

BIRMINGHAM CITY COUNCIL

LICENSING AND PUBLIC PROTECTION COMMITTEE

WEDNESDAY, 13 MARCH 2019 AT 10:00 HOURS
IN COMMITTEE ROOMS 3 & 4, COUNCIL HOUSE, VICTORIA
SQUARE, BIRMINGHAM, B1 1BB

A G E N D A

1 NOTICE OF RECORDING/WEBCAST

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

2 DECLARATIONS OF INTERESTS

Members are reminded that they must declare all relevant pecuniary and non pecuniary interests arising from any business to be discussed at this meeting. If a disclosable 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.

3 APOLOGIES

To receive any apologies.

3 - 12

4 MINUTES

To confirm and sign the Minutes of the meeting held on 13 February 2019.

13 - 62

5 MEDIUM TO LONG TERM EMISSION STANDARD AND AGE POLICY FOR HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES

Report of Acting Director of Regulation and Enforcement

63 - 74

6 LICENSING & PUBLIC PROTECTION REVENUE BUDGET 2019/20

Report of the Acting Director of Regulation and Enforcement and Corporate Director Finance and Governance.

<u>75 - 78</u>	7	<u>OUTCOME OF APPEALS</u>	Report of the Acting Director of Regulation and Enforcement
<u>79 - 92</u>	8	<u>PROSECUTIONS AND CAUTIONS</u>	Report of the Acting Director and Enforcement
<u>93 - 98</u>	9	<u>FPN'S ISSUED REPORT</u>	Report of Acting Director of Regulation and Enforcement
<u>99 - 102</u>	10	<u>ACTIONS TAKEN BY CHAIR'S AUTHORITY</u>	Report of Acting Director of Regulation and Enforcement
<u>103 - 104</u>	11	<u>SCHEDULE OF OUTSTANDING MINUTES</u>	To consider the schedule of outstanding minutes.
	12	<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.
	13	<u>AUTHORITY TO CHAIRMAN AND OFFICERS</u>	Chairman to move:- 'In an urgent situation between meetings, the Chairman jointly with the relevant Chief Officer has authority to act on behalf of the Committee'.

BIRMINGHAM CITY COUNCIL

<p>LICENSING AND PUBLIC PROTECTION COMMITTEE 13 FEBRUARY 2019</p>
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**MINUTES OF A MEETING OF THE LICENSING
AND PUBLIC PROTECTION COMMITTEE HELD
ON WEDNESDAY 13 FEBRUARY 2019 AT 1000
HOURS IN COMMITTEE ROOMS 3 AND 4
COUNCIL HOUSE, BIRMINGHAM**

PRESENT: - Councillor Barbara Dring in the Chair;

Councillors Bob Beauchamp, Nicky Brennan, Neil Eustace, Adam Higgs, Nagina Kauser, Mike Leddy, Bruce Lines, Hendrina Quinnen, Mike Sharpe, Sybil Spence and Martin Straker-Welds.

NOTICE OF RECORDING/WEBCAST

- 1120 The Chair advised that the meeting would be webcast for live and subsequent broadcast via the Council's internet site (www.civico.net/birmingham) and that members of the press/public may record and take photographs except where there were confidential or exempt items.

DECLARATIONS OF INTEREST

- 1121 Members were reminded that they must declare all relevant pecuniary and non pecuniary interests relating to any items of business to be discussed at the meeting. If a pecuniary interest was declared a Member must not speak or take part in that agenda item. Any declarations would be recorded in the minutes of the meeting.

There were no declarations of interest.

APOLOGIES

- 1122 Apologies were received from Councillors Olly Armstrong and Mary Locke for non-attendance.
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MINUTES

- 1123 The Minutes of the meeting held on 16 January 2019, having been previously circulated were confirmed as a correct record and signed by the Chairman.
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The business of the meeting and all discussions in relation to individual reports are available for public inspection via the web-stream.

REVIEW OF LICENSING AND PUBLIC PROTECTION FEES AND CHARGES 2019/2020

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

(See Document No. 1)

Mark Croxford, Head of Environmental Health, made introductory comments relating to the report and Appendix 1.

The Chair put the recommendation 2.1 to the meeting which was unanimously agreed.

Mark Croxford, Head of Environmental Health, made introductory comments relating to Appendix 2.

At 1012 hours Councillor Bruce Lines attended the meeting.

The Chair put the recommendation 2.2 to the meeting which was unanimously agreed.

Mark Croxford, Head of Environmental Health, made introductory comments relating to Appendix 2(a).

The Chair put the recommendation 2.3 to the meeting which was unanimously agreed.

Mark Croxford, Head of Environmental Health, made introductory comments relating to Appendix 2(c) relating to Pest Control Services. He confirmed that all domestic rat treatments were free of charge and that squirrels were pests as they caused damage if they entered the loft space of a premise. In response to a question from Councillor Mike Sharpe relating to people not been able to afford treatment for bedbugs, Mr Croxford explained that an assessment would be made and if a payment was not forthcoming then a charge would be put on the property. For Council owned properties Environmental Health would work with the Housing Department.

The Chair put the recommendation 2.4 to the meeting which was unanimously agreed.

Mark Croxford, Head of Environmental Health, made introductory comments relating to Appendix 3. Chris Neville, Acting Director of Regulation and

Enforcement, referring to the £11 statutory fee for the issue of a birth, death, marriage and Civil partnership certificate, explained that due to the fact it had led to the removal of the two tier cost system it was anticipated that there may be a £60,000 pressure on the Register Office budget.

Councillor Mike Leddy expressed concern that at Citizenship Ceremonies attended by the Lord Mayor and the Lord Lieutenant or their representatives the City attempts to sell photographs of the participants as a commercial exercise. He did not believe that to be appropriate and suggested that 3 photographs should be included in the price of the Ceremony. Chris Neville, Acting Director of Regulation and Enforcement, indicated officers would investigate that suggestion.

The Chair put the recommendation 2.5 to the meeting which was unanimously agreed.

The Chair put the recommendation 2.6 to the meeting which was unanimously agreed.

Mark Croxford, Head of Environmental Health, made introductory comments relating to Appendix 4.

The Chair put the recommendation 2.7 to the meeting which was unanimously agreed.

Mark Croxford, Head of Environmental Health, made introductory comments relating to Appendix 5.

Councillor Mike Leddy sought information on the grade of the employee on which the charges were calculated and on being advised that that information was not available requested that consideration of the appendix be deferred. It was suggested and agreed to see if the appropriate officer was available to attend the meeting later. (Minute No. 1126 below refers)

The Chair put the recommendation to defer consideration of appendix 5 until such time an officer can attend the meeting to the meeting which was unanimously agreed.

The Chair put the recommendation 2.9 to the meeting which was unanimously agreed

Therefore it was-

1124

RESOLVED:-

- (i) That the changes to the fees and charges for Trading Standards Services, as detailed in Appendix 1, be approved to take effect from 1 April 2019;
- (ii) that the changes to the fees and charges for Environmental Health Services, as detailed in Appendix 2, be approved to take effect from 1 April 2019;

- (iii) that the changes to the fees and charges for Environmental Health Fixed Penalty Notices, as detailed in Appendix 2(a), be approved to take effect from 1 April 2019;
- (iv) that the changes to the fees and charges for Pest Control Services, as detailed in Appendix 2(c), be approved to take effect from 1 April 2019;
- (v) that the changes to the fees and charges for Register Office Services, as detailed in Appendix 3, be approved to take effect from 1 April 2019;
- (vi) that the statutorily set charges for the Register Office, as detailed in Appendix 3(a) be noted;
- (vii) that the changes to the fees and charges for Coroner's Services as detailed in Appendix 4, be approved to take effect from 1 April 2019;
- (viii) that consideration of appendix 5 be deferred until such time an officer can attend the meeting; and
- (ix) that authority be delegated to the Director of Regulation and Enforcement and Heads of Service to authorise the negotiation of variations to the fees and charges identified in this report, in the interests of commercial flexibility.

(NB. See minute No. 1126 below.)

REVIEW OF LICENSING SERVICE FEES AND CHARGES 2019/20

The following report of the Acting Director of Regulation and Enforcement together with a corrected appendix 1(b) was submitted:-

(See Document No. 2)

Emma Rohomon, Acting Head of Licensing, made introductory comments relating to the report. In response to comments from the Chair relating to the knowledge test for hackney carriage and private hire, she explained that the low cost was to encourage more people to obtain a licence from Birmingham rather neighbouring authorities. She emphasised that the tests were now carried out with multi applicants rather than on a one to one basis to bring in efficiencies and there had been no reduction in the standard of the tests.

Councillor Bruce Lines questioned the actual costs of the tests, which he felt was too high. He continued that if the fee was to be lower than the actual cost which other fees were absorbing the difference. Councillor Lines asked if the cost of enforcement was included in licence fees. Emma Rohomon, Acting Head of Licensing, explained that the reduction had to happen and the fees had to take in to account enforcement work. With the knowledge tests the costs reflected the need for officers to check that the questions reflected correctly the situation on the ground such as road changes and building closures. With regard to the verbal communication test Chris Neville, Acting

Director of Regulation and Enforcement, explained that not many such tests were taken, normally requested by a Sub-Committee, and were on a one to one basis. For this reason the overheads were higher. He indicated that the Committee could defer approving the fees in paragraph 1.26 to allow officers to reconsider the issue. That was agreed.

Councillor Mike Leddy noted that during a recent hearing at a Sub-Committee, Members had been advised that it took 24 weeks to obtain a drivers licence in Birmingham which compared unfavourably with other Authorities including Wolverhampton. Emma Rohomon, Acting Head of Licensing, indicated that if a driver had undertaken all the correct checks and tests they would get a licence within a week. It was often the case delays were caused by the applicants who had not completed all of the tests etc. before they applied. Officers indicated that they would investigate the matter.

At 1117 Councillor Hendrina Quinnen attended the meeting.

The Chair put the recommendation 2.1 without the inclusion of paragraph 1.26 to the meeting which, with 11 votes for to none against with one abstention, was agreed.

The Chair put the recommendation 2.2 to the meeting which was unanimously agreed.

The Chair put the recommendation 2.3 to the meeting which was unanimously agreed.

The Chair put the recommendation 2.4 with the deletion of paragraph 1.26 to the meeting which was unanimously agreed.

1125

RESOLVED:-

- (i) That the changes to the Licensing Service fees and charges be approved to take effect from 1 April 2019 as detailed in Appendices 1 with the exception of paragraph 1.26, 1(a), 1(b) as corrected & 1(d);
- (ii) that the Licensing Service fees and charges as detailed in Appendix 1(c), and 1(e) be noted;
- (iii) that the calculation of licence fees utilises brought forward credit balances for Hackney Carriage and Private Hire that have been allocated on the basis set out in paragraph 1.23; and
- (iv) that the pricing strategy as detailed in paragraphs 1.25 and 1.27 to 1.31 of Appendix 1 be approved and/or retained.

REVIEW OF LICENSING AND PUBLIC PROTECTION FEES AND CHARGES 2019/2020 (continued)

Stuart Hancox, Principal Client Consultant (Allied), attended the meeting and in response to Councillor Mike Leddy's question as to who was doing the work

and whether they were a chartered surveyor or engineer, confirmed that the costs were based on a composite rate based on grades 5, 6 and 7 which made it easier for member of the public to understand. The officers were qualified Building Surveyors and qualified Building Control Officers or others holding professional qualification.

The Chair put the recommendation 2.8 to the meeting which was unanimously agreed.

1126

RESOLVED:-

That the changes to the fees and charges for Birmingham Account Team (formerly Surveying Services) as detailed in Appendix 5, be approved to take effect from 1 April 2019.

LICENSING AND PUBLIC PROTECTION BUDGET MONITORING 2018/19 - QUARTER 3

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

(See Document No. 3)

Chris Neville, Acting Director of Regulation and Enforcement, made introductory comments relating to the report and responded to comments and questions from Members relating to costs of the 1974 Inquest and the pressures in pest control. He undertook to speak again to the Ministry of Justice in respect of the payments to the City.

The Chair put the recommendations in the report to the meeting which were unanimously agreed.

1127

RESOLVED:-

- (i) That the latest Revenue budget position at the end of December 2018 (Quarter 3) and Forecast Outturn as detailed in Appendix 1 be noted;
 - (ii) that the position for the Savings Programme for 2018/19 as detailed in Appendix 2 be noted;
 - (iii) that the expenditure on grant funded programmes and Proceeds of Crime Act as shown in Appendix 3i and Appendix 3ii be noted;
 - (iv) that the position on Capital projects, as detailed in Appendix 4 be noted; and
 - (v) that the position on reserves and balances, as detailed in Appendix 5 be noted.
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PROSECUTIONS AND CAUTIONS – DECEMBER 2018

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

(See Document No. 4)

Chris Neville, Acting Director of Regulation and Enforcement, made e introductory comments relating to the report and at the request of the Chair expanded on paragraph 5.4. He confirmed that Waste Enforcement was a separate service to the refuse collection service and some of the cases related to fly tipping.

The Chair put the recommendation to the meeting which was unanimously agreed.

1128 **RESOLVED:-**

That the report be noted.

**OUTCOME OF APPEALS AGAINST SUB COMMITTEE DECISIONS:
DECEMBER 2018**

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

(See Document No. 5)

Emma Rohomon, Acting Head of Licensing, made introductory comments relating to the report.

The Chair put the recommendation to the meeting which was unanimously agreed.

1129 **RESOLVED:-**

That the report be noted.

**ACTION TAKEN BY THE CHAIR OF THE LICENSING & PUBLIC
PROTECTION COMMITTEE: JANUARY 2019**

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

(See Document No. 6)

Emma Rohomon, Acting Head of Licensing, made introductory comments relating to the report and advised that the Chair had had taken action in respect of two further licences as follows:-

On the 5 December 2018 the Licensing Enforcement Section was informed by West Midlands Police that a driver reference 6374 had been arrested for processing of a firearm with the intent to endanger life following a firearm incident. In the interests of public safety the Acting Director Regulation and Enforcement acting in consultation with the Chair revoked the private hire licence held by the driver with immediate effect in accordance with sections 61(1)(b) and 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976.

On the 8 February 2019 the department was informed that a driver had collapsed at the wheel causing an accident although there were no persons injured. In the interests of public safety the Acting Director Regulation and Enforcement acting in consultation with the Chair suspended the private hire licence held by the driver with immediate effect in accordance with sections 61(1)(b) and 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976 until such time he/she could provide medical evidence he was fit to drive.

The Chair put the recommendation to the meeting which was unanimously agreed.

1130 **RESOLVED:-**

That the report and verbal update be noted.

FIXED PENALTY NOTICES ISSUED DECEMBER 2018

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

(See Document No. 7)

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

The Chair put the recommendation to the meeting which was unanimously agreed.

1131 **RESOLVED:-**

That the report be noted.

SCHEDULE OF OUTSTANDING MINUTES

The following schedule of Outstanding Minutes was submitted:-

(See Document No. 8)

1132 **RESOLVED:-**

That all Outstanding Minutes be continued.

OTHER URGENT BUSINESS

The Chair was of the opinion that the following item be considered as a matter of urgency in order to expedite consideration thereof and instruct officers to act if necessary.

Government Consultation on Statutory Guidance to be Issued to Taxi and Private Hire Vehicle (PHV) Licensing Authorities

- 1133 Councillor Mike Leddy noted that the Government planned to consult on Statutory Guidance to be issued to Taxi and Private Hire Vehicle (PHV) Licensing Authorities and he requested that the authority make representations on the cross border issue.

Emma Rohomon, Acting Head of Licensing, indicated that she would be working with the institute of licensing and would report the intended response to the Committee in due course.

AUTHORITY TO CHAIR AND OFFICERS

- 1134 **RESOLVED:-**

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

The meeting ended at 1147 hours.

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CHAIRMAN

BIRMINGHAM CITY COUNCIL**REPORT OF THE ACTING DIRECTOR OF REGULATION AND ENFORCEMENT
TO THE LICENSING AND PUBLIC PROTECTION COMMITTEE****13 MARCH 2019****ALL WARDS****MEDIUM TO LONG-TERM EMISSION STANDARD AND AGE POLICY
FOR HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES****1 Summary**

- 1.1 In October 2017 your Committee approved an emissions policy for hackney carriage and private hire vehicles that is consistent with the introduction in 2020 of a Clean Air Zone. It requires all licensed vehicles to meet the minimum emission standards of Euro 4 for petrol engines and Euro 6 for diesel engines.
- 1.2 In order to achieve compliance, drivers of vehicles that do not meet the standard must change their vehicle or install an approved retrofit device (where suitable devices exist). Whilst there is a wide choice of compliant vehicles available to private hire drivers, the availability of compliant hackney carriage vehicles is far more restricted.
- 1.3 In November 2018 your Committee approved a consultation to consider proposals for a medium to long-term vehicle emissions and age policy that set standards for vehicles from 2020 up to 2030. This report invites the Committee to agree the final version of the policy, which has been significantly amended to take account of the results of the public consultation.

2. Recommendations

- 2.1 That the recommended policies in Appendix 1 '**Hackney Carriage Vehicle Age, MOT and Retrofit Requirements**' from paragraphs 1 to 12 be approved.
- 2.2 That the recommended policies in Appendix 2 '**Private Hire Vehicle Age, MOT and Retrofit Requirements**' from paragraphs 1 to 12 be approved.

Contact Officer: Chris Neville, Acting Director of Regulation and Enforcement
 Telephone: 0121 675 2495
 E-mail: chris.neville@birmingham.gov.uk

3. Background

- 3.1 In December 2015 the Government announced that Birmingham would be one of six cities that would be required to put in place a Clean Air Zone in order to improve air quality. Those cities were London, Birmingham, Leeds, Nottingham, Derby and Southampton. That decision was reported to your Committee on 17th February 2016.
- 3.2 On 15th February 2017 the Licensing & Public Protection Committee agreed to consult on a draft vehicle emissions policy in the context of the Government's decision that Birmingham had to adopt a Clean Air Zone (CAZ) as one of a series of measures to improve air quality in the city due to the impact that pollution is having on the health of the population.
- 3.3 The consultation took place over 14 weeks between 1 March 2017 and 9 June 2017. The consultation was hosted on the Council's BeHeard website and was promoted through meetings with taxi and private hire trade representatives, social media and Birmingham City Council's principal website. Individual post cards were sent to every licensed hackney carriage and private hire driver or owner and every private hire operator to alert them to the consultation. The responses to the consultation were taken into account when this committee agreed its emissions policy on 23 October 2017.
- 3.4 On 26 July 2017, upon the direction of the Supreme Court, the Government published DEFRA's UK Plan for Tackling Roadside Nitrogen Dioxide Concentrations (The UK Plan). Under that plan each city must adopt its own measures to improve air quality and final plans had to have been produced by December 2018. The Supreme Court ruled that the UK government must reach legal compliance with EU air quality standards 'in the shortest possible time.'
- 3.5 **Legislative Background.** The EU Air Quality Directive 2008/50/EC sets out the national targets on emission of pollutants, including nitrogen dioxide (NO₂). The directive and target emission levels are set out and implemented in England under the Air Quality Standards Regulations 2010 and 2016. Under S.82 Environment Act 1985 the Council is required to review air quality within its area and to designate Air Quality Management Areas (AQMA) where air quality objectives set out under the Air Quality (England) Regulations 2000 and 2002 are not achieved and to prepare an action plan detailing remedial measures to tackle the problem.
- 3.6 Birmingham is currently non-compliant in a number of areas of the city centre. The pressing urgency is that the Government issued the UK Plan for Tackling Roadside Nitrogen Dioxide Concentrations in July 2017 which identified Birmingham as one of the areas experiencing the greatest problem with NO₂ exceedances. Birmingham has responded to the Government's UK Plan by announcing the introduction of a Clean Air Zone (CAZ) with effect from 1st January 2020.
- 3.7 **Health & Social Care Overview and Scrutiny Report.** On 12th September 2017 Birmingham's Health & Social Care Overview and Scrutiny Committee

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

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

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

- 3.9 The conclusion of the Scrutiny Report is copied below:

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

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

Birmingham needs to respond to the challenge of improving air quality and achieving compliance with air quality limits as soon as possible. But local action alone will not be sufficient to produce a successful solution to reducing emissions. Responding to the problem successfully, achieving compliance and bringing about the scale of behaviour change needed will require a very clear and consistent message to be communicated about the health implications of poor air quality. The City Council needs to continue

to collaborate with the West Midlands Mayor to build on the vision set out in the Birmingham Connected Transport Strategy and to take a lead to get clarity and commitment about the measures needed to both support sustainable and inclusive growth and to achieve compliance with air quality limits across the region.

- 3.10 The report evidenced the need for all parts of the Council to take action to improve air quality. The Licensing and Public Protection Committee can play a key role in supporting the Council's aims through its hackney carriage and private hire vehicle licensing policies.

4. Vehicles Affected by the Emissions and Age Policy

- 4.1 The number of hackney carriage and private hire vehicles licensed by Birmingham by reference to their age as at 25th January 2019 is summarised in the table below.

Hackney Carriage Vehicles		Private Hire Vehicles		Totals
Age	Number	Age	Number	
Up to 5 years	49	Up to 5 years	562	611
5 to 10 years	103	5 to 10 years	1,676	1,779
10 to 15 years	443	10 to 15 years	1,741	2,184
Over 15 years	523	Over 15 years	166	689
Total	1,118	Total	4,145	5,263

5. Mitigation for Drivers Affected by the Emissions Policy

- 5.1 The following mitigation has already been put in place to support drivers whose vehicles do not meet the new CAZ emission standards.

Policy	Comments
LPG Retrofit Scheme	65 Hackney Carriage vehicles have been fitted with LPG conversions to make them compliant with the emissions standard. The cost was funded by the Department for Transport as a national pilot. The effectiveness of the project has now been assessed and approved by the CVRAS as a recognised retrofit solution for hackney carriage TX models. In 2018 the Department of Transport set up a Clean Vehicle Retrofit Accreditation Scheme (CVRAS) to provide independent evidence that a vehicle retrofit

	technology will deliver the expected emissions reductions and air quality benefits. Only approved conversions under the CVRAS scheme will be recognised as CAZ compliant.
LPG Retrofit scheme	The Licensing and Public Protection Committee resolved in October 2017 to allow hackney carriages that have been retrofitted with the LPG conversion to remain licensed until 31 December 2025 irrespective of their age.
Engine size of vehicles	In September 2018 The Licensing and Public Protection Committee approved the removal of the policy requirement for private hire vehicles to have a minimum engine size, enabling vehicles with smaller engines to be licensed, including electrically powered vehicles, thus widening the pool of vehicles available to drivers.
Dual hackney carriage and private hire drivers' badge	Approved by the Licensing and Public Protection Committee in October 2018. Hackney carriage drivers can have a joint hackney carriage and private hire drivers' badge to enable drivers who would like to transfer from hackney carriage to private hire to do so more easily.

- 5.2 The Council has applied to the Government's Clean Air Zone for a package of measures to help businesses that are affected by the CAZ. Our application included the following measures specifically for hackney carriage and private hire owners.

Measure	Comments
<p>We are asking for funds to enable BCC to buy 50 new ULEV hackney carriages. 10 of the 50 would be offered on short leases to drivers as a try before you buy scheme to help drivers to make a purchasing decision. 40 of the 50 would be for short term rental, on possibly hourly rates, and could be targeted at older drivers nearing retirement to address the fact that they are less likely to be in a position to be able to purchase new vehicles.</p> <p>We have asked for a package of £5000 each for up to 1000 owners to offset the costs of running a ULEV hackney carriage vehicle and would be paid over a 4-year period. Alternatively, drivers could use the £5000 to pay towards the cost of installing CVRAS approved retrofit technology (with an</p>	<p>We are waiting to hear whether our bid has been successful. The bid was submitted on 13th February 2019.</p>

<p>extension to our age policy as described below).</p> <p>For private hire drivers either £2,500 towards the running costs of a ULEV that is eligible for the Government's plug in car grant, or</p> <p>£2,000 towards the purchase price or lease of a hybrid electric vehicle (HEV) or ULEV that is not eligible for the plug in car grant, or</p> <p>£1,000 towards the purchase or lease of a petrol or diesel CAZ compliant vehicle.</p>	
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6. Proposed medium to long-term emissions and age policy for hackney carriage and private hire vehicles

- 6.1 Appendix 1 is a table that sets out our current vehicle age and emissions policies for hackney carriages, the proposals upon which we have consulted and the policies that are recommended for approval. Appendix 2 is the same, but for private hire vehicles. The tables allow committee members to see the degree to which the proposals have moved as a consequence of officers taking account of the responses to the consultation. Although the new recommendations are less onerous for drivers in the short term, they are predicted to achieve a higher uptake of ULEV vehicles in the long term. The entire fleet of hackney carriages is forecast to be ULEV 5 years earlier in 2035 compared to the original proposals and the entire private hire fleet is forecast to be ULEV 3 years earlier in 2033 compared to the original proposals.

7. Wheelchair Accessible Vehicles

- 7.1 Currently only side loading hackney carriages can be licensed for wheelchair access in Birmingham. By permitting rear loading hackney carriages we would open up a wider pool of less expensive vehicles to hackney carriage drivers, such as the Peugeot van conversion, for instance. However, there are arguments for and against. We also have the opportunity to approve wheelchair accessible private hire vehicles. This is a significant area of licensing policy in its own right and therefore will be considered in a separate report that will be brought to this Committee.

8. Comparison with London's Emissions Policy for Private Hire and Hackney Carriage Vehicles

- 8.1 In London the emissions standards for private hire vehicles are regulated by Transport for London via statutory instrument under the Greater London Authority Act 1999 and the Private Hire Vehicles (London) Act 1998. The Private Hire Vehicles (London PHV Licences) (Amendment) Regulations 2015 came into force on 1st November 2015 and set out the minimum vehicle

emission standards for private hire vehicles. There is an absolute age policy of 10 years for private hire vehicles in London. A vehicle must be no older than 5 years to be licensed for the first time and it must be at least Euro 4.

Date	Standard
1 st January 2018 to 31 st December 2019	All PHV vehicles granted a licence for the first time must be Euro 6 (whether petrol or diesel) or a petrol hybrid that is a minimum of Euro 4.
1 st January 2020 to 31 st December 2022	All new (less than 18 months old) PHVs licensed for the first time will have to be zero emission capable. PHVs over 18 months old will need to have a Euro 6 engine when licensed for the first time.
From 1 st January 2023	All PHVs (of any age) will need to be zero emission capable when licensed for the first time.
From September 7 th 2020 all PHVs that do not meet Euro 4 petrol or Euro 6 diesel emissions standards will be subject to £12.50 per day charge to enter the Ultra Low Emissions Zone (ULEZ).	

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

9. Consultation

- 9.1 Extensive consultation was conducted during 2017 lasting 14 weeks which produced 775 responses. The responses were considered and reflected in the policy that was agreed in October 2017.
- 9.2 During the summer of 2018 the Council engaged in widespread consultation with the general public on the impact of the Clean Air Zone. This included five 2-hour meetings specifically for taxi and private hire drivers and operators between 7th, 8th and 9th August 2018.

- 9.3 The draft policy that your committee approved on 21 November 2018 was put out to public consultation through the Council's BeHeard consultation portal, and through social media. Every licensed driver, vehicle owner and operator received a letter advising them of the consultation. Meetings were held with the trade representatives specifically to discuss these proposals on 5 December 2018, attended by the Chair of your committee, and 5 February 2019.
- 9.4 The public consultation received 1,379 responses, with a further 11 received by post or email. The responses have been analysed on behalf of Licensing by Element Energy Ltd, a strategic energy consultancy that has been engaged by Birmingham City Council to support the introduction of the CAZ. An analysis of the responses is at Appendix 3. The recommendations in this report have been influenced by the responses to the consultation.
- 9.5 Upon the committee's consideration of this report and its decision, officers will send a clear and comprehensive information pack to all drivers and operators to explain the policy and its consequences for them.

10. Implications for Resources

- 10.1 The cost of licensing vehicles is the same whatever their age or emissions. However, there is a risk to overall licensing income if the effect of the policies recommended in this report result in drivers and vehicle owners seeking licences from other authorities with lower standards or retiring from the trade completely.
- 10.2 The number of drivers licensed in one authority and working in another has become more prevalent since the Local Government (Miscellaneous Provisions) Act 1976 was amended by the Deregulation Act 2015 in respect of Sub Contracting by operators. In Birmingham we see large numbers of drivers and vehicles working here who are licensed by other authorities. The Chair of your Committee has lobbied the relevant ministers and MPs to try to change the legislation to restrict the ability of drivers to do this. When Birmingham introduces a fee paying charging Clean Air Zone, drivers licensed by other authorities using vehicles that do not meet Clean Air Zone standards would be required to pay to enter the zone irrespective of where they are licensed and this may remove any incentive to seek a licence elsewhere.

11. Implications for Policy Priorities

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

developing 'a modern sustainable transport system that promotes and prioritises sustainable journeys'.

12. Public Sector Equality Duty

12.1 Under the Duty we must have regard to the need to:

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

12.2 We recognise that there will be financial consequences for large numbers of drivers and vehicle owners if they are required to replace their vehicles or to retrofit engines to achieve compliance with emission standards, however, these consequences arise because of the fact that they are licensed drivers and owners and are not attributable to a protected characteristic.

12.3 We have identified in paragraph 5 mitigation measures aimed at reducing the impact of these policies on drivers and by enabling an increased number of currently licensed hackney carriages to continue to work between 2020 and 2025 we will be protecting the rights of people with disabilities, and especially those who use wheelchairs.

12.4 On 1 March 2019 the Independent Workers Union of Great Britain (IWGB) started legal action against the Mayor of London, Sadiq Khan, claiming that the intention to make private hire drivers pay the £11.50 London congestion charge, but to make hackney carriages exempt, is a form of indirect discrimination because the majority of private hire drivers in London are BAME (Black, Asian and Minority Ethnic) and the majority of hackney carriage drivers are white.

12.5 In the policy recommended to your committee we have tried wherever possible to treat the private hire and hackney carriage trades equally and have proposed that any exemptions or allowances for one are made available to the other. The different age limits proposed for private hire vehicles compared to hackney carriages recognises that private hire vehicles are not constructed with the intention that they will be used as intensively as a hackney carriage and the cost of a ULEV hackney carriage is much higher than a ULEV private hire vehicle. There is no significant imbalance in the demographic make-up of the two trades, with private hire and hackney carriage drivers both being predominantly from BAME backgrounds.

12.6 An Equality Analysis has concluded that this policy will not result in an adverse impact based on categories of protected characteristics.

ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers:

Spreadsheet of all responses to the BeHeard consultation.

Responses to the consultation sent directly to the Acting Director.

Hackney Carriage Vehicle Age, MOT and Retrofit Requirements

Current Policy	Consultation Proposal	Recommended Policy	Commentary
<p>1. Emissions</p> <p>Birmingham City Council will not license or permit the use of any vehicle as a hackney carriage after 31 December 2019 that does not meet the minimum emission standards of Euro 4 for petrol engines, Euro 6 for diesel engines or is Ultra Low Emission or a Zero Emission Capable Vehicle.</p>	No Change from current policy	<p>The emission standard that is applicable to vehicles from 1st January 2020 will be repealed. In its place we will apply a strict age policy for hackney carriage vehicles which will be a maximum of 15 years (see section 2 below). This policy will apply from 1st January 2020.</p> <p>Vehicles that do not meet the CAZ emission standards for their type of fuel will not be exempted from paying the daily CAZ charge.</p>	<p>This is a significant change from the consultation proposal. The recommendation is to remove the emissions standard as the criteria for licensing vehicles and to replace it with a strict age policy. This will ensure that significantly more hackney carriages are still working after 1st January 2020. Whereas the proposed policy might result in only 31 hackney carriages able to work from that date (plus 65 that have already converted to LPG), the recommended policy would enable up to 493 vehicles (plus the 65 LPG conversions) to work after 1st January. It will however remove 625 of the oldest and most polluting vehicles from the road</p> <p>To exempt vehicles from the CAZ charge would remove any</p>

Current Policy	Consultation Proposal	Recommended Policy	Commentary
			incentive for owners to replace their vehicles with cleaner vehicles.
2. Age / Vehicle Licence Grant No vehicle over the age of 14 years will be granted a licence.	From 1 st January 2020 no hackney carriage vehicle may remain licensed after it reaches the age of 14 years unless it has already been converted under Birmingham's LPG pilot scheme, in which case it can remain licensed until 31 December 2025, regardless of its age.	From 1 st January 2020 no diesel hackney carriage vehicle will be granted a licence after it reaches the age of 15 years unless it has already been converted under Birmingham's LPG pilot scheme, in which case it can remain licensed until 31 December 2025, regardless of its age. With immediate effect a ULEV vehicle will have an age limit of 18 years.	We have increased the age limit for diesels from 14 years to 15 years which has the effect of aligning our policy to London and increasing the number of vehicles eligible to carry on working after 1 st January 2020. Allowing ULEV vehicles an additional 3 years acts as an incentive for drivers to buy them and recognises that a longer period is required for drivers to recover their investment given the higher purchase price of ULEVs.
3. Vehicle Licence Renewal	This was not an aspect of the original proposals and has arisen out of discussions with trade representatives.	No licences will be renewed after 1 st January 2020 for any vehicle that is more than 15 years old. Any vehicle that is more than 15 years old on 1 st January 2020 will remain licensed until the expiry of its vehicle	This is a significant change from the proposal. Under the proposal any vehicle that did not meet the CAZ emissions standard on 1 st January 2020 would have to stop work on that day. The recommended policy will see a

Current Policy	Consultation Proposal	Recommended Policy	Commentary
		<p>licence before 1st January 2021.</p> <p>Vehicles that do not meet the CAZ emission standards for their type of fuel will not be exempted from paying the daily CAZ charge</p>	<p>gradual reduction in the number of vehicles that can continue to work throughout 2020 instead of a sudden loss of vehicles on 1st January 2020.</p>
<p>4. Supplementary Test Plus / Exceptional Condition Test</p> <p>No vehicle over the age of 14 years will have its licence renewed unless the vehicle is able to pass the <u>Supplementary Test Plus*</u>, in which case the vehicle licence may be renewed on a year by year basis, subject to passing the <u>Supplementary Test Plus</u> on each occasion.</p> <p>*Also referred to as the 'Exceptional Condition Test'</p>	<p>We will discontinue the Supplementary Test Plus.</p>	<p>From 1st January 2020 we will discontinue the Supplementary Test Plus (exceptional condition test) except for the case of CVRAS retrofitted hackney carriages that are allowed to go over the 15 year age limit.</p>	<p>The recommendation is the same as the proposal with the addition of the provision for CVRAS retrofitted hackney carriages. This will require all vehicles to be replaced when they reach the 15- year age limit (subject to the exemption for CVRAS approved retrofitted technology and the higher age limit for ULEV vehicles) and will help to future-proof the fleet of licensed vehicles in relation to compliance with more stringent emission standards.</p>
<p>5. Licence Transfer</p> <p>A hackney carriage vehicle licence may only be transferred to another</p>		<p>A hackney carriage vehicle licence may only be transferred to another vehicle (that is to say separated from</p>	<p>We do not propose to change this policy. Maintaining this requirement means that each</p>

Current Policy	Consultation Proposal	Recommended Policy	Commentary
vehicle (that is to say separated from its related vehicle and moved to another vehicle) that is younger/newer than the age of the vehicle currently licensed.		its related vehicle and moved to another vehicle) that is younger/newer than the age of the vehicle currently licensed.	time that a vehicle is replaced it is always replaced with a newer vehicle.
6. MOT Test All vehicles are subject to a standard MOT test to determine its mechanical fitness and a more stringent supplementary test dealing with the vehicle's condition, appearance and suitability prior to licensing.		All vehicles are subject to a standard MOT test to determine its mechanical fitness and a more stringent supplementary test dealing with the vehicle's condition, appearance and suitability prior to licensing. Any vehicle that is licensed after the age of 15 will be subject to 2 MOT tests per year.	We have increased the frequency of MOT tests to 2 per year for all vehicles that are older than 15 years. This will include ULEV vehicles and retrofit conversions.
7. LPG Retrofit Conversions 65 vehicles have been converted under the Birmingham pilot project, conducted with the Department of Transport and DEFRA. They have been approved to be licensed until 31 December 2025 irrespective of their age.	We will allow hackney carriage vehicles that are under 14 years old at 1 st January 2020 to be converted to LPG by an approved CVRAS garage and those vehicles may remain licensed until 31 December 2025, regardless of whether the cost of conversion is paid for by a government grant or privately by the vehicle owner.	With immediate effect we will allow any hackney carriage vehicles to be converted to LPG before 1 st January 2024 by an approved CVRAS garage, (regardless of the age of the vehicle) provided the garage is satisfied that the mechanical and structural condition of the vehicle is of a high enough standard that the vehicle is safe, and those vehicles may remain licensed until 31 December 2025, regardless of whether the cost of	This is a significant change from the proposal. Under our proposal the 14 year-age limitation would have restricted the pool of potential conversions to only 113. The recommendation will enable the owner of any TX type hackney carriage (i.e. the traditional London taxi cab shape) to put their vehicle forward for conversion, subject to it being in good enough

Current Policy	Consultation Proposal	Recommended Policy	Commentary
		<p>conversion is paid for by a government grant or privately by the vehicle owner. If it becomes necessary to prioritise applications for government grant assistance towards the cost of conversion we will give priority to the youngest vehicles.</p> <p>Once a vehicle passes 15 years old it would be subject to two MOTs a year and our Supplementary Test Plus (exceptional condition test).</p>	<p>condition to last until 31 December 2025.</p> <p>At the time of writing there are no CVRAS approved retrofit conversions for non-TX type hackney carriages ('van conversions', such as Mercedes, Peugeot or Citroen).</p> <p>The requirement for vehicles over 15 to have two MOT tests and pass the Supplementary Test Plus will offer the Committee reassurance that these older vehicles are being maintained to a good standard.</p>
8. Availability of LPG Retrofit Conversions	This was not an aspect of the original proposals and has arisen out of discussions with trade representatives.	A hackney carriage that has been accepted by a CVRAS approved garage as being suitable for conversion may continue to be licensed after 1 st January 2020, despite not having been converted to LPG, and despite being more than 15 years old, provided the owner can evidence that they have entered into a binding contract with a CVRAS approved garage for an LPG	There is only one company approved by the CVRAS to convert TX hackney carriages to LPG in the Midlands. The garage is based in Alcester. The company in Alcester is carrying out conversions on taxis from London and has limited capacity to deal with the level of demand that may come from

Current Policy	Consultation Proposal	Recommended Policy	Commentary
		conversion. This exemption will not go beyond 31 st December 2020.	Birmingham. Lengthy waiting lists are likely to develop. In order not to disqualify suitable vehicles from conversion because they cannot meet the 1 st January 2020 deadline due to the lack of supply, we are recommending that a hackney carriage that has been accepted by a CVRAS approved garage as being suitable for conversion may continue to be licensed after 1 st January 2020, despite not having been converted to LPG or being more than 15 years old, provided the owner can evidence that they have entered into a binding contract with a CVRAS approved garage for an LPG conversion.
9. Payment of the CAZ Daily Charge	This was not an aspect of the original proposals and has arisen out of discussions with trade representatives.	Vehicles that are waiting for an approved CVRAS retrofit conversion that have not been converted by 1 st January 2020 will be exempt from the daily CAZ charge provided the owner has entered into a binding contract	Allowing drivers an exemption from the daily CAZ charge recognises the fact that the inability of an owner to convert a vehicle may be due to factors beyond their control. The 6

Current Policy	Consultation Proposal	Recommended Policy	Commentary
		with a CVRAS approved garage for an LPG conversion, until such time that the conversion is completed, subject to a maximum limit of 6 months from 1 st January 2020.	months limitation is to protect against continued delays in installation.
10. Owner Conversions	Any attempts by drivers to carry out their own conversions (such as by putting petrol engines into diesel vehicles) can only be done with the specific approval of Licensing and they will still be subject to the age rules	Any attempts by drivers to carry out their own conversions (such as by putting petrol engines into diesel vehicles) can only be done with the specific approval of Licensing and they will still be subject to the age rules. Only a CVRAS approved conversion gives the right to operate until December 2025 and an owner conversion will not be financially supported by the council.	The recommendation is the same as the proposal, but we have emphasised that owners own conversions do not provide the same benefits as a CVRAS approved conversion. The council does not guarantee that an owner conversion will be recognised for the purposes of a CAZ.
11. 2026 ULEV Requirement	That from 1 January 2026 all licensed vehicles (hackney carriage and private hire) must be Ultra Low Emission or Zero Emission Capable (ZEC) Vehicles. An Ultra-Low Emission Vehicle is defined by the Office for Low Emission Vehicles as emitting less than 50g CO ₂ /km and able to travel at least 70 miles without any emissions at all.	That from 1st January 2021 all newly licensed vehicles (vehicles licensed by Birmingham for the first time) must be Ultra Low Emission or Zero Emission Capable Vehicles. An Ultra-Low Emission Vehicle is defined by the Office for Low Emission Vehicles as emitting less than 50g CO ₂ /km and able to travel at least 70 miles without	This is a significant change. Under the original proposal all vehicles would have to be ULEV or ZEC from 1 st January 2026, regardless of their age or of the fact that they would already be compliant with the minimum emission standards for the CAZ. The new recommendation would only require vehicles being

Current Policy	Consultation Proposal	Recommended Policy	Commentary
		any emissions at all.	<p>licensed for the first time to be ULEV or ZEC capable, but would allow vehicles that we already license to continue until the expiry of their age limit (which would be 15 years).</p> <p>A 2026 ULEV condition for new vehicles would have meant that there would be very low uptake of ULEVs up to 2025, at which point the majority of the fleet will have been replaced meaning there would probably not be significant deployment of ULEV hackney carriages until approximately 2040.</p> <p>By bringing forward the ULEV requirement on new vehicles from 2026 to 2021 ensures a reasonable level of ULEV deployment by 2025.</p>
12. 2030 ULEV Requirement	From 2030 we will only grant new licences to fully electric vehicles	From 2030, if technology options are on the market, to only grant new	This change recognises that so much might change between

Current Policy	Consultation Proposal	Recommended Policy	Commentary
		<p>licences to fully electric vehicles and zero emission vehicles (e.g. battery electric or hydrogen fuel cell vehicles). To be reviewed before 2025.</p>	<p>now and 2030 in terms of technological development that we would only seek to set out our direction of travel at this stage, and that a firmer policy should be developed before 2025 when we will have better knowledge about the availability of vehicles with alternative fuels.</p>

Private Hire Vehicle Age, MOT and Retrofit Requirements

Current Policy	Consultation Proposal	Recommended Policy	Commentary
<p>1. Emissions</p> <p>Birmingham City Council will not license or permit the use of any vehicle as a private hire vehicle after 31 December 2019 that does not meet the minimum emission standards of Euro 4 for petrol engines, Euro 6 for diesel engines or is Ultra Low Emission or a Zero Emission Capable Vehicle.</p>	No Change from current policy	<p>The emission standard that is applicable to vehicles from 1st January 2020 will be repealed. In its place we will apply a strict age policy for private hire vehicles which will be a maximum of 12 years (see section 2 below). This policy will apply from 1st January 2020.</p> <p>Vehicles that do not meet the CAZ emission standards for their type of fuel will not be exempted from paying the daily CAZ charge.</p>	<p>This is a significant change from the consultation proposal. The recommendation is to remove the emissions standard as the criteria for licensing vehicles and to replace it with a strict age policy. This will ensure that significantly more private hire vehicles are still working after 1st January 2020. Under the proposed policy 3,621 vehicles would need to be replaced, under the recommended policy only 1,442 will need to be replaced which are the oldest and most polluting vehicles .</p> <p>To exempt vehicles from the CAZ charge would remove any incentive for owners to replace their vehicles with cleaner vehicles.</p>
2. Age / Vehicle Licence Grant	From 1 st January 2020 no private hire	From 1 st January 2020 no private hire	This is a significant change from

Current Policy	Consultation Proposal	Recommended Policy	Commentary
No vehicle over the age of 8 years will be granted a licence.	vehicle may remain licensed after it reaches the age of 8 years.	vehicle may remain licensed after it reaches the age of 12 years.	<p>our proposed policy, increasing the age limit for private hire vehicles from 8 to 12 years.</p> <p>This change has been recommended to make our policy consistent with that of Wolverhampton City Council which has an age policy of 12 years for private hire vehicles. If Birmingham introduces a lower age limit it would be creating an incentive for Birmingham drivers to acquire licences in Wolverhampton. They would be able to continue to work in Birmingham under a Wolverhampton operator.</p>
3. Vehicle Licence Renewal	This was not an aspect of the original proposals and has arisen out of discussions with trade representatives.	<p>No licences will be renewed after 1st January 2020 for any vehicle that is more than 12 years old.</p> <p>Any vehicle that is more than 12 years old on 1st January 2020 will remain licensed until the expiry of its vehicle licence before 1st January 2021.</p>	This is a significant change from the proposal. Under the proposal any vehicle that did not meet the CAZ emissions standard on 1 st January 2020 would have to stop work on that day. The recommended policy will see a gradual reduction in the number of vehicles that can continue to

Current Policy	Consultation Proposal	Recommended Policy	Commentary
		Vehicles that do not meet the CAZ emission standards for their type of fuel will not be exempted from paying the daily CAZ charge	work throughout 2020 instead of a sudden loss of vehicles on 1 st January 2020.
<p>4. Supplementary Test Plus / Exceptional Condition Test</p> <p>No vehicle over the age of 8 years will have its licence renewed unless the vehicle is able to pass the Supplementary Test Plus*, in which case the vehicle licence may be renewed on a year by year basis, subject to passing the Supplementary Test Plus on each occasion.</p> <p>*Also referred to as the 'Exceptional Condition Test'</p>	We will discontinue the Supplementary Test Plus.	From 1 st January 2020 we will discontinue the Supplementary Test Plus (exceptional condition test) except for the case of CVRAS retrofitted vehicles that are allowed to go over the 12 year age limit.	The recommendation is the same as the proposal with the addition of the provision for CVRAS retrofitted vehicles. This will require all vehicles to be replaced when they reach the 12- year age limit (subject to the exemption for CVRAS approved retrofitted technology) and will help to future-proof the fleet of licensed vehicles in relation to compliance with more stringent emission standards.
<p>5. Licence Transfer</p> <p>A licensed private hire vehicle can only be replaced, swapped or changed with a vehicle that is less than 8 years old.</p>		A licensed private hire vehicle can only be replaced, swapped or changed with a vehicle that is less than 12 years old.	This ensures that the licence transfer requirement is consistent with the new recommended age limit.

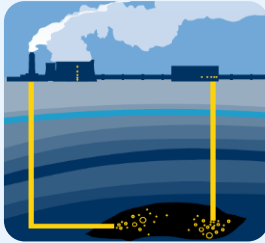
Current Policy	Consultation Proposal	Recommended Policy	Commentary
<p>6. MOT Test</p> <p>All vehicles are subject to a standard MOT test to determine its mechanical fitness and a more stringent supplementary test dealing with the vehicle's condition, appearance and suitability prior to licensing.</p>		<p>All vehicles are subject to a standard MOT test to determine its mechanical fitness and a more stringent supplementary test dealing with the vehicle's condition, appearance and suitability prior to licensing.</p>	<p>We do not propose to change the requirement for MOT testing vehicles that are not more than 12 years old.</p>
<p>7. Approved CVRAS Retrofit Conversions</p>		<p>With immediate effect we will allow any private hire vehicle to be fitted with approved CVRAS technology before 1st January 2024 by an approved CVRAS garage, (regardless of the age of the vehicle) provided the garage is satisfied that the mechanical and structural condition of the vehicle is of a high enough standard that the vehicle is safe, and those vehicles may remain licensed until 31 December 2025, regardless of whether the cost of retrofitting the vehicle is paid for by a government grant or privately by the vehicle owner. If it becomes necessary to prioritise applications for government grant assistance towards the cost of conversion we will give</p>	<p>This has been introduced to make our private hire vehicle policy consistent with our hackney carriage policy. However it should be noted that at the time of writing the CVRAS has not approved any technical solution for private hire vehicles.</p> <p>The requirement for vehicles over 12 to have two MOT tests and pass the Supplementary Test Plus will offer the Committee reassurance that these older vehicles are being maintained to a good standard.</p>

Current Policy	Consultation Proposal	Recommended Policy	Commentary
		<p>priority to the youngest vehicles.</p> <p>Once a vehicle passes 12 years old it would be subject to two MOTs a year and our Supplementary Test Plus (exceptional condition test).</p>	
8. Availability of CVRAS Approved Retrofit Technology	This was not an aspect of the original proposals.	A private hire vehicle that has been accepted by a CVRAS approved garage as being suitable for retrofit technology may continue to be licensed after 1 st January 2020, despite not having been converted and despite the vehicle being over 12 years old, provided the owner can evidence that they have a binding contract with a CVRAS approved garage for the conversion. This exemption will not go beyond 31 st December 2020.	This has been introduced to be consistent with the hackney carriage policy recommendation in the event that lengthy waiting lists might develop if a suitable technical solution is approved.
9. Payment of the CAZ Daily Charge	This was not an aspect of the original proposals and has arisen out of discussions with trade representatives.	Vehicles that are waiting for an approved CVRAS retrofit conversion that have not been converted by 1 st January 2020 will be exempt from the daily CAZ charge provided the owner has entered into a binding contract with a CVRAS approved garage for an	Allowing drivers an exemption from the daily CAZ charge recognises the fact that the inability of an owner to convert a vehicle may be due to factors beyond their control. The 6 months limitation is to protect

Current Policy	Consultation Proposal	Recommended Policy	Commentary
		approved conversion, until such time that the conversion is completed, subject to a maximum limit of 6 months from 1 st January 2020.	against continued delays in installation.
10. Owner Conversions	Any attempts by drivers to carry out their own conversions (such as by putting petrol engines into diesel vehicles) can only be done with the specific approval of Licensing and they will still be subject to the age rules.	Any attempts by drivers to carry out their own conversions (such as by putting petrol engines into diesel vehicles) can only be done with the specific approval of Licensing and they will still be subject to the age rules. Only a CVRAS approved conversion gives the right to operate until December 2025 and an owner conversion will not be financially supported by the council	The recommendation is the same as the proposal, but we have emphasised that owners own conversions do not provide the same benefits as a CVRAS approved conversion. The council does not guarantee that an owner conversion will be recognised for the purposes of the CAZ.
11. 2026 ULEV Requirement	That from 1 January 2026 all licensed vehicles (hackney carriage and private hire) must be Ultra Low Emission or Zero Emission Capable (ZEC) Vehicles. An Ultra-Low Emission Vehicle is defined by the Office for Low Emission Vehicles as emitting less than 50g CO ₂ /km and able to travel at least 70 miles without any emissions at all.	That from 1st January 2021 all newly licensed vehicles (vehicles licensed by Birmingham for the first time) must be Ultra Low Emission or Zero Emission Capable Vehicles. An Ultra-Low Emission Vehicle is defined by the Office for Low Emission Vehicles as emitting less than 50g CO ₂ /km and able to travel at least 70 miles without any emissions at all.	This is a significant change. Under the original proposal all vehicles would have to be ULEV or ZEC from 1 st January 2026, regardless of their age or of the fact that they would already be compliant with the minimum emission standards for the CAZ. The new recommendation would only require vehicles being licensed for the first time to be

Current Policy	Consultation Proposal	Recommended Policy	Commentary
			<p>ULEV or ZEC capable, but would allow vehicles that we already license to continue until the expiry of their age limit (which would be 12 years).</p> <p>A 2026 ULEV condition for new vehicles would have meant that there would be very low uptake of ULEVs up to 2025, at which point the majority of the fleet will have been replaced meaning there would probably not be significant deployment of ULEV private hire vehicles until approximately 2035.</p> <p>By bringing forward the ULEV requirement on new vehicles from 2026 to 2021 ensures a reasonable level of ULEV deployment by 2025.</p>
12. 2030 ULEV Requirement	From 2030 we will only grant new licences to fully electric vehicles	From 2030, if technology options are on the market, to only grant new licences to fully electric vehicles and zero emission vehicles (e.g. battery electric or hydrogen fuel cell vehicles).	This change recognises that so much might change between now and 2030 in terms of technological development that we would only seek to set out

Current Policy	Consultation Proposal	Recommended Policy	Commentary
		To be reviewed before 2025.	our direction of travel at this stage, and that a firmer policy should be developed before 2025 when we will have better knowledge about the availability of vehicles with alternative fuels.



Appendix 3

Consultation on the proposed taxi licensing condition changes - report

1st March 2019

Element Energy Ltd

A study conducted for



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RECAP – Questions of the survey

Age limits

1. Do you agree with the proposal to limit the age of hackney carriage vehicles so that they cannot be licensed after the age of 14?
2. Do you agree with the implementation date for this proposal of 1 January 2020?
3. Do you agree with the proposal to limit the age of private hire vehicles so that they cannot be licensed after the age of 8 years?
4. Do you agree with the implementation date for this proposal of 1 January 2020?

Retrofit

5. Do you agree that we should extend the life of hackney carriages with approved CVRAS retrofit technology until 31 December 2025?

2026 ULEV stock condition

6. Do you agree that Birmingham should adopt this policy in order to improve air quality in the city?
7. Do you agree with the date that we have suggested for the implementation of this policy?

2030 BEV licencing condition

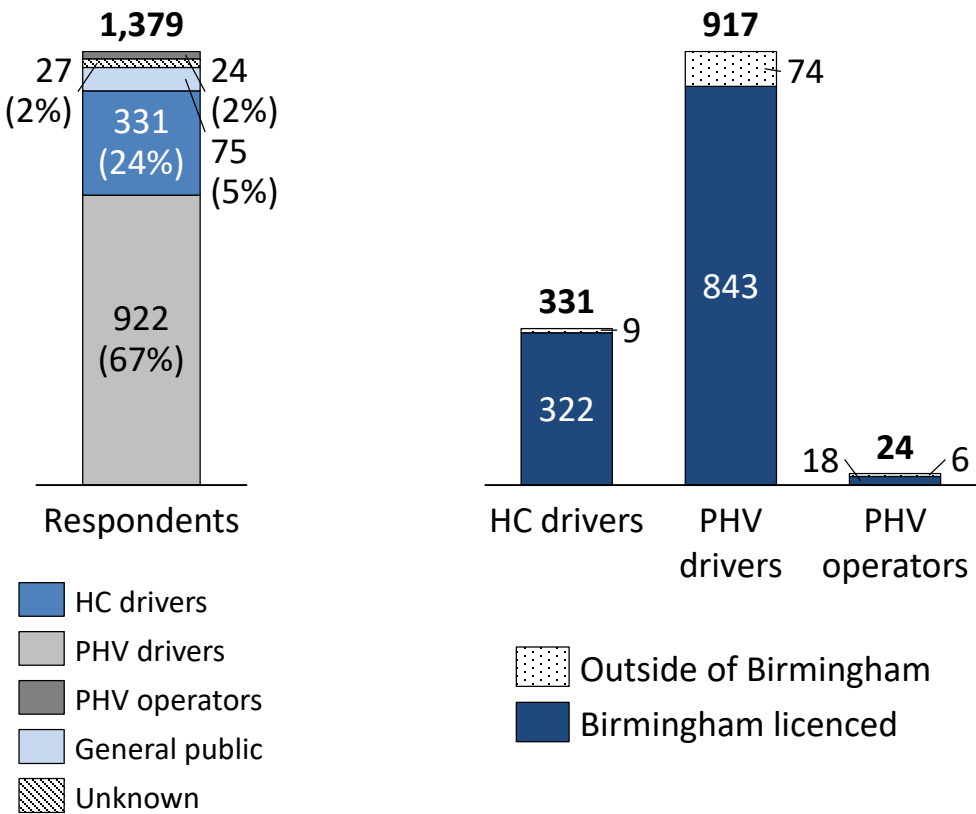
8. Do you agree that Birmingham should adopt this policy in order to improve air quality in the city?
9. Do you agree with the date that we have suggested for the implementation of this policy?

Other comments:

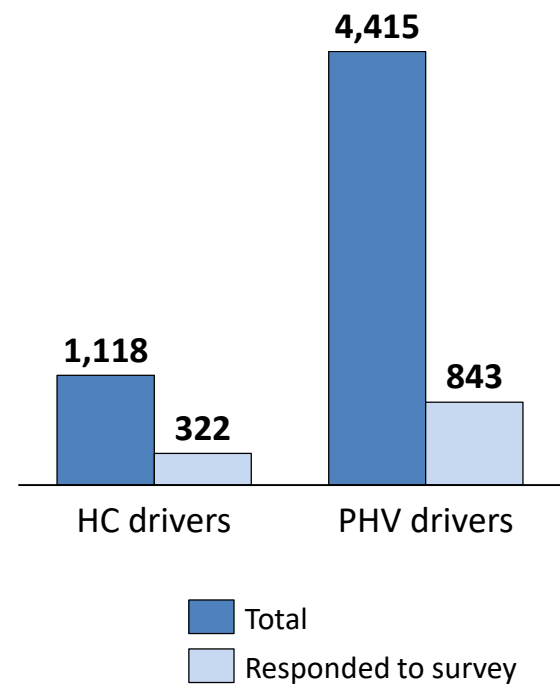
10. Please make any other comments here about our proposals, including alternative ideas or suggestions that you might have for an emissions and vehicle age policy

The survey was taken by 1,379 respondents, the majority of which were Private Hire Vehicles drivers

In total 1,379 respondents took the survey

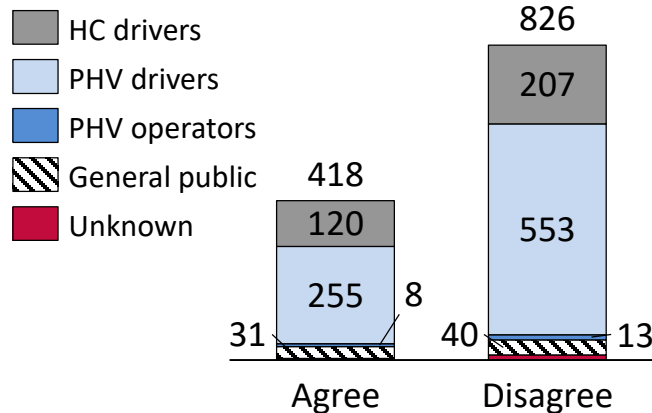


30% of HC drivers and 20% of PHV drivers responded to the survey



1. Do you agree with the proposal to limit the age of hackney carriage vehicles so that they cannot be licensed after the age of 14?

Number of respondents: 1,244



- ✗ "Some taxis (TX) are built to last just like the London buses, they should not be subject to a 14 year rule, because driver's can not recuperate the expense of purchase in that time- a 14 year rule will mean that less of these Iconic taxis are used"
- ✗ "We can't afford new cars, times are hard as too many Wolverhampton drivers in Birmingham "
- ✗ "If it passes the exceptional condition test every year why cant it continue to be licensed and used as a taxi regardless of its age"
- ✓ "I think this policy will help reduce the air pollution in future."
- ✓ "I do agree with this policy as the fleet of taxis are so old. I don't think they are fit for purpose"

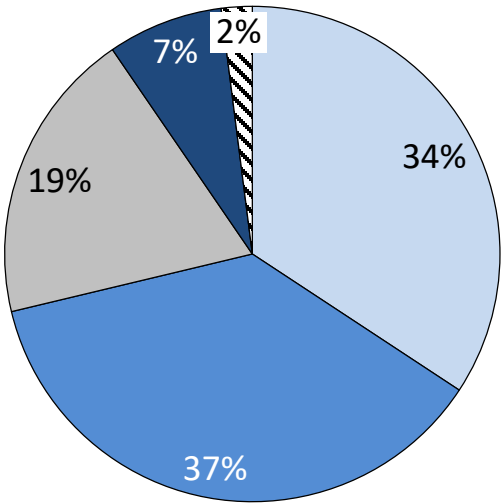
- There were numerous points of contention expressed in the responses. In summary:
 - There was a general question as to why vehicles could no longer be licenced off they had passed an exceptional condition test. This was particularly mentioned in reference to the CAZ emissions conditions with many drivers questioning why a vehicle has to be taken off the road if it passes emissions tests and has been deemed in excellent condition by an independent garage.
 - HC drivers did not feel like 14 years was a sufficient time period to see return on investment from the upfront the vehicle purchase. There were many who stated that being a HC driver within Birmingham would no longer be financially viable under these conditions.
- In contrast those that agreed with the policy mentioned:
 - The current fleet is not fit for purpose, enforcing an age limit ensures that standards of quality will be maintained as vehicles are likely to be of poor quality once they have reached 14 years.
 - Older vehicles are thought of as more polluting and this policy removes them from the road creating health benefits.

1. Do you agree with the proposal to limit the age of hackney carriage vehicles so that they cannot be licensed after the age of 14?

Agree

N= 418 in total, 147 provided comments

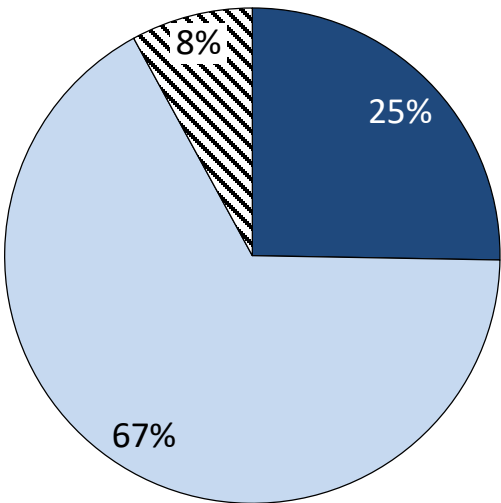
- Current fleet is not fit for purpose
- Vehicles over 14 years of age should not be on the road
- Older vehicles are more poluting so should be taken off the road
- Agree with the principle of an age limit but it should be increased from 14 years
- Other



Disagree

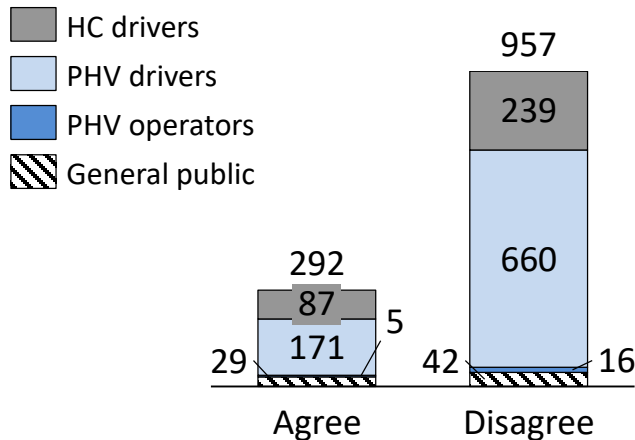
N= 826 in total, 565 provided comments

- If a vehicle is in good condition it should continue to be licenced
- 14 years is not sufficient time to see return on the investment of a new vehicle
- General disagreement or other



2. Do you agree with the implementation date for this proposal of 1 January 2020?

Number of respondents: 1,227









- ✗ "Not enough time given lots of changes happening need more time to reflect on changes and make the correct decision"
- ✗ "how are the drivers able to afford a euro 6 or electric vehicle? And have to make the leap from a tx2 model in such a short time?"
- ✗ "Drivers need more time, It took the council nearly 2 years to make consultations and still we are not sure what is happening?"
- ✗ The notice period is too short. It is unfair for drivers who have invested thousands recently. They should be given at least 3 to 4 years
- ✓ "This should have happened earlier we do need clean taxis in Birmingham."

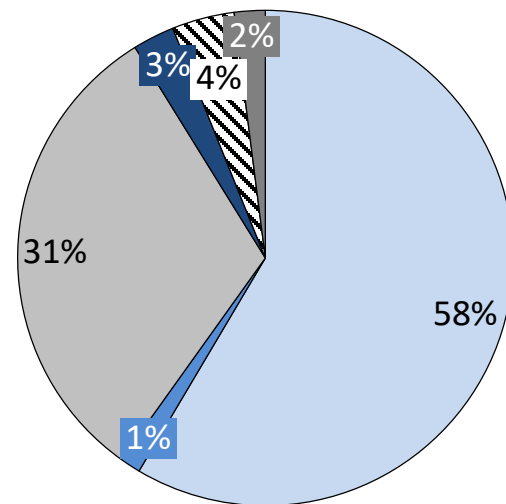
- Response to this policy was overwhelmingly negative and there were two themes that stood out:
 - This is not sufficient time for drivers to adapt to new licence conditions. This is especially true as the CAZ emission requirements have already put the industry under significant pressure. The impact of this has been exaggerated by the poor communication from the council. It was felt that, if this had of been communicated to the driver community earlier then they could have had more time to assess their options. Drivers generally rely on second hand vehicles which will not be available in sufficient volume by 2020
 - The cost of upgrading to a compliant vehicle makes this unfeasible and may drivers stated that they will struggle to continue as a HC driver when this is implemented. There is consensus that the time frame provided is not sufficient to come up with the necessary capital to upgrade vehicle. This is exacerbated by a trade struggling due to the influx of out of town drivers.
- The minority of respondents which did agree with the policy highlighted the critical nature of these changes and the fact that they can not be delayed any further. These respondents generally expressed an opinion that the time frame provided was sufficient for driver to adapt and upgrade their vehicle.

2. Do you agree with the implementation date for this proposal of 1 January 2020?

Agree




N= 295 in total, 75 provided comments

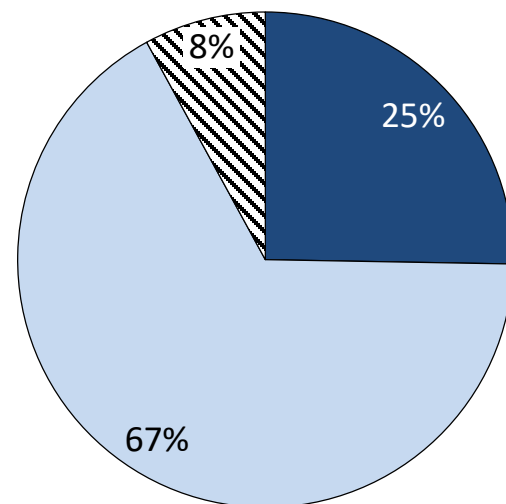
-  The switch to clean vehicles can not be delayed further
-  The driver community is already prepared for the new conditions
-  There is enough time for the driver community to make the necessary changes
-  The driver community will need government support to adapt to these conditions
-  Longer notice is needed to implement this policy
-  Other



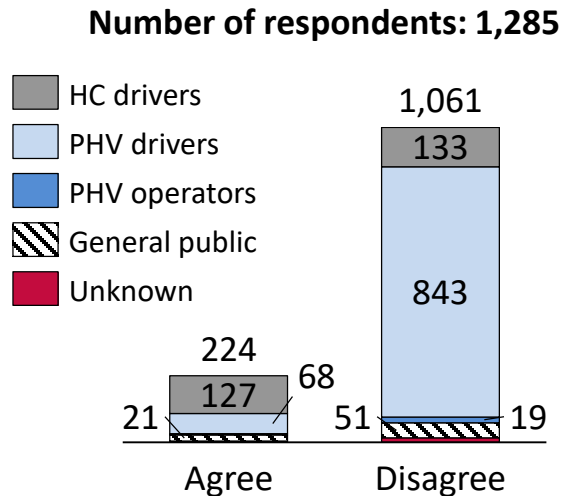
Disagree

N= 973 in total, 586 provided comments

-  There is not enough time for drivers to prepare for this change
-  The costs of adapting to this measure are unrealistic for drivers
-  Other



3. Do you agree with the proposal to limit the age of private hire vehicles so that they cannot be licensed after the age of 8 years?



- ✗ "Exceptional vehicles which meet the condition should be licensed as before, if not age limit should be 14 year's. PHV should not be discriminated by city council by limiting age to 8 years"
- ✗ "Average taxi driver will not buy a new car, so they will have already eaten in to most of the 8 year limit"
- ✗ "It is not fair to impose one set of standard for one type of vehicle then another for another"
- ✗ "Stop the Wolverhampton drivers working in Birmingham and help your drivers instead of forcing them further out of the trade"
- ✓ "Private hire vehicle are not purposely built for taxi service and 8 years is a long service for a normal car"

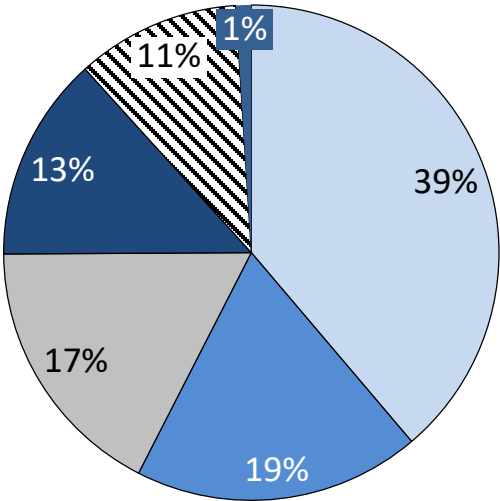
- There was a general disagreement with the principle of applying age limits as a licencing policy. It was felt that:
 - If a vehicle meets the CAZ emission limits then it is not causing public health concerns and therefore should be allowed to stay on the road as a Private Hire Vehicle
 - If a vehicle passes an exceptional condition test as well as an MOT then it should be continued to be licenced.
- It was felt that the cost of upgrading a vehicle will make continuing as a PHV driver unfeasible. Many examples were given, drivers seem to generally purchase cars when they are 3-5 years old. The 8 year age limit means that they must replace their vehicle every 3-5 years. This is seen as unaffordable.
- There was consistent comparison to the Hackney carriage licencing condition allowing vehicles to operate until they are 14 years of age. This was felt to be unfair.
- There were numerous references to policy making Birmingham drivers uncompetitive relative to surrounding councils.
- From the small portion that did agree with the policy, there was consensus that Private Hire Vehicles should not operate beyond 8 years as these are not specialist high mileage vehicles like Hackney Carriages. Therefore, there are concerns that beyond this age the fleet will not be fit for purpose.

3. Do you agree with the proposal to limit the age of private hire vehicles so that they cannot be licensed after the age of 8?

Agree

N= 224 in total, 75 provided comments

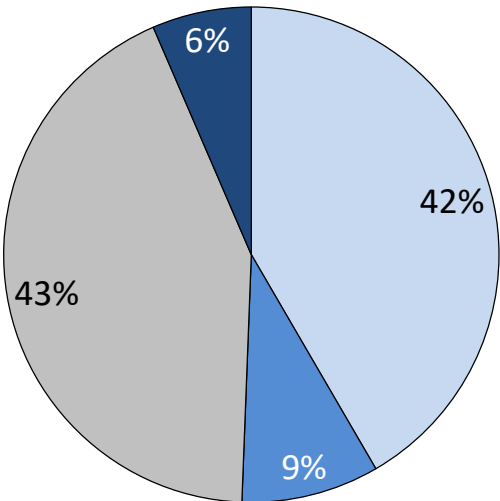
- Private Hire Vehicles should not be on the road after 8 years
- Private Hire Vehicles drivers have a wider range of affordable vehicle choices so should have a reduced operating life time
- General agreement or other
- Current fleet is not fit for purpose
- Older vehicles are more polluting and should be removed from the fleet
- Age limit should be reduced to less than 8 years



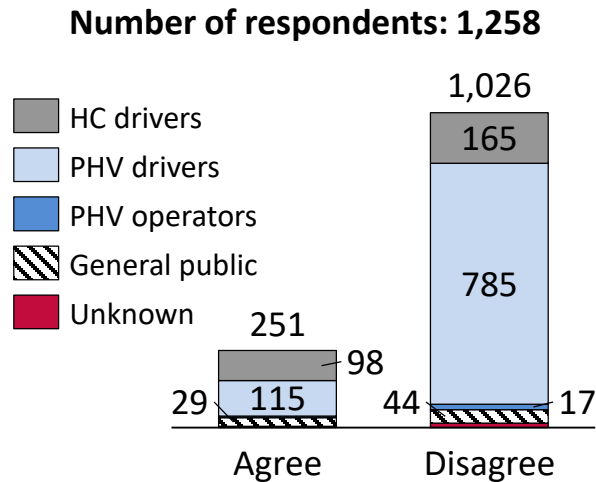
Disagree

N= 1,061 in total, 787 provided comments

- There are major affordability issues as result of having to regularly upgrade vehicle
- Agreement in principle with an age limit though it should be more than 8 years
- Licence renewal should be based purely on emissions and vehicle condition as opposed to age
- This policy unfairly penalises PHV relative to HC drivers who get a 14 year age limit



4. Do you agree with the implementation date for this proposal of 1 January 2020?



- ✗ “Not enough time, Council have not been clear with this process, so how can you justify telling drivers at this late point.... it is not easy to save up for a new car”
- ✗ “With finance to pay for three or four years, how are you going to buy another car until he going to clear debt finance?”.
- ✗ cap the amount of drivers allowed and stop cross border driving
- ✓ “private hire drivers will be able to upgrade their vehicle if needed in this time”
- ✓ “It will make Birmingham Licensed the nicest and cleanest looking private hire vehicles in the country”

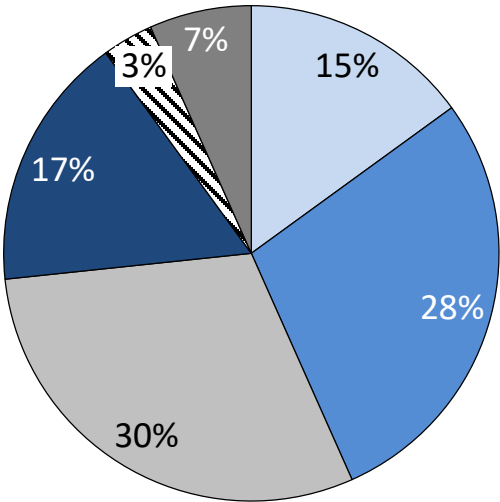
- There was an overriding feeling that this does not provide sufficient time to adapt to the new age limit:
 - Many drivers have already purchased vehicles to comply with the new emissions standards, this age limit means they will have to upgrade again soon after 2020.
 - Drivers do not feel that the council communicated this well meaning many are stuck in finance agreements with vehicles that will no longer be eligible.
 - The time frame is not adequate to save the capital to upgrade vehicle.
- The costs involved in vehicle upgrade mean many drivers will not be able to adapt in time and so will be forced out of the trade.
- Again, numerous reference to out of town drivers putting financial pressure on drivers.
- Those that did agree with the policy mentioned;
 - The need to cut emissions meaning older vehicles need to be removed from the fleet at the earliest opportunity.
 - The timeframe provided should be adequate to upgrade a PHV as they are more affordable and have a wider vehicle choice relative to HC drivers.
 - This policy needs to be enacted as soon as possible as the current fleet is not fit for purpose.

4. Do you agree with the implementation date for this proposal of 1 January 2020?

Agree

N= 251 in total, 62 provided comments

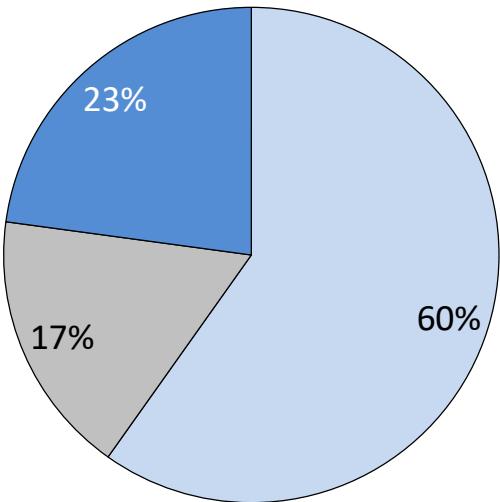
- Emissions within Birmingham need to be reduced as a matter of urgency
- This gives drivers sufficient time to adapt
- General agreement or other
- This policy needs to be implemented as soon as possible
- This policy needs to be enacted so that Birmingham is consistent with the rest of the UK
- PHVs are generally more affordable than Hackney carriages so drivers should be able to adapt in time.



Disagree

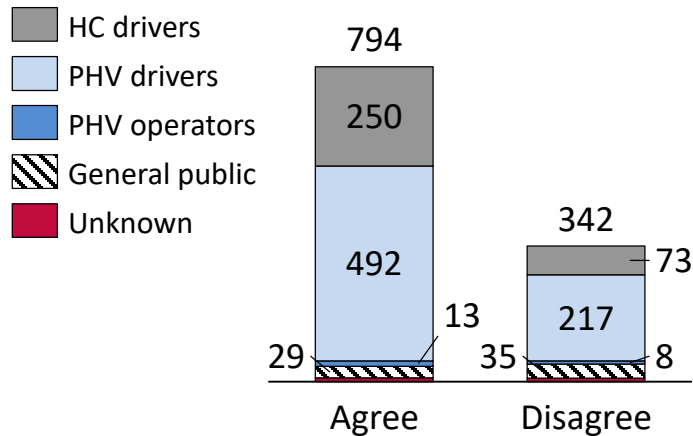
N= 1,026 in total, 566 provided comments

- This does not leave enough time for drivers to adapt to the policy.
- General disagreement with the policy
- The cost of upgrading vehicles means that this timeframe is not sufficient.



5. Do you agree that we should extend the life of Hackney carriages with approved CVRAS retrofit technology until 31 December 2025?

Number of respondents: 1,136



- ✓ "This will give us time to decide about our future in taxi trade"
- ✓ "The prohibitive cost of new electric and Euro 6 vehicles mean retrofit approved technology is a must."
- ✓ "Alternative options should equally be available for other models and I am aware that there are options for alternative models that could be explored further"
- ✗ This should be the same for private hire
- ✗ "20 year old vehicles seems like a backwards step in terms of improving the standard of taxis in Birmingham."

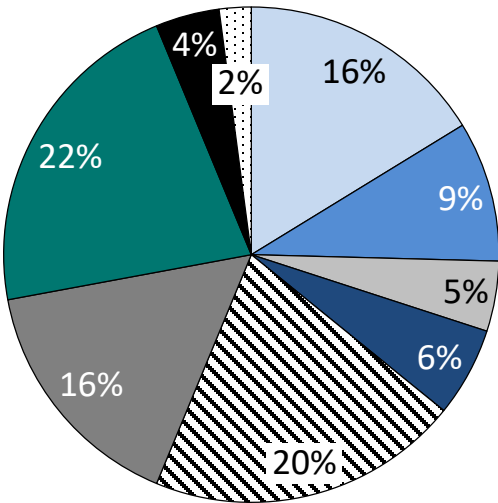
- The response was generally positive, especially from HC drivers. Most commented that a retrofit solution is seen as the only affordable option open to taxi drivers. The 5 year extension allows more time for drivers to save capital for a new vehicle and also consider the future of the taxi trade.
- Although there was general agreement there were concerns expressed:
 - Needs to be available to all HCs regardless of age and model.
 - Technology options needs to be expanded so drivers can organise the installation themselves on the open market.
 - The timeframe is not long enough and should be extended to 2030.
 - The measure should be extended to PHVs as they are currently be discriminated against vis there exclusion from this option.
 - There needs to be financial support to drivers, they should not be expected to cover the full cost of the technology.
- Of those that disagreed with the policy completely, many mentioned the unreliability of the technology as well as stating the taxis over the 14 year age limit should not be permitted to be on the road.

5. Do you agree that we should extend the life of hackney carriages with approved CVRAS retrofit technology until 31 December 2025?

Agree

- This gives more time to drivers to adapt to the licence conditions and consider the future taxi market
- This policy needs to be extended to all HC so not to discriminate against those with older non-eligible vehicles
- This policy needs to be extended to 2030
- The policy needs to be expanded to include other technology so drivers can go to the market themselves and install it.
- This is a way by which drivers will be able to stay in business
- This is a good policy to ensure that emissions are reduced and standards of quality remain high
- General agreement with the policy
- This policy should be extended to PHVs
- The council should provide grants to pay for the installation

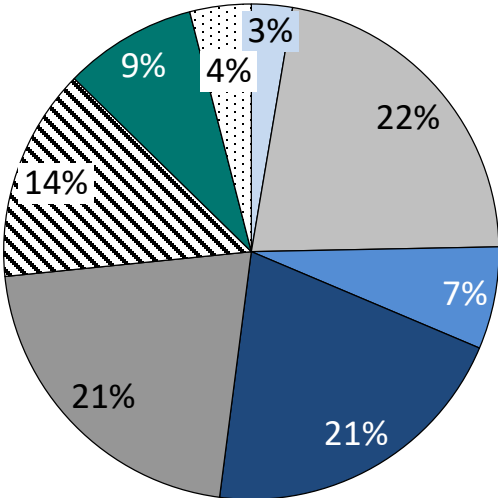
N= 794, n total, 241 provided comments



Disagree

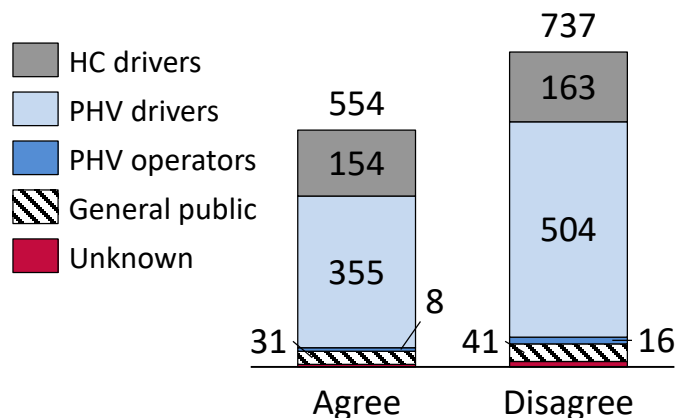
N= 342 in total, 149 provided comments

- Higher emissions than other technologies
- Vehicles should not be allowed to operate beyond their age limit
- The cost of the technology is too high
- This policy should be extended beyond 2025
- This policy should be extended to Privare Hire Vehicles.
- General Disagreement or other
- The retrofit technology offered is not fit for purpose
- This should be available to all Hackney carriages regardless of age or model



6. 2026 ULEV stock condition: Do you agree that Birmingham should adopt this policy in order to improve air quality in the city?

Number of respondents: 1,291



- ✓ "It may be better for the environment in the long term"
- ✓ "should not use taxi drivers as a scapegoat when other sectors give off much more emissions."
- ✓ "Alternative options should equally be available for other models and I am aware that there are options for alternative models that could be explored further"
- ✗ "If I were to get a brand new car in 2020 then in 2026 I would need raise more money to get ULEV."
- ✗ "There are currently no alternatives to the Euro 6 diesel apart from the LEVC vehicle Not affordable"
- ✗ "There are far more out of town drivers then Birmingham drivers"

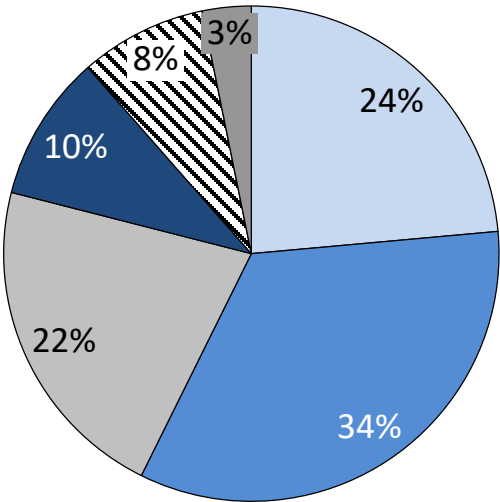
- There was a general consensus that emissions needed to be reduced. Those that agreed with the policy described it as a good balance between cutting emissions and helping drivers adapt to the new conditions. However, this group was in the minority with many respondents stating that although reductions are important, this was not the correct way to achieve it.
 - Drivers felt that taxis only contribute to a small proportion of total emissions but are hardest hit by the CAZ measures. They expressed a desire for the burden to be shared more equally between other emitters (e.g. trains, private vehicle drivers etc.).
 - Considering this there were requests for new licence condition to be delayed to give adequate time for drivers to prepare
- There was generally a negative response to the 2026 ULEV stock condition:
 - They felt this was very unfair to expect drivers to upgrade now and then again before 2026.
 - It was not felt that there is sufficient choice on the market for ULEV taxis and charging infrastructure within the city is not adequate.
- There was also frequent reference to drivers from other Councils making operating a taxi in Birmingham financially very difficult.

6. 2026 ULEV stock condition: Do you agree that Birmingham should adopt this policy in order to improve air quality in the city?

Agree

N= 554 in total, 159 provided comments

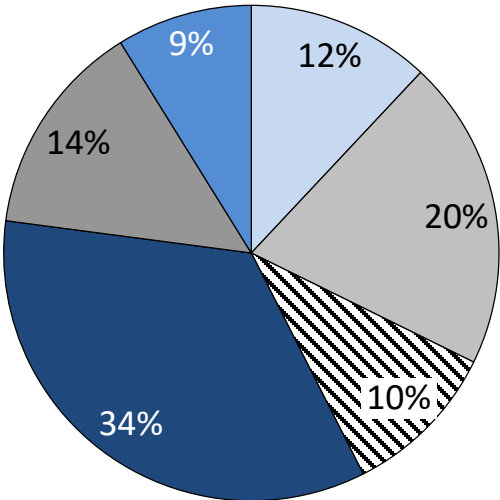
- General agreement or other
- This policy will help reduce emissions within the city
- Agreement with the policy, but funding support should be provided by the council.
- Agreement that Air Quality needs to be improved, but the timescales of implementation needs to be extended
- Agreement that Air Quality needs to be improved, but think drivers are being unfairly targeted when there are other larger source of pollution.
- This is a good policy to ensure that emissions are reduced and standards of quality remain high



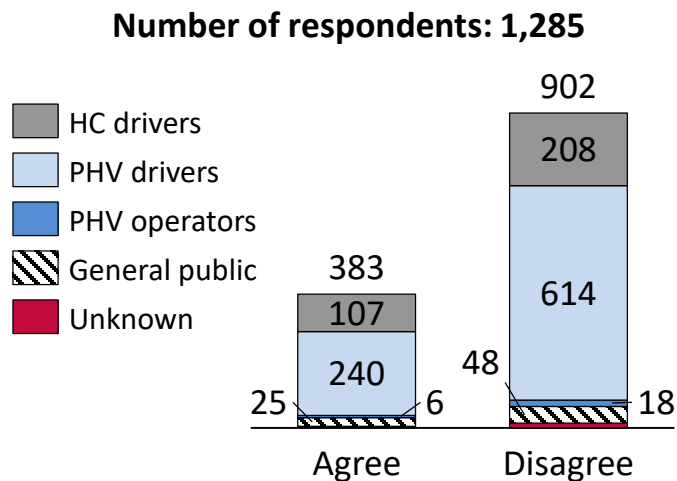
Disagree

N= 737 in total, 352 provided comments

- Drivers need longer to adapt to these measures
- Taxis only contribute a small proportion of total emissions, other sources can be targeted with a lesser negative financial impact on the community.
- General disagreement
- Drivers cannot afford to upgrade vehicle in this timeframe
- Disagreement with the ULEV stock condition in 2026. ULEVs are too expensive and there is not a large enough vehicle choice.
- The retrofit technology offered is not fit for purpose



7. 2026 ULEV stock condition: Do you agree with the date that we have suggested for the implementation of this policy?



- ✗ "euro 6 compliant taxis should be allowed to continue until 2030"
- ✗ "electric taxi is not proven. In winter it's giving you less than 50 miles on battery."
- ✗ "Age limiting with such a short notice....is a joke"
- ✗ "Financial impacts will make this date unreasonable."
- ✗ "Where are the charging points? Birmingham has no infrastructure in place"
- ✗ "The range of vehicles currently being produced are unreliable and until there is a vast improvementdate specified is far too early"
- ✓ "2026 is more than enough time for the drivers to make plans to adjust to the policy".
- ✓ "Clean environment, healthy living"

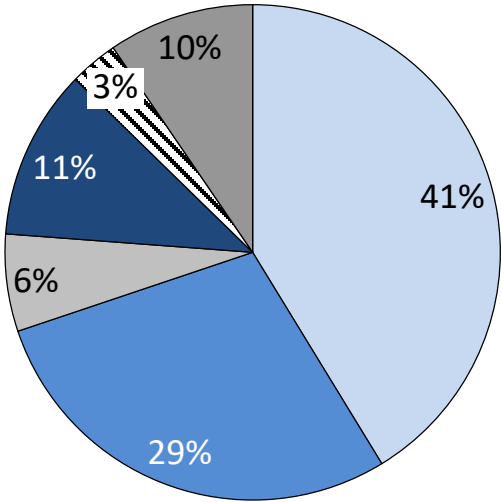
- The majority of respondents disagreed with this policy and there were common themes that appeared in numerous comments:
 - The date is too early and does not provide the driver community with enough time to adapt financially.
 - This date would mean that any Euro 6 purchased in 2020 would not be operated for its full life of 14 years. There can be no return on investment in such a short timeframe.
 - The costs involved in upgrading to a ULEV mean this move is not feasible. If drivers were forced to upgrade, significant government support would be required to prevent a large number of drivers going out of business.
 - The choice of vehicles is not expected to improve and drivers are limited in their choice.
 - There is little confidence in the technical readiness of ULEV taxis to perform the day to day duty cycle and a general concern over the lack of charging infrastructure in Birmingham.
- The minority of respondents who did support the policy cited:
 - The length of time being sufficient for drivers to adapt.
 - The resulting emission reductions.
 - The need to switch to ULEVs in as short a timeframe as possible.

7. 2026 ULEV stock condition: Do you agree with the date that we have suggested for the implementation of this policy?

Agree

N=383 in total, 63 provided comments

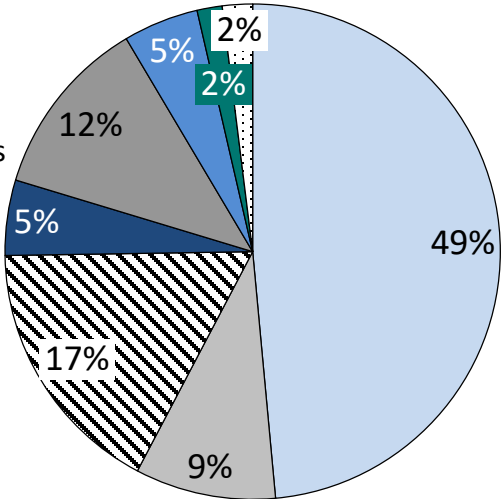
- The timeframe proposed is sufficient for drivers to organise an upgrade for their vehicle
- General agreement or other
- This policy will reduce harmful emissions and make the city’s air cleaner
- The policy should be enacted as soon as possible
- Agreement with the policy timeframe but drivers must be supported to help adapt to the new conditions
- The timeframe should be extended to give drivers more time to adapt



Disagree

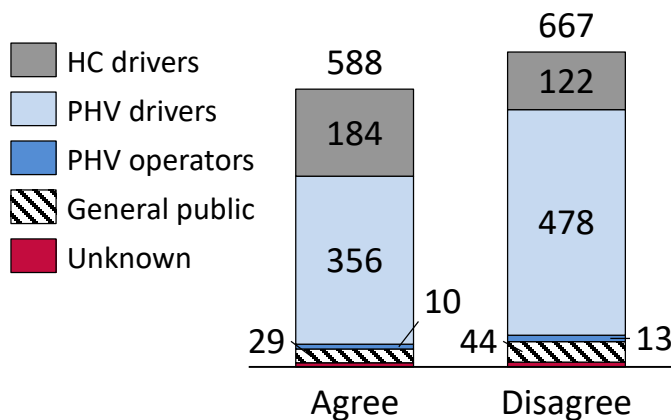
N= 902 in total, 305 provided comments

- The proposed implementation date is too early and does not give driver sufficient time to adapt to the new conditions
- Any vehicle bought new should be allowed to operate for a full life cycle, this policy contradicts this
- General or other
- If this is to be implemented, drivers will need significant financial support
- The cost of ULEVs make this timeframe unfeasible
- There is not sufficient vehicle choice. This combined with the uncertainty over technology and lack of public charging infrastructure make the implementation date unrealistic
- The process should be delayed until the market offering of vehicles becomes more clear
- The date should be brought forward



8. 2030 ZEV condition: Do you agree that Birmingham should adopt this policy in order to improve air quality in the city?

Number of respondents: 1,255



- ✗ "No infrastructure available for these vehicles and they cannot be used as taxis because they are only capable of doing 70 miles"
- ✗ "I think this should come into place at 2035 "
- ✗ "If a driver can't afford the new car he is effectively out of a job."
- ✗ "Long distance driving would not be practical"
- ✗ "Discriminatory action, penalizing one section of Birmingham's workforce"
- ✓ "Agree because it gives sufficient notice to drivers".
- ✓ Yes, only make the changes in 2030 and give drivers 10 years to adapt no changes until then."
- ✓ "Yes fully agree for the sake of environment"

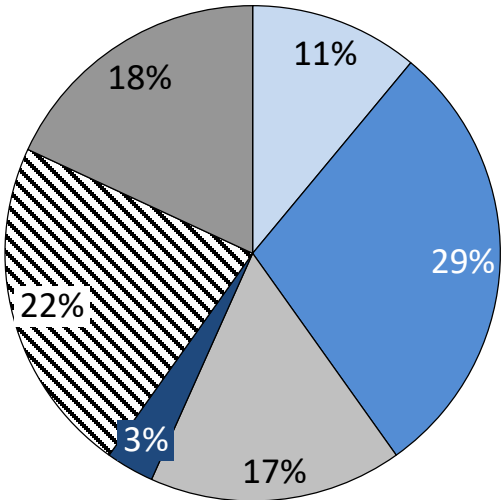
- In comparison to other policy proposals, this was more favourable received. This was in recognition that by 2030:
 - There will be a wider range of electric vehicles on the market.
 - The technology will have improved and be more suitable to day to day usage.
 - Large emission reductions must have been achieved.
 - Drivers will have had sufficient notice to prepare for a vehicle upgrade.
- There was emphasis that this policy should replace completely the condition requiring all vehicles to be ULEV by 2026.
- Despite this, the majority of the respondents still disagreed with the policy stating:
 - Concerns over the technology being suitable for the duty cycle of a taxi (range, lack of charging infrastructure etc.)
 - The limited effectiveness of such a policy compared to other emissions reducing policy options. Especially if similar standards are not enforced by neighbouring councils
 - The high cost and limited vehicle choice involved with upgrading to an electric vehicle with no financial support.
 - The time period not being sufficient

8. 2030 ZEV condition: Do you agree that Birmingham should adopt this policy in order to improve air quality in the city?

Agree

N=588 in total, 138 provided comments

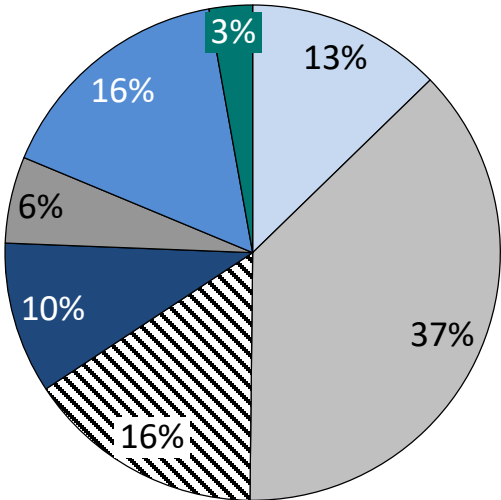
- By 2030 there will be a wide range of vehicles on the market
- Emissions need to be reduced
- Drivers have sufficient notice to prepare for this condition
- This condition should only be enacted if the 2026 ULEV stock condition is removed
- General or other
- The taxi community will need financial support to adapt to this condition



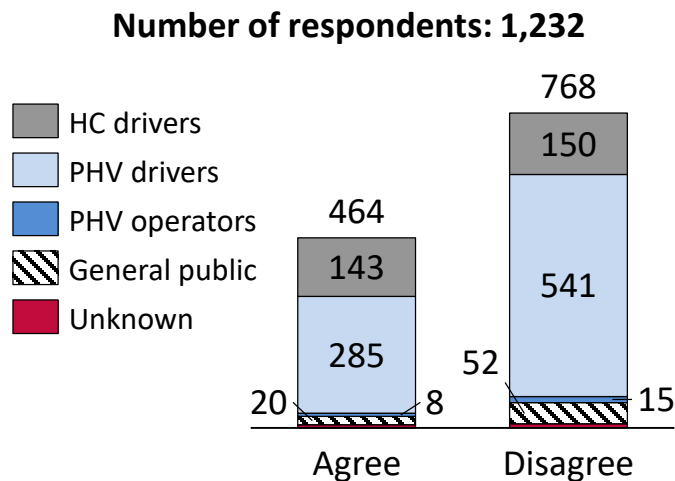
Disagree

N= 667 in total, 283 provided comments

- Electric vehicles are unsuitable to the duty cycle of a taxi, particularly and charging options for those without off-street parking
- The cost of electric vehicles makes upgrading unaffordable
- The taxi community is being unfairly discriminated against when there are other larger sources of emissions
- There is not a large enough range of electric vehicles options
- The timeframe proposed is too short, drivers need longer to adapt
- General or other
- Drivers will need financial support to upgrade to electric vehicles



9. 2030 ZEV stock condition: Do you agree with the date that we have suggested for the implementation of this policy?



- ✗ "It doesn't solve the problems of drivers, there should just be only age limit."
- ✗ "Electric vehicle technology may not be widely developed by date."
- ✗ "decision should be made nearer the time or it should be reviewed in 2025"
- ✗ "not viable because you need to understand the costs are not suitable on a driver's salary"
- ✓ "It's 11 years away and I'm assuming that by then electric cars will be more readily available and more common to buy. Therefore reducing purchase prices".
- ✓ "Sooner would be better."
- ✓ "providing there are viable and economical vehicles available..."

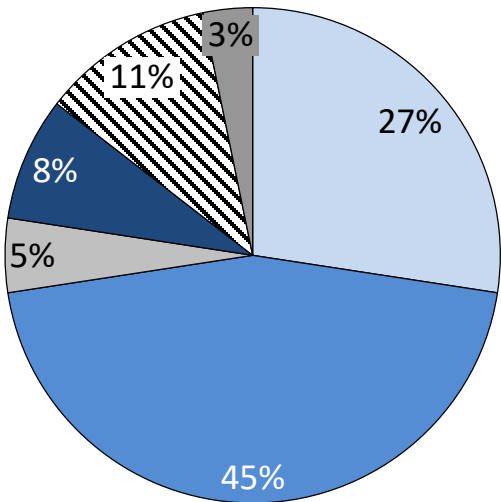
- Those respondents that did agree with this policy generally focused on:
 - The 2030 date meaning that drivers had a 10 year period after the CAZ charges being introduced. This was seen as ample time to prepare.
 - The advancements in electric vehicle technology which are expected by 2030.
- Again the majority of respondents disagreed with the policy. There did seem to be misunderstanding of the policy, with many thinking that it applied to the vehicle stock as a whole rather than just newly registered vehicles. Other objections included:
 - The 2030 date is too early to enforce a switch to electric vehicles. There was a belief stated that the technology will not be sufficient by then to make electric vehicles a feasible vehicle choice, especially considering the very high capital cost involved in purchasing electric vehicles. This was made worse by an uncertain provision of infrastructure within Birmingham.
 - A feeling that this was not an effective solution to air quality issues. Particularly that hybrid or Euro 6 vehicles presented an environmentally friendly option. By enforcing stricter regulations, drivers are being unfairly discriminated against.
 - A need for further consultation on this measure.

9. 2030 ZEV stock condition: Do you agree with the date that we have suggested for the implementation of this policy?

Agree

N=464 in total, 69 provided comments

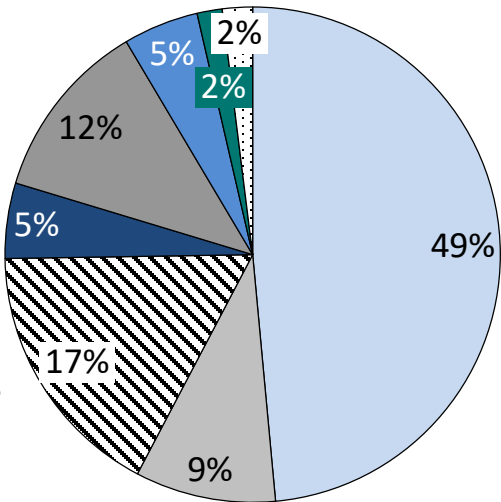
- General or other
- There is sufficient time for drivers to prepare to upgrade their vehicle
- Drivers will need financial support to adapt to this measure
- This should happen as soon as possible
- By 2030, technology improvements mean electric vehicles will be viable choice for drivers
- Air quality needs to be improved significantly by 2030



Disagree

N= 768 in total, 195 provided comments

- This measure is only viable if all other prior conditions are removed
- The implementation date is too early and does not give drivers sufficient time to prepare
- Other measures will be more effective in reducing emissions and the taxi community is being unfairly discriminated against
- Electric vehicles will not be able to fulfil the day to day requirements of taxis
- This measure requires further consultation and any decision should be delayed until more information is available
- Drivers will need significant financial support to adapt to this measure in the proposed timeframe
- The cost of vehicles make this timeframe unrealistic
- This should be implemented before 2030



PUBLIC REPORT

Report to:	LICENSING AND PUBLIC PROTECTION COMMITTEE	
Report of:	ACTING SERVICE DIRECTOR REGULATION AND ENFORCEMENT AND CORPORATE DIRECTOR FINANCE AND GOVERNANCE	
Date of Decision:	13 MARCH 2019	
SUBJECT:	LICENSING AND PUBLIC PROTECTION – REVENUE BUDGET 2019/20	

1. Purpose of Report:

- 1.1 This report sets out the Licensing and Public Protection Committee's Revenue and Capital Budget for the 2019/20 financial year.
- 1.2 The report also details the approved savings programme for 2019/20.
- 1.3 The report is in line with the current City Council established financial budgetary framework.

2. Decision(s) Recommended:

The Licensing and Public Protection Committee is requested to :

- 2.1 Note the 2019/20 Revenue Budget Changes as detailed in Appendix 1.
- 2.2 Note the 2019/20 Service and Subjective Budget in Appendix 2.
- 2.3 Note the Budget 2019/20 to 2022/23 in Appendix 3.
- 2.4 Note the 2019/20 budgeted employee establishment as detailed in Appendix 4.
- 2.5 Note the latest 2019/20 Reserves position as detailed in Appendix 5.

Lead Contact Officer(s):	Parm Phipps, Business Partner – Services Finance
Telephone No:	0121 303 4176
E-mail address:	parmjit.phipps@birmingham.gov.uk

3.	Consultation
3.1	<p><u>Internal</u></p> <p>The 2019/20 Revenue Budget has been reported to the Place Senior Management Team and the Acting Service Director of Regulation and Enforcement. Legal and Finance have also been consulted as required in line with the Council's framework.</p>
3.2	<p><u>External</u></p> <p>There are no additional issues beyond consultations carried out as part of the Public Budget Consultation that was completed for 2019/20.</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 Plan and Budget 2019+ 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 reports sets out the revenue and capital budget available, to deliver services which are the responsibility of Licensing and Public Protection Committee, during the 2019/20 financial year.</p> <p>Budget monitoring reports, detailing financial performance against cash limits and any required actions, will be brought to Licensing and Public Protection Committee at regular intervals in 2019/20.</p>
4.3	<p><u>Legal Implications</u></p> <p>Section 151 of the 1972 Local Government Act requires the Corporate Director Finance and Governance (as the responsible officer) to ensure proper administration of the City Council's financial affairs. Budgetary control, which includes the regular monitoring of and reporting on budgets, is an essential requirement placed on directorates and members of Corporate Leadership Team by the City Council in discharging the statutory responsibility. This report meets the City Council's requirements on budgetary control for the specified area of the City Council's Directorate activities.</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 2019/20

- 5.1 The City Council approved the overall budget on 26th February 2019. The Licensing and Public Protection Committee should note the original net revenue budget allocation of **£6.986m** (as detailed in Appendices 1, 2 and 3) and summarised below.
- 5.2 The City Council's Budget Strategy for 2019/20 is based on the following principles:
- There is no general provision for price inflation on expenditure budgets.
 - There is 2% provision for pay award from April 2019.
 - Additional resources have been allocated to services to meet the increase in the employer's pension contributions from 33.5% to 34.1%.
 - The revenue and financial implications from capital expenditure programmes and equal pay are reflected in the long term budget.
- 5.3 Changes from 2018/19 Quarter 3 to Original 2019/20 are summarised in the table below:

	£'m
Revenue Budget 2018/19 (as at Quarter 3)	7.761
<u>Changes to Existing Savings, Pressures and Use of Resources</u>	
Reversal of Resources in 2018/19 only for fly-Posting pilot scheme.	(0.155)
Reversal of Use of PoCA Reserves completed in 2018/19	0.060
<u>Savings Programme</u>	
[PL101] Increase range of services at Register Office	(0.040)
[PL111] Increase funding from PoCA for Trading Standards	(0.070)
[PL115] Reduction in Waste Enforcement	(0.300)
[PL121] Increase CSC for Externally Grant Funded Projects	(0.050)
Increase in Non-Statutory Fees & Charges at Register Office	(0.052)
WOC1 Savings Allocation across all services	(0.291)
Efficiencies and removal of Non-Essential Spend	(0.035)
<u>Budget Plan 2019+</u>	
Pay award and Price Inflation	0.100
Increases to Pension Contributions	0.038
<u>Technical Adjustments</u>	
Internal Re-alignment including Highways	0.020
Approved Budget 2019/20	6.986

- 5.4 Service implications and subjective budget details are analysed in Appendices 1 and 2.
- 5.5 The budget from 2019/20 to 2022/23 is analysed in Appendix 3.

Employee Budget 2019/20

- 5.6 The employee numbers for Licensing and Public Protection Committee are shown in the table below and detailed by service in Appendix 4

	Employee FTEs 2018/19	Centralised PSS	WOC1 Step Up	New Savings	Place WOC (WMS)	Employee FTEs 2019/20
Licensing and Public Protection	312.6	1.0	(4.1)	(8.0)	(5.7)	295.8

- 5.7 The re-organisation of Professional Support Services into a centralised structure moved 17.0 FTE posts away from the main LPPC structure. However during 2018/19 an adjustment was identified and 1 FTE was returned to Register Office.
- 5.8 The WOC1 and WOC(WMS) savings are part of the four year savings programme approved for 2018/19 onwards.
- 5.9 The savings proposal to reduce Waste Enforcement services from 2019/20 onwards is equivalent to a reduction in the funded establishment of 6.0 FTE. Additional to this is the proposal to fund 2.0 FTE in Trading Standards using PoCA Resources.
- 5.10 This leaves the employee establishment for 2019/20 at 295.8 FTEs.

Savings Programme 2019/20 Onwards

- 5.11 The City Council has approved a Savings Programme from 2019/19 to 2022/23, based on the following principles:
- 5.12 All planned step-up savings set out in the Financial Plan 2018+ have been reviewed and amended where necessary.
- 5.13 Services have implemented further savings where necessary to compensate for local business issues.
- 5.14 The impact of grant reductions or fall-out is borne by the services concerned, either through a reduction in the expenditure previously funded through grant or by compensatory savings.
- 5.15 Further savings targets were set for all Directorates, with the proposals being presented in the context of the council's policy priorities and individual service development plans.
- 5.16 Revision of proposals by Members of the Executive in the light of policy priorities, legal requirements, equality impacts and responses to the public budget consultation process.
- 5.17 The cumulative implications for the Committee are set out in the table below.

Service Area	2019/20	2020/21	2021/22	2022/23
	£m	£m	£m	£m
Register Office	(0.092)	(0.092)	(0.092)	(0.092)
Trading Standards	(0.077)	(0.077)	(0.077)	(0.077)
Environmental Health	(0.343)	(0.343)	(0.343)	(0.343)
TOTAL	(0.512)	(0.512)	(0.512)	(0.512)

- 5.18 Most savings are for 2019/20 with no further step-ups planned.
- 5.19 The Savings Programme includes £0.512m agreed following consultation. £0.291m agreed as part of the Cross-cutting workforce strategy which are allocated to budgets across a range of services excluding grants and £0.035m relating to the removal of budgets for non-essential expenditure.
- 5.20 The total savings are therefore £0.838m as detailed in Appendix 1
- 5.21 Licensing and Public Protection Committee savings for 2019/20 includes a wide range of components and will include the following actions to successfully deliver these savings:
- Maintaining a freeze on current vacant posts.
 - Delivering efficiencies on non-employee expenditure
 - Maximising the opportunities to generate additional income from services (including provision to other Local Authorities).
 - Temporary use of available reserves from prior years.

Capital

- 5.22 A revised business case for the Capital programme within Mortuary and Coroners is being drafted and this will detail the exact works to be undertaken, the costs and funding. It is anticipated that the works will commence in 2019/20 and the outstanding budget from previous years carried forward for this purpose.

Grants

- 5.23 Within Regulatory Services, there are two grant funded programmes: Illegal Money Lending and Scam-busters. The funding, currently showing at the same level as 2018/19 will be adjusted in budgets once confirmation of 2019/20 allocations from the grant awarding bodies is received.

Reserves

- 5.24 The reserves are all ring-fenced and currently total £1.686m (Quarter 3), as summarised in Appendix 5.
- 5.25 These will be reviewed and updated to reflect the outturn for 2018/19 to arrive at the 1 April 2019 position.

6. Evaluation of Alternative Option(s):

- 6.1 During the course of 2019/20 the financial position will be closely monitored and reported, options identified to resolve budgetary pressures as necessary, and alternative savings proposals developed to meet new and emerging pressures.

7. Reasons for Decision(s):

- 7.1 This report informs the Licensing and Public Protection Committee of the Revenue and Capital Budget for 2019/20.
- 7.2 The position in respect of the Licensing and Public Protection Committee's Savings Programme and the present risks identified in its delivery.

Signatures

Chris Neville
Acting Service Director Regulation and Enforcement

Clive Heaphy
Corporate Director Finance and Governance

Date

List of Background Documents used to Compile this Report:

Licensing & Public Protection - Revenue and Capital Budget 2018/19 – 14 March 2018
Licensing & Public Protection – Budget Monitoring 2018/19 Quarter 1 – 19 September 2018
Licensing & Public Protection – Budget Monitoring 2018/19 Quarter 2 – 21 November 2018
Licensing & Public Protection – Budget Monitoring 2018/19 Quarter 3 – 13 February 2019

List of Appendices accompanying this Report (if any):

Appendix 1 – Analysis Revenue Budget Changes 2017/18 (Month 10) to 2018/19
Appendix 2 – Service and Subjective Analysis of 2018/19 Budgets
Appendix 3 – Budget 2018/19 to 2021/22
Appendix 4 – Indicative Workforce Plan
Appendix 5 – Reserves

Report Version	1.0	Dated	05 February 2019
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**Licensing and Public Protection Committee
Revenue Budget 2019/20**

Analysis of Budget Changes 2018/19 to 2019/20

Service	Current Budget 2018/19 Quarter 3	Existing (Step Up) Savings	Reduction in Planned Use of Reserves	New Savings	WOC1	Internal Restructure	Pay and Price Inflation	Efficiencies and Non- Essential	Superan uation	Original Budget 2019/20
	£'000s	£'000s	£'000s	£'000s	£'000s	£'000s	£'000s	£'000s	£'000s	£'000s
Environmental Health	3,807	(155)		(343)	(131)		62	(14)	14	3,240
Pest Control	307			0	(25)		(6)	(3)	3	276
Register Office	860			(92)	(46)		53	(3)	10	782
Mortuary and Coroners	1,569				(41)		15	(5)	5	1,543
Trading Standards	1,261		60	(77)	(17)		24	(3)	3	1,251
Illegal Money Lending	0									0
Scambusters	0									0
Licensing and Enforcement	(5)			0	(31)		(48)	(7)	3	(88)
Total Regulatory Services	7,799	(155)	60	(512)	(291)	0	100	(35)	38	7,004
Public Rights of Way	74						1			75
Highway Licences	(69)					20	0			(49)
NRSWA Licences (Highways)	(43)						(1)			(44)
Total Highways	(38)	0	0	0	0	20	0	0	0	(18)
TOTAL LPPC	7,761	(155)	60	(512)	(291)	20	100	(35)	38	6,986

APPENDIX 1

Licensing and Public Protection Committee Revenue Budget 2019/20

Service and Subjective Analysis of 2019/20 Budget

Commitment Item	Environmental Health	Pest Control	Register Office	Mortuary and Coroners	Trading Standards	Illegal Money Lending	Scam busters	Licensing and Enforcmnt	Regulatory LPPC Budget	Highways Regulatory	Access / Develop ment	Total LPPC Budget
	£'000s	£'000s	£'000s	£'000s	£'000s	£'000s	£'000s	£'000s	£'000s	£'000s	£'000s	£'000s
Employees Direct	3,543	753	2,572	1,206	944	3,169	224	1,788	14,199	0	0	14,199
Premises	95	0	216	177	160	54	1	198	901	2	0	903
Transport and Moveable Plant	13	120	4	5	22	115	2	17	298	0	0	298
Supplies and Services	439	77	24	824	251	334	81	536	2,566	152	75	2,793
Capital Financing	19	0	104	69	27	28	12		259	0	0	259
Recharge Expenditure						159		588	747	0	0	747
Total Budgeted Expenditure	4,109	950	2,920	2,281	1,404	3,859	320	3,127	18,970	154	75	19,199
Grants	0	0	0	0	0	(3,831)	(320)	0	(4,151)	0	0	(4,151)
Fees and Charges	(672)	(674)	(2,035)	(17)	(105)	0	0	(3,216)	(6,719)	(247)	0	(6,966)
Rents	0	0	0	0	0	0	0	0	0	0	0	0
Miscellaneous Income	0	0	0	(651)	0	0	0	0	(651)	0	0	(651)
Recharge Income	(176)	0	0	0	(22)	0	0	0	(198)	0	0	(198)
Total Budgeted Income	(848)	(674)	(2,035)	(668)	(127)	(3,831)	(320)	(3,216)	(11,719)	(247)	0	(11,966)
Asset Revenue Management	(19)	0	(104)	(69)	(27)	(28)	0	0	(247)	0	0	(247)
Planned Use of Reserves					0			0	0	0	0	0
Total Net Provisional Budget	3,242	276	781	1,544	1,250	0	0	(89)	7,004	(93)	75	6,986

APPENDIX 2

**Licensing and Public Protection Committee
Revenue Budget 2019/20**

Budget 2019/20 to 2022/23

Ref		2019/20 £'000s	2020/21 £'000s	2021/22 £'000s	2022/23 £'000s
	LPPC Current Budget 2018/19 Quarter 3	7,761	7,761	7,761	7,761
	Resources Provided for New & Existing Pressures				
	Reversal of 2018/19 only Fly-Posting Pilot Scheme	(155)	(155)	(155)	(155)
	Reversal of Use of PoCA reserves	60	60	60	60
	Total	(95)	(95)	(95)	(95)
	New & Existing Savings				
PL101	Increase range of services at Register Office	(40)	(40)	(40)	(40)
PL111	Increase use of funding from PoCA for Trading Standards	(70)	(70)	(70)	(70)
PL115	Reduction in Waste Enforcement	(300)	(300)	(300)	(300)
PL121	Increase CSC for Externally Grant Funded Projects	(50)	(50)	(50)	(50)
	Increase in Non-Statutory Fees and Charges	(52)	(52)	(52)	(52)
	Efficiencies and removal of Non-Essential Spend	(35)	(35)	(35)	(35)
	Total	(547)	(547)	(547)	(547)
	WOC1 Workforce Savings	(291)	(291)	(291)	(291)
	Pay Award and Price Inflation	100	100	100	100
	Superannuation increase to 34.1%	38	38	38	38
	Other (Internal re-alignment)	20	20	20	20
	Total	158	158	158	158
	LPPC Budget 2018/19 +	6,986	6,986	6,986	6,986

Current Budgeted Ftes
Centralisation of PSS Posts
WOC1 Step Up
New Savings
Internal WOC Allocations
FOM
LPPC Budgeted FTE's

312.6	312.6	312.6	312.6
1.0	1.0	1.0	1.0
(4.1)	(4.1)	(4.1)	(4.1)
(8.0)	(8.0)	(8.0)	(8.0)
(5.7)	(5.7)	(5.7)	(5.7)
295.8	295.8	295.8	295.8

**Licensing and Public Protection Committee
Revenue Budget 2019/20**

Indicative Workforce Plan 2018/19 to 2019/20

	Environmental Health	Pest Control	Register Office	Mortuary and Coroners	Trading Standards	Illegal Money Lending	Scam - busters	Licensing	Total
	FTE	FTE	FTE	FTE	FTE	FTE	FTE	FTE	FTE
Actual Fte's 2018/19 Qtr3	69.5	24.8	58.7	25.8	15.9	52.7	3.0	38.1	288.5
Current Budgeted FTE's 2018/19	89.6	20.6	60.9	20.4	24.3	50.0	2.5	44.3	312.6
Centralisation of PSS Posts	0.0	0.0	1.0	0.0	0.0	0.0	0.0	0.0	1.0
WOC1 Step Up	(2.4)	(0.4)	0.0	(0.7)	(0.6)	0.0	0.0	0.0	(4.1)
New Savings	(6.0)	0.0	0.0	0.0	(2.0)	0.0	0.0	0.0	(8.0)
Internal Place WOC (WMS)	(1.9)	(0.4)	(1.4)	(0.6)	(0.5)	0.0	0.0	(0.9)	(5.7)
FTE's 2019/20	79.3	19.8	60.5	19.1	21.2	50.0	2.5	43.4	295.8

Licensing and Public Protection Committee Revenue Budget 2019/20

Reserves 2018/19 and 2019/20

Balances & Reserves	Licensing	External Grant Funded Services		Proceeds of Crime Act 2002		Total Ringfenced Reserves
	Hackney Carriage & Private Hire	Illegal Money Lending Team (IML)	Scambusters	Trading Standards	Illegal Money Lending	
	£'000	£'000	£'000	£'000	£'000	£'000
Reserves and Balances Brought Forward at 01 April 2018	(406)	(279)	-	(539)	(793)	(2,017)
Use of Reserves reported at Quarter 3 2018/19	142	-	-	110	79	331
Position at Quarter 3 and Estimated Reserves at 01 April 2019	(264)	(279)	-	(429)	(714)	(1,686)
Planned Use of Reserves during 2019/20	-	-	-	-	-	-
Estimated Reserves at 31 March 2020	(264)	(279)	-	(429)	(714)	(1,686)

Notes

Reserves are strictly ringfenced to the service areas to which they relate.

Proceeds of Crime Act reserves can only be used at a local level to support crime fighting services and community projects.

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

13 March 2019
ALL WARDS

OUTCOME OF APPEALS AGAINST SUB COMMITTEE DECISIONS:
January 2019

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

Contact Officer: Emma Rohomon, Acting Head of Licensing
Telephone: 0121 303 6103
E-mail: Emma.Rohomon@birmingham.gov.uk

3. Summary of Appeal Hearings for January 2019

	Magistrates'	Crown
Total	2	1
Allowed		
Dismissed	2	1
Appeal lodged at Crown		
Upheld in part		
Withdrawn pre-Court		
Consent Order		

4. Implications for Resources

- 4.1 The details of costs requested and ordered in each case are set out in the appendix below.
- 4.2 In January 2019 costs have been requested to the sum of £1713.70 so far with reimbursement of £1588.70 so far (92.7%) ordered by the Courts.
- 4.3 For the fiscal year thus far, April 2018 to January 2019, costs associated to appeal hearings have been requested to the sum of £14347.31 so far with reimbursement of £12572.91 so far (87.6%) ordered by the Courts.
- 4.4 For the fiscal year thus far, April 2018 to January 2019, costs contra Birmingham City Council associated to appeal hearings have been requested and awarded in excess of £10483.

5. Implications for Policy Priorities

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

6. Public Sector Equality Duty

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

7. Consultation

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

DIRECTOR OF REGULATION AND ENFORCEMENT

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

MAGISTRATES' COURT – PRIVATE HIRE DRIVER'S LICENCE

	Name	Date Case Heard	Result	Costs Requested	Costs Ordered	Comments
1	Mohammed Rahman	21.01.2019	Dismissed	£250.00	£125.00	The appeal was against the Sub Committee decision to refuse to grant a private hire driver's licence to Mr Rahman due to convictions recorded against him. After hearing submissions and evidence on oath from Mr Rahman the magistrates dismissed the appeal indicating that in view of the nature and gravity of his previous convictions they were not satisfied that the Committees decision was wrong. Although an application for costs was made in the sum of £250 in view of his limited financial means they awarded a contribution of £125 to be paid by way of interparty costs.

MAGISTRATES' COURT – PRIVATE HIRE OPERATOR'S LICENCE

	Name	Date Case Heard	Result	Costs Requested	Costs Ordered	Comments
	Mohammed Rashid	28.01.2019	Dismissed	£806.00	£806.00	The appeal was against the Sub Committee decision to refuse to grant a private hire operator's licence to Mr Rashid under the trading name of TOA Cars. The appeal was dismissed at court, costs were awarded in the sum of £806.00

CROWN COURT – PRIVATE HIRE DRIVER’S LICENCE

	Name	Date Case Heard	Result	Costs Requested	Costs Ordered	Comments
1	Tariq Hussain	11.01.19	Dismissed	£657.70	£657.70	The appeal was against the Sub Committee decision to revoke the private hire driver’s licence previously issued to Mr Hussain, following convictions for plying for and no insurance. Far from being wrong, the court found that the original decision of the local authority was right. The appeal was dismissed. Costs were awarded in full in the sum of £657.70

BIRMINGHAM CITY COUNCIL

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

13 MARCH 2019
ALL WARDS

PROSECUTIONS AND CAUTIONS – JANUARY 2019

1. Summary
 - 1.1 This report summarises the outcome of legal proceedings taken by Regulation and Enforcement during the month of January 2019.
2. Recommendation
 - 2.1 That the report be noted.

Contact Officer: Chris Neville, Acting Service Director Regulation and Enforcement
Telephone: 0121 303 6111
E-Mail: Chris.Neville@birmingham.gov.uk

3. Results

3.1 During the month of January 2019 the following cases were heard at Birmingham Magistrates Court, unless otherwise stated:

- Three Licensing cases were finalised resulting in fines of £1,120. 14 penalty points were issued and prosecution costs of £1,629 were awarded. No simple cautions were administered as set out in Appendix 1.
- 115 Environmental Health cases resulted in fines of £50,646 and a 4 month suspended sentence. Prosecution costs of £25,346 were awarded. No simple cautions were administered as set out in Appendix 2.
- No Trading Standards cases were finalised and no simple cautions were administered as set out in Appendix 3.
- Appendix 4 lists cases finalised by district in January 2019 and cases finalised by district April – January 2019.
- Appendix 5 lists the enforcement activity undertaken by the Waste Enforcement Team in April - December 2018.

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 2018 to January 2019 the following costs have been requested and awarded:

Licensing

£22,494 has been requested with £17,826 being awarded (79%).

Environmental Health

£297,236 has been requested with £222,738 being awarded (75%).

Trading Standards

£42,010 has been requested with £16,091 being awarded (38%).

- 5.3 For the month of January 2019 the following costs have been requested and awarded:

Licensing

£1,629 has been requested with £1,629 being awarded (100%)

Environmental Health

£35,613 has been requested with £25,346 being awarded (71%).

Trading Standards

No costs have been requested or awarded.

- 5.4 Since the start of the financial year until the end of January 2019 the following income has been received from the courts:-

Licensing

£13,058 has been received.

Environmental Health

£155,944 has been received including Waste Enforcement cases.

Trading Standards

£54,627 has been received.

(Total £223,629)

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

6. Implications for Policy Priorities

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

7. Public Sector Equality Duty

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

DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: Nil

LICENSING CASES**APPENDIX 1**

	Date Case Heard	Name & Address	Offence details (including Legislation)	Fine/Penalty & Costs	Ward of defendant	Ward - Offence committed
1	10/1/19	Shabir Khan Sparkhill Birmingham	Town Police Clauses Act 1847 & Road Traffic Act 1988 Pleaded guilty to two offences: one of plying for hire in High Street, Harborne, Birmingham and one of consequently having invalid insurance.	£660 – no insurance + 8 penalty points No separate penalty for plying £694 costs (£694 requested)	Sparkhill	Harborne
2	10/1/19	Javid Akhtar Alum Moseley Birmingham	Equalities Act 2010 Pleaded guilty to one offence of being a driver of a Hackney Carriage and failing to carry a passenger in a wheelchair.	£250 £425 costs (£425 requested)	Moseley	Ladywood
3	24/1/19	Sultan Ali Sparkbrook Birmingham	Town Police Clauses Act 1847 & Road Traffic Act 1988 Pleaded guilty to two offences: one of plying for hire in Waterloo Street, Birmingham and one of consequently having invalid insurance.	£210 – No insurance + 6 penalty points No separate penalty for plying £510 costs (£510 requested)	Sparkbrook & Balsall Heath East	Ladywood

LICENSING SIMPLE CAUTIONS

During the period of January 2019, no simple cautions were administered

ENVIRONMENTAL HEALTH CASES

WASTE OFFENCES

	Date Case Heard	Name & Address	Offence details (including Legislation)	Fine/Penalty & Costs	Ward of defendant	Ward - Offence committed
1	10/1/19	PMC Butchers Ltd 219 Bacchus Road Birmingham B18 4RE	Environmental Protection Act 1990 Pleaded guilty to one offence of failing to comply with a notice requiring written information of how waste from PMC Butchers, 219 Bacchus Road, Birmingham was disposed of within 7 days.	£300 £180 costs (£370 requested)	Soho & Jewellery Quarter	Soho & Jewellery Quarter
2	10/1/19	Sam & Harry's Green Lane Ltd 130 Whitacre Road Birmingham B9 5NN	Environmental Protection Act 1990 Pleaded guilty to one offence of failing to take all reasonable measures to prevent a contravention under Section 33 by employees, in that there were no proper arrangements for the disposal of commercial waste from Sam & Harry's, 294-296 Green Lane, Birmingham.	£2,500 £891 costs (£891 requested) £160.50 clean-up costs awarded.	Heartlands	Bordesley Green
3	24/1/19	Fab Travel N Parcel Services Ltd 287 Witton Road Aston Birmingham B6 6NT	Environmental Protection Act 1990 Pleaded guilty to one offence of failing to comply with a notice requiring written information of how waste from Fab Travel N Parcel Services, 287 Witton Road, Aston, Birmingham was disposed of within 7 days.	£300 £420 costs (£420 requested)	Aston	Aston
4	24/1/19	Leisha Lavinia Howard Birmingham	Environmental Protection Act 1990 Pleaded guilty to one offence of depositing controlled waste, namely toys, packaging and other waste, on Dugdale Street, Winson Green, Birmingham.	£101 £250 costs (£850 requested)	North Edgbaston	Soho & Jewellery Quarter

5	24/1/19	Mohammed Masud Ahmed Rujel Small Heath Birmingham	Environmental Protection Act 1990 Pleaded guilty to two offences; one offence of depositing controlled waste, namely three black bags of household waste, on Baker Street, Small Heath, Birmingham and one offence of failing to comply with a notice requiring the details of the person in control of the vehicle on the date of offence to be provided.	£240 – offence 1 No separate penalty for remaining offence. £500 costs (£1,647 requested)	Small Heath	Bordesley Green
6	25/1/19	Tara McMullen-Zaman Stockland Green Birmingham Tariq Zaman Stockland Green Birmingham	Environmental Protection Act 1990 Both defendants pleaded guilty to one offence of trading as “Lass with a Van”, and failing to secure written descriptions of waste on its transfer. They advertised on Facebook and collected household waste, including bulky items, for a fee. The waste was then transported to Tyseley Household Recycling Centre, Birmingham.	Total £240 (each fined £120) Total £500 costs (£250 each) (£6,685 requested)	Stockland Green	Tyseley & Hay Mills

ANIMAL WELFARE OFFENCES

	Date Case Heard	Name & Address	Offence details (including Legislation)	Fine/Penalty & Costs	Ward of defendant	Ward - Offence committed
1	24/1/19	Amanda Ellen Cox Harborne Birmingham	Animal Boarding Establishments Act 1963 Pleaded guilty to one offence of keeping a boarding establishment for animals at 68 Quinton Road, Harborne, Birmingham without a licence.	£300 £877 costs (£877 requested)	Harborne	Harborne

FOOD HYGIENE OFFENCES

	Date Case Heard	Name & Address	Offence details (including Legislation)	Fine/Penalty & Costs	Ward of defendant	Ward - Offence committed
1	24/1/18	Ismail Good Birmingham	Food Safety and Hygiene (England) Regulations 2013 Pleaded guilty to three offences relating to conditions at Marrakesh, 478 Coventry Road, Birmingham. Mouse and rats droppings were found throughout the premises and a plastic drain pipe to the kitchen had been gnawed by a rat leaving a hole in the kitchen wall. A cardboard box containing individual bags of pasta was gnawed by rats and mice	£480 – offence 1 No separate penalty for remaining offences £500 costs (£1,055 requested)	Bordesley Green	Bordesley Green
2	24/1/19	Khyber Restaurant and Takeaway Ltd 20 Alum Rock Road Birmingham B8 1JB Zahoor Khan Moseley Birmingham	Food Safety and Hygiene (England) Regulations 2013 Both defendants pleaded guilty to 12 offences relating to conditions found at Khyber Restaurant & Takeaway, 20 Alum Rock Road, Birmingham during inspections in September 2017, April 2018 and June 2018. Mouse droppings were found throughout the premises during the first two visits. Cleaning cloths and chopping boards were dirty. Mouse droppings were found inside a sugar tub, a box of ginger and in a box of tomatoes. There was no soap or hand drying facilities to the sinks. During the third inspection, the walk-in chiller was found to be excessively dirty, the surface in the rear store room could not be properly cleaned and the walls in the store room were dirty.	Total £20,000 For the Company (£6,000 x 1 - September 2017 offence £8,000 x 1 - April 2018 offence £6,000 x 1 - June 2018 offence) No separate penalty for remaining offences Khan – 4 month imprisonment suspended for 12 months £3,393 costs (£3,393 requested)	Alum Rock	Alum Rock

3	28/1/19	Tasty Chicken Birmingham Ltd 636 Coventry Road Birmingham B10 0UT	Food Safety and Hygiene (England) Regulations 2013 Found guilty in their absence of nine offences relating to conditions found at Chicken.com, 570 Bristol Road, Selly Oak, Birmingham. The premises were in a dirty condition. Food handlers were not supervised or trained in food hygiene matters. Staff had a lack of knowledge of allergens, food was not kept in appropriate temperatures, there was a lack of hand washing and the staff were not wearing suitable clothing. Plastic containers storing food were dirty; a pizza oven conveyor belt was encrusted in dirt and debris. There was a hole in the back door which could allow access to pests. Food was being stored in rusty tins, raw chicken had splattered on ready-to-eat burger buns and there were no procedures based on HACCP.	£5,000 – offence 1 No separate penalty for remaining offences. £1,050 costs (£1,050 requested)	Small Heath	Bournbrook & Selly Park
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LITTERING OFFENCES – SINGLE JUSTICE PROCEDURE

Date Cases Heard	Total Number of Cases	Total Fines imposed	Total Costs awarded	Total Costs requested
18/1/19	105	£21,185	£16,785	£18,375

ENVIRONMENTAL HEALTH SIMPLE CAUTIONS

No simple cautions were administered during January 2019.

TRADING STANDARDS CASES

No Trading Standards prosecutions were finalised during January 2019

TRADING STANDARDS SIMPLE CAUTIONS

No simple cautions were administered during January 2019.

CASES FINALISED BY DISTRICT (PLACE OF OFFENCE) – JANUARY 2019

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	1	0	0	0	2	0	0	0	0	0	0	3
Environmental Health (FPNs) Not paid and prosecuted	0	0	0	0	105	0	0	0	0	0	0	105
Environmental Health (non FPNs)	1	0	0	1	6	0	0	1	0	1	0	10
Trading Standards	0	0	0	0	0	0	0	0	0	0	0	0

CASES FINALISED BY DISTRICT (DEFENDANT'S HOME ADDRESS/REGISTERED OFFICE) – JANUARY 2019

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	0	0	3	0	0	0	0	0	0	0	0	3
Environmental Health (FPNs) Not paid and prosecuted	10	6	9	8	15	4	13	4	1	2	33	105
Environmental Health (non FPNs)	1	1	0	5	3	0	0	0	0	0	0	10
Trading Standards	0	0	0	0	0	0	0	0	0	0	0	0

CASES FINALISED BY DISTRICT (PLACE OF OFFENCE) – APRIL 2018-JANUARY 2019

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	1	0	1	0	21	0	0	6	2	0	0	31
Environmental Health (FPNs) Not paid and prosecuted	0	0	0	0	658	0	0	0	0	0	0	658
Environmental Health (non FPNs)	5	12	16	24	50	2	7	6	2	19	1	144
Trading Standards	1	1	4	1	2	0	2	1	0	0	0	12

CASES FINALISED BY DISTRICT (DEFENDANT'S HOME ADDRESS/REGISTERED OFFICE) – APRIL 2018-JANUARY 2019

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	0	0	6	6	3	1	4	1	0	2	8	31
Environmental Health (FPNs) Not paid and prosecuted	30	25	36	52	99	29	46	19	7	25	290	658
Environmental Health (non FPNs)	4	12	16	29	34	6	5	6	1	9	22	144
Trading Standards	0	1	4	1	1	0	1	1	0	1	2	12

WASTE ENFORCEMENT UNIT – ENFORCEMENT ACTIVITY
APRIL 2018 – MARCH 2019

	Apr-18	May-18	Jun-18	Jul-18	Aug-18	Sep-18	Oct-18	Nov-18	Dec-18	Total 2018/2019
Waste Investigation Outcomes										
Duty of Care inspections into the waste disposal arrangements of commercial premises	125	116	157	81	135	128	104	64	63	973
<u>Section 34 Environmental Protection Act</u> demand notices issued: (trade waste statutory information demands)	105	100	122	70	127	74	67	32	52	749
<u>Section 34 Environmental Protection Act</u> fixed penalty notices issued to businesses (£300)	30	41	50	35	62	80	83	21	19	421
<u>Section 87 Environmental Protection Act.</u> Fixed Penalty notices issued for commercial and residential litter offences (£80)	0	2	0	0	0	0	1	0	0	3
<u>Section 33 Environmental Protection Act</u> fixed penalty notices issued for fly tipping (£400)	4	5	3	7	6	3	6	9	4	47
Prosecutions										
Number of prosecution files submitted to legal services (number produced quarterly)			43			24			71	138

BIRMINGHAM CITY COUNCIL

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

13 MARCH 2019
ALL WARDS

FIXED PENALTY NOTICES ISSUED JANUARY 2019

1. Summary
 - 1.1 The report sets out a breakdown, on a Ward basis, of fixed penalty notices issued in the City during the period of January 2019.
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
April 2017 – March 2018	5,873

4. Enforcement Considerations and Rationale

4.1 The attached appendix shows the wards where FPNs were issued during the month of January 2019.

4.2 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 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

Ward	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Total
Acocks Green	3	0	2	0	5	2	0	0	0	2			
Allens Cross	0	0	0	0	0	0	0	0	0	0			
Alum Rock	0	2	1	1	3	1	3	1	0	5			
Aston	1	1	1	1	1	2	2	1	0	1			
Balsall Heath West	0	0	4	0	1	1	0	2	0	4			
Bartley Green	1	0	1	0	0	0	0	0	0	0			
Billesley	0	2	5	1	0	1	0	0	0	1			
Birchfield	0	0	0	2	0	0	0	0	2	0			
Bordelsey & Highgate	1	1	1	1	0	0	3	0	0	1			
Bordesley Green	0	2	2	2	9	2	9	0	1	0			
Bournbrook & Selly Park	0	1	1	9	4	0	1	0	0	0			
Bournville & Cotteridge	1	0	0	9	3	0	1	0	0	0			
Brandwood & Kings Heath	0	5	3	3	0	0	0	0	0	6			
Bromford & Hodge Hill	0	1	1	0	2	1	1	0	0	4			
Castle Vale	0	0	0	0	0	0	0	0	0	1			
Druids Heath and Monyhull	0	2	0	0	0	0	2	0	0	0			
Edgbaston	0	0	2	1	0	6	1	0	0	0			
Erdington	2	0	2	6	2	1	0	3	0	2			
Frankley Great Park	0	0	0	0	0	1	0	0	0	0			
Garretts Green	0	0	0	2	0	0	0	0	0	0			
Glebe Farm & Tile Cross	2	0	1	3	0	0	1	1	1	2			
Gravelly Hill	1	0	0	0	1	0	0	0	0	0			
Hall Green North	0	2	0	0	1	1	2	0	1	5			
Hall Green South	0	4	2	0	0	1	0	0	0	0			
Handsworth Wood	0	0	2	1	0	0	0	0	0	0			
Handsworth	2	0	1	0	1	0	0	2	1	0			
Harborne	0	0	1	2	2	1	0	0	0	0			
Heartlands	1	1	0	0	1	1	2	0	0	0			
Highters Heath	0	0	0	0	0	1	0	0	0	0			
Holyhead	1	0	5	0	2	11	0	0	0	0			
Kings Norton North	0	0	0	1	0	0	0	0	0	0			
Kings Norton South	1	0	0	0	0	0	0	0	0	0			
Kingstanding	1	0	0	0	0	0	0	0	2	1			
Ladywood	746	777	463	302	399	560	570	735	416	645			
Longbridge & West Heath	0	0	0	0	0	0	4	0	0	0			
Lozells	2	1	0	0	1	0	0	0	0	0			
Moseley	0	1	0	0	0	1	1	0	0	0			
Nechells	0	0	0	2	0	3	3	0	0	2			
Newtown	0	0	2	0	2	2	2	0	0	2			
North Edgbaston	2	1	0	0	0	0	0	0	0	0			
Northfield	0	0	0	0	0	0	2	0	6	0			
Oscott	0	0	5	0	1	0	1	1	0	0			
Perry Barr	0	0	1	0	0	1	4	0	0	0			
Perry Common	0	0	1	0	0	1	0	0	0	0			
Pype Hayes	1	0	0	0	0	0	0	1	0	0			
Quinton	0	0	0	0	0	0	0	1	0	0			
Rubery & Rednal	1	0	0	0	0	0	0	0	1	0			

Shard End	0	0	0	0	5	0	0	0	0	1			
Sheldon	1	0	0	0	1	1	1	0	0	0			
Small Heath	3	0	1	2	7	0	3	1	0	0			
Soho & Jewellery Quarter	0	0	3	0	1	7	7	2	0	0			
South Yardley	0	1	0	0	0	0	1	0	0	0			
Sparkbrook & Balsall Heath East	0	2	3	1	4	9	2	1	3	14			
Sparkhill	0	1	3	0	1	30	3	0	0	1			
Stirchley	0	0	0	0	2	0	0	0	0	0			
Stockland Green	0	0	0	0	0	0	0	4	0	0			
Sutton Four Oaks	0	0	0	0	0	0	0	1	0	0			
Sutton Mere Green	0	0	0	0	0	0	0	0	0	0			
Sutton Reddicap	0	0	0	0	0	1	0	0	0	0			
Sutton Roughley	0	0	0	0	0	0	0	0	0	1			
Sutton Trinity	0	0	0	0	0	0	0	0	0	0			
Sutton Vesey	0	2	0	0	0	1	13	1	0	0			
Sutton Walmley & Minworth	0	0	0	0	0	1	0	0	4	0			
Sutton Wylde Green	1	0	0	0	0	0	5	6	0	1			
Tyseley & Hay Mills	0	0	0	0	0	0	2	0	0	0			
Ward End	0	0	0	3	1	0	9	0	0	1			
Weoley & Selly Oak	0	0	0	1	0	0	0	0	0	0			
Yardley East	0	0	0	0	0	1	0	2	0	0			
Yardley West & Stretford	0	1	0	0	0	0	1	0	0	0			
	775	811	520	356	463	653	662	766	438	703	0	0	6,147

BIRMINGHAM CITY COUNCIL

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

13 March 2019
ALL WARDS

**ACTION TAKEN BY THE CHAIR OF THE LICENSING
& PUBLIC PROTECTION COMMITTEE:**
February 2019

1. Summary
 - 1.1 This report advises the Committee of action taken by the Chair under authority from the Licensing & Public Protection Committee, together with an explanation as to why this authority was used.
2. Recommendation
 - 2.1 That the report be noted.

Contact Officer: Emma Rohomon, Acting Head of Licensing
Telephone: 0121 303 6103
E-mail: emma.rohomon@birmingham.gov.uk

3. Background Information

- 3.1 On 16 March 2007 Section 52 of the Road Safety Act 2006 came into force. This has had the effect of enabling a licensing authority to suspend or revoke a hackney carriage or private hire driver's licence with immediate effect – meaning that the suspension or revocation takes effect immediately once notice of the authority's decision has been given to the driver – where this decision is considered necessary in the interests of public safety.

4. Summary of Action Taken for February 2019

- 4.1 On 5 February 2019 authority was sought to revoke with immediate effect the hackney carriage driver licence held by driver reference 3325. On 5 February 2019 the Licensing Enforcement Section received information from West Midlands Police: Driver 3325 was arrested on 1 February 2019 for possession of a firearm with intent to endanger life. Driver 3325 has been released on bail.
- 4.2 The interests of public safety being considered paramount, an authorisation of the Director of Regulation and Enforcement, acting in consultation with the Chair, was obtained and on 5 February 2019 notice was hand delivered personally to driver 3325's last known address, advising that his hackney carriage driver licence was revoked with immediate effect, in accordance with Sections 61(1)(b) and 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976.
- 4.3 On 8 February 2019 authority was sought to suspend with immediate effect the private hire driver licence held by driver reference 46809. On 8 February 2019 the Licensing Section received the following information: Driver 46809 passed out at the wheel of his private hire vehicle and subsequently collided with a lamppost.
- 4.4 The interests of public safety being considered paramount, an authorisation of the Director of Regulation and Enforcement, acting in consultation with the Chair, was obtained and on 8 February 2019 notice was hand delivered personally to driver 46809's last known address, advising that his private hire driver licence was suspended with immediate effect, in accordance with Sections 61(1)(b) and 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976.
- 4.5 On 22 February 2019 authority was sought to suspend with immediate effect the private hire driver licence held by driver reference 104572. On 22 February 2019 driver 104572 informed the licensing section that he became unconscious while driving a licensed private hire vehicle and as a result crashed the vehicle and is currently in hospital.
- 4.6 The interests of public safety being considered paramount, an authorisation of the Director of Regulation and Enforcement, acting in consultation with the Chair, was obtained and on 22 February 2019, notice was posted to driver

104572's last known address, advising that his private hire driver licence was suspended with immediate effect, in accordance with Sections 61(1)(b) and 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976.

5. Implications for Resources

- 5.1 No specific implications have been identified; however, drivers retain the right to appeal through a Magistrates' Court, which may result in the imposition of costs either to or against the City Council.

6. Implications for Policy Priorities

- 6.1 The contents of the report contribute to the City Council's published policy priority of improving the standards of licensed vehicles, people and premises in the City.

7. Implications for Equality and Diversity

- 7.1 The actions identified in this report were taken in accordance with the Regulatory Services enforcement policy, which ensures that equality issues have been addressed.

DIRECTOR OF REGULATION AND ENFORCEMENT

BIRMINGHAM CITY COUNCIL**LICENSING AND PUBLIC PROTECTION COMMITTEE****13 MARCH 2019****SCHEDULE OF OUTSTANDING MINUTES**

MINUTE NO./DATE	SUBJECT MATTER	COMMENTS
942 (ii) 15/11/2017	<u>Revision of Birmingham City Council Act 1990 Establishments for Massage and/or Special Treatments</u> The Acting Service Director of Regulation and Enforcement be requested to provide a report for Committee reviewing the need for the Birmingham City Council Act 1990 and options including delegation of hearings to Licensing Sub-Committees.	Report due in April 2019
1114 16/01/2019	<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 the report.	Report due in April 2019

