES AND MANAGEMENT STAFF

1. The Licence holder shall at all times keep and maintain at the licensed premises a written record of the names, addresses, and dates of birth of all persons employed within the licensed premises whether upon a full or part basis and shall upon request by an authorised Officer of the Council make such records available for inspection to them.
2. The Licence holder shall at all times provide the Council with written notification as to the names, addresses and dates of birth of such person or persons (whether employees or otherwise connected with the business) who have authority to manage the premises in the licence holder's absence.

CHANGE OF LOCATION AND ALTERATIONS TO PREMISES

1. In the case of licensed premises which are a vessel or stall the licence holder shall not move the licensed vessel or stall from the location specified in the licence unless he shall first give the Council not less than 28 days notice in writing of such intended removal and the Council may require him to lodge such written application as it may deem appropriate and pay such fee as it may deem reasonable in respect of such application provided that this requirement shall not apply to a vessel or stall which habitually operates from a fixed location but which is regularly moved (whether under its own propulsion or otherwise) from another place such location as is specified in the licence and which is not used for the purposes for which the licence is granted and any other location than that which is specified.
2. In the case of a business conducted from fixed premises no alteration of any kind shall be made to the interior or the exterior of the premises including any change in the permitted signs displayed thereat or in the manner in which the windows and doors are obstructed unless the licence holder shall first obtain the written consent of the Council.

RESPONSIBILITY OF THE LICENCE HOLDER

The Licence holder or any person purporting to act upon his behalf shall be responsible for ensuring compliance with these and any special conditions of the licence and will be held responsible for any breach thereof.

VARIATION OF CONDITIONS

The Council may at any time waive, modify or vary these conditions or impose additional conditions in any particular case.

BIRMINGHAM CITY COUNCIL

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT
1982

SECTION 2 AND SCHEDULE 3
(Control of Sex Establishments)

CONDITION OF LICENCE FOR A SEX CINEMA

INTRODUCTION

1. In these conditions "The Council" shall mean the Birmingham City Council and all enquiries concerning this licence shall be directed to Licensing Section, P.O. Box 17013, Birmingham, B6 9ES. Telephone 0121 303 9896.
2. These conditions are imposed by the Council pursuant to its powers under paragraph 13 (1) of the above Act and apply to all sex establishments licensed as a "Sex Cinema" as defined by the Act save and insofar as they do not conflict with any special conditions forming part of the licence, nor with the provisions of the Act itself or with any other legislation which may from time to time be enforced in relation to the licensing and management of cinematograph, video display and similar establishments and to such conditions or regulations as may be made in relation to such establishments by virtue of such legislation by Parliament or the Council.
3. These conditions are only applicable to a "Sex Cinema" as defined by the Act and separate conditions exist in relation to a "Sex Shop" (also as so defined).

OPENING HOURS

1. The licensed premises shall not be open or used for the purposes for which the licence is granted except between the hours of 9 am and 11 pm on any week day (including Saturday) provided that if the Sex Cinema is operated as part of a licensed "Sex Shop" then it shall not be open for any greater number of hours or at different hours to those for such shop itself.
2. The licensed premises shall not be so open or used at all on Sundays, Good Friday, Christmas Day or any other general or public holiday.

LICENSED NAME

1. The Council at the time of granting the licence in respect of the premises appoint a name referred to as "The Licensed Name" by which it is intended that the premises shall be known and the licence holder shall ensure that the premises are known solely by that name and by no other, save as provided for by paragraph 2 below.
2. An application in respect of a change of licence name shall be made to the Council in writing not less than 28 days prior to the proposed change and the Council shall have an absolute and unfettered discretion to allow or refuse such change.

EMPLOYEES AND MANAGEMENT STAFF

1. The licence holder shall at all times keep and maintain at the licensed premises a written record of the names, addresses, and dates of birth of all persons employed within the licensed premises whether upon a full or part basis and shall upon request by an authorised Officer of the Council make such records available for inspection to them.
2. The licence holder shall at all times provide the Council with written notification as to the names, addresses, and dates of birth of such person or persons (whether employees or otherwise connected with the business) who have authority to manage the premises in the licence holder's absence.

RESPONSIBILITY OF THE LICENCE HOLDER

The licence holder or any person purporting to act upon his behalf shall be responsible for ensuring compliance with these and any special conditions of the licence and will be held responsible for any breach thereof.

EXTERNAL APPEARANCE OF PREMISES

1. The interior of the premises shall not be visible to passers-by and to that intent the licence holder shall obscure all windows and doors in a manner satisfactory to the Council.
2. The windows, doors fascia board, walls and all external parts of the premises including roof shall not contain any form of writing, sign or display save for:-
 - (1) The address of the premises.
 - (2) The licensed name of the premises (as explained in paragraph 3 hereof).
 - (3) The form of warning notice required to be displayed by virtue of

the provision of Section 1 (6) if the Indecent Displays (control) Act 1981.

- (4) A notice stating the opening hours of the establishment.
 - (5) In the case of a licence granted to a body corporate:-
 - (a) If the licence name is not the same as the full name of the body corporate then such corporate name and:-
 - (b) If the premises are also the body's registered office for the purposes of the Company's Acts then an indication in a form acceptable to the company that such is the case.
 - (6) The wording "ADULT CINEMA" but no other indication as to the nature of the business carried on at the licensed premises.
3. The lettering used in respect of such permitted items:-
- (a) Shall be of such a colour and style as may be approved by the Council.
 - (b) In the case of the permitted items numbered 1, 2, 3, and 5 the lettering used shall not exceed one foot in height for each letter provided also that if different sizes of letter are used in respect of different items that are used in respect of item 6 shall not exceed the height of any other lettering.

VARIATION OF CONDITIONS

The Council may at any time waive, modify or vary these conditions or impose additional conditions in any particular case.

NOTE:- (not forming part of the conditions)

The attention of all licensees is drawn to the provision of the Cinematograph Amendment Act 1982 as respects the obtaining of a licence under that Act and to the Obscene Publications Act 1961 and the Indecent Displays (Control) Act 1981.

**PROPOSED TIMELINE FOR REVIEW OF SEV POLICY AND SEX
ESTABLISHMENTS CONDITIONS**

Pre Consultation Report (Explaining proposal and inviting consultees to comment on the existing policy /conditions)	LPPC 21st June
Consultation period	5 weeks 21st June -26 th July
Revise Policy & Conditions – (Officer/Member Working Group) having regard to consultation responses	
Report to LPPC with revised policy/conditions	LPPC 13 th September*
Second consultation on revised document	4 weeks
Report back to LPPC with any final comments	LPPC 15 th November *
New Policy & Conditions to have effect : (on new apps/renewals)	1 st December (date tbc)*
* these dates are subject to change dependent upon the extent of amendments required	

EXISTING SEX ESTABLISHMENTS AND RENEWAL DATES**SEX SHOPS**

Premises	Address of Premises	Expiry
Adult World	1 Hinckley Street, Birmingham, B5 4EB	16 April Each Year
Adultworld.co.uk	1014 Coventry Road, South Yardley, Birmingham, B25 8DP	16 April Each Year
The Book Exchange	91 Oxford Street, Digbeth, Birmingham, B5 6DY	20 April Each Year
Night Trips	39 Horsefair, Birmingham, B1 1DA	18 May Each Year
CZ Birmingham	84 Hurst Street, Birmingham, B5 4TD	18 October Each Year
Private Shop	45-46 Pinfold Street, Birmingham, B2 4AY	12 November Each Year

SEX CINEMA

Premises	Address of Premises	Expiry
Taboo Cinema	90 Park Street, Birmingham, B5 5HZ	14 November Each Year

SEV

Premises	Address of Premises	Expiry
Legs 11 Gentlemen's Club	30 Ladywell Walk, Birmingham, B5 4ST	13 November Each Year
Spearmint Rhino	64 Hagley Road, Edgbaston, Birmingham, B16 8PF	26 February Each Year
Scarletts	34 Horsefair, Birmingham, B1 1DA	Appeal
Rocket Club	258 Broad Street, Birmingham, B1 2HF	02 January Each Year
The Nightingale Club	Essex House, Kent Street, Birmingham, B5 6RD	25 June Each Year

Cyclone/Mischkas	192 – 194 Broad Street, Birmingham, B15 1AY	2 January Each Year
Medusa Lodge Gentlemen's Club	139-147 Hurst Street, Birmingham, B5 6SD	15 December Each Year
Legs 11 Gentlemen's Club	193 – 194 Broad Street, Birmingham, B15 1AY	2 January Each Year

BIRMINGHAM CITY COUNCIL

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

21 JUNE 2017

ALL WARDS

LICENSING FEES AND CHARGES, INCLUDING OBJECTION TO HACKNEY CARRIAGE AND PRIVATE HIRE FEES AND CHARGES

1. Summary

- 1.1 At a meeting of the Licensing and Public Protection Committee on 15 February 2017, the Committee resolved to adjust the fees for all relevant licensing functions, including hackney carriage and private hire vehicles and drivers by varying degrees.
- 1.2 Under Section 70 of the Local Government (Miscellaneous Provisions) Act 1976, a Local Authority is required to advertise changes to its fees and charges in respect of hackney carriage and private hire vehicles for 28 days before it can apply the new fees and it must consider any objections. A number of objections have been received.
- 1.3 The Licensing and Public Protection Committee must consider these objections before deciding whether to implement the fee structure that it approved on 15 February 2017.
- 1.4 In the interim period between the approval of the revised fees and the report detailing objections being available for presentation to Members, the accounts for the financial year 2016/2017 have been finalised pending external audit. These accounts indicate that any furtherance of the proposed revised fees as agreed in February 2017 would be inappropriate.

2. Recommendations

- 2.1 Members are asked to rescind the February 2017 approval of the revised fees and charges in relation to Hackney Carriage and Private Hire Fees.
- 2.2 Officers are to calculate proposed revised fees and charges as soon as reasonably practicable, having regard to the finalised accounts for 2016/2017 and also to the comments raised as objections to the previous proposed structure.

Contact officer: Chris Neville, Head of Licensing
Telephone: 0121 303 6111
Email: chris.neville@birmingham.gov.uk

3. Background

- 3.1 In accordance with the Corporate Charging Policy and Financial Regulations the fees and charges for the various licensing functions are reviewed on an annual basis. A report was presented to the Licensing and Public Protection Committee on 15 February 2017, which detailed the proposed variations to the fees.
- 3.2 Under Section 70(2) of the Local Government (Miscellaneous Provisions) Act 1976 (LGMPA 76), a Local Authority is required to advertise changes to its fees and charges in respect of hackney carriage and private hire vehicles by placing an advert in a local newspaper for 28 days before it can apply the new fees and it must consider any objections. Although it must consider them it does not have to vary the proposal as a result of them. There is no requirement upon the Local Authority to advertise an alteration to driver fees, although all applicable fees were included in the advertisement. An advert was placed in the Birmingham Post on 23rd February 2017.

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

- 4.1 The Licensing Service received objections to the proposed fees and charges, one of which is in the form of a petition with 396 signatures.
- 4.2 The report presented to the Committee in February proposed the adoption of separate fees for the two component parts of the transactions; the processing of the application, and the licence itself. This is the approach recommended as part of the outcome of the Hemming case, and is the approach adopted for other service areas such as Sex Establishments and Scrap Metal Licensing. Whilst it is acknowledged that the EU Services legislation, under which the Hemming judgement was made, does not apply to transport services, such as taxi and private hire licensing, the principle remains sound.
- 4.3 The vast majority of objections are simply that, statements of objection, without rationale. The objection received from Mr. Bridge of a2z Licensing, on behalf of 24/7 Carz is more detailed in its objection.
- 4.4 The fundamental objection relates to the separation of application fee and licence fee, which requires additional administrative time.
“The only objection made is to the separation of licence grant by a two stage process of application for licence and then grant of the licence which increases the cost of licences by 5 minutes of staff time per licence”.
- 4.5 Additional points are raised by Mr. Bridge in relation to the application of the carry forward balance utilization. Ordinarily these matters would simply be addressed when the fees are next calculated, they do not form part of the actual objection to the proposed 2017/2018 fees. The full objection can be found at Appendix 1. However, in the interim the accounts for the financial year 2016/2017 have been finalised (pending external audit) and these

indicate that a review of the proposed revised fees would be opportune at this time.

- 4.6 The point raised by Mr. Bridge, is not without merit. Unfortunately, the Licensing Service is not as close to achieving channel shift - the moving to online applications – as we would have hoped. When still dealing with hard copy applications and documents the proposed fee structure would, potentially require two visits to the Licensing Offices.
- 4.7 It is suggested that, whilst the two figures remain appropriate to be calculated separately, the fee charged should be the total amount payable. Should an application be unsuccessful, for whatever reason, the 'licence fee' element of the fee would be refunded. The additional time factored in for the multiple transaction times is therefore redundant and can be removed. This point will be taken into account when calculating the further revised fees.
- 4.8 This revised method would still ensure that payment is received before any processing is carried out on the application, but acknowledges the fact that the majority of transactions are granted – particularly with regard to renewal applications.
- 4.9 This would also mean no new application can be made without payment of the appropriate amount. Existing applications will continue to be processed.

5 Legal Framework

- 5.1 The Council has control over hackney carriage and private hire licence fees but only on a cost recovery basis. The fees proposed in this report are calculated to recover the full cost of carrying out the service. This includes all direct costs and overheads, any recharge of officers' time in appropriate cases when carrying out inspections of premises and other compliance duties (where applicable).
- 5.2 The outcome and impact of the Hemming case was explained in detail in the February report to your Committee.
- 5.3 Despite the fact that the European Services Directive does not have direct applicability to the fees under consideration (Taxi and Gambling are exempt), it is considered that local authorities need to review their licensing charge arrangements in the light of this decision and determine whether there is a need to make changes at this stage.
- 5.4 It must be noted that irrespective of the above ruling the Council's fees and charges may be challenged through a number of routes, e.g. service complaints to the Local Government Ombudsman, complaints to the External Auditor by way of an objection to the Council's annual account and judicial review.

6. Implications for Resources

6.1 Further to the right to object as detailed in 3.2 above, 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.

6.2 Proposed fees are 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. As another year of accounts have been finalised before the previous fee revisions have taken effect, it would be appropriate to withdraw the previous proposed fees and charges, and to recommence the process, thereby, hopefully avoiding unnecessary challenge.

7. Implications for Policy Priorities

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

8. Implications for Equality and Diversity

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

ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: nil

OBJECTIONS TO THE PROPOSED FEES AND CHARGES

Objection on behalf of 24/7 Carz



8 Salthill Road, Clitheroe, Lancashire BB7 1NU
Tel: 01200 850251 / 07868 520457
Fax: 0191 2475855

Specialist licensing advice, assistance and representation: ■ taxis ■ alcohol and entertainment ■ wedding venues ■ gambling

Mr Chris Neville
Head of Licensing
Birmingham City Council
PO Box 17013
Birmingham
B6 9ES

Our Ref: Fee17-
18/247/GB
Your Ref:
Date: 22 March 2017
Please ask for: Giles Bridge

Sent by email only to:
chris.neville@birmingham.gov.uk
emma.rohomon@birmingham.gov.uk

Dear Mr Neville,

Objection to creating separate payments for application and grant of licences, roll over of surplus and DBS certificates

I am writing on behalf of 24/7 Carz as a result of the Trade Meeting on the 14th of February 2017 and also the meeting with Emma Rohomon on the 23rd of March 2017 to discuss the calculation of licence fees. In response to the consultation and on behalf of 24/7 Carz we would like to make the following submissions. The only objection made is to the separation of licence grant by a two stage process of application for licence and then grant of the licence which increases the cost of licences by 5 minutes of staff time per licence.

1) Fees for 17-18

The report to the Licensing and Public Protection Committee on the 15th February 2017 noted that the European Services Directive does not have direct applicability to hackney carriage and private hire licences, but stated that best practice means that the principles can be applied to all licence types, para 1.13 at page 2. Whilst this is correct and is given support from Open for Business: LGA guidance on locally set fees¹, which at page 6 states,

"Councils should specifically note that the Directive does not apply to licensing of taxis, or gambling activities; however, the principles remain a helpful way of providing a transparent and business-friendly approach to licensing."

¹ http://www.local.gov.uk/documents/10180/5860714/115-496+OpenForBusiness_02+FINAL.pdf Nov 2015

24/7Carz believe that there is a means by which the council can respect the guidance set out in Open for Business without the need for licence holders to submit two separate fees and the council have the extra administrative burden of processing two payments rather than one. From the meeting with Emma Rohomon we note that 5 minutes has been calculated as the time necessary to process applications in two separate fee transactions

In relation to the vast majority of renewals of licences there is no issue about renewal, which follows through almost automatically. The change to have a two stage process of application and then renewal creates a bureaucratic step for no purpose, especially as the Service Directive is not applicable to taxi licensing. 24/7 Carz and their drivers are grateful that the council have worked out the application and licence costs, which is useful and necessary, this in and of itself would mean that the council is complying with the approach suggested in Open for Business by the LGA. Separating out the costs therefore allows for the correct amount to be refunded to those applicants who have the application refused.

Creating a two-stage process of application and then licence issue, where there was previously just one stage creates a small amount of extra work and inconvenience for operators, drivers and vehicle proprietors. The inconvenience is greater for those who are proprietor of multiple vehicles, with attendant additional banking and staffing costs in complying with the system. The inconvenience caused to the council is significant and will lead to a significant increase in staff time spend administering the renewal of licences, which will inevitably have an effect in increasing licence fees in the future.

A solution would be to allow both parts of the fee to be paid on one occasion in a single payment. If there has to be a repayment of the licence fee, this poses no issues, as the amount of the licence fee separate from the application fee is known. From the discussions with Emma Rohomon it is appreciated that there is an administrative process that is required in refunding part of the fee. It is submitted that the extra bureaucracy that this involves is much less than processing 2 payments and adding 5 minutes of staff time as an additional cost to all licences. Having a single payment for renewals would therefore save 5 minutes of staff time per licence at £3.71 per minute, which would equate to a £18.55 in those licence fees. Reducing those licence fees by £18, would allow for the costs of administering those few refunds, where a licence is not actually issued after the application has been processed.

2 Carry forward balance

From the meeting with Emma Rohomon we note that the proposed licence fees are based upon allowing for a reduction in all licences through the carry forward balance to be applied to all licences. The amount involved this year is small given the fact that the balance being carried forward is being reduced. For private hire vehicles the reduction is £1.77 and for Private Hire drivers the amount is £2.16. The result is that those who have been granted a new licence and have not contributed to that surplus also benefit. Given the fact that the amounts this year are small, no objection is taken to this occurring this year. 24/7Carz would ask that for future years the carry forward balance reduction is not applied to the grant of licences but is applied only to licence renewals, as the best means of ensuring that any reduction in licence fees goes to those who have contributed to the surplus.

3 DBS Certificates

Whilst the cost of DBS certificates is a small proportion of the licence fee the fact that obtaining a DBS certificate costs more in Birmingham than in other authorities is a concern for a proportion of our drivers. This small additional cost adds, to a small degree, to the reasons why drivers are reluctant to licence with Birmingham. I have done a quick review of the fees of DBS certificates of other West Midlands authorities and Birmingham is I am afraid the most expensive.

By way example DBS certificates for other local authorities cost the following: Dudley £80.18, Sandwell £44 and Solihull £54. I appreciate that other licensing authorities such as Sandwell may charge for administering the DBS system elsewhere in the licence fee. Wolverhampton have outsourced it to a company called Personnel Checks, which has the benefit of relieving the council of an administrative burden. A number of local authorities now require drivers to sign up to the DBS update service at £13 per annum, direct debit scheme.

24/7 Carz would be grateful if Birmingham Council would consider reviewing the DBS system to reduce the costs and administration involved for drivers.

Can I also thank Emma Rohomon for the help she provided in explaining the tables and the basis upon which the proposed fees were calculated. Please do not hesitate to contact me if you have any questions or queries arising out of this letter.

Yours sincerely,

Giles Bridge
Barrister & Licensing Consultant
Email: giles.bridge@a2zlicensing.co.uk
Mobile: 07866 520457

BIRMINGHAM CITY COUNCIL

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

21 JUNE 2017
ALL WARDS

**REPORT ON CHANGE OF LAW IN RELATION TO NEW RULES FOR NICOTINE-
CONTAINING ELECTRONIC CIGARETTES AND REFILL CONTAINERS**

1. Summary

- 1.1 This report provides Committee with information on the change to the law relating to nicotine-containing electronic cigarettes and refill containers (otherwise known as e-liquids).

2. Recommendation

- 2.1 That the report be noted and outstanding minute number 845 be discharged.

Contact Officer: Sajeela Naseer, Head of Trading Standards
Telephone: 0121 303 6112
E-mail: sajeela.naseer@birmingham.gov.uk

Originating Officer: Adam O'Donnell, Trading Standards Officer

3. Background

- 3.1 The use and popularity of electronic cigarettes has increased over recent years – as a result the EU has introduced the Tobacco Products Directive 2014/40/EU (TPD). The UK Tobacco and Related Products Regulations 2016 implement the TPD in the UK.
- 3.2 The Tobacco and Related Products Regulations 2016 came into force on 20th May 2016 – the legislation included a transitional period allowing the sale of old stock. The law became fully effective on 20th May 2017.
- 3.3 An ASH (Action on Smoking and Health) report from 2016 estimates 2.8 million adults use electronic cigarettes.
- 3.4 The TPD introduces new rules for nicotine-containing electronic cigarettes and refill containers. The Medicines & Healthcare Products Regulatory Agency (MHRA) is responsible for implementing the majority of provisions and has been designated as the competent authority for the notification scheme for e-cigarettes and refill containers in the UK.
- 3.5 The notification scheme requires manufacturers or importers of electronic cigarettes to comply with the requirements of the TPD (shown below) and to inform the MHRA of this compliance and providing trading details.
- 3.6 In brief terms the MHRA are responsible for registration (notification) of products and Trading Standards are responsible for dealing with the sale / supply and labelling of products.

4. Tobacco Products Directive

- 4.1 The TPD introduces new rules which ensure minimum standards for the safety and quality of all e-cigarettes and refill containers.
- 4.2 The TPD requires information to be provided to consumers so that they can make informed choices and ensures an environment that protects children from starting to use these products.
- 4.3 The new requirements:
 - restrict e-cigarette tanks to a capacity of no more than 2ml.
 - restrict the maximum volume of e-liquid for sale in one refill container to 10ml.
 - restrict e-liquids to a nicotine strength of no more than 20mg/ml.
 - require nicotine-containing products or their packaging to be child-resistant and tamper evident ban certain ingredients including colourings, caffeine and taurine include new labelling requirements and warnings require all e-cigarettes and e-liquids be notified to MHRA before they can be sold.

- Consumers and healthcare professionals can report side effects and safety concerns with e-cigarettes or refill containers to the MHRA through the Yellow Card reporting system.
- 4.4 Advice for retailers - from 20 May 2017 when sourcing new supplies of any e-cigarette or e-liquid product retailers should check that details of the notification for the product have been published in the list of Submitted Products (which is a public record of the notifications).
- 4.5 If the product cannot be found on the MHRA website retailers should ask their supplier to confirm the product complies with the TPD and has been notified to MHRA. If a producer has not notified the product or it does not comply with the TPD, the producer may not supply it to a retailer.
5. CLP Regulation – Classification, Labelling and Packaging
- 5.1 The European Regulation (EC) No 1272/2008 on classification, labelling and packaging of substances and mixtures is known by its abbreviated form, 'the CLP Regulation'.
- 5.2 The CLP Regulation applies to any chemical placed on the market including those that may be contained in a device or delivery mechanism such as e-cigarettes and refill containers.
- 5.3 The CLP Regulation requires chemicals to be classified (identification of all intrinsic hazardous properties) labelled (communicating information about the identified hazards alongside safety instructions) packaged to ensure chemicals are properly and safely contained.
- 5.4 Classification - the CLP Regulation applies to the chemical substances and mixtures in e-cigarettes and refill containers whether they contain nicotine or not.
- 5.5 Nicotine is assigned a harmonised classification and labelling, agreed by independent experts across the European Union.
- 5.6 Labelling - the most familiar aspect of the CLP Regulation is the red-bordered diamond shaped pictogram that illustrates the hazard/s present in a chemical, for example:



- 5.7 Once the classification is determined, the appropriate pictogram should be shown on a CLP hazard label alongside an explanation of the hazard/s

(hazard statements), the appropriate signal word ('warning' or 'danger') and safety instructions precautionary statements) to ensure the chemical is used, stored and disposed of properly.

5.8 Suppliers must label the e-cigarette product according to CLP before placing it on the market.

5.9 For e-cigarettes and refill containers, the requirement for warning symbols, tactile warnings and text relating to the nicotine content depends on the nicotine strength.

6. Issues identified and advice provided

6.1 The following issues have arisen which have been dealt with by way of trader advice / warning:

- False nicotine declarations.
- Failure to include correct warnings.
- Child appealing packaging – must not attract or arouse the active curiosity of children.

6.2 There are ten Birmingham based producers of e-liquid registered with the MHRA (registered with the European Common Entry Gate (EU-CEG) notification portal). A letter of advice and guidance has been issued to each of these producers and follow up visits will be conducted in due course.

6.3 Information relating to the change in legislation will shortly be available on the Trading Standards page of the Birmingham City Council website.

7. The Nicotine Inhaling Products (Age of Sale and Proxy Purchasing) Regulations 2015

7.1 These came into force On 1 October 2015. This legislation was made under the Children and Families Act 2014 and prohibited the sale of such products to under eighteens. It also makes it an offence for someone to purchase such products for someone under eighteen. There are exemptions for products classified and supplied as medicines as a cessation device.

7.2 Prior to the age restriction coming into force the Trading Standards Service had received 3 complaints about under eighteens having access to Nicotine Inhaling Products. As a result of these officers provided advice on best practice and raised awareness of the legislation due to come into force.

7.3 The Service participated in a regional survey and sent advisory letters to premises that were identified as potential sellers of such products in September 2015. Following on from that officers visited 12 premises with underage volunteers and test purchases were attempted. There was 1 sale made which resulted in an officer warning on that occasion.

7.4 A follow up exercise was carried out in March 2016. The shop that had sold previously was retested and on this occasion refused the sale after asking for identification. This demonstrates that the advice given by officers had been heeded. There has only been one further complaint alleging sales to under eighteens; officers did attempt to do a test purchase but on arrival found that the premises didn't sell such products and, therefore, assume that the complaint was vexatious.

7.5 Officers will continue to provide advice on the sale of age restricted products including nicotine inhaling products.

8. Implications for Resources

8.1 The resources employed in carrying out the work detailed in this report are contained within the approved budget available to your Committee.

8.2 Incoming enquires and complaints are dealt with in the normal way - no additional resources are allocated to this activity.

9. Implications for Policy Priorities

9.1 This work contributes to fulfilling the Council's vision (Vision 2020) set out in the *Council Business Plan for 2016*, to work towards delivering 'a healthy, happy city'.

9.2 The work also 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'.

ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers:

GOV.UK advice - <https://www.gov.uk/guidance/e-cigarettes-regulations-for-consumer-products>

BIRMINGHAM CITY COUNCIL

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

21 JUNE 2017
ALL WARD

**ADDENDUM TO ENVIRONMENTAL HEALTH SERVICE PLAN 2017/2018
TO INCLUDE FLYPOSTING ENFORCEMENT**

1 Summary

- 1.1 It has been identified that details of the proposed interventions by Officers from Environmental Health to tackle illegal flyposting were omitted from 2017/2018 Service Plan.
- 1.2 This report sets out a range of enforcement interventions that will be undertaken during the year.

2 Recommendation

- 2.1 That the report be noted and outstanding minute number 835(ii) be discharged.

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

Originating Officer: Russell Davey, Environmental Health officer

3 Background

- 3.1 Flyposting is the unauthorised display of advertising materials on buildings and street furniture without the consent of the owner and contrary to the law. Although flyposting promotes events and venues that contribute to Birmingham's economy it is illegal and directly undermines and disadvantages businesses that operate within the law. Ordinarily illegal advertisements are left in-situ long after the promoted event has finished and the consequence is invariably litter caused from placards gradually falling apart and unkempt fly-posted void sites that promote litter and an air of dereliction.
- 3.2 The removal of illegal advertising from street furniture is the responsibility of AMEY under the Highways PFI agreement. Under the scheme of delegations officers from the Environmental Health lead on enforcement interventions against offenders over flyposting offences.
- 3.3 The primary legislation that deals with illegal flyposting is the Town and Country Planning Act 1990 and associated Regulations; The Town and Country Planning (Control of Advertisements) (England) Regulations 2007. Under the Town and Country Planning Act 1990 it is an offence to display advertisements in contravention to the Regulations. In practice the majority of commercial advertisements on street furniture are illegal with the exception of a few exemptions permitted in law. Such exemptions include advertisements for travelling fairs and circuses, local events not being carried out for commercial purposes, estate agents boards and new housing developments signage provided that certain conditions are met with regards to the siting and sizing of the advertisements. In most instances permission is required from the land owner is also required prior to displaying signage. In the case of the City Council, the Highways Department is responsible for approving the display of advertising on street furniture.
- 3.4 Enforcement against fly-posting and placarding can be resource intensive due to factors such as the legal need for repeat visits to illegal advertisements for evidential reasons and due to the fact that there are a range of legal defences available to offenders that the city council as prosecutor has to overcome before taking action. Changes to the Regulation of Investigatory Powers Act 2000 in November 2012 have also impacted on the City Council's ability to investigate incidents of illegal flyposting in that it is no longer possible to access communications data to obtain details of the person/company subscribing to a particular telephone line or undertake manned or video surveillance to assist in apprehension of offenders.

4 Proposed Interventions

- 4.1 It is proposed that this year's enforcement activities will be focused towards prolific illegal fly-posting operations and that this may include the full range of civil injunction/debt recovery and/or criminal proceedings and reviews of licences. The proposed approach will utilise appropriate advisory, awareness raising and warning stages prior to action in accordance with this

Department's Enforcement Policy. The overall aim of this proposed approach is to ensure that levels of defacement from illegal advertising and measures in the LEQ surveys are brought in to check and that companies that advertise legally are not put at a competitive disadvantage by illegal activities.

- 4.2 Details of the proposed interventions are set out in the attached appendix.

5. Consultation

- 5.1 The report is for information and no consultation has been undertaken.

6. Implications for Resources

- 6.1 The interventions identified and described within this report are proposed to be delivered the Committees approved budget.

7. Implications for Policy Priorities

- 7.1 The activities identified in the report support the Council's work in tackling environmental crime and promote the City Council's priority to help create a clean city and to secure fair trading environment for businesses.
- 7.2 The interventions described within this report are consistent with your Committee's approach to supporting intelligence led enforcement and to proactively deploying regulation early so as to reduce the financial burden on residents and lawful operators caused by offending behaviour.

8. Public Sector Equality Duty

- 8.1 The regulatory sanctions and approaches proposed are within the framework of the Enforcement Policy which ensures consistency and fairness of enforcement throughout all communities and the commercial sector in Birmingham.

ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: Nil

APPENDIX

Interventions to be undertaken by Environmental Health during 2017/2018 to tackle illegal flyposting

Service Objective 2 Improve the environment through proactive and reactive enforcement measures in respect of fly-posting.		Mission Statement – ‘Locally accountable and responsive, fair regulation for all – achieving a safe, healthy, clean, green and fair trading city for residents, businesses and visitors.’
Council Plan Strategic Outcomes <ul style="list-style-type: none"> • A Fair City – Safe and inclusive • A Prosperous City – Supporting business in a green and sustainable city • A Democratic City – Accountable public services focussing on the ‘whole place’ 	Sustainable Community Strategy Birmingham 2026 Priorities <ul style="list-style-type: none"> • Enjoy a high quality of life • Promote social cohesion • Succeed economically • Stay safe in a clean, green city • Be healthy • Make a contribution 	Lead Officer Head of Environmental Health
Task	Method	Outcomes
Improve mechanism of reporting incidents of illegal flyposting via the contact centre.	Update existing contact centre scripting to reflect current processes and practices for dealing with complaints of illegal flyposting.	<p>Easier for citizens to make referrals with regards to incidents of illegal flyposting.</p> <p>Ensuring referrals are directed to the correct Department and therefore dealt with promptly.</p> <p>Increased customer satisfaction levels.</p>

Reduce incidents of illegal advertising by licensed premises.	Undertaken premises licence reviews (as necessary) where it is identified that events at a licensed premises are being advertised by way of illegal advertising.	Reduction in illegal advertising by licensed premises in the City. Improve messaging to licensed premises that illegal advertising for events at their premises will not be tolerated.
Undertake an audit of existing arrangements to remove illegal flyposting.	Work with colleagues in Highways, undertake a review of the AMEY PFI contract to ensure company are complying with their contractual obligations with regards to the removal of illegal flyposting (unauthorized attachments).	Ensure requests for flyposting removal are actioned promptly and in accordance with the contract.
Undertake civil debt recovery against the 5 most prolific flyposting offenders in the City (non-licensed premises).	Through the Small Claims Court seek to recover costs incurred in removing illegal advertising from the 5 most prolific offenders in the City.	Where possible recover some of the City Council expenditure on removing illegal advertising from around the City, Send out a message to businesses that illegal advertising will not be tolerated. Bring about a reduction of illegal advertising in the City.

Undertake 6 flyposting removal exercises.	Utilising Officers from Pest Control, undertake 6 flyposting removal exercises. Follow up action to be undertaken against the companies identified during the removal exercise in line with the Department's Enforcement Policy.	Reduction in the amount of illegal advertising around the City. Instigation of a range of enforcement interventions ranging from written warnings to criminal prosecution in accordance with the Enforcement Policy.
Undertake 6 flyposting "schedule" exercises	Undertake 6 flyposting "schedule" exercises. The "scheduling" process involves writing to beneficiaries from illegal advertisements giving them an opportunity to remove their illegal advertisements (usually between 48 hrs and 7 days depending on the location of the company). Where a company fails to remove their advertisements then this can be followed up with legal proceedings.	Reduction in the amount of illegal advertising around the City. Send out a message to businesses that illegal advertising will not be tolerated.

BIRMINGHAM CITY COUNCIL

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

21 JUNE 2017
ALL WARDS

FIXED PENALTY NOTICES ISSUED MARCH AND APRIL 2017

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

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

3. Background

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

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

4. Enforcement Considerations and Rationale

- 4.1 The attached appendix shows the wards where FPNs were issued during the months of March and April 2017.
- 4.2 By identifying both the area where the FPN is issued and the ward/area that the litterer lives this demonstrates that the anti-litter message is being spread right across the city. By and large litter patrols are targeted to the primary and secondary retail areas of the city because there is a high level of footfall and they engage with a full cross section of the population. Targeted areas include locations where there are excessive levels of littering, smoking areas with high levels of cigarette waste that cause blight in the city and areas where there are known problems associated with groups gathering to eat outdoors.
- 4.3 The number of incidences of Fixed Penalty Notices being issued reflects the fact that there is still a problem with littering on our streets. Since the Health Act came into force there has been a decline in street cleanliness associated with cigarette waste. This is reflected not only in these statistics but also in the environmental quality surveys undertaken by Fleet and Waste Management that record cigarette waste being the most prevalent waste upon our streets and identify it in 98% of all samples of street cleanliness.

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

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

5. Consultation

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

6. Implications for Resources

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

7. Implications for Policy Priorities

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

8. Public Sector Equality Duty

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

ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: FPN records

APPENDIX 1
Wards where FPN's are issued

Constituency	Ward	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Total
Edgbaston	Bartley Green	0	0	0	0	0	0	0	0	0	0	0	0	0
	Edgbaston	0	0	1	0	0	0	0	0	0	0	0	0	1
	Harborne	0	0	0	0	0	0	0	0	9	1	1	5	16
	Quinton	1	0	0	0	0	0	1	0	0	0	0	0	2
Erdington	Erdington	0	1	2	2	0	0	1	1	13	0	0	7	27
	Kingstanding	0	1	0	0	1	1	0	0	0	0	1	0	4
	Stockland Green	0	1	0	2	0	0	0	0	1	0	0	0	4
	Tyburn	0	1	0	1	0	0	0	0	0	1	2	0	5
Hall Green	Hall Green	0	0	0	2	2	0	0	0	0	0	0	0	4
	Moseley And Kings Heath	4	0	0	0	1	1	0	1	14	2	6	5	34
	Sparkbrook	0	0	5	0	0	1	0	2	2	1	2	0	13
	Springfield	0	1	1	1	13	0	0	0	0	0	0	0	16
Hodge Hill	Bordesley Green	0	1	2	0	1	0	0	0	0	0	1	1	6
	Hodge Hill	0	1	0	3	0	1	2	0	0	0	0	0	7
	Shard End	2	0	2	1	1	1	0	0	0	0	0	0	7
	Washwood Heath	0	1	0	9	1	4	1	8	0	2	2	1	29
Ladywood	Aston	0	2	1	3	0	0	0	2	1	0	0	1	10
	Ladywood	480	438	525	456	427	578	538	551	233	506	542	562	5,836
	Nechells	10	16	16	21	8	2	1	5	3	4	3	9	98
	Soho	1	7	1	1	2	2	1	4	1	7	0	5	32
Northfield	Kings Norton	0	0	0	0	1	0	0	1	1	1	1	7	12
	Longbridge	0	0	0	0	0	0	0	1	0	0	0	0	1
	Northfield	1	1	0	0	0	0	1	1	9	0	0	0	13
	Weoley	0	0	0	0	0	0	0	2	3	1	0	1	7
Perry Barr	Handsworth Wood	0	2	1	0	0	0	0	1	0	0	1	0	5
	Lozells And East Handsworth	0	0	1	5	4	4	0	6	0	3	0	0	23
	Oscott	0	0	0	0	0	0	0	0	1	0	0	0	1
	Perry Barr	1	0	0	0	0	0	1	1	4	0	0	1	8
Selly Oak	Billesley	2	0	1	0	0	0	0	0	0	0	0	0	3
	Bournville	2	0	1	0	0	1	0	0	8	2	0	0	14
	Brandwood	2	1	0	0	0	0	0	1	0	0	0	0	4
	Selly Oak	0	0	0	0	1	0	0	0	0	3	2	0	6
Sutton Coldfield	Sutton Four Oaks	0	0	0	1	0	0	0	0	1	0	1	0	3
	Sutton New Hall	0	0	0	1	1	0	1	0	0	1	0	0	4
	Sutton Trinity	0	2	0	0	0	0	0	0	0	1	1	0	4
	Sutton Vesey	0	0	0	0	0	0	0	9	1	0	0	0	10
Yardley	Acocks Green	1	0	0	0	1	0	1	0	0	2	1	0	6
	Sheldon	0	0	3	0	1	0	2	0	4	1	0	0	11
	South Yardley	0	0	1	1	1	1	2	0	4	2	0	0	12
	Stechford And Yardley North	2	1	1	0	2	0	0	1	0	0	1	0	8
Total		509	478	565	510	469	599	552	601	309	541	569	604	6,306

APPENDIX 1
Wards where FPN's are issued

Constituency	Ward	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Total
Edgbaston	Bartley Green	0												0
	Edgbaston	0												0
	Harborne	0												0
	Quinton	0												0
Erdington	Erdington	0												0
	Kingstanding	0												0
	Stockland Green	0												0
	Tyburn	0												0
Hall Green	Hall Green	0												0
	Moseley And Kings Heath	1												1
	Sparkbrook	0												0
	Springfield	0												0
Hodge Hill	Bordesley Green	0												0
	Hodge Hill	0												0
	Shard End	1												1
	Washwood Heath	1												1
Ladywood	Aston	0												0
	Ladywood	459												459
	Nechells	5												5
	Soho	3												3
Northfield	Kings Norton	0												0
	Longbridge	0												0
	Northfield	2												2
	Weoley	2												2
Perry Barr	Handsworth Wood	0												0
	Lozells And East Handsworth	0												0
	Oscott	0												0
	Perry Barr	0												0
Selly Oak	Billesley	0												0
	Bournville	0												0
	Brandwood	0												0
	Selly Oak	0												0
Sutton Coldfield	Sutton Four Oaks	0												0
	Sutton New Hall	0												0
	Sutton Trinity	0												0
	Sutton Vesey	0												0
Yardley	Acocks Green	4												4
	Sheldon	0												0
	South Yardley	0												0
	Stechford And Yardley North	1												1
Total		479	0	0	0	0	0	0	0	0	0	0	0	479

BIRMINGHAM CITY COUNCIL

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

21 JUNE 2017
ALL WARDS

PROSECUTIONS AND CAUTIONS – MARCH AND APRIL 2017

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

Contact Officer: Alison Harwood, Acting Director of Regulation and Enforcement
Telephone: 0121 303 0201
E-Mail: Alison.harwood@birmingham.gov.uk

3. Results

3.1 During the months of March and April 2017, the following cases were heard at Birmingham Magistrates Court, unless otherwise stated:

- 13 Licensing cases resulted in fines of £4,727. Prosecution costs of £5,351 were awarded with a total of 84 penalty points and two drivers were disqualified from driving for a total of 18 months. 26 simple cautions were administered as set out in Appendix 1.
- 134 Environmental Health cases resulted in fines of £62,808 and an eight month prison sentence. Prosecution costs of £41,750 were awarded. Four simple cautions were administered as set out in Appendix 2.
- One Trading Standards case was finalised resulting in a fine of £423 and prosecution costs of £1,974 were awarded. No simple cautions were administered as set out in Appendix 3.
- Appendix 4 lists cases finalised by district in March and April 2017 and cases finalised by district April 2016 - April 2017.
- Appendix 5 lists the enforcement activity undertaken by the Waste Enforcement Team from April 2016 - March 2017.

4. Consultation

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

5. Implications for Resources

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

5.2 For the year April 2016 to April 2017 the following costs have been requested and awarded:

Licensing

£32,837 has been requested with £22,560 being awarded (68%)

Environmental Health

£293,796 has been requested with £233,867 being awarded (79%).

Trading Standards

£58,814 has been requested with £29,508 being awarded (50%).

- 5.3 For the months of March and April 2017 the following costs have been requested and awarded:

Licensing

£8,146 has been requested with £5,351 being awarded (66%)

Environmental Health

£67,993 has been requested with £41,750 being awarded (61%).

Trading Standards

£1,974 has been requested with £1,974 being awarded (100%).

6. Implications for Policy Priorities

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

7. Public Sector Equality Duty

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

ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: Nil

LICENSING CASES

APPENDIX 1

	Date Case Heard	Name & Address	Offence details (including Legislation)	Fine/Penalty & Costs	Ward of defendant	Ward - Offence committed
1	2/3/17	Mahtab Hussain 59 Cliveden Avenue Perry Barr Birmingham B42 1SW	Town Police Clauses Act 1847 & Road Traffic Act 1988. Pleaded guilty to two offences: one of plying for hire in Birmingham Road, Sutton Coldfield, Birmingham and one of consequently having invalid insurance.	£120 x No Insurance + 6 penalty points Disqualified from driving for 6 months. No separate penalty for plying £250 costs (£493 requested)	Perry Barr	Sutton Trinity
2	2/3/17	Amanuel Ghebremikael Flat 23 Wilmcote Tower Upper Highgate Street Highgate Birmingham B12 0XY	Town Police Clauses Act 1847 & Road Traffic Act 1988. Pleaded guilty to two offences: one of plying for hire in Bristol Road, Birmingham and one of consequently having invalid insurance.	£120 x No Insurance + 6 penalty points No separate penalty for plying £250 costs (£493 requested)	Nechells	Selly Oak

	Date Case Heard	Name & Address	Offence details (including Legislation)	Fine/Penalty & Costs	Ward of defendant	Ward - Offence committed
3	2/3/17	Ruhel Miah 63 Beeches Road Great Barr Birmingham B42 2HL	Licensing Act 2003 Pleaded guilty to one offence of supplying late night refreshment from Curry Hut, 192 Sutton New Road, Erdington, Birmingham without a licence	£100 £350 costs (£762 requested)	Perry Barr	Erdington
4	16/3/17	Bereket Deres 22 Leonard Road Handsworth Birmingham B19 1LA	Town Police Clauses Act 1847 & Road Traffic Act 1988. Pleaded guilty to two offences: one of plying for hire in Ladywell Walk, Birmingham and one of consequently having invalid insurance.	£350 x No Insurance + 6 penalty points No separate penalty for plying. £478 costs (£478 requested)	Lozells & East Handsworth	Nechells
5	16/3/17	Mohammed Hanif 9 Gads Green Crescent Dudley DY2 8DA	Town Police Clauses Act 1847 & Road Traffic Act 1988. Pleaded guilty to two offences: one of plying for hire in Hurst Street, Birmingham and one of consequently having invalid insurance.	£390 x No Insurance + 6 penalty points No separate penalty for plying £500 costs (£500 requested)	Out of area	Nechells

	Date Case Heard	Name & Address	Offence details (including Legislation)	Fine/Penalty & Costs	Ward of defendant	Ward - Offence committed
6	16/3/17	Faraz Ayub 217 Hobmoor Road Small Heath Birmingham B10 9BT	Town Police Clauses Act 1847 & Road Traffic Act 1988. Pleaded guilty to two offences: one of plying for hire in Ladywell Walk, Birmingham and one of consequently having invalid insurance.	£770 x No Insurance + 6 penalty points No separate penalty for plying £500 costs (£500 requested)	Bordelsey Green	Nechells
7	16/3/17	Hafeez Ahmed 31 Whitehall Road Handsworth Birmingham B21 9AY	Equalities Act 2010 Pleaded guilty to one offence of being a private hire driver and failing to carry out a booking from Fircroft College, Selly Oak, Birmingham to New Street Station as the disabled customer was accompanied by an the assistance dog.	£373 £597 costs (£597 requested)	Lozells & East Handsworth	Bournville
8	16/3/17	Riaz Akhtar 114 Esme Road Sparkhill Birmingham B11 4NN	Town Police Clauses Act 1847 & Road Traffic Act 1988. Pleaded guilty to two offences: one of plying for hire in Hurst Street, Birmingham and one of consequently having invalid insurance.	£422 x No Insurance + 6 penalty points No separate penalty for plying £468 costs (£468 requested)	Springfield	Nechells

	Date Case Heard	Name & Address	Offence details (including Legislation)	Fine/Penalty & Costs	Ward of defendant	Ward - Offence committed
9	16/3/17	Sahal Abdo Ali Flat 2 131 Cromwell Street Ladywood Birmingham B7 5BA	Town Police Clauses Act 1847 & Road Traffic Act 1988. Pleaded guilty to two offences: one of plying for hire in Hurst Street, Birmingham and one of consequently having invalid insurance.	£437 x No Insurance + 6 penalty points No separate penalty £534 costs (£534 requested)	Nechells	Nechells
10	5/4/17	Zulfiqar Ali 38 Auckland Road Smethwick West Midlands B67 7AU	Town Police Clauses Act 1847 & Road Traffic Act 1988. Pleaded <u>not guilty</u> to two offences: one of plying for hire in Harborne High Street, Birmingham and one of consequently having invalid insurance. Originally acquitted. Successfully applied for case stated on the basis that the defence of duress was not made out. Case was remitted back to the Magistrates Court with a direction that the defendant be found guilty	£550 x No Insurance + 6 penalty points No separate penalty for plying £300 costs (£1,866 requested)	Out of area	Harborne

	Date Case Heard	Name & Address	Offence details (including Legislation)	Fine/Penalty & Costs	Ward of defendant	Ward - Offence committed
11	10/4/17	Mohammed Aslam 200 Wright Road Alum Rock Birmingham B8 1PD	Road Traffic Act 1988. Pleaded guilty to four offences of driving a black London taxi in Birmingham without valid insurance on four different occasions.	£165 x 1st No Insurance + 24 penalty points Disqualified from driving for 12 months. £100 costs (£431 requested)	Washwood Heath	Nechells
12	21/4/17	Shimay Teklom 201 Lozells Road Birmingham B19 1RJ	Town Police Clauses Act 1847 & Road Traffic Act 1988. Pleaded guilty to two offences: one of plying for hire on Thorp Street, Birmingham and one of consequently having invalid insurance.	£535 x No Insurance + 6 penalty points No separate penalty for plying for hire. £549 costs (£549 requested)	Lozells & East Handsworth	Nechells

	Date Case Heard	Name & Address	Offence details (including Legislation)	Fine/Penalty & Costs	Ward of defendant	Ward - Offence committed
13	21/4/17	Basharat Hussain 48 William Cook Road Ward End Birmingham B8 2HT	Town Police Clauses Act 1847 & Road Traffic Act 1988. Pleaded guilty to two offences: one of plying for hire on Thorp Street, Birmingham and one of consequently having invalid insurance.	£395 x No Insurance + 6 penalty points No separate penalty for plying for hire. £475 costs (£475 requested)	Hodge Hill	Nechells

LICENSING SIMPLE CAUTIONS

During the period of March and April 2017, 26 simple cautions have been administered.

Local Government (Miscellaneous Provisions) Act 1976

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

Section 50(3) One caution was issued for failing to report an accident to Birmingham City Council

Section 54(2) Eight cautions were issued for failing to wear a private hire driver's badge in a manner as to be plainly and distinctly visible

Section 57 Two cautions were issued for knowingly omitting information on licence application form

Section 64(3) Two cautions were issued for waiting on a Hackney Carriage stand without being licensed as Hackney Carriage

Road Traffic Act 1988

Section 143 Two cautions were issued for driving without insurance

Licensing Act 2003

Section 136(1)(a) One caution was issued for carrying on a licensable activity otherwise than in accordance with an authorisation

Byelaw 26 of the Birmingham City Council Hackney Carriage Byelaws 2008 made under section 68 of the Town Police Clauses Act 1847 and section 171 of the Public Health Act 1875 One caution was issued for failing to produce a copy of the Hackney Carriage Byelaws when requested to do so by an authorised officer.

FOOD HYGIENE OFFENCES

	Date Case Heard	Name & Address	Offence details (including Legislation)	Fine/Penalty & Costs	Ward of defendant	Ward - Offence committed
1	2/3/17	Carl Dalvair 7 Wheatland Grove Aldridge Walsall WS9 0SR	Food Safety & Hygiene (England) Regulations 2013 Pleaded guilty to one offence relating to the conditions at The Devonshire Arms, 178 Lodge Road, Birmingham. The premises were not kept clean in that there was a blockage in the drainage system in the cellar which resulted in sewage overflowing onto the cellar floor. The external surface of the ice machine in the cellar was dirty and the table next to the ice machine was dirty.	£335 £670 costs (£1,356 requested)	Out of area	Soho
2	2/3/17	Talat Jalil 17 Beaufort Avenue Hodge Hill Birmingham B34 6AD Basharat Khan 30 Moat House Road Ward End Birmingham B8 3NP	Food Safety & Hygiene (England) Regulations 2013 Both owners pleaded guilty to two offences relating to conditions at Karahi King, 346 Coventry Road, Birmingham. Cockroaches were found dead and alive on the ground floor and live cockroaches were found in the kitchen. Cleaning was poor and grease was built up under the sink and on shelves where food was stored. A refrigerator was on the first floor balcony and littered with mouse droppings. The kitchen cupboards and work surfaces were accumulated with food debris, dirt and cockroaches.	Total £2,000 (£1,000 x each defendant) £1,710 costs (£855 x each defendant) (£1,710 requested)	Hodge Hill Washwood Heath	Nechells

	Date Case Heard	Name & Address	Offence details (including Legislation)	Fine/Penalty Costs &	Ward of defendant	Ward - Offence committed
3	16/3/17	Zulfiqar Ali 83 Hobmoor Road Small Heath Birmingham B10 9AZ	Food Safety & Hygiene (England) Regulations 2013 Pleaded guilty to eight offences relating to conditions at Johns Fish bar, 178 Corporation Street, Birmingham. The premises were not kept clean, there were dirty floor to wall junctions in the kitchen, dirty fridge seals, surfaces and equipment. There was an uncovered kebab in the freezer underneath a leaking condenser, raw chicken was stored next to chilli sauce and bin bags were kept on top of pizza dough. Food was kept at temperatures that might result in a risk to health. There was a badly scored, mouldy chopping board which could not be effectively cleaned. There was no soap or materials for hand drying and a sink waste pipe drained directly onto the floor.	£140 x 1 st offence No separate penalty for remaining offences £500 costs (£1,033 requested)	Bordesley Green	Ladywood
4	16/3/17	Carlinton Pusey 1 Barn Lane Birmingham B21 0QX	Food Safety & Hygiene (England) Regulations 2013 Pleaded guilty to eight offences relating to conditions at Island Grill Takeaway, 1 Barn Lane, Birmingham. Mouse droppings were found throughout the premises. The shelf beneath the sink was dirty and had mouse droppings on it, the floor beneath the fridge was dirty with two dead mice under it. There were gaps in the wall above a door which allowed access to pests. Chopping boards were heavily scored and could not be effectively cleaned. Three dead mice were found beneath a cooker and had been using food debris for nesting.	£480 x 1 st offence No separate penalty for remaining offences £1,711 costs (£1,711 requested)	Soho	Soho

	Date Case Heard	Name & Address	Offence details (including Legislation)	Fine/Penalty Costs &	Ward of defendant	Ward - Offence committed
5	16/3/17	Apna Lahore Ltd 122 Ladypool Road Birmingham B12 8JA	Food Safety & Hygiene (England) Regulations 2013 Pleaded guilty to four offences of failing to comply with Hygiene Improvement Notices at Apna Lahore, 122 Ladypool Road, Birmingham. Food containers, a towel dispenser and the door to the walk in chiller were dirty. There were no permanent procedures based on HACCP principles. The premises were in a dirty condition, redecoration of the ceiling had not been carried out to remove flaking paint and items such as a ladder and mattress from the upstairs kitchen. Food handlers had not undergone food hygiene training.	£500 x 1 st offence No separate penalty for remaining offences. £735 costs (£735 requested)	Sparkbrook	Sparkbrook
6	16/3/17	Chester Orlandar Arthurs Flat above 178 Lodge Road Birmingham B18 5DH	Food Safety & Hygiene (England) Regulations 2013 Pleaded guilty to nine offences relating to conditions at Prawny Jerk Centre, 178 Lodge Road. There was evidence of mouse activity throughout the premises, mouse droppings were found in the storeroom and on shelving beneath work surfaces in the kitchen. There were gaps within the structure of the premises which could allow access to pests. There was no soap or materials for hygienic hand drying in the kitchen. Chopping boards were heavily scored. There was an uncovered food waste bin on a shelf beneath the central preparation bench holding food. One of the external bins was overfilled and could not be closed.	£400 x 1 st offence No separate penalty on remaining offences £900 (£1,883 requested)	Soho	Soho

	Date Case Heard	Name & Address	Offence details (including Legislation)	Fine/Penalty & Costs	Ward of defendant	Ward - Offence committed
7	16/3/17	Palvinder Singh Dhillon 48 Warren Road Birmingham B44 8QG	Food Safety & Hygiene (England) Regulations 2013 Pleaded guilty to three offences relating to conditions at Kingsbury Fish Bar, 590 Kingsbury Road, Birmingham. A portion of southern fried chicken was found not to be thoroughly cooked and raw in part. Cooked foods were not being stored at correct temperatures and there were no permanent procedures based on HACCP principles.	£291 x 1 st offence No separate penalty for remaining offences £1,504 costs (£1,504 requested)	Oscott	Erdington
8	30/3/17	Guzel Inoc Limited 140 Soho Road Handsworth Birmingham B21 9LN	Food Safety & Hygiene (England) Regulations 2013 Pleaded guilty to four offences relating to conditions at International Supermarket, 140 Soho Road, Handsworth, Birmingham. There was evidence of mouse and cockroach activity throughout the premises. The premises were not kept clean, mouse droppings were found at wall/floor junctions in the first floor storeroom and retail area on the ground floor. Mouse droppings were found around bags of flour in the retail area on the ground floor and on food storage shelves. There were no permanent procedures based on HACCP principles.	Total £10,000 (£2,500 x 4) £2,061 costs (£2,061 requested)	Lozells & East Handsworth	Lozells & East Handsworth

	Date Case Heard	Name & Address	Offence details (including Legislation)	Fine/Penalty & Costs	Ward of defendant	Ward - Offence committed
9	30/3/17	Chef Village Ltd 368 Stratford Road Birmingham B11 4AB	Food Safety & Hygiene (England) Regulations 2013 Pleaded guilty to four offences relating to conditions at Chef Village, 368 Stratford Road, Birmingham. The premises were not kept clean, mouse droppings were found throughout the premises and there was a build-up of dirt and grease on the wall/floor junctions and pipework on fixed equipment. There were holes in the wall by the sink and part of the ceiling was missing which could allow access to pests. There were no procedures based on HACCP principles.	£3,000 x 1 st offence No separate penalty for remaining offences. £500 costs (£1,144 requested)	Sparkbrook	Sparkbrook
10	30/3/17	A & S Butchers Limited 215 Stoney Lane Birmingham B12 8AS	Food Safety & Hygiene (England) Regulations 2013 Pleaded guilty to four offences relating to conditions found at A & S Butchers, 215 Stoney Lane, Birmingham. There was evidence of mouse activity throughout the butchery. Mouse droppings were found on a chopping block, the walls and floor of the walk in chiller were dirty, the floor of the butchery was dirty and the wash hand basin was dirty. Food was not protected against contamination, mouse droppings were found on raw chicken displayed for sale and in a box of garlic and chillies.	£1,600 x 1 st offence No separate penalty for remaining offences £300 costs (£817 requested)	Sparkbrook	Sparkbrook

	Date Case Heard	Name & Address	Offence details (including Legislation)	Fine/Penalty & Costs	Ward of defendant	Ward - Offence committed
11	30/3/17	A S Supermarkets Ltd 215 Stoney Lane Birmingham B12 8AS	Food Safety & Hygiene (England) Regulations 2013 Pleaded guilty to four offences relating to conditions found at A S Supermarket, 215 Stoney Lane, Birmingham. The premises were not kept clean as mouse droppings were found on the floor and on shelving throughout. Food was not protected against contamination, mouse droppings were found in multiple boxes of vegetables and around baby food products.	£2,000 x 1 st offence No separate penalty for remaining offences £500 costs (£1,302 requested)	Sparkbrook	Sparkbrook
12	30/3/17	Azhar Mahmood 965 Pershore Road Selly Oak Birmingham B29 7PS	Food Safety & Hygiene (England) Regulations 2013 Pleaded guilty to four offences relating to conditions at Shahi Nan Kebab, 353 Stratford Road. There were mouse droppings in all food rooms and preparation areas on the ground and first floor. The washbasin in the front server was obstructed with food equipment. There were no materials for cleaning or drying hands. There was no washbasin for cleaning hands on the first floor, specifically in the kitchen where open and high risk food was handled.	£483 x 1 st offence No separate penalty for remaining offences £100 costs (£1,224 requested)	Selly Oak	Sparkbrook

	Date Case Heard	Name & Address	Offence details (including Legislation)	Fine/Penalty & Costs	Ward of defendant	Ward - Offence committed
13	13/4/17	Peraparan Krishnapillai 5 Parkfield Way Aston Birmingham B6 6HB	Food Safety & Hygiene (England) Regulations 2013 Pleaded guilty to five offences relating to conditions at Six Ways Express, 43 Birchfield Road, Aston. There was evidence of mouse activity throughout the premises. Items of food gnawed by pests were on display for sale. There were holes in the premises which could allow access to pests. The premises were not clean, mouse droppings were found on shelving units and at floor/wall junctions. There were no procedures based on HACCP.	£285 x 1 st offence No separate penalty for remaining offences. £1,223 costs (£1,223 requested)	Aston	Aston
14	13/4/17	Muguntha Supermarket 170-172 Tynedale Road Birmingham B11 3QU	Food Safety & Hygiene (England) Regulations 2013 Pleaded guilty to four offences relating to conditions at Muguntha Supermarket, 170-172 Tynedale Road. There was evidence of rat activity throughout the storeroom. There were gaps in the ceiling/wall junctions which could allow access to rats and there was a hole in the plasterboard where a rat had chewed through. Gnawed packets of food were on display for sale. The company did not have a waste contract; waste was being stored in the storeroom.	£2,000 x 1 st offence No separate penalty for remaining offences. £1,103 costs (£1,103 requested)	Ladywood	Ladywood

	Date Case Heard	Name & Address	Offence details (including Legislation)	Fine/Penalty & Costs	Ward of defendant	Ward - Offence committed
15	13/4/17	Sajid Mehmood 34 Monsall Road Great Barr Birmingham B42 2DH	Food Safety & Hygiene (England) Regulations 2013 Pleaded guilty to two offences relating to conditons at Dinaz Pizza, 278 Wellington Road. There was evidence of mouse activity throughout the premises and mouse droppings were found in the kitchen. Mouse droppings and urine were found on raw ingredients in the store room. The premises was not kept clean, equipment was dirty and greasy.	£150 x 1st offence No separate penalty for remaining offences £645 costs (£1,290 requested)	Perry Barr	Lozells & East Handsworth
16	13/4/17	Ahsan Khawaja 3 Cheatham Street Birmingham B7 5PS	Food Safety & Hygiene (England) Regulations 2013 Pleaded guilty to six offences relating to conditions at Salt & Pepper, 88-89 Digbeth. There was evidence of mouse activity throughout the premises, the floor throughout was littered with mouse droppings. Fittings and equipment which food came into contact with were not kept. There was a large hole in the rear wall/ceiling allowing access to pests. There were no procedures based on HACCP.	£346 x 1st offence No separate penalty for remaining offences £1,180 costs (£1,180 requested)	Nechells	Nechells

	Date Case Heard	Name & Address	Offence details (including Legislation)	Fine/Penalty & Costs	Ward of defendant	Ward - Offence committed
17	13/4/17	Mirchee Ltd 151-153 Soho Road Birmingham B21 9SU	Food Safety & Hygiene (England) Regulations 2013 Pleaded guilty to eight offences relating to conditions at Mirchee, 137 Soho Road. There was mice activity throughout the premises. The premises was not kept clean, there was a build-up of dirt and grease, walls and pipework were dirty and mouse droppings were found throughout the kitchen. Holes found in walls could allow access to pests. Chopping boards were heavily scored and worn, so could not be effectively cleaned. The pizza oven was dirty with food debris. Debris and droppings were found under a chest freezer. There was an uncovered waste oil barrel stored outside the rear door. Two external waste bins were overflowing with refuse.	£4,000 x 1st offence No separate penalty for remaining offences £2,511 costs (£2,511 requested)	Soho	Soho
18	27/4/17	Faisal Yaqub 3 Barnfield Road Solihull B92 0QB	Food Safety & Hygiene (England) Regulations 2013 Pleaded guilty to eight offences relating to conditions at Yaqub's Steakhouse, 316 Highgate Road. There was evidence of mouse activity throughout the premises and two dead mice were found in a cupboard in the staff toilet. The premises were not kept clean, mouse droppings were found in the kitchen and on equipment throughout. Gaps in the structure of the premises allowed access to pests. A floor drain beneath the sink was open. Equipment and fittings were not effectively cleaned. Uncovered containers of onion rings, wedges and fries were stored on a trolley which had mouse droppings on it. The external container bin was overflowing.	£6,000 x 1 st offence No separate penalty for remaining offences £1,500 costs (£1,985 requested)	Out of area	Sparkbrook

WASTE OFFENCES

	Date Case Heard	Name & Address	Offence details (including Legislation)	Fine/Penalty & Costs	Ward of defendant	Ward - Offence committed
1	2/3/17	Ramesh Parmar 77 Birchy Leasowes Lane Solihull B90 1PU	Environmental Protection Act 1990 Pleaded guilty to three offences; two of depositing black sacks of waste (fly tipping) relating to Mortgage Centre Estates, on the pavement outside 581 Stratford Road, Birmingham and one of failing to comply with a demand for information requiring written information as to how waste from the business is disposed of.	Total £1,333 £467 costs (£926 requested)	Out of area	Springfield
2	16/3/17	Paom George Flat above 636 Washwood Heath Road Birmingham B8 2HQ	Environmental Protection Act 1990 Found guilty in his absence of one offence of depositing three black bags and one carrier bag of domestic waste in Sladefield Road, Washwood Heath, Birmingham.	£440 £175 costs (£175 requested)	Hodge Hill	Washwood Heath
3	20/3/17	Fahmi Raja Ahmed 32 Dale Road Birmingham B29 6AG	Environmental Protection Act 1990 Pleaded <u>not guilty</u> to two offences; one offence of failing to comply with a notice requiring written details of the driver and/or person in charge of the vehicle which was used to deposit waste and one offence of knowingly causing controlled waste (fly tipping) to be deposited on land at the entrance to Ackers Adventure on Golden Hillock Road, Birmingham. Found guilty following trial.	£5,000 x Sec 33 offence No separate penalty for sec 71 offence. £4,000 costs (£4,675 requested) £175 clean-up costs (£175 requested)	Selly Oak	South Yardley

	Date Case Heard	Name & Address	Offence details (including Legislation)	Fine/Penalty & Costs	Ward of defendant	Ward - Offence committed
4	24/3/17	Emmanuel Radu 105 Bennetts Road Birmingham B8 1QJ	Environmental Protection Act 1990 Pleaded guilty to one offence of depositing controlled waste (fly tipping), namely evergreen tree branches and large pieces of wood from a Ford Transit van on land at Cranby Street, Birmingham.	£960 £500 costs (£891 requested)	Washwood Heath	Washwood Heath
5	30/3/17	Ionita Tanase 67A Yardley Road Acocks Green Birmingham B27 6LL	Environmental Protection Act 1990 Pleaded guilty to one offence of causing controlled waste (fly tipping), namely a tall upright fridge and chest freezer to be deposited from a Ford Transit van on land at the junction of St Josephs Road and Washwood Heath Road, Birmingham.	£425 £100 costs (£1,428 requested) £160 clean-up costs (£160 requested)	Acocks Green	Washwood Heath
6	31/3/17	Nadim Ali Flat 1 251 Brays Road Sheldon Birmingham B26 2UL	Environmental Protection Act 1990 Pleaded guilty to nine offences of depositing controlled waste (fly tipping) including black bags of waste, cardboard boxes, carpet, wood, a mattress, fish tank, a baby gym and other bulky waste items from a Volkswagen "camper van" on land to the rear of Brays Road and Sheldon Heath Road, Stoney Lane, Studley Street and Bolton Road, Birmingham.	8 months imprisonment No costs awarded (£9,350 requested)	Sheldon	Sheldon

	Date Case Heard	Name & Address	Offence details (including Legislation)	Fine/Penalty & Costs	Ward of defendant	Ward - Offence committed
7	3/4/17	Mohammed Hussain Yassar 385 Alum Rock Road Birmingham B8 3DS	Environmental Protection Act 1990 Pleaded <u>not guilty</u> to four offences; one offence of depositing controlled waste (fly tipping), namely one black bag relating to Stechford Flooring, next to recycling units in Flaxley Road Stechford, Birmingham; one offence of failing to take measures to prevent the escape of waste from Stechford Flooring; one offence of failing to keep written information of the transfer of controlled waste and one offence failing to provide information requested in a statutory demand for information within 7 days. Found not guilty of the first three offences but found guilty of the fourth offence of failing to comply with a statutory demand.	£300 £400 costs (£1,658 requested)	Washwood Heath	Stechford & Yardley North
8	5/4/17	Craig Shaw 162 Hazelville Road Hall Green Birmingham B28 9QE	Environmental Protection Act 1990 Pleaded guilty to one offence of depositing controlled waste (fly tipping), namely three mattresses and a broken cupboard on Brickfield Road, Birmingham.	£1,400 £900 costs (£900 requested)	Hall Green	South Yardley
9	7/4/17	Linsey Pauline May 18 Fairfaz Drive Birmingham B31 3SQ	Environmental Protection Act 1990 Pleaded guilty to one offence of depositing controlled waste (fly tipping), namely black bags of household waste on land at the rear of 11 Broseley Avenue.	£80 £150 costs (£535 requested)	Northfield	Northfield

	Date Case Heard	Name & Address	Offence details (including Legislation)	Fine/Penalty & Costs	Ward of defendant	Ward - Offence committed
10	7/4/17	Roxcelle Shrivell Rowe 124 Middle Acre Road Birmingham B32 3AS	Environmental Protection Act 1990 Pleaded guilty to one offence of depositing controlled waste (fly tipping), namely a rubber tyre on land in Maas Road, Northfield.	£200 £325 costs (£658 requested) £160 clean-up costs (£160 requested)	Bartley Green	Northfield

ANIMAL WELFARE OFFENCES

	Date Case Heard	Name & Address	Offence details (including Legislation)	Fine/Penalty & Costs	Ward of defendant	Ward - Offence committed
1	30/3/17	Darren Rowlands 8 Cadine Gardens Birmingham B13 8QN	The Dogs on Leads Order 2014 Found guilty in his absence of one offence of being the person in charge of a dog and failing to ensure that the dog was kept on a lead in Cadine Gardens, Birmingham.	£220 £250 costs (£250 requested)	Moseley & Kings Heath	Moseley & Kings Heath
2	13/4/17	Ian John Bricknell 171 Springthorpe Road Erdington Birmingham B24 0SN	Dogs (Fouling of Land) Act 1996 Found guilty in absence of one offence of being the person in charge of a dog which defecated on the pavement in Pype Hayes Park and failing to remove the faeces.	£145 £250 costs (£250 requested)	Tyburn	Tyburn

NOISE OFFENCES

	Date Case Heard	Name & Address	Offence details (including Legislation)	Fine/Penalty & Costs	Ward of defendant	Ward - Offence committed
1	27/4/17	Amarjit Kaur 12 Park Hill Drive Handsworth Wood Birmingham B20 1DJ	Environmental Protection Act 1990 Pleaded guilty to 10 offences of failing to comply with an abatement notice and causing a noise nuisance at 12 Park Hill Drive, Handsworth Wood, Birmingham by the playing of amplified music. Forfeiture order granted in respect of sound equipment.	Total £200 (£20 x 10) No costs awarded (£2,005 requested)	Handsworth Wood	Handsworth Wood

LITTERING OFFENCES

	Date Case Heard	Name & Address	Offence details (including Legislation)	Fine/Penalty & Costs	Ward of defendant	Ward - Offence committed
1	2/3/17	Emma Cash 13 Laurel Close Redditch Worcestershire B98 7EP	Environmental Protection Act 1990 Pleaded guilty to one offence of dropping a cigarette butt on the pavement in Union Street, Birmingham.	£65 £175 costs (£175 requested)	Out of area	Ladywood
2	2/3/17	George Serban 37 Danesford Telford TF3 2DY	Environmental Protection Act 1990 Pleaded guilty to one offence of dropping a cigarette butt on the pavement in High Street, Birmingham.	£145 £175 costs (£175 requested)	Out of area	Ladywood

3	2/3/17	Callum Bailey 53 Waverley Road Kenilworth CV8 1JL	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Stephenson Street, Birmingham.	£220 £175 costs (£175 requested)	Out of area	Ladywood
4	2/3/17	Samuel Moldovan Brilliantul 48 Glenpark Road Birmingham B8 3QW	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.	£220 £175 costs (£175 requested)	Washwood Heath	Ladywood
5	2/3/17	Mary Ellen Casey 11 Eastwood Road Birmingham B12 9NA	Environmental Protection Act 1990 Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.	£220 £175 costs (£175 requested)	Sparkbrook	Ladywood
6	2/3/17	Terri Dowling 93 Queen Elizabeth Road Nuneaton CV10 9BL	Environmental Protection Act 1990 Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.	£220 £175 costs (£175 requested)	Out of area	Ladywood
7	2/3/17	Iocab Bergh Eva 23 Dolphin Road Birmingham B11 3LS	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.	£220 £175 costs (£175 requested)	Springfield	Ladywood

8	2/3/17	Luke Edward Fletcher Apartment 33 25 Cox Street Birmingham B3 1RD	Environmental Protection Act 1990 Found guilty in his absence of two offences of dropping cigarette butts on the pavement in New Street and Stephenson Street, Birmingham on two separate dates.	£330 x 1 st offence No separate penalty for 2 nd offence £175 costs (£175 requested)	Ladywood	Ladywood
9	2/3/17	Samira Hussain 112 St Pauls Road Birmingham B12 8LS	Environmental Protection Act 1990 Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.	£220 £175 costs (£175 requested)	Sparkbrook	Ladywood
10	2/3/17	Arron James Lacey 7 Bushland Road Northampton NN3 2NS	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.	£220 £175 costs (£175 requested)	Out of area	Ladywood
11	2/3/17	Charlotte Mawer 9 Bowfort Avenue Hereford HR2 7PZ	Environmental Protection Act 1990 Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in Smallbrook Queensway, Birmingham.	£220 £175 costs (£175 requested)	Out of area	Ladywood
12	2/3/17	Suhayl Mehrban 68 Nansen Road Saltley Birmingham B8 3JU	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Moor Street Queensway, Birmingham.	£220 £175 costs (£175 requested)	Washwood Heath	Ladywood

13	2/3/17	Ying Wang Pang Flat 12 Forge Place 164 Cheapside Birmingham B12 0PS	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Edgbaston Street, Birmingham.	£220 £175 costs (£175 requested)	Nechells	Ladywood
14	2/3/17	Vanessa Postle 127 Wombridge Road Trench Telford TF2 6QD	Environmental Protection Act 1990 Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in Smallbrook Queensway, Birmingham.	£220 £175 costs (£175 requested)	Out of area	Ladywood
15	2/3/17	Rodney Prigge 40 Wellshead Way Church Aston Newport Shropshire TF10 9JF	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Smallbrook Queensway, Birmingham.	£220 £175 costs (£175 requested)	Out of area	Ladywood
16	2/3/17	Nathan Sharratt 41 Saint Thomas Way Rugeley Staffordshire WS15 1GZ	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Stephenson Street, Birmingham.	£220 £175 costs (£175 requested)	Out of area	Ladywood
17	2/3/17	Katie Thompson 28 Brook Hill Road Alum Rock Birmingham B8 3PB	Environmental Protection Act 1990 Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in High Street, Birmingham.	£220 £175 costs (£175 requested)	Washwood Heath	Ladywood

18	2/3/17	Andong Marius Valeriu 137A Handsworth Wood Road Birmingham B20 2PJ	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.	£220 £175 costs (£175 requested)	Handsworth Wood	Ladywood
19	2/3/17	Stuart White 15 Drumshaugh Place Newcastle NE5 3SY	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Stephenson Street, Birmingham.	£220 £175 costs (£175 requested)	Out of area	Ladywood
20	10/3/17	Stefan Ionita 17 St Michaels Crescent Oldbury B69 4RT	Environmental Protection Act 1990 Pleaded guilty to one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.	£50 £20 costs (£175 requested)	Out of area	Ladywood
21	10/3/17	Andrew Moffat 4 Briggington Cottages Hockliffe Road Leighton Buzzard LU7 9NX	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Stephenson Street, Birmingham.	£220 £175 costs (£175 requested)	Out of area	Ladywood
22	10/3/17	Ruth Morrell 32 Mastrick Drive Aberdeen AB16 6UA	Environmental Protection Act 1990 Pleaded guilty to one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.	£135 £175 costs (£175 requested)	Out of area	Ladywood

23	10/3/17	Laura Murray 47 Stockmans Close Kings Norton Birmingham B38 9AX	Environmental Protection Act 1990 Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in High Street, Birmingham.	£220 £175 costs (£175 requested)	Kings Norton	Ladywood
24	10/3/17	Michelle Jegede 11 Westfield Road Northampton NN5 5BY	Environmental Protection Act 1990 Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in Smallbrook Queensway, Birmingham.	£220 £175 costs (£175 requested)	Out of area	Ladywood
25	10/3/17	Juliette Ellis 5 Holden Close Birmingham B23 7QR	Environmental Protection Act 1990 Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in Temple Street, Birmingham.	£220 £175 costs (£175 requested)	Stockland Green	Ladywood
26	10/3/17	Iuliana Gheorge 17 St Michaels Crescent Oldbury B69 4RT	Environmental Protection Act 1990 Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.	£220 £175 costs (£175 requested)	Out of area	Ladywood
27	10/3/17	Mohammed Qureshi 15 Ansell Road Birmingham B11 1TN	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.	£220 £175 costs (£175 requested)	Sparkbrook	Ladywood

28	10/3/17	Lisa Stringer 6 Kittiwake Drive Perry Common Birmingham B23 5FR	Environmental Protection Act 1990 Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.	£220 £175 costs (£175 requested)	Kingstanding	Ladywood
29	10/3/17	Ryan Parks 12 Kingsley Court Mansfield Woodhouse Mansfield NG19 8JF	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.	£220 £175 costs (£175 requested)	Out of area	Ladywood
30	16/3/17	Andrew Sinclair 30 Salisbury Road Birmingham B13 8JT	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Stephenson Street.	£220 £175 costs (£175 requested)	Moseley & Kings Heath	Ladywood
31	16/3/17	Christopher James 306 Hillmorton Road Rugby CV22 5BP	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Smallbrook Queensway.	£220 £175 costs (£175 requested)	Out of area	Ladywood
32	16/3/17	Ioan Ilia 20 Warwards Lane Birmingham B29 7RB	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Smallbrook Queensway.	£220 £175 costs (£175 requested)	Selly Oak	Ladywood

33	16/3/17	John Hewitt 19 Kelsell Croft Ladywood Birmingham B1 2PS	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Stephenson Street.	£220 £175 costs (£175 requested)	Ladywood	Ladywood
34	16/3/17	Vincent Kim Dang Flat 15 Denton Malden Crescent London NW1 8BN	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in New Street.	£220 £175 costs (£175 requested)	Out of area	Ladywood
35	16/3/17	Edwin Caines Apartment 351 Centenary Plaza Holliday Street Birmingham B1 1TW	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Stephenson Street.	£220 £175 costs (£175 requested)	Ladywood	Ladywood
36	16/3/17	Ali Abdulan Alzahrani Apartment 905 The Rotunda New Street Birmingham B2 4PA	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in New Street.	£220 £175 costs (£175 requested)	Ladywood	Ladywood
37	16/3/17	Donna Parkinson 149 Shirley Road Acocks Green Birmingham B27 7NN	Environmental Protection Act 1990 Pleaded guilty to one offence of dropping a cigarette butt on the pavement in New Street.	£40 £175 costs (£175 requested)	Acocks Green	Ladywood

38	16/3/17	Manrika Kaur Khaira 42 Hawthorne Road Walsall WS5 4NB	Environmental Protection Act 1990 Pleaded guilty to one offence of dropping a cigarette butt on the pavement in Smallbrook Queensway.	£40 £175 costs (£175 requested)	Out of area	Ladywood
39	16/3/17	Charlotte Dobson 3 Quines Close Muxton TF2 8SD	Environmental Protection Act 1990 Pleaded guilty to one offence of dropping a cigarette butt on the pavement in Smallbrook Queensway.	£40 £175 costs (£175 requested)	Out of area	Ladywood
40	16/3/17	Natalie Coley 25 Garden Close Birmingham B45 0DE	Environmental Protection Act 1990 Pleaded guilty to one offence of dropping a cigarette butt on the pavement in Bull Street.	£92 £175 costs (£175 requested)	Longbridge	Ladywood
41	16/3/17	Alin Daniel Vladulescu 40 Kitchener Road Selly Park Birmingham B29 7QD	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in New Street.	£220 £175 costs (£175 requested)	Selly Oak	Ladywood
42	24/3/17	Sophie Lauren Moore 326 Church Road Yardley Birmingham B25 8XT	Environmental Protection Act 1990 Pleaded guilty to one offence of dropping a cigarette butt on the pavement in Navigation Street.	£80 £100 costs (£175 requested)	Stechford & South Yardley	Ladywood

43	24/3/17	Joe Taylor Glenwood Tamworth Road Coventry CV7 8JG	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Temple Street.	£220 £175 costs (£175 requested)	Out of area	Ladywood
44	24/3/17	Razvan Dragoie 146 Brantley Road Birmingham B6 7DP	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in New Street.	£220 £175 costs (£175 requested)	Perry Barr	Ladywood
45	30/3/17	Tanvir Ahmed 56 Cooksey Road Birmingham B10 0BS	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Lower Temple Street.	£220 £175 costs (£175 requested)	Nechells	Ladywood
46	30/3/17	Shekeba Barati Apartment 10 34 Ryland Street Birmingham B16 8DB	Environmental Protection Act 1990 Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in Stephenson Street.	£220 £175 costs (£175 requested)	Ladywood	Ladywood
47	30/3/17	Jamie Byrne 26 Washington Wharf Granville Street Birmingham B1 1NN	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Navigation Street.	£220 £175 costs (£175 requested)	Ladywood	Ladywood

48	30/3/17	Rebecca Hanson 21 Princess Road Birmingham B5 7PY	Environmental Protection Act 1990 Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in Corporation Street.	£220 £175 costs (£175 requested)	Sparkbrook	Ladywood
49	30/3/17	Mohammed Khayber Khan 12 Denbigh Street Birmingham B9 4UQ	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in High Street.	£220 £175 costs (£175 requested)	Nechells	Ladywood
50	30/3/17	Christopher Stone 93 Saint Matthews Road Donnington Telford TF2 7NY	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Smallbrook Queensway.	£220 £175 costs (£175 requested)	Out of area	Ladywood
51	30/3/17	Sophia Brechon-Smith 30 Barley Road Birmingham B16 0QE	Environmental Protection Act 1990 Pleaded guilty to one offence of dropping a cigarette butt on the pavement in Stephenson Street.	£40 £175 costs (£175 requested)	Soho	Ladywood
52	30/3/17	Paul Hyde 5 Furnace Crescent Milton Keynes MK3 6NR	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Smallbrook Queensway.	£60 £175 costs (£175 requested)	Out of area	Ladywood

53	30/3/17	Hayden Price Flat 212 Monument Road Birmingham B16 8UU	Environmental Protection Act 1990 Pleaded guilty to one offence of dropping a cigarette butt on the pavement in Granville Street.	£40 £175 costs (£175 requested)	Ladywood	Ladywood
54	30/3/17	Dominik Drozoz 27 Breedon Road Birmingham B30 2HT	Environmental Protection Act 1990 Pleaded guilty to one offence of dropping a cigarette butt on the pavement in New Street.	£80 £175 costs (£175 requested)	Bournville	Ladywood
55	30/3/17	Matthew Mohoney 2 Amber Court Stone Road Birmingham B15 2NY	Environmental Protection Act 1990 Pleaded guilty to one offence of dropping a cigarette butt on the pavement in Smallbrook Queensway.	£40 No costs awarded (£175 requested)	Edgbaston	Ladywood
56	7/4/17	Ryan Smith 56 Swancote Road Birmingham B33 9JE	Environmental Protection Act 1990 Pleaded guilty to one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.	£80 £100 costs (£175 requested)	Stechford & Yardley North	Ladywood
57	7/4/17	Kevin Wilson 21 Cross Flats Road Leeds LS11 7JB	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in New Street.	£440 £175 costs (£175 requested)	Out of area	Ladywood
58	7/4/17	Michael Buras Flat 4 272 Monument Road Birmingham B16 8XF	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in New Street.	£440 £175 costs (£175 requested)	Ladywood	Ladywood

59	7/4/17	Samuel Joseph Blezard 42 Westwood Street Brierley Hill Dudley DY5 3LZ	Environmental Protection Act 1990 Pleaded guilty to one offence of dropping a cigarette butt on the pavement in Stephenson Street, Birmingham.	£175 £175 costs (£175 requested)	Out of area	Ladywood
60	7/4/17	Liam Coulthard 11A Green Lane Worcester WR3 8NY	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Colmore Row.	£440 £175 costs (£175 requested)	Out of area	Ladywood
61	7/4/17	Aaron Ellison 10 Letchmere Close Wolverhampton WV6 7AJ	Environmental Protection Act 1990 Pleaded guilty to one offence of dropping a cigarette butt on the pavement in Colmore Row, Birmingham.	£265 £175 costs (£175 requested)	Out of area	Ladywood
62	7/4/17	Mohammed Khan 676 Alum Rock Road Birmingham B8 3NU	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in High Street.	£440 £175 costs (£175 requested)	Washwood Heath	Ladywood
63	7/4/17	Luke Marsh Room 1 106 Newcombe Road Birmingham B21 8BY	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in New Street.	£440 £175 (£175 requested)	Handsworth Wood	Ladywood
64	7/4/17	Kristian Putonki 1 Stoneyhurst Square Bradford BD4 9EW	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Smallbrook Queensway.	£440 £175 costs (£175 requested)	Out of area	Ladywood

65	7/4/17	Dragos Niculaif 21 Dalloway Close Birmingham B5 7RD	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Sherlock Street.	£160 £175 (£175 requested)	Sparkbrook	Ladywood
66	13/4/17	John Paul McGrath Flat 75 Abacus Building 196 Alcester Street Birmingham B12 0NX	Environmental Protection Act 1990 Pleaded guilty to one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.	£50 No costs awarded (£175 requested)	Nechells	Ladywood
67	13/4/17	Sean Oliver 8 Gretdale Avenue Lytham St Annes FY8 2EF	Environmental Protection Act 1990 Pleaded guilty to one offence of dropping a cigarette butt on the pavement in Stephenson Street, Birmingham.	£145 £175 costs (£175 requested)	Out of area	Ladywood
68	13/4/17	Jean McGreevy 136 Wantage Woodside Telford TF7 5PE	Environmental Protection Act 1990 Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in Smallbrook Queensway.	£220 £175 costs (£175 requested)	Out of area	Ladywood
69	13/4/17	Nicu Dragomir 16 Oscott Road Perry Barr Birmingham B42 2TA	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in New Street.	£220 £175 costs (£175 requested)	Perry Barr	Ladywood
70	13/4/17	Walter Acellam Flat 39 Halifax House Bristol Road Birmingham B5 7XU	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Priory Queensway.	£220 £175 costs (£175 requested)	Edgbaston	Ladywood

71	13/4/17	Jason Ballantyne 120 Dorrington Road Great Barr Birmingham B42 1QT	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Priory Queensway.	£220 £175 costs (£175 requested)	Perry Barr	Ladywood
72	13/4/17	Aaron Cooper 442 Hinckley Road Leicester LE3 0WA	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Colmore Row.	£220 £175 costs (£175 requested)	Out of area	Ladywood
73	13/4/17	Daniel James Dyson 4 Ash Avenue Worcester WR4 9TL	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Colmore Row.	£220 £175 costs (£175 requested)	Out of area	Ladywood
74	13/4/17	Rosalyn Eden 27 Victoria Road Tipton Dudley DY4 8SN	Environmental Protection Act 1990 Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in Lower Temple Street.	£220 £175 costs (£175 requested)	Out of area	Ladywood
75	13/4/17	Daniel Evans 13 Oak Avenue Great Whirley Walsall WS6 6HW	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in New Street.	£220 £175 costs (£175 requested)	Out of area	Ladywood
76	13/4/17	Simon Lledo 43 Newcombe Road Southampton SO15 2FT	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Stephenson Street.	£220 £175 costs (£175 requested)	Out of area	Ladywood

77	13/4/17	Alfonso Silva 43 Bellcroft Birmingham B16 8EJ	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in New Street.	£220 £175 costs (£175 requested)	Ladywood	Ladywood
78	13/4/17	Gemma Lewis The Mount Mount Street Weshpool SY21 7LW	Environmental Protection Act 1990 Pleaded guilty to one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.	£40 £175 costs (£175 requested)	Out of area	Ladywood
79	13/4/17	James David McCann 7 Croftburn Drive Glasgow G44 5JG	Environmental Protection Act 1990 Pleaded guilty to one offence of dropping a cigarette butt on the pavement in Smallbrook Queensway, Birmingham.	£105 £175 costs (£175 requested)	Out of area	Ladywood
80	27/4/17	Ali Daniel 40 Kitchener Road Selly Oak Birmingham B29 7QD	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in New Street.	£100 £50 costs (£175 requested)	Selly Oak	Ladywood
81	27/4/17	James Willets 27 Stennels Avenue Halesowen Birmingham B62 8QJ	Environmental Protection Act 1990 Pleaded guilty to one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.	£80 £40 costs (£175 requested)	Out of area	Ladywood

82	27/4/17	Noreen McCarthy 34 South Road Birmingham B11 1ER	Environmental Protection Act 1990 Pleaded guilty to one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.	£30 £40 costs (£175 requested)	Sparkbrook	Ladywood
83	27/4/17	Rashid Mahmood 16 Jason Road Stourbridge DY9 8XZ	Environmental Protection Act 1990 Pleaded guilty to one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.	£80 £40 costs (£175 requested)	Out of area	Ladywood
84	27/4/17	David Gheorge 217 Slade Road Birmingham B23 7QX	Environmental Protection Act 1990 Pleaded guilty to one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.	£80 £40 costs (£175 requested)	Stockland Green	Ladywood
85	27/4/17	Nicholas Jones 35 Coughton Hill Alcester B49 5HX	Environmental Protection Act 1990 Pleaded guilty to one offence of dropping a cigarette butt on the pavement in High Street, Birmingham.	£80 £40 costs (£175 requested)	Out of area	Ladywood
86	27/4/17	Danielle Thurgood 27 Stennels Avenue Halesowen Birmingham B62 8QJ	Environmental Protection Act 1990 Pleaded guilty to one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.	£80 £40 costs (£175 requested)	Out of area	Ladywood
87	27/4/17	Alex Campbell Flat 1 51 Merridlae Road Wolverhampton WV3 9SE	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Newhall Street.	£100 £50 costs (£175 requested)	Out of area	Ladywood

88	27/4/17	Leonie Brennan Flat 10 Green Court Fox Hollies Road Birmingham B28 9DP	Environmental Protection Act 1990 Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in Navigation Street.	£100 £50 costs (£175 requested)	Out of area	Ladywood
89	27/4/17	Mudessar Ahmed 1 Parker Street Edgbaston Birmingham B16 9AQ	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in New Street.	£100 £50 costs (£175 requested)	Edgbaston	Ladywood
90	27/4/17	Alexandru Stan 68 Chedwynd Road Alum Rock Birmingham B8 2LA	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in New Street.	£100 £50 costs (£175 requested)	Washwood Heath	Ladywood
91	27/4/17	Martin Stankov 27 King Richard Street Coventry CV2 4FU	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Smallbrook Queensway.	£100 £50 costs (£175 requested)	Out of area	Ladywood

92	27/4/17	Khadija Taal 45 Waddington Avenue Great Barr Birmingham B43 5JF	Environmental Protection Act 1990 Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in Lancaster Circus.	£100 £50 costs (£175 requested)	Out of area	Ladywood
93	27/4/17	Kim Wells 5 Greensleeves Drive Aylesbury HP18 0GF	Environmental Protection Act 1990 Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in Smallbrook Queensway.	£100 £50 costs (£175 requested)	Out of area	Ladywood
94	27/4/17	Graig Wright Flat 5 24 Selwyn Road Birmingham B16 0SN	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Navigation Street.	£100 £50 costs (£175 requested)	Ladywood	Ladywood
95	27/4/17	Ravinder Singh Nagra 72 Rosefield Road Smethwick B67 6DX	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Corporation Street.	£100 £50 costs (£175 requested)	Out of area	Ladywood
96	27/4/17	Lucas Jose Carvalho De Oliveira 17 Pavior Road Nottingham NG5 5UE	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Smallbrook Queensway.	£100 £50 costs (£175 requested)	Out of area	Ladywood
97	27/4/17	Anna Marie Petrea Apartment 2 47 Westside 20 Suffolk Street Queensway Birmingham B1 1LW	Environmental Protection Act 1990 Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in New Street.	£100 £50 costs (£175 requested)	Ladywood	Ladywood

98	27/4/17	Matthew Spencer Apartment 5 5c Highfield Road Edgbaston Birmingham B15 3EF	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Temple Row.	£100 £50 costs (£175 requested)	Edgbaston	Ladywood
99	27/4/17	Gheorge Dionise 732 Coventry Road Birmingham B10 0TU	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in New Street.	£100 £50 costs (£175 requested)	Bordesley Green	Ladywood
100	27/4/17	Caprian Dumitru 96 Harts Road Birmingham B8 3JZ	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in New Street.	£100 £50 costs (£175 requested)	Washwood Heath	Ladywood
101	27/4/17	Nicholas Hayward 54 Barnside Crescent Northfield Birmingham B31 1TB	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Dean Street.	£100 £50 costs (£175 requested)	Weoley	Ladywood
102	27/4/17	Charles Hulse 16 Durley Dean Road Selly Oak Birmingham B29 6RZ	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Temple Street.	£100 £50 costs (£175 requested)	Selly Oak	Ladywood
103	27/4/17	Christine Mary Luckings 21 Midland Road Rushden Northamptonshire NN10 9UJ	Environmental Protection Act 1990 Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in Bull Street.	£100 £50 costs (£175 requested)	Out of area	Ladywood

ENVIRONMENTAL HEALTH SIMPLE CAUTIONS

Four simple cautions were administered during March and April 2017.

Food Safety and Hygiene (England) Regulations 2013

Four cautions were issued for failing to comply with food hygiene regulations

TRADING STANDARDS**APPENDIX 3**

	Date Case Heard	Name & Address	Offence details (including Legislation)	Fine/Penalty & Costs	Ward of defendant	Ward - Offence committed
1	13/4/17	Mahmood Hussain 59 Geraldine Road Yardley Birmingham B25 8BE	Consumer Protection from Unfair Trading Regulations 2008 Pleaded guilty to five offences; two of supplying a Ford Focus motor vehicle from M A Trade Centre Ltd, 36 Arthur Road, Yardley, Birmingham which was in an unroadworthy condition and the use of the said vehicle was likely to involve danger to another person, one offence of falsely describing the vehicle in an advertisement on the Autotrader Website as "Starts and Drives good", one offence of offering the vehicle for sale without carrying out a basic inspection to ascertain if it was safe and roadworthy and one offence of selling the car creating the impression the vehicle could be legally sold when it could not as it was unroadworthy and dangerous.	£423 x advert offence No separate penalty for remaining offences £1,974 (£1,974 requested)	South Yardley	South Yardley

TRADING STANDARDS SIMPLE CAUTIONS

No simple cautions were administered during March and April 2017.

CASES FINALISED BY DISTRICT (PLACE OF OFFENCE) – MARCH AND APRIL 2017

<u>WARDS AND CONSTITUENCIES FINALISED BY OFFENCE</u>				
MARCH/APRIL 2017				
	<u>Licensing</u>	<u>Environmental Health - Non FPNs</u>	<u>Environmental Health - FPNs</u>	<u>Trading Standards</u>
EDGBASTON				
Bartley Green				
Edgbaston				
Harborne	1			
Quinton				
ERDINGTON				
Erdington	1	1		
Kingstanding				
Stockland Green				
Tyburn		1		
HALL GREEN				
Hall Green				
Moseley and Kings Heath		1		
Sparkbrook		6		
Springfield		1		
HODGE HILL				
Hodge Hill				
Washwood Heath		3		
Bordseley Green				
Shard End				
LADYWOOD				
Aston		1		
Ladywood		2	103	
Nechells	8	2		
Soho		4		

	<u>Licensing</u>	<u>Environmental Health - Non FPNs</u>	<u>Environmental Health - FPNs</u>	<u>Trading Standards</u>
NORTHFIELD				
Kings Norton				
Longbridge				
Northfield		2		
Weoley				
PERRY BARR				
Lozells and East Handsworth		2		
Handsworth Wood		1		
Oscott				
Perry Barr				
SELLY OAK				
Billesley				
Bournville	1			
Bradwood				
Selly Oak	1			
SUTTON COLDFIELD				
Sutton Four Oaks				
Sutton New Hall				
Sutton Trinity	1			
Sutton Vesey				
YARDLEY				
Acocks Green				
Sheldon		1		
South Yardley		2		1
Stechford and North Yardley		1		
OUT OF AREA				
TOTAL	13	31	103	1

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

<u>WARDS AND CONSTITUENCIES FINALISED BY DEFENDANT'S ADDRESS</u>				
MARCH/APRIL 2017				
	<u>Licensing</u>	<u>Environmental Health - Non FPNs</u>	<u>Environmental Health - FPNs</u>	<u>Trading Standards</u>
EDGBASTON				
Bartley Green	1	2	1	
Edgbaston			4	
Harborne				
Quinton				
ERDINGTON				
Erdington				
Kingstanding			1	
Stockland Green			2	
Tyburn	1			
HALL GREEN				
Hall Green		1		
Moseley and Kings Heath		1	1	
Sparkbrook		4	6	
Springfield	1		1	
HODGE HILL				
Hodge Hill	1	2		
Washwood Heath	1	2	6	
Bordseley Green				
Shard End				
LADYWOOD				
Aston		1		
Ladywood		1	11	
Nechells	2	1	4	
Soho		3	1	

	<u>Licensing</u>	<u>Environmental Health - Non FPNs</u>	<u>Environmental Health - FPNs</u>	<u>Trading Standards</u>
NORTHFIELD				
Kings Norton			1	
Longbridge			1	
Northfield		1		
Weoley			1	
PERRY BARR				
Lozells and East Handsworth	3	1		
Handsworth Wood		1	2	
Oscott		1		
Perry Barr	2	1	3	
SELLY OAK				
Billesley				
Bournville			1	
Bradwood				
Selly Oak		2	4	
SUTTON COLDFIELD				
Sutton Four Oaks				
Sutton New Hall				
Sutton Trinity				
Sutton Vesey				
YARDLEY				
Acocks Green		1	1	
Sheldon		1		
South Yardley				1
Stechford and North Yardley			2	
OUT OF AREA	2	3	49	
TOTAL	13	31	103	1

CASES FINALISED BY DISTRICT (PLACE OF OFFENCE) – APRIL 2016-APRIL 2017

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	5	4	4	0	33	0	0	3	1	0	0	50
Environmental Health (FPNs) Not paid and prosecuted	0	3	2	1	588	0	0	0	0	0	0	594
Environmental Health (non FPNs)	3	10	24	17	42	8	15	10	2	8	0	139
Trading Standards	1	2	0	0	6	0	0	0	1	3	1	14

CASES FINALISED BY DISTRICT (DEFENDANT'S HOME ADDRESS/REGISTERED OFFICE) – APRIL 2016-APRIL 2017

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	3	0	11	6	8	0	13	0	0	1	8	50
Environmental Health (FPNs) Not paid and prosecuted	29	38	33	25	70	28	26	16	3	22	304	594
Environmental Health (non FPNs)	3	5	16	17	31	6	14	13	1	9	24	139
Trading Standards	1	3	0	0	2	0	0	0	1	2	5	14

WASTE ENFORCEMENT UNIT – ENFORCEMENT ACTIVITY
APRIL 2016 – MARCH 2017

	Apr-16	May-16	Jun-16	Jul-16	Aug-16	Sep-16	Oct-16	Nov-16	Dec-16	Jan-17	Feb-17	Mar-17	Total 2016/2017
Waste Investigation Outcomes													
Investigations into commercial waste disposal suspected offences and offences	22	44	69	62	66	96	38	63	28	72	31	63	654
<u>Section 34 Environmental Protection Act</u> demand notices issued: (trade waste statutory information demands)	14	95	64	53	25	71	24	50	25	37	35	45	538
<u>Section 34 Environmental Protection Act</u> fixed penalty notices issued to businesses (£300)	7	2	15	34	26	14	4	29	13	16	12	13	185
<u>Section 87 Environmental Protection Act.</u> Fixed Penalty notices issued for commercial and residential litter offences (£80)	4	13	10	11	8	7	10	6	0	2	0	0	71
<u>Section 33 Environmental Protection Act</u> fixed penalty notices issued for fly tipping (£400)									11	11	7	4	33
Prosecutions													
Number of prosecution files submitted to legal services (number produced quarterly)			11			17			17			51	96

BIRMINGHAM CITY COUNCIL

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

21 JUNE 2017
ALL WARDS

**OUTCOME OF APPEALS AGAINST SUB COMMITTEE DECISIONS:
TAKEN DURING MARCH AND APRIL 2017**

1. Summary

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

2. Recommendation

- 2.1 That the report be noted.

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3. Summary of Appeal Hearings for March 2017

	Magistrates'	Crown
Total	4	3
Allowed	2	
Dismissed	1	1
Appeal lodged at Crown		n/a
Upheld in part		2
Withdrawn at Court pre hearing	1	

4. Implications for Resources 2016/2017

- 4.1 The details of costs requested and ordered in each case are set out in the appendix below.
- 4.2 In March 2017 costs have been requested to the sum of £1,200 with reimbursement of £650 (54.2%) ordered by the Courts.
- 4.3 For the fiscal year recently ended, April 2016 to March 2017, costs associated to appeal hearings have been requested to the sum of £27,358.27 with reimbursement of £25,808.27 (94.3%) ordered by the Courts.

5. Summary of Appeal Hearings for April 2017

	Magistrates'	Crown
Total	5	1
Allowed	1	
Dismissed	4	1
Appeal lodged at Crown		n/a
Upheld in part		
Withdrawn pre-Court		

6. Implications for Resources 2017/2018

- 6.1 In April 2017 costs have been requested to the sum of £4,075 with reimbursement of £1,100 (27%) ordered by the Courts.

7. Implications for Policy Priorities

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

8. Public Sector Equality Duty

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

9. Consultation

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

ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

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

MAGISTRATES' COURT – PRIVATE HIRE DRIVER'S LICENCE

	Name	Date Case Heard	Result	Costs Requested	Costs Ordered	Comments
1	Gurjit Singh	Listed 10.03.2017	Withdrawn at Court	£300	£100	On 3 January 2017, as the result of receiving a conditional discharge for the offence of soliciting another for the purpose of obtaining sexual services as a prostitute, Committee considered and in line with the relevant policy resolved to revoke the licence. The appeal was withdrawn at Court. Costs were applied for because a hearing had resulted.
2	Shangara Samra	10.03.2017	Dismissed	£300	£100	On 16 January 2017, as the result of a history of convictions and disqualifications from driving for drink/drive offences, and previous refusals and revocations for the same or similar offences, including one instance of revocation with immediate effect on grounds of public safety, Committee considered and resolved to refuse the application.
3	Mohammed Zabir Khan	13.03.2017	Allowed	0	0	On 3 November 2016, as the result of information received from West Midlands Police to the effect that the appellant had been involved in an incident involving offensive weapons, in consultation with the Chair of your Committee the licence was revoked with immediate effect on grounds of public safety. Notice was posted via Royal Mail because the Licensing Manager was not willing to risk the safety of Licensing Enforcement staff. The appeal was allowed because, in the words of the Clerk to the Justices, "the notice was defective" and "did not set out the reasons" and in the opinion of the Magistrates "the notice does not comply with S61(2A) or (2B)." An appeal to the Crown Court is being actively pursued by Birmingham City Council; the hearing is listed for 25 May 2017 and the result will be reported in due course.

4	Abdul Razaaq	31.03.2017	Allowed		£720 (contra BCC)	On 15 November 2016, as the result of a complaint from a member of the public that the appellant had caused damage to his lawn by deliberately driving over it, and that he had a poor grasp of the English language, Committee considered and resolved to suspend the licence for an unspecified period of time, pending the appellant passing all tests and attending all courses relevant to the grant of such a licence. The appeal was allowed because, in the words of the Magistrates "he was open and honest when questioned and therefore was a good and credible witness", and felt that "the suspension was disproportionate". The complainant was not called to Court to substantiate his complaint.
5	Gul Zubair	03.04.2017	Dismissed	£300	£300	On 8 November 2016, as the result of prosecution and conviction for the offences of plying for hire and subsequently invalidating his insurance, Committee considered and in line with the relevant policy revoked the licence.
6	Nasar Ahmed	07.04.2017	Dismissed	£350	£200	On 1 February 2017, as the result of the appellant's failure to undertake the required medical examination, in spite of numerous reminders in writing, and his failure to attend two Committee meetings to which he had been invited, Committee considered and resolved to revoke the licence. The appellant finally responded to correspondence by taking a medical examination after receiving notice that his licence had been revoked.
7	Saqab Javid	28.04.2017	Dismissed	£250	0	On 9 March 2016, as the result of information received from West Midlands Police to the effect that the appellant had been cautioned for the offence of possession of a Class A drug, and had tested positive for opiates, in consultation with the Chair of your Committee the licence was revoked with immediate effect on grounds of public safety. Notice in writing was hand delivered to the appellant's home address. The Magistrates were of the opinion that "clearly the right decision had been made".

MAGISTRATES' COURT – HACKNEY CARRIAGE DRIVER'S LICENCE

	Name	Date Case Heard	Result	Costs Requested	Costs Ordered	Comments
1	Maher Abdul-Wahab	21.04.2017	Allowed	0	0	On 13 February 2017, as the result of complaints from members of the public regarding abusive and aggressive behaviour on the part of the appellant, Committee considered and resolved to revoke the licence. The Magistrates allowed the appeal because the appellant either denied the inappropriate behaviour referred to in earlier complaints or denied any knowledge of complaints, and gave a completely different version of events to that contained within the statements made by the most recent complainants. The two most recent complainants were not called to Court to substantiate their complaint. No order was made for costs.
2	Sajid Hussain	21.04.2017	Dismissed	£300	£150	On 13 February 2017, as the result of concerns regarding his driving history, namely, 21 points on his driving licence since late 2009, including 12 "live" points at the time of the meeting, Committee considered and resolved to suspend the licence for a period of six months. The Magistrates were concerned regarding public safety, and "did not feel the Council's judgement was wrong".

CROWN COURT – HACKNEY CARRIAGE DRIVER'S LICENCE

	Name	Date Case Heard	Result	Costs Requested	Costs Ordered	Comments
1	Zulfaqar Ali	10.03.2017	Dismissed	£1000	£500	On 31 May 2016, as the result of the appellant's driving history, namely, disqualification from driving in 2011 as the result of 24 points on his driving licence and a further 11 points since reinstatement of his driving licence, Committee considered and resolved to refuse the renewal of the licence. The appeal to the Magistrates was dismissed on 24 October 2016.

2	Mohammed Ali	28.04.2017	Dismissed	£400	£400	On 8 June 2016, as the result of a complaint from a member of the public alleging inappropriate behaviour on the part of the appellant, Committee considered and resolved to refuse the renewal of the licence for a period of six months. The appeal to the Magistrates was dismissed on 12 August 2016. The complainant declined to attend Crown Court.
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CROWN COURT – PRIVATE HIRE DRIVER’S LICENCE

	Name	Date Case Heard	Result	Costs Requested	Costs Ordered	Comments
1	Wiad Rehman	10.03.2017	Allowed in part	£1075	0	On 5 July 2016, as the result of the appellant’s driving history since becoming licensed as a private hire driver, namely, a total of 25 points on his driving licence since early 2007, and several previous appearances before Sub Committees, Committee considered and resolved to suspend and/or refuse the renewal of the licence for a period of six months. The appeal to the Magistrates was dismissed on 28 September 2016. The Bench reduced the period of suspension to three months. Information regarding the Bench’s reasoning for halving the Sub Committee’s period of suspension has been requested but not received.
2	Mohammed Farooq	31.03.2017	Allowed in part	£1000	0	On 20 September 2016, as the result of having committed two motoring offences in a period of less than six weeks that resulted in his licence being endorsed with eight points, Committee considered and resolved to suspend the licence for a period of two months. The appeal to the Magistrates was dismissed on 21 November 2016. The Bench agreed it was correct for the Sub Committee to suspend the licence, but considered a two-month period to be excessive and reduced the suspension period to one month.

BIRMINGHAM CITY COUNCIL

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

21 JUNE 2017
ALL WARDS

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

1. Summary

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

2. Recommendation

- 2.1 That the report be noted.

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3. Background Information

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

4. Summary of Action Taken for May 2017

- 4.5 On 9 May 2017 authority was sought to revoke with immediate effect the private hire driver's licence held by driver reference 83905. On 9 May 2017 information was received that driver 83905 had been arrested following his return to Birmingham Airport and detained in custody on charges of being involved with others to supply heroin, cocaine and crack cocaine, both class A drugs, in and around the Midlands area. He is under investigation by West Midlands Police for allegations of possession of controlled drugs with intent to supply.
- 4.6 The interests of public safety being considered paramount, an authorisation of the Acting Director of Regulation and Enforcement, acting in consultation with the Chair, was obtained and on 3 April 2017 notice was delivered to driver 83905's home address advising that his private hire driver's licence was revoked with immediate effect, in accordance with Section 52 of the Road Safety Act 2006 and Section 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976. Driver 83905's private hire driver badge and vehicle identification plates were retrieved from his licensed vehicle.

5. Update to Action Taken in March 2017

- 5.1 On 12 April 2017 your Committee was advised regarding the immediate revocation of the private hire driver's licence held by driver reference 2385. He had been arrested on 15 March 2017 when a quantity of Class A drugs was found in the passenger footwell of his licensed private hire vehicle, and was under investigation by West Midlands Police for allegations of possession of controlled drugs with intent to supply.
- 5.2 Information was subsequently received from the West Midlands Police: the allegation was withdrawn and it was accepted driver 2385 was not involved in the suspected offences. Consequently, there is no mark against driver 2385's record. An application for the grant of a private hire driver's licence was approved by Licensing Sub Committee on 26 April 2017 and a new licence issued in lieu of the licence that had been revoked.

6. Implications for Resources

- 6.1 No specific implications have been identified; however, drivers retain the right to appeal through a Magistrates' Court, which may result in the imposition of costs either to or against the City Council.

7. Implications for Policy Priorities

- 7.1 The contents of the report contribute to the City Council's published policy priority of improving the standards of licensed vehicles, people and premises in the City.

8. Implications for Equality and Diversity

- 8.1 The actions identified in this report were taken in accordance with the Regulatory Services enforcement policy, which ensures that equality issues have been addressed.

ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

BIRMINGHAM CITY COUNCIL

LICENSING AND PUBLIC PROTECTION COMMITTEE

21 JUNE 2017

SCHEDULE OF OUTSTANDING MINUTES

MINUTE NO./DATE	SUBJECT MATTER	COMMENTS
651 (iii) 20/04/2016	<u>Proposals for Vehicle Emission Standards for Hackney Carriage and Private Hire Vehicles</u> – That officers engage with the neighbouring West Midlands Licensing Authorities to discuss proposals for a regional emissions standard for hackney carriages and private hire vehicles.	Date to be agreed
811(ii) 15/02/2017	<u>Update Report On Unauthorised Encampments</u> – The Acting Service Director of Regulation and Enforcement be requested to report further in three months' time to update on the various work items contained within this report.	Report due in July 2017
835 (ii) 12/04/2017	<u>Flyposting</u> – The Acting Service Director of Regulation and Enforcement be requested to report further on the work being undertaken in respect of fly posting by businesses.	
845 12/04/2017	<u>E-cigarettes</u> – The Acting Service Director of Regulation and Enforcement be requested to report on legislative changes relating to e-cigarettes.	
846 12/04/2017	<u>Non-attendance of Drivers at Sub-Committees</u> – The Acting Service Director of Regulation and Enforcement be requested to report on the options for charging drivers for non attendance.	

