

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

BIRMINGHAM CITY COUNCIL

LICENSING AND PUBLIC PROTECTION COMMITTEE

WEDNESDAY, 16 NOVEMBER 2016 AT 10:00 HOURS
IN COMMITTEE ROOMS 3 & 4, COUNCIL HOUSE, VICTORIA
SQUARE, BIRMINGHAM, B1 1BB

A G E N D A

1 NOTICE OF RECORDING/WEBCAST

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

2 APOLOGIES

To receive any apologies.

3 - 16

3 MINUTES

To confirm and sign the Minutes of the last meeting held on 19 October 2016.

17 - 38

4 SIAM MASSAGE AND SPA, 2288 COVENTRY ROAD, SHELDON, BIRMINGHAM, B26 3JR GRANT OF LICENCE AND VARIATION OF STANDARD CONDITIONS

REPORT OF THE ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

5 LICENSING AND PUBLIC PROTECTION BUDGET MONITORING 2016/17 (MONTH 06)

REPORT OF THE ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

39 - 72

6 PUBLIC PLACE NUISANCE VOLUNTARY GUIDES PROJECT: BUSKER AND STREET ENTERTAINMENT VOLUNTARY GUIDE

REPORT OF THE ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

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		REPORT OF THE ACTING DIRECTOR OF REGULATION AND ENFORCEMENT
<u>145 - 146</u>	13	<u>SCHUDULE OF OUTSTANDING MINUTES</u>
		Item Description
	14	<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.
	15	<u>AUTHORITY TO CHAIRMAN AND OFFICERS</u>
		Chairman to move:-
		'In an urgent situation between meetings, the Chair jointly with the relevant Chief Officer has authority to act on behalf of the Committee'.

BIRMINGHAM CITY COUNCIL

LICENSING AND PUBLIC PROTECTION COMMITTEE 19 OCTOBER 2016
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**MINUTES OF A MEETING OF THE LICENSING
AND PUBLIC PROTECTION COMMITTEE HELD
ON WEDNESDAY 19 OCTOBER 2016 AT 1000
HOURS IN COMMITTEE ROOMS 3 & 4,
COUNCIL HOUSE, BIRMINGHAM**

PRESENT: - Councillor Barbara Dring in the Chair;

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

NOTICE OF RECORDING

735 The Chair advised that the meeting would be webcast for live and subsequent broadcast via the Council's internet site (www.birminghamnewsroom.com) and that members of the press/public may record and take photographs.

The whole of the meeting would be filmed except where there were confidential or exempt items.

APOLOGIES

736 Apologies were received from Councillor Moore for lateness and from Councillor Rehman for his inability to attend the meeting.

MINUTES OF THE LAST MEETING – 14 SEPTEMBER 2016

737 The public Minutes of the meeting held on 14 September 2016, having been previously circulated to Members were noted.

SPORTS GROUND SECURITY ARRANGEMENTS

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

(See Document No. 1)

Andrew Daw, Emergency Planning Officer, made introductory comments to the report advising members of the approach to security arrangements for sports grounds.

In response to members' comments and questions, the salient points were recorded.

Andrew Daw confirmed that whilst the Alexander Stadium was not a designated stadium, there were stands within the stadium that were looked after from a safety aspect. He further confirmed that there were 3 designated stadiums across the city which were; St Andrews, Edgbaston and Villa Park with a capacity to attract special work with emergency planning arrangements.

With regard to the Alexander Stadium not being a designated stadium, Andrew Daw confirmed that he was not involved in the safety control aspect and believed that it had been the decision of the Secretary of State that identified designated grounds. He added that the whole ground of Alexander Stadium was not seen as one stadium and therefore agreed to raise the question with the SAG Group and respond to the Committee accordingly.

He reported that there were 16 designated rest centres across the city with each one containing the necessary kit and equipment required to provide overnight accommodation for communities and members of the public. He confirmed that there were 4 response teams on call 24/7 available to come in and set up a rest centre at the designated locations. He stated that the department held all the appropriate contact details and were in regular contact with the key holders.

With regard to the lack of information for key holders besides being provided with a booklet and suitcase, Andrew Daw whilst recognised the concern, confirmed that the department was at present checking all of the suitcases that had been provided in order to ensure they were up to date and were also updating all of the individual site plans. He added that they would most likely be in contact with all of the key holders to explain the call out process. He also added that as they were going through the process at the moment of reviewing their rest centres albeit some had dropped off and had been replaced with new centres, the up to date list of where they were located and associated information would be circulated to members shortly.

Following a comment relating to the Chairs of the SAG Groups providing more in depth information to officers and stadium owners to ensure that all were aware of the underlying aspects not included within the report, and the need for updated practices, Andrew Daw confirmed that he would support the motion of a review of the Safety Advisory Groups. He referred to the UK Good Practice Guide that had recently been issued and believed the review should take the guide into account and was of the opinion that all 3 sites should go through the process.

It was noted that Keith Wiseman, the new safety manager, Aston Villa Park had made a very positive start in playing an active role with all of the agencies involved with the SAG Group.

The Chair concluded by thanking Andrew Daw for attending the meeting and reporting.

It was -

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RESOLVED:-

- (i) That the report be noted;
- (ii) That the outstanding minute number 640(i) be discharged.

**STATEMENT OF LICENSING POLICY – CUMULATIVE IMPACT AREAS
POST CONSULTATION REPORT – JOHN BRIGHT STREET AREA**

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

(See Document No. 2)

Councillor Holbrook declared a non-pecuniary interest as she was a director at Southside Bridge which covered John Bright Street.

Chris Neville, Head of Licensing, introduced the report and highlighted that it was the first of 3 reports for the Committee to consider the introduction of a Cumulative Impact Area around John Bright Street whereupon the other 2 reports related to Erdington and Digbeth.

At this juncture, coloured photographs of John Bright Street were circulated to the Committee.

Chris Neville, Head of Licensing whilst referring to the salient points of the report highlighted that in September 2016, the Home Office had announced an amendment to the Policing and Crime Bill which would include Cumulative Impact Policy, and through this the policy would become more formalised rather than categorised as guidance.

Councillors Floor and Moore were of the opinion that the application should go ahead due to the associated anti-social behaviour that it could attract and that the application was also supported by Public and Environmental Health.

Councillor Leddy referred to the very small number of residents that had objected and also West Midlands Police did not support the application, as believed there would not be the need for additional police resources within the area. Councillor Leddy was of the opinion the application should be refused.

The Chair put the motion contained in the report at agenda item No. 5 to the meeting and this was refused with Members voting 6 in favour and 7 against.

It was -

739

RESOLVED:-

- (i) That the Committee considered the responses to the consultation for the area around John Bright Street proposed for CIP.
- (ii) That Members considered whether there was sufficient evidence to implement CIP area as proposed.
- (iii) That Members refused the proposal for the area around John Bright Street to become a Cumulative Impact Policy area.

**STATEMENT OF LICENSING POLICY – CUMULATIVE IMPACT AREAS
POST CONSULTATION REPORT – ERDINGTON AREA**

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

(See Document No. 3)

Chris Neville, Head of Licensing, introduced the report and referred to the salient points.

Councillors Dad and Moore declared an interest as they were residents of Erdington Ward.

Councillor Clinton supported the application as she made reference to the general decline residents had witnessed in the area and the fear that was experienced by residents working late at night.

Councillor Moore supported the application and welcomed the large number of responses received from constituents in Erdington Ward. He made reference to the proposed area and due to the nature of his pen questioned whether the parade of shops (junction of Gravelly Lane and Oliver Road) had been included within the consultation.

Following a discussion where it was ascertained that although communication had taken place with the shops they had not been included in the consultation. Stuart Evans, Licensing Solicitor indicated that there was no evidence that consultation had taken place with the shop owners; as a consequence they could be included in Cumulative Impact Area.

The Chair suggested that an application for CIP for the additional shops could be brought to Committee at a later date for consideration which was agreeable to Councillor Moore.

Councillor Holbrook fully supported the report as she highlighted the area had experienced a rapid increase in street drinking and also a huge increase in anti-social behavioural issues had arisen as a result of this. However, did

raise concern that by implementing a CIP this would relocate the problem elsewhere.

It was noted that if a CIP policy in place needed to be extended, as long as there were sufficient grounds for this, it could be considered by the Committee at any time in the future.

The Chair put the motion contained in the report at agenda item No. 6 to the meeting and this was agreed unanimously.

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RESOLVED:-

- (i) That the Committee considered the responses to the consultation for the Erdington Area proposed for CIP.
- (ii) That Members considered whether there was sufficient evidence to implement CIP area as proposed.
- (iii) That Members agreed to the proposals and that CIP should relate to
On Sales;
On and Off Sales, or
On and Off Sales and Late Night Refreshments
- (iv) That the proposals agreed to at 2.2 and 2.3 be reflected in a revised Statement of Licensing Policy, to be presented to City Council at the next available opportunity.

**STATEMENT OF LICENSING POLICY – CUMULATIVE IMPACT AREAS
POST CONSULTATION REPORT – DIGBETH AREA**

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

(See Document No. 4)

Chris Neville, Head of Licensing, introduced the report and referred to the salient points.

At this juncture there was a 10 minute adjournment for members to study the map of the area which had been circulated at the meeting. Although the map did not indicate where the licensed premises were located, members could make an informed decision based on the responses received from the consultation which included West Midlands Police, Public and Environmental Health that supported the application.

The Chair put the motion contained in the report at agenda item No. 7 to the meeting and this was agreed unanimously.

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RESOLVED:-

- (i) That the Committee considered the responses to the consultation for the

Digbeth Area proposed for CIP.

- (ii) That Members considered whether there was sufficient evidence to implement CIP area as proposed.
- (iii) That Members agreed to the proposals and that CIP should relate to
On Sales;
On and Off Sales, or
On and Off Sales and Late Night Refreshments
- (iv) That the proposals agreed to at 2.2 and 2.3 be reflected in a revised Statement of Licensing Policy, to be presented to City Council at the next available opportunity.

**LICENSING AND PUBLIC PROTECTION COMMITTEE – MINUTE TAKING
AND PAPERLESS REPORTS**

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

(See Document No. 5)

Chris Neville, Head of Licensing, introduced the report and detailed the two proposals that had been put forward for consideration which were the provision of shorter sets of minutes for meetings of the Licensing and Public Protection Committee where appropriate, which did not include licence applications, and to move to a paperless system of report distribution in order to respond to the reduction in the number of Committee Managers in the service. He added that where meetings were web-streamed they remained on live-stream for a period of 6 months and a DVD copy of the meeting was kept on file.

Following a discussion and in response to members' comments and questions, the salient points were recorded.

Although detailed minutes would be recorded regarding licensing applications whereupon decisions were subject to challenge, members were of the opinion that there should still be some details of discussion that had taken place recorded in the minutes, and also, that information relating to the content of the meeting was easily accessible to members after the meeting had taken place.

Chris Neville, Head of Licensing, confirmed that with the production of less detailed minutes, this should not result in job losses, as the additional job cut savings had already been delivered and it was the actions to those savings that was now being taken.

Although members recognised that paperless could be a more flexible and efficient way of working, were concerned that BCC laptops may not be reliable for paperless meetings and therefore look to obtaining alternative technical equipment.

Councillor Holbrook confirmed that members could use whatever technology they preferred, as the information came in the format of PDF and suggested that some may need support in obtaining an application to assist them but there was training available at BCC to address this area.

Councillor Floor highlighted the importance of there being a level of consistency for all members being able to receive information via the paperless system

The Chair voiced concern of the need to provide alternative technology and the costs that could be incurred and whether it outweighed what BCC were looking to save. She also highlighted the need for some form of training for members which could include a dummy run of a paperless meeting.

Chris Neville, Head of Licensing, referred to recommendation 2.2 of the report and stated that there would be the need for some indication from members, that felt they required additional equipment to see what their requirements would be, and undertake a costing exercise to compare with what was likely to be saved, and for the findings to be submitted at the next meeting.

Councillor Holbrook suggested that the Committee approved both recommendations with an addition to recommendation 2.2 that it be subject to the confidence of the Chair that budget savings were made, rather than delay for another meeting.

The addition to recommendation 2.2 was seconded by Councillor Sealey.

The Chair put the motion contained in the report at agenda item No. 8 to the meeting with the addition to recommendation 2.2 of the report which was agreed unanimously.

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RESOLVED:-

- (i) That the Committee approved the changes to the way in which minutes would be recorded of meetings of the Licensing and Public Protection Committee as outlined in paragraphs 4.1 to 4.3 of the report with effect from its scheduled meeting on 16 November 2016.
- (ii) That the Committee approved the proposal to stop circulating paper copies of reports for meetings of the Licensing and Public Protection Committee as outlined in paragraphs 5.1 to 5.3 of the report and adopts an electronic system of paperless reports with effect from April 2017, and that it be subject to the confidence of the Chair that there was a cost benefit to paperless meetings supported by evidence of the costings for additional equipment submitted to the next meeting.

PROSECUTIONS AND CAUTIONS DURING JULY 2016

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

(See Document No.6)

Alison Harwood introduced the report and highlighted the significant cases. She specifically referred to the fine of £24,000 and costs of £1,541 that had been awarded detailed in Appendix 2 of the report.

Councillor Moore whilst declaring an interest due to liaising with an officer regarding an address in Appendix 2 of the report subsequently extended a vote of thanks to the officer for her involvement in addressing the public nuisance offence.

Councillor Sealey congratulated officers for their efforts in successfully obtaining the costs awarded to BCC by the courts which was now reflecting a more realistic level.

Following a concern relating to Premium Halal Meat & Poultry Limited as to why the City Council had not revoked the licence, Mark Croxford, Head of Environmental Health, confirmed that it was the Food Standard Agency that was responsible for suspending or revoking their licence and not the City Council.

It was -

743

RESOLVED:-

That the report be noted.

**OUTCOME OF APPEALS AGAINST SUB COMMITTEE DECISIONS
DURING AUGUST 2016**

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

(See Document No. 7)

Chris Neville, Head of Licensing, introduced the report and highlighted that from the 5 cases that had been dismissed, one case had been overturned by the magistrates, due to the fact that the driver had driven for a period of 44 years and had held a clean driving licence.

Councillor Clinton stated that all 3 Sub-Committees undertook their responsibilities very seriously and that there were policies in place that covered plying for hire and driving without insurance, therefore, expressed deep disappointment that magistrates believed that it would be safe being driven in a vehicle without insurance. She added that it was of no consequence of how old the driver was all aspects would have been taken into account by the Sub-Committee and considered very carefully, before a decision was taken to ensure that the public were properly safeguarded at all times.

Councillor Moore whilst expressing his disappointment of the decision taken by the magistrates was of the opinion that the Sub-Committee had taken the correct decision at the time which was in line with committee policy.

It was -

744

RESOLVED:-

That the report be noted.

FIXED PENALTY NOTICES ISSUES AGAINST AUGUST 2016

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

(See Document No. 8)

Mark Croxford, Head of Environmental Health, addressed members on the salient points.

It was -

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RESOLVED:-

That the report be noted.

SCHEDULE OF OUTSTANDING MINUTES

The following schedule of Outstanding Minutes was submitted:-

(See Document No. 9)

The Acting Director of Regulation and Enforcement made comments on the Schedule of Outstanding Minutes.

Chris Neville, Head of Licensing referred to Outstanding Minute No. 620 and confirmed that two officers were due to visit Lambeth, London at the end of the month where they would be discussing their Sexual Entertainment Venue (SEV) policy. He added that on return they would convene a meeting with the Working Group to feedback on their findings from Lambeth which in turn would assist towards forming a conclusion of BCC's policy. He confirmed that Lambeth appeared to be the only authority identified with such a policy.

Alison Harwood referred to Outstanding Minute nos. 651(ii), (iii) and confirmed that as yet no dates had been agreed to report back to Committee.

A brief discussion ensued regarding the proposals for vehicle emission standards for Hackney Carriages and Private Hire Vehicles whereby Councillor Leddy believed that action in this area needed to be taken in 2020

in order that it allowed drivers enough time to place aside funding for when they needed to replace the vehicles in order to comply with standards.

Councillor Beauchamp was of the opinion that vehicles should meet the standards as soon as possible and not delay.

The Chair referred to the amount of effort and discussion that was taking place with various cabinet members, the deputy leader's office and the department in addressing this issue.

Chris Neville, Head of Licensing, referred to the statement published last week by Defra regarding clear air zones and the impact this would have on the city. He confirmed that this was the legal starting point for the process for clean air zones. He added that they had had to wait for legislation to go through Parliament before they could formally go forward with the proposals for emission standards. He highlighted, that a great deal of work had taken place in the background and therefore was trying to ensure that everything that was done with this Committee coincided with the rest of the Council's policies.

He reported that the Chair had been lobbying extremely hard to ensure that at the earliest opportunity there would be consultation with the trade regarding what the impact of clean air zones would have on them. He referred to the briefing note that would be circulated to the trade as soon as possible following the legislation brought about last week and confirmed that all were conscious of the need to move as quickly as possible in order that drivers could make the necessary economic decisions.

The Chair highlighted that it was a much broader subject that involved more than just the trade and subsequently detailed various other areas that would be affected. She added that they were still awaiting the finer details from Defra and once these were available, an update would be provided to the Committee.

With regard to Outstanding Minute No. 720 the Chair referred to the scrutiny meeting that had taken place and the issue relating to taxi drivers in safeguarding children.

Chris Neville, Head of Licensing, confirmed that cards had been provided to taxi drivers with the necessary information however there was no statutory basis for taxi drivers to report safeguarding to the local authority. He added that although there was training in place for new drivers, any existing drivers did not have to undertake the training until renewal of their licence was required.

Following a brief discussion, it was suggested that in order to encourage drivers to undertake the necessary training, that an informal discussion be arranged with them and the sub-committee, in order to help focus their minds on why they were not taking up the training which Chris Neville agreed to explore as an option.

In response to a comment regarding the new guidelines for keeping children safe in education and the fact that anyone in schools that failed to report

safeguarding was considered as guilty as causing harm to the child, Stuart Evans, Interim City Solicitor agreed to discuss further with colleagues in Child Care.

The Chair highlighted that the difference with BCC was that they supplied drivers with licences and was not their direct employer.

It was -

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RESOLVED:-

That the Schedule of Outstanding Minutes be noted.

OTHER URGENT BUSINESS

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

Biomass Boilers

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In response to a previous request from Councillor Clinton relating to the above-mentioned boilers, Mark Croxford, Head of Environmental Heath agreed to provide the requested information to all members of the Committee.

ACTIONS TAKEN BY THE CHIEF OFFICER IN CONSULTATION WITH THE CHAIR OF THE LICENSING AND PUBLIC PROTECTION COMMITTEE SINCE SEPTEMBER 2016 – COMMITTEE URGENT BUSINESS REPORT

TOURISM ACTION PLAN – AUGUST 2016

The following report of the Acting Director of Regulation and Enforcement was submitted and the letter sent to the Rt. Hon. Amber Rudd MP:-

(See document Nos. 10 and 11)

Chris Neville, Head of Licensing, referred to the meeting that Emma Rohomon, Licensing Manager, had attended in London involving the Tourism Action Plan and the proposals put forward which had implications for Private Hire Drivers.

He reported that it had been agreed at the last meeting, that a letter would be sent to Central Government advising that the Committee did not support the proposals. He confirmed that the report circulated to the meeting detailed the action taken between meetings under the Chief Officer and Chair's Authority.

He further reported that Appendix 1 referred to the Government's Tourist Action Plan and Appendix 2 was a copy of the letter despatched last week to Central Government expressing the views of the Committee. It was also sent with a covering letter to all of the MP's in Birmingham and Councillor Barnett,

Chair of Children, Families and Schools Overview and Scrutiny Committee in view of the implications that had been perceived within the safeguarding report.

It was -

748 **RESOLVED:-**

That the report be noted.

AUTHORITY TO CHAIRMAN AND OFFICERS

749 **RESOLVED:-**

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

EXCLUSION OF THE PUBLIC

750 **RESOLVED:-**

That in view of the nature of the business to be transacted which includes exempt information of the category indicated the public be now excluded from the meeting:-

Minutes - Exempt Paragraph 3

PRIVATE

MINUTES

751 The private section of the Minutes of the meeting held on 14 September 2016 was noted.

The Committee Meeting ended at 1145 hours.

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CHAIRMAN

BIRMINGHAM CITY COUNCIL

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

16 NOVEMBER 2016
SHELDON

BIRMINGHAM CITY COUNCIL ACT 1990
ESTABLISHMENTS FOR MASSAGE AND/OR SPECIAL TREATMENTS

SIAM MASSAGE AND SPA, 2288 COVENTRY ROAD, SHELDON, BIRMINGHAM,
B26 3JR

GRANT OF LICENCE AND VARIATION OF STANDARD CONDITIONS

1. Summary

- 1.1 Anyone conducting an establishment for treatment by way of massage, solaria, jacuzzi, sauna, steam treatment, aromatherapy and other similar types of treatment is required to be licensed.
- 1.2 A specific condition relating to Massage Treatments requires “all massage rooms / areas used for massage to contain a suitable massage couch, bench or table.” However, Thai massage, cannot specifically be performed on that basis.
- 1.3 An application for a new Massage/Special Treatments Licence has been received, together with a request for a variation of standard conditions to permit the provision of Thai Massage, without the use of a “suitable massage couch, bench or table”.

2. Recommendations

- 2.1 That Committee consider and determine the application in accordance with the provisions of Birmingham City Council Act 1990 for the Grant of a Massage/Special Treatments Licence.
- 2.2 If Committee is minded to grant the Licence, to consider the request for variation of the standards conditions of licence and to determine this matter having regard to the options contained in paragraph 6.1 of this report.

Contact officer: David Kennedy, Principal Licensing Officer
Telephone: 0121 303 9896
Email: david.kennedy@birmingham.gov.uk

3. Background

- 3.1 Mr John Williams t/a Siam Massage and Spa, 2288 Coventry Road, Sheldon, Birmingham, B26 3JR applied for the grant of a Massage and Special Treatment Licence to permit the provision of massage only at the premises between the hours of 11am and 8pm Monday to Saturday.
- 3.2 A Licensing Enforcement Officer conducted a site inspection during which it was identified that the applicant wishes to provide Thai Massage which the applicant has advised is best provided at a lower level and is not facilitated by the use of a couch, bench or table as required by the standard conditions.
- 3.3 A copy of the Licensing Enforcement Officers report, which contains photographs of the proposed treatment facilities, certificate relating to the provision of Thai Massage, a poster showing Thai Massage techniques, the application form and the standard conditions are on the attached appendix.
- 3.4 The Licensing Enforcement Officer has recommended that the standard conditions be varied by the inclusion of an additional condition being:

“One of the massage rooms / areas may contain a suitable massage mat, placed upon the floor, specifically designed for the provision of Thai Massage. This room can only be used for the provision of Thai Massage, all other types of massage should be carried out in either of the other two treatment rooms.”
- 3.5 Mr Williams and the Licensing Enforcement Officer have been invited to attend the Committee meeting in support of the request and respond to any questions members may have.

4. Consultation

- 4.1 The applicant was required to advertise the application by displaying a notice on or near the premises for a period of 21 days and serve notice of their application to the Chief Constable of West Midlands Police.
- 4.2 In addition, upon receipt of an application the Licensing Section consults with the relevant Local Policing Unit, the Licensing Enforcement Team and also notifies the appropriate Ward Councillors.
- 4.3 The Licensing Enforcement Officer has no objection to the Grant subject to an additional condition being attached to the grant of the licence.

5. Matters for Consideration

- 5.1 The Committee is required to determine the application for a Massage and Special Treatment Licence, and secondly, the request to vary the standard conditions being attached to the grant of the licence as outlined in the Licensing Enforcement Officers report and in respect of any subsequent renewal of the licence whilst the premises continue to offer Thai massage.

6. Options Available

- 6.1 The Committee may:

6.1.1 Grant the licence and any subsequent renewal subject to compliance with the standard conditions of licence.

6.1.2 Grant the licence and any subsequent renewal subject to compliance with the standard conditions of licence as varied by the inclusion of the proposed additional condition detailed at paragraph 3.4 of this report.

6.1.3 The Committee may not refuse the application without first giving the applicant an opportunity of appearing before and being heard by a Committee of the Council, and if so required by him, the Council shall within 7 days after their decision give him notice thereof containing a statement of the grounds on which it was based.

7. Right of Appeal

- 7.1 The Act provides that any applicant for the grant or renewal of a licence who is aggrieved by the terms, conditions or restrictions on or subject to which the licence is granted or renewed has the right of appeal to the Magistrates' Court within 21 days beginning with the date on which they are notified in writing.

8. Implications for Resources

- 8.1 A fee of £197 is payable for the grant of a Massage and Special Treatment Licence to permit the provision of one treatment.

- 8.2 In the event of an appeal hearing, the Magistrates power to award costs derives from Section 64 of the Magistrates Courts Act 1980 which entitles them to make such order as they think just and reasonable.

9. Implications for Policy Priorities

- 9.1 No specific implications have been identified.

10. Public Sector Equality Duty

- 10.1 No specific implications have been identified. Officers have considered the Public Sector Equality Duty in accordance with the provisions of the Equality Act 2010 and determined that there are no Equality and Diversity implications in respect of their report because of the nature of the decisions recommended.

ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

Background papers: nil

APPENDIX

LICENSING ENFORCEMENT REPORT
Birmingham City Council Act 1990
Massage and Special Treatments Licence

APPLICANT: JOHN TERRENCE WILLIAMS

APPLICANT	
NAME	JOHN TERRENCE WILLIAMS
ADDRESS	

BUSINESS PREMISES	
NAME	SIAM MASSAGE AND SPA
ADDRESS	2288 COVENTRY ROAD, SHELDON, BIRMINGHAM B26 3JR

Previous Known Matters:- None known against the applicant

Matter Identified:-

Application has been received for the grant of Massage and Special Treatments licence under the Birmingham City Council Act 1990 from Mr John Terrence Williams. The application relates to Siam Massage And Spa, 228 Coventry Road, Sheldon, Birmingham.

It is the intention of Mr Williams to provide the services of Thai Massage. The service of Thai Massage is provided at a lower level and is not facilitated by the use of a couch/bench/table as is the requirement of the conditions of licence.

It is proposed that initially the only person working at the salon and providing treatments will be the wife of the applicant, Mrs Kanjana Williams.

OFFICERS COMMENTS

An initial inspection has been carried out by Enforcement Officers of Birmingham City Council Licensing. The Officers found that 3 treatment rooms are available at the premises, 2 of the rooms have standard massage couch/table facilities. However, the remaining room has a Thai Massage mat/matress placed upon the floor. There is also a poster displayed in the room detailing the positions of Thai Traditional Massage. The Officers did not consider that the room would be used for illegal or immoral purposes.

Continued...

OFFICERS RECOMMENDATIONS

The purpose of this report is to ask that the licence be granted with an additional condition to read:

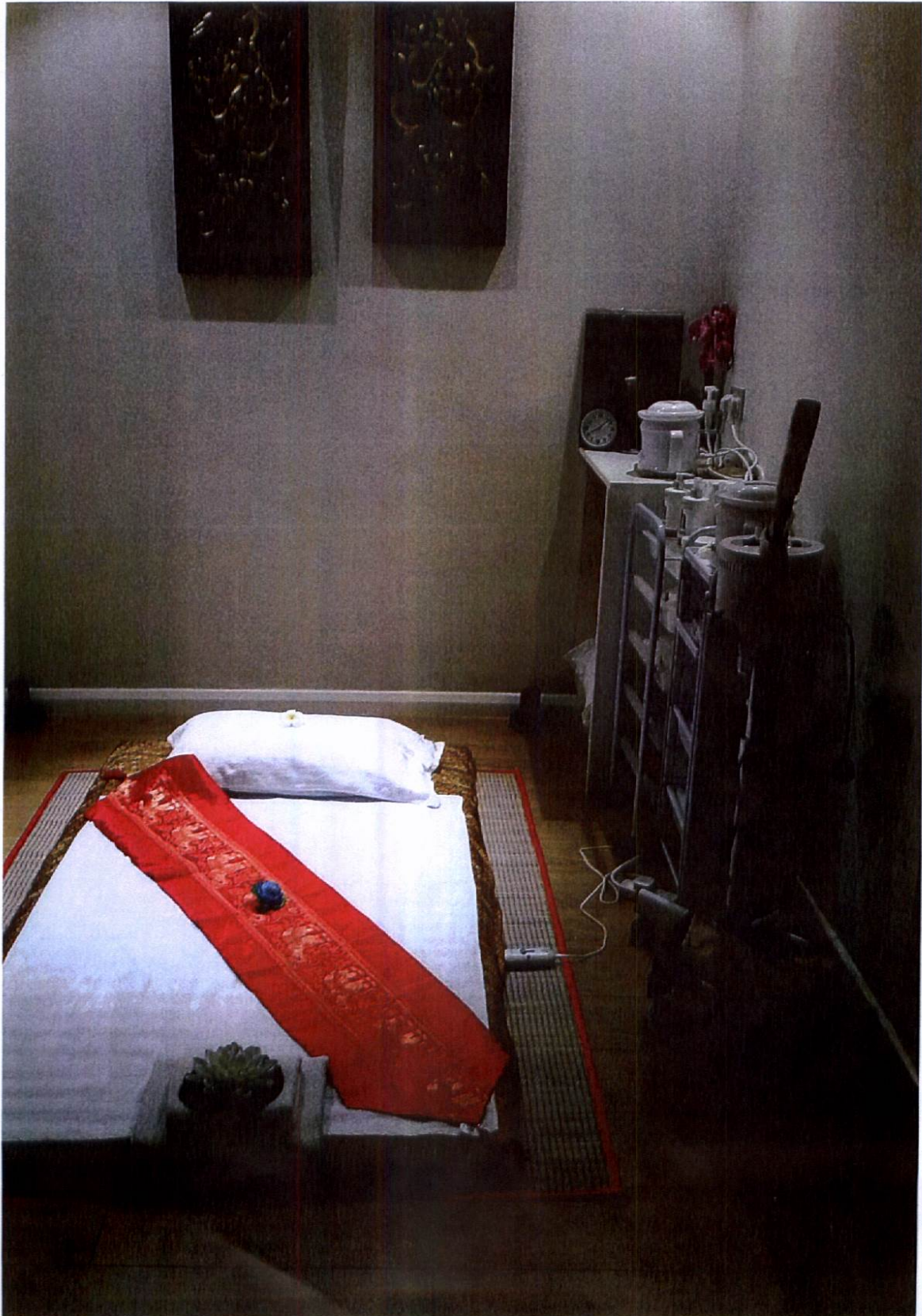
SPECIFIC CONDITIONS RELATING TO MASSAGE

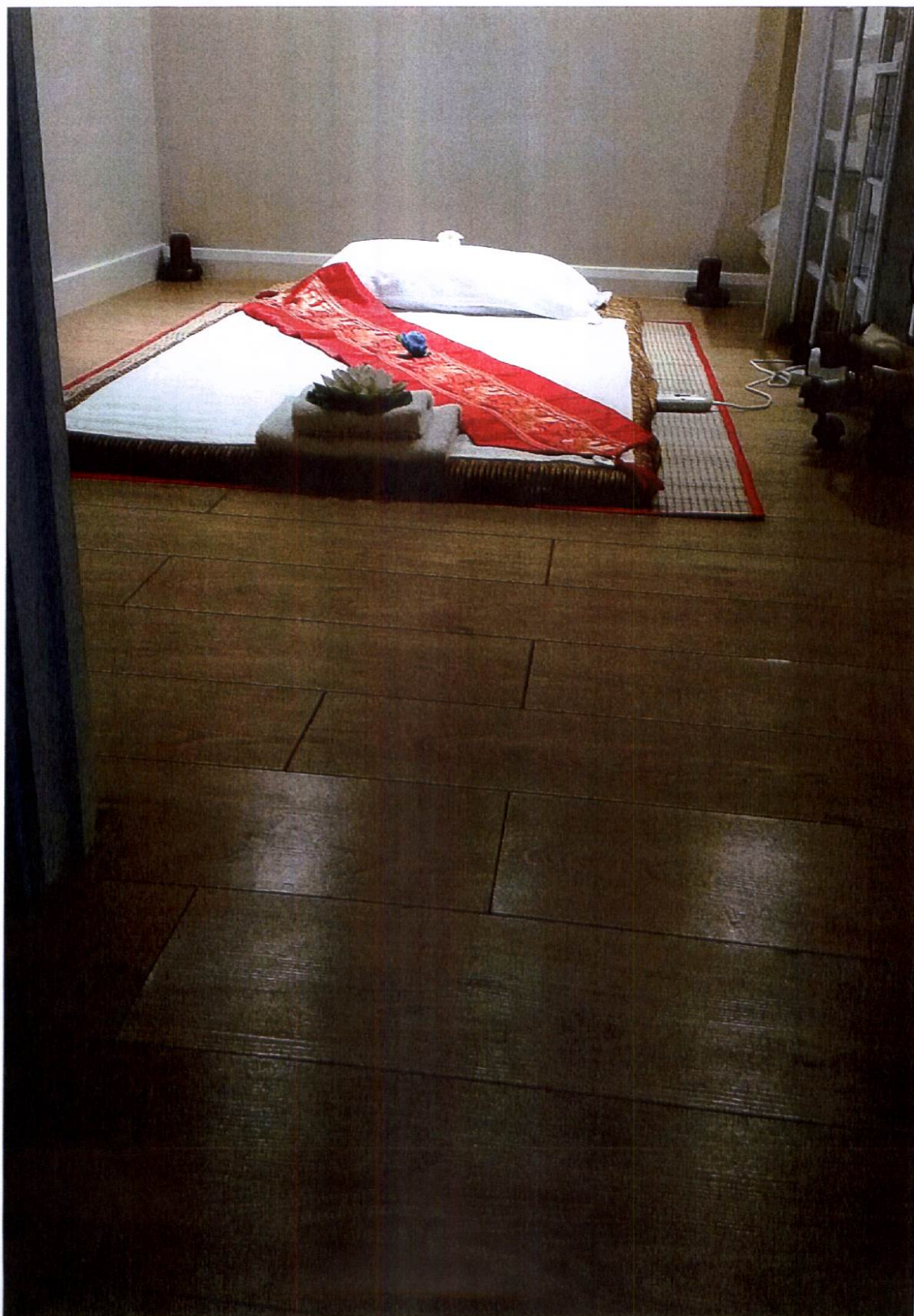
One of the massage room/areas may contain a suitable massage mat, placed upon the floor, specifically designed for the provision of Thai Massage. This room can **only** be used for the provision of Thai Massage, all other types of massage should be carried out in either of the other 2 treatment rooms.

DOCUMENTS ATTACHED

Photographs:

- Thai Massage room
- Certificate of achievement relating to Thai Massage
- Poster displayed in room showing Thai Massage techniques
- Copy of application form
- Conditions of licence









BIRMINGHAM CITY COUNCIL ACT 1990**Application for a Licence to use any Premises as an Establishment for Massage and/or Special Treatments**

1 Trading Name of Massage/Special Treatment Business:
SIAM MASSAGE & SPA
 Address of Business: 2288 COVENTRY RD SHELDON
BIRMINGHAM B26 3UR Tel No. 0121 448 5657

2. Is the application being made by an individual: ☒ (go to Q 3)
 or on behalf of a partnership ☐ (go to Q 4)
 or a company? ☐ (go to Q 4)

INDIVIDUAL APPLICANT'S DETAILS

3. Full name of the Applicant JOHN TERENCE WILLIAMS
 (Any former names must also be given).

Home Address of the applicant

Date of birth

National Insurance no. or the EU Member State equivalent

Contact tel. no (during normal office hours)

Address you wish any correspondence to be sent to

REGULATION & ENFORCEMENT
 LICENSING SECTION
 DATE RECEIVED

COMPANY/PARTNERSHIP APPLICATION DETAILS

4. Name of Company and company registration number (where applicable)

Address

REF NO 000471 197
 INITIALS S

If the applicant is a company, complete the details below in respect of each of the directors, the company secretary or other persons responsible for the management of the company. In the case of a partnership, details of all the partners must be given.

Name	Address	Designation

GENERAL DETAILS OF THE APPLICATION

MST 1/25

The following questions are to be answered by all applicants

5. Is this application for a

Grant ☒ or a Renewal ☐ or a Transfer ☐ or to add further treatments ☐

If renewal give the date existing licence is due to expire:

6. For what activities is the licence required?

Massage ☒ Sauna ☐ Solaria/Sunbed ☐ Spa/baths etc ☐ Steam treatment ☐.

If any other treatment, please give details

7. Will the massage or special treatment be available specifically for:

Males: ☐ Females: ☐ Both: ☒

8. Give details of the time during which it is proposed that the premises shall be open.

i) Days of the week: 6

ii) Hours of the day: 11am - 8pm

NB. Treatments shall be permitted only between 6am and 12 midnight on any day

9. Are the whole premises described above to be used for massage/special treatment?

Yes ☒ No ☐

10. If the answer to question 9, above, is 'No', please state:

i) Which part of the premises is to be used for the purposes of the licence?

.....

ii) What are the rest of the premises used for?

.....

11. Are the premises leasehold? Yes ☒ No ☐

Are the premises freehold? Yes ☐ No ☒

Please give the name and address of the landlord or of the freeholder:

ARIESVILLE ESTATES LIMITED of POB 47859
LONDON NW11 0XU

MST 1/25

12. State the full name(s) and address(es) of the owner(s) of the massage/special treatment business, if different to the applicant.

.....

.....

.....

13. If there is to be a manager responsible for the premises in the absence of the licence holder, please supply the following details:

First Name	Surname	Former Name (if any)	Permanent Address	Date of Birth

14. Please give details of **ALL** persons who will be administering treatment (whether qualified or not)

Full Name	Address
Kanjana Williams	

NB - For each person detailed above you must complete a personal details form (document ref MST 6/2) and submit all completed forms with this application

15. Please give details of involvement with any other massage or special treatment establishment and also the nature and extent of such interest, either as:

a) owner or director of owning company:

.....

or

b) employee:

.....

16. Has the applicant or any persons named of this form any convictions/cautions? Yes ☐ No ☒

If so, please give details below (road traffic convictions/endorsements need not be stated):

Convictions:

First Name	Surname	Former Name (if any)	Court	Date	Offence	Penalty or Sentence

Cautions:

First Name	Surname	Former Name (if any)	Offence	Date	Where Caution Administered

(If necessary, please continue on a separate sheet)

DECLARATION**To be completed by Applicant:**

I, declare that the information given above is true and correct to the best of my knowledge and I understand that if I provide any false information or intentionally withhold any relevant information, I am liable to prosecution.

Signed:..... Date of Application: 22.6.16

Name (PLEASE PRINT) JOHN WILLIAMS

Job Title MANAGER

NB: If the application is on behalf of a company, the Company Secretary, or Director of the company should sign the above declaration. If any person signs the declaration on behalf of an applicant, please state in what capacity you are acting.

If completed on behalf of an Applicant please complete the following:

I can confirm that the details given on this form are as stated by the applicant and are correct to the best of my knowledge.

Name (block capitals)

Organisation

Relationship to Applicant (eg Solicitor, Employer)

Signature Date 1/1/16

Completed Applications should be returned to:

Birmingham City Council
Licensing Section
P.O. Box 17013
Birmingham
B6 9ES
Email: licensing@birmingham.gov.uk

Checklist for Applicants**Have you remembered to:-**

- | | |
|---|-------------------------------------|
| Enclose cheque/payment | <input checked="" type="checkbox"/> |
| Sign application form | <input checked="" type="checkbox"/> |
| Send Notice of Application to WM Police | <input checked="" type="checkbox"/> |
| Enclose completed Personal details form | <input checked="" type="checkbox"/> |
| for each Person listed in section 14 | <input checked="" type="checkbox"/> |
| Display Notice of Application (grant only) | <input checked="" type="checkbox"/> |
| Electrical Certificate (required for grant & renewal) | <input checked="" type="checkbox"/> |

BIRMINGHAM CITY COUNCIL ACT 1990
LICENSING OF MASSAGE AND SPECIAL TREATMENTS
ELECTRICAL CERTIFICATE

This is to certify that the electrical installation in respect of:-

(Premises) *SIAM MASSAGE & SPA*

..... *2288 COLONNAT ROAD, SHADON, BIRMINGHAM B26 3JR.*

was inspected on *27 MAY 2016.* and I hereby confirm the safety
of all electrical installations, equipment and electrical apparatus used within
the establishment for the purpose of the licence.

Signed:

Company Name *JORDAN ELECTRICAL DESIGN*

Company Address *172 PRINCE OF WALES LANE*

..... *BLASTOCK BIRMINGHAM B14 4LH.*

NOTE This certificate **must** be signed by one of the following:-

- or (a) a Chartered Electrical Engineer
- or (b) a member of the Electrical Contractors Association
- or (c) a certificate holder of the National Inspection Council
for electrical installation contracting
- or (d) the Electricity Supplier

Birmingham City Council
Licensing Section
P.O. Box 17013
Birmingham
B6 9ES

Tel no: 0121 303 9896

Birmingham City Council Act 1990 – Massage and Special Treatments Licence**Personal Details Form**

Trading Name and Address of Massage and/or Special Treatment Premises:	SIAM MASSAGE & SPA
Full name of person giving treatment (Please give former names if any):	KANJANA WILLIAMS
Address:	
Postcode:	
Age:	
National Insurance Number:	
Date and Place of Birth:	
Qualifications to give the treatment:	150 hours THAI MASSAGE THERAPY TRAINING COURSE
Name and Address of College/Organisation:	NONHABURI PUBLIC HEALTH OFFICE

I consent to the information provided on this form being exchanged with other agencies in the interests of enforcement and protection of public funds

Signed:

Dated: 22-6-16

This form is to be completed for each person providing treatments under the Birmingham City Council Act 1990. It must be signed by the individual named on the form.

Completed Forms should be sent to:

Birmingham City Council
Licensing Section
P.O. Box 17013
Birmingham
B6 9ES

BIRMINGHAM CITY COUNCIL ACT 1990
CONDITIONS OF LICENCE
MESSAGE AND SPECIAL TREATMENT ESTABLISHMENTS

THE LICENSEE

1. Treatments that are covered by the Birmingham City Council Act 1990 which are not specified on the licence shall not be offered.
2. The establishment shall trade at the address specified in the licence, and in the name specified in the licence.
3. The Licensee shall notify the Council in writing, within 7 days, of any change in the name or private address of the Licensee.
4. The Licensee, if a company, shall notify the Council in writing, within 7 days, of any change in the names of directors of the company.
5. Unless the Licensee has written consent of the Council they shall not:
 - a) employ anyone at the premises whose licence has previously been revoked or who has been refused a licence where they were unsuitable to hold a licence;
 - b) employ anyone at the premises where the Council has previously considered that individual to be unsuitable because of misconduct; or
 - c) permit any such person mentioned in a) or b) above to directly or indirectly have an interest in the business carried on at the premises;
 - d) employ any person in the conduct of the establishment under the age of 17.
6. Treatment shall only be given by persons approved by the Council or under the supervision of a person approved by the Council.
7. The Licensee shall ensure that all persons approved by the Council to offer treatments shall display at the premises all certificates of recognised qualifications in respect of the services permitted by the Licence.
8. The Licensee must display, in a prominent position within the premises, the Licence issued by the Council

9. The Licensee shall at all times exhibit, in a conspicuous position, a complete scale of fees for treatments given at the premises.
10. The Licensee shall notify the Council, within 7 days, any change to the list of persons engaged in the provision of massage or special treatment at the establishment. If the change relates to the addition of a new person then notification must be by completion and submission within 7 days of Document MST6.1.
11. The Licensee shall notify the Council in writing within 7 days of any conviction received by him/her in respect of any offence of dishonesty or immorality.
12. The Licensee shall not permit the establishment to be used for any illegal or immoral purpose.

THE PREMISES

13. The premises and any treatment room or waiting room must be kept clean and maintained in good repair and condition.
14. There shall be adequate lighting and ventilation to any treatment or waiting room, either by natural or artificial means.
15. Readily accessible wash hand basins must be provided for any treatment rooms.
16. There shall be provided for each wash hand basin, hot and cold water, soap, a nail brush and clean hand drying facilities.
17. There shall be provided in every treatment and waiting room suitable and sufficient means for heating and a reasonable room temperature shall be maintained.
18. Suitable and sufficient toilet accommodation must be available for employees and clients.
19. The Licensee shall ensure compliance at all times with the relevant provisions of the Health and Safety at Work Act 1974 and shall at all times take reasonable precautions to ensure the safety of clients whilst in the premises.

CUSTOMER CARE

20. Where it is intended that more than one person shall be treated in the same room, suitable screening shall be provided to maintain privacy.

21. All instruments, towels, materials and equipment used in connection with the establishment shall be thoroughly cleansed prior to use by, or application to any client and there shall be provided proper means for securing the cleansing of all such instruments, towels, materials and equipment.
22. The Licensee shall ensure that all persons present in any part of the establishment are decently and properly dressed at all times, except for those persons receiving treatment in accordance with the conditions of this Licence.
23. Adequate changing accommodation shall be provided.

RECORDS

24. The Licensee shall keep and maintain:
 - a) A record of all persons employed for administering treatment, whether qualified or not, with details of their full name, date of birth, private address, national insurance number, signature and qualifications where applicable.
 - b) A daily register of all staff administering treatment shall be maintained; the register shall record the start and finish time of each therapist.

The above records shall be kept on the premises named on the licence at all times, and shall be immediately available for inspection, by an authorised officer, during opening hours.

No person shall make a false entry into any records required to be kept as a condition of the licence.

CONDUCT OF BUSINESS

25. The Licensee or a responsible person nominated by the Licensee, in writing to the Licensing Section, must be on the premises and in charge of the establishment and immediately contactable by an authorised officer at any time during the permitted hours of opening.
26. The Licensee must ensure that the nominated person is fully aware of the Conditions of Licence, particularly those relating to the maintaining of records.
27. The Manager or other person directly or indirectly responsible for the management of the premises shall be under the same obligation as the Licensee to comply with these conditions.

PERMITTED HOURS

28. The services provided by this establishment shall be permitted only between the hours of 6.00 am and 12.00 midnight on any day. (Please note that the hours permitted by this licence do not override any restrictions imposed by any planning consents for the premises.)

SAFETY OF EQUIPMENT - ELECTRICAL CERTIFICATE

29. The Licensee shall on application for renewal of this Licence submit to the Council a certificate signed by a competent electrician certifying the safety of all electrical installations, equipment and electrical apparatus used within the establishment for the purposes of the Licence.

SPECIFIC CONDITIONS RELATING TO MASSAGE

1. All massage rooms/areas shall contain a suitable massage couch/bench/table. (Four Poster beds, or beds designed for the purpose of sleeping shall not be permitted.)
2. There shall be no advertisement in words or pictures suggesting that there is an erotic element in the treatment provided.

SPECIFIC CONDITIONS FOR SUNBEDS AND SOLARIA

1. See Appendix A attached.

SPECIFIC CONDITIONS FOR SUNBEDS AND SOLARIA

Each premises licensed to provide facilities of ultra violet tanning equipment, sun beds and tanning booths shall ensure compliance with the following conditions:

1. The Licensee shall draw up a schedule of maximum exposure times based on the information supplied by the manufacturer and the operator shall advise clients of suitable exposure levels to avoid over-exposure particularly during initial sessions.

Notice

2. Warning notices and guidance notes issued by the Health and Safety Executive shall be clearly displayed near the machine informing users of the equipment of the danger of over-exposure.

Safety Equipment

3. Suitable goggles for the protection of the eyes of users of the equipment must be provided and each user must be advised of the dangers of failing to properly protect the eyes from ultra violet light. No user of the equipment should be allowed to undertake treatment without such protection.
4. A suitable readily identified emergency device shall be fitted within easy reach of a person using the equipment. The device, when operated, should switch off ultra violet lamps and summon assistance.
5. Equipment must be situated in a suitable room or cubicle and so positioned that adequate ventilation and cooling is provided. The operation of the equipment must not result in the temperature in the treatment room becoming unreasonable.

Cleaning

6. The licensee must have procedures in place to ensure that the surface of the bed is cleansed, between each client use, with a suitable cleanser as recommended by the manufacturer of the appliance.

Safety of Users

7. The Licensee must have procedures in place to ensure that prospective users of sun beds are made aware, on each visit, that certain medical conditions or medicines that are combined with exposure to UV light can have an adverse effect on the health and safety of the user.
8. The Licensee must have procedures in place to ensure that prospective users of sun beds are provided with clear and concise information for:-
 - Guidelines on how to identify individual skin types
 - Safe limits for using a sun bed without burning, to include an understanding that there must be 48 hours between tanning sessions and not to exceed more than 20 tanning sessions per year
 - Informing users whenever the lamps have been changed in the previous 2 weeks, thus making the sun bed more powerful.

BIRMINGHAM CITY COUNCIL

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

16 NOVEMBER 2016
ALL WARDS

**PUBLIC PLACE NUISANCE VOLUNTARY GUIDES PROJECT:
BUSKER AND STREET ENTERTAINMENT VOLUNTARY GUIDE**

1. Summary

- 1.1. To inform Committee of a project to reduce public place nuisance. This includes the production of a number of good practice voluntary guides for activities undertaken within the public space. These guides will contribute in tackling adverse impacts and behaviors from public place nuisance within the city centre and town centres associated with particular street scene related activities. There will be five guides; buskers and street entertainment; street speaking; distribution of free literature; events; and street trading.
- 1.2. To report to Committee on the outcome of the public consultation on the introduction of the first guide: A Busking and Street Entertainment Guide for Birmingham.

2. Recommendation

- 2.1 That Committee approves the final version of the Guide to Busking and Street Entertainment in Birmingham.
- 2.2 That Committee endorses the approach used within the public place nuisance project and the future direction of subsequent guides.
- 2.3 That the Chair of Licensing and Public Protection Committee refer this report to the Cabinet Member for Housing and Homes for information.
- 2.4 That implementation of this guide occurs after the Cabinet Member for Housing and Homes meeting.

Contact Officer: Janet Bradley Environmental Health Operations Manager
Telephone: 0121 303 5435
E-mail: janet.bradley@birmingham.gov.uk

3. Background – The Public Place Nuisance Project

- 3.1 An increase in the number of public place nuisance complaints, with regard to noise and anti-social behaviours from a number of activities within the City Centre received by sections of Birmingham City Council and West Midlands Police during 2013/2014 and 2014/2015, was the impetus behind the project to reduce the impacts described by the complainants. These complaints were received from residents, businesses and visitors and continue to this day.
- 3.2 An initial response was to consider the introduction of a Public Space Protection Order (PSPO) under the Anti-Social Behaviour, Crime and Police Act 2014 (ASBCP Act 2014) to prohibit the use of amplification units and intrusive noise from buskers, street entertainers and street speakers that is so loud that it has, or is likely to have a detrimental effect on the quality of life of people in the vicinity in a defined area of Birmingham City Centre.
- 3.3 In May 2015 a public consultation occurred on the introduction of a PSPO. The analysis of the responses showed a majority (60%) were against the introduction of the PSPO. This was reported to the Cabinet Members for; Health and Wellbeing and Social Cohesion and Equalities and Community Safety in July 2015. Further, it was reported to Full Council that the PSPO would not go forward.
- 3.4 In response to this, a multi-agency task and finish team was set up to consider alternative approaches to reduce the detrimental effects from activities within the city centre public space, particularly those causing noise impacts. Appendix 1 subsection (1) details those that have been involved in this project.
- 3.5 An approach chosen was to use the basis of the ASBCP Act 2014 and tackle individuals causing the detrimental impact rather than undertake action against all those that undertake the activity. Voluntary guides are being produced which determine the expected behaviours and practical ways for those undertaking a particular activity to reduce their potential to cause nuisance or similar detrimental impact to businesses and residents.
- 3.6 Each guide is produced in collaboration with the representatives or trade organisations of the particular activity to increase the 'buy in' and support for the guide and to ensure that the guide will work in practice. Each guide includes a pathway of hierarchy of interventions from education to enforcement and sanctions should these behaviours not be met and on-going detrimental impacts are determined. In addition, each guide will go through a public consultation through the City Councils BeHeard consultation process.

4. The First Guide – Busking and Street Entertainment in Birmingham

- 4.1 The guides are being introduced incrementally to ensure that each guide receives the extensive public consultation required and lessons learnt from the initial guides are used subsequently.

- 4.2 The busking and street entertainment guide (Appendix 2 draft copy) is for activities that include music, dance, street theatre, performance and art offered live in public spaces for the purpose of entertainment. It does not include street speakers who used amplification units. This will be covered in a subsequent guide.
- 4.3 Working with the Musicians Union, Keep Streets Live Campaign, Equity and other stakeholders as detailed in Appendix 1 subsection (2) the attached busker's guide (Appendix 2) was produced and has been publically consulted on. The results of which are summarised in this report and in Appendix 3.
- 4.4 The guide as drafted is based on the guides to busking produced by Liverpool and York City Councils. These are based on good practice, promoting self-regulation by all buskers and requiring them to work together within the public space so that they do not cause problems to visitors, shoppers or businesses.
- 4.5 To use any powers it is necessary to be clear (to public place users, residents and businesses) what behaviours are expected and what is deemed reasonable behaviour. The voluntary guides provide exactly that. If someone wishes to perform / busk they should clearly understand what is likely to be deemed acceptable within the public space to reduce any negative impacts to those living and working within it. It also, therefore, indicates what is unacceptable but does not define this.
- 4.6 If public space users stray from these guidelines and investigations of complaints demonstrate a negative impact, then there is an overt, clear and fair hierarchy of interventions, from informally asking a performer to make a reasonable change to their act all the way through to prosecution. This approach is proposed for all the subsequent guides and the model is consistent with Regulation and Enforcements Enforcement Policy.
- 4.7 The Guide includes a pathway to resolve issues and complaints from busking and entertainment activities. This incorporates the use of Community Protection Notices (CPN) provisions of the ASBCP Act 2014 which are deemed the most effective and suitable legal provisions to deal with the issues faced. A dispute resolution panel has been included within the pathway should the busker feel they are not at fault from the complaint. This panel will include representatives from the Musicians Union or Equity.
- 4.8 City Council Legal Services have been sighted on the guide and hierarchy of interventions and agree with contents and direction

5 Current Status

- 5.1 The CPN procedure and powers have successfully been used on a number of occasions since December 2015 to reduce the negative impacts from busker noise related complaints received within the City Centre by Regulation and Enforcement officers.

- 5.2 It has been found that following interventions of council officers, BID officers and occasionally the Musicians Union, it has been necessary to issue CPN warning letters. All of this backed with discussions based on the principles in the guide has resulted in buskers either modifying their behaviour or the buskers have not returned to the city for a considerable period of time as they do not wish or can't be compliant.
- 5.3 Anecdotally, your officers and others from City Centre Operations are reporting they are starting to see better quality buskers within the city on a more frequent basis than before, albeit the noise levels may be as high. Conversing with these buskers and talking to them about the Busker guide has found more buy-in from this community and on the whole, and loud individuals / acts have reduced their volume when requested.
6. Powers to Deal with Public Space Behavioral Impacts
- 6.1 Part 4 chapter 1 of the Anti-Social Behaviour, Crime and Policing Act 2014 provides the statutory authority for the implementation of Community Protection Notices (CPN's).
- 6.2 These powers are delegated to both Local Authority and West Midlands Police. Within the Local Authority, both Regulation and Enforcement and Housing are authorised.
7. Consultation
- 7.1 In May 2016 a BeHeard public consultation on the Busker and Entertainment guide was launched. The document was also distributed via email to the Council's list of Buskers; to the shopping centres; to all BID's throughout the city; West Midlands Police; City Council Place managers; to complainants and to all relevant internal employees and departments. Council officers also carried out street walks within the retail area of the City Centre delivering the consultation document to businesses by hand.
- 7.2 In June 2016 Officers from Environmental Health visited businesses within the city centre to ensure all businesses directly affected by buskers within the city centre were fully aware of the draft document and the public consultation. Following these visits it was decided to extend the period of public consultation via BeHeard until 1st July 2016 to ensure that these businesses had ample opportunity to respond with their views and comments.
- 7.3 37 responses were logged via the website (appendix 3). Two responses were duplicates, therefore, 35 responses were received. Three of the responses were focused on street speaking activities and, therefore, were not included within the response analysis but will be retained for the street speaking guide consultation proposed for the future.

- 7.4 The participants came from a variety of backgrounds including council employees, residents, visitors, BID's and business. The BID's provided extensive responses within the consultation and they will be provided with a tailored written response to specific concerns and issues raised.
- 7.5 The analysis of the responses showed an overall 65% for the introduction of the guide and 14% against and 20% neither against nor for. There were a number of genuine concerns and questions regarding the implementation and resourcing of the guides, several sections of the guide have been be updated as a result, in particular a number of additional behaviours to reduce impacts have been be added. However, there is more support for this approach than for the PSPO.
- 7.6 Many respondents liked the voluntary aspect of the guide though a number felt stronger enforcement was required. One response suggested a licensing scheme not unlike those within London (this is not possible as London has its own London powers to tackle buskers, which is not open to any other LA).
- 7.7 A number of operational challenges have been raised through the consultation, ranging from proactive interventions, out of hours resource including weekends; promotion and distribution of the guide, cumulative impact of numbers of buskers in one area, to the relationship of businesses with buskers and entertainers. The BID's were particularly concerned with regard to available resource to deal with the impacts, out of hour resource and the relationship between businesses in their areas and these activities. Further discussion with the BID's will be needed to ensure their buy-in to the scheme.

8. Implications for Resources

- 8.1 The guides have been produced and consulted on within existing budgets.
- 8.2 The further production and distribution of the guides (electronically) will be met within existing budgets.
- 8.3 It is initially hoped that the guides will promote self-regulation and management. The guides are being produced so that those authorised under the Anti-Social Behaviour, Crime and Policing Act 2014 will be able to use these interventions to deal with the impacts of the activities.
- 8.4 No specific resource has been identified for this work.

9. Implications for Policy Priorities

- 9.1 The guides are consistent with the Councils six key strategic outcomes: a strong economy: safety and opportunity for all children, a great future for young people, thriving local communities, a healthy, happy population and a modern council in that all the guides have the underlying principles:

- **Thriving and Vibrant** - our streets and squares should be high quality welcoming places for everyone where our citizens' talent, richness of culture and entrepreneurial spirit flourish.
- **Respectful of others** - Our streets are home to tens of thousands of residents, businesses, local people and visitors - anyone using our streets should anticipate the needs of others and take all reasonable steps to minimise any negative effects of their activity.
- **Safe and Lawful** - anyone wishing to use these spaces must do so in a way that is safe, within the law and in compliance with any required permits and licences where required.
- **Fair** - we will foster a culture of community on our streets. We will empower our citizens to share our public space and resolve disputes quickly and informally wherever possible. Fair and effective enforcement will be available if someone is persistently acting unreasonably.
- **Inclusive and Family Friendly** - anyone using our streets and squares should take steps to ensure their activity is as inclusive as possible and that the content is suitable for the audience - which in nearly all cases will be a family audience. The Councils vision of prosperity, fairness and democracy underpins the suite of Public Space guides.

10. Public Sector Equality Duty

10.1. An Equality Analysis has been undertaken (Appendix 4). The results of the analysis indicate:

- It is envisaged that the outcomes from the plan will have a positive impact on all service users and stakeholders.
- Entertainers who disregard the guides and choose to behave in a way that negatively affects others will be affected by the plan depending on the degree that they chose not to adhere i.e. after informal interventions, formal interventions may include enforcement.
- A characteristic that may be adversely affected are those buskers and entertainers who have a mental health condition (disability). Should this be apparent through interventions of officers with any such persons then appropriate agencies will be contacted
- Buskers and street entertainers come from diverse backgrounds including those from the protected characteristics; however, there is no protected characteristic that is as associated with busking and street entertaining.

- Consultation of the policy will hopefully highlight any negative impacts, particularly on protected characteristics. Approximately 50% of buskers and street entertainers are from a minority ethnic background in Birmingham; the impact on uncooperative people would not be a consequence of their ethnicity, but as a consequence of them not adhering to the voluntary guide and potentially committing ASB. Interpretation services will be used for those whose first language is not English to ensure the entertainer understands firstly the behaviours to adhere to and secondly the action to be taken should their behaviour cause negative impacts.
- Those that chose to entertain within the public space and produce a negative impact within the community will be subjected to the hierarchy of interventions to reduce the impact. To minimise any potential bias of enforcement against entertainers a sector dispute resolution panel is in place which is independent of the enforcement procedures and will help to regulate the regulator.

ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: Nil

**STAKEHOLDERS INVOLVED IN THE PUBLIC SPACE VOLUNTARY GUIDES
PROJECT**

1. The proposal to consider the introduction of a suite of guides (which includes buskers and street entertainment; street speaking; street trading; leafleting; and events) has been raised with the following:
 - City Centre Strategic Board.
 - The Community Safety Partnership's Day and Night time economy group.
 - Chairs of City Centre BID's (Retail; Colmore; Southside; Jewellery Quarter and Westside).
 - Equality.
 - Antisocial behaviour (Housing transformation team).
 - Acting Strategic Director of Place.
 - Legal Services.
 - The Prevent Team.
 - City Centre Residents Association.
 - Events.
 - Street Trading.
 - Licensing.
 - Head of Culture and Economy.
 - City Centre Operations.

All of the above have been part of the Buskers and Entertainment Guide production and consultation.

2. Council officers have engaged with the following in production and consultation of the Busker and street entertainment guide:
 - Musicians union.
 - Keep street live campaign.
 - West Midlands Police.
 - Equity.
 - Buskers in the city.
 - Residents in the City Centre.
 - Traders and businesses in the City Centre (including Retail and Colmore BID and Shopping Centres).
 - Public consultation (BeHeard; Web; written communication; Email).

Busking and Street Entertainment in Birmingham City Centre

Guide 1 of the Birmingham Public Space Plan



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

The Birmingham Public Space Plan

Welcome to Birmingham's public spaces. The Birmingham Public Space Plan unites all users of public space under a single simple set of principles:

1. **Thriving and Vibrant** - our streets and squares should be high quality welcoming places for everyone where our citizens' talent, richness of culture and entrepreneurial spirit flourish.
2. **Respectful of others** - Our streets are home to tens of thousands of residents, businesses, local people and visitors - anyone using our streets should anticipate the needs of others and take all reasonable steps to minimise any negative effects of their activity.
3. **Safe and Lawful** - anyone wishing to use these spaces must do so in a way that is safe, within the law and in compliance with any required permits and licences where required*.
4. **Fair** - we will foster a culture of community on our streets. We will empower our citizens to share our public space and resolve disputes quickly and informally wherever possible. Fair and effective enforcement will be available if someone is persistently acting unreasonably.
5. **Inclusive and Family Friendly** - anyone using our streets and squares should take steps to ensure their activity is as inclusive as possible and that the content is suitable for the audience - which in nearly all cases will be a family audience.

From these principles a suite of seven guides has been created covering: busking, street speaking, street trading, leafleting, working as a pedlar, charity collection, and events.

What is busking?

***Busking does not require a licence and is welcome on public land** (if you are busking for charity, see the last page of this guidance) however as with all use of public space, there is the expectation that everyone will act reasonably in sharing the space with everyone - shoppers, business and other buskers.

'Busking' means **music, dance, street theatre, performance and art** offered live in public spaces for the purposes of entertaining, interacting with members of the public, and receiving voluntary contributions. Birmingham City Council believes busking brings vibrancy to our streets and public spaces.

This guide has been drawn up in consultation with the Musicians' Union, Equity, the Keep Streets Live Campaign, local buskers and representatives from local business. The guide

gives performers, the public, residents and businesses the knowledge to work together, to reduce complaints and uphold the principles of the Public Space Plan.

Aim of this guidance

This guidance aims to provide a means to promote positive and considerate relationships with all those who share the public space and avoid confrontational situations.

Action can only be taken against a busker following a complaint that their behaviour or performance has caused a negative impact.

What causes the majority of complaints?

The majority of complaints are caused by **intrusive noise**, that is noise that whether through excessive volume, long duration or repetition or all three, makes the lives of those around it more difficult.



Engage with the surrounding community

A culture of community can be built effectively and simply if everyone is open to dialogue. By speaking with one another politely and directly we can prevent problems before they start - being open to reasonable compromise and sharing space fairly goes a long way.

Introduce yourself - wherever practical introduce yourself to those around you, let them know what you do and how long you intend to perform for. Encourage people to approach you if they have any issues. This simple step is extremely effective at reducing complaints.

- **Polite interactions** are much more likely to produce positive outcomes.
- If you wish to speak with a busker, **please wait for a suitable interval in their act.**

Before you start - please consider:

This guide covers public land - i.e. our streets and public squares. Shopping centres, churchyards and the areas in and around stations are generally private land and the landowner's permission is required to perform there.

- **Potential economic impacts** - The City Centre is a vital part of the wider city economy contributing over £13bn annually in turnover. Please bear in mind that inconsiderate busking can lead to meetings being disrupted, rooms having to be taken out of use, and customers choosing to take their business elsewhere.
- **Please be aware of who and what is around you** - don't set up too near other performers, your last pitch or other users of public space. Be mindful of nearby businesses and residents and choose your pitch accordingly.
- **Maintain safety and access** - make sure that people can move past your performance easily, it is your responsibility to make sure that your crowd is well managed. If at any point there are any access or safety concerns you must stop your performance until the issue is resolved, dispersing your spectators if necessary. Be particularly mindful of bus stops, doorways and pedestrian crossings.
- **Take regular breaks and move between pitches** - we recommend 15 minutes break per 45 minutes of performance and you may need to consider moving your position.
- **Be aware of special events** in the city, and note that there are places and times when busking might not be appropriate. A list of events can be found at <http://events.birmingham.gov.uk/>
- **Be mindful of the time of day** - The City Centre is home to many hotels and thousands of residents, please take extra care with evening performances. **Note:** it is an offence to use a loudspeaker/amplification in the street between 9pm and 8am without consent from the Council - see www.birmingham.gov.uk/loudspeakerconsent for details.

A culture of sharing and swapping pitches with other buskers is strongly encouraged.

- We recommend you work on a rough guideline of **two hours performance time**, but it can be less.
- **Cooperation** is a great way of building community on the streets, and **regular changeovers** are part of creating a vibrant busking atmosphere.
- If there is a busker performing on a pitch you wish to play on, **wait for a suitable break in their performance** then politely ask them what time they are playing until, and if they would be willing to **share or swap pitches when they finish**. You might wait for the pitch to become available or agree to come back at a given time.
- **You should not forward "book" more than one pitch in advance or pressurise other buskers to give up a pitch.** If you are 'sitting' on a pitch (i.e. not performing) and another busker comes along, wishing to play on it, work together as suggested in this guidance to reach mutual agreement, let them know when you intend to start, or let them perform on the pitch until you are ready.

Your Performance

There are no specific rules on decibel levels or on use of amplification (except after 9PM, see above), however it is expected that your performance is reasonable and has a positive effect on your surroundings rather than a negative one.

- A musical busker needs to be heard above the level of background noise, but the volume of a performance should be no higher than it needs to be and the **sound produced should not be intrusive** into the lives of others living or working nearby.
- **Perform simple sound checks** to assist you to gauge responses as you go - you should ask your audience, other buskers or nearby businesses to assist where necessary.
- **Know your equipment** - certain sounds carry more than others, and some sounds have the potential to be more intrusive than others, for example brass instruments, amplifiers, bagpipes and percussion instruments. It may be reasonable to take more breaks and move pitches more often in these circumstances.
- **Keep it varied** - very similar pieces one after another have the potential to become quite intrusive. Build your repertoire, vary songs, styles and tempos to keep things interesting for your audience!
- **If you use backing tracks**, please make sure these are not left running when you are not performing. Please think about the positioning of any amplifiers/loudspeakers.
- **Consider using brushes**, mutes, pads and other accessories to keep volumes reasonable.

Did you know? Due to the relatively narrow streets and high buildings, sounds can travel a surprisingly long way in Birmingham City Centre; please be aware of this. Please don't be offended if someone asks you to make a reasonable change to your performance.

Be willing to compromise - if someone is negatively affected by your performance, be open to making reasonable changes such as turning an amplifier down, moving a short distance, or changing the direction you're facing.

Excessive volume can cause distortion which many find uncomfortable, turning down the volume can enhance your performance for more people to enjoy.

Resolving Issues

This section is for everyone - buskers, residents, businesses and anyone else using public land.

We aim to empower everyone to solve problems quickly and easily on the street. On those rare occasions where a reasonable compromise cannot be reached we have a simple set of steps to ensure a fair resolution to the problem. Effective enforcement powers are available as a last resort to deal with any individual persistently causing a **negative impact by acting unreasonably**.

Step 1 - Wherever possible you should approach the person involved directly. Please wait for a suitable interval in their activity, politely state what your issue is and attempt to come to a **fair and amicable compromise**.

Feel free to draw their attention to the relevant **Public Space Project Guide** guide, each guide shows the specific process for each activity type. The steps below are for resolving issues with **buskers**.

Step 2 - If a compromise cannot be reached between parties then please call 0121 675 3616 (Mon-Fri 8:45AM - 5:15 PM) or email publicspaces@birmingham.gov.uk which will be picked up the next working day. Where possible on a weekday, an officer will attend that day to **assess impact** and ensure the people involved are aware of this guidance.

Step 3 - If the issue continues, Council officers will assess the situation to **determine any impacts** and whether the busker is at fault, to notify the busker about this guidance and to attempt a fair resolution. **If the busker is found not to be at fault there will be no further action.**

Buskers will be given an opportunity to apply to the dispute resolution panel for advice, arbitration or mediation.

Step 4 - If further issues are raised and the Council believes a busker is continuing to act unreasonably after they are made aware of the issue and have had an **opportunity to seek advice**, then we will collect and assess evidence from the affected people and issue a formal warning letter to the busker when appropriate.

The letter will outline the **negative impacts** and the steps that must be taken to secure an improvement. **Without formal statements from the complainant, we cannot take this enforcement action.**

Step 5 - If the issue is not resolved at this stage, as a last resort, legal action will be considered. Breach of legal notices served may lead to fixed penalty notices, prosecution and confiscation of equipment.

Agree resolution

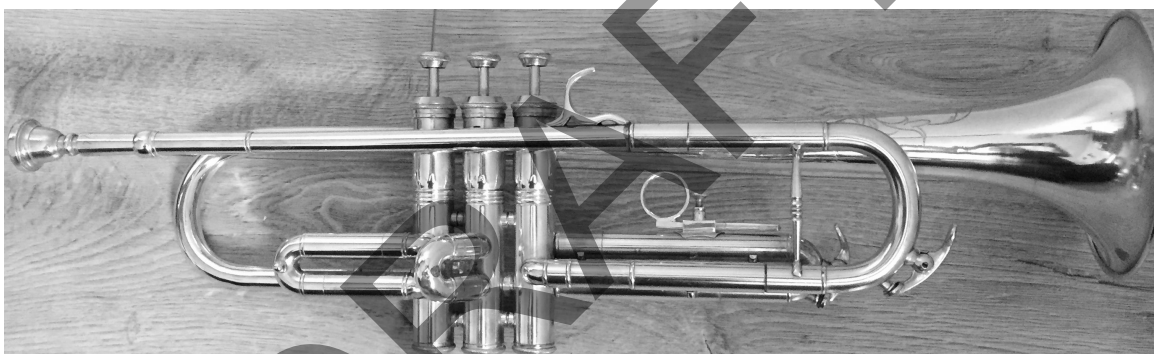
Enforcement

Dispute Resolution Panel

At Step 3 in the Resolving Issues process, a busker will be given the opportunity to ask The Birmingham City Centre Busking Dispute Resolution Panel for **advice, arbitration and mediation** in an attempt to resolve the dispute. Musicians' Union and Equity members are also able to ask for formal **representation** in this process.

The Panel, will strive to uphold the principles of the City Centre Plan and work to deliver proportionate, fair, and effective resolutions to disputes brought before them by:

- Taking a holistic and fair-minded view to any dispute brought before them.
- Balancing the rights of a busker to make a living with the rights of residents, businesses, visitors and other users of public space to continue their day-to-day activities free from unreasonable impact.
- Meet (either online or in person) as soon as is reasonably practicable and endeavour to communicate its resolutions no later than 1 working day following the panel meeting.



Further information

Selling Merchandise or Services

If you wish to sell in the normal way on the public highway you will need street trading consent. Costs can vary depending on the location and size of the pitch. Call 0121 303 0254 or email MarketStalls@birmingham.gov.uk for details.

Alternatively you may have merchandise or services available as a part of your busking act, (e.g. CD's, balloon animals, caricatures) however these must be offered on a voluntary basis. You may have a suggested donation amount, but it should be clear that any donation is voluntary - test purchases may be made. Suitable wording for a sign might be *"These CD's are not being offered for sale, any contribution you make for them is voluntary. Suggested contribution £xx.xx"*

Busking For Charity

Any activity on the public highway involving a collection for (or donation of proceeds to) charity requires a charity street collection permit. These are free and available from the www.birmingham.gov.uk/streetcollectionlicence

Once you have your permit, you are free to busk for charity on any public land within the times and areas specified on your permit. **Buskers for charity are still expected to operate within this guidance.**

Public Liability Insurance

We recommend that all performers have suitable Public Liability Insurance. This is offered as part of membership of the MU and Equity, information is available on their websites.

Contact Details

- ❖ The other guides can be found at <website to be confirmed>
- ❖ For all enquiries about this guidance please contact the **City Centre Operations Team** on 0121 675 3616, citycentre@birmingham.gov.uk or www.birmingham.gov.uk/citycentre
- ❖ **Musicians Union** - The MU was established in 1893 and represents over 30,000 musicians in all genres including buskers. www.musiciansunion.org.uk
- ❖ **Keep Streets Live Campaign** - a non-profit organisation which advocates for public spaces that are open to informal offerings of art and music. www.keepstreetslive.com
contact@keepstreetslive.com
- ❖ **Equity** - Equity was founded in 1930 and is the Trade Union for performing artists including actors, entertainers, variety artists and musicians.



This is version 0.96 of the guide, produced in May 2016.

BUSKER GUIDE CONSULTATION COMMENTS

What is your name ? - Name	What is your email address ? - Email	What is your organisation ? - Organisation	What are your views or comments on the introduction of a busker voluntary guide. - your views comments	tell us if there are any busking related behaviours that are affecting your businesses or home life that have not been captured within this document. - does this affect you
		BCC	I think it is a good idea. The guide is simple to follow and I agree with the content.	I don't mind busking as it makes the city centre more interesting and lively. The only time I dislike it is when it is too loud.
		Member of public	good idea, especially the amplified buskers	no
		Town Centre BID	<p>1. Why does this guidance just apply to the city centre? We are plagued with very poor quality supposed musicians who play for hours with a very limited repertoire. Have they been driven out of the city centre?</p> <p>2. How was the public consulted? I am very confident that if this consultation had been widely circulated and publicised then there would have been far less "public" support</p> <p>3. As a small BID, we don't fund street wardens as we have a very wide ranging programme of activities targeted at a wide range of business sectors so it is down to me to speak to the buskers. Some take it as a challenge to turn up the amplification when asked to turn it down. I live in fear of "rap" artists making up a rhyme about me asking them to turn it down so I will not challenge them.</p> <p>4. Buskers, in my opinion do not think about the local businesses when they set up</p> <p>5. Many do not speak English so what is the point of the guide?</p> <p>6. The police either have no powers or are not interested in tackling the issue</p> <p>7. Who is tackling the buskers who arrive with CDs to sell?</p> <p>8. Speaking to buskers often gets me abuse from passing shoppers who don't have to listen to the same limited repertoire over and over again</p>	Many do not speak English so will not understand guidance

		Birmingham City Council	In my opinion the introduction of a Voluntary Guide sets out clearly the conduct, behaviour and processes to be followed if you wish to busk within the city ctr, thus making it fair to all who pursue this activity. Before any action is taken against anyone it needs to be made a clear what is acceptable, a guide would do this. I think the guide should also make it clear what will happen if the guide is not adhered to and we need to make sure we can follow this through.	Busking does not personally affect my business or home life. As a visitor in my free time to B'ham City ctr. I have witnessed the increasing numbers of buskers and volume. Walking down the street hearing the odd busker should be a pleasant experience, the volume of some has made it so you cant even hold a conversation when walking past. I would welcome a Voluntary Guide
		None	There should be a guide as long as it remains voluntary. Restrictions on public entertainment and other uses of public spaces underpinned by law can be misused and become repressive.	
		N/A	I feel that a voluntary guide doesn't go further enough. There are too many buskers many using amplified equipment. A lack of police and city council officials in the city centre means a voluntary guide is unlikely to be adhered to. A small amount of buskers at a lower volume is of course ok, but the use of amplified equipment is too much and is quite unsociable. In addition preaching or religious music should not be played amplified.	
			I like the idea	I get buskers playing right under my living room window which overlooks Union Street as I live in Birmingham city center. I would like this area to be controlled or to be a banned area
		Just an interested party	Busking enriches the city. I love to hear or see street entertainers so please I understand the needs of guidelines but please don't stifle street entertainment.	none
		general public	Too many buskers! They deter you from visiting Birmingham. I go every week but dislike walking from Corporation Street to M and S because of all the buskers. There is an accordion player near Pound land who plays at full volume. He has an amplifier and it is deafening. By M and S, it is a nightmare! They should be either regulated or made to audition. There are drummers, loud speakers etc. I just feel it is overkill at the moment.	As above. I visit Birmingham as a shopper.

		City Centre business	This is a great idea as it will allow people to find what they like or avoid what they don't and can complain when someone is busking where they shouldn't.	There is a busker who busks every single day outside New Street Station. He is incredibly loud and absolutely awful. Can't sing a note. Should he be allowed to be there all day every day because it's all we can hear and its incredibly annoying.
		Birmingham City Council	A good idea as long as the authorities do not come down 'heavy handed'. Bear in mind that music and entertainment is a matter of taste. What suits one will not suit another. Some street entertainers rely on donations to keep them surviving.	There is one busker in particular who drives me insane, no names, no pack-drill but it does involve a trumpet! Can this guide be broadened out to religious preachers - who I find much worse than buskers? With the Christians and Muslims at the bottom of New St, I fear another 'Crusades' breaking out by the Villa shop; as if they don't have enough problems already. Thanks
		retail premises New St	This has been long overdue and needs to be implemented as soon as possible.	Buskers who use amplifiers need to be limited to locations where they cause no interference to business. In my store they cause us no end of stress as we often cannot hear conversations on the telephone due to excessive noise. They make it difficult for our own in store music to be heard and often we have to turn our music off as it cannot compete with theirs. We at times find it difficult to communicate with our customers at the till point. Some Buskers stay for many hours and have led to some of my customers leaving the store as they cannot tolerate the noise. They are difficult to move on and when they do they are replaced by others with similar amplifiers. When we have contacted retail Birmingham and the environment officers they have been very supportive however I feel that we need a policy that enables our customers to have a safe and fun shopping environment that does not interfere with businesses.
		unknown	Fine, just keep checking to see if it works,	No

		Professional Musician, Theatre Musician	We want to ensure that musical culture can thrive and enhance the cultural vibration of the city centre, whilst not becoming an annoyance to residents and businesses. Strong guidelines would ensure this - one of the most effective methods I've seen in cities around the world is a simple time limit for any one spot - an hour at a time before moving on. This would leave people free to express themselves, make a little money, and add to the cultural life of the city centre whilst limiting the impact of repetitive music for local businesses.	Let's not miss the chance to let our city's musical culture shine - let's encourage it. If Birmingham is to present itself as a world leading city it must foster the vibrant musical culture that goes hand in hand with that.
		unknown	this is welcome as no code exists at the moment, anyone can just start busking and sometimes it can obstruction to passing public or noise pollution. Or you can feel threatened by the person.	Outside our workplace we have all types of events taking place which are loud and cause obstructions. But buskers who have no planned agreed event stand anywhere, outside shops and stations etc. with the intent of collecting money. The obstruction is one thing as people gather to listen etc. but the noise levels must be limited as you have said it is awful to have repetitive song played over and over and can make doing your own job difficult especially if you are having a meeting etc.
		Birmingham	Dear Sir/Madam, This comes of the back of a formal complainT I have made to BCC regarding the amplified religious preaching in Birmingham city centre which I am opposed to. I am a musician, I have been involved with music all of my teenage and adult life having worked with bands such as, I've released records which have featured on (redacted to preserve identity) and I think it's fair to say I have made music my life and also made substantial money from it. However, I have also been through some very tough times as a musician and even now it is not my full time employment. Many friends have busked. It is, I believe, a vital part of a musicians life, and also can be hugely positive to a city and the people who thrive there. What I object to however, is religious preaching via amplified means. The only people I have seen do this in Birmingham are the Muslim preachers in High Street city centre. I have seen confrontation, arguments between people of other faiths and also a pestering of people who walk past particularly anyone who looks like they may be worth targeting for conversion to Islam. I have no problem with religion itself, and believe it can be a great force for good, but Birmingham should	

			<p>not be a recruitment ground for any religion via amplification.</p> <p>It is both alarming and intimidating to some, even from the same religion. You may wish to read this: http://www.thestudentroom.co.uk/showthread.php?t=2663818</p> <p>There are some worrying comments in the thread above. Birmingham should retain a music only policy with regards to amplification, or no amplification at all. If a tent is erected for stalls etc, then there should be no preaching, it should be for the individual to approach and decide if they wish to find out more, being shouted at via a mobile soundsystem is archaic and will offend and irritate many people such as myself.</p> <p>A busker voluntary guide is a first step but really will this prevent anti social preaching via amplification? There should have been a distinct difference appreciated between music and religion during the last consultation. There is a world of difference between a busker singing about peace and a Muslim (change to any religion you like here) preacher trying to convert people who are possibly going through a tough time in their life and who may be lost.</p> <p>It's just about common sense.</p>	
		none	<p>need to be controlled ,and how many on the streets at any one time ,and need to be showing a licence that they can be there .</p>	
		unknown	<p>Great idea but not for it to be voluntary. Let's have some proper, enforceable by-laws.</p>	<p>Ban ALL amplification of sound for buskers. I simply do not want to be forced to listen to whatever music a busker deems to "entertain" with. There was a chap in Cannon Hill Park last night playing Flamenco on an un-amplified acoustic guitar and he attracted a crowd simply by the quality of his playing. For naturally louder instruments - saxophone, drums, etc. - there should be a time-limit for performance and a proper "move-on" distance so that they don't just start again 10m down the street.</p>
			<p>agree some control needs to be taken and as outlined in your communication:</p> <p>not to stay outside one building all day</p> <p>do not repeat the same song / music over and over</p> <p>noise level</p> <p>if disruptive to members of the public request for them to move on</p>	<p>depends if they come to you asking for money - which is inappropriate</p> <p>too loud</p>

		Insurance Brokers	I don't think we need to anything about buskers, on the whole they are not a nuisance and some of them are very good. They add a bit of character to the City centre, even the ones that are not so talented as they can be amusing. What really needs addressing is the number of 'chuggers' harassing people to make charitable donations. I thought the numbers were supposed to be drastically reducing, but immediately outside my office at lunchtime today I passed 7 of them working on behalf of 3 different charities.	It does not affect our business at all.
		Associates	Excellent news as long as it has some 'teeth' and can influence current behaviour	<p>Busking is good! It is both entertaining and good for the ethos of any main city.</p> <p>BUT, repetitive and low quality busking has the opposite effect.</p> <p>Regular buskers should be encouraged to alter location every day (or every two days) to prevent those with limited repartee annoying local businesses. Some buskers (i.e. at Victoria Square) are known to busk for the entire day at the same spot with little variation in songs/ tunes.</p> <p>Busking licenses should be enforced as the typically low quality buskers appear to be unchallenged and intrusive.</p>
		Bank	I would rather see a controlled area where people can perform from or yell their religious beliefs. At the moment it is all over the city and I find it really offensive to have to listen to the noise. I would rather have peace and quiet and visit an area if I want to listen to random people playing trumpets and accordians badly.	The chuggers are a pain outside the back of house of Fraser and Cherry street and I would prefer they were not there at lunch time.

			<p>Please can you stop the music played by all religions on New street, they bring amplified music and it is unnerving and loud? All the religious buskers stay in the same place all day and stop constantly, please stop the shouting at passers by, this constitutes an assault and should be stopped. Talking to people is one thing but shouting stops me from enjoying my home and I am unable to relax after work. This doesn't happen in London, why do the council allow these religious people to do this here in the heart of the city? Please stop the noise as this will stop visitors from coming here and stop others from wanting to live here. The use the f loud speakers and amplified music is very unfair to those who live here?</p>	<p>Please can you stop the music played by all religions on New street, they bring amplified music and it is unnerving and loud? All the religious buskers stay in the same place all day and stop constantly, please stop the shouting at passers by, this constitutes an assault and should be stopped. Talking to people is one thing but shouting stops me from enjoying my home and I am unable to relax after work. This doesn't happen in London, why do the council allow these religious people to do this here in the heart of the city? Please stop the noise as this will stop visitors from coming here and stop others from wanting to live here. The use the f loud speakers and amplified music is very unfair to those who live here?</p>
			<p>Provided it's voluntary I think it's a good idea. The guide itself seemed very fair.</p>	<p>None</p>
		<p>Business District</p>	<p>Business District welcomes the principle of introducing a guide for the use of public spaces in Birmingham. We also welcome the principle of setting out behaviours that people using spaces are expected to adhere to.</p>	<p>Business District believes that Birmingham City Council should pursue the adoption of licensing system with designated busking areas in order to strike a balance between vibrant streets and effective business. As a specific response to the proposals as set out, we do not feel that sufficient emphasis is given to business in these guides. They adopt a fairly narrow view of what constitutes 'business' in the city centre and the kind of impact that busking can have. Whilst we accept that retail makes up a significant amount of the mix of businesses, there is over 5.6 million square feet of office space in Business District alone. The development of the city centre, through projects such as Paradise, Arena Central, Snow Hill Three and the wider Snow Hill Masterplan will only see this figure</p>

				<p>grow. Anything devised now should continue to be relevant and workable over the coming years.</p> <p>Again, whilst we accept that the majority of busking takes place in areas of high retail footfall, we are mindful that the use of a guide such as this is likely to disperse less engaged buskers to other areas, including Business District. Therefore, this guide needs to be applicable both to office, retail and hospitality. There is often the perception that businesses who locate themselves in the city centre should be aware of, and be prepared to help to manage the issues that such a location brings. Whilst Business District does not shy away from this, busking is not an issue that business can easily influence or effect, and the burden placed on those businesses should be reflective of this fact. Business District fully accepts that businesses must be willing to step forward, register concerns, and be involved in the process, both formal and informal, of finding an acceptable balance between business and the vibrancy of our city centre. However, it isn't practical for businesses in multi-tenanted buildings to go out and engage with buskers at the initial point of concern. We would welcome a practical review of how businesses of this nature might submit their concerns. We note that the referral options are only available to businesses during standard working hours. Birmingham has a vibrant and growing night time economy; a key selling point of the city internally and externally. We are concerned that there is no opportunity to redress concerns</p>
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				<p>at night or during the weekend. Bearing in mind that the first semi-formal stage involves the reporting of a concern to Birmingham City Council, how will officers realistically assesses the impact at weekends and out of hours? Without this, a formal complaint cannot be initiated. We also note that the process includes no form of appeal if Birmingham City Council deems there to be no fault. It seems unbalanced that, whilst a busker is able to request a review of this decision, a business can't. This again shuts down the process for business at an early stage, a situation that is likely to cause economic and reputational harm to the city. Business District feels that the indicated performance time of 2 hours is too long. For professional services, this represents, on average, a quarter of the working day. A poor busker may, therefore, impact a quarter of a business' daily income. The nature of professional services means that excessive noise is extremely impactful and disruptive. Allowing for a such a significant level of disturbance seems prejudicial to this important sector of Birmingham's economy. We would prefer the guidance to make it clear that sets should be shorter in length, and that 2 hours should be seen as the exceptional maximum rather than the norm. We have previously suggested 45 minute slots as being more reasonable. Overall, Business District supports this informal/formal approach in principle, and supports the development of these guides, however, we do not believe it provides sufficient checks and balances to allow</p>
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				businesses to engage with it successfully when issues arise. Going forward, we would also welcome the introduction of electronic reporting system that would allow businesses to report online and track their enquiry. We also feel that Birmingham City Council should explore the creation of an online booking system for buskers to prevent pre-booking issues, which the guide clearly hopes to avoid.
		Property management	I think buskers add atmosphere and variety to the street scene and I strongly agree that the quality, content and volume needs to be monitored. They should also refrain from blocking shop windows, fire exits and access routes.	I have experience the volume being too loud meaning I do not want to visit the nearby shops.
			I think it is a good idea. I think there should be some general guidance.	I am a Birmingham resident. I am not a fan of indoor shopping Centres and enjoy shopping locally in Kings Heath, Moseley and the city centre. Buskers can enhance this experience, but sometimes they are intrusive and noisy. I am very concerned about the use of amplification particularly on High Street and New Street, both by buskers and people preaching or promoting their views. Ideally I would prefer there to be no amplification, and for buskers etc to rely on their voices and their own instrument - not amplifiers and background tracks. Obviously this would favour those who have loud instruments, such as brass, over instrumental soloists or singers, but I feel this issue it needs addressing to make the city centre experience better. My son used to live near Tesco's on New St. and having a loud busker on the street playing the same tunes repeatedly was very irritating for him and his wife when they were home a lot with their new baby, or had visitors around on a Saturday

				afternoon and wanted to open the windows.
			Buskers are generally fine if they are playing music or entertaining in some way. Good acts improve the atmosphere and make otherwise boring spaces interesting.	
		N/a	The guide is great as they give me a headache. i suffer with migraines which result in black outs and the bag pipe man in Northfield doesn't help this situation. They should go and get proper jobs like the rest of us! Buskers should be outlawed completely but, since that will never happen, they should be under stricter controls. Like, no music or noise.	They walk in front of me to block my path and refuse to move until I acknowledge them. They are rude, they have few, if any, rules to abide by and they generally cause a nuisance.
		Busker	I am a busker myself and believe the current system is fair. I earn less than £20 for every busking session and thus I am doing it more for the promotional side of things. Because it is very hard for buskers to earn an income I believe that if you were to introduce an audition (with a fee) or a licence that will cost money it will make street entertainment less viable. I also believe that the city should encourage buskers more. For example throughout London there are "busking spots" with power sources and they are placed in places that have a lot of pedestrians passing by. i feel that this would encourage higher quality performers to busk in Birmingham.	
		I am a resident	I think it's a good idea, but I wonder what effort will be made to distribute this information. I would also like to have the following included "We recommend that you finish busking when the shops close (around 6 pm) to avoid disturbing local residents and hotel guests"	I have had problems with buskers in the past, and I believe my complaints have contributed to the reasons for this guide being published. I am disappointed to see there are no specific busking areas anymore, and that no busking licence is required, and fear that this could lead to an increase in nuisance buskers who interpret this as a free for all.
			This is really disappointing. We were asked our views on more than just busking, where is the response to the high level of disruption caused by religious preaching on the streets of the city?	I can't sit on my balcony without being bombarded by constant preaching and religious music at high volume.

			<p>It doesn't go nearly far enough. I am a city centre resident and I am regularly inundated by buskers trying to play louder than one another to attract clients.</p> <p>When just walking around the city centre, people play with electronic amplification at such high levels that it is clearly an environmental and health concern - it can physically hurt your ears to stand near them. Many of the electronic amplifiers are cheap devices which conform to no health and safety regulations- they are essentially car batteries attached to speakers with jumper leads. It is only a matter of time before a child touches one of the electrical terminals and potentially kills themselves. I do not believe this is regulated at all currently.</p>	<p>They play far too loudly and frequently at incredibly antisocial hours. There have been events such as when I called the police (for an unrelated matter), they could not hear my voice when I was in my own home over the outrageously loud electronic amplified buskers. This is a huge concern of mine. The noise often means I have to leave my home all day sat-sun as it is impossible to get any peace. I have been verbally abused and threatened by buskers who I have asked to reduce their volume when playing at antisocial hours. I am frequently woken up past 11:30PM by opportunistic buskers on Friday & Saturday night setting up with trumpets, etc. near my home trying to make money out of drunk pub/club attendees. Even buskers who play at reasonable volume levels and at sensible times of day often simply play the same 3 songs on loop for 6-9 hours straight. There have been discussions to try and limit the time a busker can spend in one place, but as soon as they leave, someone else will take their spot. This has led to buskers playing outside my home for 14 hours straight on some Saturdays.</p>
		N/A - Public	<p>Guidance should be introduced to ensure all parties are aware of expectations.</p> <p>However this should not be overtly prohibitive to the busker, which a voluntary guide should assist with (unlike the blanket control option not now being considered).</p>	N/A

		Private, individual contribution	Generally I like buskers and think that most of them give a pleasant buzz to the city experience. I'm glad that the BCC is dealing with buskers individually rather than as a group as this allows them to focus on any which are a creating some problems. (One example of this would be something myself and my colleagues experienced one summer while working on an office in Martineau Tower. We needed the windows open most of the time and found a saxophonist working most of the day in just below us in Union Street quite a serious distraction.)	No longer personally relavent. I find the "chuggers" more of a problem in town.
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Equality Analysis

Birmingham City Council Analysis Report

EA Name: Equality Analysis Busker and street entertainment Voluntary Guide
 Directorate: PLACES
 Service Area: Regulation & Enforcement
 Type: New/Proposed Strategy
 Task Group Manager: Janet Bradley
 Task Group Members: Janet Bradley, Craig Flavell, Mark Croxford
 Senior Officer: Alison Harwood
 Quality Control Officer: PlaceEAQualityControl@birmingham.gov.uk

Introduction

Overall Purpose:

The main purpose of the voluntary guide is to reduce the potential negative impact to users (including residents and businesses) of the City Centre shared space from the activities of buskers and street entertainers. The guide is intended for the use of all users of the shared space including businesses, residents, enforcement authorities and the wider community.

The aim of the guide is to provide behaviours, communication tools and considerations to reduce any impacts from activities, for all to undertake who share the same space within the public realm. The guide will detail intervention pathways to deal with any negative impacts that may arise. This will be in the form of a hierarchy of interventions starting from verbal communication and education through to enforcement.

The ideal outcomes of the guide are to reduce the potential negative impacts of busking and street entertainment on all those that work and live within the public realm of the city centre and town centres by:

- Stating and setting reasonable behaviours that all buskers and street entertainers can abide by which do not prevent their activity.
- Provide a communication aid between residents, businesses and officers to discuss how any negative impacts of the activities undertaken can be reduced.
- Providing a hierarchy of interventions from informal education to prosecution and remedial action when informal interventions do not achieve the desired results.

The guide promotes a sense of shared space, communication and is aimed at reduce the need for people to complain and for enforcement authorities to intervene. A further outcome is also to encourage vibrancy and improve the quality of street entertainment by attracting quality entertainers.

For each of the strategy, decide whether it will be significantly aided by the function:

Public Service Excellence (Yes)

Environmental Health (EH) is the lead section for this project. EH delivers high quality services through Quality Procedures which are adhered to ensure consistency and reviewed on a regular basis. For many years we have held the Investors in People award. Officers are highly skilled and qualified to undertake investigations and are versed with PACE. Officers undergo regular training and refresher training and have to comply with continuous professional development.

The section acts in accordance with the City Council's enforcement policy at all times.

This Voluntary Guide has been produced with the help and input of a number of key agencies and stakeholders such as BID's and the Police who all have Public Service Excellence at the heart of their beliefs. The entertainment sector has also been consulted on i.e. a group of regular Birmingham buskers; the Musicians union; Keeps streets live and Equity. The Guide has been produced by carrying out extensive public consultation through BeHeard to capture the public's opinion on this matter.

Fairness (Yes)

The voluntary guide and the associated procedures have a hierarchy of interventions from informal communications through to enforcement procedures which is in accordance with the City Council's enforcement policy following a graduated approach.

The BeHeard public consultation process has ensured the strategy has been fairly planned and all that are impacted have had an input into its production, design and direction. The engagement with stakeholders has enabled us to tap into knowledge and expertise to ensure we are acting within the confines of legislation taking into account legal interpretation and national guidance. The help of the City Council's legal team has also helped with ensuring the strategy is legal, proportionate, transparent and fair.

This strategy has been brought about due to the PSPO consultation in 2015 regarding the removal of amplification for buskers found most people opposed this motion and many responses stated that the City Council must look at all voluntary options first before targeted enforcement. This voluntary guide is that voluntary option

Prosperity (Yes)

The strategy is designed to reduce any potential negative impacts from busker and street entertainment activities. In promoting responsible busking it is hoped that the guide will promote busking and street entertainment to the City which is for some, an income stream.

The guide aims to reduce negative impacts on business which can include loss of trade. By reducing the immediate issues and promoting good buskers can attract customers to the City and to shops, customers will be more likely to enter their premises and/or use facilities if there is a positive vibrant atmosphere. The guides aim to positively influence the Day Time Economy (DTE) through responsible entertainment. The guides will reduce the potential for ASB within the City and promotes gentrification.

Democracy (Yes)

This strategy has been a democratic process. We have carried out a 'You said, We did' process by both analysing the PSPO responses in 2015 and taking this guide through the public consultation BeHeard process. The extensive consultation process, engaging with stakeholders and liaising with the LPPC committee has enabled us to carry out this work democratically.

2.2 Individuals affected by the Policy

Will the Policy have an impact on service users/stakeholders? (Yes)

This policy provides collaborative working and a set of principles that encourage all within the public space to work together in resolving issues through the use of a self-governance approach. An intervention pathway is provided and in place to deal with issues that arise and the informal approach has not worked.

It is envisaged that the outcomes from the plan will have a positive impact on all service users and stakeholders.

Entertainers who disregard the guides and choose to behave in a way that negatively affects others will be affected by the plan depending on the degree that they chose not to adhere i.e. after informal interventions, formal interventions may include enforcement.

A characteristic that may be adversely affected are those buskers and entertainers who have a mental health condition (disability). Should this be apparent through interventions of officers with any such persons then appropriate agencies will be contacted.

Buskers and street entertainers come from diverse backgrounds including those from the protected characteristics; however, there is no protected characteristic that is as associated with busking and street entertaining.

Will the policy have an impact on employees? (No)

It is envisaged that the voluntary guide and the associated procedures will increase the workload for staff members. If the strategy achieves a culture change the workload should decrease over time as the strategy and the principles are established.

Staff members will need to be trained with this policy/strategy. The enforcement tool is not widely used across the UK let alone within the City Council. This would mean training of all staff will need to be carried out.

Will the policy have an impact on the wider community? (Yes)

The policy, strategy, guide and procedures are all aimed at improving the life of those that use and live within the shared space within Birmingham (the wider community). The guides aim is to improve the quality of life of those in the wider community through reduction of the negative impacts of busking and street entertainment and associated ASB.

2.3 Analysis

The policy will not affect employees nor negatively impact service users.

Consultation of the policy will hopefully highlight any negative impacts, particularly on protected characteristics. Approximately 50% of buskers and street entertainers are from a minority ethnic background in Birmingham; the impact on uncooperative people would not be a consequence of their ethnicity, but as a consequence of them not adhering to the voluntary guide and potentially committing ASB. Interpretation services will be used for those whose first language is not English to ensure the entertainer understands firstly the behaviours to adhere to and secondly the action to be taken should their behaviour cause negative impacts.

Those that chose to entertain within the public realm and produce a negative impact within the community will be subjected to the hierarchy of interventions to reduce the impact. To minimise any potential bias of enforcement against entertainers a sector dispute resolution panel is in place which is independent of the enforcement procedures and will help to regulate the regulator.

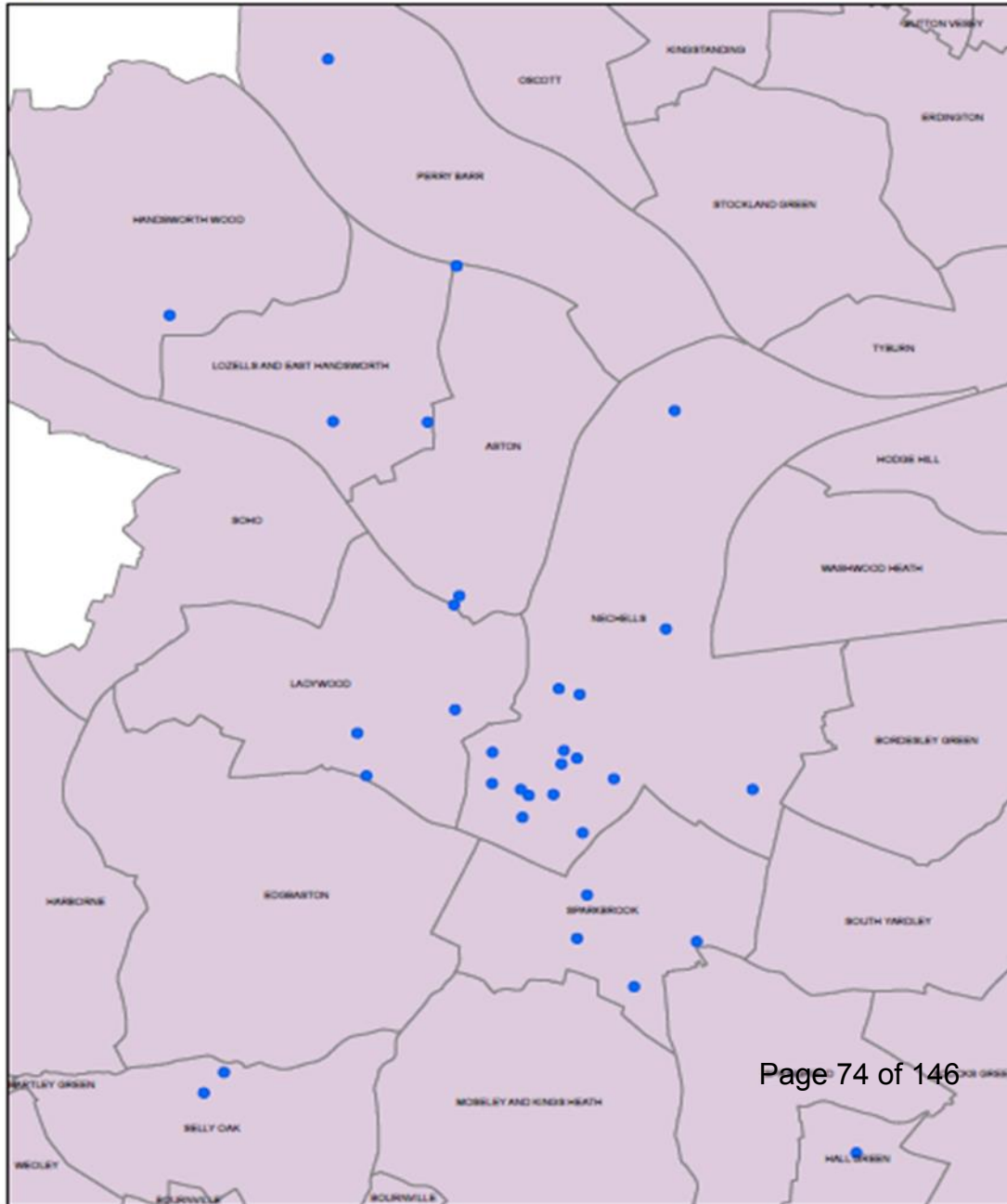
3. Conclusion

Consequently, I do/do not consider that a full equality assessment report is needed for this function.

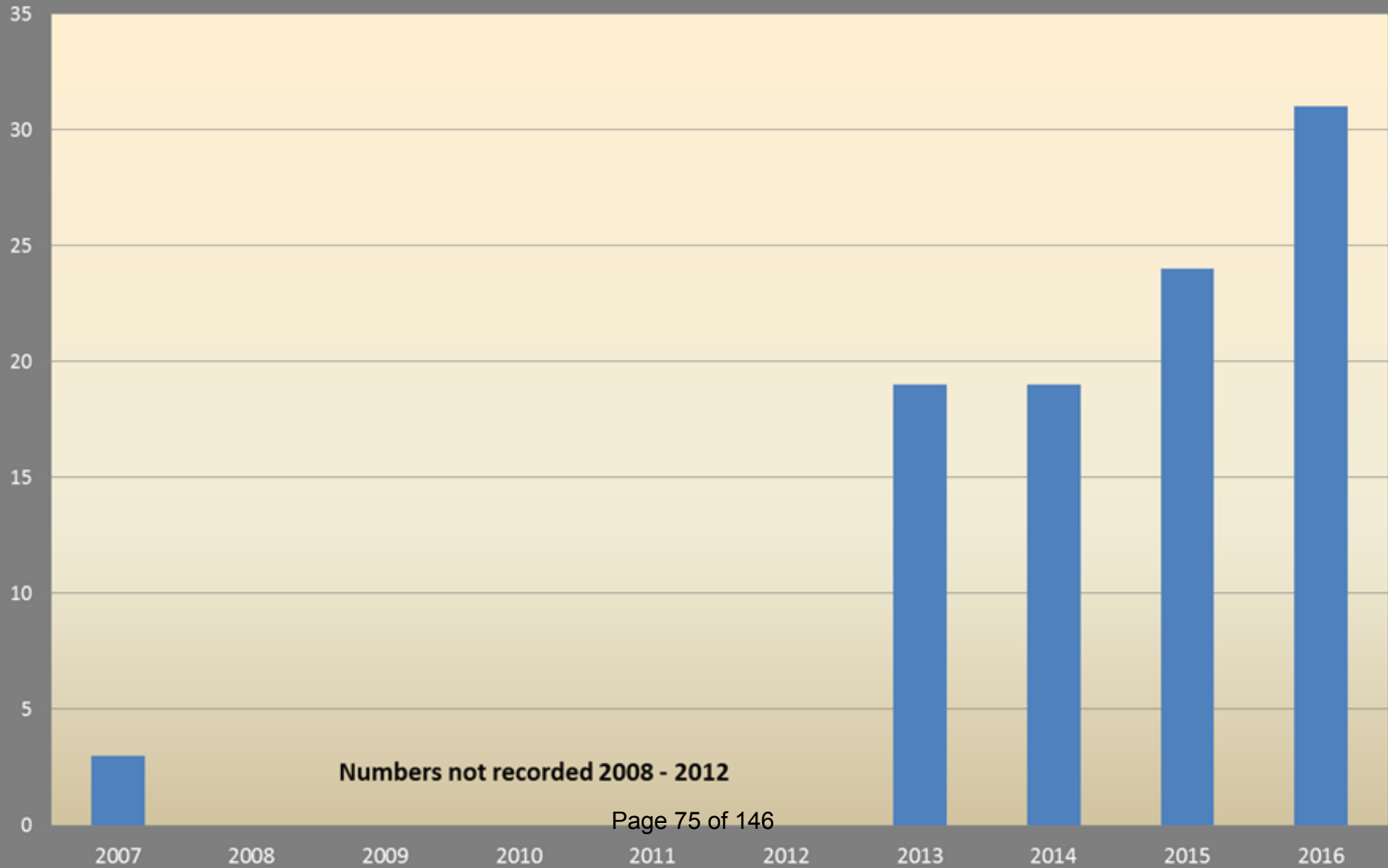
Shisha in Birmingham LPPC November 2016

Shisha Premises in Birmingham (October 2016)

Location of
currently known
shisha premises



Number of known shisha businesses actively trading in Birmingham





Shisha research – health messages and platforms

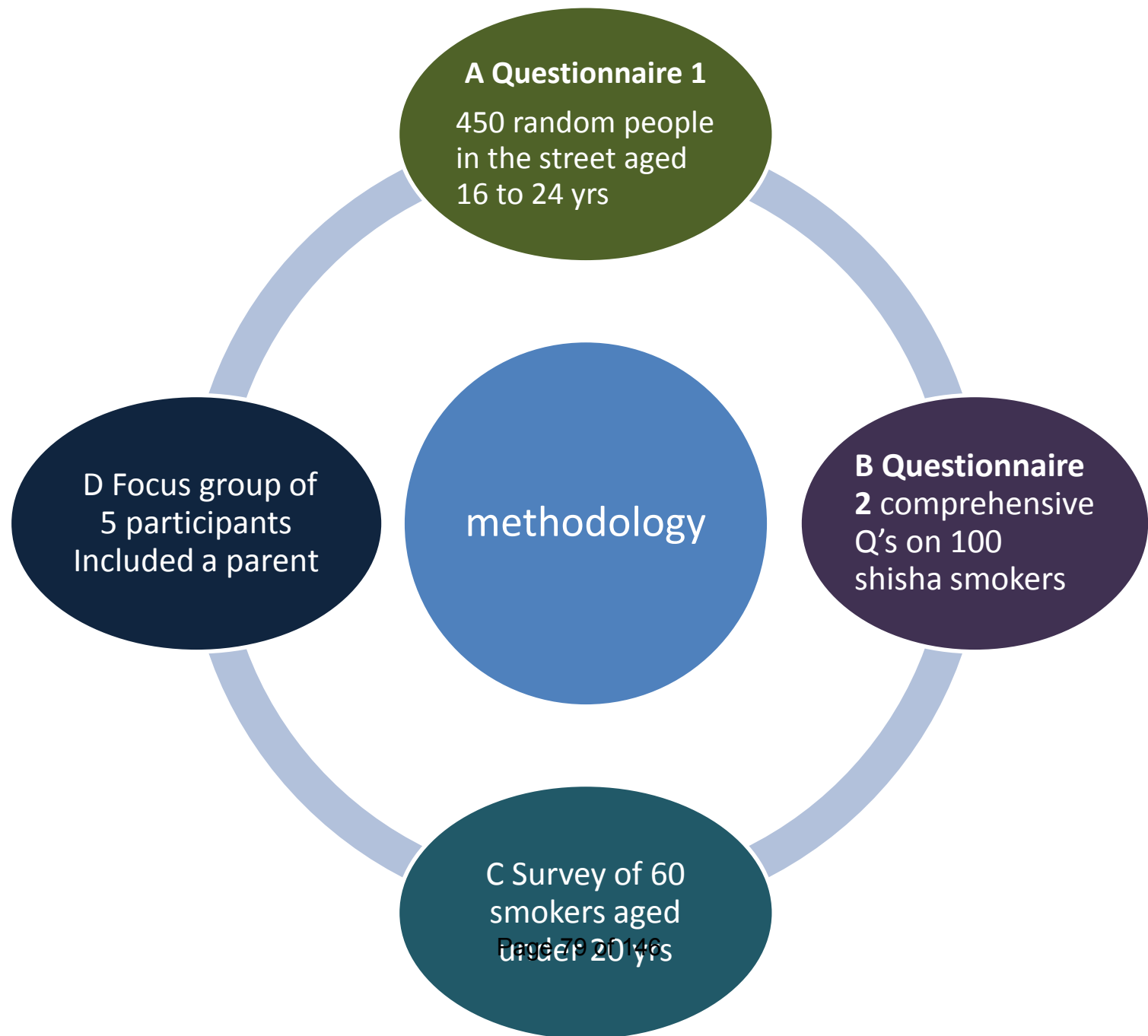
Research undertaken by Broaden Consultancy
Birmingham City University, June 2016

Client – Environmental Health, Regulation and Enforcement,
Birmingham City Council

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Broaden Consultancy

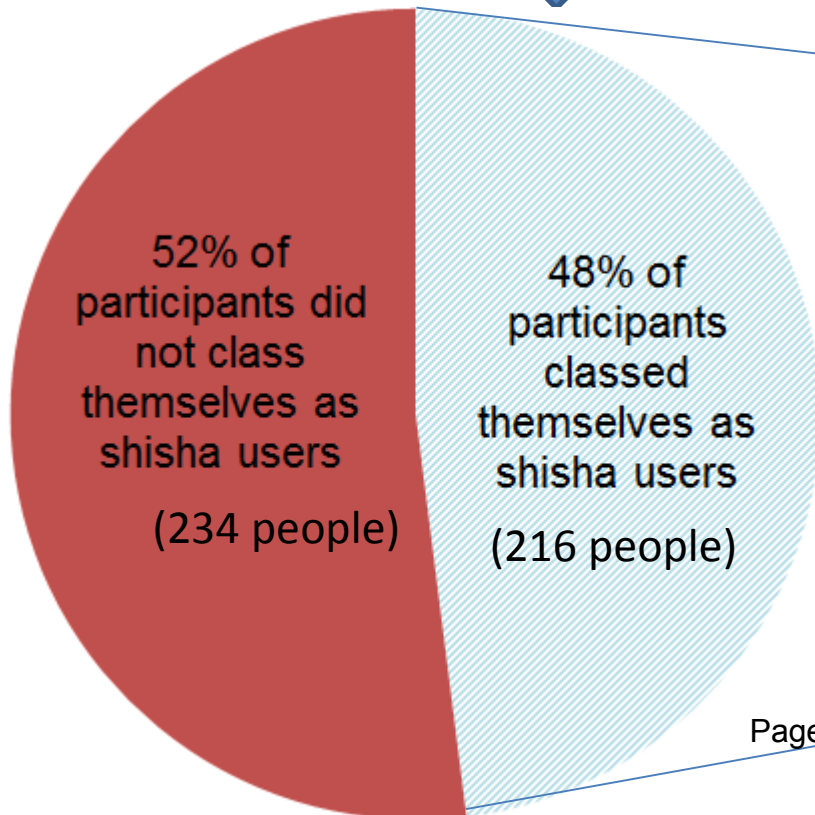
- Nine students undertaking the final year of management degree programme, Birmingham City University between Jan to July 2016
- Health awareness project – BCC acted as the client
- To identify the most effective platforms and health messages to inform the public and users, of the health implications of shisha smoking
 - Market research
 - Low budget
 - Target group 16- 24 years



Results of A Questionnaire 1

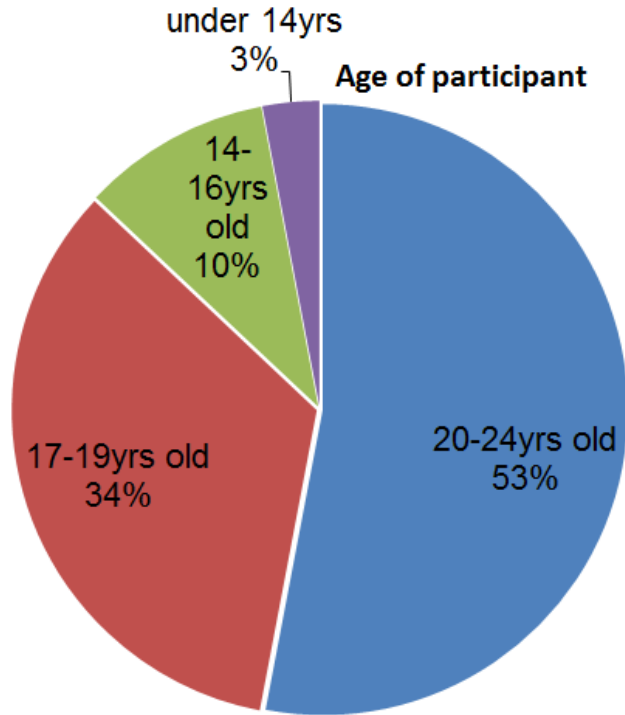
450 random people
in the street in
Birmingham under
24 yrs old

95% of all participants had not seen
messages around harms of smoking shisha



All shisha
smoker's stated
they would
reconsider
shisha usage if
they became
aware of Health
affects

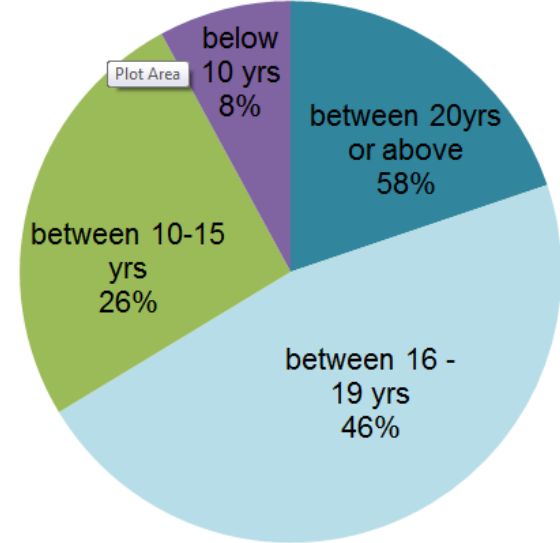
100 participants under 24 yrs old who
class themselves as shisha users



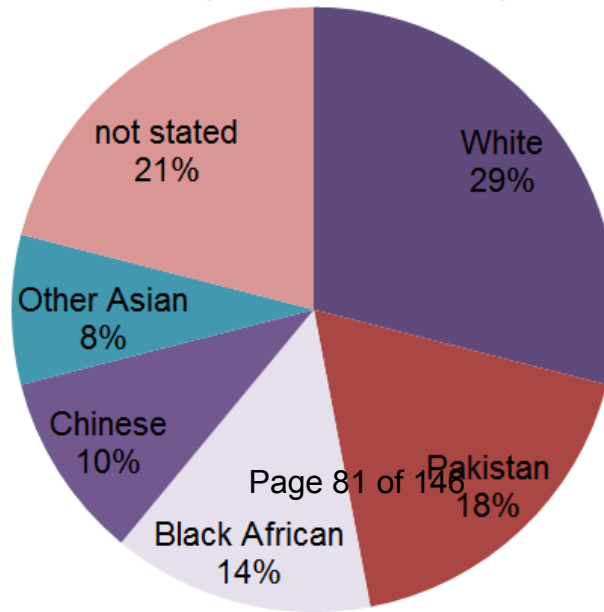
**52% did not
know smoking
shisha is
smoking
tobacco**

Results of B Questionnaire 2

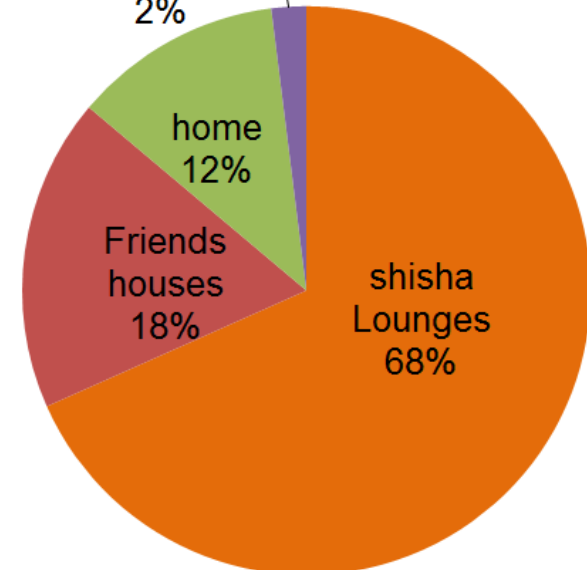
What age did you start smoking shisha?



Participants chosen ethnicity



Access to shisha



What Health harms messages would you consider reading about?

- Same as smoking
- Disease transmission
- Think about your future
- Fire risks
- Health effects

Results of B Questionnaire 2 continued

How would you like to see the messages?

- Posters, social media and video's (particularly posters on disease transmission, staying fit and smoking tobacco)
- Posters placed in schools, colleges and universities
- Would not follow on Facebook due to social media profile

Focus group notes

What drives people to smoke shisha? – respondents answers

‘Seen as a fun thing to do – hang out with friends. ‘blow off steam’, ‘zone out’

“Not aware of tobacco and dangers etc.”

“Can blow out smoke –act cool (blow hoops and upload pictures or videos on social media)”

**“Easy access- family/ town shisha lounges
Choice of flavours
Shisha lounges ‘day nightclubs’”**

“‘lighter’ than cigarettes- shisha rather than cigarettes and cannabis – seen as ‘traditional and harmless’. ‘ignorance is bliss’”

Focus group notes

- **What are your thoughts on messages regarding the health implications of shisha smoking - respondents answers**

- ‘Not as many messages as cigarettes – **makes it feel safer**’
- ‘Not much at all’
- ‘Need to make people more aware of dangers’
- ‘More messages’
- ‘See to be safe as there are not much messages’
- ‘Need to be bold’
- ‘Think tobacco is washed away in the shisha pipes’

Which types of health messages could influence people?- respondents answers

- Same as though on cigarette boxes – disease/ cancer etc.; black lungs.
- Fitness levels – asthma, cardio
- Social media usage
- Smoking around family – passive smoking and pregnant women
- Addiction – leading to smoking heavier stuff
- Shisha affecting male fertility

Conclusions

- The number of businesses within Birmingham is increasing and other areas are experiencing the same issues
- Not necessarily seen as a priority area for campaign action around smoking harms - it is seen as niche smoking activity
- Main messages from the research:
 - Shisha is smoking and is the same as smoking cigarettes – a considerable number of shisha users are not aware of this
 - There is little information to shisha users on the harmful effects of shisha smoking – social media is not the platform for any messages to be provided to users
- Next steps:
 - WM Region Tobacco Control Alliance shisha harm reduction subgroup with WM Fire Authority



Environmental Health

www.birmingham.gov.uk/eh



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www.facebook.com/ehbham

BIRMINGHAM CITY COUNCIL

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

16 NOVEMBER 2016
ALL WARDS AFFECTED

UPDATE ON BIOMASS AND THE CLEAN AIR ACT REVIEW

1 Summary

- 1.1 Biomass is a fuel originating from plant or animal materials and is burned to provide energy for hot water and / or space heating. It is recognized as being greener in terms of carbon emissions than certain other fuels, such as coal and fuel oil, but less so than mains gas.
- 1.2 Biomass burning gives rise to emissions of fine particles for which the epidemiology indicates there are adverse health effects for persons so exposed.
- 1.3 Biomass units are lightly regulated as the primary legislation, the Clean Air Act, is outdated and under review by Government. That review appears to have stalled.
- 1.4 The Chartered Institute of Environmental Health (CIEH) is lobbying Government for a recommencement of the review with a view to improving air quality. This lobbying affords a timely opportunity for Birmingham to reaffirm its concern over biomass by recommending the CIEH ensure biomass is considered as part of their interventions to Government.

2 Recommendation

- 2.1 That Committee write to the Chief Executive of the CIEH expressing support for their campaign for a new Clean Air Act and suggest that their lobbying include pressing for greater controls on biomass.

Contact Officer: Mark Wolstencroft, Operations Manager Environmental
 Protection
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E-mail: mark.wolstencroft@birmingham.gov.uk

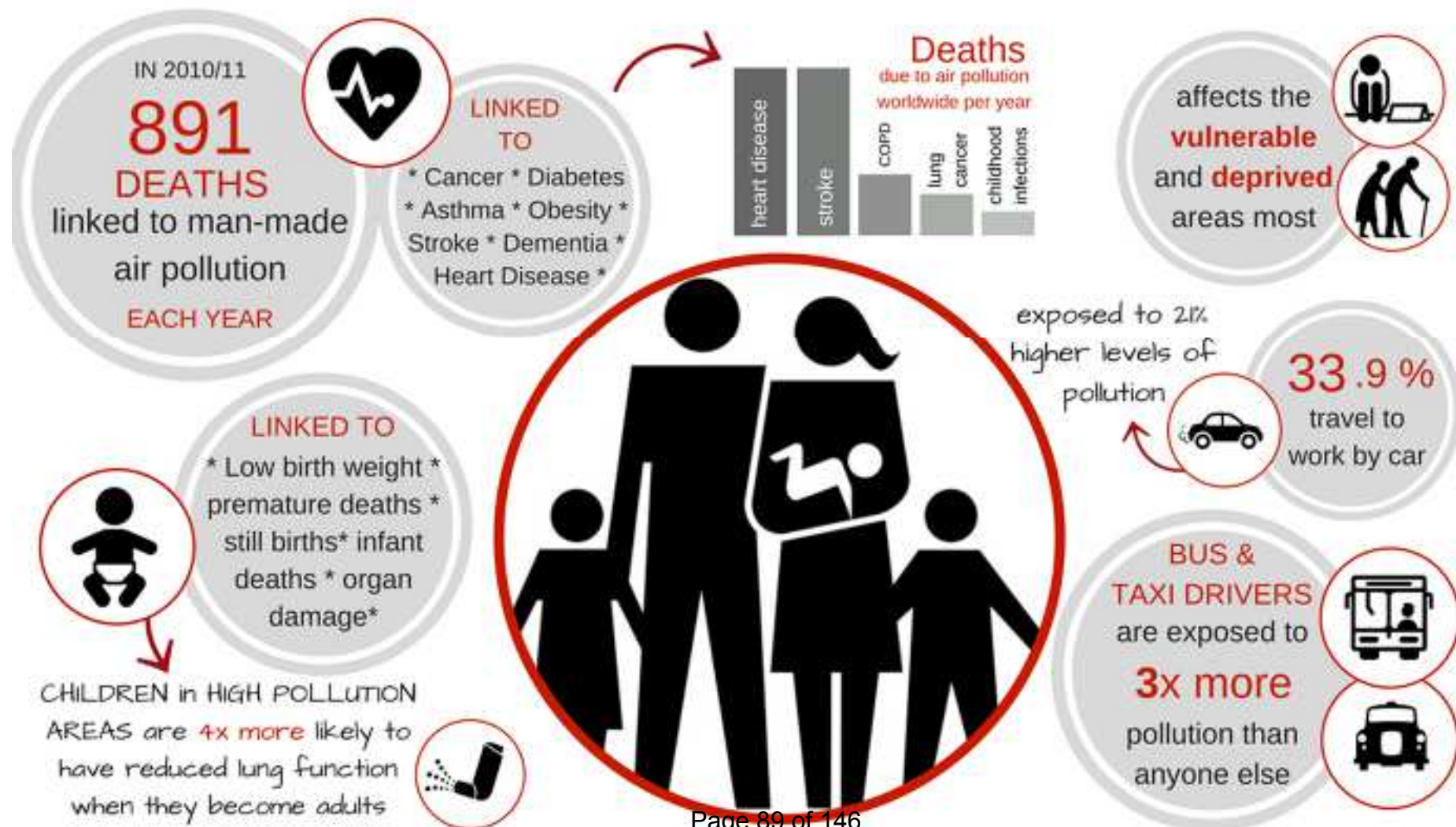
3 Background

- 3.1 Biomass burning involves the burning of solid fuel, typically wood pellets, to generate space or water heating. The technology is branded as being clean and environmentally friendly as the fuel is presented as being sourced from sustainable sources.
- 3.2 In December 2012 a report was brought before Committee informing on the air pollution issues arising from the use of biomass in domestic and commercial uses, the health effects arising, and the need for a Council policy on the use of biomass in projects involving Birmingham City Council. At the time the Building Schools for the Future program was the key architect of biomass use by the City Council.
- 3.3 This resulted in the formulation of a Biomass Emissions Policy which was ultimately approved by Cabinet to ensure the Council led by example when installing such units within the city boundary. The principles within the Policy were then to be applied to commercial developments at the planning stage.
- 3.4 One aspect of biomass which was gathering speed was the widespread take-up of wood fired stoves at a domestic level. What was concerning was the risk to local air quality from the particulate matter they would release and the lack of effective legislation to control their usage. At the time the most appropriate legislation, the Clean Air Act 1993, was under review.
- 3.5 This short report follows specific Member interest and seeks to update Committee on relevant developments around this topic.

4 Update on Health Effects from Biomass

- 4.1 The emissions of concern arising from biomass are predominantly fine particles which have the ability to penetrate deep into the lungs. The health effects arising have been known for some time; the biological systems affected are much wider than merely the pulmonary system i.e. airways and lungs, with observed effects in the cardiovascular system – the greatest number of deaths due to air pollution are linked to heart disease and stroke.
- 4.2 There is emerging evidence of the impact on mothers during pregnancy, and on childhood exposure e.g. increase in asthma, low lung function and an increased risk of chronic obstructive pulmonary disease (obstruction of the lungs so as to affect breathing) developing in adulthood.
- 4.3 New health outcomes also suggest links to adverse birth outcomes e.g. low birth weight, pre-term birth, or miscarriage, diabetes, obesity and even cognitive dysfunction.
- 4.4 The infogram on the following page shows some of these effects.

EFFECTS OF AIR POLLUTION



5 Update on the Legislative Position of Biomass Units

- 5.1 As noted at 3.4, the Clean Air Act 1993 was under review back in 2012 when Government launched its 'red tape challenge'. The hope was that this legislation, which included criteria for chimney height, emission rates, required filtration, etc., could be updated from its post war legacy (the **Clean Air Act** 1956 was introduced in response to London's Great Smog of 1952) to include controls on the developing use of biomass.
- 5.2 The review appeared to falter in 2014 following a call for evidence to interested parties. The Environmental Protection Team responded to that call to evidence which was a technical response to a series of legislatively framed technical questions.
- 5.3 The final paragraph to our response, under 'any other comments' was "*As part of this review the Government must, therefore, introduce new limits on fine particulate matter from both commercial and domestic biomass furnaces such that there is no impact on local air quality.*"
- 5.4 Since then the review has stagnated and does not appear to have progressed. An article in Environmental Health News, October 2016, confirms that the Chartered Institute of Environmental Health (CIEH) continues to share our views of the time and in a letter to the then Environment Secretary Ms. Truss, the CIEH chief executive requested the process be "*revitalized*" to "*the benefit of both public health and the economy*" and that the process deliver a new Clean Air Act.
- 5.5 The article also suggests that the CIEH intend a campaign incorporating the lobbying of MPs and the production of a series of articles covering the role of environmental health in implementing clean air zones and other measures such as active transport in a bid to improve air quality.
- 5.6 Environmental Health continues to hold the view that the Clean Air Act is not fit for purpose insofar as the regulation of biomass with the view to limit air pollution and protect public health is concerned. Environmental Health welcome the views of the CIEH on this subject and recommend that a letter be sent from this Committee to the chief executive of the CIEH expressing support for their vision for a new Clean Air Act, that their lobbying include the impact from biomass and to seek greater clarity on content around Clean Air Zones.

6 Implications for Resources

- 6.1 The resources employed in carrying out the work detailed in this report are contained within the core Environmental Health budget; any changes to the Clean Air Act will need to be carefully considered to ensure that any additional regulatory burden is identified and quantified.

7 Implications for Policy Priorities

- 7.1 The protocol contributes to fulfilling the policies of *Birmingham 2026: Our vision for the future* and supports the strategic outcomes set out in the *Council Business Plan and Budget for 2016* specifically that of 'a healthy, happy city'.
- 7.2 The work also supports the Regulation and Enforcement Division's mission statement to provide 'fair regulation for all - achieving a safe, healthy, clean, green and fair trading city for residents, business and visitors'.

8 Public Sector Equality Duty

- 8.1 The use of biomass can have implications city wide and can affect all sectors of society equally.

ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: Nil

BIRMINGHAM CITY COUNCIL

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

16 NOVEMBER 2016
ALL WARDS

PROSECUTIONS AND CAUTIONS – AUGUST AND SEPTEMBER 2016

1. Summary
 - 1.1 This report summarises the outcome of legal proceedings taken by Regulation and Enforcement during the months of August and September 2016.
2. Recommendation
 - 2.1 That the report be noted.

Contact Officer: Alison Harwood, Acting Director Regulation and Enforcement
Telephone: 0121 303 0201
E-Mail: Alison.harwood@birmingham.gov.uk

3. Results

3.1 During the months of August and September 2016 the following cases were heard at Birmingham Magistrates Court, unless otherwise stated.

- Seven Licensing cases resulted in fines of £1,876 and prosecution costs of £1,638 were awarded with a total of 30 penalty points. Twelve simple cautions were administered as set out in Appendix 1.
- 81 Environmental Health cases resulted in fines of £275,439 and prosecution costs of £42,820 were awarded. Three simple cautions were administered as set out in Appendix 2.
- One Trading Standards case resulted in a £500 fine, two suspended prison sentences, a total of 160 hours unpaid work and two of the defendants were disqualified from acting as a director for three years. Prosecution costs of £3,000 were awarded. Three simple cautions were administered as set out in Appendix 3.
- Appendix 4 lists cases finalised by district in August and September 2016 and cases finalised by district April-September 2016.
- Appendix 5 lists the enforcement activity undertaken by the Waste Enforcement Team from April-September 2016.

4. Consultation

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

5. Implications for Resources

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

5.2 For the year April 2016 to September 2016 the following costs have been requested and awarded:

Licensing

£12,355 has been requested with £8,747 being awarded (70%).

Environmental Health

£122,974 has been requested with £102,952 being awarded (83%).

Trading Standards

£37,376 has been requested with £9,700 being awarded (25%).

- 5.3 For the months of August 2016 and September 2016 the following costs have been requested and awarded:

Licensing

£3,468 has been requested with £1,638 being awarded (47%).

Environmental Health

£52,869 has been requested with £42,820 being awarded (80%).

Trading Standards

£6,500 has been requested with £3,000 being awarded (46%).

6. Implications for Policy Priorities

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

7. Public Sector Equality Duty

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

ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: Nil

LICENSING CASES

APPENDIX 1

	Name and Address	Date Case Heard	Legislation	Fine/Penalty	Costs	Offence details
1	Tuhel Khan 25 Maxwell Avenue Hansworth Birmingham B20 3TT	4/8/16	Town Police Clauses Act 1847 Road Traffic Act 1988	£515 x no insurance + 6 penalty points No separate penalty x plying	£200 (£493 requested)	Pleaded guilty to two offences; one offence of plying for hire on Horsefair, Birmingham and one offence of consequently having invalid insurance.
2	Abul Kalam 179 Calshot Road Great Barr Birmingham B42 2BY	4/8/16	Town Police Clauses Act 1847 Road Traffic Act 1988	£205 x no insurance + 6 penalty points No separate penalty x plying	£200 (£452 requested)	Pleaded guilty to two offences; one offence of plying for hire on Bennetts Hill, Birmingham and one offence of consequently having invalid insurance.
3	Mohammed Abdul Matin 292 Percy Road Sparkhill Birmingham B11 3LQ	4/8/16	Town Police Clauses Act 1847 Road Traffic Act 1988	£205 x no insurance + 6 penalty points No separate penalty x plying	£200 (£575 requested)	Pleaded guilty to two offences; one offence of plying for hire on Ludgate Hill, Birmingham and one offence of consequently having invalid insurance.
4	Gulbas Hussain 16 Kedleston Road Hall Green Birmingham B28 0NS	1/9/16	Local Government (Miscellaneous Provisions) Act 1976	£145	£288 (£288 requested)	Pleaded guilty to one offence of being a private hire driver and failing to wear a private hire driver's badge in Pershore Street, Birmingham.
5	Masroor Akram 4 Norland Road Acocks Green Birmingham B27 7DG	1/9/16	Town Police Clauses Act 1847 Road Traffic Act 1988	£200 x no insurance + 6 penalty points No separate penalty x plying	£200 (£493 requested)	Pleaded guilty to two offences; one offence of plying for hire on Alcester Road, Moseley, Birmingham and one offence of consequently having invalid insurance.
6	Abdul Shahan Ahmed 5 Barnwood Road, Quinton Birmingham B32 3LZ	1/9/16	Town Police Clauses Act 1847 Road Traffic Act 1988	£326 x no insurance + 6 penalty points No separate penalty x plying	£250 (£467 requested)	Pleaded guilty to two offences; one offence of plying for hire on High Street, Harborne, Birmingham and one offence of consequently having invalid insurance.

	Name and Address	Date Case Heard	Legislation	Fine/Penalty	Costs	Offence details
7	Gul Zubair 10 Kingsley Road Balsall Heath Birmingham B12 8NB	23/9/16	Town Police Clauses Act 1847 Road Traffic Act 1988	£280 x no insurance No separate penalty x plying Licence not endorsed due to special reasons	£300 (£700 requested)	Pleaded guilty to two offences; one offence of plying for hire in Alcester Road, Moseley, Birmingham and one of consequently having invalid insurance. Sentence was imposed following a Newton Hearing.

LICENSING SIMPLE CAUTIONS

During the period of August and September 2016, twelve simple cautions have been administered.

Local Government (Miscellaneous Provisions) Act 1976

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

Section 54(2) One caution was issued for failing to wear a private hire driver's badge in a manner as to be plainly and distinctly visible.

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

Section 57 Two cautions were issued for knowingly omitting information on licence application form.

Section 64(3) Two cautions were issued for waiting on a Hackney Carriage stand without being licensed as Hackney Carriage.

Byelaw 26 of the Birmingham City Council Hackney Carriage Byelaws 2008 made under section 68 of the Town Police Clauses Act 1847 and section 171 of the Public Health Act 1875 Two cautions were issued for failing to produce upon request a copy of the Hackney Carriage Byelaws for inspection.

Licensing Act 2003

Section 136(1)(a) One caution was issued for carrying on a licensable activity otherwise than in accordance with an authorisation.

FOOD HYGIENE OFFENCES

	Name and Address	Date Case Heard	Legislation	Fine/Penalty	Costs	Offence details
1	Mohammed Soheli 65 Stud Lane Birmingham B33 9EZ	1/8/16	Food Safety and Hygiene (England) Regulations 2013	Total £1,440 (£480 x 3)	£1,000 (£2,033 requested)	Pleaded <u>not guilty</u> to three offences relating to the condition of Minar Diner Restaurant, 7 Walford Road, Birmingham. Mouse droppings were found throughout the kitchen, there was no food safety management system in place and mould was found on food stored in the upright fridge. Found guilty following trial.
2	Kout Food Group Restaurants (UK) Ltd 2 Willen Field Road London NW10 7BQ	4/8/16	Food Safety and Hygiene (England) Regulations 2013	£30,000 x 1 No separate penalty x remaining offences	£1,036 (£1,036 requested)	Pleaded guilty to three offences relating to the condition of Kentucky Fried Chicken (KFC), Unit 23 Martineau Place, 98 Bull Street, Birmingham. Mouse droppings were found throughout the premises, equipment was found to be dirty and there were damaged floor tiles.
3	Mohammed Riaz 65 Albert Road Aston Birmingham B6 5NE	18/8/16	Food Safety and Hygiene (England) Regulations 2013	£8,000 x 1 No separate penalty x remaining offences	£1,879 (£1,879 requested)	Pleaded guilty to two offences relating to the condition of Rehan International Supermarket, 272 Slade Road, Birmingham. Rat droppings were found in boxes of rice in the store room and on shelving. A rat hole was found at the front of the shop and food stored at the premises, including fresh tomatoes, were found to be gnawed by rats.

	Name and Address	Date Case Heard	Legislation	Fine/Penalty	Costs	Offence details
4	Mitchells & Butlers Retail Limited 27 Fleet Street Birmingham B3 1JP	19/8/16	Food Safety and Hygiene (England) Regulations 2013	Total £105,000 (£35,000 x 3)	£9,528 (£9,528 requested)	Pleaded guilty to three offences relating to the condition of The Railway, Hill Street, Birmingham. Gaps were found at the premises which created possible pest entry points, mouse droppings were found throughout the kitchen area and there was a distinct lack of cleaning at the premises.
5	Akeel Ejaz 241 Wash Lane Birmingham B25 8PT	1/9/16	Food Safety and Hygiene (England) Regulations 2013	£1,000 x 1 No separate penalty x remaining offences	£1,679 (£1,679 requested)	Pleaded guilty to six offences relating to the condition of Stirchley Kebab House, 1262 Pershore Road, Birmingham. There was evidence of rat activity within the premises and there were gaps within the fabric of the building allowing access by pests. Rat droppings were found in the bowl of the mixer and on a work surface. The walls of the potato preparation area were in part bare plaster.
6	Mohammed Abid Banares 1 Oaktree Drive Saltley Birmingham B8 1QU	1/9/16	Food Safety and Hygiene (England) Regulations 2013	£1,200 x 1 No separate penalty x remaining offences	£1,305 (£1,305 requested)	Pleaded guilty to four offences relating to the condition of K Fish and Chips, 238 Washwood Heath Road, Saltley, Birmingham. Dead and alive cockroaches were found throughout the premises, there were accumulations of dirt and grease in the rear preparation area and server and gaps were found within the construction of the building allowing access to cockroaches.

	Name and Address	Date Case Heard	Legislation	Fine/Penalty	Costs	Offence details
7	Salim Ismail 41 Arden Road Aston Birmingham B6 6AP	9/9/16	Food Safety and Hygiene (England) Regulations 2013	Total £3,200 (£640 x 5)	£1,778 (£1,778 requested)	Pleaded guilty to five offences relating to the condition of Ismail Food Stores, 86 Ettington Road, Aston, Birmingham. There was evidence of mouse activity throughout the premises with a dead mouse found on the floor by the front entrance. There was no evidence of a documented food safety management system based on the principles of HACCP.
8	Balti Hut Tandoori Limited 1544 Pershore Road Birmingham B30 2NW	15/9/16	Food Safety and Hygiene (England) Regulations 2013	£1,350 x 1 No separate penalty x remaining offences	£1,000 (£1,311 requested)	Pleaded guilty to three offences relating to the condition of Balti Hut Tandoori Restaurant, 1544-1546 Pershore Road, Birmingham. The business failed to comply with two improvement notices requiring structural work and cleaning to be undertaken and to put in place a documented food safety management system in place. The company were also charged with a further offence of failing to implement a food safety management system. The Magistrates granted a Prohibition Order, which will cease when the Council are satisfied that sufficient measures have been taken to ensure that the premises no longer pose a health risk.

	Name and Address	Date Case Heard	Legislation	Fine/Penalty	Costs	Offence details
9	Desi Sweets Centre Ltd 275 High Street Smethwick B66 3NJ	15/9/16	Food Safety and Hygiene (England) Regulations 2013	Total £16,350 (£3,350 x 5)	£1,823 (£1,823 requested)	Pleaded guilty to five offences relating to the condition of Desi Sweet Centre, 349 Soho Road, Birmingham. There were mouse droppings throughout the premises with food debris found beneath the server counter. There was a gap around pipework and electrical wiring going through the ceiling above the gas meter cupboard in the server. The external container bin was overfilled and subsequently the lid could not fully close.
10	Zeb Barnes 20 Rudge Avenue Wolverhampton WV1 2AT	15/9/16	Food Safety and Hygiene (England) Regulations 2013	£425 x 1 No separate penalty x 2 nd offence	£1,000 (£1,177 requested)	Pleaded guilty to two offences relating to the condition of West Midlands Jerk Centre, 102 Villa Road, Birmingham. Cockroaches (nymphs and adults) were found dead and alive throughout the premises. There were also gaps, cracks and crevices within the structure and construction of the building.
11	Muaiad Nagi 119 Gillott Road Edgbaston Birmingham B16 0ET	15/9/16	Food Safety and Hygiene (England) Regulations 2013	£600 x 1 No separate penalty x remaining offences	£550 (£1,036 requested)	Pleaded guilty to six offences relating to the condition of Aazz Food Store, 610 Coventry Road, Birmingham. There was evidence of cockroach activity throughout the premises. Lettuce and other salad items were being stored directly below dripping lamb carcasses in the walk in chiller. There was no hot water supply to any of the sinks and no documented food safety management system in place.

	Name and Address	Date Case Heard	Legislation	Fine/Penalty	Costs	Offence details
12	Abdulwahid Rahimi Flat 11 Hill House Oakfield Close Smethwick B66 3JU	15/9/16	Food Safety and Hygiene (England) Regulations 2013	£640 x 1 No separate penalty x 2 nd offence	£750 (£980 requested)	Pleaded guilty to two offences relating to the condition of City Kebab House, 29 Constitution Hill, Birmingham. Mouse droppings were found throughout the front kitchen and there was grease and debris on the gas pipe serving the deep fat fryer, on the hand wash basin and under shelving next to the tandoor oven.
13	Zah Ltd 1845 Pershore Road Birmingham B30 3DJ	19/9/16	Food Safety and Hygiene (England) Regulations 2013 Health and Safety at Work Etc Act 1974	Total £31,000 (£17,000 x offence 2 £14,000 x offence 4) No separate penalty x remaining offences	£828 (£1,518 requested)	Four offences were found proved in the absence of the defendant company relating to the condition of Spice Exchange, 1845-1847 Pershore Road, Kings Norton, Birmingham. Two offences of failing to comply with Hygiene Improvement Notices requiring a food safety management system to be put in place based on the principles of HACCP and to provide evidence that all gas appliances, installation pipework and flues had been checked by a competent person. Two further offences relate to a further visit when it was found that a procedure based on HACCP had still not been implemented and evidence could not be provided to show that gas appliances were maintained in a safe condition.
14	Café Desi Express International Limited 225 Ladypool Road Birmingham B12 8LF	19/9/16	Food Safety and Hygiene (England) Regulations 2013	£15,000	£563 (£1,399 requested)	One offence was found proved in the absence of the defendant company relating to the condition of Café Desi Express, 225 Ladypool Road, Birmingham. Adequate procedures were not in place to control pests and there were mouse droppings throughout the premises.

	Name and Address	Date Case Heard	Legislation	Fine/Penalty	Costs	Offence details
15	B.B Global Services Ltd 429 Lickey Road Birmingham B45 8UT	28/9/16	Food Safety and Hygiene (England) Regulations 2013	Total £5,250 (£1,050 x 5)	£1,504 (£1,504 requested)	Pleaded guilty to five offences relating to the condition of Lailing, 429 Lickey Road, Birmingham. There was a build-up of dirt and debris on the floor and at wall junctions, food was being stored underneath the washing up sink and next to the wash up area. There was no evidence of a documented food safety management system in place based on HACCP. Meat and rice was left to cool at room temperature for longer than 90 minutes.
16	Bashir Ahmad Khan 18 Leyton Road Handsworth Birmingham	29/9/16	Food Safety and Hygiene (England) Regulations 2013	£480 x 1 No separate penalty x 2 nd for offence	£480 (£1,019 requested)	Pleaded guilty to two offences relating to the condition of Khan Pizza and Kebabs, 64 Robert Road, Handsworth, Birmingham. There were dead mice, a live mouse, mouse droppings and evidence of cockroaches at the premises. Inadequate controls were in place to prevent access and harbourage of mice and cockroaches.
17	Arshad Mahmood 11 Centenary Way Birmingham B21 9JX Abdul Majeed 73 Ellesmere Road Birmingham B8 1NF	29/9/19	Food Safety and Hygiene (England) Regulations 2013	Total £400 (Each defendant fined £200)	£800 (£400 each defendant) (£1,245 requested)	Both defendants pleaded guilty to one offence relating to the sale of a portion of southern fried chicken from Big Chip Fish Bar, 11 Westley Road, Birmingham, which was found to be raw in the middle.

	Name and Address	Date Case Heard	Legislation	Fine/Penalty	Costs	Offence details
18	Rabiul Meah 160 Frederick Road Aston Birmingham B6 6DG	29/9/16	Food Safety and Hygiene (England) Regulations 2013	£480 x 1 No separate penalty x remaining offences	£480 (£1,630 requested)	Pleaded guilty to seven offences relating to the condition of Koh I Noor, 28-30 Horsefair, Birmingham. Mouse droppings were found throughout the premises with dirt and grease found inside the oven and behind the cooking range. Raw meat was being stored next to cooked meat and milk in the double fridge. The wash hand basin was not provided with soap and there was no evidence of staff training.
19	Badder Hussain 110 Fordrough Lane Birmingham B9 5LB	29/9/16	Food Safety and Hygiene (England) Regulations 2013 Health and Safety at Work Etc Act 1974	Total £960 (£480 x 1 No separate penalty x on remaining food offences £480 x H&S offence)	£1,862 (£1,862 requested)	Pleaded guilty to five offences: four relating to the condition of Pizza Bay, 211 Cotterills Lane, Birmingham. Mouse droppings were found in the premises with an accumulation of dirt and grease found on the wall surfaces and pipes in the kitchen. There was a large of number of damaged and missing wall tiles in the kitchen. One further offence of failing to comply with the requirements of a Prohibition Notice in connection with a planetary mixing machine which was found with an unsecured and damaged bowl guard not connected to the interlock mechanism

	Name and Address	Date Case Heard	Legislation	Fine/Penalty	Costs	Offence details
20	Zam Zam Frozen Foods Products Ltd Unit 17 Northside Business Centre Wellington Street Birmingham B18 4NR	29/9/16	Food Safety and Hygiene (England) Regulations 2013	£7,000 x 1 No separate penalty x remaining offences	£1,529 (£1,529 requested)	Pleaded guilty to eleven offences relating to the condition of Zam Zam Frozen Foods, Unit 17 Northside Business Centre, Wellington Street, Birmingham. The premises and equipment were dirty and there were holes in the roller shutter front doors. Containers of cooked samosa filling and raw minced meat were stored uncovered in the walk-in chiller on dirty shelving and beneath a dirty air circulation fan. Walls and ceilings had defective areas and there was no supply of hot water to the wash basin in the kebab production area. There was no evidence of a documented food safety management system in place.
21	Ahmed El Mufti 180 School Road Yardley Birmingham B14 4HA	29/9/16	Food Safety and Hygiene (England) Regulations 2013	£320 x 1 No separate penalty x remaining offences	None awarded (£592 requested)	Pleaded guilty to three offences relating to the condition of City Shop, 115 Villa Road, Lozells, Birmingham. There were mouse droppings found throughout the premises and inadequate controls were in place to prevent access and harbourage of mice. Ten individual packs of dried dates had been gnawed and eaten by mice.
22	Safeburys Retail Limited 31 Hobson Road Selly Park Birmingham B29 7QA	29/9/16	Food Safety and Hygiene (England) Regulations 2013	£35,000 x 1 No separate penalty x remaining offences	£828 (£828 requested)	Six offences found proved in absence of the defendant company. One relating to a pack of Family Sausages found on display in the refrigerator at Safeburys, 191-193 Hagley Road, Birmingham which had been infested by maggots and five of displaying food, for sale which had past their use by dates.

WASTE OFFENCES

	Name and Address	Date Case Heard	Legislation	Fine/Penalty	Costs	Offence details
1	Samantha Patterson 79 Kentish Road Birmingham B21 0BB	4/8/16	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in her absence of depositing a black bag of domestic waste in Kentish Road, Birmingham.
2	Ali M Jama Flat 2 3 Kenwood Road Bordesley Green Birmingham B9 5UH	1/9/16	Environmental Protection Act 1990	£950 x 1 No separate penalty x 2 nd offence	£1,000 (£1,331 requested)	Pleaded guilty to two offences; one of failing to keep written information of the transfer of controlled waste from Kingz Barbers, 123 Bordesley Green, Birmingham and one of failing to produce it to an authorised officer within 7 days in response to written demands for information.
3	Rav Singh Lal 21 Leicester Street Wolverhampton WV6 0PR	5/9/16	Environmental Protection Act 1990	£100	£308 (£308 requested)	Pleaded guilty to one offence of depositing controlled waste, namely a large number of sandwiches from Costcutter, in a litter bin outside 83 Bull Street, Birmingham. The defendant worked as a delivery driver and placed returned stock in the bin, rather than returning it to his employer.
4	Prem Paul 106 Sandwell Road Birmingham B21 8PS	15/9/16	Environmental Protection Act 1990	£250 x 1 No separate penalty x 2 nd offence	£325 (£723 requested)	Pleaded guilty to two offences of failing of failing keep written information relating to the transfer of controlled waste from Prem Jewellers, 123 Soho Road, Birmingham and produce it to an authorized officer within 7 days in response to a written demand for information.

	Name and Address	Date Case Heard	Legislation	Fine/Penalty	Costs	Offence details
5	Muhammad Asif 147 Hutton Road Birmingham B20 3RQ	15/9/16	Environmental Protection Act 1990 Fraud Act 2006	£220 x Fraud offence No separate penalty x remaining offences	£500 (£1,182 Requested)	Pleaded guilty to three offences; one offence of failing to prevent controlled waste (fly tipping) from A K Mobiles, 260 Slade Road, being deposited on land at St Thomas's Road, Erdington, Birmingham, one of failing to keep written information relating to the transfer of controlled waste from the business and producing it to an authorized officer within 7 days and one of submitting false information relating to the transfer of waste.
6	Satwant Nandray 36 Jill Avenue Birmingham B43 6DH	29/9/16	Environmental Protection Act 1990	£415 x 1 No separate penalty x 2 nd offence	£500 (£1,000 requested)	Pleaded guilty to two offences; one of failing to take measures to prevent controlled waste, namely wiper blades, number plate covers and paperwork, to be deposited on land outside 193-195 Holyhead Road, Birmingham and one offence of failing to keep written information relating to the transfer of controlled waste from Holyhead Motor Spares, 189 Holyhead Road and produce it to an authorised officer within 7 days in response to a written demand for information.

LITTERING OFFENCES

	Name and Address	Date Case Heard	Legislation	Fine/Penalty	Costs	Offence details
1	Olivia Rowley 33 Board Cross Shipton Mallet BA4 5DX	4/8/16	Environmental Protection Act 1990	£60	None awarded (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement outside Boots on High Street, Birmingham.
2	Przemyslaw Domek 82 New Street Erdington Birmingham B23 6TU	4/8/16	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement outside Oasis on New Street, Birmingham.
3	Lisa Helen Spellman 155 Waverley Avenue Nuneaton CV11 4RZ	4/8/16	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement outside New Street station on Stephenson Street, Birmingham.
4	Fahmida Hussain 84 Gower Street Walsall WS2 9AZ	12/8/16	Environmental Protection Act 1990	£80	None awarded (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement outside Cosy Club on Waterloo Street, Birmingham.
5	Naila Hussain 22 Highfield Lane Quinton Birmingham B32 1QT	12/8/16	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement outside Aspect Court on Temple Row, Birmingham.

	Name and Address	Date Case Heard	Legislation	Fine/Penalty	Costs	Offence details
6	Bradley Elson 26 Marton Close Birmingham B7 5HU	12/8/16	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement outside Potato Man Van on New Street, Birmingham.
7	Ben Greer Flat7 185 Lea Hall Road Stechford Birmingham B33 8JX	12/8/16	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement opposite Savers on Edgbaston Street, Birmingham.
8	Alexander Cannon 21 West Cliff Road Broadstairs CT10 1PU	12/8/16	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement outside Grand Central on Smallbrook Queensway, Birmingham.
9	Arron Arrowsmith 121 Harden Road Walsall WS3 1ES	12/8/16	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement outside Size on Lower Temple Street, Birmingham.
10	Iain Bloomfield 4 Alton Grove Shipley BD18 2AY	12/8/16	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement outside The Shakespeare on Lower Temple Street, Birmingham.

	Name and Address	Date Case Heard	Legislation	Fine/Penalty	Costs	Offence details
11	Abdulaziz Ahmed Kayed Alhussaini Flat 1 Ebenezer Chapel York Place Bangor LL57 1HE	12/8/16	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement outside Body Shop on New Street, Birmingham.
12	Leanne Adams 42 Ellice Drive Birmingham B36 0QD	12/8/16	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement outside Moor Street station on Moor Street Queensway, Birmingham.
13	Annabell Quirin 102 Green Meadow Road Birmingham B29 4DR	18/8/16	Environmental Protection Act 1990	£35	£80 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement outside Moor Street station on Moor Street Queensway, Birmingham.
14	Bintoe Gibba Gilgal Po 3918 Birmingham B9 5AQ	18/8/16	Environmental Protection Act 1990	£35	£80 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement outside Caffè Nero on Lower Temple Street, Birmingham.
15	Dana Kanciova 128 Brantley Road Aston Birmingham B6 7DP	18/8/16	Environmental Protection Act 1990	£35	£80 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement near Oasis on New Street, Birmingham.

	Name and Address	Date Case Heard	Legislation	Fine/Penalty	Costs	Offence details
16	Simon Evans Flat 1 9 Regent Street New Basford Nottingham NG7 7BJ	18/8/16	Environmental Protection Act 1990	£120	£175 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement outside The Old Cashino on New Street, Birmingham.
17	Kenneth William Donald 95 Merrick Terrace Glasgow G71 6PT	18/8/16	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement outside Centrick Property on Colmore Row, Birmingham.
18	Donna Farrell Flat 22 Berkley House Jarvis Road Birmingham B23 5RU	18/8/16	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement outside building number 33 on Bull Street, Birmingham.
19	Bobbi- Nerelle Phipps 109 Metchley Drive Harborne Birmingham B17 0LB	18/8/16	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement outside JD on New Street, Birmingham.
20	Scott Rowbottom 7 Holly End Quadgeley Gloucester GL2 4UY	18/8/16	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement outside New Street station on Stephenson Street, Birmingham.

	Name and Address	Date Case Heard	Legislation	Fine/Penalty	Costs	Offence details
21	David Swales 2 Gorleston Road London N15 5QR	18/8/16	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement outside New Street station on Smallbrook Queensway, Birmingham.
22	Hannaa Amar 39 Montague Road Birmingham B24 8EG	22/8/16	Environmental Protection Act 1990	£120	£250 (£250 requested)	Pleaded <u>not guilty</u> to one offence of dropping a cigarette butt on the pavement outside Primark on New Street, Birmingham. Found guilty after trial.
23	Tahir Javaid 137a Sarehole Road Birmingham B28 8ED	26/8/16	Environmental Protection Act 1990	£75	£175 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement outside Pret on New Street, Birmingham.
24	Victoria Harrison 41 Main Street Solihull B90 1UB	26/8/16	Environmental Protection Act 1990	£80	£175 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement on Temple Row at the junction to Cherry Street, Birmingham.
25	Jake Alexander Doughty 147 Paget Road Erdington Birmingham B24 0JR	26/8/16	Environmental Protection Act 1990	£80	£175 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement outside Waterstones on High Street, Birmingham.
26	Paul Piercy 12 Wisteria Grove Birmingham B44 9AX	26/8/16	Environmental Protection Act 1990	Absolute Discharge	None awarded (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt down the drain near building number 33 on Bull Street, Birmingham.

	Name and Address	Date Case Heard	Legislation	Fine/Penalty	Costs	Offence details
27	Garie Edward Walsh 46 Reed Court Greenhithe DA9 9FL	26/8/16	Environmental Protection Act 1990	£80	£175 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement outside Grand Central on Smallbrook Queensway, Birmingham.
28	Xia Juan Zheng 163 Worlds End Lane Quinton Birmingham B32 1JX	26/8/16	Environmental Protection Act 1990	£150	£175 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the electrical box near WHSmith on High Street, Birmingham.
29	Charlie Curtis-Blake 94 Exeter Drive Marston Green B37 5NQ	26/8/16	Environmental Protection Act 1990	£74	£100 (£284 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement outside Pizza Hut on New Street, Birmingham. Originally listed for trial.
30	Kieron Wainwright 21 Laxfield Drive Milton Keynes MK10 9NQ	26/8/16	Environmental Protection Act 1990	£80	£90 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement outside Café Nero on Stephenson Street, Birmingham.
31	Jak Paul S W Wright 25 Allerton Road Shrewsbury SY1 4QQ	26/8/16	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement on the corner of New Street and High Street, Birmingham.
32	Melissa Withers 70 Ambleside Bartley Green Birmingham B32 3HS	26/8/16	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement near Pret on New Street, Birmingham.

	Name and Address	Date Case Heard	Legislation	Fine/Penalty	Costs	Offence details
33	Rares Matei 287 Stoney Lane Yardley Birmingham B25 8YG	26/8/16	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement outside the Flight Centre on New Street, Birmingham.
34	Ahmed Cicek 25 walnut Court Vallentin Road London E17 2JL	26/8/16	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement outside Flannels on Lower Temple Street, Birmingham.
35	Mwatitha Adack Flat5 74 City Road Edgbaston Birmingham B16 0HJ	26/8/16	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement opposite Paddy Power on New Street Ramp, Birmingham.
36	Stephen Wheeler 42 George Lane Lichfield WS13 6DX	1/9/16	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement outside Waterstones on Stephenson Place, Birmingham.
37	Kamil Przybysz 67 Sedgley Close Redditch B98 8JR	1/9/16	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement outside Cost Cutter on Bull Street, Birmingham.

	Name and Address	Date Case Heard	Legislation	Fine/Penalty	Costs	Offence details
38	Mark Metcalf Flat 38 Norfolk House 59 Baldwin Road Birmingham B30 3LB	1/9/16	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement outside Pret coffee shop on Colmore Row, Birmingham.
39	Helen Jones 40 Bath Road Banbury OX16 0TP	1/9/16	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement outside Grand Central on Smallbrook Queensway, Birmingham.
40	Kerry Hines 31 Wyre Close Rednal B45 0BL	1/9/16	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement outside Poundland on Corporation Street, Birmingham.
41	Tiffany Glenn Flat 2 3 Lansdowne Road Erdington Birmingham B24 8AR	1/9/16	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement outside New Street station on Stephenson Street, Birmingham.
42	Durate Nuno Teixeira De Freitas 6 Winter House 55B Partridge Knoll Purley CR8 1AZ	1/9/16	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement outside The Flight Centre on New Street, Birmingham.

	Name and Address	Date Case Heard	Legislation	Fine/Penalty	Costs	Offence details
43	Pawel Cwikla 36 Link Road Edgbaston Birmingham B16 0EP	1/9/16	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement outside EE on New Street, Birmingham.
44	Kimberley Butler 13 Rowlands Close Walsall WS2 0JS	1/9/16	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement outside New Street station on Stephenson Street, Birmingham.
45	Justin Price 17 Squires Gate Walk Castle Vale B35 7JN	1/9/16	Environmental Protection Act 1990	£100	£175 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement outside bus stop SH1 on Colmore Row, Birmingham.
46	Kerry Haynes 83 Moor Street Gateshead NE8 3PN	1/9/16	Environmental Protection Act 1990	£40	£175 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement next to bus stop NS1 on Smallbrook Queensway, Birmingham.
47	Sally Lamb 2 Rothbury Avenue Nottingham NG9 3RQ	15/9/16	Environmental Protection Act 1990	£60	None awarded (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement outside St Philips Cathedral, St Philips Place, Birmingham.
48	Iwona Prazak Flat 21 Kings Court 26 Bridge Street Birmingham B1 2JR	23/9/16	Environmental Protection Act 1990	£80	£175 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement outside Tesco in New Street, Birmingham

	Name and Address	Date Case Heard	Legislation	Fine/Penalty	Costs	Offence details
49	Damian James Sarwar 32 Langley Road Birmingham B10 0TL	26/9/16	Environmental Protection Act 1990	£80	£175 (£175 requested)	Pleaded guilty to one offence of dropping a can of pop on the pavement outside Waterstones in High Street, Birmingham
50	Alan Edwards 546 Bordesley Green East Birmingham B33 8RU	29/9/16	Environmental Protection Act 1990	£60	None awarded (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement outside New Street Station in Smallbrook Queensway, Birmingham
51	Paul McInerney 2 October Drive Liverpool L6 4ET	29/9/16	Environmental Protection Act 1990	£145	£175 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement outside New Street Station in Smallbrook Queensway, Birmingham.
52	John Hogan 20 Coxwell Gardens Ladywood Birmingham B16 9EN	29/9/16	Environmental Protection Act 1990	£60	£50 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on a green electrical box, which landed on the pavement outside Waterstones in High Street, Birmingham.
53	Khuram Mehmood 63 Old Farm Road Stechford Birmingham B33 9HH	29/9/16	Environmental Protection Act 1990	£80	£80 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt out of a taxi window opposite McDonalds in Coventry Road, Birmingham

ENVIRONMENTAL HEALTH SIMPLE CAUTIONS

During August and September 2016 three simple cautions were administered.

Food Safety and Hygiene (England) Regulations 2013

Three cautions were issued for failing to comply with food hygiene regulations

TRADING STANDARDS

APPENDIX 3

	Name & Address	Date Case Heard	Legislation	Fine/Penalty	Costs	Offence details
1	<p>GSM Mobile Accessories Ltd 113 Hockley Street Hockley Birmingham B19 3DP</p> <p>Rizwan Begg 6 Hernefield Road Shard End Birmingham B34 6PT</p> <p>Techno Computer (UK) Ltd 113 Hockley Street Hockley Birmingham B19 3DP</p> <p>Emraan Mirza 113 Hockley Street Hockley Birmingham B19 3DP</p>	12/9/16 at Birmingham Crown Court	Trade Marks Act 1994	<p>GSM Mobile Fined £500</p> <p>Begg - 6 months imprisonment suspended for 2 years + 80 hours unpaid work + Disqualified from acting as a director for 3 years.</p> <p>Techno – to be sentenced following conclusion of POCA proceedings</p> <p>Mirza - 8 months imprisonment suspended for 2 years +80 hours unpaid work +Disqualified from acting as a director for 3 years.</p>	<p>£3,000</p> <p>(GSM & Begg £1,500 each)</p> <p>(£6,500 requested)</p> <p>Techno & Mirza POCA timetable set.</p>	<p>GSM Mobile and its Director, Rizwan Begg, pleaded guilty to one offence of selling an Apple LCD Complete assembly to a Senior Investigator employed by Apple, which was counterfeit.</p> <p>Techno Computer and its Director, Emraan Mirza, each pleaded guilty to eight offences of possessing for the purpose of supply goods, namely phone batteries and accessories, which bore registered trademarks, namely Apple and Samsung, without the consent of the trade mark proprietors.</p> <p>Originally listed for trial.</p>

TRADING STANDARDS SIMPLE CAUTIONS

During August and September 2016 three simple cautions were administered.

Consumer Protection Act 1987

One caution was issued for selling balance boards which were the subject of a suspension notice prohibiting the sale of the items.

Fraud Act 2006

One caution was issued for engaging in a fraudulent practice falsely claiming to be in the debt recovery and bailiff business.

Cosmetic Products Enforcement Regulations 2013

Electrical Equipment (Safety) Regulations 1994

One caution was issued for making cosmetic products available on the market which failed to comply with the regulations in that the containers and packaging failed to display the required information and a Stella Pro Curler failed to comply with the Electrical Equipment regulations.

CASES FINALISED BY DISTRICT (PLACE OF OFFENCE) – AUGUST AND SEPTEMBER 2016

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	1	0	2	0	4	0	0	0	0	0	0	7
Environmental Health (FPNs) Not paid and prosecuted	0	0	0	0	53	0	0	0	0	0	0	53
Environmental Health (non FPNs)	1	2	2	3	12	1	3	3	0	1	0	28
Trading Standards	0	0	0	0	1	0	0	0	0	0	0	1

CASES FINALISED BY DISTRICT (DEFENDANT'S HOME ADDRESS/REGISTERED OFFICE) – AUGUST AND SEPTEMBER 2016

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	1	0	3	0	0	0	2	0	0	1	0	7
Environmental Health (FPNs) Not paid and prosecuted	4	6	1	0	7	3	2	0	0	4	26	53
Environmental Health (non FPNs)	0	0	1	3	8	1	3	4	0	2	6	28
Trading Standards	0	0	0	0	1	0	0	0	0	0	0	1

CASES FINALISED BY DISTRICT (PLACE OF OFFENCE) – APRIL-SEPTEMBER 2016

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	2	1	4	0	13	0	0	0	0	0	0	20
Environmental Health (FPNs) Not paid and prosecuted	0	3	0	0	299	0	0	0	0	0	0	302
Environmental Health (non FPNs)	1	7	6	7	22	4	6	9	1	4	0	67
Trading Standards	0	2	0	0	4	0	0	0	1	1	0	8

CASES FINALISED BY DISTRICT (DEFENDANT'S HOME ADDRESS/REGISTERED OFFICE) – APRIL-SEPTEMBER 2016

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	1	0	6	1	3	0	6	0	0	1	2	20
Environmental Health (FPNs) Not paid and prosecuted	22	27	16	15	28	16	11	3	3	12	149	302
Environmental Health (non FPNs)	0	3	4	7	18	3	6	9	0	6	11	67
Trading Standards	0	2	0	0	1	0	0	0	1	1	3	8

WASTE ENFORCEMENT UNIT – ENFORCEMENT ACTIVITY
APRIL 2016 – SEPTEMBER 2016

	Apr-16	May-16	Jun-16	Jul-16	Aug-16	Sep-16	Total 2016/2017
Waste Investigation Outcomes							
Investigations into commercial waste disposal suspected offences and offences	22	44	69	62	66	96	359
<u>Section 34 Environmental Protection Act</u> demand notices issued: (trade waste statutory information demands)	14	95	64	53	25	71	322
<u>Section 34 Environmental Protection Act</u> fixed penalty notices issued to businesses (£300)	7	2	15	34	26	14	98
<u>Section 87 Environmental Protection Act.</u> Fixed Penalty notices issued for commercial and residential litter offences (£80)	4	13	10	11	8	7	53
Prosecutions							
Number of prosecution files submitted to legal services (number produced quarterly)			11			17	28

BIRMINGHAM CITY COUNCIL

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

16 NOVEMBER 2016
ALL WARDS

FIXED PENALTY NOTICES ISSUED SEPTEMBER 2016

1. Summary
 - 1.1 The report sets out a breakdown, on a Constituency/Ward basis, of fixed penalty notices issued in the City during the period September 2016.
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 – Mar 2005	382
April 2005 – Mar 2006	209
April 2006 – Mar 2007	650
April 2007 – Mar 2008	682
April 2008 – Mar 2009	1,147
April 2009 – Mar 2010	1,043
April 2010 – Mar 2011	827
April 2011 – Mar 2012	2,053
April 2012 – Mar 2013	1,763
April 2013 – Mar 2014	1,984
April 2014 – Mar 2015	4,985
April 2015 – Mar 2016	5,855

4. Enforcement Considerations and Rationale

4.1 The attached appendices show on a ward and constituency basis where FPNs were issued during the month of September 2016.

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

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

4.4 One of the difficulties in resolving the problem of cigarette waste being deposited on the street is that the perception of many smokers is that

cigarette waste is not litter. A change in the culture and perceptions of these smokers is critical to resolving this problem.

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

5. Consultation

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

6. Implications for Resources

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

7. Implications for Policy Priorities

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

8. Public Sector Equality Duty

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

ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: FPN records

APPENDIX 1

Wards where FPN's are issued

Constituency	Ward	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Total
Edgbaston	Bartley Green	0	0	0	0	0	0	0	0	0	0	0	0	0
	Edgbaston	0	0	1	0	0	0	0	0	0	0	0	0	1
	Harborne	0	0	0	0	0	0	0	0	0	0	0	0	0
	Quinton	1	0	0	0	0	0	0	0	0	0	0	0	1
Erdington	Erdington	0	1	2	2	0	0	0	0	0	0	0	0	5
	Kingstanding	0	1	0	0	0	0	0	0	0	0	0	0	1
	Stockland Green	0	1	0	2	0	0	0	0	0	0	0	0	3
	Tyburn	0	1	0	1	2	0	0	0	0	0	0	0	4
Hall Green	Hall Green	0	0	0	2	2	0	0	0	0	0	0	0	4
	Moseley And Kings Heath	4	0	0	0	1	1	0	0	0	0	0	0	6
	Sparkbrook	0	0	5	0	0	0	0	0	0	0	0	0	5
	Springfield	0	1	1	1	13	0	0	0	0	0	0	0	16
Hodge Hill	Bordesley Green	0	1	2	0	0	0	0	0	0	0	0	0	3
	Hodge Hill	0	1	0	3	0	0	0	0	0	0	0	0	4
	Shard End	2	0	2	1	1	0	0	0	0	0	0	0	6
	Washwood Heath	0	1	0	9	1	0	0	0	0	0	0	0	11
Ladywood	Aston	0	2	1	2	0	0	0	0	0	0	0	0	5
	Ladywood	480	438	527	454	427	561	0	0	0	0	0	0	2,887
	Nechells	10	16	16	21	6	1	0	0	0	0	0	0	70
	Soho	1	7	1	1	2	0	0	0	0	0	0	0	12
Northfield	Kings Norton	0	0	0	0	1	0	0	0	0	0	0	0	1
	Longbridge	0	0	0	0	0	0	0	0	0	0	0	0	0
	Northfield	1	1	0	0	0	0	0	0	0	0	0	0	2
	Weoley	0	0	0	0	0	0	0	0	0	0	0	0	0
Perry Barr	Handsworth Wood	0	2	1	0	0	0	0	0	0	0	0	0	3
	Lozells And East Handsworth	0	0	0	5	4	1	0	0	0	0	0	0	10
	Oscott	0	0	0	0	0	0	0	0	0	0	0	0	0
	Perry Barr	1	0	0	0	0	0	0	0	0	0	0	0	1
Selly Oak	Billesley	2	0	1	0	0	0	0	0	0	0	0	0	3
	Bournville	2	0	1	0	0	0	0	0	0	0	0	0	3
	Brandwood	2	1	0	0	0	0	0	0	0	0	0	0	3
	Selly Oak	0	0	0	0	1	0	0	0	0	0	0	0	1
Sutton Coldfield	Sutton Four Oaks	0	0	0	1	0	0	0	0	0	0	0	0	1
	Sutton New Hall	0	0	0	1	0	0	0	0	0	0	0	0	1
	Sutton Trinity	0	2	0	0	0	0	0	0	0	0	0	0	2
	Sutton Vesey	0	0	0	0	0	0	0	0	0	0	0	0	0
Yardley	Acocks Green	1	0	0	0	0	0	0	0	0	0	0	0	1
	Sheldon	0	0	3	0	0	0	0	0	0	0	0	0	3
	South Yardley	0	0	1	1	0	0	0	0	0	0	0	0	2
	Stechford And Yardley North	2	1	1	0	0	0	0	0	0	0	0	0	4
Total		509	478	566	507	461	564	0	0	0	0	0	0	3,085

APPENDIX 2

WARD OF PERSON RECEIVING FIXED PENALTY NOTICES BY CONSTITUENCY/WARD

It is not possible to provide this information currently and will be provided in the coming weeks

Constituency	Ward	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Total
Edgbaston	BARTLEY GREEN	3	1	0	3	3	0	0	0	0	0	0	0	10
	EDGBASTON	7	3	2	2	10	0	0	0	0	0	0	0	24
	HARBORNE	3	8	6	5	5	0	0	0	0	0	0	0	27
	QUINTON	5	5	3	2	4	0	0	0	0	0	0	0	19
Erdington	ERDINGTON	2	5	4	4	2	0	0	0	0	0	0	0	17
	KINGSTANDING	5	4	5	2	1	0	0	0	0	0	0	0	17
	STOCKLAND GREEN	6	4	3	4	5	0	0	0	0	0	0	0	22
	TYBURN	4	2	6	2	5	0	0	0	0	0	0	0	19
Hall Green	HALL GREEN	0	2	5	4	8	0	0	0	0	0	0	0	19
	MOSELEY AND KINGS HEATH	6	5	3	6	6	0	0	0	0	0	0	0	26
	SPARKBROOK	4	3	6	11	8	0	0	0	0	0	0	0	32
	SPRINGFIELD	4	7	5	5	7	0	0	0	0	0	0	0	28
Hodge Hill	BORDESLEY GREEN	4	1	9	2	3	0	0	0	0	0	0	0	19
	HODGE HILL	4	5	2	9	4	0	0	0	0	0	0	0	24
	SHARD END	5	4	2	7	5	0	0	0	0	0	0	0	23
	WASHWOOD HEATH	4	3	3	12	7	0	0	0	0	0	0	0	29
Ladywood	ASTON	7	6	7	5	5	0	0	0	0	0	0	0	30
	LADYWOOD	18	28	33	21	17	0	0	0	0	0	0	0	117
	NECHELLS	7	7	16	12	15	0	0	0	0	0	0	0	57
	SOHO	7	5	4	5	6	0	0	0	0	0	0	0	27
Northfield	KINGS NORTON	2	6	7	6	2	0	0	0	0	0	0	0	23
	LONGBRIDGE	2	4	9	4	7	0	0	0	0	0	0	0	26
	NORTHFIELD	5	3	3	3	4	0	0	0	0	0	0	0	18
	WEOLEY	2	2	1	4	4	0	0	0	0	0	0	0	13
Perry Barr	HANDSWORTH WOOD	2	10	3	6	1	0	0	0	0	0	0	0	22
	LOZELLS AND EAST HANDSWORTH	4	6	6	8	6	0	0	0	0	0	0	0	30
	OSCOTT	2	2	5	3	1	0	0	0	0	0	0	0	13
	PERRY BARR	2	1	1	2	7	0	0	0	0	0	0	0	13
Selly Oak	BILLESLEY	7	2	2	1	5	0	0	0	0	0	0	0	17
	BOURNVILLE	5	8	5	6	7	0	0	0	0	0	0	0	31
	BRANDWOOD	7	8	6	2	2	0	0	0	0	0	0	0	25
	SELLY OAK	6	5	3	6	8	0	0	0	0	0	0	0	28
Sutton Coldfield	SUTTON FOUR OAKS	1	2	2	3	0	0	0	0	0	0	0	0	8
	SUTTON NEW HALL	0	3	4	1	1	0	0	0	0	0	0	0	9
	SUTTON TRINITY	1	5	4	1	5	0	0	0	0	0	0	0	16
	SUTTON VESEY	3	2	2	1	1	0	0	0	0	0	0	0	9
Yardley	ACOCKS GREEN	3	2	2	1	4	0	0	0	0	0	0	0	12
	SHELDON		3	5		4	0	0	0	0	0	0	0	12
	SOUTH YARDLEY	7	2	3	8	4	0	0	0	0	0	0	0	24
	STECHFORD AND YARDLEY NORTH	4	4	4	1	3	0	0	0	0	0	0	0	16
	Ward not recorded	0	1	1	2	0	0	0	0	0	0	0	0	4
OUTSIDE OF BIRMINGHAM	OUTSIDE BIRMINGHAM TOTAL	335	280	359	314	251	0	0	0	0	0	0	0	1,539
	Location not recorded	4	9	5	1	8	0	0	0	0	0	0	0	27
Grand Total		509	478	566	560	461	0	0	0	0	0	0	0	2,521

APPENDIX 3

FIXED PENALTY NOTICES ISSUED TO PERSONS RESIDING OUTSIDE THE BIRMINGHAM AREA

It is not possible to provide this information currently and will be provided in the coming weeks

RESIDENCE OF FPN RECIPIENT	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Grand Total
Aberdeen (S)			1	1	1								3
Allerdale				1									1
Amber Valley			3										3
Argyll and Bute (S)	1												1
Arun			1	2									3
Ashford	1												1
Aylesbury Vale		2	1										3
Basildon				1									1
Basingstoke and Deane			1										1
Bassetlaw				1									1
Bath and North East Somerset	2		2										4
Bedford	2	2		2									6
Blaby	1		1										2
Blackpool		1											1
Bolton				1	1								2
Boston			1										1
Bracknell Forest		1											1
Braintree			1										1
Brentwood	1												1
Bridgend (W)	2			1									3
Brighton & Hove	1	1	1	2									5
Bristol	3	2		4	3								12
Bromsgrove	6	6	9	7	3								31
Broxtowe	1												1
Burnley	1												1
Bury	1			1									2
Caerphilly (W)			2										2
Cambridge	3	2	1	2	5								13
Cannock Chase	5	3	2	4	1								15
Cardiff (W)	1	1	2		2								6
Carmarthenshire (W)				1									1
Castle Point	2												2
Central Bedfordshire	1		3		2								6
Ceredigion (W)	1			1	1								3
Charnwood			2	2	2								6
Chelmsford				1									1
Cheltenham	3	1											4
Cherwell	2		2										4
Cheshire East	2	2	2	3	3								12
Cheshire West and Chester	4												4

Chiltern				1	1									2
Chorley			1											1
City of Bradford				1										1
City of York	3	3	1	1										8
Copeland	1													1
Corby		1		1										2
Cornwall					1									1
Cotswold				2										2
County Durham			1	1										2
Coventry	14	9	10	18	15									66
Crawley				1										1
Darlington		1												1
Dartford		1		1										2
Daventry		1	2											3
Denbighshire (W)	1													1
Derby	5	2	4	4	2									17
Derbyshire Dales		1	2											3
Dover		1	1											2
Dudley	16	19	10	7	16									68
Dundee (S)	1													1
East Devon		2		1	1									4
East Dunbartonshire (S)			1											1
East Hampshire	2	1												3
East Hertfordshire	2				1									3
East Lindsey				1										1
East Northamptonshire	1													1
East Riding of Yorkshire			1											1
East Staffordshire	3	4	2	1	2									12
Eastleigh	1		1											2
Eden				1										1
Edinburgh (S)	1	1	1											3
Elmbridge	1		1											2
Epsom and Ewell				1										1
Erewash				1										1
Exeter	1													1
Fife (S)			1	1	1									3
Forest Heath			1											1
Forest of Dean	1		1											2
Fylde					1									1
Gateshead					1									1
Glasgow (S)	1			2	2									5
Gloucester	2	4	4	6	1									17
Guildford		1			1									2
Gwynedd (W)	1	1												2
Halton				1										1

Harrogate			1	1									2
Hartlepool				1									1
Herefordshire		5	3	3	4								15
Highland (S)	1												1
Hinckley and Bosworth	1		1	4	3								9
Hyndburn	1												1
Ipswich			2		1								3
Isle of Wight				1									1
Kettering	1												1
Kirklees		1	3	3	1								8
Lancaster	2	1	2	1									6
LB of Barking and Dagenham		1			1								2
LB of Barnet	3	4	2										9
LB of Brent			2	3	3								8
LB of Bromley			1	2									3
LB of Camden	2		1		1								4
LB of Croydon	4	2	1	1									8
LB of Ealing	2				2								4
LB of Enfield	1	1		1									3
LB of Greenwich	1	1	5	3	2								12
LB of Hackney	1	1	2	1									5
LB of Hammersmith and Fulham	1				3								4
LB of Haringey		1	2										3
LB of Harrow	2												2
LB of Havering	1												1
LB of Hounslow			1										1
LB of Islington		2	1	1	2								6
LB of Lambeth			1	1	5								7
LB of Lewisham	1	2											3
LB of Merton	1	1	1										3
LB of Newham	1	1	1	1									4
LB of Redbridge	1												1
LB of Richmond Upon Thames				2									2
LB of Southwark	1		1	2	1								5
LB of Sutton		1											1
LB of Tower Hamlets	1	2		1									4
LB of Waltham Forest	1		1		3								5
LB of Wandsworth	2	2	2	1									7
Leeds	4		3	1	4								12
Leicester	8	8	6	7	11								40
Lewes				1									1
Lichfield	5	4	5	7	1								22
Lincoln	1	1	2	1									5
Liverpool	4	2	7	5	2								20
Luton			1										1

Malvern Hills	4		2	1									7
Manchester	2	1	2	4	4								13
Mansfield				2									2
Medway		1											1
Mendip				1									1
Mid Devon	1												1
Mid Suffolk		1											1
Mid Sussex			1	2	1								4
Middlesbrough	1	1		1									3
Milton Keynes	2	5		1	1								9
Mole Valley			2		1								3
New Forest		1											1
Newark and Sherwood	1			1									2
Newcastle-under-Lyme			1		1								2
Newcastle-upon-Tyne	5		1	1									7
Newport (W)					1								1
North Devon			1		1								2
North Hertfordshire			1										1
North Lanarkshire (S)			2										2
North Norfolk	1		2										3
North Somerset			1										1
North Tyneside			1										1
North Warwickshire		2	2	1	2								7
North West Leicestershire					1								1
Northampton	9	5	5	3	2								24
Northumberland	1												1
Nottingham	6	7	5	4	2								24
Nuneaton and Bedworth	5	2	2	1	3								13
Oldham	1	1	1	3	1								7
Outside of UK		1	3	4	1								9
Oxford	1	7	3	1									12
Perth and Kinross (S)		1	1										2
Peterborough	2	1	2										5
Plymouth	2		1		1								4
Powys (W)			2		1								3
Preston				1									1
RB of Kensington and Chelsea					1								1
RB of Windsor and Maidenhead			1		1								2
Reading	2	1	1	1									5
Redcar and Cleveland		1											1
Redditch	2	5	5	4	5								21
Reigate and Banstead			2	1	1								4
Renfrewshire (S)			1										1
Richmondshire			1										1
Rochdale	1	1			1								3

Rugby	2	3	10	4	1									20
Rutland	1													1
Salford			1											1
Sandwell	13	17	27	19	17									93
Scarborough				2	1									3
Sefton			1	2	1									4
Sevenoaks		1												1
Sheffield	1	1	1											3
Shropshire	10	8	5	3	3									29
Slough		2												2
Solihull	16	14	19	13	11									73
South Buckinghamshire					1									1
South Derbyshire	1													1
South Gloucestershire	1			1										2
South Lanarkshire (S)			2											2
South Somerset			2											2
South Staffordshire	2	4	2	4	3									15
South Tyneside			1											1
Southampton		1	1											2
St Albans			1											1
St Helens					2									2
Stafford	6	6	6	7	1									26
Staffordshire Moorlands				1										1
Stevenage			2											2
Stirling (S)				1										1
Stockport	1		1											2
Stockton-on-Tees	1		2		1									4
Stoke-on-Trent	3		2	2	1									8
Stratford-on-Avon	5	2	3	1		0	0	0	0	0	0	0	0	11
Suffolk Coastal	1													1
Surrey Heath					2									2
Swansea (W)			1											1
Swindon				1										1
Tameside			1	1										2
Tamworth	2			2										4
Taunton Deane	1	1												2
Teignbridge				1										1
Telford and Wrekin	4	6	4	13	4									31
Tendring				1										1
Test Valley			1	1	1									3
Tewkesbury			1											1
Thanet			1											1
Tonbridge and Malling	2													2
Torbay			1	1	1									3
Torridge	1													1

Trafford			1		2								3
Tunbridge Wells		1											1
Uttlesford		1		1									2
Vale of Glamorgan (W)	1	1											2
Walsall	14	10	20	17	12								73
Warrington		1	1		1								3
Warwick	4	5	8	2	3								22
Watford	1	1											2
Wealden	1												1
West Berkshire				2									2
West Lothian (S)					1								1
West Oxfordshire					1								1
Wigan	2				1								3
Wiltshire		1		1		0	0	0	0	0	0	0	2
Winchester				1									1
Wirral	3				2								5
Woking			1										1
Wolverhampton	12	9	15	10	14								60
Worcester	11	8	6	9	8								42
Wrexham (W)		2											2
Wycombe			1	1	1								3
Wyre		1		2									3
Wyre Forest	1		2	1									4
(blank)	2	7	5		1								15
Outside Birmingham	335	280	359	314	251	0	0	0	0	0	0	0	1539

BIRMINGHAM CITY COUNCIL

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

16 NOVEMBER 2016
ALL WARDS

OUTCOME OF APPEALS AGAINST SUB COMMITTEE DECISIONS:
SEPTEMBER 2016

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

Contact Officer: Chris Neville, Head of Licensing
Telephone: 0121 303 6111
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3. Summary of Appeal Hearings for September 2016

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

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 September 2016 costs have been requested to the sum of £1,067 with reimbursement of £700 (65.6%) ordered by the Courts.
- 4.3 For the fiscal year thus far, April 2016 to September 2016, costs associated to appeal hearings have been requested to the sum of £11,994.10 with reimbursement of £10,915.10 (91%) ordered by the Courts.

5. Implications for Policy Priorities

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

6. Public Sector Equality Duty

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

7. Consultation

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

ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

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

MAGISTRATES' COURT – PRIVATE HIRE DRIVER'S LICENCE

	Name	Date Case Heard	Result	Costs Requested	Costs Ordered	Comments
1	Wiad Rehman	28.09.2016	Dismissed	£567	£200	On 5 July 2016, as the result of his driving history since becoming licensed as a private hire driver, and previous, shorter periods of suspension having had no effect, Committee considered and resolved to suspend and refuse the renewal of the licence for a total period of six months. Mr Rehman has indicated the likelihood of an appeal to Crown Court.

MAGISTRATES' COURT – LICENSING ACT 2003

	Name	Date Case Heard	Result	Costs Requested	Costs Ordered	Comments
1	Mrs Baljinder Sangha (in respect of) Tower Ballroom, 101 Reservoir Road, Edgbaston	05.09.2016 and 17.10.2016	Allowed with conditions	£8,668	Nil	On 16 February 2016, as the result of an application for the review of the premises licence following receipt of complaints of noise nuisance emanating from the premises to the detriment of local residents, Committee considered and resolved to revoke the premises licence. The court considered that the Committee had not given sufficient consideration to reducing the licensing hours. It placed conditions on the licence to require the premises to put in place an effective plan to control parking, for all doors and windows to remain closed and for licensable activity to cease by 22.15 hrs and for the premises to be closed by 22.45hrs.

2	Mrs Baljinder Sangha (in respect of) Mount Pleasant Working Men's Club	05.09.2016	Dismissed	£3,742	£3,742	On 16 February 2016, as the result of an application for the review of the premises licence following receipt of complaints of noise nuisance emanating from the premises to the detriment of local residents, Committee considered and resolved to revoke the premises licence.
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CROWN COURT – PRIVATE HIRE DRIVER'S LICENCE

	Name	Date Case Heard	Result	Costs Requested	Costs Ordered	Comments
1	Iftekhar Ahmed	23.09.2016	Dismissed	£500	£500	On 27 October 2015, as the result of conviction for offences of plying for hire and using a vehicle while uninsured, Committee considered and in line with the relevant policy, revoked the licence. The appeal to Magistrates' Court was dismissed on 5 February 2016 with costs of £250 being requested but £100 ordered.

BIRMINGHAM CITY COUNCIL

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

16 NOVEMBER 2016
ALL WARDS

**ACTIONS TAKEN BY THE CHAIR OF THE LICENSING AND PUBLIC
PROTECTION COMMITTEE DURING NOVEMBER 2016**

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

Contact Officer: Chris Neville, Head of Licensing
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3. Background Information

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

4. Summary of Actions Taken in November 2016

- 4.1 On 2 November 2016 authority was sought to revoke with immediate effect the private hire driver's licence held by driver reference 60363. On 2 November 2016 information was received that driver 60363 had been charged with and remanded in custody for having committed serious sexual offences against a female passenger whom he had picked up without a booking.
- 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 3 November 2016 notice was delivered to driver 60363's home address advising that his private hire driver's licence was revoked with immediate effect, in accordance with Section 52 of the Road Safety Act 2006 and Section 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976.
- 4.3 On 3 November 2016 authority was sought to revoke with immediate effect the private hire driver's licence held by driver reference 22901. On 2 November 2016 information was received that driver 22901 had been arrested for a public order offence involving an offensive weapon and threatening behaviour. Concern was also expressed, by both the Police and your Chair, with regard to mental health implications.
- 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 3 November 2016 notice was posted to driver 22901's home address advising that his private hire driver's licence was revoked with immediate effect, in accordance with Section 52 of the Road Safety Act 2006 and Section 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976.

5. Implications for Resources

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

6. Implications for Policy Priorities

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

7. Implications for Equality and Diversity

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

ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

BIRMINGHAM CITY COUNCIL

LICENSING AND PUBLIC PROTECTION COMMITTEE

16 November 2016

SCHEDULE OF OUTSTANDING MINUTES

MINUTE NO./DATE	SUBJECT MATTER	COMMENTS
365(ii) 25/06/2014	<u>Committee Policy</u> – Service Director of Regulation and Enforcement to review the policy in respect of the engine size and age of private hire vehicles and report to Committee.	Report for January 2017
603 20/01/2016	<u>Cost awarded in Legal Proceedings</u> – Service Director of Regulation and Enforcement be requested to report on the percentage of the costs received against those awarded in legal proceedings	Report for January 2017
614 (iii) 17/02/2016	<u>Shisha Lounges</u> - That a further report detailing potential harm reduction strategies is brought to Committee by June 2016.	See agenda item No 7
620 (iv) 17/02/2016	<u>Policy on Sexual Entertainment Venues</u> - That a Working Party be set up to look at the Council's Sexual Entertainment Venues (SEV) policy.	One further meeting to be undertaken
640 (ii) 16/03/2016	<u>Travellers</u> – Report to be submitted to Committee	Report for December 2016
648 20/04/2016	<u>Conditions of Licence for Private Hire Operators, Drivers and Vehicles</u> – A comprehensive report on this to be submitted to Committee	Date to be agreed
651 (ii) 20/04/2016	<u>Proposals for Vehicle Emission Standards for Hackney Carriage and Private Hire Vehicles</u> – That officers be instructed to produce a draft policy for a future meeting based on the outcome of the Committee's deliberations.	Date to be agreed
651 (iii) 20/04/2016	<u>Proposals for Vehicle Emission Standards for Hackney Carriage and Private Hire Vehicles</u> – That officers engage with the neighbouring West Midlands Licensing Authorities to discuss proposals for a regional emissions standard for hackney carriages and private hire vehicles.	Date to be agreed

720 (iii) 14/09/2016	<u>Implications of the Casey Report for Licensing</u> – The Acting Service Director of Regulation and Enforcement be requested to report on the outstanding actions in respect of the Casey report.	Report for March 2017