

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

BIRMINGHAM CITY COUNCIL

LICENSING AND PUBLIC PROTECTION COMMITTEE

WEDNESDAY, 14 SEPTEMBER 2016 AT 10:00 HOURS
IN COMMITTEE ROOM 6, 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.

5 - 12

3 MINUTES

To note the public part of the Minutes of the meeting held on 13 July 2016.

13 - 22

4 LICENSING AND PUBLIC PROTECTION BUDGET MONITORING 2016/17 MONTH 4

REPORT OF THE ACTING SERVICE DIRECTOR OF REGULATION AND ENFORCEMENT AND THE STRATEGIC DIRECTOR FINANCE AND LEGAL

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5 CODE OF CONDUCT FOR MEMBERS AND OFFICERS

REPORT OF THE ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

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REPORT OF THE ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

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<u>201 - 202</u>	16	<u>SCHEDULE OF OUTSTANDING MINUTES</u>	Item Description
	17	<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.
	18	<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'.

19 **EXCLUSION OF THE PUBLIC**

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

P R I V A T E A G E N D A

20 **OTHER URGENT BUSINESS (EXEMPT INFORMATION)**

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.

21 **MINUTES**

Item Description

BIRMINGHAM CITY COUNCIL

LICENSING AND PUBLIC PROTECTION COMMITTEE 13 JULY 2016

**MINUTES OF A MEETING OF THE LICENSING
AND PUBLIC PROTECTION COMMITTEE HELD
ON WEDNESDAY 13 JULY 2016 AT 1000
HOURS IN COMMITTEE ROOM 6,
COUNCIL HOUSE, BIRMINGHAM**

PRESENT: - Councillor Barbara Dring in the Chair;

Councillors Nawaz Ali, Bob Beauchamp, Alex Buchanan,
Basharat Dad, Des Flood, Jayne Francis, Nagina Kauser, Mike
Leddy, Gareth Moore and Habib Rehman.

NOTICE OF RECORDING

690 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

691 Apologies were received from Councillors Lynda Clinton, Penny Holbrook and Rob Sealey for their inability to attend the meeting.

MINUTES OF THE LAST MEETING – 15 JUNE 2016

692 That the public Minutes of the meeting held on 15 June, having been previously circulated to Members were noted.

Matters arising

693 In response to a question raised by Councillor Gareth Moore with regard to Minute No. 672, page 455 of the Minutes held on 15 June, Chris Neville, Head of Licensing, advised that officers were aware that the Cumulative Impact Policy for the Erdington area was important and that consultative work was

ongoing. He stated that he would liaise with officers and ensure that the consultation exercise would be undertaken as a matter of urgency.

Councillor Gareth Moore made reference to the nomination of Members to serve on outside bodies and requested that Councillor Robert Alden be nominated to serve in place of Councillor Ewan Mackey on the Warwickshire County Cricket Club,

The Chairman put the recommendation to the Committee and it was agreed unanimously.

(Councillor Robert Alden appointed to serve in place of Councillor Ewan Mackey on the Warwickshire County Cricket Club).

694 A brief discussion took place on the future date for the Member training day and the Chairman advised officers that when liaising with the barrister attention should be paid to the fact that Member availability during the month of August was limited due to the holiday period. She emphasised to Members the importance that a barrister was required in order to provide the training due to recent changes in the various Licensing Laws and Acts.

Councillor Flood expressed concern that the training day should not clash with any other meeting to ensure that he could attend.

The Chairman reminded Councillor Flood that the Licensing and Public Protection Committee should take priority over all other Committees.

REPORT ON THE INTRODUCTION OF COMPULSORY DOG MICRO-CHIPPING LEGISLATION

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

(See Document No. 1)

Vikki Allwood, Senior Animal Health and Welfare Officer introduced the report, highlighted the salient points and responded appropriately to Members comments.

It was -

695 **RESOLVED:-**

That the report on the Introduction of Compulsory Dog Micro-chipping Legislation be noted.

REGULATION AND ENFORCEMENT ANNUAL REPORT 2015/2016

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

(See Document No. 2)

Alison Harwood, Acting Director of Regulation and Enforcement introduced the presentation and advised in detail on the work undertaken during the year April 2015 to March 2016 by the Regulation and Enforcement Sections: Environmental Health, Trading Standards, the Register Office, Licensing, the Coroners and Mortuary Service and the England Illegal Money Lending Team.

In response to a question raised by the Chairman she stated that she would investigate what the impact of staff reductions in the England Illegal Money Lending Team had had on budget implications and report her findings to the next meeting of this Committee.

Officers responded appropriately to Members comments and it was -

696

RESOLVED:-

That the Regulation and Enforcement Annual Report 2015/2016 be noted.

HEALTH AND SAFETY LAW ENFORCEMENT PLAN 2016/2017

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

(See Document No. 3)

The Chairman made reference to the tragic loss of five employees working at Hawkeswood Metal Recycling Plant in Nechells and requested that the Committee's condolences be expressed to the families of all those involved in the incident at this very sad time.

Mark Croxford, Head of Environmental Health, advised that the scrap yard in question was not a premises inspected by the Local Authority and that the concerns of the Committee would be relayed to the Health and Safety Executive for investigation.

697

RESOLVED:-

That the report be noted and the Health and Safety Law Enforcement Plan for 2016/2017 be approved.

CONDITIONS OF LICENCE FOR PRIVATE HIRE OPERATORS

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

(See Document No. 4)

Members expressed concern that a number of issues had not been addressed and requested that the following points be investigated and incorporated into the report:

- All operators should ensure that private hire and hackney carriage taxi drivers take 'Child Sexual Exploitation' training as part of their conditions of licence.
- Conditions were required to be included in the operators schedule to regulate private hire taxi marshals. Marshals should wear appropriate fluorescent jackets clearly marked with the wording 'MARSHAL' on the back in order to ensure public safety.
- A condition should be added to the operators schedule stating that operators should take responsibility for employees that ply for hire.

698

RESOLVED:-

- (i) That the views and comments of the Committee as stated in the above preamble be incorporated into the report and that the amended report be brought back to Committee for approval prior to the consultation exercise on the proposed updated conditions for private hire operators with trade and members of the public;
- (ii) That Outstanding Minute No. 648 be continued.

The Committee adjourned at 1218 hours for a comfort break and reconvened at 1225 hours.

PROPOSAL TO INTRODUCE A QUALITY RATING SYSTEM FOR PRIVATE HIRE OPERATORS

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

(See Document No. 5)

Shawn Woodcock, Acting Operations Manager introduced the report and amended recommendation 2.2 of the report to read that the report be resubmitted to the Committee in October with a view to implementing the scheme from November 2016.

The Chairman put the amended recommendation 2.2 to the Committee and it was agreed unanimously.

It was -

699

RESOLVED:-

- (i) That the scoring mechanism as outlined in Appendix 1 attached to the report be noted;
 - (ii) That officer's be instructed to consult with the trade and wider public on the proposals and bring the responses to that consultation back to the Licensing and Public Protection Committee in October 2016 with a view to implementing the scheme from November 2016.
-

LICENSING AND PUBLIC PROTECTION – BUDGET MONITORING 2016/17 (MONTH 2)

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

(See Document No. 6)

David Jones, Finance Manager, made introductory comments relating to the report advising Members of the latest revenue budget position at the end of May 2016, and the forecast position for the year end.

Members expressed concern and stated that action needed to be taken to ensure that spending was within the approved cash limits. It was suggested that fees for services provided should be increased in order to generate further income and alleviate the budget pressure which was currently overdrawn.

Members felt that they had little or no confidence that the year will end with a balanced budget unless solutions to the problem were addressed and implemented.

Officers responded to Members concerns and advised that a meeting with managers in order to find solutions to alleviate the budget pressure was being implemented.

700

RESOLVED:-

The Licensing and Public Protection Committee:

- (i) Noted the last Revenue budget position at the end of May 2016 (Month2) and Forecast Outturn as detailed in Appendix attached to the report;
 - (ii) Noted the position with regard to the savings Programme for 2016/17 as detailed in Appendix 2 attached to the report;
 - (iii) Noted the expenditure on grant funded and Proceeds of Crime funded programmes detailed in Appendix 3 attached to the report;
 - (iv) Noted the position on reserves and balances as detailed in Appendix 4 attached to the report.
-

FIXED PENALTY NOTICES ISSUED MARCH AND APRIL 2016

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

(See Document No. 7)

Mike Croxford, Head of Environmental Health introduced the report and highlighted the salient points.

701

RESOLVED:-

That the report on Fixed Penalty Notices Issued March and April 2016 be noted.

PROSECUTIONS AND CAUTIONS DURING MARCH AND APRIL 2016

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

(See Document No. 8)

Alison Harwood, Acting Director of Regulation and Enforcement introduced the report and responded appropriately to Members comments.

702

RESOLVED:-

That the report on Prosecutions and Cautions during March and April 2016 be noted.

At 1316 hours Councillor Jayne Francis left the meeting.

**OUTCOME OF APPEALS AGAINST SUB COMMITTEE DECISIONS
MARCH, APRIL AND MAY 2016**

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

(See Document No. 9)

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

703

RESOLVED:-

That the report on the Outcome of Appeals against Sub-Committee decisions in March, April and May be noted.

**ACTIONS TAKEN BY THE CHIEF OFFICER IN CONSULTATION WITH
CHAIR OF LICENSING AND PUBLIC PROTECTION COMMITTEE – APRIL,
MAY AND JUNE 2016**

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

(See Document No. 10)

Chris Neville, Head of Licensing introduced the report and assured Members that drivers convicted of plying for hire were suspended from trading with immediate effect and that officers notified operators straight away to ensure that the driver was not booked for any future work.

It was -

704

RESOLVED:-

That the report on Actions taken by the Chief Officer in Consultation with the Chair of Licensing and Public Protection Committee taken in April, May and June 2016 be noted.

**USE OF HOVER BOARDS/BALANCE BOARDS ON ROADS AND PUBLIC
FOOTPATHS**

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

(See Document No. 11)

A brief discussion took place and it was -

705

RESOLVED:-

- (i) That the briefing note on the use of Hover Boards/Balance Boards on roads and public footpaths be noted;
- (ii) That Outstanding Minute No. 617(ii) be discharged.

At 1322 hours Councillor Habib Rehman left the meeting.

SCHEDULE OF OUTSTANDING MINUTES

The following scheduled of Outstanding Minutes was submitted:-

(See Document No. 12)

Councillor Gareth Moore requested that minute number 680 from the meeting held on 15 June 2016 (proposal paper for the charging of food hygiene rating

revisits) be included as an outstanding minute on the schedule as a future update report was requested.

706 **RESOLVED:-**

That Outstanding Minute No. 617 (ii) be discharged and that all other Outstanding Minutes itemised on the schedule be continued.

OTHER URGENT BUSINESS

707 No items of other urgent business were raised.

AUTHORITY TO CHAIRMAN AND OFFICERS

708 **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

709 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 Paragraphs 3 & 4

Request to Introduce Advertising Roof
Signs for Hackney Carriage Vehicles – Exempt Paragraph 3

The Committee adjourned at 1330 hours for a comfort break and reconvened at 1335 hours.

Report to:	LICENSING AND PUBLIC PROTECTION COMMITTEE	
Report of:	ACTING SERVICE DIRECTOR REGULATION AND ENFORCEMENT AND STRATEGIC DIRECTOR FINANCE AND LEGAL	
Date of Decision:	14 SEPTEMBER 2016	
SUBJECT:	LICENSING AND PUBLIC PROTECTION – BUDGET MONITORING 2016/17 (MONTH 04)	

1. Purpose of Report:
<p>1.1 This report sets out the position on the Licensing and Public Protection Committee's Revenue Budget at the end of July 2016 (Month 4) and the forecast position for the year end. It highlights any issues that have arisen and informs the Licensing and Public Protection Committee of any action being taken to contain spending within the approved cash limits.</p> <p>1.2 The report also details the latest performance within the Licensing and Public Protection Committee including progress against the approved Savings Programme for 2016/17.</p> <p>1.3 The report is in line with the current City Council established financial monitoring framework to ensure that expenditure is managed within cash limits.</p>

2. Decision(s) Recommended:
<p>The Licensing and Public Protection Committee is requested to :</p> <p>2.1 Note the latest Revenue budget position at the end of July 2016 (Month 4) and Forecast Outturn as detailed in Appendix 1.</p> <p>2.2 Note the position with regard to the Savings Programme for 2016/17 as detailed in Appendix 2.</p> <p>2.3 Note the expenditure on grant funded and Proceeds of Crime funded programmes in Appendix 3.</p> <p>2.4 Note the position on reserves and balances, as detailed in Appendix 4.</p>

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

3.	Consultation
3.1	<p><u>Internal</u></p> <p>The financial position on the revenue budget is reported on a monthly basis to the Management Team and the Acting Service Director of Regulation and Enforcement is briefed on the major financial issues, as required in line with the Council's framework.</p>
3.2	<p><u>External</u></p> <p>There are no additional issues beyond consultations carried out as part of the budget setting process for 2016/17.</p>

4.	Compliance Issues:
4.1	<p><u>Are the recommended decisions consistent with the Council's policies, plans and strategies?</u></p> <p>The budget is integrated with the Council Business Plan, and resource allocation is directed towards policy priorities.</p>
4.2	<p><u>Financial Implications (Will decisions be carried out within existing finances and Resources?)</u></p> <p>The Licensing and Public Protection Revenue Budget Monitoring document attached gives details of monitoring of service delivery within available resources.</p>
4.3	<p><u>Legal Implications</u></p> <p>Section 151 of the 1972 Local Government Act requires the Strategic Director of Finance and Legal (as the responsible officer) to ensure proper administration of the City Council's financial affairs. Budgetary control, which includes the regular monitoring of and reporting on budgets, is an essential requirement placed on directorates and members of Corporate Management Team by the City Council in discharging the statutory responsibility. This report meets the City Council's requirements on budgetary control for the specified area of the City Council's Directorate activities.</p>
4.4	<p><u>Public Sector Equality Duty</u></p> <p>There are no additional specific Equality Duty or Equality Analysis issues beyond any already assessed and detailed in the budget setting process and monitoring issues that have arisen in the year to date. Any specific assessments will be made by the Directorates in the management of their services.</p>

5. Relevant Background/Chronology of Key Events:

Revenue Budget

- 5.1 The City Council approved the overall budget on 1 March 2016. The Licensing and Public Protection Committee noted the original net revenue budget allocation of £5.951m (as detailed in Appendix 1). As at Month 4, the budget has been reduced by £0.752m. The major changes are detailed in the table below.

	£'m
Original Budget 2016/17 Reported to LPPC 16 March 2016	5.951
Planned use of Reserves – Licensing Fees and Charges	(0.311)
Depreciation Adjustments	(0.199)
Cross Cutting Savings (Energy, Printing, etc.)	(0.010)
Additional resources for staff increments	0.124
Net Revenue Budget 2016/17 – Month 2 (LPPC 13 July 2016)	5.555
Cross Cutting Savings (Workforce)	(0.404)
Consolidation of Economy Surveying Services	(0.062)
Additional Resources for Coroners Service (ongoing)	0.110
Current Approved Net Revenue Budget 2016/17 – Month 4	5.199

- 5.2 The City Council has well-established arrangements for monitoring spending against the cash limited budgets allocated to Directorates/Committees. Reports are presented to Cabinet monthly on the overall city-wide financial position and the Licensing and Public Protection Committee receive periodic reports during the financial year.

Revenue – Financial Review and Year End Projections

- 5.3 The total expenditure at the end of Month 4 is £1.327m (this represents 25% of the net budget).
- 5.4 A year end overspend of £0.800m is projected (this is unchanged from Month 2, although the individual service projections have been updated to reflect the rigorous review that has been completed by Service and Operational Managers).
- 5.5 The table below sets out a high level summary of the projected year end overspend by service (full details in Appendix 1).

		Forecast Year End Variations		
Budget Head		Savings Programme £'m	Base Budget Pressures £'m	Total Budget Pressures £'m
Environmental Health		0	(555)	(555)
Pest Control		0	40	40
Register Office		0	100	100
Mortuary and Coroners		95	245	340
Trading Standards		0	10	10
Licensing		339	526	865
Access & Development		0	0	0
Highways Regulatory		0	0	0
Surveying Services		0	0	0
TOTAL		434	366	800

Savings Programme

- 5.6 The Committee's Savings Programme totals £0.671m for 2016/17 (the details are shown in Appendix 2).
- 5.7 The Savings Programme includes step up savings, accelerated step ups and new savings totalling £0.332m and savings of £0.339m from 2015/16.
- 5.8 At this stage of the year £0.223m of 33% has been fully delivered, £0.014m (2%) has actions in place with some risk and the remainder of £0.434m or 65% is at risk. Mitigation actions will be developed during the year across the Directorate to try to deliver the savings (see below).
- 5.9 The savings target of £0.024m originally applied to the Animal Welfare (Dog Cruelty) will now no longer be pursued. A saving will be identified within the Place Directorate on an ongoing basis and the budget will be reinstated to Environmental Health.
- 5.10 The continued rigorous management action and financial control of officers is required to ensure that the programme will be achieved.

Mitigations and Management Actions 2016/17

Pest Control

- 5.11 Further contracts have been secured for Pest Control to clear waste land. This includes a significant contract for the City's Council Housing land.

Register Office

- 5.12 Officers within the Registration Service are completing a base budget review in order to identify any structural base budget issues relating to prior year savings and income targets for the service. This will be considered as part of the current budget planning process for 2017/18 and future years.
- 5.13 New services and a new fees structure agreed by LPPC for this financial year are providing some contribution to mitigate the pressures.
- 5.14 A review has also been completed on streamlining financial administration processes within the service relating to the receipt and accounting of income.

Licensing

- 5.15 Officers within the Licensing Service are completing a base budget review in order to identify any structural base budget issues relating to prior year savings and income targets for the service. This will be considered as part of the current budget planning process for 2017/18 and future years.

Capital

- 5.16 The City Council has now approved a Capital programme for Mortuary and Coroners to undertake essential health and safety works. The prudential borrowing will be a revenue cost to the service in future years of £0.024m per annum commencing in 2017/18 and this will be funded through service efficiencies.

Grant Funded and Proceeds of Crime Funded Programmes

- 5.17 Within Regulatory Services, there are two grant funded programmes for Illegal Money Lending England and Scambusters. There are two Proceeds of Crime Programmes funded through a proportion of the assets recovered following successful prosecutions.
- 5.18 The expenditure and income for each programme is shown in Appendix 3.
- 5.19 The Illegal Money Lending England (IMLT).
- IMLT investigates and takes action against Illegal Money Lending or “Loan Shark” perpetrators across the whole of England.
 - The project is funded through specific grant from National Trading Standards Board with additional funding from Financial Conduct Authority.
 - Overall funding available has been confirmed as reduced this year from £3.605m to £3.523m. This will be reflected in budgets from Month 5 onwards.
 - The expenditure at the end of July was £0.901m.
 - This budget is strictly ring-fenced to this grant funded service.
- 5.20 Scambusters.
- This team investigates and takes action against fraudsters operating across council boundaries in the central region.
 - Overall funding available has been confirmed as increased this year from £0.261m to £0.265m. This will be reflected in budgets from Month 5 onwards.
 - The expenditure at the end of July is £0.051m.
 - This budget is strictly ring-fenced to this grant funded service.
- 5.21 Proceeds of Crime Act 2002.
- Regulatory Services secures funding through the Proceeds of Crime Act 2002 in response to financial investigations undertaken post sentencing by the courts.
 - This money is strictly ring-fenced for community and crime prevention projects.
 - Illegal Money Lending and Trading Standards have spent £0.091m (£0.047m and £0.044m respectively) on such specific PoCA projects from April to July 2016.
 - This is in line with 2015/16 spending levels, however this is expected to increase shortly to reflect the increased balances that are available for 2016/17.

Balances and Reserves

- 5.22 The balances and reserves for the Committee are shown in Appendix 4.
- 5.23 In response to a query raised at LPPC 13 July 2016 the appendix has been expanded to show the previous year Revenue outturns for Licensing, Grant and POCA accounts.
- 5.24 This table shows the net appropriations to (or from) reserves in 2015/16 – the Balances from April 2015 are then adjusted by these transactions and therefore form the Balances brought forward into the current financial year.
- 5.25 The balances on 1 April 2016 total £1.368m and these are specific ring-fenced resources.
- 5.26 The projected use of reserves in 2016/17 is £0.311m relating to Licensing as part of the Committees ongoing policy on setting licence fees.

6.	Evaluation of Alternative Option(s):
6.1	During the year ahead the financial position will continue to be closely monitored and options identified to resolve budgetary pressures as necessary, and alternative savings proposals developed to meet new and emerging pressures

7.	Reasons for Decision(s):
7.1	The Report informs the Licensing and Public Protection Committee of the Revenue Budget for 2016/17 and the forecast outturn at the end of July 2016.
7.2	The latest position in respect of the Licensing and Public Protection Committee's year-end projections, use of reserves, Savings Programme and risks are also identified.

Signatures

Alison Harwood
Acting Service Director Regulation and Enforcement

Jon Warlow
Strategic Director of Finance and Legal

Date

List of Background Documents used to Compile this Report:
Licensing & Public Protection - Revenue and Capital Budget 2016/17 – 16 March 2016 Licensing & Public Protection – Budget Monitoring 2016/17 (Month 02) – 13 July 2016

List of Appendices accompanying this Report (if any):			
<div>1. Appendix 1 - Financial Performance Statement Month 4 and Provisional Outturn</div> <div>2. Appendix 2 - Savings Programme Performance 2016/17 Month 4</div> <div>3. Appendix 3 - Summary of IMLT, Scambusters and PoCA</div> <div>4. Appendix 4 - Balances and Reserves at Month 4</div>			
Report Version	2.5	Dated	23 August 2016

Licensing and Public Protection Committee - 2016/17 Month 04 - Revenue Expenditure

Subjective Headings

Budget 16Mar2016	Subjective Categories	Budget 13Jul2016	Movement (Jun-Jul)	Current Budget	Actuals	Forecast Year End	Savings Programme at Risk	Pressures
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
£'000		£'000	£'000	£'000	£'000	£'000	£'000	£'000
10,086	Employees	10,356	(294)	10,062	3,427	125	0	125
957	Premises	955	0	955	283	60	0	60
200	Transport and Moveable Plant	200	0	200	60	(80)	0	(80)
2,541	Supplies and Service	3,388	(62)	3,326	554	(740)	95	(835)
198	Capital Financing	208	0	208	69	0	0	0
3	Recharge Expenditure	3	0	3	45	0	0	0
13,985	Gross Expenditure	15,110	(356)	14,754	4,438	(635)	95	(730)
(4,023)	Fees & Charges / Reserves	(4,343)	0	(4,343)	(1,669)	810	0	810
(4)	Rents etc	(4)	0	(4)	(5)	0	0	0
(3,537)	Misc Income / Depreciation	(3,738)	0	(3,738)	(1,290)	625	339	286
(470)	Recharge Income and Interest	(1,470)	0	(1,470)	(147)	0	0	0
(8,034)	Income	(9,555)	0	(9,555)	(3,111)	1,435	339	1,096
5,951	Net Expenditure	5,555	(356)	5,199	1,327	800	434	366

Service Areas

Budget 16Mar2016	Service Areas	Budget 13Jul2016	Movement (Jun-Jul)	Current Budget	Actuals	Forecast Year End	Savings Programme at Risk	Pressures
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
£'000		£'000	£'000	£'000	£'000	£'000	£'000	£'000
3,532	Environmental Health	3,526	(680)	2,846	967	(555)	0	(555)
(3)	Pest Control	(3)	180	177	198	40	0	40
450	Registrars	348	340	688	240	100	0	100
1,122	Mortuary and Coroners	1,053	82	1,135	410	340	95	245
1,566	Trading Standards	1,535	(122)	1,413	513	10	0	10
(764)	Licensing	(952)	(93)	(1,045)	(845)	865	339	526
5,903	Net Expenditure - Regulatory	5,507	(293)	5,214	1,482	800	434	366
74	Access and Development	74	(162)	(88)	(179)	0	0	0
(88)	Highways Regulatory	(88)	162	74	24	0	0	0
62	Surveying Services	62	(62)	0	0	0	0	0
48	Net Expenditure - Highways	48	(62)	(14)	(155)	0	0	0
5,951	LPPC - Net Expenditure	5,555	(356)	5,199	1,327	800	434	366

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

0	IMLT + Scambusters	0	0	0	0	0	0	0
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5,951	LPPC+Grant Funded Items	5,555	(356)	5,199	1,327	800	434	366
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Licensing and Public Protection Committee

Savings Programme and Tracker at Month 04 (end July) 2016/17

		Progress against specific Savings with Actions Required					
	Total Programme 2016/17	Actions in place to fully achieve Savings (in line with policy decision)	Actions in place to Achieve savings (new policy decision required)	Actions in place to Achieve savings in year only	Actions in place but some risk to delivery	Actions not in place and solutions to be identified	TOTAL
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
	£'000	£'000	£'000		£'000	£'000	£'000
Environmental Health	(34)	(5)	(24)	0	(5)	0	(34)
Licensing and Enforcement *	(532)	(189)	0	0	(4)	(339)	(532)
Mortuary and Coroners	(95)	0	0	0	0	(95)	(95)
Pest Control	0	0	0	0	0	0	0
Registrars	0	0	0	0	0	0	0
Trading Standards	(10)	(5)	0	0	(5)	0	(10)
Regulatory Services	(671)	(199)	(24)	0	(14)	(434)	(671)
Highways Regulatory	0	0	0	0	0	0	0
Surveying Services	0	0	0	0	0	0	0
Access and Development	0	0	0	0	0	0	0
Highways Services	0	0	0	0	0	0	0
Total Savings Programme	(671)	(199)	(24)	0	(14)	(434)	(671)

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

Licensing and Public Protection Committee

Grant and PoCA Funded Programme at Month 04 (July) 2016/17

Service Areas	Current Budget 2016/17	Actuals Year to Date	Forecast Year End Variance
(1)	(2)	(3)	(4)
	£'000	£'000	£'000
<u>Illegal Money Lending England (IMLT)</u>			
Employees	2,563	727	0
Running Costs	792	157	0
Legal Services	250	17	0
Gross Expenditure	3,605	901	0
Grant Income (NTSB & FCA)	(3,605)	(901)	0
Income	(3,605)	(901)	0
Net Expenditure	0	0	0
<u>Scambusters</u>			
Employees	179	47	0
Running Costs	42	1	0
Legal Services	40	3	0
Gross Expenditure	261	51	0
Grant Income (NTSB)	(261)	(51)	0
Income	(261)	(51)	0
Net Expenditure	0	0	0
<u>PoCA - Illegal Money Lending England</u>			
Expenditure on Schemes	0	47	0
Income Received via Asset Recovery	0	0	0
Planned Appropriation to/(from) Reserves	0	(47)	0
Net Expenditure	0	0	0
<u>PoCA - Trading Standards</u>			
Expenditure on Schemes	0	44	0
Income Received via Asset Recovery	0	(23)	0
Planned Appropriation to/(from) Reserves	0	(21)	0
Net Expenditure	0	0	0

Licensing and Public Protection Committee - 2016/17 Month 04 - Balances and Reserves

Revenue Outturn 2015/16 - Services Affecting Balances and Reserves

	Licensing		Grants		PoCA	
	Entertainment Licensing	Hackney Carriage and Private Hire	Illegal Money Lending Team	Scambusters Team	PoCA Trading Standards	PoCA Illegal Money Lending
(1)	(2)	(3)	(4)	(5)	(6)	(7)
	£'000	£'000	£'000	£'000	£'000	£'000
Revenue Outturn 2015/16 (reported to Committee 15Jun2016)						
Employees	699	929	2,523	140	104	0
Premises	104	170	63	0	0	0
Transport	6	10	166	2	0	0
Supplies / Recharges	302	615	848	117	74	29
Income	(979)	(1,522)	(3,490)	(272)	(232)	(414)
Net appropriations to / (from)	(132)	(202)	(110)	13	54	385
Reserves during 2015/16						
Net Expenditure 2015/16	0	0	0	0	0	0

- effect on balances shown below

Balances and Reserves - including 2015/16 transactions and opening balance 2016/17

	Licensing		Grants		PoCA			
	Entertainment Licensing	Hackney Carriage and Private Hire	Illegal Money Lending Team	Scambusters Team	PoCA Trading Standards	PoCA Illegal Money Lending	Total Ringfenced Reserves	Total Reserves and Balances
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(10)
	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000
Reserves and Balances 01 April 2015	83	(568)	(389)	0	(284)	(202)	(1,360)	(1,360)
Appropriations (to) / from Reserves during 2015/16 (see above)	132	202	110	(13)	(54)	(385)	(8)	(8)
Reserves and Balances 01 April 2016	215	(366)	(279)	(13)	(338)	(587)	(1,368)	(1,368)
Transactions to/from Balances 2016/17								
Planned Use of Reserves in 2016/17	0	311	0	0	0	0	311	311
Appropriations from Reserves in year	0	0	0	0	0	0	0	0
Net Movements 2016/17	215	(55)	(279)	(13)	(338)	(587)	(1,057)	(1,057)
Estimated Reserves 31 March 2017	215	(55)	(279)	(13)	(338)	(587)	(1,057)	(1,057)

BIRMINGHAM CITY COUNCIL

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

14 SEPTEMBER 2016
ALL WARDS

CODE OF CONDUCT FOR MEMBERS AND OFFICERS

1. Summary

- 1.1 A report relating to Child Sexual Exploitation, presented to Licensing and Public Protection Committee (LPPC) in January 2016 contained a multi-point action plan.
- 1.2 The purpose of this report is to address one of the matters arising from the subsequent report of February 2016 namely that Officers be instructed to draft a Code of Conduct for Members of the Licensing and Public Protection Committee, to be brought to a future LPPC for agreement with a view to it being presented to the Council Business Management Committee for inclusion in the constitution.

2. Recommendations

- 2.1 That the Committee approves the Draft Code of Conduct for Members and Officers of the Licensing Committee at Appendix 1.
- 2.2 That the Committee recommend the adoption of the Code by way of ratification by Full Council as part of revisions to the Constitution.
- 2.3 That the necessary revisions to the Constitution as detailed in paragraph 5.9 be presented to the Council Business Management Committee to be considered for inclusion in the Constitution.
- 2.4 That outstanding minute 618(ii) be discharged.

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3. Background – Licensing and Public Protection Committee

- 3.1 The licensing function of the City Council is disposed of through the processes and procedures of the Licensing and Public Protection Committee, sub-committees and officers by virtue of the Local Government Acts and other relevant statutory provisions.
- 3.2 The Licensing Service is responsible for the administration of grants, renewals and transfers as appropriate of hackney carriage and private hire vehicles, drivers and operators licences and for issuing licences under the Licensing Act 2003 and Gambling Act 2005, sex establishment and animal welfare legislation, and issuing permits for charitable collections and massage and special treatments etc. as well as the associated variations, amendments and transfers, which are carried out under policies delegated by your Committee.
- 3.3 The Court of Appeal stated in the “Hope and Glory” case (2011) that the licensing function of the Licensing Authority is an administrative function, by contrast with the function of the magistrates, which is a judicial function. The Court of Appeal said this:

“The Licensing Authority has a duty, in accordance with the rule of law, to behave fairly in the decision-making procedure, but the decision itself is not a judicial or quasi-judicial act. It is the exercise of power delegated by the people as a whole to decide what the public interest requires.”

This means that it must act in accordance with the two rules of natural justice. These are firstly that everyone has a right to be heard and secondly the rule against bias.

- 3.4 The right to be heard requires that a person directly affected by the matter under consideration must be given a fair opportunity both to state his/her case and to know of and to respond to any objections.
- 3.5 The rule against bias prohibits members participating in any decision if they have a financial or other interest in the outcome. Members will be familiar with this requirement from their general duties as Councillors.

4. The Casey Report – CSE and Licensing in Rotherham

- 4.1 The Casey Report looked into Rotherham MBC having particular regard to the licensing function. The key findings, as set out in the Casey Report’s Executive Summary, are summarised below:
- A council in denial about serious and on-going safeguarding failures.
 - An archaic culture of sexism, bullying and discomfort around race.
 - Failure to address past weaknesses, in particular in Children’s Social Care.

- Weak and ineffective arrangements for taxi licensing which leave the public at risk.
 - Ineffective leadership and management, including political leadership.
 - No shared vision, a partial management team and ineffective liaisons with partners.
 - A culture of covering up uncomfortable truths, silencing whistle-blowers and paying off staff rather than dealing with difficult issues.
- 4.2 The private hire trade in Rotherham was described as ‘vocal and demanding’. Officers expressed the view that the Licensing Service seemed to be more geared towards facilitating the trade than protecting the public. Members added to this pressure to support the trade. Some members on the Board had previously held taxi driver licences. At one point the Board had been reluctant to hear any cases without there being an accompanying conviction. Officers were put under pressure from members to expedite licence applications.
- 4.3 There were instances of members making representations on behalf of the trade or individual drivers. One Councillor wrote to the Crown Court offering a reference for a driver who had his licence revoked. The former Deputy Leader of the Council had made representations on behalf of taxi drivers to speed up the issue of licences in advance of CRB checks. He applied pressure to officers to stop proposals for unannounced safety checks on taxis after receiving representations from the trade. Instead, officers were required to give ten days’ notice of checks, which resulted in VOSA (Vehicle and Operator Services Agency) withdrawing from the plans.
- 4.4 The Birmingham Perspective
Having regard to the points made in paragraphs 4.1-4.3 it is clear that a fundamental review of licensing processes was needed in Rotherham. Following on from that, officers completed a review of our own licensing system in Birmingham. The results of this review were presented to your Committee in January 2016.
- 4.5 One of the findings in the January Report to your Committee was:
“There have been occasions when elected members have attempted to influence licensing decisions at officer level (both taxi and non-taxi decisions). Normally they are councillors who do not sit on the Licensing and Public Protection Committee. Similar pressure is sometimes applied by councillors to other councillors sitting on Licensing sub-committees.”
- 4.6 The action proposed to try and remedy the situation was:
“A separate report to the Licensing and Public Protection Committee proposes that greater decision making powers be delegated to officers with a view to replacing taxi/Private Hire licensing sub-committees with an officer panel for all cases apart from policy decisions.”

5. Code of Conduct

- 5.1 A working group of Members of the Licensing and Public Protection Committee and officers was established to look in to the feasibility of delegating more decisions in relation to Hackney Carriage and Private Hire matters to Officers or to a newly established officer panel.
- 5.2 The findings of the working group were reported your Committee in February 2016 with one of the recommendations of the group being agreed as follows:
Officers be instructed to draft a Code of Conduct for Members of the Licensing and Public Protection Committee, to be brought to a future LPPC for agreement with a view to it being presented to the Council Business Management Committee for inclusion in the constitution.
- 5.3 Working in collaboration with Legal Services, and having regard to existing regulatory codes of conduct such as that in place for Planning Committee, Officers prepared a draft code which is attached at Appendix 1.
- 5.4 Whilst there are frequent instances where officers have been contacted by Elected Members and asked to reconsider decisions which have been made in relation to Hackney Carriage and Private Hire matters, the response from officers is always to explain that a decision has been made in accordance with the proper procedures and legal principles, and to advise of the appropriate mechanism of appeal. It should be emphasised that such interventions are not effective. However, it can put officers in a difficult position.
- 5.5 Similarly, where a licence holder or applicant is before the Committee for consideration of a matter which calls into question whether they are a fit and proper person, there are many occasions where the Committee will be presented with a 'character reference' from another elected member. This could put Members in a difficult position as they may well make a decision which is contrary to that of one of their colleagues.
- 5.6 Again, there is nothing to suggest that Members are not considering each case on its own merits separately to any external factors, but both behaviours identified in 5.4 and 5.5 could give an impression of bias or influence which could damage confidence in the decision making process.
- 5.7 In order to ensure that the reputation of the Licensing and Public Protection Committee, and Birmingham City Council remains unimpeachable the two measures proposed in February were:
- A Member Code of Conduct for Licensing and Public Protection Committee Members, and
 - An amendment to the Code of Conduct for all Elected Members.
- 5.8 The Code of Conduct for Members & General Guidance
The Code of Conduct for Members & General Guidance within the Constitution already states:

"No Councillor shall provide or offer to provide a formal reference for any candidate for employment or promotion with Birmingham City Council as to do so may be perceived as bringing an unacceptable pressure to bear on the appointing officer and any officer appointed as a result of such reference".
Birmingham City Council – Supporting Documents to the Constitution (B7, Para.9)

- 5.9 It is proposed that two additional paragraphs be inserted stating:
"No Councillor shall provide or offer to provide a formal reference for any candidate for or holder of a Hackney Carriage or Private Hire Licence of any kind with Birmingham City Council as to do so may be perceived as bringing an unacceptable pressure to bear on the decision maker(s)."
and
"No Councillor shall seek to influence or overturn any decision of the Licensing Authority in relation to a Hackney Carriage or Private Hire Licence of any kind."

6. Consultation

- 6.1 A working group was established to consider the proposal that greater decision making powers be delegated to officers with a view to replacing Taxi/Private Hire licensing sub-committees with an officer panel for all cases apart from policy decisions, with the invitation to attend extended to all Members of the Committee.
- 6.2 At the initial working group meeting, a draft proposal was put to the group by way of a discussion document, which resulted in officers being asked to identify evidence to support or counter such proposals.
- 6.3 The subsequent findings of officers are presented at Section 5 to this report.

7. Implications for Resources

- 7.1 It is the responsibility of the Committee Chairman and the Director of Regulation and Enforcement to ensure the services provided by the Committee are contained within the approved budget.

8. Implications for Policy Priorities

- 8.1 The issues addressed in this report relate to the City Council priorities associated with creating a cleaner, greener and safer city and providing excellent services.

9. Implications for Equality and Diversity

- 9.1 The matters identified in this report are in accordance with Regulation and Enforcement's enforcement policies which ensure that equality issues have been addressed.

ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: Working Party Discussion Documents

LICENSING COMMITTEE CODE OF PRACTICE FOR COUNCILLORS AND OFFICERS

1. PURPOSE OF THIS CODE

- 1.1 This Licensing Code of Practice ('the Licensing Code') has been prepared to guide members and officers in the discharge of the City Council's statutory Licensing functions. This Code will also inform potential applicants and the public generally of the high standards of ethical conduct adopted by the Council in the exercise of its Licensing powers.
- 1.2 The Licensing Code is in addition to Birmingham's Code of Conduct for Members, which was adopted by the City Council in June 2012. For the avoidance of doubt, when an Executive Member attends and participates in the decision-making of the Licensing Committee, s/he does so as a Member of the Committee and not as a Member of the Executive. Accordingly, s/he must, along with other Members of the Committee, exercise an independent mind on issues before the Committee.
- 1.3 The provisions of this Licensing Code are designed to ensure that Licensing decisions are taken on proper grounds, are applied in a consistent and open manner and that Members making such decisions are held accountable for those decisions. The Licensing Code is also designed to assist Members and officers in dealing with approaches from applicants or those who already have a relevant Licence/permit, etc.
- 1.4 Throughout this Code, reference is made to the Licensing Committee. This refers to the Licensing and Public Protection Committee ("LPPC"), in the context of its determination of applications for licences i.e where the Committee performs the functions of the Licensing Authority, rather than in the context of non-Licensing Authority decisions.
- 1.5 Any reference to Licensing Committee equally refers to any Licensing Sub-Committee.

2. CONTEXT

- 2.1 This Licensing Code applies to both Councillors and officers– it is not therefore restricted to Licensing Committee members. The successful operation of the Licensing system relies on mutual trust and understanding of each other's role. It also relies on both Members and Officers ensuring that they act in a way which is not only fair and impartial but is also clearly seen to be so.

The Human Rights Act provides additional safeguards for citizens, and encourages the application of best practice. Article 6 is concerned with guaranteeing a right to procedural fairness, transparency and accountability in the determination of civil rights and obligations.

- 2.2 This code must be read in conjunction with (where appropriate):
 - The LPPC Policies Procedures and Delegations.
 - The Statement of Licensing Policy.
 - Home Office Guidance (s182) – issued under S182 Licensing Act 2003.

- The Statement of Gambling Principles and relevant guidance issued by the Gambling Commission.
- The Sexual Entertainment Venue Policy.
- Code of Conduct for Members.
- Code of Conduct for Officers.

3. GENERAL CONSIDERATIONS

- 3.1 In relation to Hackney Carriage and Private Hire applications, (generally speaking) the Licensing Authority **MUST NOT** issue a licence to a driver, operator or vehicle proprietor unless they are satisfied the applicant is a fit and proper person.
- 3.2 In relation to Licensing Act matters, where an application has been properly made and no responsible authority or other person has made a relevant representation or where representations are made and subsequently withdrawn, the licensing authority **MUST** grant the application in the terms sought, subject only to conditions which are consistent with the operating schedule and relevant mandatory conditions under the 2003 Act.
- 3.3 If the licensing authority decides that representations are relevant, it must hold a hearing to consider them. The need for a hearing can only be avoided with the agreement of the licensing authority, the applicant and all of the persons who made relevant representations.
- 3.4 Birmingham City Council's Code of Conduct for Members (adopted June 2012) must be complied with throughout the decision making process, which includes mandatory requirements with regard to member interests.
- 3.5 The responsibility for declaring an interest rests with individual Members and Officers of the Council. This Licensing Code outlines further rules applicable to the Licensing process in Birmingham.
- 3.6 Councillors and Officers have different but complementary roles. Both serve the public but Councillors are responsible to the electorate, whilst Officers are responsible to the Council as a whole. This applies equally to traditional forms of political management based on Committees and to models based on forms of executives or elected mayors. Officers advise Councillors and the Council and carry out the Council's work. They are employed by the Council, not by individual Councillors, and it follows that instructions may only be given to Officers through a decision of the Council, the Executive or a Committee. A successful relationship between Councillors and officers can only be based upon mutual trust, respect, courtesy and understanding of each other's positions. This relationship, and the trust which underpins it, should never be abused or compromised.
- 3.7 Both Councillors and Officers are guided by Codes of Conduct. Birmingham's Code of Conduct for Members provides standards and guidance for Councillors. Employees are subject to the Employees' Code of Conduct. In addition to these codes, a Council's standing orders set down rules which govern the conduct of Council business. There is also a Member / Officer Protocol that assists in defining the relation with both.
- 3.8 Birmingham's Code of Conduct for Members sets out the requirements on Councillors in relation to their conduct. It covers issues central to the preservation of an ethical approach to Council business, including the need to register and declare interests, but also appropriate relationships with other Members, staff and the public, which will impact on the way in which

Councillors participate in the Licensing process. Of particular relevance to Councillors serving on the Licensing Committee or Executive, or who become involved in making a Licensing decision is the requirement that a Member must not use their position improperly for personal gain or to advantage friends or close associates.

3.9 The basis of the Licensing system is the consideration of private proposals against wider public interests. Much is often at stake in this process, and opposing views are often strongly held by those involved.

3.10 From time to time applicants may submit confidential information for example a financial appraisal in support of an application. Such appraisals will be taken into account in relation to determination of the application, but such information may be exempt from the requirement from disclosure.

3.11 Public Speaking

During public speaking at Licensing Committee, the following should not occur:

- Members should not cross-examine members of the public at any time;
- Members should not ask leading questions of officers or members of the public as by way of introducing new facts to the debate;
- Members should only ask relevant questions; and
- Late evidence should not be introduced by speakers at Committee – unless authorised at the discretion of the Chairperson. with the agreement of all parties.

3.12 Conflicts of Interest

Some Members in general are more likely than others to be uncomfortable in the role of Licensing Committee Member owing to the combined pressures of their local business interests, the ward member advocate role, and the constraints of the Licensing system. Any potential licence-related background may also give rise to a perception by the public that they are more likely to be in favour of an application, even where they are determining cases completely impartially. In order to minimise the risk for the Council and the Member concerned, the Member in question should discuss their position carefully with the Director of Regulation and Enforcement and Monitoring Officer for the Council, of the Council to see whether it would be suitable for him/her to become a Member of Licensing Committee or if already a Member take part in the determination of any applications before them

4. LOBBYING AND ATTENDANCE AT PUBLIC MEETINGS

General

4.1 Given the requirement that Members of the Licensing Committee should exercise an independent mind to applications in accordance with the relevant considerations, Members must not favour any person, company, group or locality. Members can, of course, form and express a personal opinion on Licensing applications but they are advised to indicate that they will only form a final opinion about an application after full consideration of all the evidence, representations and submissions made. Members should be careful not to publicly commit themselves to a particular outcome on an application prior to its full consideration at Committee, as to do so could be perceived by others as the Member having closed his/her mind to hearing all the relevant considerations. If that were to happen, he/she should be asked by the

Chairman of the Committee, the Director of Regulation and Enforcement and/or the Monitoring Officer (or their representatives) not to:

- (a) take any further part in the consideration of the application; and
- (b) vote on the application. This can only be transparently demonstrated by the relevant Member not attending the meeting or leaving the Committee Room in order to ensure the integrity of the whole decision making process. If the relevant Member wishes to speak at Committee then they should declare their pre-determined position and withdraw from the meeting. This is to ensure Members of the Licensing Committee do not, by their presence, influence or seek to influence the remainder of the decision making body. Members should always notify Committee of any approach by any group, person or company prior to the discussion of the relevant matter.

- 4.2 Members of the Committee who may be involved in the determination of an application are, of course, free to listen to a point of view about a proposal, give procedural advice and agree to forward any comments, but should then refer the person to Officers. Members in this situation may indicate (or give the impression of) support for or opposition to a proposal, but should avoid giving the impression of a closed mind.
- 4.3 Whilst Members involved in making decisions on applications may begin to form a view as more information and opinions become available, a decision can only be taken by the Committee after all available information is to hand and has been duly considered. In this regard, any political group meetings prior to the Committee meeting should not be used to determine how Councillors should vote. Decisions can only be taken after full consideration of the evidence, representations and submissions made.
- 4.4 The Chairman of the Committee should be briefed by Officers prior to the main Committee meeting, as part of the pre-agenda process.
- 4.5 Councillors involved in decision making on Licence applications should not, whether orally or in writing, organise support or opposition to a proposal, lobby other Councillors, act as advocate or put pressure on officers for a particular recommendation. However, other Councillors (who are not part of the decision making process) within that Committee Member's Ward, can make written representations to the Licensing Committee.
- 4.6 A Member involved in determining applications may respond to lobbying by openly expressing an opinion prior to the full report of the Director of Regulation and Enforcement to a Committee meeting (and there may be particular local circumstances where this is considered appropriate) but should indicate they will not make a final decision until after full consideration of all the evidence, representations and submissions.
- 4.7 If a Member involved in determining applications goes so far as to make it clear beyond doubt that they have a completely closed mind which could not be shifted, this would amount to predetermination and the Member concerned should respond as in 4.1.
- 4.8 Where Members involved in the determination of applications are in attendance at public meetings or Ward meetings they may listen to the debate on current applications, provide advice about procedures involved in determining an application and express a view about an application but should respond as in 4.6.

4.9 Members Predetermination of Applications

Section 25 of the Localism Act 2011 states that prior indications of a view of a matter do not amount to predetermination in the following situations:

- (2) A decision-maker is not to be taken to have had, or to have appeared to have had, a closed mind when making the decision just because-
 - (a) the decision-maker had previously done anything that directly or indirectly indicated what view the decision-maker took, or would or might take, in relation to a matter and
 - (b) the matter was relevant to the decision.

The advice provided by the Monitoring Officer is that this is the present position with regard to the Legislation but whilst Members are entitled to express a view in relation to an application Members should indicate they still have an open mind in relation to an application until they have had the opportunity to consider the report of the Director of Regulation and Enforcement and that the final decision in relation to the application can only be made by Committee. This caveat is intended to safeguard so far as possible the decision made by Committee from Judicial Review until further case law and guidance has assisted with the interpretation of Section 25 of the Localism Act 2011.

Dealing with Correspondence

- 4.10 Members of the Committee and Executive often receive correspondence from constituents, applicants and other interested parties asking them to support or oppose a particular proposal. Members should forward a copy of the correspondence to the Director of Regulation and Enforcement or inform him/her at the Committee if time is short. Merely forwarding the correspondence onto the relevant officer would not prevent the Member being involved in determining the application.

Pre-Application Discussions

- 4.11 When involved in pre-application discussions, Officers should always act fairly to all and completely impartially by providing accurate advice and assistance when required or requested by the general public, applicants or Members. A written record of all such discussions must be retained on the Licensing file.

Site Visits by Members with Officers

- 4.12 The deferral of a relevant application for a site visit should not be on the basis of exposing members of the Committee to local opinion, but should be on sound and proper Licensing reasons, which shall be recorded in the minutes of the meeting.
- 4.13 Under the Chairman's guidance the role of the Licensing Officer attending the site visit will be:
 - (a) to brief Members on the Licensing applications(s) the subject of the visit and explain the reasons why the application was deferred for a visit;
 - (b) to ensure that the views of all interested parties are heard by all Members on the site visit and accurately recorded. Officers will prepare a written report of the site visit which will be taken back to Licensing

Committee to form the basis of a further discussion at a subsequent meeting.

- 4.14 The Chairman (or Member chairing the visit) shall explain the purpose of the visit and how it will be conducted to all persons present at the site visit.
- 4.15 Officers shall ensure, where practical, that applicants, Members and interested parties are invited to attend the visit and that they are able to view all key parts of the site, which is the subject of the Applications.
- 4.16 The purpose of a site visit conducted by Members and officers is to gain information relating to the land or buildings which are the subject of the Licensing application and which would not be apparent from the Licensing application to be considered by the Committee. A site visit may also assist Members in matters relating to the context of the application in relation to the characteristics of the surrounding area, and is an opportunity to hear the views of the members of the public, applicants and other interested parties. Discussions on site visits shall be confined to the application as currently submitted. A Member of Committee who has an interest in a Licensing application, or who has acted in a way that amounts to predetermination, cannot attend the site visit in his or her capacity as a Member of Licensing Committee. However, the Member concerned would be entitled to attend the site visit in his or her personal capacity as a member of the public.
- 4.17 Whilst on site visits, Members of Committee can express an opinion on the application or its merits, but should avoid making comments or acting in a way which makes it clear beyond doubt that they have a completely closed mind, as this would amount to predetermination. Whilst Members of Committee are not prevented from engaging individually in discussion with applicants or objectors, to ensure transparency of public dealing by Member and effective /orderly management of the site visit, it is recommended that any question of the applicant(s) / objector(s) by the Licensing Officer and/or Members should be made in the presence of the other parties (or their representatives if there is a large scale public interest).
- 4.18 Members and Officers are obligated not to waste Council resources and, as such, a site visit is only likely to be necessary if:
- the impact of the proposed application is difficult to visualise from the plans and any supporting material, including photographs taken by officers (although if that is the case, additional illustrative material should have been requested in advance); or
 - there is good reason why the comments of the applicant and objectors cannot be expressed adequately in writing, or the proposal is particularly contentious.
- 4.19 Where there is substantial public interest in a proposal and relevant representations have been made, the Council may invite all parties to visit the site so that they may point out all the areas of contention to Members of the Licensing Committee and give their views. A note of proceedings will be taken at these meetings and minutes kept as part of the official record.
- 4.20 Results of the site visit will be reported to the next available meeting of the Committee.
- 4.21 Once the results of a site visit have been reported back to Committee, Members of the Committee who were not present at the site visit can ask questions, offer opinions, take part in discussions and vote in relation to that Licensing application.

4.22 The Role of Ward Councillors and MPs on Site Visits

Where relevant representations have been made Ward Councillors and MPs may attend and participate in site visits putting forward their point of view. However, the determination of Licensing applications rests solely with the Licensing Committee and no indication should be given by Members of the Committee of the likely decision during the course of the site visit.

5. **MEETINGS OF THE LICENSING COMMITTEE**

5.1 A Member shall not vote in relation to any Licensing application unless he or she has been present in the meeting of the Licensing Committee for the whole of the deliberations on that particular application.

5.2 A senior legal officer should always attend meetings of the Licensing Committee to ensure the probity and propriety of the Licensing and decision-making processes.

5.3 Where there is any doubt as to the voting or of the actual counting of votes in relation to any particular application, clarification should be immediately sought by the Chairman prior to dealing with the next agenda item, by requesting from each member as to how they have voted, noting this and the member's name.

5.4 Chairmanship – The chairman should ensure:

5.4.1 Members' comments at Committee only relate to the relevant merits of the application before them;

5.4.2 reference at Committee to matters which are not relevant should be disregarded;

5.4.3 the cross-questioning of speakers should only take place if there is need for clarification of what a speaker has already outlined; and done in accordance with the appropriate Procedural Rules for the Hearing in question.

6. **TRAINING**

6.1 Members dealing with Licensing issues will be required to attend a training session each year to receive guidance in relation to Licensing regulations and procedures and on declaration of personal or prejudicial interests. Training will be conducted in accordance with the Training for Councillors standard. Members who fail to attend such training will be excluded from meetings of Licensing Committee. This training should include a balance of the following:-

- Short (half day) sessions on special topics of interest or where appeals have indicated problems with Licensing policy;
- Special topic groups to consider thorny issues in depth;
- Formal training by internal and external speakers;
- Quick presentations by officers on hot topics, e.g. new legislation, white papers and their impacts, followed by a brief question and answer session.

7. LICENCE APPLICATIONS SUBMITTED BY COUNCILLORS AND OFFICERS

- 7.1 Serving Councillors or their relatives who act as agents for people pursuing a Licensing matter will not be permitted to play any part in the decision making process for that proposal. Similarly, should they or their relatives submit their own proposal to the Council, they will take no part in its processing, as in both cases they will have an interest in the matters.
- 7.2 In cases where officers of this Department or members of their family submit a licence application, or where they have an interest in a particular application they should inform the Director of Regulation and Enforcement and Monitoring Officer accordingly. (eg- where an application is submitted by a limited company and an Officer is a director (or similar) of the company).

8. REGISTRATION AND DECLARATION OF INTERESTS

- 8.1 The Localism Act 2011 and the Birmingham Code of Conduct for Members place requirements on Members on the Registration and Declaration of their interests and the consequence for the Members participation in consideration of an issue in the light of those interests. These requirements must be followed scrupulously and Members should review their situation regularly. Guidance on the registration and declaration of interests is dealt with by the Birmingham Code of Conduct for Members.

9. COMPLAINTS ABOUT THE DETERMINATION OF LICENSING APPLICATIONS

- 9.1 Whatever procedures the City Council operates, it is likely that complaints will be made. However, the adoption of the advice in this guidance should greatly reduce the occasions on which complaints are justified. It should also provide less reason for people to complain in the first place.
- 9.2 There is a city-wide procedure for dealing with complaints, as well as customer comments and compliments. Complaints alleging a breach of the Birmingham's Code of Conduct for Members must be reported to the Monitoring Officer.
- 9.3 So that complaints may be fully investigated and, in any case, as a matter of general good practice, record keeping should be complete and accurate. Omissions and inaccuracies could, in themselves, cause a complaint or undermine the Council's case. The guiding rule is that every application file should contain an accurate account of events throughout its life. It should be possible for someone not involved in that application to understand what the decision was, why and how it had been reached. Particular care needs to be taken with applications determined under the powers delegated to the Director of Regulation and Enforcement, where there is no report to a Committee. Such decisions should be well documented and form part of the case file. It is preferable to use the complaints procedure prior to any recourse to the Local Government Ombudsman.
- 9.4 Where any right of appeal exists against a decision of the Licensing Committee, that right is to be communicated at the time of the notification of decision.

10. CONCLUDING REMARKS

- 10.1 Maintaining high ethical standards enhances the general reputation of the City Council, its Members and its officers. Open and transparent decision making enhances local democracy and should lead to better informed citizens. A common understanding of the various roles, responsibilities and accountabilities should also enhance citizen participation. This Licensing Code, along with Birmingham City Council's Code of Conduct for Members, therefore, serves an essential part in the local and corporate governance of Birmingham City Council
- 10.2 The City Council's Head of Paid Service, the Monitoring Officer and the Section 151 Officer have been consulted over this Licensing Code.
- 10.3 If any person believes that a Member or Officer has breached any aspect of this Licensing Code, s/he should refer the matter to the City Council's Monitoring Officer.

Prepared by the (Joint) Acting City Solicitor and Monitoring Officer of Legal and Democratic Services and the Acting Director of Regulation and Enforcement

BIRMINGHAM CITY COUNCIL

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

14 SEPTEMBER 2016
ALL WARDS

TRADING STANDARDS SERVICE – NEW OPERATING MODEL

1. Summary
 - 1.1 To advise Committee of the new operating structure and model within the Trading Standards Service that has been implemented following a service review.
 - 1.2 To introduce the Intelligence Operating Model.
 - 1.3 To inform Committee on how the Trading Standards Service will allocate work through a tasking process.
2. Recommendation
 - 2.1 That the report be noted.

Contact Officer: Sajeela Naseer; Head of Trading Standards
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E-mail: Sajeela.naseer@birmingham.gov.uk

3. Background

- 3.1 The Trading Standards Service delivered savings of £242,000 in 2015/2016 to meet the recommendations of the service review in 2014. This was achieved through the loss of 7 posts. This is a reduction from 29 posts to 22 posts. As a consequence, the service no longer operates through two specialist teams but has been reorganised into two smaller teams with officers undertaking all duties. The Council's corporate outcomes and priorities set the basis for our service plan supporting our tasking and prioritisation of work using the intelligence operating model described in section 4 below. The new operating structure is shown in Appendix 1.

4. Intelligence Operating Model (IOM) – Strategic Overview

- 4.1 The Trading Standards IOM has been developed by the National Trading Standards Board (now National Trading Standards – NTS) for the benefit of the profession. It introduced a national intelligence framework to support local authorities with their day to day work and allocation of resources.
- 4.2 The IOM is designed to be a tool to assist in local delivery of frontline services.
- 4.3 The IOM is about the identification and assessment of threats, the management of prioritised threats through enforcement and other activity; and the review of the effectiveness of measures taken.
- 4.4. At the heart of the IOM is the effective use of intelligence. It is, therefore, important to undertake a local assessment of demand and the issues that the Authority has whilst at the same time ensuring that tasking/intervention is aligned to Council priorities.
- 4.5 The IOM aims to enhance the ability of all trading standards services and to enable tasking to a regional or national level where matters are causing significant detriment to consumers and businesses. This enables the local authority to also focus their activity locally.
- 4.6 The IOM does this by providing a framework to:
- Identify and understand what a local, regional and national problem is.
 - Increase understanding of how to deal with these problems more effectively.
 - Provide clearer and more consistent tasking arrangements.
 - Deliver informed decision making.
 - Adopt a problem solving approach.
 - Coordinate enforcement national, regionally and locally.
 - Achieve significant sustained reductions in consumer and business detriment in prioritised work areas.
 - Ensure effective allocation of resources.

5. The IOM at a local level - Local Tactical Assessment

- 5.1 The local tactical assessment (a strategic assessment) uses a model employed by the Central England Trading Standards Authorities (CEnTSA) intelligence unit which has been developed from the IOM. The assessment reviews all enquiries made to the service in the preceding year to inform the following years' priorities within the Trading Standards Service Plan (the control strategy).
- 5.2 The local tactical assessment for 2015/2016 is attached at Appendix 2, it is important to note that individual trader names have been removed to ensure compliance with the Enterprise Act 2002. However, it provides numerical data to show where complaints are received and how areas of high complaint are addressed.

6. Analysis of Complaints and Tasking

- 6.1 Data is analysed to see which traders are causing the most number of complaints both locally and nationally. Where businesses are based within Birmingham officers are tasked to look further into the nature of the complaints and a decision is then made on any potential intervention depending on the severity of the issues and the detriment caused both to consumers and competing businesses.
- 6.2 Interventions can range from approaching businesses to provide advice on their trading practices, commence consultation under the Enterprise Act 2002 to bring them into compliance and reduce consumer detriment or to instigate an investigation where criminal breaches are identified with a view to appropriate outcomes in line with our Enforcement Policy.
- 6.3 Data is also analysed to identify which sector is causing most complaints. In 2015/2016 the data indicated the priority areas to be as follows (hierarchical):
- Consumer Fraud.
 - Cars.
 - Counterfeiting.
 - Safety.
 - Household Repairs.
 - Under Age Sales.
 - Weights & Measures.
- 6.4 The biggest area of complaint is consumer fraud; this however can cover a range of issues and is often used as a default code when recording. It does not necessarily point towards criminal activity. Often consumers use the term fraud incorrectly; it could relate to a delayed refund or a genuine error in advertising. However, by analyzing the complaints officers are able to investigate appropriately.

- 6.5 The cars category will include complaints about safety, descriptions and poor service. Buying a car is probably the most expensive purchase consumers will make after property. It is important, therefore, to ensure that cars are safe and not misdescribed.
- 6.6 Counterfeiting will include a range of issues from clothing, cosmetics, electrical goods and tobacco. It is important to prioritise where there is a safety concern.
- 6.7 Safety will cover general product safety such as electrical goods, cosmetics and toys and may mirror the counterfeiting complaints.
- 6.8 Household repairs will not only cover poor workmanship but real rogue trader incidents where vulnerable residents have become victims of the most unscrupulous traders.
- 6.9 Underage sales will cover allegations of supply of all age restricted products especially tobacco and alcohol.
- 6.10 Weights and measures will include complaints of short measure products such as fuel and alcohol.

7. Council Strategic Outcomes

- 7.1 The intelligence gathered and our response through our new operating model shows our contribution to the following council strategic outcomes:
- A strong economy.
 - Safety and opportunity for all children.
 - A happy healthy city.
 - A modern council.
- 7.2 Due to the significant reduction in resources we have to use the IOM approach and focus our activities in those areas causing most detriment that fit within the Councils strategic outcomes.

8. Citizens Advice Consumer Service (CACS)

- 8.1 On 1st April 2014 Birmingham stopped the provision of consumer advice to all but the most vulnerable consumers as part of the Council's savings proposals. The Citizens Advice national helpline now offers consumer advice nationally.
- 8.2 As a consequence of the new operating model and IOM approach we have had to update our protocols with the CACS to ensure that we receive referrals linked to our priorities and local assessment. Those that do are passed with commitment to contact consumers and others are sent with no commitment and are closed.

8.3 However, to ensure that we manage the risk of not taking on referrals we undertake a monthly tasking meeting where all referrals; i.e. those that are taken on and those that are closed with no commitment are reviewed. We can then identify the most complained about businesses and complaint types. Depending on the nature of the issues officers are tasked accordingly.

8.4 By going through this process we have identified a number of car complaints. Officers have then been 'tasked' with taking a closer look at the activities of these businesses with a view to undertaking appropriate interventions. Currently these tasked jobs are in the process of investigation and likely to lead to enforcement interventions. The aim of this tasking process is to ensure that businesses are dealt with swiftly to reduce the number of complaints to the service.

9. IOM levels - Regional and National Issues

9.1 By reviewing intelligence through the local tasking process we may identify issues that are not Birmingham centric. For example we could have a business based in Birmingham but complaints are in relation to offences outside of our area. Conversely it may be the case that residents in Birmingham are being affected by businesses outside of our control. In these cases it may be appropriate to make a referral for regional or national intervention; these would be considered as Level 2 or 3.

9.2 There are three IOM levels:

- Level (1) – local problems capable of being managed locally.
- Level (2) – Regional problems affecting more than one authority area and may require additional resources.
- Level (3) – National problems resources or tackled at a national level.

9.3 Making a referral for regional or national support is not straight forward and is made through and requires the support of the Central England Trading Standards Authorities (CENTSA) partnership. A tasking request form has to be completed and will be populated with the full details of the business involved and the issues that arise. It will refer to specific breaches of legislation and the detriment being caused. The officer completing the referral will state if it is a Level 2 or Level 3 issue and ask for it to be tasked accordingly. This could result in the case being tasked to a regional Scambusters team or to another appropriate team such as the National E-Crime Unit.

10. Consultation

- 10.1 The saving of £120,000 in 2014/2015 and £122,000 in 2015/2016 has been consulted upon as part of the budget setting process for 2014/2015 Council Business Plan.
- 10.2 Staff consultation was conducted as part of the formal process to implement a future operating model.
- 10.3 In January 2016 the Chair of Licensing and Public Protection Committee wrote to the Leader and Deputy Leader raising concerns about the impact of the scale of savings on the delivery of a trading standards service.
- 10.4 Trading Standards undertake a variety of customer consultations in order to gather information on the needs and expectations of our customers and potential customers. Our customers are members of the public who live or shop in Birmingham and businesses that trade in Birmingham. Regular customer satisfaction questionnaires encourage customers to make suggestions for service improvements. The corporate Your Views procedure provides further information on customer needs and expectations. National Consumer Week provides opportunities to engage with the public and to seek their views. Other opportunities are taken as they arise to establish non-customers' knowledge of consumer issues. We utilise this consultation to ensure we comply with the local authority's requirements of the Duty to Inform, Consult and Involve. Our retention of the Customer Service Excellence Standard demonstrates that we are identifying our customers together with their needs from our services.
- 10.5 Recent examples of consultation and customer feedback have included:

- **Consumer Confidence**

We have conducted surveys amongst the public throughout the year to measure levels of consumer confidence as a way of measuring our own success in achieving the government's ideal of citizens being 'informed, confident consumers'. To the end of February 2016 84.3% of people surveyed said that they felt confident buying goods and services in Birmingham. In 2014/2015 the target was reduced to 80% from the previous 90% when trading standards stopped offering civil advice and assistance to all but the most vulnerable consumers, which was anticipated to have a negative consequence for this performance measure.

11. Implications for Resources

- 11.1 The work carried out by the Trading Standards Service is within existing budgets taking account of savings made.

12. Implications for Policy Priorities

12.1 The work carried out by the Trading Standards Service is aligned with policy priorities.

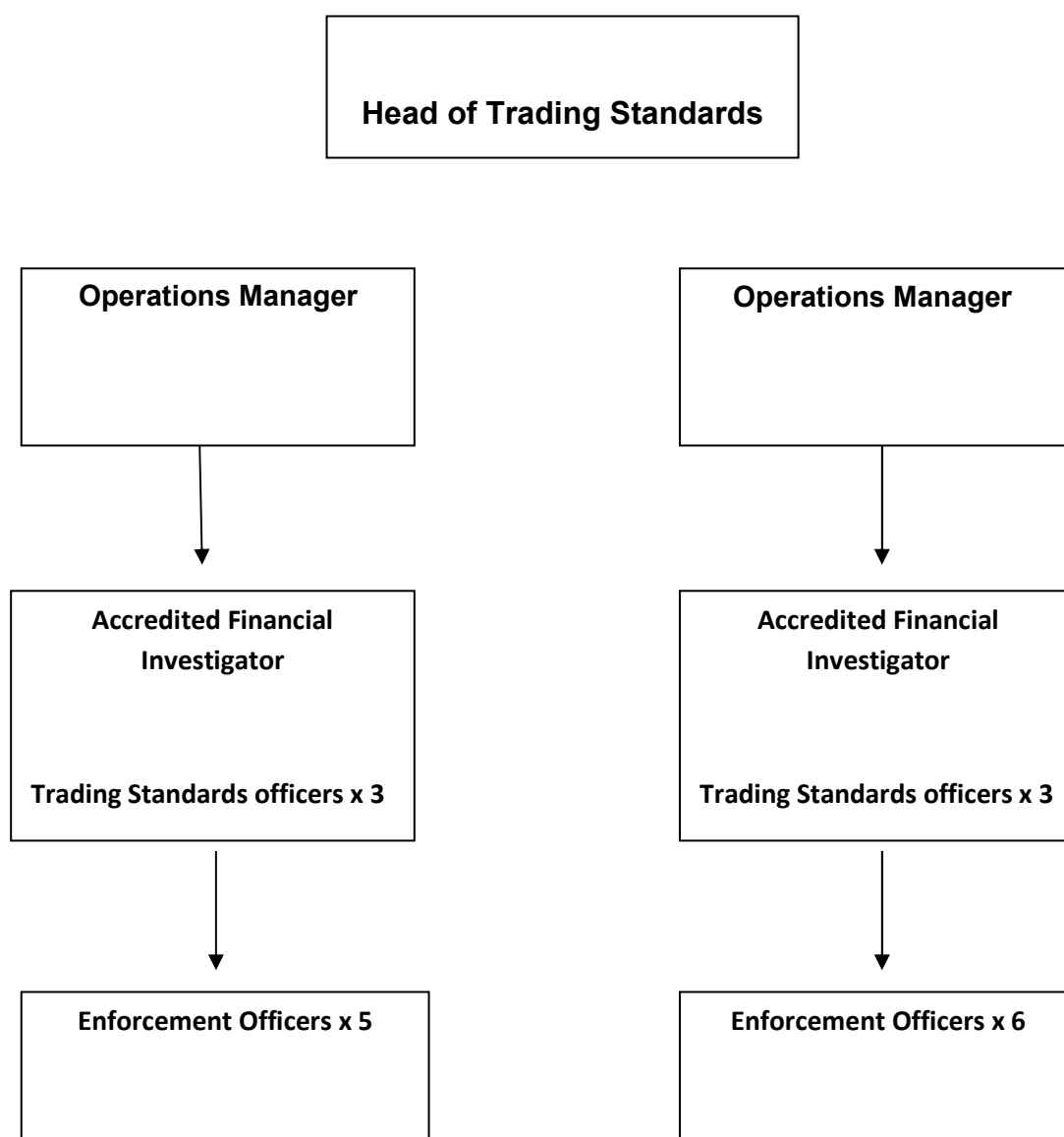
13. Public Sector Equality Duty

13.1 The Trading Standards Service provision complies with this duty. It also looks to protect the most vulnerable members of society.

ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: Trading Standards Service Plan 2016/2017

TRADING STANDARDS STRUCTURE CHART



APPENDIX 2

OFFICIAL - SENSITIVE

Tactical Assessment

Period Covered: Annual report 2015/16

Produced by: Donna Bensley

This report is produced from statistical data gathered in 2015/16 to inform activity in 2016/17 and is linked the Trading Standards Service Plan.

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IDB Statistics	12

Introduction:

Aim

The aim of this Tactical Assessment (TA) is to examine current tactical activity and to highlight emerging trends in order to assist with business planning and resource allocation for Birmingham Trading Standards Service (BTSS)

Method

This document has been compiled using data from M3, Citizens Advice Bureau Partner Portal, IDB and operational information from staff within the service.

Council Strategic Outcomes

The intelligence gathered and our response through our new operating model shows our contribution to the following council strategic outcomes:

- A strong economy
- Safety and opportunity for all children
- A happy healthy city
- A modern council

The BTSS strategic priorities for 2015/16 were:

- Enforcing anti-counterfeiting legislation
- Investigation of criminal RFAs
- To reduce doorstep crime
- To reduce the supply of age restricted products being sold to young people
- To ensure goods placed on the markets are safe
- Hajj and Umrah package holiday fraud

The BTSS will continue throughout 2016/17 to support the City Council's strategic ambitions in the following ways;

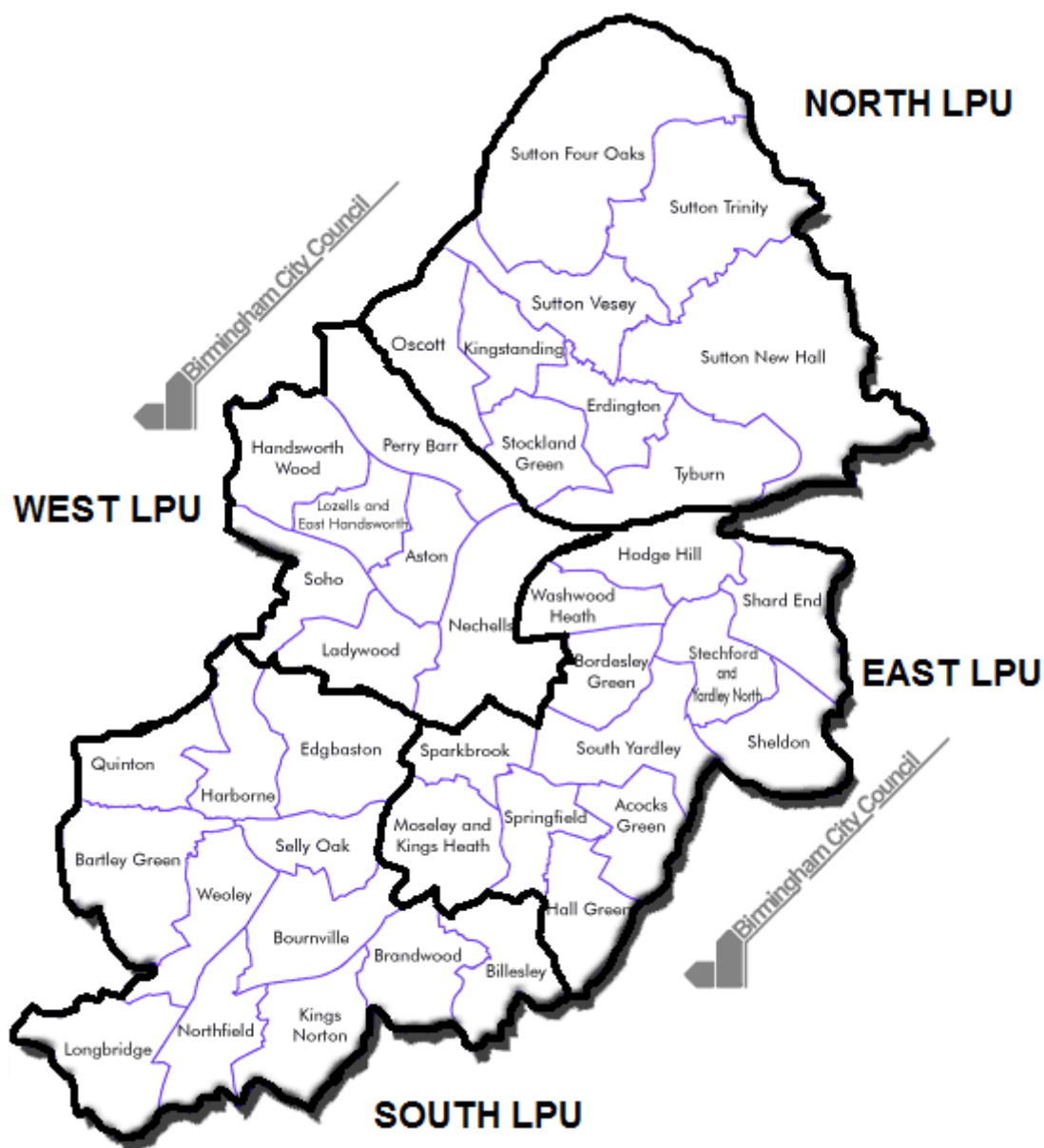
- To support all consumers through the investigation of criminal Requests for Assistance (RFAs)
- To support vulnerable consumers in civil advice requests for assistance (RFAs). Typical complaints are sale of unsatisfactory or misdescribed goods/services, lack of cancellation rights, non-delivery of goods/ services and rogue trader incidents.
- To carry out intelligence led inspections to ensure compliance with consumer protection legislation.
- Enforcing anti-counterfeiting legislation; with priority given to infringing, unsafe goods.
- To reduce doorstep crime.

- To support legitimate businesses through tackling illegal business practices.
- To reduce the supply of age restricted products to young people.
- To ensure goods placed on the market are safe.
- To collaborate with a trader approval scheme (Noroguetradershere.com).

Community Safety priorities:

- To reduce doorstep crime; especially where vulnerable adults are targeted
- To control the supply of age restricted products being sold to young people
- Reduce the supply of illicit alcohol and tobacco
- To ensure goods placed on the market are safe

Birmingham areas & LPUs



BIRMINGHAM DISTRICTS:

- Edgbaston (South LPU)
- Erdington (North LPU)
- Hall Green (East LPU)
- Hodge Hill (East LPU)
- Lady wood (West LPU)
- Northfield (South LPU)
- Perry Barr (West LPU)
- Selly Oak (South LPU)
- Sutton Coldfield (North LPU)
- Yardley (East LPU)

Top Traders (CACS & MAPSS)

Top 10 complained about traders within Birmingham - CACS Database

Rank	Trader	Total	%	Civil	Criminal
1		303	0.05%	216	82
2		148	0.02%	95	53
3		93	0.01%	33	56
4		93	0.01%	45	44
5		89	0.01%	69	17
6		54	0.01%	34	19
7		40	0.01%	28	4
8		40	0.01%	34	3
9		38	0.01%	23	15
10		34	0.01%	24	8

Top 10 complained about traders COMPLETED - MAPSS Database

Rank	Trader	Officer and/or Action	Total
1		RH – Scams hub project	60
2		NS – Ongoing Investigation	25
3		MD - Monitoring	24
4		PQ – Ongoing Investigation	21
5		GS – Successful prosecution	20
6		RH – Scams hub project	18
7		RH – Scams hub project	15
8		Review to be undertaken	13
9		Review to be undertaken	12
10		Review to be undertaken	11

Top 10 complained about traders RECEIVED – MAPSS Database

Rank	Trader	Officer and/or Action	Total
1		RH – Scums hub project	60
2		NS – Ongoing Investigation	25
3		MD - Monitoring	24
4		PQ – Ongoing Investigation	21
5		RH – Scams hub project	20
6		RH – Scams hub project	18
7		GS – Successful prosecution	15
8		Under review	13
9		Under review	12
10		Under review	11

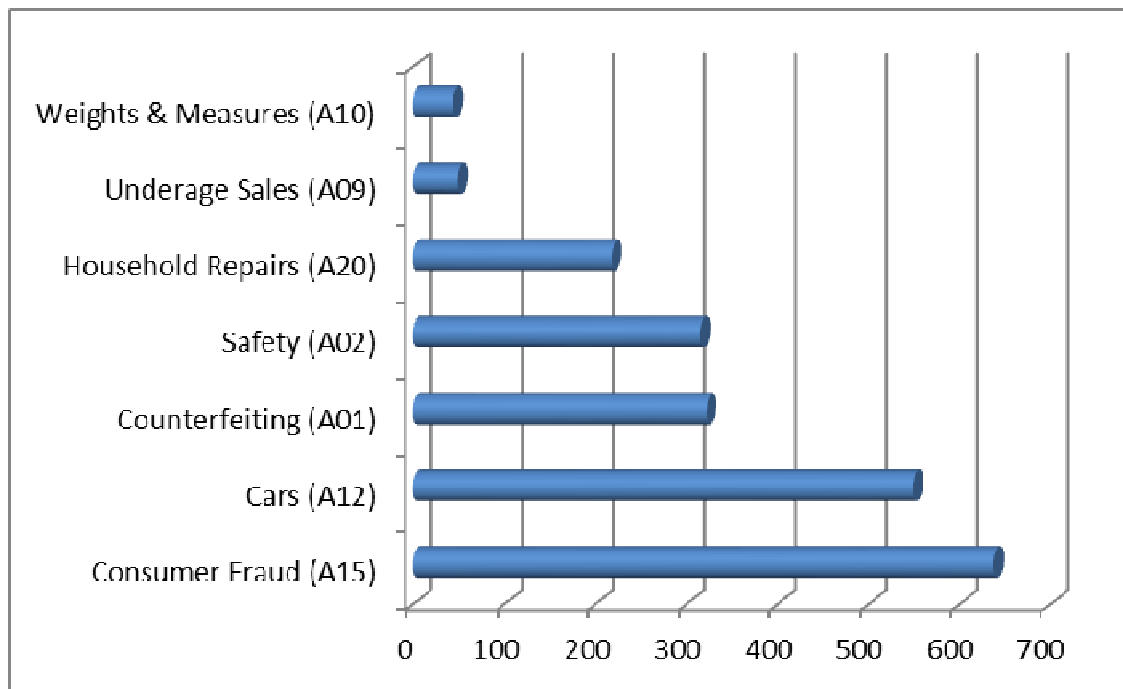
Top Traders taken from CACs & Maps and run through IDB – 12 months

Rank	Trader	IDB logs	Level
1		5	2
2		3	3
3		3	1
4		2	2
5		1	2
6		1	1

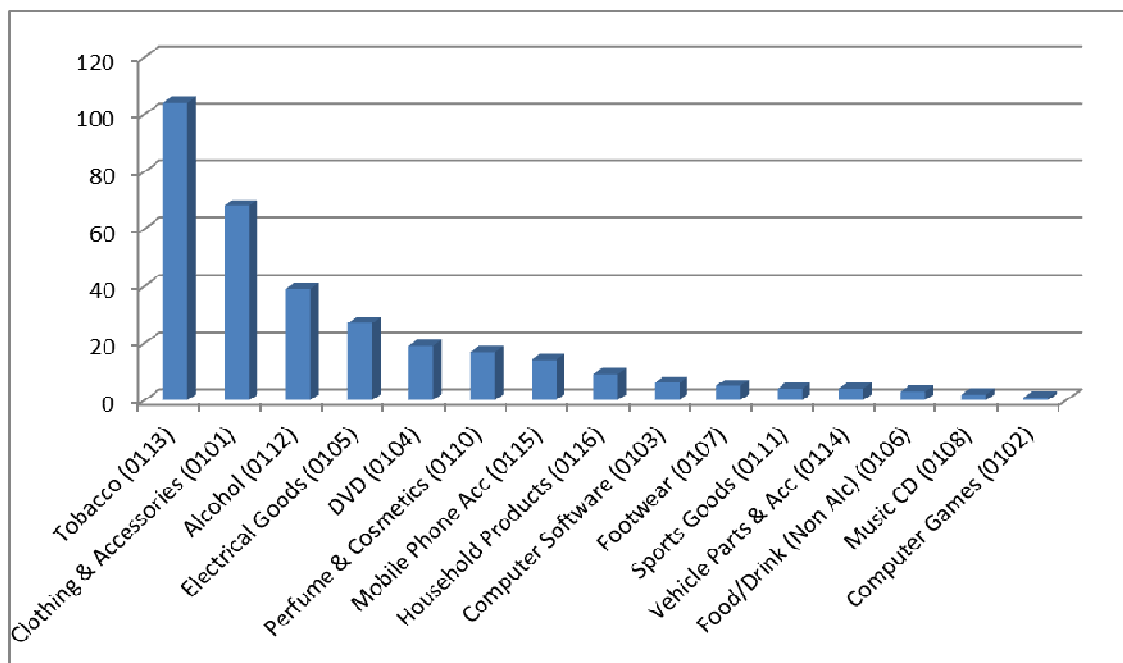
*Trader details that came back with no hits have not been recorded.

M3 Statistics for Priority Areas

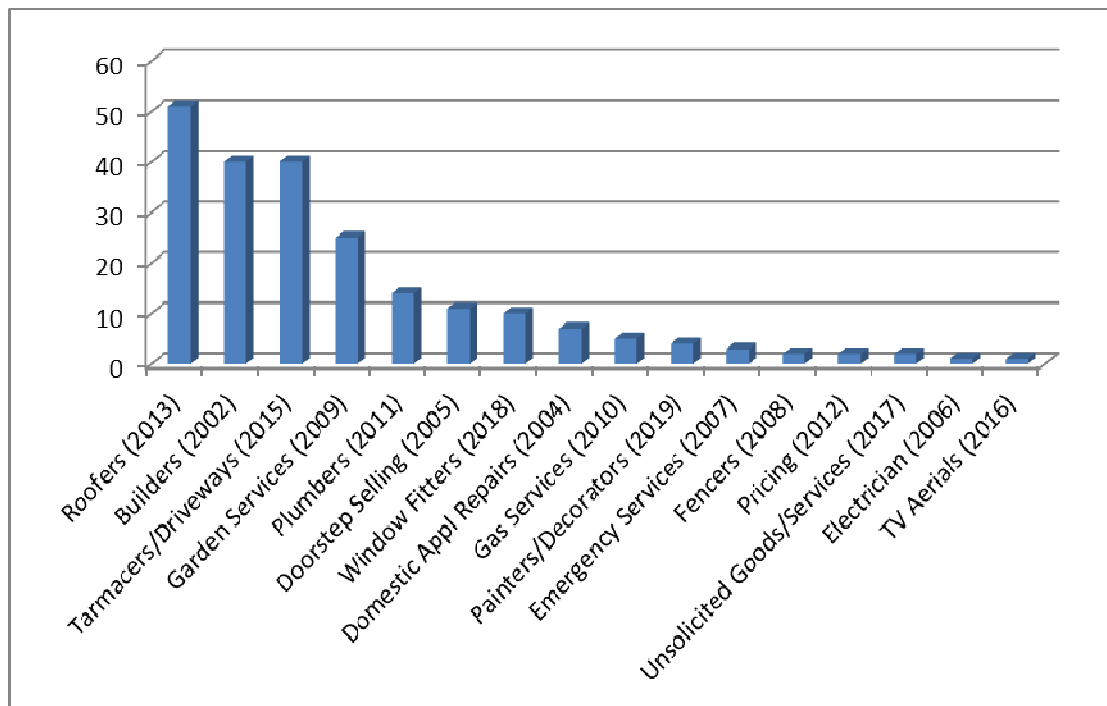
Overall statistics



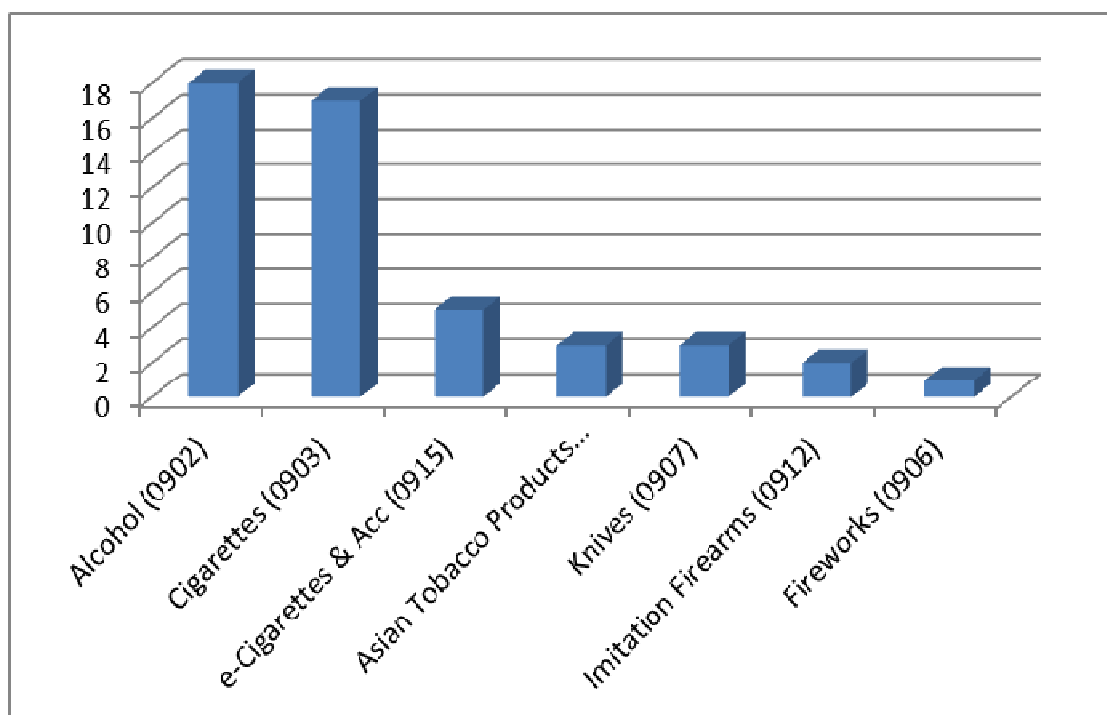
Control Strategy: Counterfeiting



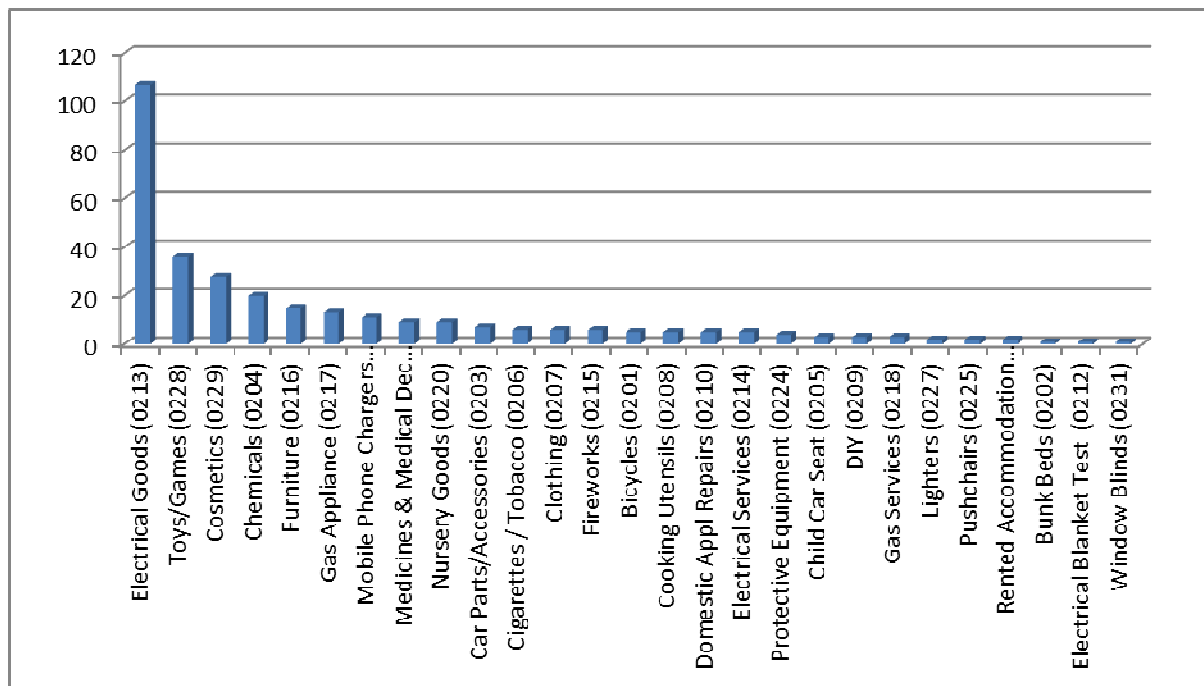
Control strategy: Household repairs



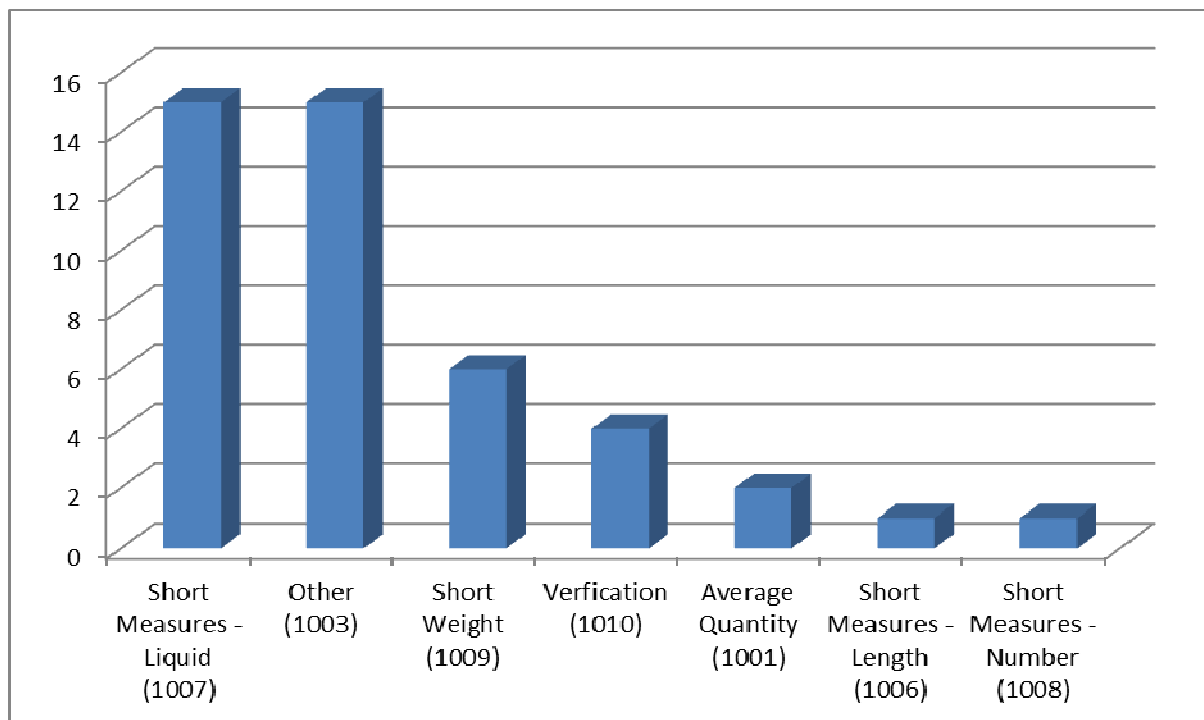
Control Strategy: Underage sales



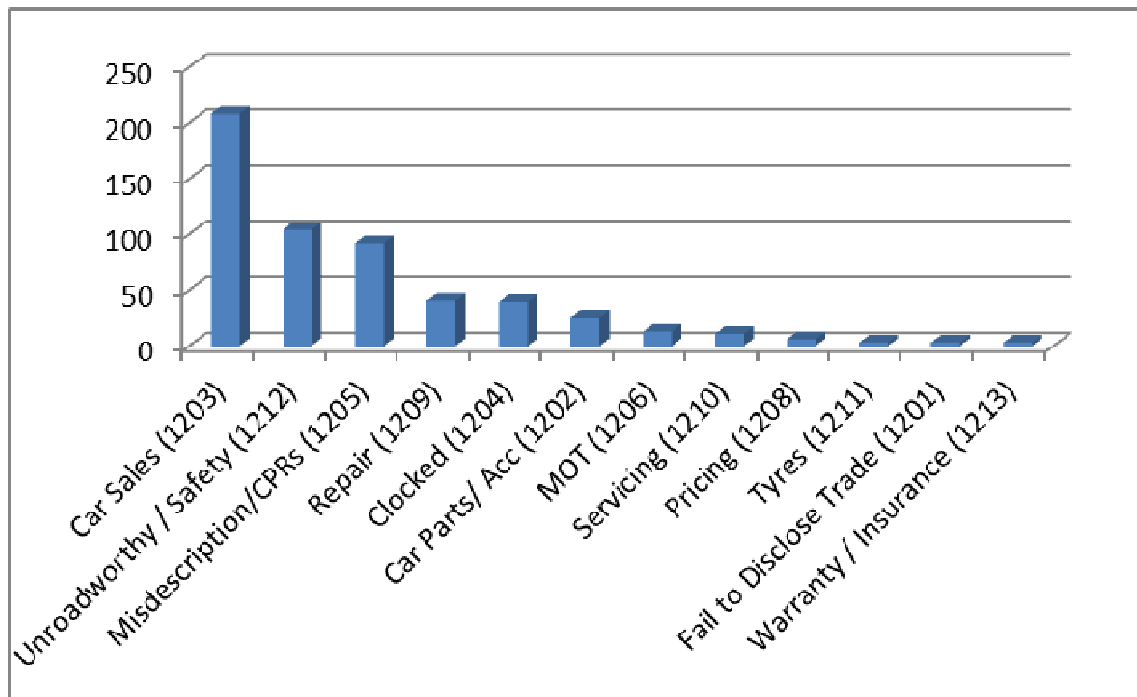
Control Strategy: Safety



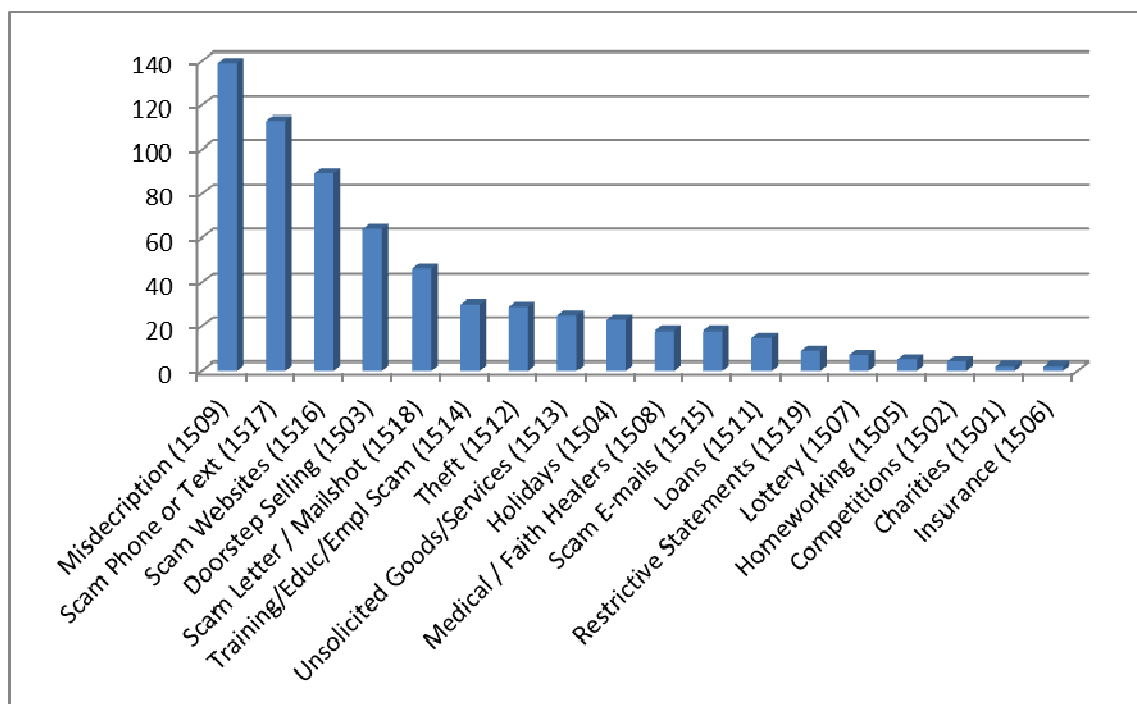
Control Strategy: Weights & Measures



Control Strategy: car sales



Control Strategy: Consumer Fraud



Graph deleted due to personal data

A total of 883 logs this year. The report database has changed making it difficult to see if any have been rejected.

BIRMINGHAM CITY COUNCIL

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

14 SEPTEMBER 2016
ALL WARDS

**PROPOSED AMENDMENTS TO THE KNOWLEDGE TEST
FOR PRIVATE HIRE DRIVERS**

1. Summary

- 1.1 At the meeting held on 15 June 2016, your Committee resolved to make changes to the Knowledge Test for Private Hire Drivers which would remove the geographical element considered so problematic by new applicants and the trade in general.
- 1.2 Members expressed concern the changes should not compromise the standard of spoken English required in passing the test, or the requirement to demonstrate a good knowledge of applicable law and licence conditions.
- 1.3 This report seeks to demonstrate the actions officers have taken to ensure the legal and conditions based elements of the test remain suitably robust and the ability to understand and speak English is tested to an appropriate standard.

2. Recommendations

2.1 That your Committee should:

- i. Approve the style and format of the new Knowledge Test for Private Hire Drivers.
- ii. Approve the style, format and introduction of a new section for customer service orientated questions.
- iii. Agree the proposed start date of 3 October 2016.

Contact Officer: Chris Arundel, Principal Licensing Officer
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3. Background

- 3.1 The current incarnation of the knowledge test for private hire drivers was conducted verbally, on a one to one basis to ensure English was both spoken and understood to an acceptable degree.
- 3.2 Understanding the questions and describing routes and two point locations was considered sufficiently challenging to dispense with a separate verbal communication test.
- 3.3 On 15 June 2016 your Committee agreed in principle to remove the routes and two point locations from the test and charged officers with the task of revising the remaining elements to ensure successful candidates must still demonstrate an acceptable standard of spoken English and understanding of licensing law and conditions appropriate to the role they wish to take on.

4. Proposed Elements of Revised Test

- 4.1 Officers suggest the revised test should consist of five elements, the A to Z navigation exercise, a new customer service focussed section, the conditions section, the legal section and a final section designed to ensure all candidates understand what plying for hire is, why they must not do it and the potential consequences if they do.
- 4.2 Section one, the A to Z element remains unchanged from the current test, it requires a candidate to find two roads in the A to Z and describe the shortest route to navigate between them, then to follow directions given by the examiner to find another location and finally to describe the significant landmarks in the destination square.
- 4.3 The A to Z element relies on good listening skills, understanding of spoken English and the ability to communicate clearly. Many candidates with an inadequate command of English fail at this stage. As with the current test, the candidate must pass all elements of the A to Z test; failure will mean the knowledge test is failed outright.
- 4.4 Section two, consists of customer focussed questions and will look at elements of Condition 30 in the current Conditions of Licence for Private Hire Drivers, which is concerned primarily with the manner in which a driver presents himself and his vehicle to a customer and his actions and behaviour.
- 4.5 In addition, a simple scenario based question which requires the candidate to calculate a fare using a sample fare chart, before deciding how much change would be owed, will be included. There will be six customer service questions.
- 4.6 The conditions questions will be amended to remove the multiple choice element and require the applicant to formulate an answer. This will require the candidate to understand the question and to devise an appropriate

answer, testing both knowledge and communication skills. There will be seven conditions questions in line with the current test.

- 4.7 The legal section will be similarly amended and will also include seven questions in line with the current test.
- 4.8 In total there will 20 questions forming the main part of the test, it is suggested the current 80% pass mark should be adopted for these questions. That would require a candidate to score 16 out of a possible 20, however, it is further suggested no more than two wrong answers should be allowed for any single section and a candidate giving three wrong answers in a single section should fail the test outright.
- 4.9 A variety of A to Z exercises and questions for sections two to four will be drawn from the available bank of questions and the order in which individual questions appear will be varied regularly to ensure answers cannot simply be learned by rote.
- 4.10 The final section, Plying for Hire questions, will be identical on all tests and is designed to ensure all successful candidates are fully aware of the law relating to illegal plying for hire and the likely consequences if caught. It is recommended all questions in the plying for hire section must be answered correctly or the test will be failed.
- 4.11 A selection of questions divided into sections corresponding to the proposed new test is attached at Appendix 1.

5. The Conduct of the Test

- 5.1 It is recommended the test should continue to be conducted verbally and on a one to one basis, the A to Z test coupled with the requirement to comprehend and formulate answers for the legal and conditions based questions should be sufficiently challenging to exclude those applicants with inadequate English. All tests will be recorded with sound and vision in order to assist senior officers dealing with any challenge or appeal against a result.
- 5.2 The maximum time allowed for a test will be 25 minutes. During preparation of the revised elements of the test, an officer was able to complete a sample test in 12.5 minutes with no prior notice, or revision. Accordingly a reasonably prepared candidate should have no difficulty completing the test in the time allowed.
- 5.3 The candidate must provide proof of identity to the satisfaction of the officer, before any questions are attempted.
- 5.4 The test should take the form of a conversation based around the questions and the officer conducting the test should be seeking to ensure a candidate has the appropriate communication skills and knowledge, rather than requiring verbatim repetition of a model answer. Instead, where more than a

one word answer is required, the officer will be seeking to identify that key points are included in each answer.

- 5.5 The purpose of the test is to ensure understanding of regulatory, legal and customer requirements, not to act as a barrier to entry into the trade, accordingly, as part of the conversation the officer may, where necessary, paraphrase a question or ask a supplementary question in order to check understanding.
- 5.6 The officer conducting the test should be able to terminate the test and advise the candidate they have failed in any of the following circumstances:
- i. The candidate is unable to provide satisfactory proof of identity.
 - ii. The candidate has difficulty understanding the officer's questions, making the officer understand his answers, or both.
 - iii. The A to Z exercise is incomplete, or incorrect.
 - iv. More than four incorrect answers given in sections 2 to 4.
 - v. More than two incorrect answers given in any one of sections 2 to 4.
 - vi. One or more of the plying for hire questions answered incorrectly.
 - Vii. The candidate runs out of time before the test is completed.
- 5.7 As is the case with the current test, officers will continue to look at requests to modify the test for candidates with disabilities on a case by case basis and will seek to offer reasonable adjustments without compromising the efficacy of the test. When necessary, assistance and advice will be sought from the Birmingham City Council Occupational Health Team.
- 5.8 The officer undertaking the test will take copies of identity documents to ensure any subsequent application is made by the individual who actually took the test.

6 Introducing The Test

- 6.1 Removal of the geographical elements should remove the need for prolonged study. However, it will still be necessary to read and understand information relating to applicable Licensing Law and Conditions of Licence.
- 6.2 An explanatory document containing the legal elements will be made available for download as a PDF file from the Birmingham City Council web site along with the conditions of licence. This will remove the need for applicants to purchase a folder.
- 6.3 Copies of the explanatory document and the licence conditions are attached as appendices 2 and 3. All the information required to pass parts 2 to 5 of the revised test is included in those documents.
- 6.4 Officers are confident the revised test can be in place by the beginning of October and suggest a start date of Monday 3 October 2016, with the earliest possible date for a test being Wednesday 5 October 2016.

- 6.5 The cost to applicants will be reduced with the removal of the need to purchase a folder, a saving of £33.00. It is suggested the fee for the test be retained at the published rate of £58.00 for the time being, but that it should be reviewed in advance of the June Committee meeting along with all other licensing fees, by which time there should be sufficient information to accurately assess the cost of maintaining and delivering all elements of the revised test.

7. Implications for Resources

- 7.1 Replacement of the existing knowledge test with a less challenging regime is likely to result in an increase in the number of new applications and additional demand for appointments. This in turn will see increased pressure on the licensing service which has moved to smaller premises and reduced staff numbers since the introduction of the original test in 2010.

8. Implications for Policy Priorities

- 8.1 The contents of this report contribute to the protection, safety and welfare of residents and visitors to the City by ensuring that licensed private hire vehicles are safe and compliant with required vehicle standards.
- 8.2 It also assists in promoting improvements in the standards of services provided by licence holders across the City and the Council's strategic outcome of staying safe in a clean, green city.

9. Public Sector Equality Duty

- 9.1 Applicants for a private hire driver's licence will continue to be required to attend disability awareness training at the Disability Resource Centre. Therefore, the proposed changes to the Knowledge Test will still ensure that drivers are equipped to deal appropriately with passengers with disabilities. The proposals in the report concerning an applicant's ability to speak English remain unaltered from the existing requirements. Whilst applicants will no longer be required to memorise the routes and two point locations, they will be required to demonstrate a more in-depth understanding of their licence conditions and licensing legislation. The ability or inability of an applicant to demonstrate this knowledge does not relate to or depend on any protected characteristics under the Equalities Act 2010. For these reasons officers do not consider it necessary to conduct an Equalities Assessment to accompany this report.

ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: Nil

APPENDIX 1

1. A to Z Test	Pages 98 & 99 Smethwick
Find Reservoir Road, Oldbury	5A 98 Five others in index
Find Cambridge Road, Smethwick	2E 99 Two others in index. This one marked – Not continuous
Give directions from Reservoir Road, Oldbury 5A 98 to Cambridge Road, Smethwick 2E 99	Reservoir Road to island. First exit at island, Londonderry Road to next island. Second exit into Queens Road. Right into Holly Lane. Right at St Pauls Road. Left into Fenton Street. Over island into Telford Way. Right, third exit into Dartmouth Road. Left into Halfords Lane and right into Cambridge Road
Follow directions from Hadley Stadium 6E 99	Start Hadley Stadium. Turn left. (Waterloo Road) Take first right onto a main road. (Bearwood Road) Travel onto next named road through one-way section. (High Street) At the end of this road turn right. (Tollhouse Way) At the next B class road turn left. (Soho Street) Turn right at the end of this short road. (Rabone Lane) Take the second left. (Cornwall Road) Go over the crossroads. (Mornington Road) At the end of this road turn right. Middlemore Road) What is the name of the Railway Station along this road? The Hawthorns 1F 99
Name the school in 2A 98	George Betts Primary School
Name premises in 4D 98	Harry Mitchell Leisure Centre

2. Customer service questions

1. When may you take a route other than the shortest?
2. How should you calculate the fare?
3. If a receipt is requested, what information should be included?
4. If a journey is 4.7 miles, using the fare table provided, tell me how much the fare will be? How much change would you give me from £10?
5. When may you use a radio or play music in your private hire car?
6. What should you ensure is of a good standard in order to make sure your passengers have a pleasant journey?

3. Licence condition questions

1. How many private hire cars can rank outside any given premises?
2. What must you do if you are convicted or cautioned for an offence?
3. How soon must you report an illness, which prevents you from driving or requires you to notify the DVLA, to the Licensing Office?
4. If you lose your private hire driver's badge what must you do?
5. If you find property which has been left in the vehicle, what should you do?
6. What action can be taken against you, if you are found to be in breach of your Private Hire Driver's licence conditions?
7. When can you remove the licence plates/door signs from your licensed private hire vehicle?

4. Legal questions

1. Who is responsible for a child of 13 wearing the seatbelt in a Private Hire Vehicle when they are accompanied by their parent?
2. When are you allowed to smoke in a Private Hire Vehicle?
3. When can a private hire vehicle be driven in a bus lane?
4. Your operator has a free-phone by the door of a nightclub. You are waiting for your next job, when a customer from the premises asks you if you can take them home. What do you do?
5. You are the owner and licensed proprietor of a private hire car, it is insured for Social, Domestic and Business use, including private hire. Who else can drive your car?
6. You have just dropped a fare outside a social club when somebody comes out and asks you to take them to the city centre. What do you do?
7. When arriving to collect a fare from outside a pub, you cannot see him. How do you make contact with him?

5. Plying questions

1. What details should you receive from your operator, before you pick up a passenger?
2. If you pick up a passenger whose details have not been passed to you by your operator, what will happen to your insurance?
3. If you are caught plying for hire and invalidating your insurance what is likely to happen to you?
4. If you are convicted for plying for hire and invalidating your insurance, what is likely to happen to your private hire driver's licence?

LEGAL INFORMATION

You are advised to familiarise yourself with all the rules and regulations you will have to comply with once you become a licensed Private Hire Vehicle (PHV) driver.

This document does not cover every single law applicable to the private hire trade; however, it covers things you will be questioned about during your knowledge test.

You should read this in conjunction with the current conditions of licence for private hire drivers and vehicles. Which can be obtained at www.whatever.

AUTHORITY TO DRIVE

To drive a PHV you must hold a PHV driver's licence. This licence must be issued by the same local authority which licences the vehicle you intend to drive. If you hold a PHV driver licence issued by Birmingham City Council, you are able to drive a PHV licensed by Birmingham City Council, and take work from a Birmingham licensed private hire operator. You would not be able to drive a private hire vehicle licensed by Solihull Council or any other authority.

A driver of a PHV must be licensed to drive PHV's even if the vehicle is not being used for PHV purposes and that person is named on the vehicle insurance.

Family members may not drive a Birmingham licensed PHV unless they hold a valid private hire driver's licence issued by Birmingham City Council.

Insurance – The vehicle's insurance must cover you to drive the vehicle for the purpose of private hire. You must ensure that you have seen the insurance certificate covering you to drive the vehicle before you start work in a hired or borrowed vehicle.

USING A PRIVATE HIRE VEHICLE

You may not licence a vehicle of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage.

Your vehicle should comply with all regulations regarding roadworthiness and safety. You should also be aware that additional requirements regarding safety and comfort are made by Birmingham City Council's conditions of licence. If you borrow or rent an un-roadworthy vehicle you may be liable for any penalties incurred. Likewise if you lend or rent an un-roadworthy vehicle, you may be liable for any penalties incurred by the driver.

If required by an authorised officer (police officer or council officer) you must produce the vehicle for inspection, inform the officer where the vehicle is being kept and or produce any driving licence or insurance certificate as requested.

You must display your vehicle licence plate in the manner prescribed by the Council, as detailed in the City Council vehicle signage Policy, at all times whether working or not. You must return your plates to the council within seven days of any licence expiring or being revoked or suspended.

You must never carry more people in your vehicle than the number stated on your PHV licence plate as this is a criminal offence and may nullify your insurance policy.

If you sell your vehicle you must inform the Licensing Office, in writing, within 14 days of the sale, detailing the name and address of who it has now been sold to.

If your vehicle is involved in an accident that materially affects the safety, performance or appearance of the vehicle or affects the comfort or convenience of the passengers being carried, you must report this to the Licensing Office within 72 hours of the accident occurring. It is advisable that this notification is in writing and a copy of the same is retained by you.

You must not park or allow your PHV to stand in any designated taxi rank.

REQUIREMENTS FOR DRIVERS

You must wear your identification badge at all times when you are working as a PHV driver. The badge must be worn in a position and manner as to be plainly and distinctly visible to your passengers.

It is illegal to smoke in your vehicle at any time, whether you are working as a PHV driver or not. It is also illegal for your passengers to smoke in your vehicle and you may be prosecuted if you allow them to.

If you are instructed to collect passengers at a specific time, then you should attend at the agreed time unless you are prevented from doing so. If you are going to be late, you should do your best to contact the passengers and inform them.

If you arrive to collect someone from their home address, on arrival you should wait a short period of time before leaving your vehicle and knocking on their door. You must not sound your horn to alert them to your presence. You may ask your operator to call the customer to inform them of your arrival.

If a passenger is accompanied by an assistance dog, you must carry both the passenger and the dog. It is a criminal offence to refuse to carry an assistance dog unless you have a medical exemption notice. It is sensible to allow the dog to sit in the front passenger footwell of the vehicle.

Once you have passengers in your vehicle you must not collect any further passengers unless the first fare requests that you do so.

No person being the driver of a hackney carriage or of a private hire vehicle shall without reasonable cause unnecessarily prolong, in distance or in time, the journey for which the hackney carriage or private vehicle has been hired.

Any fare in relation to a PHV booking is agreed between the licensed operator and the customer at the time of the booking. A PHV driver must ensure that they charge only the fare that has been previously agreed between the customer and the licensed operator.

Driver Conduct – You must always behave in a civil and orderly manner which means you should be polite, well mannered, well behaved and disciplined. You must ensure that both you and the vehicle are clean and you must give priority to the safety of your passengers. You must not drink or eat without the permission of your passengers and you must not play music without their permission. You must not engage in any sexual activity with passengers, make inappropriate personal contact or make inappropriate comments of a cultural, religious or sexual nature.

You should ensure that seat belts are worn when required. All passengers should wear their belts unless they hold an exemption certificate.

You are liable for any fines if you are carrying a child that is not properly restrained even if the parent or guardian is on board the vehicle.

You are only exempt the wearing of your seat belt if you are transporting a fare paying passenger. Note, you are more likely to be seriously injured if not wearing a seat belt in a minor collision than you are by being assaulted by a passenger.

PLYING FOR HIRE

A PHV driver is not permitted to collect passengers unless the job has been pre booked through an operator who is licensed by Birmingham City Council and had the job passed to them by that operator.

BEFORE collecting a passenger, the driver should already know the name of the passenger the arranged time and location of the pick-up, the destination and if pre-arranged, the agreed fare.

It is a criminal offence for a PHV driver to take a fare unless it has been pre booked with their operator.

If a PHV driver is approached in the street by a member of the public who asks them to take them somewhere, the driver must refuse and advise the person to contact their licensed operator.

A PHV driver may not obtain passenger details on behalf of the operator even if they have come from premises that have a Freephone or radio link to the operator.

Transporting an un-booked passenger would also be likely to negate insurance cover for the vehicle leading to prosecution both for plying for hire and no insurance.

A conviction for these offences is likely to result in a substantial fine, penalty points and possible disqualification.

Committee policy states that any driver found guilty of plying for hire and invalidating their insurance should have their licence revoked.

**PRIVATE HIRE DRIVERS
CONDITIONS OF LICENCE**

INTRODUCTION

The Private Hire Driver's Licence is granted to you subject to you complying with the following conditions of licence. Failure to comply with any of the conditions could lead to a prosecution and/or your licence being suspended, revoked or not renewed by a Licensing Sub Committee.

CONDITIONS

FEES

1. The licence is granted on condition that all fees due to the Licensing Office in respect of its grant are payable, in full, prior to the commencement of the licence.

DETAILS TO BE REPORTED

2. If you are cautioned or convicted for any offence or you receive an endorsement for a motoring offence, including an endorseable fixed penalty, you must report the details, in writing, to the Licensing Office within **7 days**. In the case of a motoring endorsement you do not need to wait for your licence to be returned from the DVLA.
- 3) If you apply for or hold any hackney carriage or private hire operator, vehicle or driver licence(s) with any other council you must inform the Licensing Office, in writing and within **7 days**, of any application being refused or licence(s) being suspended or revoked and provide the following information:
 - i. The name of the council.
 - ii. The licence number(s) of the licence(s) suspended or revoked.
 - iii. The date of the decision.
 - iv. A copy of the decision notice issued by the other council giving the grounds for the action taken.
4. If the private hire vehicle you use is damaged in an accident or otherwise you must report the details of any damage to the vehicle, in writing, to the Licensing Office within **3 days** of the damage occurring.
5. If you change your address at any time you must inform the Licensing Office, in writing, within **7 days**.
6. If you have any illness or medical condition that prevents you from driving or requires you to notify the DVLA, you must notify the Licensing Office, in writing, within **3 days**.
7. If you decide to work for an operator different from that supplied at the time of your licence application, then before commencing work with the new operator, you must notify the Licensing Office, in writing, with details of your previous operator, new operator, new call sign and start date.

8. If your private hire driver's badge is lost or stolen, you must inform the Police and obtain a Police report number, which must be reported to the Licensing Office within **3 days**.

DRIVERS BADGE

9. Your private hire driver's badge, which is issued to you with the licence, must be worn at all times in such a position and manner so as to be plainly and distinctly visible to passengers.
10. Your private hire driver's badge remains the property of the Council and should your licence expire, be suspended, revoked or not renewed, you must return your private hire driver's badge within **7 days**.
11. You must not willfully obstruct or refuse any person from viewing your private hire badge or taking the number of your badge.

VEHICLE IDENTITY PLATES & SIGNAGE (See Appendix A)

12. The only plates and signs to be displayed on or in a private hire vehicle are those referred to in the Conditions for Private Hire Vehicles (See Appendix A), namely:
 - a) The private hire front and rear identity plates, the "Advance Bookings Only" sign and the Private Hire semi-permanent rear door signs, which are issued by the Licensing Office.
 - b) The Operator identification door signs, call signs and Fare Table issued by your operating company.
 - c) The "No Smoking" signs.

With the exception to the Conditions for Private Hire Vehicles relating to "ADVERTISEMENTS", no other plates or signs other than those referred to above may be exhibited or displayed on or in the vehicle without the written approval of the Licensing Office.

13. The private hire vehicle you use must display the identity plates and signage in accordance with the Conditions for Private Hire Vehicles (See Appendix A) and in the locations specified. These plates and signs may only be displayed on private hire vehicles licensed by Birmingham City Council. You must not cause or permit the plates or signs to be placed on any other vehicle.
14. The vehicles private hire identity plates specify the maximum number of passengers allowed to be carried at any one time. You must not allow more than the stated number of passengers to be carried at any one time.
15. Your private hire vehicle must display the Fare Table issued by the private hire operator in a prominent position inside the vehicle so as to be clearly visible to any passenger.
16. All fares charged must be calculated using your operators Fare Table.

DOCUMENTATION TO BE MAINTAINED FOR VEHICLES USED

17. You must ensure that prior to driving any private hire vehicle you are in possession of the following:
 - a) A current Mot Certificate for the vehicle (issued by a testing centre approved by the Licensing Office).
 - b) A current insurance certificate, policy of insurance or cover note covering your use of the vehicle for the purpose of private hire.
18. If there are exceptional reasons which prevent you from maintaining or ensuring "continuous" insurance cover for the private hire vehicle you use, FOR WHATEVER REASON, throughout the duration of the time you are in possession of it, you must attend and notify the Licensing Office, in writing, within 3 days following the insurance cover expiring or lapsing. At the same time you must return the vehicle identification plates as the vehicle will be liable to suspension until insurance cover is produced.
19. You must retain the above documents for a period of 12 months following their expiry and these documents must be available for inspection by an authorised officer at any time.

DOCUMENTATION FOR YOUR OPERATOR

20. Before commencing work for an operator, you must provide them with either the originals or copies of your private hire driver's licence or badge, your private hire vehicles licence or plate, a current MOT and insurance certificate/cover note.

MAINTENANCE OF VEHICLES

21. The vehicle and all its fittings and equipment shall at all times when the vehicle is in use or available for hire be kept in an efficient, safe, tidy and clean condition. In particular all data boxes, radios, PDA's or any other equipment installed in the vehicle must be affixed to the vehicle by use of secure fittings so they cannot be easily removed, to prevent injury or harm to the driver or passengers.
22. The interior of the vehicle shall be kept clean and tidy at all times when the vehicle is in use or available for hire. The exterior of the vehicle to be clean at all such times, having due regard to the weather conditions on the day.

BOOKINGS

23. You must not **PLY FOR HIRE** or accept any booking, which is not made via your operator.
24. You must not tout or solicit any person to hire or be carried for hire in any private hire vehicle or cause or procure any other person to tout or solicit any person to hire or be carried for hire in any private hire vehicle.

25. You must not respond to any booking from your operator unless you are given:
- a) The passenger's name.
 - b) The time and point of pick up.
 - c) The destination.
 - d) The fare (if applicable).
26. Mobile phones must not be used, installed, fitted to or carried in any private hire vehicle for the purpose of inviting, or accepting bookings.
27. You must not, via any means, pass details of any booking or passenger you have agreed to carry to your operator.
28. You must not accept a return booking directly from a passenger.
29. You must not park in such a position or location to be in the vicinity of premises such as bars, restaurants, takeaways, public houses, clubs, hotels, casino's, gaming and amusement arcades, which could give the appearance of being available for hire unless you have been allocated a booking by your operator.

CONDUCT OF DRIVER

30. You must:-
- a) Have a good standard of personal hygiene, be clean and respectable in your appearance and behave in a civil and orderly manner at all times whilst your vehicle is in use or available for hire.
 - b) Not congregate with more than 2 other private hire drivers/vehicles in residential areas and cause a nuisance by your parking, noise or activities whilst waiting to be allocated a booking.
 - c) Not park or wait in your vehicle on a Hackney Carriage Stand – "Taxi Rank".
 - d) Ensure that when booked, you are in attendance with the vehicle at the appointed time and place unless delayed or prevented by some sufficient cause.
 - e) Not use the horn to signal the vehicle's presence to any passenger(s) awaiting the vehicle.
 - f) Convey a reasonable quantity of luggage and afford reasonable assistance in loading and unloading, including assistance in moving luggage to and from the entrance of any premises where you collect or set down your passenger(s).
 - g) Take all reasonable steps to assist with and ensure the safety of your passenger(s) when entering, being conveyed in and alighting from your vehicle.
 - h) Unless otherwise directed by your passenger(s), proceed to the destination by the shortest possible route.
 - i) Not smoke **at any time** within your private hire vehicle or permit any other person to do so.
 - j) Not eat or drink in your vehicle whilst carrying a passenger.
 - k) Not without the express consent of your passenger(s) play any radio or sound producing instrument or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle.

- l) Not cause or permit the noise emitted by any radio or previously mentioned equipment in the vehicle which you are driving to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle.
- m) Not demand a fare in excess of any previously agreed for that hiring. If no fare has been previously agreed then you must not demand a fare in excess of that prescribed by your operators fare table displayed in the vehicle. If the vehicle is fitted with a meter and no fare has been previously agreed then you must not demand a fare in excess of that shown on the meter.
- n) If requested to do so by your passenger(s), provide a written receipt for any fare paid, on stationery bearing the name of your operator, which includes your call sign, details of the journey and the fare paid.

LOST PROPERTY

- 31. You must immediately after the termination of any hiring, or as soon as practicable thereafter, carefully search the private hire vehicle for any property which may have been accidentally left therein.
- 32. Any property accidentally left in a private hire vehicle must be handed in to a West Midlands Police Station as soon as possible, and in any event, within 3 days of the property being found and a receipt for such property obtained. A copy of the receipt must be provided to the Licensing Office within 7 days of its issue.

METERS

- 33. Should a meter be fitted to the private hire vehicle you use it must be tested, sealed and certified by an authorised officer before it can be used for calculating fares for passengers.
- 34. You must not tamper with or permit any other person to tamper with the meter, its fittings, connections or seal without the written approval of the Licensing Office.

ASSISTANCE DOGS & WHEELCHAIR USERS

- 35. You must not refuse to accept the hiring of a vehicle merely because the passenger is accompanied by a guide dog or assistance dog. If you have a medical exemption from carrying dogs, then this must be obtained in writing from the Licensing Office and be maintained in the vehicle at all times for production to passengers or inspection by an authorised officer.
- 36. You must not make any additional charge for the carriage of a guide or assistance dog, the conveyance of a wheelchair, or other equipment required by a person suffering from a disability.

GUIDANCE NOTES

If you have any difficulty in understanding the implications of any of the above conditions, please let the Licensing Office know immediately so that arrangements can be made to assist you in that respect.

If you are aggrieved by any of the conditions attached to this licence you may make an application for exemption from them and attend a hearing before the Licensing Sub Committee, alternatively you can appeal to a Magistrates Court within 21 days of the service of this licence on you.

ADVISORY

The Equality Act 2010 brings together a number of existing laws into one place so that it is easier to use. It sets out the personal characteristics that are protected by the law and the behaviour that is unlawful.

Under the Act people are not allowed to discriminate, harass or victimise another person because they have any of the protected characteristics including disability. The act gives examples of unacceptable behaviour whilst the Equality Commission web site (www.equalityhumanrights.com) gives examples of best practice.

Smoke Free Legislation

Private Hire Vehicles and 'Taxis' are smoke free vehicles and nobody may smoke within these vehicles. Appropriate 'No Smoking' signage must be displayed in the vehicle. Furthermore, any enclosed premise that is used as a workplace or is used by the public, for example, making bookings, must be smoke-free. Failing to prevent smoking in a smoke free place can lead to prosecution and a maximum fine of £2,500 being imposed on whoever manages or controls the smoke-free premises or vehicle. For further advice and guidance on this matter please go to www.smokefreeengland.co.uk

BIRMINGHAM CITY COUNCIL

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

14 SEPTEMBER 2016
ALL WARDS

IMPLICATIONS OF CASEY REPORT FOR LICENSING

1. Summary

- 1.1 In February 2015 the Government published the report of Louise Casey CB into child sexual exploitation (CSE) in Rotherham. The 154 page report considered whether Rotherham was fit for purpose as a Local Authority. Part of her report considered the role played by the Rotherham's Licensing Service in relation to the link between CSE and taxi and private hire licensing.
- 1.2 The Birmingham Licensing Service has used the Casey report as a benchmark to measure itself against in order to identify whether any of the bad practices that the report identified in Rotherham can be found in Birmingham.
- 1.3 In January 2016 officers presented an action plan to the Licensing and Public Protection Committee of steps that are being taken to improve our systems and to minimise the risk to children as a consequence. At the January meeting members asked for certain amendments to be made to the action plan. This report presents the updated action plan.

2. Recommendations

- 2.1 That outstanding minute 599(ii) be discharged
- 2.2 That the action plan be approved.

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3. Background

- 3.1 The report presented to your committee in January 2016 provided the background to the events that took place in Rotherham between 1997 and 2013 when it was alleged that at least 1,400 children were sexually abused in the town. Other towns and cities have also been associated with high levels of child sexual exploitation (CSE). In some cases licensed premises (notably hotels) have been linked to crimes where they have been used as venues for sexual activity to take place with minors. Taxi and private hire drivers have also been associated with allegations, either through being direct perpetrators of crimes or by being used to drive children between locations. Rotherham was worst affected.
- 3.2 Rotherham Metropolitan Borough Council (RMBC) commissioned an independent inquiry into how its Children's Services had dealt with cases of CSE between 1997 and 2013. The resulting report by Professor Alexis Jay was published on 26th August 2014. The report concluded that there had been a 'collective failure' by the Council and the police to stop the abuse.
- 3.3 On 10th September 2014 the Secretary of State appointed Louise Casey CB (Companion of the Order of Bath), to carry out an inspection of RMBC to determine its compliance with the requirements of Part 1 of the Local Government Act 1999 in respect of the council's functions on Governance, Children and Young People, and Taxi and Private Hire Licensing. Part 1 of the Act relates to a local authority's general duty of Best Value to 'make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.'
- 3.4 In undertaking the inspection, Louise Casey was directed to consider in exercising its functions on governance, children and young people, and taxi and private hire licensing, whether the Local Authority:
- allowed for adequate scrutiny by Councillors;
 - covered up information, and whether 'whistle-blowers' were silenced;
 - took and continued to take appropriate action against staff guilty of gross misconduct;
 - was and continued to be subject to institutionalised political correctness;
 - affecting its decision-making on sensitive issues;
 - undertook and continued to undertake sufficient liaisons with other agencies, particularly the police, local health partners, and the safeguarding board;
 - took and continued to take sufficient steps to ensure only 'fit and proper persons' are permitted to hold a taxi licence; and
 - was taking steps to address effectively past and current weaknesses or shortcomings in the exercise of its functions, and had the capacity to continue to do so.

- 3.5 Louise Casey concluded that RMBC was not fit for purpose and in particular, was failing in its duty to protect vulnerable children and young people from harm. Her 154 page report, entitled 'Report of Inspection of Rotherham Metropolitan Borough Council' is available in full at:

<https://www.gov.uk/government/publications/report-of-inspection-of-rotherham-metropolitan-borough-council>

Louise Casey's covering letter to the Secretary of State which accompanied her report is attached as Appendix 1.

4. Casey Report: Key Findings

- 4.1 The key findings, as set out in the Casey Report's Executive Summary, are summarised below:

- A council in denial about serious and on-going safeguarding failures.
- An archaic culture of sexism, bullying and discomfort around race.
- Failure to address past weaknesses, in particular in Children's Social Care.
- Weak and ineffective arrangements for taxi licensing which leave the public at risk.
- Ineffective leadership and management, including political leadership.
- No shared vision, a partial management team and ineffective liaisons with partners.
- A culture of covering up uncomfortable truths, silencing whistle-blowers and paying off staff rather than dealing with difficult issues.

5. Birmingham Action Plan

- 5.1 Officers in Birmingham have considered the findings of the Casey Report against our own policies, procedures and working practices to determine whether there are areas from which we can learn and/or improve. The resulting action plan (Appendix 2) looks at the main areas for concern that Casey identified in Rotherham's Licensing service, how we compare and what we need to do to improve.
- 5.2 Since the action plan was first presented to this committee in January 2016 developments have taken place around the requirement for Birmingham's private hire driver knowledge test. The Committee agreed in principle in June 2016 that the topographical knowledge element of the test could be replaced with an enhanced test of driver's knowledge of their conditions of licence and the law surrounding their trade. It was also agreed in principle that drivers would be required to undertake safeguarding training as a condition of their licence. Safeguarding training has now been incorporated into the action plan in Appendix 2.

6. Consultation

- 6.1 Specific elements of the action plan are subject to their own separate consultation processes with the trade and with the wider public, namely conditions of licence for private hire operators, drivers and vehicles. Trade representatives will be consulted on a points system for drivers when the scheme has been finalised before it is presented to the Committee. The requirement for safeguarding training has been discussed at the liaison meeting with the trade in June 2016 and officers will continue to update the trade with progress.

7. Implications for Resources

- 7.1 The proposals in the Action Plan at Appendix 2, will be met from the Licensing ring fenced budget. The cost of delivering safeguarding training will be paid for by drivers and operators through their licence fees.

8. Implications for Policy Priorities

- 8.1 The work identified in this report helps to deliver the Leader's priority of a Fair City and the outcome of ensuring the most vulnerable people are safe from crime, violence and abuse.

9. Implications for Equality and Diversity

- 9.1 The Casey Report identified a misplaced sense of political correctness which inhibited open discussion about problems linked to minority ethnic groups for fear of being labelled 'racist'. This resulted in action not being taken which permitted perpetrators to remain at large and victims not being protected.

ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: Nil



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27th January 2015

Rt Hon. Eric Pickles
Secretary of State for Communities and Local Government
Department for Communities and Local Government
Fry Building
2 Marsham Street
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RE: INSPECTION OF ROTHERHAM METROPOLITAN BOROUGH COUNCIL

Please find enclosed my inspection report.

You will see that I have concluded that Rotherham Metropolitan Borough Council is failing in its legal obligation to make arrangements to secure continuous improvement in the way in which it exercises its functions, having regard to a combination of economy, efficiency and effectiveness.

I propose that, as the Secretary of State, you should exercise your powers under section 15 of the Local Government Act 1999 to give Directions to Rotherham Metropolitan Borough Council. The form and content of any such Directions will be a matter for you to determine.

However, it is my view that the purpose of the Directions should be threefold:

1. to address the deep-seated culture of poor governance and leadership identified by the Inspection;
2. to drive improvements in services and outcomes for local people; and
3. to restore public trust and confidence in Rotherham.

More specifically, the objectives of any Direction(s) should be to ensure that:

1. There is a rapid improvement in the performance of key services that effect public safety, children and any others identified in the report;
2. The Council effectively tackles historic and current concerns regarding child sexual exploitation, including support for known victims; and establishes a stronger partnership with South Yorkshire Police to take action to tackle perpetrators.
3. The capacity, skills and competencies of the political leadership is built and sustained and good member-officer relationships are established;
4. That values are established to deliver a healthy and positive culture that also challenges the misguided attitudes to race;
5. The Council plays an effective role in working with external partners to improve the prospects of the people of Rotherham;
6. Under the leadership of a new Chief Executive, the Senior Management Team is strengthened to ensure it is effective.

I propose that you should consider:

1. Suspending the democratic process for 2015 to give the Council some short-term stability while it focusses wholly on addressing the many weaknesses we have identified. Full elections would then be held in 2016 giving the council a fresh political start.
2. Appointing a full-time Commissioner to act as Managing Director, overseeing the required changes in leadership and management, including the appointment of a permanent Chief Executive and senior management team, and ensuring that services and outcomes improve.
3. Agree with the Secretary of State for Education to the extension of the appointment of the Children's Commissioner to make it an almost full time role, given the extent and severity of the deficits identified in Children's Social Care.

4. Appointing an overseeing Commissioner with all the powers of the Council. Normal decision making processes should be followed but with the Commissioner holding the power to over-ride in the interest of economy, efficiency and effectiveness. The Managing Director would report to this Commissioner in order to re-build effective partnerships, ensure action is taken in relation to CSE, and restore public trust and confidence in the Council. The overseeing Commissioner would work closely with the Children's Commissioner. These appointments should last until a re-inspection of the Council confirms that it is capable to manage its own affairs.

I would be prepared to lead on a re-inspection within the next 12 months to ensure that there is a determination to deliver the improvements within a reasonable time-scale and to ensure a continuity of judgement about whether the Council has reached an acceptable standard.

I look forward to our meeting this week and to discussing the report. I am grateful to you for the opportunity to conduct this Inspection.

LOUISE CASEY CB

Cc: Sir Bob Kerslake, Permanent Secretary

Casey Report Findings	Birmingham Comparison	Action	Target Date
Rotherham's Licensing service was split between a Policy Team and an Enforcement Team using different databases. Complaints and information about drivers were not always recorded.	Birmingham Licensing service mirrors a similar split, however, we do not regard this to be a barrier to successful compliance or enforcement.	Staff training to ensure that the importance of record keeping is understood and that information is shared between teams. Officers are reminded at team meetings to record all information. Our enforcement officers can all use SOPRA and place any warnings on the system if they need to alert Licensing Officers of investigations.	Achieved
	Birmingham has two databases that service the granting and administration of licences (SOPRA) and a separate enforcement database (M3).	Work is well underway to migrate all our licensing functions, including the grant, administration and enforcement of licences from SOPRA to M3. This will ensure that the same set of information is visible to all officers. The new M3 system will be operational by autumn 2016.	01.11.16
A failure to make links between separate incidents or complaints about drivers where recurrent issues were identified.	Records are maintained of all complaints, intelligence and enforcement action against individual drivers and operators, whether substantiated or not, but low level infringements (e.g. not displaying operator signs) are dealt with at stop checks by way of verbal warnings coupled with on the spot rectification.	Draft proposals have been prepared for a cumulative points system for drivers and operators to capture all infringements to help build a complete picture of individuals' behaviour and identify trends. The policy will incorporate trigger points for appropriate action to be taken, e.g. based on a set number of complaints being made within a fixed timescale. The system is dependent on the outcome of the review of driver and vehicle conditions, which are due to be presented to LPPC in October 2016.	01.02.17

Casey Report Findings	Birmingham Comparison	Action	Target Date
Lack of Policy: Rotherham's policies were found to be out of date.	Hackney Carriage/Private Hire policies / licence conditions have not been changed for a number of years, although they have been reviewed annually.	We have identified which policies / conditions require updating. A programme has been developed for certain key policies to be renewed, namely:	Date for revised policy / conditions to be presented to LPPC:
		Operator Conditions	Reported to LPPC in April and July 2016. Public consultation from 25.07.16 to 04.09.16. Report to LPPC for final approval October 2016.
		Vehicle Conditions. A new combined set of conditions for vehicle owners and drivers were reported to LPPC in April 2016. Public consultation from 25.07.16 to 04.09.16. Report to LPPC for final approval October 2016.	Oct-16
		Driver Conditions. A new combined set of conditions for vehicle owners and drivers were reported to LPPC in April 2016. Public consultation from 25.07.16 to 04.09.16. Report to LPPC for final approval October 2016	Oct-16
		Hackney Carriage Bye-Laws	Work will start on reviewing these in December 2016 as soon as the vehicle, driver and operator conditions have been approved

Casey Report Findings	Birmingham Comparison	Action	Target Date
Inappropriate political intervention in officer decision making.	There have been occasions when elected members have attempted to influence licensing decisions at officer level (both taxi and non-taxi decisions). Normally they are councillors who do not sit on the Licensing and Public Protection Committee. Similar pressure is sometimes applied by councillors to other councillors sitting on Licensing sub-committees.	In February 2016 LPPC considered a report on delegating powers to officers and whether decisions about hackney carriage and private hire matters should continue to be made by a Licensing Sub-Committee. It agreed to retain the role of Sub-Committees and to delegate to officers decisions involving late renewal of licences where the delay was on medical grounds and applications for driver licences from drivers from failed states. It was further agreed to introduce a code of conduct for members of the LPPC and to amend the Code of Conduct for all BCC Members to prevent any attempts at interference with the decision making process.	Report to LPPC September 2016 to agree code of conduct.
Complaints about drivers with school transport contracts were inadequately investigated.	Decisions to award contracts to drivers for school contracts are made by the City's Education Transport Team. Officers in that team and in Licensing have improved their liaison to improve the flow of communication. A formal document to outline each team's roles and responsibilities would be helpful.	To agree a Revised Memorandum of Understanding between Licensing and Education Transport to cover roles, responsibilities, communication etc.	Completed

Casey Report Findings	Birmingham Comparison	Action	Target Date
Members of the Licensing Board did not receive sufficient bespoke training on dealing with taxi hearings. The number and nature of documents provided to members in advance of hearings were reduced.	Bespoke training was provided to the Licensing and Public Protection Committee last year on decision making and taxi hearings. Further training for this year's committee has been arranged on decision making. Specific taxi training will be arranged again unless the decision is made to replace Sub-Committee hearings with an officer panel. We have not shortened the reports that are presented to elected members.	Specific taxi licensing training to be organised by Legal Services for members. Legal Services to develop a protocol to require members to be trained before being allowed to sit on taxi hearings.	Sep-16
In Rotherham some hackney carriage and private hire drivers were directly involved in CSE offences, but equally, all hackney carriage and private hire drivers might witness circumstances connected to CSE in their day-to-day work.	Levels of direct involvement in CSE amongst Birmingham's licensed hackney carriage and private hire drivers and operators have been minimal to date, but drivers have a valuable role to play as the eyes and ears of the community and can report suspicious circumstances if they see them.	It was agreed in June 2016 by LPPC to require all current and future licensed hackney carriage drivers, private hire drivers and operators to attend a Safeguarding awareness course (taking account of CSE and all categories of vulnerable people, including intoxicated customers).	Officers are negotiating with our current provider to deliver awareness training for all new applicants. Officers are talking to the Council's Youth Services team to consider whether it can deliver training to our existing licensed drivers
The Casey Report found that officers lacked guidance on how to deal with complaints where the complainant would not report an incident to the police or where the police decided not to investigate or prosecute due to the criminal burden of proof.	Officers in Birmingham also lack such guidance, although we are clear that we do not apply the criminal burden of proof to these situations.	Officers to develop a framework for dealing with CSE and other complaints that have not been reported to the police or where the police have not prosecuted. To include guidance on the circumstances when suspension will apply and the level of evidence required. Such framework to incorporate grounds for decisions on when to immediately suspend or revoke licences.	Achieved

Casey Report Findings	Birmingham Comparison	Action	Target Date
		As a result of comments made by LPPC in January and meetings between Licensing and Children's Services it has been agreed that letters will be sent to every licensed premises in Birmingham to alert them to the signs and risks of CSE and how to respond to them.	Draft mailings are being finalised following discussions with the Regional CSE Coordinators to ensure the appropriateness of the message. Target send out September 2016

BIRMINGHAM CITY COUNCIL

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

14 SEPTEMBER 2016
ALL WARDS

LICENSING AUTHORITY POLICIES, PROCEDURES AND DELEGATIONS
CORRECTION (Version 2016/2)

1. Summary

- 1.1 The Policies Procedures and Delegations report outlines those policies, procedures and delegations, which have been built up over a number of years in relation to licensing and registration issues, allowing the Licensing Authority to delegate the bulk of the administration associated with the licensing regime to be carried out by Officers.
- 1.2 It also ensures that the Committee itself acts in a manner which is as open and consistent as circumstances allow.
- 1.3 The report presented to Licensing and Public Protection Committee in June 2016 unfortunately omitted two matters of policy which this report seeks to rectify.

2. Recommendation

- 2.1 That the Committee agrees the amendment to the Policies, Procedures and Delegations Report as version 2016/2.

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3. Background

- 3.1 The City Council has a number of licensing, regulatory and registration powers and duties and the exercise of these powers and duties are delegated to the Licensing and Public Protection Committee. The granting and issuing of specific licences, permits and registrations is delegated to the Director of Regulation and Enforcement on the understanding that any applications giving rise to concern or difficulty may be referred to the Licensing and Public Protection Committee or its sub-committees for determination where appropriate.
- 3.2 The Licensing Service is responsible for the administration of grants, renewals and transfers as appropriate of hackney carriage and private hire vehicles, drivers and operators licences and for issuing licences under the Licensing Act 2003 and Gambling Act 2005, sex establishment and animal welfare legislation, and issuing permits for charitable collections and massage and special treatments etc. as well as the associated variations, amendments and transfers, which are carried out under policies delegated by your Committee.

4. Matters for Consideration

- 4.1 In February 2016 Members agreed to amend the then scheme of delegations to delegate the following matters to Senior Officers :
- (a) Renewal of a drivers licence after the late renewal period where the circumstances for the lateness are on medical grounds only.
 - and
 - (b) Consideration of suitability of evidence as to good character where the applicant is from a failed state and cannot comply with requirement to provide a DBS.(Criminal Record Check)
- 4.2 Unfortunately, these 2 items were not updated in the document presented to Committee in June.
- 4.3 It was also found that the report had failed to include the long-standing age policies for both Hackney Carriage and Private Hire Vehicles.
- 4.4 These omissions have been corrected and included within the revised Policy Document at Appendix 1. (as Policy HCVAge1 and Policy PHV1 respectively)

5. Consultation

- 5.1 This report seeks to reproduce in one document a number of policies which have been implemented over a number of years. It does not seek to introduce any new policies, nor revise any existing policies.

6. Implications for Resources

- 6.1 It is the responsibility of the Committee Chairman and the Director of Regulation and Enforcement to ensure the services provided by the Committee are contained within the approved budget.

7. Implications for Policy Priorities

- 7.1 The issues addressed in this report relate to the City Council priorities associated with creating a cleaner, greener and safer city and providing excellent services.

8. Implications for Equality and Diversity

- 8.1 The matters identified in this report are in accordance with Regulation and Enforcement's enforcement policies which ensure that equality issues have been addressed.

ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: nil

HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING	
Policy Document	
<p>This document details the policies of the Licensing and Public Protection Committee applicable to Hackney Carriage and Private Hire.</p> <p>Policies are codified for ease of reference, and legislative requirements are also cited for completeness and clarity.</p>	
The legislation impacting on hackney carriage and private hire vehicles is the Town Police Clauses Act 1847, Birmingham City Council Hackney Carriage Byelaws 2008, the Local Government (Miscellaneous Provisions) Act 1976, Transport Act 1985, and the Equalities Act 2010.	TPCA 1847, LGMPA 76, TA 85, EA 2010
Although both hackney carriages and private hire vehicles are licensed to carry passengers, there is a distinct difference in the way vehicles can be made available for hire.	TPCA s45
Hackney carriages (“black cabs”) are the only vehicles licensed to ply for hire, which means that they may stand on taxi ranks, respond to a flag down in the street, and are generally available for immediate hiring.	TPCA s45
Private hire vehicles must be pre-booked in advance, through a licensed private hire operator and may not use taxi ranks, respond to a flag down in the street, or be offered for immediate hiring.	TPCA s45
Hackney carriage vehicles must be fitted with a taximeter which calculates the fare according to time and distance travelled.	TPCA s68
The meter is tested and sealed to ensure accuracy and compliance with the fare structure agreed by the Licensing and Public Protection Committee.	(byelaw 6)
The current table of fares must be displayed in the vehicle.	TPCA s68 (byelaw 10)
There is no power for the licensing authority to control the fares charged for private hire journeys, the fare structure for each company being set by the licensed operator.	
Conditions of licence require the operator’s table of fares to be displayed inside each private hire vehicle.	Conditions (Vehicle 23)
Although both hackney carriages and private hire vehicles are commonly referred to as taxis, the word “taxi” has a statutory definition, by virtue of the Transport Act 1985, and may only be applied to a licensed hackney carriage.	TA 1985 s13
For this reason Birmingham’s licensing conditions prevent private hire operators, vehicles or drivers from using the words “taxi” or “cab” in relation to their business.	Conditions (Operator 21)
The hackney carriage fleet is made up exclusively of purpose-built cabs, all of which are equipped for wheelchair accessibility.	Policy HCV1

At present there is a moratorium on the issue of new hackney carriage vehicle licences which was agreed by the former Licensing Committee in September 2008. This moratorium was reviewed in September 2010 and again in September 2014 whereupon it was extended for a further three years. The Committee has the authority to revert to the previous arrangements, whereby no limits were imposed, if that is considered appropriate.	Policy HCV2
In addition to the requirements for an annual vehicle inspection and meter test, vehicle owners must also produce insurance for the vehicle, covering its use for public or private hire as appropriate before a licence can be issued. Further, the insurance for licensed vehicles must be maintained continuously throughout the duration of the licence.	Policy Veh1
Licensing Hackney Carriage and Private Hire Drivers	
Individuals must satisfy the authority that they are fit and proper to be licensed drivers.	LGMPA 76 s51
<p>The following application process is designed to ensure services delivered within the City are of a good standard and is subject to the appropriate fees being paid:</p> <ul style="list-style-type: none"> • application received • entitlement to drive in the UK checked • entitlement to work in the UK checked • knowledge test • criminal record check • medical • driving test • disability awareness course • licence fee paid • licence issued <p>(It may be necessary for an application to be referred to Committee at any stage of this process.)</p>	
Application Received:	
The application form will be checked and details entered onto the Licensing Service computer system.	
Entitlement to drive in the UK Checked:	
An EU or EEA licence is acceptable as long as the counterpart licence issued by DVLA (for EU and EEA drivers) accompanies it. However, vocational drivers may not drive indefinitely on an EU or EEA licence and must produce a United Kingdom DVLA driving licence if they have been resident in the UK for five years or more. An applicant for a hackney carriage or private hire driver's licence must have held a full DVLA driver's licence for at least two years.	Policy DVLA1

Entitlement to work in the UK checked	
The Asylum and Immigration Act 1996 places an obligation on employers to check the status of job applicants in order to establish a legal right to work. Employing a person who does not have the right to work in the United Kingdom is a criminal offence under Section 8 of The Asylum and Immigration Act 1996 and employers can and do face prosecution for breaches of the Act. As a Licensing Authority, Birmingham City Council does not employ the drivers who are the recipients of hackney carriage and private hire licences although licensing authorities are recommended in the Department for Transport Best Practice Guidance (March 2010) to establish the right to work, as part of the process of determining whether an applicant is a 'fit and proper person'. Members of the hackney carriage and private hire trade are almost exclusively self-employed, so if a Licensing Authority does not check on an applicant's right to work, it is unlikely that anybody else will. Officers carry out the checks in accordance with the established procedure used by Birmingham City Council when recruiting employees.	Policy Immigration1 P (REF IMMIGRATION BILL)
Knowledge Tests	
Knowledge folders are prepared annually for hackney carriage, private hire, and restricted private hire licences and should remain current for two years (in exceptional circumstances it may become necessary to amend this duration).	Policy KT1
An applicant may take the test associated with a knowledge folder at any time after issue, up to and including the expiry date subject to test appointment availability.	Policy KT2
Candidates making a third test cancellation without an adequate and evidenced reason should be required to wait twelve months before being allowed to take the test.	Policy KT3
Candidates absent or cancelling, within five clear working days, without an adequate and evidenced reason will forfeit their test fees.	Policy KT4
Knowledge folders contain a combination of legal, licence condition, route and two point location questions applicable to the licence type. Candidates must identify and memorise the answers to those questions and answer a selection of questions as detailed below.	Policy KT5
Knowledge Test - Hackney Carriage	
The hackney carriage knowledge test is conducted in-house and under normal test conditions (no communication with another person except the examiner, no reference to any material during the test except the test paper).	PolicyHCKT1
The test must be completed within two hours if conducted verbally, and three hours if written. (If a candidate wishes to take a written knowledge test, they must also complete the verbal communications test (VCT).)	PolicyHCKT2
The test consists of 106 questions (6 legal, 80 two-point locations and 20 routes) selected at random from the relevant knowledge folder.	PolicyHCKT3
All six legal questions must be answered fully and correctly.	PolicyHCKT4

The applicant must answer 90% of the remaining routes and two point location questions correctly in order to pass the test.	PolicyHCKT5
The applicant must pass this test to progress their application and is allowed three attempts.	PolicyHCKT6
The application process is terminated if the applicant fails the third test. The applicant can re-apply after a period of twelve months from the date of the last failed knowledge test.	PolicyHCKT7
Knowledge Test Private Hire	
The private hire knowledge test is conducted in-house and under normal test conditions (no communication with another person except the examiner, no reference to any material during the test except the test paper).	Policy PHKT1
The test is designed to mirror the hackney carriage test in style and presentation, but is based on well-known cross city routes and familiar locations and the bank of questions in the private hire knowledge folder is considerably smaller than that found in the corresponding hackney carriage folder.	Policy PHKT2
The test must be completed within one hour and must be taken verbally.	Policy PHKT3
The test consists of 90 questions (7 legal and 7 conditions based multiple choice questions, 6 A to Z based tasks, 50 two-point locations and 20 routes) selected at random from the relevant knowledge folder.	Policy PHKT4
The legal, conditions and A to Z based questions must all be answered correctly.	Policy PHKT5
An applicant must answer 80% of the remaining routes and two point location questions correctly in order to pass the test.	Policy PHKT6
An applicant is allowed three attempts at a test.	Policy PHKT7
The application process is terminated if the applicant fails the third test. The applicant can re-apply after a period of twelve months from the date of the last failed knowledge test.	Policy PHKT8
Restricted Private Hire	
In April 2013 a Restricted Private Hire badge was introduced. An applicant wishing to work as a chauffeur/executive driver may be eligible to apply for a one year restricted private hire licence.	Policy RPH1
Applicants wishing to obtain a restricted private hire licence must be sponsored by a Birmingham based licensed operator running a recognised executive, or limousine hire business which does not undertake any regular private hire work.	Policy RPH2
A candidate for a restricted private hire driver's licence is required to provide a letter of introduction from the licensed operator indicating their intention to employ the applicant as a chauffeur, confirming the type of work to be undertaken and stating explicitly no cash work will be undertaken.	Policy RPH3
The knowledge test for restricted private hire drivers is based on the standard private hire knowledge test and consists of 20 questions (7 legal and 7 conditions based multiple choice questions and 6 A to Z based tasks) selected at random from the relevant knowledge folder.	Policy RPHKT1

The legal, conditions and A to Z based questions must all be answered correctly.	Policy RPHKT2
There are no two-point locations, or routes.	Policy RPHKT3
An applicant is allowed three attempts at a test.	Policy RPHKT4
The application process is terminated if the applicant fails the third test.	Policy RPHKT5
The applicant can re-apply after a period of twelve months from the date of the last failed knowledge test.	Policy RPHKT6
Criminal Record Check	
All applicants and drivers are required to undertake an enhanced Disclosure and Barring Service (DBS) check. Hackney carriage and private hire drivers are exempt from the provisions of the Rehabilitation of Offenders Act 1974 by virtue of the Rehabilitation of Offenders Act 1974 (Exemptions) (Amendment) Order 2002 and convictions are, therefore, never spent.	PolicyDBS1
On initial application, and every three years thereafter, where a licence is granted a driver will be subject to a criminal record check facilitated by the DBS.	PolicyDBS2
Where the DBS check reveals cautions or convictions relating to drugs, dishonesty, violence, or offences of a sexual nature, or reveals any information giving cause for concern, the applicant, or licensed driver will be referred to the Licensing Sub-Committee where the individual's fitness to hold a licence will be considered, unless those matters have already been taken into consideration and passed by Committee.	PolicyDBS3
All new applicants who have been resident abroad as adults must produce evidence of good conduct in that country or the equivalent of a DBS disclosure before their application can be considered. Any matters revealed will be dealt with in the same way as any revealed by the DBS check.	PolicyDBS4
An applicant who has fled an oppressive regime or has other reasonable grounds to believe that obtaining such documentation would be impossible or dangerous may apply to the Licensing Sub-Committee for an exemption and should support that application with a Statutory Declaration and a verifiable character reference from an individual employed in a Prominent 'Regulated Occupation'. Further details in this respect are available on request.	PolicyDBS5
Drivers' licences are currently renewed at the choice of the licensee for one, two or three years, to coincide with the DBS check.	
Restricted private hire licences will only be granted, or renewed on a one year basis.	Policy RPH4
On renewal, applicants are required to show their current DVLA driving licence for any possible endorsements. The licence must be in good condition, easily read, and relate to the particulars of the applicant	Policy DVLA1
Where a DVLA driving licence reveals matters or information that gives cause for concern the application can be referred to the Licensing Sub Committee for determination (unless previously considered and passed by Committee).	Policy DVLA2

Medical	
All applicants for the grant of a driver's licence are required to undertake and pass a Group II medical examination for vocational drivers before a licence can be issued. The medical is conducted at Birmingham City Council's Occupational Health Service.	Policy Med1
Once licensed, drivers remain subject to further medical checks as follows: <ul style="list-style-type: none"> • Drivers aged 45 and under - every 5 years • Drivers between 45 and 60 - every 3 years • Drivers over 60 - every year. 	Policy Med2
Driving Test	
Qualified examiners based within the City Council's Driver Training Service conduct the driving test.	Policy DT1
The applicant must pass the test in order to progress their application and is allowed three attempts.	Policy DT2
The application process is terminated if the applicant fails the third test.	Policy DT3
The applicant is eligible to re-apply after a period of twelve months from the date of the last driving test.	Policy DT4
Disability Awareness Training	
All new applicants for the grant of a driver's licence must undergo the Birmingham City Council approved disability awareness training. The course is mandatory and subject to a fee, payable by the applicant.	Policy DAT1
Fee Paid and Licence Issued	
An application will not be considered complete until such time as all fees have been paid and a licence issued. A licence is issued with attached conditions and the licensee is considered to have accepted those conditions unless appealed to Magistrate's Court within 21 days of issue, or granted exemption by Licensing Sub-Committee.	LGMPA 76 s53
Whilst an application for the grant of a licence is pending the applicant will undertake such tests and checks as the Licensing and Public Protection Committee deem appropriate and this may include new tests introduced whilst the application is in progress.	Policy APP2
An incomplete application on which there has been no activity for a period of twelve months or more, will be deemed abandoned and treated as withdrawn. Where an applicant returns to the Licensing Service to pursue an application deemed abandoned they will be required to submit new forms and undertake all tests with the exception of the disability awareness course if already taken.	Policy APP3
Driver Licence- Renewal	
A driver's licence is eligible for renewal from a date ten weeks prior to the expiry of the licence. The renewal of a licence will be subject to the policies relating to medicals, DBS checks, outstanding enforcement issues, and DVLA licence checks. An expired driver's licence may be renewed up to one calendar month after the expiry date.	Policy DREN1

Late renewal	
The period of one month after the licence has expired is referred to as a “late renewal period” and will be subject to a higher fee, namely the fee associated with a grant of a licence. Any application made more than a month after expiry will be considered a new application, subject to all the requirements for the grant of a licence and the applicant will be required to undertake all applicable tests and checks. Where there are exceptional circumstances which may warrant an exemption from that requirement, Officers may refer the matter to the Licensing Sub Committee for determination to agree a later renewal.	Policy DREN2
Whilst an application for the grant of a licence is pending the applicant will undertake such tests and checks as the Licensing and Public Protection Committee deem appropriate and this may include new tests introduced whilst the application is in progress.	Policy APP2
Multiple Driver Licence Types	
If a driver already holds one type of licence and applies for another type of licence they must undergo all the relevant tests that were either not applicable or not in force at the time the first licence was granted.	Policy MultiBadge 1
In any case where a medical or DBS check on the original licence is more than 12 months old, an applicant will be required to undertake another, the new check becoming current for both licences.	Policy MultiBadge 2
Driving test and Disability Awareness course passes can be carried over to the new application.	Policy MultiBadge 3
Knowledge test passes will not be carried over or exempted except where agreed by Committee.	Policy MultiBadge 4
Any person may request their application be referred to the Licensing Sub Committee for determination, however, the Head of Licensing or his nominated deputies, in consultation with the Chair of the Licensing and Public Protection Committee, may refuse such a request where the request is considered to be frivolous, vexatious or repetitious.	Policy-SubRefusal
Lost or Stolen Driver Licence (Badge)	
In the event a badge is lost or stolen this information must be reported to the Licensing office within three working days (not including Saturday and Sunday).	Policy LossBadge1
If the badge has been stolen the Police must be informed and a Police report number obtained.	Policy LossBadge2
If the badge has been lost a declaration to this effect must be made to the Licensing Offices.	Policy LossBadge3
A replacement badge will be issued on payment of a fee and production of a current DVLA driving licence.	Policy LossBadge4
A person may not legally work as a hackney carriage or private hire driver without being in possession of a current badge.	LGMPA 76 s54(2)(a)

Licensing Hackney Carriage and Private Hire Vehicles	
The Law states no-one can drive a hackney carriage or private hire vehicle licensed by Birmingham City Council unless they are licensed to do so i.e. they hold a current valid hackney carriage or private hire driver's licence, as appropriate, issued by Birmingham City Council.	LGMPA 76 s46
Insurance	
Vehicle proprietors must produce current, valid, insurance covering the use of the vehicle for public or private hire as applicable, before a licence can be issued.	LGMPA 76 s48(1)(b)
Transfer of vehicle licence	
Transfer of interest in a licence shall be completed only when the old identity plate(s) and licence are returned to the Licensing Office.	Policy Transfer1
If this cannot be done, the previous owner must sign a declaration informing the Licensing Office of the whereabouts of the vehicle identity plates or the reason the identity plates cannot be produced. This declaration will be used to assist in progressing with the transfer application.	Policy Transfer2
The transfer fee will be charged where interest in a vehicle licence is transferred to another proprietor. Where a renewal or replacement is conducted simultaneously both fees will be due.	Policy Transfer3
Vehicle Replacement	
The replacement fee will be charged when a vehicle is replaced during the life of a licence. Where a renewal or transfer is conducted simultaneously both fees will be due. If transfer, replacement and renewal transactions are conducted simultaneously the replacement fee will be waived.	Policy REP1
Lost or Stolen Vehicle Licence (Plate)	
In the event a vehicle identity plate is stolen the Police must be informed and a Police report number obtained. If the identity plate is lost a signed declaration must be made to this effect. This information must be reported to the Licensing Office within three working days. A replacement plate will be issued on payment of a fee and production of a valid insurance document and DVLA driving licence.	Policy LossPlate1
Licensing a vehicle registered to another keeper:	
Where an applicant for a vehicle licence provides a registration document indicating that the registered keeper is another individual, or legal entity, the applicant will be required to provide a letter from the registered keeper indicating that use of the vehicle as a hackney carriage or private hire vehicle by the applicant, is done with their full knowledge and consent.	Policy Keeper1
Where an applicant for a vehicle licence provides a registration document indicating that the registered keeper is another individual, or legal entity, the applicant will be required to provide a letter from the insurers indicating that they are aware of the arrangement and content to provide appropriate insurance cover in those circumstances.	Policy Keeper2
Expired Hackney Carriage Vehicle Licence	

When a hackney carriage vehicle licence has expired and more than one calendar month has elapsed any attempt to re-licence the vehicle must be referred to the Licensing Sub Committee for determination.	Policy ExpHack1
Approved Vehicle Types – Hackney Carriage	LGMPA 76 s47
The Licensing Authority has set down a series of specifications that a vehicle will need to comply with prior to it being accepted as a licensed vehicle:	
<ul style="list-style-type: none"> Vehicles specifically adapted for wheelchair carriage which meet the M1 European standard. 	Policy HCVSpec1
<ul style="list-style-type: none"> Any M1 vehicle adapted to be a hackney carriage where the adaptations are approved by the Vehicle Certification Agency (VCA) and the adaptations have VCA certification to European Whole Vehicle Type Approval (EWVTA) or G/B/ Low Volume (Small Series) Type Approval. 	Policy HCVSpec2
<ul style="list-style-type: none"> The front seat of a hackney carriage vehicle will not be included in the seating capacity indicated on the vehicle licence. 	Policy HCVSpec3
<ul style="list-style-type: none"> Any MPV or van derived M1 class vehicle to be licensed as a hackney carriage must be black in colour and must not be fitted with full-body advertising livery. 	Policy HCVSpec4
<ul style="list-style-type: none"> Purpose built Hackney Carriage vehicles cannot be licensed for the purposes of private hire. 	LGMPA 76 s48(1)(a)(ii)
Approved Vehicle Types – Private Hire	LGMPA 76 s48(1)
The private hire licensing provisions apply to a variety of vehicles ranging from four-door saloon vehicles to people carriers, however, those vehicles should be:	
<ul style="list-style-type: none"> built to M1 specification. 	Policy PHVSpec1
<ul style="list-style-type: none"> have a minimum engine size of 1600cc (1500cc for second-generation Toyota Prius.) 	Policy PHVSpec2
<ul style="list-style-type: none"> be capable of carrying a minimum of four average sized adults in comfort. 	Policy PHVSpec3
<ul style="list-style-type: none"> All vehicles must be right hand drive and must not have fewer than four road wheels. 	Policy PHVSpec4
<ul style="list-style-type: none"> Cars must have a minimum of four doors giving adequate access to and egress from the vehicle. The design of the car can be saloon, hatchback or estate. 	Policy PHVSpec5
<ul style="list-style-type: none"> Larger vehicles (MPV, minibus, or people mover types) must have sufficient doors of sufficient size to allow passengers to get in and out quickly and safely. 	Policy PHVSpec6
<ul style="list-style-type: none"> Where exit from the rear seats in vehicles equipped with three rows of seats requires operation of a tip seat mechanism, passengers must be able to exit from either side of the vehicle and the tip seats at either end of the middle row must be capable of independent operation. 	Policy PHVSpec7
<ul style="list-style-type: none"> Where a vehicle is equipped with pop-up, or auxiliary seats intended for occasional use only, those seats must not be included 	Policy PHVSpec8

in the licensed capacity of the vehicle.	
<ul style="list-style-type: none"> Where the vehicle configuration requires a whole bench seat to slide and/or tip for access/egress to the rear seats, the rear seats should not be included in the seating capacity and should be removed to avoid pressure from passengers to carry numbers in excess of the licensed capacity. 	Policy PHVSpec9
<ul style="list-style-type: none"> All vehicles must have a wheelbase (when measured from the centre of the front wheel to the centre of the rear wheel) of at least 2540mm (100 inches). 	Policy PHVSpec10
<ul style="list-style-type: none"> Cars must have a back seat width (when measured in a continuous line from edge to edge) of at least 1220mm (48 inches). 	Policy PHVSpec11
<ul style="list-style-type: none"> Larger capacity vehicles (MPV, minibus, or people mover types) which are fitted with individual seats, or which do not have full width bench seats, must have a minimum 407mm (16 inches) of seat space per passenger across the width of the seat. 	Policy PHVSpec12
<ul style="list-style-type: none"> Seat belts must be provided for all passengers according to the licensed capacity of the vehicle. 	Policy PHVSpec13
<ul style="list-style-type: none"> Vehicles equipped with soft tops, removable hard tops and people carriers (MPV types) described as black on the log book, will not be licensed for the purpose of private hire. 	Policy PHVSpec14
<ul style="list-style-type: none"> Vehicles fitted with darker tints and privacy glass can be licensed where the glass is to factory standard and vehicles are presented to licensing in an unmodified state, vehicles fitted with films, foils, or any other aftermarket tinting will be refused a licence, unless the tinting is removed and the vehicle returned to the manufacturer's standard specification. 	Policy PHVSpec15
<ul style="list-style-type: none"> Vehicles identified as stretched limousines, or novelty vehicles will be considered outside the scope of this definition, in line with current practice. 	Policy PHVSpec16
Transfer of Hackney Carriage Vehicle Licence	
A proprietor of a hackney carriage vehicle may replace, swap or change their vehicle with another licensed hackney carriage vehicle of any age.	Policy HCVTran1
In this policy it is understood that the licence and its related vehicle will remain together and not be separated.	Policy HCVTran2
Transfer of Private Hire Vehicle Licence	
Private hire vehicle licences may only be transferred to a vehicle that is less than 8 years old.	Policy PHVTran1
The licence to be transferred into the proprietor's name must relate to a vehicle, that is less than 8 years old. Failure to comply with this policy will result in the private hire vehicle licence being transferred for the duration of the life of the licence; however, the Council will refuse to renew that licence when it expires.	Policy PHVTran2
Replacement of Hackney Carriage Vehicle Licence	

A hackney carriage vehicle licence may only be transferred to another vehicle (that is to say separated from its related vehicle and moved to another vehicle) that is younger/newer than the age of the vehicle currently licensed.	Policy HCVRep1
Replacement of Private Hire Vehicle Licence	
A licensed private hire vehicle can only be replaced, swapped or changed with a vehicle that is less than 8 years old.	Policy PHVRep1
Failure to comply with this policy will result in the vehicle or the private hire vehicle licence being transferred for the duration of the life of the licence, however, the Licensing Service will then refuse to renew this.	Policy PHVRep2
Age Limit – Hackney Carriage Vehicles	
No vehicle over the age of 14 years will be granted a licence.	Policy HCVAge1
No vehicle over the age of 14 years will have its licence renewed unless the vehicle is able to pass the Supplementary Test Plus, in which case the vehicle licence may be renewed on a year by year basis, subject to passing the Supplementary Test Plus on each occasion.	Policy HCVAge2
Age Limit - Private Hire Vehicles	
No vehicle over the age of 8 years will be granted a licence.	Policy PHVAge1
No vehicle over the age of 8 years will have its licence renewed unless the vehicle is able to pass the Supplementary Test Plus, in which case the vehicle licence may be renewed on a year by year basis, subject to passing the Supplementary Test Plus on each occasion.	Policy PHVAge2
Vehicle Testing – ALL Vehicles	
All vehicles are subject to a standard MOT test to determine its mechanical fitness and a more stringent supplementary test dealing with the vehicle's condition, appearance and suitability prior to licensing.	LGMPA 76 s48
An MOT certificate presented for the purpose of replacement of a vehicle or the renewal or granting of a licence must be less than ten weeks old at the time of the transaction, that time period to be calculated from the date of inspection.	Policy Veh2
The law provides that a private hire vehicle cannot, in its type, design or identification, lead anyone to believe that it is a hackney carriage.	LGMPA 76 s48(1)(a)(ii)
Private Hire Operators	
All Birmingham licensed operators must operate from premises within the City boundaries.	LGMPA 76 S46
Operators' fares are not regulated but each operator is required to ensure that their particular charges are displayed or available on request to each person travelling in a private hire vehicle.	Conditions (Vehicle 23)
Drivers pay a weekly rental to a licensed operator for the hire of a radio, or data communication unit. The operator then passes the details of bookings assigned to each driver by voice over a radio network or as text delivered via an electronic data link.	
An applicant for the grant of or renewal of an operator's licence will be asked to disclose details of any previous convictions and also an applicant for the grant of an operator's licence will be asked for details of any previous experience of working within the private hire industry.	Policy Op1






Planning permission must be obtained for the premises where the operation is to be based, unless the applicant can provide confirmation from the Planning Department that such permission is not required.	Policy Op2
The conditions of licence imposed on operators are strictly enforced, particularly those relating to the keeping of records.	
The records to be maintained include records of all journeys undertaken, and information and documentation relating to the vehicles and drivers operated, together with their "call signs".	LGMPA 76 s56
The fee payable for an operator's licence reflects the structure of the operation and the number of drivers and vehicles managed, in that it is set according to the officer time afforded to the licence. This fee is payable at the time the application is submitted.	Policy Op3
Renewal applications for operator licences must be submitted to the Licensing Office at least 14 days before expiry, fully completed and with all necessary accompanying paperwork.	Policy Op4
Failure to comply with this requirement may prevent a new licence from being issued on or before the expiry of the old licence.	Policy Op5
Committee Policies Relating to Hackney Carriage and Private Hire Drivers	
An applicant for a hackney carriage or private hire driver's licence must have held a full DVLA driver's licence for at least two years.	Policy Dri1
Disqualification from Driving	
The Licensing Sub Committee will not be disposed to grant new applications or applications for renewal of hackney carriage or private hire driver's licences from persons who have been disqualified from driving until such time that such applicants have gained sufficient recent driving experience and become re-acquainted with driving conditions following reinstatement of DVLA licences; further that the period of further driving experience should be at least equivalent to the period of disqualification. For example, a driving disqualification of six months will mean a rehabilitation period of six months from the date the DVLA licence is reinstated. However, a rehabilitation period may be reduced at the discretion of the Committee where an applicant has successfully completed an approved driving course as part of the sentence.	Policy Dri2
Driving Offences Associated with Drink or Drugs	
The Licensing Sub Committee will not be disposed to grant or renew applications for licences to drive hackney carriage or private hire vehicles where the applicant has been convicted of a driving offence associated with drink or drugs under the Road Traffic Acts for the following periods, following reinstatement of the DVLA driving licence <ul style="list-style-type: none"> • In the case of disqualification a minimum of two years • if the period of disqualification is longer Policy Dri2 will apply. • two years where there is no disqualification. 	Policy Dri3
Plying For Hire: First and Any Subsequent Offences	
Drivers convicted of a first offence of plying for hire, and driving with no insurance should be revoked.	Policy Dri4
Drivers convicted only of plying for hire should be subject to suspension for	Policy Dri5

a minimum period of six months for the first offence.	
For any subsequent offence, consideration should be given to the ultimate penalty of revocation of a drivers licence.	Policy Dri6

Refusal of Applicants with a Conviction for any Sexual Offence	
An applicant with a conviction for any sexual offence should normally be refused.	Policy Dri6
An Applicant Refused or Revoked by another Authority	
Where an applicant has had a licence refused or revoked by another local authority, that application shall be referred to and determined by the Licensing Sub-Committee.	Policy Dri7
Further Applications from Applicants or Drivers Refused or Revoked	
An application for the grant of a hackney carriage or private hire driver's licence must be referred to the Licensing Sub-Committee for determination under any of the following circumstances:	Policy Dri8
<ul style="list-style-type: none"> • application previously refused; 	Policy Dri9
<ul style="list-style-type: none"> • licence previously revoked or refused upon renewal; 	Policy Dri10
Further, an application will not be considered within 12 months of the date of refusal, revocation or unsuccessful appeal, whichever is the later.	Policy Dri11
Refusal of Applicants with a Conviction for a Drugs Related Offence	
An applicant with a conviction for a drug-related offence should normally be refused.	Policy Dri12
Failure of Three or More Knowledge Tests per Application	
Where an applicant has failed three knowledge of the city tests in connection with an application for a hackney carriage or private hire driver's licence, that application will be refused on the grounds that the person is not considered to be a fit and proper person to hold such a licence.	Policy KT6
An applicant may re-submit an application for the grant of a driver's licence one year after the date of the third knowledge test. This application will be treated as a new application and the applicant must undertake and pass the appropriate tests.	Policy KT7
Failure of Three Driving Tests per Application	
Where an applicant has failed three driving tests in connection with an application for a driver's licence that application will be refused on the grounds that the applicant is not considered to be a fit and proper person to hold such a licence.	Policy DT3
An applicant may re-submit an application for the grant of a driver's licence one year after the date of the third driving test, however, should a further failure occur this application will be presented to the Licensing Sub Committee for determination.	Policy DT4
Working Dogs	
Since March 2001 licensed hackney carriage and private hire drivers in England have been under a duty to carry guide, hearing and other prescribed assistance dogs in their vehicles without additional charge. Drivers can apply for an exemption from the duty on medical grounds if they have a condition that is aggravated by contact with dogs to allow them to continue in the trade. Drivers must comply with the requirements of the exemption.	EA 2010 s168-171

Suspension, Revocation and Refusal to Renew Licences

<p>A hackney carriage or private hire vehicle licence may be subject to suspension, revocation or refusal, or renewal, by the Licensing Sub-Committee, on the following grounds:</p> <ul style="list-style-type: none"> • The vehicle is unfit for use as a hackney carriage or private hire vehicle. • Any offence or non-conformity with the legislative provisions by either the operator or the driver. • Any other reasonable cause. 	
<p>A hackney carriage or private hire driver's licence may be suspended, revoked or refused on renewal by the Committee on the following grounds:</p> <ul style="list-style-type: none"> • Since the grant of the licence the driver has been cautioned or convicted of an offence involving drugs, dishonesty, indecency or violence. • Any offence or non-compliance with the legislative provisions by the driver. • Any other reasonable cause. 	LGMPA 76 s61
<p>In all the above cases, and where applicants for the grant of a licence have been refused, there is a right of appeal against the Committee's decision to the Magistrates' Court.</p> <p>The outcome of all appeals is reported to the Licensing and Public Protection Committee on a regular basis.</p>	LGMPA 76 s61-63

Document	Link	Notes
Hackney Carriage Byelaws	 HC Byelaws	Revised 2010 Currently under review
Private Hire Driver Conditions	 Private Hire Driver Conditions	Revised 2010 Currently under review
Private Hire Vehicle Conditions	 Private Hire Vehicle Conditions	Revised 2010 Currently under review
Private Hire Operator Conditions	 Private Hire Operator Conditions	Revised 2010 Currently under review
Restricted Private Hire Driver Conditions	 Restricted Private Hire Driver Conditions	Introduced 2013 Currently under review

SCHEME OF DELEGATIONS (HCPH)

Hackney Carriage / Private Hire	Decision to be made by:		
	Full Committee	Sub-Committee	Officers (Senior Licensing Officer or above)
Setting of Fees and charges	All Cases		
Approval of Hackney Carriage Fares	All Cases		
Agree standard conditions i.e. vehicle / driver/operator etc.	All Cases	Requests for exemption may be considered by sub committee	
When a hackney carriage vehicle licence has expired and more than one calendar month has elapsed		any attempt to re-licence the vehicle	
AUTHORITY TO SUSPEND, REVOKE OR REFUSE TO RENEW OR REFUSE TO GRANT ANY LICENCE OR APPLICATION:			
in the case of a licensed vehicle being found to be in contravention of legislation,			Officers delegated this authority are those authorised for the purpose of the LGMPA 76 and TPCA 1847
if the officer is not satisfied as to the fitness of the vehicle, or			Officers delegated this authority are those authorised for the purpose of the LGMPA 76 and TPCA 1847
if the officer is not satisfied as to the accuracy of the taximeter, or			Officers delegated this authority are those authorised for the purpose of the LGMPA 76 and TPCA 1847
if the vehicle does not have adequate insurance cover, or			Officers delegated this authority are those authorised for the purpose of the LGMPA 76 and TPCA 1847
if the vehicle is unroadworthy or in a dangerous condition.			Officers delegated this authority are those authorised for the purpose of the LGMPA 76 and TPCA 1847
if an officer is not satisfied as to the fitness of a driver following a medical report from the Occupational Health Service.			Officers delegated this authority are those authorised for the purpose of the LGMPA 76 and TPCA 1847

Hackney Carriage / Private Hire	Decision to be made by:		
Matter to be dealt with:	Full Committee	Sub- Committee	Officers (Senior Licensing Officer or above)
Where the applicant has 11 points on their DVLA licence or a conviction or caution for an offence that does not fall within the category of drugs, violence, dishonesty or of a sexual nature.			All Cases
Where an applicant has cautions over two years old, such application will be granted.			All Cases
Where an applicant has a conviction(s) for dishonesty, whatever the sentence, including a prison sentence, then such application will be granted provided at least ten years has lapsed since the last conviction for dishonesty.			All Cases
Where an applicant has an absolute discharge for any offence, with no other offences, such application will be granted.			All Cases
Where an applicant has failed 3 verbal communication tests, or 3 Knowledge tests, or 3 driving tests, then such application will be refused.			All Cases
Where an applicant has previously been refused or his/her licence revoked, whether by Birmingham City Council or another Local Authority, any further application will be refused within a 12 month period starting from the date of the refusal/revocation of the previous licence.		All Cases	
Where a private hire driver is convicted for plying for hire (first offence), then their private hire driver's licence will normally be suspended for a minimum period of 6 months.		All Cases	
Where a private hire driver is convicted for plying for hire and no insurance, then their private hire driver's licence will normally be revoked.		All Cases	
Grant/renewal of a licence where a driver is convicted of a drink/drug related driving offence or has been subject to a driving ban		All Cases	
Renewal of a drivers licence after the late renewal period where the circumstances for the lateness are on medical grounds only. (late renewal fee applies)			All case

Hackney Carriage / Private Hire	Decision to be made by:		
Matter to be dealt with:	Full Committee	Sub- Committee	Officers (Senior Licensing Officer or above)
Where a driver pays any fee by cheque and that cheque is not honoured and following chasing letters to be sent to the driver at his/her last known address, the drivers licence or vehicle licence will be suspended until such time as the requisite fee is received.			All Cases
When confirmation is received to the effect that the holder of the licence has been banned from driving by a Court of Law and is no longer in possession of a valid DVLA driving licence.			All Cases
Approval of the installation of safety screens in private hire vehicles, where MIRA testing and approval, or an equivalent European test certificate can be produced for the proposed screen			All Cases
Approval of certain standard exemptions to the current licence conditions for private hire operators and vehicles, where the applicant can demonstrate that the exemption is justified (limousines, stretched and special event vehicles carrying out private hire work within the city)			All Cases
Grant of licence where the applicant has 6 points on their DVLA licence or a conviction or caution for an offence that does not fall within the category of drugs, violence, dishonesty or of a sexual nature.			Licensing officer and above
Consideration of suitability of evidence as to good character where applicant is from a failed state and cannot comply with requirement to provide a DBS.			All cases

GENERAL LICENSING

The General Licensing Team is responsible for a wide range of licensing functions, which include sales of alcohol, late night refreshment, regulated entertainment, sex establishments, charitable collections, scrap metal and gambling premises.

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Administration of the Animal Welfare licensing function is under the remit of Environmental Health. The Senior Animal Welfare Officer and the administration team are located at Garretts Green. Inspection and enforcement is carried out by the Senior Animal Welfare Officer.

Massage and Special Treatment Establishments
Birmingham City Council Act 1990.

- Only a very small number of local authorities in the country have similar powers. The legislation was originally aimed at controlling massage and various treatments which could carry a health and safety risk to the public, e.g. water borne disease and exposure to UV rays. The Act has led to a whole range of premises being included, from health and fitness centres to hairdressing salons.
- Anyone conducting an establishment for treatment by way of massage is required to be licensed; other forms of treatment also include Solaria, Therapeutic Spa Baths, Sauna, Turkish Baths, Aromatherapy massage and Herbal Baths.
- Each licensed premises is subject to an annual visit by a Licensing Enforcement Officer.
- When considering applications for licences consultation is carried out with West Midlands Police. There are also statutory requirements placed on applicants to post notices on the premises giving passers-by opportunity to comment or object.
- All licences are subject to a set of conditions which regulate the manner in which the premises must be operated.



BCCA90 MST
 Standard Conditions

Sex Establishments

Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (the “Act”).

The Act gives local authorities the adoptive powers to control sex establishments which are defined as a sex shop, a sex cinema or a sexual entertainment venue (SEV)

Sex Shops and Sex Cinemas

A sex shop is a premises used for a business, which consists, to a significant degree, of selling what are termed sex articles. These commonly include magazines, DVDs and different forms of sex aids.

A sex cinema is any premises used to a significant degree for showing of films, which are concerned primarily with, or relate to, or are intended to stimulate or encourage sexual activity.

The key words in the statutory definition are the words “to a significant degree”. This is not defined by the Act but case law suggests ‘significant’ implies a higher standard than ‘more than trifling’. In almost all cases the ratio between the sexual and other aspects of the business would be material: the absolute quantity of sales, the character of the remainder of the business, the nature of the display and the nature of the articles themselves are all considerations. No single factor is decisive and the Committee must decide which considerations are material and what weight to attach to them.

When considering applications for licences consultation is carried out with West Midlands Police, Ward Councillors and the Licensing Enforcement Team. There are also statutory requirements placed on applicants to advertise in the local press and post notices on the premises giving passers-by opportunity to comment or object.

The criteria for consideration are:

- the suitability of the applicant;
- whether the person applying will actually be responsible for operating the business
- the location and suitability of the premises; and
- whether the number of sex establishments within that locality is equal to or exceeds the number which the Council considers appropriate for the area.

Other than where the suitability of the applicant is concerned, there is no automatic right of appeal against a decision to refuse a licence and, therefore, an applicant’s only remedy would normally be by way of judicial review.





Sex Shop Conditions






Sex Cinema
Conditions



Sexual Entertainment Venues

A Sexual Entertainment Venue (SEV) is defined as “any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer”.

<p>The meaning of 'relevant entertainment' is "any live performance or live display of nudity which is of such nature that it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of an audience (whether by verbal or other means)".</p>	
<p>These definitions would apply to the following forms of entertainment as they are commonly known: lap dancing; pole dancing; strip shows; peep shows; and live sex shows.</p>	
<p>The legislation provides exemptions from the definitions of SEVs as follows:</p> <ul style="list-style-type: none"> • Sex shops and sex cinemas (these are separately defined in Schedule 3 to the 1982 Act). • Premises which provide relevant entertainment on an infrequent basis. 	
<p>These are detailed as premises where:</p> <ul style="list-style-type: none"> • no relevant entertainment has been provided on more than 11 occasions within a 12 month period • no such occasion has begun within a period of one month beginning with the end of the previous occasion; and • no such occasion has lasted longer than 24 hours. 	
<p>On 12th October 2010, Birmingham City Council resolved to adopt the provisions to control SEVs. A separate Sexual Entertainment Venue Policy, to apply to the whole of Birmingham, was published and became effective from 3 January 2011.</p> <p>This Policy is was revised in October 2014 and was effective since 1 November 2014. .</p>	
<p>The Sexual Entertainment Venue Policy document contains full details of the licensing regime applicable to Birmingham including application procedures, standard conditions and delegations. The Standard conditions were revised with effect from 1st November 2014 (on all licences granted or renewed after that date).</p> <div style="text-align: center;">  SEV Policy </div>	
<p>Charitable Street Collections Police, Factories etc., (Miscellaneous Provisions) Act 1916.</p>	
<p>The Act prescribes Regulations, which govern the conduct of collections being made for charitable or other purposes in any street or public place.</p>	 Model Street Collection Rules
<p>This could include a collecting box or tin, or even the sale of any articles or magazines where there is a representation at the point of sale that part of the proceeds are being applied to charitable or other purposes.</p>	
<p>Organisations do not have to be a registered charity but checks are made to ascertain that the organisation is genuine, and for new organisations or charities, copies of the latest accounts may be requested. Details of the promoter are forwarded to the West Midlands Police to afford them the opportunity to comment on the suitability of the applicant. The promoter of the collection or permit holder is also required to submit a return within one</p>	

month of the collection taking place to show the amount collected and details of how the proceeds have been applied particularly on expenses.	
In September each year, an advertisement is placed on the Birmingham City Council website inviting applications to be lodged by 1 November for the following year. In order to allow for a fair opportunity of collection dates for all prospective charitable organisations, applications are restricted to either one collection that covers the “whole city” or two separate dates for a selection of districts.	
All applications received by 1 November each year are given priority for dates and areas and efforts are made to allocate preferred dates to each of the individual organisations. To avoid any clash of interest permits are not granted to two separate organisations to collect in the same place on the same day. For those organisations applying later than 1 November, applications are allocated on a first come first served basis provided that the requested date and area is still available.	
“Face to face” fundraising usually relates to the collection of direct debits / standing orders from shoppers/pedestrians. Such appeals are normally conducted by professional fundraising companies that are remunerated by charities. Where a professional fundraiser is involved in a charitable street collection on behalf of a charity, our procedures require that a copy of the statutory fundraising agreement is submitted with the application as this gives details of the costs of the fundraising.	
Under the Model Street Collection Regulations, “no payment shall be made out of the proceeds of a collection, directly or indirectly, to any other person connected with the promotion or conduct of the collection other than payments which have been specifically approved by the Council.”	
All such face-to-face street collection applications are, therefore, referred to Committee for consideration with the expectation that an applicant demonstrates how any potential donors are made fully aware of the remuneration costs involved and the relationship between the company and the charity.	
There is no right of appeal against the refusal to grant a street collection permit.	
The Charities Act 2006 was introduced to change the way in which charitable collections were regulated, however, the Act was implemented in phases and to date the provisions relating to public charitable collections have still not been introduced.	
It should be noted that a part of the Charities Act 2006 that was introduced, amended the Charities Act 1992 in relation to the statement required to be made by professional fundraisers when raising money for particular charitable institutions. The statement must give the method by which the fundraiser’s remuneration in connection of the appeal is determined and the notifiable amount of that remuneration.	

House to House Collections House to House Collections Act 1939.	
Whereas street collection permits are normally issued to cover a period of one or two days, a house to house collection licence can be granted for any period up to one year. With regard to vetting and checking to ascertain whether the organisation applying is genuine or not, the same procedures apply as for street collections.	
There is a requirement for the promoter of the collection to make a return following the collection.	
Collections generally take place from door to door or from one public house to another.	
Some of the larger well-known charities such as British Red Cross, Christian Aid, Shelter, RNLI etc., have a Government exemption from having to apply for a licence, but most of the smaller, and particularly local groups and organisations need a licence before they can collect money (or articles which they intend to give away or sell later), from door to door.	
As with the procedure for street collections, where a charitable organisation is utilising the services of a professional fundraising company, our procedures require that a copy of the statutory fundraising agreement is submitted with the application.	
Unlike street collections, there is a statutory right of appeal against the refusal to grant a house to house collection licence. In this case, the right of appeal is to the Secretary of State, and the grounds for refusal are set out in the Act.	
Skin Piercers Local Government (Miscellaneous Provisions) Act 1982 Part VIII Local Government Act 2003	
Local Government (Miscellaneous Provisions) Act 1982 Part VIII applies to the registration of persons operating at premises to provide the following types of skin piercing: Acupuncture, Tattooing and Electrolysis.	 acupuncture byelaws  Tattoo byelaws  electrolysis byelaws
Byelaws were introduced in 1985 to regulate these activities.	
The Local Government Act 2003 came into effect on 1 April 2004 and introduced the registration and inspection of all businesses which carry out cosmetic skin piercing and semi-permanent skin colouring.	

Byelaws were introduced in 2006 to regulate these activities.	  cosmetic skin piercing byelaws Semi-perm skin colouring byelaws
Inspection and enforcement is carried out by officers of Birmingham's Environmental Health Service.	
This is purely a registration function, with no provision for objection or refusal. Registration Certificates are issued by Senior Licensing Officers or above.	
Alcohol Restricted Areas (Designated Public Place Orders (DPPO)) The Criminal Justice and Police Act 2001 (as amended).	
This legislation included a number of powers to combat crime and disorder, including measures to deal with alcohol related problems. The Act gives local authorities the power to designate areas 'Alcohol Restricted Areas' where it will become an offence for any person to drink alcohol after being requested not to do so by a Police Officer.	
In October 2014 this legislation was revoked, meaning extant DPPOs would remain in effect for three years from that date, but no further DPPOs can be granted. All extant DPPOs will expire October 2017	
The provisions have been replaced by Public Space Protection Orders which are not within the scope of the Licensing Service.	
Village Greens The Commons Act 2006	
The Local Authority is the 'Registration Authority' for the purposes of the legislation.	
Applications can seek the inclusion in the register of town and village greens of land which is claimed to have qualified for registration by virtue of continuous usage by inhabitants of the locality for lawful sports and pastimes as of right over a period of 20 years. In order for an application to succeed it must satisfy all parts of the statutory test.	
Applications are reported to the Licensing and Public Protection Committee.	
In cases where objections give rise to a serious dispute of fact between the applicant and the objectors, a public inquiry may be held before an independent inspector, who will then put forward a recommendation to the Registration Authority.	
The final decision will be taken by the Licensing and Public Protection Committee, or a Licensing Sub-committee if so delegated.	
Animal Welfare	
Animal Boarding Animal Boarding Establishments Act 1963	

Anyone involved in the business of providing accommodation for other peoples animals (being cats or dogs),is required to obtain a licence form the local authority.
Inspections are undertaken by the Senior Animal Welfare Officer, prior to licence approval.
Licensed premises now include home dog boarders, where individuals board dogs in their own home and also dog day care centres.

Dog Breeding

Breeding of Dogs Acts 1973 and 1991

Legislation prescribes standards of management and accommodation in relation to the business of breeding dogs.

In addition to the inspection by the Senior Animal Welfare Officer the Act requires that the services of an independent veterinary surgeon or practitioner is used for inspecting prospective establishments in respect of applications for the grant of a new licence

Pet Shops	
Pet Animals Act 1951.	
The Act regulates the sale of pet animals which includes a provision that a pet animal cannot be sold to a person under the age of 16. Conditions which are applied to premises promote animal health and welfare.	
Performing Animals	
The Performing Animals (Regulations) Act 1925	
The Act covers the use of animals in film and stage performances, at circuses, and as part of exhibitions etc. More recently these provisions are applied to persons who use animals during educational talks and demonstrations at children's parties. It is an offence for anyone to train or exhibit a performing animal unless they are registered.	
Dangerous Wild Animals	
The Dangerous Wild Animals Act 1976 (as amended)	
<p>The Act contains a schedule detailing a variety of animals for the purposes of the Act e.g. venomous snakes and certain monkeys etc.</p> <p>Zoos, pet shops and circuses are exempt from the provisions of the Act. There are no current licences, however, the Act provides powers to the Council to seize any animal being kept on premises which are unlicensed.</p> <p>There is a requirement for an independent report to be obtained from a veterinary surgeon or practitioner before a licence can be granted.</p>	
Riding Establishments	
Riding Establishments Acts 1964 and 1970	
<p>Stables which hire out horses or ponies for riding or instruction must be licensed under the provisions of the Riding Establishments Act 1964 and 1970. When considering applications there is a requirement for an independent report to be obtained from a veterinary surgeon or practitioner.</p> <p>An applicant for the grant or renewal of a licence must undergo or present an enhanced criminal record check (not more than 3 months old) with the submission of an application form.</p> <p>Once licensed, a licence holder must ensure that an enhanced criminal record check is conducted for any person in their employ that may come into contact with any persons under the age of 17 years that will be using the services of the riding establishment.</p>	
Zoos	
Zoo Licensing Act 1981	
<p>This Act classes any establishment, other than a circus or pet shop, where animals are kept for public exhibition as a Zoo.</p> <p>Licences are initially granted for four years and then renewable every six years.</p> <p>Zoos must observe standards of modern zoo practice which have been specified by the Secretary of State.</p> <p>Inspections are carried out annually by the Senior Animal Welfare Officer, however, at least twice during the term of the licence; a formal inspection must be carried out by a veterinary surgeon or practitioner in addition to an inspector appointed by the Secretary of State.</p>	
<u>Notices</u>	
Where applications carry a requirement to advertise in the local press, it is recommended advertisements are placed in The Birmingham Mail, The Birmingham Post, or, for applications relating to premises in Sutton Coldfield, the Sutton Observer.	Policy Notice1

Should applicants wish to use an alternative publication they are advised to consult with officers at the Licensing Service.	
In circumstances where Birmingham City Council Licensing Service is required to publish notices in the local press such notices will be placed in the Birmingham Mail or the Birmingham Post.	Policy Notice2
Enforcement	
<p>Licensing Enforcement Officers and Licensing Compliance Officers are issued with an identity card and authorisation. They enforce the provisions of the legislation for which they are authorised. This includes but is not limited to:</p> <ul style="list-style-type: none"> • Birmingham City Council Act 1990 • Equalities Act 2010 • Gambling Act 2005 • House to House Collections Act 1939 • Licensing Act 2003 • Local Government Act 1972 (Section 222) • Local Government Act 2003 • Local Government (Miscellaneous Provisions) Act 1976 Part II • Local Government (Miscellaneous Provisions) Act 1982 Part I, II, VII • Police Factories, etc. (Miscellaneous Provisions) Act 1916 (Street Collections) • Private Hire Vehicles (Carriage of Guide Dogs etc.) Act 2002 • Private Security Industry Act 2001 • Town Police Clauses Act 1847 and 1889 • Hackney Carriage Byelaw, 26 June 2008 	
Officers undertake inspections, offer advice, deal with requests for assistance, investigate complaints and take part in planned exercises including operations with other enforcement agencies.	
The premises and individuals licensed under the above Acts will be risk rated and inspected as and when appropriate in line with that rating, to ensure compliance with the legislation and any conditions attached to their licences. Inspections may also take place upon the grant, renewal or transfer of a licence or upon the receipt of a complaint.	
Private hire operators will be risk rated and inspected an appropriate number of times during the year. Officers will check that the documents and records relating to drivers, vehicles and bookings are as prescribed by their conditions of licence. All operators will receive at least one inspection during the course of the operational year.	
Stop check exercises are regularly undertaken with the assistance of the Police. Licensed vehicles are stopped and inspected to ensure that they and their drivers are complying with conditions of licence and are safe to carry members of the public. If defects on the vehicle are noted such as loose radios, bald tyres or defective lights, the plate licence may be suspended until the issues are rectified.	
As well as routine inspections and high visibility exercises, Officers undertake exercises, where they pose as members of the public and make test purchases. Again this is to check licensees are complying with the legislation and their conditions of licence.	
Officers also work jointly with agencies such as the Police and DVSA (formerly VOSA).	
Further information can be found within the Regulation and Enforcement, Enforcement Policy.	

GOOD PRACTICE AND PROCEDURE

The following are points that your Committee should bear in mind when making decisions concerning individual licences and should be read in conjunction with the Members' Code of Conduct and the Member/Officer Protocol. They are based on the large number of legal cases in which the courts, including the European Courts, have considered different aspects of a local authority's licensing functions. However, your Committee should be aware that in certain cases there are additional requirements resulting from specific legislation.

1. Political/Party Group Meetings

Group meetings should be concerned with policy reports, not the discussion of individual licence applications etc. The use of a party political whip is inconsistent with the rules of natural justice and should be avoided by Councillors sitting on the Licensing and Public Protection Committee.

2. Members

Members should be mindful of the requirements concerning the disclosure of interests and when it is necessary for a member to vacate a meeting. In cases of doubt the Director of Legal Services, or his representative, should be consulted. Details are set out in the Council Constitution.

3. Social Media

What are social media?

Social media is the term to describe websites and online tools which allow people to interact with each other by creating their own content. The content could, for example, be blogs, videos or short messages, known as tweets, via twitter.

On social media sites users share information, discuss opinions and may create interest groups or pages. Ultimately people use these sites and tools to build online communities and networks which encourage participation and engagement.

Types of Social Media:

- Blogging and microblogging – online journals – Twitter is an example of microblogging, where entries are limited to 140 characters

- Online Forums – people with similar interests sharing information and opinions – AccyWeb is an example
- Social networking sites – these facilitate connections between people who already know each other, often in a social context, but are increasingly used by businesses to promote their products or services- Facebook is an example
- Video and photo publishing – sharing videos and photographs worldwide – Flickr is an example

Some general legal issues:

- **Libel** – If you publish an untrue statement about a person which is damaging to their reputation, they may take a libel action against you. The same thing may happen if, for example, someone else publishes something libellous on your website, you know about it and don't take swift action to remove it. A successful libel claim could result in the award of damages against you,
- **Copyright** – Placing images or text on your site from a copyrighted source (for example extracts from publications or photos), without obtaining permission, is likely to breach copyright laws. Therefore don't publish anything you are unsure about, or obtain prior permission. A successful claim for breach of copyright would be likely to lead to an award of damages against you.
- **Data Protection** – Do not publish the personal data of individuals unless you have their express permission.
- **Bias and Predetermination** – if you are involved in making licensing decisions, do not say anything through social media (or indeed anywhere) that suggests you have completely and irrevocably made your mind up on an issue that is due to be formally decided upon. While your likely view on a particular application may be well known, you need to be able to show that you attended the committee or hearing prepared to take on board and weigh all the evidence and arguments, and were genuinely persuadable to a different view. If you weren't, the decision may be later challenged as invalid. If a person has suffered some sort of detriment as a result of such an invalid decision, they may have a claim against the council for damages.
- **Wednesbury Unreasonableness** – members must also always be seen to acting reasonably in relation to the Committee process and consideration of all applications; if detriment arises a Third Party may commence Judicial Review proceedings.

Use of Social Media by Members of Committee

- Although the use of Social Media can be an invaluable tool for a Member of the Council/Committee Member it is important that such usage is properly managed at all times and that particularly a clear distinction is maintained between Private usage and Member usage. It is important that Social Media is not perceived by any Third Party to interfere with the proper decision making process. Members are advised to exercise extreme caution before commenting on social media, or in the conventional press, on any licensing decisions which they are, or are likely to be involved in making. This is to ensure that their comments may not be interpreted to mean that members have already determined a licence application, which could be used against the local authority.
- The same applies to Council Members who are not members of the Licensing & Public Protection Committee, but whose comments or actions on social media could be misinterpreted. If elected Members make any comments when representing residents who are objecting to licence applications they must not link their comments in any way to members of the Committee.
- During Committee hearings it is particularly important that mobile communication devices, including telephones and tablet computers or Social Media are not used, whether for research or communication purposes. The use of any form of Social Media or mobile telephones at Committee may lead to an inference of bias, pre-determination or Wednesbury Unreasonableness.

4. The Applicant

Ordinarily the applicant should be given the opportunity of being heard by your Committee before the application is determined, even if this is not an express requirement of the relevant statute. The applicant should also be allowed to be accompanied by a legal or other representative if they so desire.

5. Third Parties to a Hearing

Any person or body wishing to make representations or objections in respect of an application or notice should be given the opportunity to do so. Subject to any statutory restriction the nature of the representations or objections should be disclosed to the applicant in advance of the meeting so that they may consider their response. The identity of an objector should not be disclosed to the applicant without their consent, unless any statutory provision state otherwise.

6. Disclosure of Information

The applicant should be given prior knowledge of the nature of the Council's concerns, and of those of any objectors.

The extent of the disclosure should also be sufficient to avoid the applicant having to request an adjournment to allow time for proper consideration of the matters they are obliged to address.

7. Evidence

Each member of your Committee should be supplied with copies of every document that has been supplied both by and to the applicant and any third parties to the hearing. If any new documents are produced at the meeting, each party should have the opportunity to inspect them. In certain cases there may be statutory provisions which require another party's consent, if applicable, to new documentation being introduced at the meeting.

8. Adjournments

Any request for an adjournment should not be refused if to do so would effectively deny the applicant a fair hearing.

9. The Hearing

The procedure is intended as a general framework to ensure the rules of natural justice apply and that a fair hearing is presided over by an "independent and impartial tribunal". The conduct of individual hearings may vary slightly according to circumstances and the discretion of the Chairman. In all cases, however, this general framework will be followed:

- a. Members present should identify themselves so that the applicant may be satisfied that there has been no breach of the rule against bias.
- b. A licensing officer will outline the relevant details of the application or matter under consideration.
- c. Usually the applicant will present his or her case first, at the conclusion of which members may ask questions. A similar opportunity will then be afforded to any third party to a hearing making representations or objections to the application.
- d. The applicant should be given the opportunity to ask questions of those third parties.

- e. Once the licensing officer, the applicant and any third party to the hearing have given evidence and answered any questions, the third party shall first be given an opportunity to make brief closing remarks, and then the applicant to make their final closing remarks on the application under question. All parties should leave the room, so that only the Committee, the Committee Manager and the Director of Legal Services' representative remain.

During the hearing members must not discuss the merits of the case. This should be left until the applicant, any objectors and officers involved in the case have left the room.

The only members who may participate in the decision making are those who have seen and heard all the evidence and have been present for the subsequent discussion.

Once the applicant, any third party and officers have left the meeting they may be recalled to provide further information or clarification but all of them must return, not just the person from whom further information is required.

10. The Decision

Once the Committee has reached its decision the parties must be recalled and informed verbally of the decision with the exception of applicants and drivers for a hackney carriage or private hire licence or personal licence who only receive the decision later in writing. If reasons for the decision are to be given, which will usually be the case, this will be done in writing at a later date. Notice of any right of appeal should also be given to the parties.

ANNEXE 2

SCHEME OF DELEGATIONS

(For matters not addressed in individual policy documents)

Miscellaneous		Decision to be made by:	
Matter to be dealt with:	Full Committee	Sub-Committee	Officers (Senior Licensing Officer or above)
Massage & Special Treatment Licence	If objection received		If no objection received
Skin piercing Registration			All Cases
face-to-face street collection applications	All cases where collectors are paid, or where fundraisers are paid directly or indirectly from proceeds of collection		All other cases
House to House collections applications	Cases referred by Licensing Officers for determination		All cases (unless application raises concerns i.e. allocation of proceeds)
Village Green Consideration of application	All cases		
Village Green – instruction of independent inspector	All cases		
Village Green – determination of application	All Cases		

BIRMINGHAM CITY COUNCIL

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

14 SEPTEMBER 2016
ALL WARD

UPDATE ON BIRMINGHAM BUILDING WATCH

1. Summary

- 1.1 An update report was requested to Committee on the Building Watch initiative, its current status and any involvement it may have had in protecting the Leopard Public House in Erdington.
- 1.2 This report outlines work undertaken by Regulation and Enforcement on the Building Watch initiative, aimed at reducing incidence of arson in void commercial and residential properties and protecting public safety.

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

Originating Officer: Russell Davey, Environmental Health officer

3. Background

- 3.1 Building Watch began as a pilot in the Hodge Hill Constituency in 2007 in response to an increase in incidents of major fires and repeat anti-social behaviour fires primarily in void commercial properties.
- 3.2 The Building Watch initiative was coordinated by Officers from Regulation and Enforcement who worked closely with representatives from a range of partner agencies including West Midlands Police, West Midlands Fire Service as well as the City's own Planning, Building Consultancy and Empty Property Teams.
- 3.3 Whilst the main focus of Building Watch has been around void commercial properties, referrals relating to void residential properties have also been acted upon from time to time. Officers from the City Council Empty Properties Team have taken the lead on dealing with requests for assistance in relation to residential properties.
- 3.4 In 2008 following the success of the pilot initiative in the Hodge Hill Constituency the Building Watch was extended to include other areas of the City.

4. Aims and Objectives of Building Watch

- 4.1 The aim of Building Watch was to secure a reduction in arson and anti-social behaviour associated with void commercial and residential properties. It was appreciated that there were a significant number of void commercial and residential properties in the City. This risk of arson and anti-social behavior associated with these properties can vary considerably. As such the objective was to focus on properties which were of particular concern to partner agencies e.g. properties which have been or are most likely to become subject to arson, fly-tipping and other forms of anti-social behaviour/criminal damage.
- 4.2 A working group was formed which consisted of representatives from the partner agencies and the various service areas and a rolling list of void buildings that posed a significant risk in relation to arson and public safety was developed. Through partnership working direct action was used to bring about significant improvements to the most at risk buildings.
- 4.3 The primary prioritisation criteria for Building Watch was around:
 - Buildings likely to cause injury or death (whether by collapse or otherwise) to any person in it or to persons in other property; or in the event of fire; or unlawful acts that damage the environment; or potentially effect the business continuity of infrastructure of the locality.
 - Buildings that are dangerous (determined on the basis of legal classification under the Building Act 1984 or professional views of the respective partner agency representative).

- Buildings that are known (and can be evidenced) to be attracting significant nuisance/anti-social behavior, drug related activity, other criminal activity (in or directly associated with the building), involvement in more than one arson incident or have been void for over 6 months.
- Buildings posing a potential for level 1 and 2 asbestos classification if involved in fire.
- Buildings where the state of repair or level of nuisance or potential for nuisance is such that visual improvement and/or security is urgently required in terms of statutory provisions (Section 215 of the Town and Country planning Act 1990; Section 29 of the Local Government (Miscellaneous Provisions) Act 1982).

5. Funding for the Building Watch Initiative

- 5.1 Over the years Building Watch has been substantively funded by the Birmingham Fire Reduction Partnership (BFRP) through Neighborhood Renewal Funding and Reward Grants. In 2006/2007 and 2007/2008 the BFRP provided £20,000 per annum to support interventions. This primarily involved carrying out emergency works to secure the highest risk properties to prevent danger and to reduce repeat arson. In 2009/2010 BFRP enhanced its support by providing £90,000 which equates to £45,000 to fund a fulltime equivalent Officer within Regulation and Enforcement and £45,000 for associated enforcement intervention activities. In 2010/2011 the BFRP provided £45,000 continued support for the dedicated Officer post and £30,000 to support intervention activities. In 2011/2012 the funding for the Building Watch initiative substantially reduced to £15,000 for interventions and no funding for officer time. Funding was reduced further in 2012/2013 to £10,000.

Year	Funding type	Officer funding	Activity funding
2006/2007	BFRP		£20,000
2007/2008	BFRP		£20,000
2009/2010	BFRP	£45,000	£45,000
2010/2011	BFRP	£45,000	£30,000
2011/2012	BFRP		£15,000
2012/2013	BFRP		£10,000
2013/2014 to date	No further funding identified		£0

- 5.2 In addition to the above, additional funding in 2007 to 2011 was made available to the Building Watch through a number of other interventions funded through Neighbourhood Renewal and Reward Grant funding. This enables other interventions to be implemented, including targeting hardening, fly-tipping removal and the securing sites. Like the funding for the Building Watch initiative this funding ceased in 2013.

- 5.3 Since 2013 the City Council has not received any external funding for the Building Watch initiative. As a result the cost of interventions has had to be met from your Committee's budget.

6. Powers to Deal with Void Buildings

- 6.1 There are a number of powers available to the City Council to deal with issues commonly associated with void properties. These powers are delegated to Officers from Regulation and Enforcement, Planning and Regeneration and Building Consultancy (ACIVICO). A table highlighting the powers available together with the service area that hold these enforcement powers is shown in Appendix 1.
- 6.2. Your Officers have been unable to identify any legal powers available to them within the allocated Building Watch funding to require the owner of a void commercial property to bring it back into use. Therefore, whilst informal discussions can be held with land owners with regards to their intentions your Officers powers are limited to ensuring that a property is maintained in a safe and secure condition.

7. Achievements

- 7.1 Through the initiative your Officers have been able to bring about a number of significant improvements to a number of Building Watch referrals including the redevelopment of a number of sites:

The Beeches Public House, Frankley Beeches Road (2009)



- Multiple breaches of security. Worked with owners, but repeat property subject to repeat arson attacks and vandalism.
- Delay in demolishing and redeveloping site due to mobile phone mast (mobile phone masts can be disguised within building structure so may not be evident on first inspection when purchasing a property. High cost to break a lease may have a significant impact on the cost of redeveloping a site). Representation made to mobile telephone company.



- Multi agency working with WMFS, Police, Building Consultancy, Planning and Conservation has led to redevelopment of the site.

Wagon and Horses, Coventry Road, Sheldon (2008)



- Ongoing problem with site security.
- Premises repeatedly vandalized; no natural surveillance at the rear of the site.
- Worked with owners to ensure that regular re-securing works were carried out, perimeter fencing installed and security patrols were undertaken.
- Representation made to Planning Committee requesting that the owners should demolish the building following the granting of planning permission (typically an owner has 5 years to develop a site after receiving planning consent). Site has now been redeveloped as an Aldi store.



Ward End Ex-Servicemens Association Club, Ward End Park Road (Ongoing)



- Void social club; empty for years and several large fire incidents.
- Ongoing problem with arson and antisocial behavior.
- Premises dangerous inside.
- Ownership uncertain.
- Property repeatedly secured by Birmingham City Council. Additional works carried out to remove fly tipping from grounds and to fence off property.



- Sections of the property recently demolished by the City Council due to structural instability.



- Long term solutions are currently being investigated including the acquisition of this site by the City Council.

Gladiator/Phoenix Public House, Pound Road, Druids Heath

- Reports of anti -social behavior taking place at property.
- Property insecure and allowing unauthorized access.
- Significant damage caused as a result of individuals entering the property.



- Statutory powers used to require owner to re-secure property against unauthorised access.

Monaco House, Bristol Street, Birmingham



- Referral from West Midlands Police following reports of anti-social behavior.
- Evidence of small fires taking place within buildings.
- Significant evidence of drug use taking place on site.
- Worked with owner to re-secure premises against unauthorised access pending a long term solution for the site.

8. Current Situation with Regards to Building Watch

- 8.1 As identified in paragraph 5.1, BFRP funding for the Building Watch initiative ended in March 2013. As such the cost of any enforcement activities and interventions undertaken by your Officers now has to be met from your Committee's approved resources.
- 8.2 Under the Local Government (Miscellaneous Provisions) Act 1982 your Officers have the power to serve a 48 hour notice on a land owner to requiring their building to be "effectively secured" against unauthorised entry. Where a notice is not complied with your Department can undertake the works in default and recover the cost in doing so from the landowner. Where your Officers follow this process it can take many years to recover their expenditure. Debts such as these are usually paid at the point of sale of a property when they are identified during the local searches as part of the conveyancing process. Where significant expenditure is incurred your Department can instruct the City Council Solicitors to actively cover the debt from the landowner although in most instances the legal costs associated in doing this are not recoverable.
- 8.3 Since external funding for the Building Watch initiative ended in 2013, the group no longer meets on a formal basis. Officers have continued to work closely with partner agencies, particularly the West Midlands Fire Service with regards to securing improvements in the most at risk buildings in the City to mitigate; the worst anti-social behavior; the pollution from fires; and the dangers to the public and Fire Officers tackling fires.
- 8.4 Officers respond to void commercial properties referred to us primarily by West Midlands Fire Service and occasionally by the Police. Only interventions where statutory powers are available to require works have been undertaken. All of the additional funding has ceased which previously enabled significant problem solving. Where possible Officers have attempted to work with land owners to secure void properties and maintain them to a reasonable standard to minimise the impact on their locality. This financial year your Officers have responded a number of requests for assistance including the Gladiator/Phoenix Public House, Pound Road, Druids Heath and Monaco House, Bristol Street, Birmingham.
- 8.5 The cost of securing void commercial properties can be significant. Due to budgetary pressures, where referrals indicated that significant expenditure, Officers have sought the assistance of colleagues in Building Consultancy (ACIVICO) who have dedicated financial resources in place to fund work where a building is in a dangerous condition and secure it where necessary. The cost of undertaking such work can again in most instances be recovered from the landowner.

9. The Leopard Public House, Jerrys Lane

- 9.1 The Leopard Public House, Jerry's Lane was brought to the attention of Building Watch by Cllr Moore in 2014 following reports of fly-tipping and anti-social behavior taking place.
- 9.2 Following receipt of the request for assistance a visits was undertaken to the property. At the time of the visit the property was found to be effectively secured against unauthorised access and there was minimal evidence of fly-tipping and anti-social behavior taking place. Contact was also made with the owner who advised that they were looking to sell the property. As part of the Building Watch process a further 5 visits were undertaken to the property during 2014/2015. On each occasion the property was found to be secure and there was minimal evidence of fly-tipping and anti-social behavior taking place. Contact was made with the owners and they were advised about the City Council's and residents' concerns about the property.
- 9.3 In April 2016 a further request for assistance was received from Cllr Moore in relation to the Leopard Public House. A visit was undertaken and at the time no formal action was deemed possible as the property was found to be secure and there was no significant evidence of fly-tipping or taking place. A further 3 visits were undertaken to the property in between April and June as part of the ongoing monitoring of void buildings. In June work was undertaken to remove a small amount of inert fly tipped materials that had accumulated on the car park. At the time of these visits the property was found to be secure. There was no indication that the property was likely to become subject to arson as there were none of the signal crimes that you would usually associate with arson such as low level anti-social behavior , graffiti, fly-tipping, evidence of drug use or rough sleeping. The building had suffered minimal vandalism and was effectively secured against unauthorised entry.
- 9.4 On 7th July 2016 the Leopard Public House was subject to a substantial fire. Due to the extensive damaged that had been caused to the property a referral was made to Building Consultancy to make the building safe. As there was an imminent risk of injury from falling roofing materials and timbers emergency works were carried out to install HERRAS fencing around the property. These emergency works were carried out by the City Council's appointed contractor with a view to recovering the cost of doing so from the land owner. It was established that a new owner had purchased the building. Notice was also served on that owner to undertake works to remove loose and damaged roofing slates and timbers. This work is in progress. It is understood that authorisation to demolish the public house was granted in 2014 and it is still in place. Planning permission to convert the existing public house to create 7 self-contained one bedroom apartments and the erection of a three storey building to provide 6 self-contained one bedroom apartments was granted in May 2016. The planning permission lasts for a period of 3 years from the date of being granted. The owner has advised that it is their intention to progress with the redevelopment of the site as soon possible although the recent fire has set back their plans.

10. Consultation

10.1 The report is for information and no consultation has been undertaken.

11. Implications for Resources

11.1 BFRP funding for the Building Watch initiative ended in March 2013. As such the cost of any enforcement activities and interventions now has to be met from your Committee's approved resources.

12. Implications for Policy Priorities

12.1 The Building Watch initiative has measurable impacts on public safety, environmental blight and adverse economic impact on the City.

13. Public Sector Equality Duty

13.1 No specific implications have been identified.

ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: Nil

APPENDIX 1

Service Area	Legislation	Use
Building Consultancy – Acivico (lead)/ Environmental Health/ Empty Property Team	Section 29, Local Government (Miscellaneous Provisions) Act 1982	Can be used to re-secure buildings which are not effectively secured against unauthorised entry. Involves the service 48 hour notice on the owner/occupier requiring works to be undertaken. Where works are not completed they can be undertaken in default, the cost of which can be recovered from the owner/occupier. Typical works undertaken under a notice could include the boarding up buildings with wooden boards or metal screening.
Building Consultancy - Acivico	Section 77, Building Act 1984	Potential danger to public: Power to deal with a building or structure which is in such a state as to pose a potential danger and requires further action to remove the danger. If the owner/occupier does not remove the danger the Council have to seek Magistrates approval to do the work and recover the costs from the owner/occupier. Works required under this section may include taking down loose areas of brickwork, rebuilding sections of wall which are required for the structural stability of a building, shoring an unstable structure etc.
Building Consultancy - Acivico	Section 78, Building Act 1984	Imminent danger to public: Power to deal with a building or structure which is in such a state as to be dangerous and require immediate action to remove the danger. Dependent on the severity of the problem this can involve immediate action by the City Council. Works required under this section may include taking down loose areas of brickwork, rebuilding sections of wall which are required for the structural stability of a building, shoring an unstable structure etc. Where an owner/occupier fails to undertake works then these can be carried out in default, the cost of which can be recovered from the owner/occupier.
Planning Enforcement (lead)/ Environmental Health/ Empty Property Team	Section 215, Town and Country Planning Act 1990	Powers to require works to land and buildings where their condition is considered to have a significant impact on the amenity of a wider area. A notice served under this section shall specify such steps that are required to remedy the condition of the land. Where a notice is not complied with then City Council can undertake works in default and/or prosecute the

		owner or occupier. Case Studies within the Best Practice Guidance issued by the government show that this legislation is best applied to prominent sites whose appearance serves to tarnish the amenity of an area rather than less obvious or concealed sites.
Environmental Health	Section 4, Prevention of Damage by Pests Act 1949	Power to require an owner/occupier to undertake works to destroy rats or mice on land or otherwise take steps to keep land free from rats and mice. Work required under this section may including carrying out treatments for rats and mice or removing materials that are likely to provide sustenance or harbourage. Where a notice is not complied with then the City Council can undertake works in default and/or prosecute.
Environmental Health	Section 59, Environmental Protection Act 1990	Power to require an occupier of land to remove waste or undertake steps with a view to eliminating or reducing the consequences of the deposited waste. In order to use this section the City Council must show that the occupier either deposited the waste themselves or knowingly caused or permitted the waste to be deposited on the land. Where a notice is not complied with then the City Council can undertake works in default and/or prosecute.

BIRMINGHAM CITY COUNCIL

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

14 SEPTEMBER 2016
ALL WARDS

**OUTBREAK OF CRYPTOSPORIDIOSIS AT
COCKS MOORS WOODS LEISURE CENTRE**

1. Summary

- 1.1 During May Environmental Health received notification of 3 cases of cryptosporidium illness in members of the public via our infection control team, where a common factor was that during April they had used the pool at Cocks Moors Woods Leisure Centre (CMW)
- 1.2 The matter was investigated in partnership with Public Health England and the management of the pool. This report details the investigation that was carried out to protect public health.

2. Recommendation

- 2.1 That the report be noted.

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3. Background

- 3.1 Cryptosporidium is a protozoan (parasite) that is excreted in the faeces of humans, sheep, cattle (especially young calves and lambs) and other mammals. The infectious form of the parasite is an "Oocyst". This Oocyst is microscopic and is resistant to chlorine. Infection occurs after accidentally swallowing an oocyst in contaminated water or direct contact with faeces.
- 3.2 Infection often causes profuse and watery diarrhoea and abdominal cramps. Fatigue, fever, loss of appetite, nausea or vomiting can be additional symptoms. Symptoms last 7 days on average but may last for up to 4 weeks, with the person remaining infectious for up to 2 weeks after symptoms cease.
- 3.3 As Cryptosporidium species are resistant to chlorine, filtration is the means by which the oocysts are removed from any contaminated water.

4. Cocks Moors Woods Leisure Centre

- 4.1 Cocks Moors Woods Leisure Centre is the largest leisure centre in South Birmingham, situated on the Alcester Road South. Previously ran by Birmingham City Council Leisure Services, it is now managed by Birmingham Community Leisure Trust (BCLT). The leisure centre was in the process of being refurbished, the first phase being the gyms and dance studios, with the pool changing facilities and poolside planned later.
- 4.2 Cocks Moors Woods Pool is a leisure pool with a beach area (advertised as the baby pool) with a mushroom fountain, wave pool, features including tipping buckets and a large 50m slide. During the day the features are turned off and the pool is used for swimming and formal swimming lessons.
- 4.3 The beach area is level with the outside of the pool to allow easy access into the water. The water laps over the floor tiles, around the pool especially in busy times, but would run back into the pool due to the slope of the tiles.
- 4.4 Due to the features and slides the pool uses Pool Cure as a disinfectant, in combination with Calcium Hypochlorite, as this chemical is said to reduce the acidity of the air and so reduce cases of Flume Cough in lifeguards and reduce corrosion of fixtures and fittings.
- 4.5 The pool is accessed two ways – via the changing rooms or via double sliding door from the coffee shop giving access to fixed tables and chairs situated by the poolside. The public were allowed to walk in and out of the pool area without any requirement to take shoes off or use shoe covers.
- 4.6 It has been noted on social media many complaints had been made regarding the dirty state of the pool changing rooms and the nappy bins being full to overflowing.

5. Timeline of Actions

- 5.1 On 12th May 2016 the leisure centre was visited by Environmental Health officers, one of which holds the ISRM Pool Plant Managers Certificate. Your officers were met and shown around by the duty manager.
- 5.2 The pool was in use at the time of the visit by both the public and a school having swimming lesson including a young child in the beach area. He clearly had a swim nappy on, in line with the Centres policy. The features were not on.
- 5.3 Your officers accessed the pool via the double doors from the coffee shop and used their own shoe covers as they entered. It was noted that there were no shoe covers for the poolside spectators. The duty manager confirmed they have no restrictions on outdoor shoes being worn by the poolside, shoe covers are not provided. The white tiles around the pool looked visibly darker with surface and ingrained dirt.
- 5.4 The plant room was visited and the pool test results for the week reviewed, all chlorine levels were satisfactory as were pH levels. Pool cure is tested twice weekly and the last test on Wednesday 11 May 2016 showed a level of 2ppm of pool cure in the pool water and so more chemical was added to the pool to bring the level up to 4.2 ppm, although no follow up test was recorded to see if this had been achieved.
- 5.5 The centre has a policy for all fouling of the pool to be recorded and stated that there had been *no records* of any fouling in the pool in the last 18 months.
- 5.6 The pool was last backwashed (where they ran the circulation system backwards to clean and loosen the sand filters and dispose of water coming out of the filter) on Saturday 7 May. The backwash is done every Saturday. As indicated cryptosporidium is controlled by physical filtration and it is essential that the sand filters operate effectively.
- 5.7 The centre has the water tested for bacteriological quality (TVC, Coliforms, and pseudomonas) every month. The last test was done on the 10 May 2016 and results were not yet back. The previous month's results could not be viewed as the manager had been sent them and his files could not be accessed. A request for both of April's pool checks and the last 3 months bacterial test results were requested to be emailed to Environmental Health as a matter of urgency.
- 5.8 Officers instructed that BLCT close the pool and carry out the emergency Diarrhoeal fouling protocol as per BSI Codes of practice and also the Pool water Guide on the Treatment and quality of swimming pool water (Pool water treatment advisory group). The duty manager confirmed they would voluntarily close the pool. They were to undertake the following as per protocol:
 - Close the pool immediately.

- Add increased levels of coagulant.
 - Add disinfectants to the upper levels of the operating range.
 - Physically clean the pool.
 - Run the pool for 6 continuous cycles with increased coagulation.
 - Backwash the filters.
 - Ensure all disinfectant levels, pool cure and pH are up to required levels before reopening the pool.
 - In addition to the above they were requested to clean and disinfect the poolside and to introduce a “no outdoor shoe and pushchair” policy to remove the risk of shoes etc. bringing contaminants into the pool area.
- 5.9 It should be noted that officers were informed the backwash could not be conducted on full power, as this would result in a sudden surge of water into a local brook and would cause flooding and affect the wildlife. Previous full power backwashes had apparently killed the wildlife in the stream. Therefore, they were requested to backwash the filters on as high power as possible without flooding the stream until the water passing through the filter was totally clear (there is a window in the pipework to allow this to be done), regardless of how long this took.
- 5.10 Officers then checked the changing rooms with regards to the condition and nappy bins. Although the structure was old and tired, with evidence of some corrosion on metal fittings particularly near the floor, the changing rooms were physically clean, there were no malodours. All nappy bins were checked, in fact there was only one nappy in any of the many bins situated in both rooms.
- 5.11 Lifeguards are expected to check the changing rooms at the change of every shift (every half hour) and deal with any problems. The duty manager confirmed there is a disparity with the fact that the majority of lifeguards are male and so the female facilities will not be checked as often. In these cases admin staff are supposed to undertake a walk through.
- 5.12 The pool reopened a day later but within a further 2 days a fouling incident took place requiring a second period of closure to instigate remedial measures. Following confirmation of test results showing the presence of cryptosporidium in both the pool and backwash, the closure of the pool was maintained pending a full review of remedial measures, including a fundamental reconstruction of the filter media, as it was clear that these were not effective.
- 5.13 A further visit was carried out on 21st June 2016 to determine if the pool could be reopened. Investigations into the filter found the filter media to have totally solidified. This was removed and the filters relined and new filter medium added. New backwash nozzles were also added to pipework.
- 5.14 Whilst the latest pool tests were clear the following matters were outstanding:
- The dye test achieved only 85% coverage of the pool in the expected 15 minutes. The area of the pool not covered was approximately an

oval in the middle of the pool. This indicated that the flow was not sufficient.

- Further examination found the flow meter in the plant room was not working at all. A new one is on order, but it is unclear as to whether staff had reported the fault and that the centre management had no idea as to whether the pool had the correct flow for the number of bathers.
- Management were advised not to use the pool if the filters could not be backwashed at full power. BCLT are fitting a temporary holding tank for the backwash water to the system so that the backwash water can be collected and released slowly into the drains without flooding the local area. A permanent holding tank has been commissioned and works will commence once details are finalised. The permanent tank is anticipated to be 5m x 2m x 3m in size.
- The suction outlet grill in the pool has been identified as being too small, in line with current guidelines, (which means that the suction is great in a small area) and so may pose an entrapment risk.

5.15 A further revisit on 24 June 2016 confirmed that all outstanding matters were concluded and the pool was cleared to reopen.

6. Northfield Baths

6.1 As an example of good practice, a notice was posted by BCLT on their website that Northfield Pool was closed due to diarrhoeal fouling on the 14 June 2016. The pool had remained closed following this incident and an appointment was made to visit the site on the 22 June. BCLT indicated on 16 June 2016 that the reason they were keeping the pool closed was precautionary and they wanted to stay closed until they had tested the pool and had a negative Cryptosporidium test.

6.2 The pool was visited by officers and was still closed at the time of the visit. BCLT confirmed that a Bacteriological test and Cryptosporidium test were taken from the pool on the 20 June and that they were purely keeping the pool closed as a precaution.

6.3 All pool test records were checked and no issues were noted at all with the 2 hourly pool side monitoring that took place prior to the incident.

6.4 The incident took place during a school swimming lesson at 10.10am. The lifeguard spotted the diarrhoea in the pool, but they or the swim instructor could not identify which child was the ill person. The pool was immediately evacuated and the PWTAG/BSI Code of Practice Protocol on Diarrhoeal fouling followed, namely:

- Coagulant levels increased.
- Chlorine levels increased.
- Pool thoroughly cleaned and cleaning equipment cleaned afterwards.
- Pool run through 6 turnovers of the pool through filters.

- The filters were then backwashed.
- 6.5 The pool completed two incident report forms – the first an in-house BCC form that is site specific for Northfield detailing how long the 6 Turnovers should take as a minimum and then completed the BCLT standard form that BCLT use across all their pool in the UK.
 - 6.6 The pool plant was inspected. In discussions with the Pool operators there was nothing to suggest that the pool was not being managed correctly and the filters are being backwashed at full power until the effluent runs clear - as is PWTAG and BSI Code of Practice Guidelines.
 - 6.7 Although the small pool uses a separate system to the main pool, as the children had been in both pools the decision was made to close both pools. Unfortunately the test results came back as positive for cryptosporidium in the backwash water, a decision appears to have been taken to maintain closure of the pool pending replacement of the baths in the future.
 - 6.8 As a consequence of these incidents Environmental Health are working with BCLT to fully assess compliance at all pools under their management.
7. Consultation
 - 7.1 The work outlined in this report involves consultation with interested parties such as Public Health England and Serco.
 8. Implications for Resources
 - 8.1 There are no specific resource implications from investigating this incident.
 9. Implications for Policy Priorities
 - 9.1 Safe swimming facilities is not only crucial to the health and safety of citizens and visitors to the City but is also consistent with other policy priorities including economic success, staying safe and being healthy.
 - 9.2 It is important that all groups within Birmingham, as well as visitors to the city, are offered suitable standards leisure facilities to allow them the healthy lifestyle opportunities to which they are entitled.
 10. Public Sector Equality Duty
 - 10.1 Equality issues are accounted for during activities carried out by officers.

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**

14 SEPTEMBER 2016
ALL WARDS

PROSECUTIONS AND CAUTIONS – MAY AND JUNE 2016

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

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3. Results

3.1 During the months of May and June 2016 the following cases were heard at Birmingham Magistrates Court:

- Nine licensing cases resulted in fines of £4,338 and prosecution costs of £6,909 were awarded together with a total of 32 penalty points and a 6 month driving disqualification. Thirty-six simple cautions were administered as set out in Appendix 1.
- 115 Environmental Health cases resulted in fines of £64,076 and prosecution costs of £24,985 were awarded. One simple caution was administered as set out in Appendix 2.
- Three Trading Standards cases resulted in fines of £1,900, a 7½ year prison sentence, a 27 month prison sentence and a total of 20 months suspended sentences together with 400 hours unpaid work. Prosecution costs of £1,200 were awarded and confiscation orders were made in the sum of £5,710. No simple cautions were administered as set out in Appendix 3.
- Appendix 4 lists cases finalised by district in May and June 2016 and cases finalised by district April-June 2016.
- Appendix 5 lists the enforcement activity undertaken by the Waste Enforcement Team from April-June 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 June 2016 the following costs have been requested and awarded:

Licensing

£8,887 has been requested with £7,109 being awarded (79%)

Environmental Health

£49,329 has been requested with £41,345 being awarded (83%).

Trading Standards

£26,200 has been requested with £2,700 being awarded (10%).

- 5.3 For the month of May 2016 the following costs have been requested and awarded:

Licensing

£1,876 has been requested with £1,868 being awarded (99%)

Environmental Health

£10,206 has been requested with £9,060 being awarded (88%).

Trading Standards

£1,200 has been requested with £1,200 being awarded (100%).

For the month of June 2016 the following costs have been requested and awarded:

Licensing

£6,397 has been requested with £5,041 being awarded (78%)

Environmental Health

£18,145 has been requested with £15,925 being awarded (87%).

Trading Standards

No costs have been requested or awarded.

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 & Address	Date Case Heard	Legislation	Fine/Penalty	Costs	Offence details
1	Faruk Ahmed 26 Albert Road Handsworth Birmingham B21 9JU	12/5/16	Town Police Clauses Act 1847 Road Traffic Act 1988	£160 x 1 st plying offence + 6 penalty points No separate penalty on remaining offences	£800 (£808 requested)	Pleaded guilty to three offences; one offence of plying for hire on Steelhouse Lane, Birmingham on 10 th October 2015, one offence of plying for hire on Bennetts Hill, Birmingham on 4 th December 2015 and one offence of consequently having invalid insurance.
2	Mohammed Azizur Rahman 58 Queens Rd Aston Birmingham B6 7NB	26/5/16	Town Police Clauses Act 1847 Road Traffic Act 1988	£770 x no insurance + 6 penalty points No separate penalty on plying offence	£493 (£493 requested)	Pleaded guilty to two offences; one of plying for hire on Bennetts Hill, Birmingham on 13 th November 2015 and one offence of consequently having invalid insurance.
3	Muhammed Rashid Nazir 74 Trafalgar Rd Smethwick B66 3SF	26/5/16	Town Police Clauses Act 1847	£133	£575 (£575 requested)	Pleaded guilty to one offence of plying for hire on Ludgate Hill, Birmingham on 17 th October 2015.
4	Rebwar Muhamad Flat 4, Paul Byrne Court, 10 Robert Road Handsworth Birmingham B20 3RT	9/6/16	Town Police Clauses Act 1847 Road Traffic Act 1988	£515 x no insurance + 6 penalty points No separate penalty x plying	£493 (£493 requested)	Pleaded guilty to two offences; one offence of plying for hire on Aston Lane, Birmingham on 4 th December 2015 and one offence of consequently having invalid insurance.
5	Zafar Iqbal 3 Lower Ground Close Aston Birmingham B6 6PS	9/6/16	Criminal Justice and Public Order Act 1994	£105	£200 (£616 requested)	Pleaded guilty to one offence of soliciting persons to hire a vehicle in High Street, Digbeth, Birmingham on 14 th November 2015.

	Name & Address	Date Case Heard	Legislation	Fine/Penalty	Costs	Offence details
6	Saleem Akhtar 69 Highfield Road Hall Green Birmingham B28 0HD	9/6/16	Town Police Clauses Act 1847 Road Traffic Act 1988	£440 x no insurance + 6 penalty points No separate penalty x plying	£493 (£493 requested)	Pleaded guilty to two offences; one offence of plying for hire on Alcester Road, Birmingham on 4 th December 2015 and one offence of consequently having invalid insurance.
7	Rodroj Foodstore Ltd 20 Westerham Avenue Edmonton London N9 9BU Kemel Ciftci 1 Newham Road Edgbaston Birmingham B16 0TA	15/6/16	Licensing Act 2003	Total £1,555 (Rodroj £1,000 Ciftci £555)	£2,242 (company only) (£2,242 requested)	Each defendant pleaded guilty to one offence of displaying a picture of alcohol outside the licensed premises of Rodroj Foodstore, 64-68 Station Road, Erdington, Birmingham in breach of the licence conditions.
8	Zearab Hussain 45 Hillfield Sparkhill Birmingham B11 3LH	15/6/16	Equality Act 2010	£540	£1,163.40 (£1,703 requested)	Pleaded guilty to one offence of failing to carry out a booking accepted by his operator, Royal Cars, due to the fact that the disabled customer was accompanied by an assistance dog.
9	Mohammed Islam 38 Auckland Road Smethwick West Midlands B67 7AU	17/6/16	Town Police Clauses Act 1847 Road Traffic Act 1988	£120 x no insurance + 8 penalty points + Disqualified from driving for 6 months No separate penalty x plying	£450 (£850 requested)	Pleaded guilty to two offences; one offence of plying for hire on Bennetts Hill, Birmingham on 29 th May 2015 and one offence of consequently having invalid insurance.

LICENSING SIMPLE CAUTIONS

During the period of May 2016, twenty simple cautions have been administered.

Local Government (Miscellaneous Provisions) Act 1976

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

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

Section 57 One caution was issued for knowingly omitting information on licence application form.

Section 64(3) One caution was 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 Three cautions were issued for failing to produce upon request a copy of the Hackney Carriage Byelaws for inspection

Criminal Justice and Public Order Act 1994 Three cautions were issued for soliciting persons to hire a vehicle

During the period of June 2016, 16 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 50 (3) One caution was issued for failing to report an accident to Birmingham City Council

Section 54(2) Seven cautions were issued for failing to wear a private hire driver's badge in a manner as to be plainly and distinctly visible

Section 57 One caution was issued for knowingly omitting information on licence application form

Section 64(3) One caution was 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 Three cautions were issued for failing to produce upon request a copy of the Hackney Carriage Byelaws for inspection

WASTE OFFENCES

	Name & Address	Date Case Heard	Legislation	Fine /Penalty	Costs	Offence details
1	Narinder Singh Rahania 9 Grafton Road Birmingham B21 8PN	4/5/16	Environmental Protection Act 1990	12 month conditional discharge	£1,380 (£1,380 requested)	Found guilty in his absence of one offence of depositing or knowingly causing controlled waste (fly tipping), namely a black bag of waste relating to Rahania Casual Wear shop, 175 Rookery Road, to be deposited outside 173 Rookery Road, Handsworth, Birmingham
2	Imran Khan 27 Fraser Road Birmingham B11 2NA	12/5/16	Environmental Protection Act 1990	£330	£175 (£175 requested)	Found guilty in his absence of one offence of depositing a black bag of household waste on the pavement outside 4 Fraser Road, Birmingham.
3	Richard Sandground 28 Cannons Drive Edgware Middlesex HA8 7QS	12/5/16	Environment Act 1995	12 month conditional discharge	None awarded (£381 requested)	Found guilty in his absence of one offence of failing to provide information requested in a statutory demand for information in relation to waste arising from building works at properties in the Selly Oak area of Birmingham
4	Selly Oak Tyres 50 Selly Hill Road Birmingham B29 7DL	26/5/16	Environment Protection Act 1990	£9,000	£1,095 (£1,095 requested)	Found guilty in absence of one offence of depositing or knowingly causing controlled waste (fly tipping) namely documents, a wheel hub cap and packaging relating to Selly Oak Tyres, to be deposited in a household bin on Selly Hill Road, Selly Oak, Birmingham
5	Sheraz Mohammed 922 Pershore Road Birmingham B29 7PU	17/6/16	Environmental Protection Act 1990	£215	£200 (£422 requested)	Pleaded guilty to one offence of depositing, or knowingly causing controlled waste (fly tipping), namely black sacks of waste relating to Best Buys, 535-537 Bristol Road, Birmingham, to be deposited, in a service alley that exits onto Grange Road, Birmingham.

6	Santa- Fe Services Ltd. 464 Birchfield Road Birmingham B20 3JG	23/6/16	Environmental Protection Act 1990	£1,000 x 1 st offence No separate penalty on remaining offence	£852 (£852 requested)	Pleaded guilty to two offences: one of depositing or knowingly causing controlled waste (fly tipping), namely three black bags of waste relating to Care 4 U Care Services, 466 Birchfield Road, to be deposited outside 448 Birchfield Road, Handsworth, Birmingham and one of failing to produce written information relating to the transfer of controlled waste to an authorized officer
7	Adeel Mushtaq 1 Westminster Crescent Handsworth Birmingham B20 3NF	30/6/16	Environmental Protection Act 1990	£545 x 1 No separate penalty on remaining offence	£400 (£714 requested)	Pleaded guilty to two offences: one of failing to prevent controlled waste (fly tipping) namely black bags of waste relating to F A Motors, 113 Adderley Road, Birmingham being deposited on land outside 7/8 Crawford Street, Saltley, Birmingham. and one offence of failing to produce written information relating to the transfer of controlled waste to an authorised officer.

SMOKING OFFENCES

	Name & Address	Date Case Heard	Legislation	Fine /Penalty	Costs	Offence details
1	Khuram Mehmood 63 Old Farm Road Birmingham B33 9HH	6/5/16	Health Act 2006	£115	£100 (£175 requested)	Pleaded guilty to one offence of smoking a cigarette in a smoke-free place, namely a licensed private hire vehicle in Alum Rock Road, Birmingham
2	Michael Gerard Hanlon 59 Crowther Road Erdington Birmingham B23 7DJ	9/6/16	Environmental Protection Act 1990	£65	£175 (£175 requested)	Pleaded guilty to one offence of smoking a cigarette in a smoke-free place, namely a licensed private hire vehicle, on Chester Road, Birmingham

ANIMAL WELFARE

	Name & Address	Date Case Heard	Legislation	Fine /Penalty	Costs	Offence details
1	Sakinder Ali Shah 7 Patricia Avenue Billesley Birmingham B14 4ES	9/6/16	The Dogs on Leads Order 2014 The Clean Neighbourhoods and Environment Act 1995	£770 on 1 offence No separate penalty for x 2 offence	£175 (£175 requested)	Found guilty in his absence of two offences of being in charge of two dogs and failing to ensure that they were kept on leads on 19 th August 2015, the dogs were found roaming off the lead in Patricia Avenue, Billesley, Birmingham.

FOOD HYGIENE OFFENCES

	Name & Address	Date Case Heard	Legislation	Fine/ Penalty	Costs	Offence details
1	Indus Foods Ltd 75 Sampson Road North Sparkbrook Birmingham B11 1BH	8/6/16	Food Safety and Hygiene (England) Regulations 2013	Total £32,000 (£2,000 x 2 January offences £14,000 x 2 September offences)	£2,719 (£2,719 requested)	Pleaded guilty to four offences relating to the conditions found at Indus Foods, 55-58 Stratford Street North, Birmingham, mouse droppings were found in the mechanical spice packaging rooms on the ground floor and on the first floor. Droppings were identified on the floor, on food packaging and bags of food. Mouse droppings were also found in the hand packaging room. Holes and access points for mice were identified in both areas.
2	TS Sambhi Ltd. c/o Desai & Co Accountants Desai House 9-13 Holbrook Lane Coventry CV5 4AD	9/6/16	Food Safety and Hygiene (England) Regulations 2013	£960 x offence 1 No separate penalty on remaining offences	£795 (£795 requested)	Pleaded guilty to ten offences relating to the conditions found at Premier, 304 Haunch Lane, Birmingham, a dead rat was found on the shop floor, gnawed packets of food were found throughout the store as well as rat droppings. Cleaning standards were poor and there was no evidence of a documented food safety management system at the premises at the time of the visit.
3	Shanghai Blues Ltd. 174 St. John's Walk Birmingham B5 4TJ	9/6/16	Food Safety and Hygiene (England) Regulations 2013	£995 x offence 1 No separate penalty on	£954 (£954 requested)	Pleaded guilty to two offences relating to the conditions found at Shanghai Shanghai, Unit B201, The Arcadian, 70 Hurst Street, Birmingham, mouse droppings were found throughout the kitchen and storage areas and

				2 nd offence		there was grease and debris on the floor and wall behind the deep fat fryer, underneath the cooking area and to the left hand side of the duck oven.
4	Kashem Alam 138 Pineapple Road Birmingham B30 2TX	23/6/16	Food Safety and Hygiene (England) Regulations 2013	£695 x 1 st offence No separate penalty on remaining offences	£500 (£500 requested)	Pleaded guilty to seven offences relating to the conditions of Paprika Longbridge, 1619- 1621 Bristol Road South, Birmingham: four offences of failing to comply with Hygiene Improvement Notices in that the premises were dirty, floors were not in a sound condition, there was no evidence of staff being trained in food hygiene and no evidence of a documented food safety management system and three offences relating to a further inspection which found that the food premises were still not being kept clean and there was no evidence of staff training or a documented food safety management system.

LITTERING OFFENCES

1	Krystian Ziobro 77 Mary Road Birmingham B21 0RJ	6/5/16	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement near Jack Wills on New Street, Birmingham.
2	Katie Sutton 143 Hydes Road Wednesbury WS10 0DR	6/5/16	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 Pepper Chef on Hurst Street, Birmingham.
3	Elliott James Spencer Smith 41 Kenmure Road Sheldon Birmingham B33 0RX	6/5/16	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 Piccadilly Arcade on New Street, Birmingham.

4	Gavin Sharpe 8 Kingston Road Coventry CV5 6LN	6/5/16	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 HSBC on New Street, Birmingham.
5	Jade Pritchard 16 Cartwright Street Wolverhampton WV2 1EU	6/5/16	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 Starbucks Coffee on Lower Temple Street, Birmingham.
6	Aneta Ozbayir 63 Hawbush Road Walsall WS3 1AE	6/5/16	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 Superdrug on New Street, Birmingham.
7	Saleh Mohammed 130 Queen Mary Road Coventry CV6 5LQ	6/5/16	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 Thomson on New Street, Birmingham.
8	James Howard 48 Markwell Wood Essex CM19 5QY	6/5/16	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 JD Sports on Corporation Street, Birmingham.
9	Theresa Gregory 36 Sandringham Court Walsall Road Birmingham B42 1TF	6/5/16	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 Sainsbury's on Broad Street, Birmingham.
10	Alexander Charles Gavin 184 Mayfield Drive West Lothian EH48 2JL	6/5/16	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 Thomson on New Street, Birmingham.

11	Matthew Bannister 28 Lowfield Close Halesowen B62 0EZ	6/5/16	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 train station on Stephenson Street, Birmingham.
12	Amean Ali 12 Dolphin Road Sparkhill Birmingham B11 3LR	6/5/16	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 Novotel on Broad Street, Birmingham.
13	Michael Walton 54 Blenheim Way Great Barr Birmingham B44 8LF	6/5/16	Environmental Protection Act 1990	£40	£40 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement outside Buffet Hut on New Street, Birmingham.
14	Emma Prentice 39 Ewell Road Birmingham B24 9EA	6/5/16	Environmental Protection Act 1990	£40	£40 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement outside New Look on High Street, Birmingham.
15	Reece Palin 32 Spring Street Halesowen B63 2SZ	6/5/16	Environmental Protection Act 1990	£145	£175 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement outside St. Philip's Place on Colmore Row, Birmingham.
16	Stevan Tubb 12 Silver Birch Drive Bognor Regis PO22 6SE	6/5/16	Environmental Protection Act 1990	£60	£40 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement near Café Nero on Stephenson Street, Birmingham.
17	Kyle McCusker 415 Tile Hill Lane Coventry CV4 9DP	18/5/16	Environmental Protection Act 1990	£80	£150 (£645 requested)	Pleaded guilty to one offence of dropping a sandwich wrapper on the pavement outside HSBC on New Street, Birmingham.
18	Stefan Voroniuc 9 Boscombe Road Birmingham B11 3RH	20/5/16	Environmental Protection Act 1990	£100	£175 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the floor outside Oasis on New Street, Birmingham.

19	Shaun Maponga Flat 6 4 Hunton Road Birmingham B23 6AH	20/5/16	Environmental Protection Act 1990	£85	£175 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement outside Meal Deal on New Street, Birmingham.
20	Paul Ashby 17 Hurlingham Road Kingstanding B44 0LT	20/5/16	Environmental Protection Act 1990	£85	£175 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement opposite Sainsburys on New Street, Birmingham.
21	Mark Joseph Hayes 4 Cole Hall Lane Birmingham B34 6HN	20/5/16	Environmental Protection Act 1990	£40	£100 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement outside the Pavilions on High Street, Birmingham.
22	Kerry Woodroffe 130 Maas Road Birmingham B31 2PR	20/5/16	Environmental Protection Act 1990	£40	£175 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the floor opposite H&M on High Street, Birmingham.
23	Allan Anderson 44 Binstead Road Kingstanding Birmingham B44 0TL	20/5/16	Environmental Protection Act 1990	£90	£100 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement outside Burlington Hotel on New Street, Birmingham.
24	Susan Sadler 45 Bassett Road Wednesbury WS10 0HW	20/5/16	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the floor outside Great Western Arcade on Temple Row, Birmingham.
25	Abdul Awan 157 Rosefield Road Smethwick B67 6DZ	20/5/16	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt down a drain on Bennett's Hill, Birmingham outside Ask Italian.
26	Kimberley Denny 49 Mountbatten Court Ipswich IP1 2NF	20/5/16	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 Sport on New Street, Birmingham.

27	Iyman Hamid Flat 77 Winchester House London W2 6EB	20/5/16	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the floor outside New Street train station on Stephenson Street, Birmingham.
28	Tracey Flood 391 Meadway Birmingham B33 0DX	20/5/16	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the floor outside New Street train station on Stephenson Street, Birmingham.
29	Clare Gardner 27 Toll House Road Birmingham B45 8TT	20/5/16	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the floor on Corporation Street at the junction to Union Street, Birmingham.
30	Jay Gateley 237 Yardley Field Road Birmingham B33 8RN	20/5/16	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the floor outside New Street train station on Stephenson Street, Birmingham.
31	Alan Cunningham 47 A Overdale Street Glasgow G42 9PZ	26/5/16	Environmental Protection Act 1990	£100	£120 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement outside WHSmith on High Street, Birmingham.
32	Emily Merry 20 April Croft Moseley Birmingham B13 9HP	26/5/16	Environmental Protection Act 1990	£80	£120 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement outside Vodafone on High Street, Birmingham.
33	Adam Korczowski 122 Hillaries Road Birmingham B23 7QT	26/5/16	Environmental Protection Act 1990	£80	£175 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement outside Tesco on New Street, Birmingham.
34	Ben Kerman 166 Kitsland Road Birmingham B34 7LJ	26/5/16	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 H&M on High Street, Birmingham.

35	Chritopher Mason 2 Westgate Oldbury B69 1BA	26/5/16	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 Odeon on New Street, Birmingham.
36	Andrew Shelton 223 Blackberry Lane Sutton Coldfield Birmingham B74 4RJ	26/5/16	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 Starbucks on New Street, Birmingham.
37	Gerard Elliott 5 Harvey Street Derry Northern Ireland BT48 6LS	26/5/16	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the electric box outside WHSmith on High Street, Birmingham.
38	Safiya Wayzard Shepherd 225B Heath Way Birmingham B34 6QU	26/5/16	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 The Pavilions on High Street, Birmingham.
39	Rachel Ashwell 58 Honiton Crescent Northfield Birmingham B31 1TG	26/5/16	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt over a wall outside Birmingham Magistrates' Court on Corporation Street, Birmingham.
40	Lewis Azzpoardi Flat 10 33 Lytham Croft Birmingham B15 2AU	26/5/16	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 Lloyds Bank on Corporation Street, Birmingham.
41	George Maybury 38 Dearmont Road Birmingham B31 4LY	3/6/16	Environmental Protection Act 1990	£40	£100 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement near Jeans Workshop on New Street, Birmingham.
42	Richard Downing 36 Delaware Avenue Albrighton Wolverhampton WV7 3BW	3/6/16	Environmental Protection Act 1990	£40	£100 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement outside Carphone Warehouse on New Street, Birmingham.

43	Mark Thomas Dillnut 16 Aspen Green Denton Manchester M34 6LW	3/6/16	Environmental Protection Act 1990	£126	£100 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement opposite Snappy Snaps on New Street, Birmingham.
44	Lynne Simmonds 58 Club View Birmingham B38 8XA	3/6/16	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the floor near lamp post number 14 on Moor Street, Birmingham.
45	Mary Turner 58 Rilstone Road Birmingham B32 2NR	3/6/16	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 Select on New Street, Birmingham.
46	Mark Woollaston 170 Parkfield Drive Birmingham B36 9TJ	3/6/16	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the floor near New Street train station on Stephenson Street, Birmingham.
47	Garie Edward Walsh 46 Reed Court Greenhithe DA9 9FL	3/6/16	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.
48	Katie Scammell 47 Tildasley Street West Bromwich B70 9SJ	3/6/16	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the floor on New Street at the junction to Stephenson Place, Birmingham.
49	Charlotte Cotter 26 Fairfax Road Birmingham B31 3ST	3/6/16	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the floor near Primark on New Street, Birmingham.
50	Gemma France 33 Perry Hill Tewkesbury GL20 5JG	3/6/16	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 train station on Stephenson Street, Birmingham.
51	Anghel Gavrilă 59 Northbrook Street Birmingham B16 0AL	3/6/16	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the floor near Starbucks Coffee on New Street, Birmingham.

52	Thia Karin Jones 56 Wiseacre Croft Shirley Solihull B90 1BB	3/6/16	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the floor outside Tesco Metro on New Street, Birmingham.
53	Faruque Miah 26 Roslin Grove Birmingham B19 2HT	3/6/16	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 Tesco on New Street, Birmingham.
54	Carla Ann Nicholls 1 Trent View House Bridges Road Scunthorpe DN17 1LR	3/6/16	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 Barclays on High Street, Birmingham.
55	Daniel O'Shea 108 Station Road Birmingham B14 7SR	3/6/16	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the floor near Jack Wills on New Street, Birmingham.
56	Nasira Naz 20 The Timber Way Birmingham B34 7AS	3/6/16	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 Nationwide on Rotunda Square, Birmingham.
57	Harriet Palmer 47 Edison Grove Quinton Birmingham B32 2SG	3/6/16	Environmental Protection Act 1990	£60 x litter offence No separate penalty x obstruction offence	£175 (£175 requested)	Pleaded guilty to two offences: one of dropping a cigarette butt on the pavement outside Dorothy Perkins on High Street, Birmingham and one of providing a false name and address to an authorized officer.
58	Balbir Sagoo 9 Forest Close Smethwick B66 1LL	9/6/16	Environmental Protection Act 1990	£25	None awarded (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement outside building number 81 on New Street, Birmingham.

59	Fabio Monaco 16 Cecil Road Birmingham B24 8AT	9/6/16	Environmental Protection Act 1990	Absolute Discharge	None awarded (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement outside Grand Central on Smallbrook Queensway, Birmingham.
60	Natasha Jackson 792A Alcester Road South Birmingham B14 5EZ	9/6/16	Environmental Protection Act 1990	£40	£175 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement outside Primark on New Street, Birmingham.
61	Antonio Iancu 149 Ombersley Road Birmingham B12 8UU	9/6/16	Environmental Protection Act 1990	£25	None awarded (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement outside Ladbrookes on Stephenson Street, Birmingham.
62	John White The Firs Church Lane Fenny Drayton Nuneaton CV13 6BA	9/6/16	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt down a drain outside Tesco on New Street, Birmingham.
63	Oskar Mirzajevs 377 Hagley Road Birmingham B17 8DL	9/6/16	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 Primark on New Street, Birmingham.
64	Anne- Marie Naisbett 28 Osborn Road Sparkbrook Birmingham B11 1PS	9/6/16	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 AVFC on New Street, Birmingham.
65	Andrew Robert 2 Peldar Place Coalville Leicestershire LE67 4SP	9/6/16	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 train station on Smallbrook Queensway, Birmingham.

66	Anne Tozer 29 Tudbury Road Birmingham B31 5QZ	9/6/16	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 EE on New Street, Birmingham.
67	Faith Cass 72 Napier Road Wolverhampton WV2 3DX	9/6/16	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 H&M on High Street, Birmingham.
68	Nasar Ali 70 Minster Drive Birmingham B10 0LD	9/6/16	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 Sainsbury's on Union Street, Birmingham.
69	James Campion 94 Lulworth Road Birmingham B28 8NT	9/6/16	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 HSBC on New Street, Birmingham.
70	Gail Hollis 37 Rogers Road Birmingham B8 2JJ	9/6/16	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 the Coffee Lounge on Stephenson Street, Birmingham.
71	Adrian Gilder 32 Paddock Lane Redditch B98 7XP	17/6/16	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 Work Your Way on Navigation Street, Birmingham.
72	Chelsea Doran 3 Ainsdale Gardens Birmingham B24 0EP	17/6/16	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the floor outside building number 5 on Lower Temple Street, Birmingham.
73	Maurice Beach 41 Milburn Road Bedford MK41 0PD	17/6/16	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the floor outside New Street train station on Smallbrook Queensway, Birmingham.

74	Paul Christopher Baker 29E Hornsey Lane Gardens London N6 5NY	17/6/16	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt in a plant pot on Stephenson Street outside New Street train station, Birmingham.
75	Hannah Whiston 60 Greenlands Road Birmingham B37 7QB	17/6/16	Environmental Protection Act 1990	£40	£80 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement outside Specsavers on New Street, Birmingham.
76	Marijus Kaminskis 18 Porchester Street Newtown Birmingham B19 2LA	17/6/16	Environmental Protection Act 1990	£100	£100 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement outside The Flight Centre on New Street, Birmingham.
77	Matthew Winters 4 Roughills Road Parkfield Wolverhampton WV2 2HH	17/6/16	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 White House on New Street, Birmingham.
78	Mohammed Waqar 408 Alum Rock Road Birmingham B8 3HT	17/6/16	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 building number 43 on Temple Row, Birmingham.
79	Yvonne Taylor 6 Firbeck Grove Birmingham B44 0ND	17/6/16	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 Superdrug on Corporation Street, Birmingham.
80	Keith Roberts 15 Millbank Grove Birmingham B23 7XS	17/6/16	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 train station on Smallbrook Queensway, Birmingham.
81	Saleh Mohammed 130 Queen Mary Road Coventry CV6 5LQ	17/6/16	Environmental Protection Act 1990	£40	None awarded (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement outside Thomson on New Street, Birmingham.

82	Jan Mitrik 130 Selsey Road Edgbaston Birmingham B17 8JT	17/6/16	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the road outside Corals on Corporation Street, Birmingham.
83	Cristian- Alexandru Matias Flat 1, 7-11 Mott Street Birmingham B19 3HD	17/6/16	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 H&M on High Street, Birmingham.
84	Ana Claudia Marques 7 Harbury Road Birmingham B12 9NG	17/6/16	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 train station on Smallbrook Queensway, Birmingham.
85	Ladislav Kotlar 25 Linwood Road Handsworth Birmingham B21 9JG	17/6/16	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 on Cherry Street, Birmingham.
86	Khiezer Hussain Flat 1 27 Highters Close Birmingham B14 4NN	17/6/16	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 Pavilions on High Street, Birmingham.
87	Shanoor Hoque 40 Bourton Road Gloucester GL4 0LE	17/6/16	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.
88	James Halkon The Cottage 2 Gillings Yard Thirsk YO7 1SY	17/6/16	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 Debenhams on Smallbrook Queensway, Birmingham.

89	Elizabeth Anne Upton 3 Lapal Lane Birmingham B32 3QZ	23/6/16	Environmental Protection Act 1990	£60	None awarded (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement opposite New Street train station on Stephenson Street, Birmingham.
90	Justin Roger Price 17 Squires Gate Walk Birmingham B35 7JN	23/6/16	Environmental Protection Act 1990	£145	£175 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement outside MUJI on New Street, Birmingham.
91	Craig Grant 100 Maudslay Road Coventry CV5 8EN	23/6/16	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 train station on Stephenson Street, Birmingham.
92	Jakub Kapela 43 Cambridge Street West Bromwich B70 8HG	23/6/16	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 train station on Smallbrook Queensway, Birmingham.
93	Ivor Langridge 26 Denman Road Rotherham S63 6RL	23/6/16	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the road opposite Costa on Colmore Row, Birmingham.
94	Michelle Lordan Flat 4 17 Hillcross Walk Birmingham B36 8NN	23/6/16	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.
95	Karolina Sloniec 258 Bearwood Road Smethwick B66 4HR	23/6/16	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.
96	Robert Charles Smith Flat 30 26 Weston Road Leicester LE3 0GR	23/6/16	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 Meal Deal on New Street, Birmingham.

97	Mohammed Khan 175 Shaftmoor Lane Hall Green Birmingham B28 8SN	23/6/16	Environmental Protection Act 1990	£60	None awarded (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt and standing on it outside the gates of Council offices at 581 Tyburn Road, Erdington, Birmingham.
98	Michael Ball Flat 5 Levenhowe Road Balloch Dunbartonshire G83 8LS	23/6/16	Environmental Protection Act 1990	£90	£175 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement opposite Primark on New Street, Birmingham.
99	Colin Humphries 21 Abberley Close Churchill Redditch, B98 8QY	23/6/16	Environmental Protection Act 1990	£130	£175 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the floor outside New Street train station on Smallbrook Queensway, Birmingham.
100	Nadir Mahmood Apartment 58, Solihull Heights The Horizon 54 New Coventry Road Birmingham B26 3BB	23/6/16	Environmental Protection Act 1990	£40	£175 (£175 requested)	Pleaded guilty to one offence of dropping a can of pop over a railway bridge near lamp post number 9 on Navigation Street, Birmingham.
101	Lee Mitchell Phipps 25 Heynesfield Road Birmingham B33 0AG	23/6/16	Environmental Protection Act 1990	£80	£100 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement opposite Meal Deal on New Street, Birmingham.

ENVIRONMENTAL HEALTH SIMPLE CAUTIONS

During May 2016 one simple caution was administered.

Food Safety and Hygiene (England) Regulations 2013

One caution was issued for failing to comply with food hygiene regulations

During June 2016 no simple cautions were administered

TRADING STANDARDS

APPENDIX 3

	Name & Address	Date Case Heard	Legislation	Fine/Penalty	Costs	Offence details
1	<p>Roy John O'Grady 83 Olton Road Shirley Solihull B90 3NG</p> <p>Philip Mark Harris The Old Coach House Stockenham Kingsbridge TQ7 2ST</p> <p>Julian Mark Attwood 6 York Avenue Bromsgrove Worcestershire B61 8SA</p>	5/5/16 at Crown Court	Fraud Act 2006	<p>O'Grady - 27 months imprisonment Concurrent on each count</p> <p>Harris - 10 months sentence suspended for 2 years + 200 hours unpaid work</p> <p>Attwood - 10 months sentence suspended for 2 years + 200 hours unpaid work</p>	<p>POCA timetable set for O'Grady</p> <p>Harris - confiscation order in the sum of £2,750</p> <p>Attwood - confiscation order in the sum of £2,960</p>	O'Grady pleaded <u>not guilty</u> to 23 counts, Harris pleaded <u>not guilty</u> to 11 counts and Attwood pleaded guilty to 23 counts relating to false representations being made to induce consumers into agreeing to purchase photo voltaic (PV) solar system installations for residential properties. The majority of complaints were received from consumers who had agreed to a scheme whereby a solar system would be installed for free on payment of an administration charge of £250 but no solar panels had been installed.
2	Phonetec Ltd 114 Warren Farm Road Kingstanding Birmingham B44 0QN	10/5/16 at Crown Court	Trade Marks Act 1994	Total £1,900 (£100 x 19)	£1,200 (£1,200 requested)	Peaded guilty to 19 offences of possessing a large quantity of clothing, headscarves, fragrance, accessories and tobacco for the purpose of supply at Akee's, 114 Warren Farm Road, Kingstanding, which bore registered trademarks, including Adidas, Dolce & Gabbana, UGG, Versace, Lacoste, Calvin Klein, Apple, Superdry, Vans Golden Virginia and Amber Leaf, without the consent of the trademark proprietors.

	Name & Address	Date Case Heard	Legislation	Fine/Penalty	Costs	Offence details
3	Abdoulie Gassama 283 Slade Road Erdington Birmingham B23 7QY	16/6/16 at Crown Court	Fraud Act 2006 Theft Act 1968 Proceeds of Crime Act 2002	Total 7½ years imprisonment (18 months for counts 1-5 2 years for counts 9-15 4 years for counts 17-25 2 years for count 28 – to run concurrently)	POCA timetable set	Pleaded guilty to 22 offences: 19 relating to misleading and fraudulent claims made to vulnerable people who were looking for help to resolve acute personal problems. He claimed to be a faith healer and made false promises guaranteeing he could resolve their problems, two offences of stealing money from them and one further charge of concealing or transferring money jointly with his wife knowing it was the proceeds of criminal conduct, namely fraud and blackmail.

TRADING STANDARDS SIMPLE CAUTIONS

During May and June 2016 no simple cautions were administered.

APPENDIX 4

CASES FINALISED BY DISTRICT (PLACE OF OFFENCE) – MAY 2016

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	0	0	0	0	3	0	0	0	0	0	0	3
Environmental Health (FPNs) Not paid and prosecuted	0	0	0	0	40	0	0	0	0	0	0	40
Environmental Health (non FPNs)	0	0	0	1	0	0	1	2	0	1	0	5
Trading Standards	0	1	0	0	1	0	0	0	0	0	0	2

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

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	0	0	0	0	1	0	1	0	0	0	1	3
Environmental Health (FPNs) Not paid and prosecuted	0	5	4	3	2	3	1	0	1	2	19	40
Environmental Health (non FPNs)	0	0	0	0	0	0	1	1	0	2	1	5
Trading Standards	0	1	0	0	0	0	0	0	0	0	1	2

CASES FINALISED BY DISTRICT (PLACE OF OFFENCE) – JUNE 2016

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	0	1	2	0	3	0	0	0	0	0	0	6
Environmental Health (FPNs) Not paid and prosecuted	0	1	0	0	60	0	0	0	0	0	0	61
Environmental Health (non FPNs)	0	1	1	1	1	1	1	3	0	0	0	9
Trading Standards	0	1	0	0	0	0	0	0	0	0	0	1

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

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	0	0	2	0	2	0	1	0	0	0	1	6
Environmental Health (FPNs) Not paid and prosecuted	5	5	5	5	5	4	1	2	0	2	27	61
Environmental Health (non FPNs)	0	1	1	0	1	0	2	3	0	0	1	9
Trading Standards	0	1	0	0	0	0	0	0	0	0	0	1

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

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	1	1	2	0	6	0	0	0	0	0	0	10
Environmental Health (FPNs) Not paid and prosecuted	0	3	0	0	165	0	0	0	0	0	0	168
Environmental Health (non FPNs)	0	2	3	3	3	3	3	6	0	1	0	24
Trading Standards	0	2	0	0	3	0	0	0	1	0	0	6

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

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	0	0	2	1	3	0	2	0	0	0	2	10
Environmental Health (FPNs) Not paid and prosecuted	12	15	13	11	14	10	3	2	3	5	80	168
Environmental Health (non FPNs)	0	1	2	3	3	2	3	5	0	2	3	24
Trading Standards	0	2	0	0		0	0	0	1	0	3	6

WASTE ENFORCEMENT UNIT – ENFORCEMENT ACTIVITY
APRIL 2016 – JULY 2016

	Apr-16	May-16	Jun-16	Jul-16	Total 2016/2017
Waste Investigation Outcomes					
Investigations into commercial waste disposal suspected offences and offences	22	44	69	62	197
<u>Section 34 Environmental Protection Act</u> demand notices issued: (trade waste statutory information demands)	14	95	65	52	226
<u>Section 34 Environmental Protection Act</u> fixed penalty notices issued to businesses (£300)	7	2	15	34	58
<u>Section 87 Environmental Protection Act</u> . Fixed Penalty notices issued for commercial and residential litter offences (£80)	4	13	10	11	38
Prosecutions					
Number of prosecution files submitted to legal services (number produced quarterly)			11		11

BIRMINGHAM CITY COUNCIL

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

14 SEPTEMBER 2016
ALL WARDS

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

1. **Summary**

- 1.1 This report advises the Committee of the outcome of an appeal against the Sub Committee's decisions made to the Magistrates' 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
E-mail: chris.neville@birmingham.gov.uk

3. Summary of Appeal Hearings for July 2016

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

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 July 2016 costs have been requested to the sum of £979.90 with reimbursement of £729.90 (74.5%) ordered by the Courts.
- 4.3 For the fiscal year thus far, April 2015 to July 2016, costs associated to appeal hearings have been requested to the sum of £8,607.50 with reimbursement of £7,895.50 (91.7%) ordered by the Courts.
- 4.4 Despite the appeal being withdrawn before the Court hearing, officers and Counsel had still prepared for the hearing and as such, costs had been incurred. An application was made to the Court for costs. The Crown Court was sympathetic to the application and ordered the appellant to contribute £729.90 towards the costs claimed in the sum of £979.90. He has been given six months to pay given he has lost his employment.

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.

APPENDIX**CROWN COURT – PRIVATE HIRE DRIVER'S LICENCE**

	Name	Date Case Heard	Result	Costs Requested	Costs Ordered	Comments
1	Khalid Din	n/a	Abandoned pre-Court	£979.90	£729.90	On 27 October 2015, as the result of conviction for plying for hire and using a vehicle while uninsured, Committee considered and resolved to refuse the renewal of the licence. The appeal to the Magistrates' Court was dismissed on 8 January 2016 and although costs of £250 were requested, because of the appellant's financial circumstances no costs were awarded by the Magistrates. Mr Din further appealed to the Crown court, albeit this appeal was withdrawn just days prior to the hearing. Costs were sought at Crown Court in respect of the case. The Crown Court was sympathetic to the application and ordered the appellant to contribute £729.90 towards the costs claimed in the sum of £979.90. He has been given six months to pay given he has lost his employment.

BIRMINGHAM CITY COUNCIL

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

14 SEPTEMBER 2016
ALL WARDS

**ACTIONS TAKEN BY THE CHIEF OFFICER IN CONSULTATION WITH THE
CHAIR OF THE LICENSING AND PUBLIC PROTECTION COMMITTEE
DURING JULY AND AUGUST 2016**

1. Summary

- 1.1 This report advises the Committee of actions taken by the Chair under authority from the Licensing and Public Protection Committee, together with an explanation as to why this authority was used.

2. Recommendation

- 2.1 That the report be noted.

Contact Officer: Chris Neville, Head of Licensing
Telephone: 0121 303 6111
E-mail: chris.neville@birmingham.gov.uk

Contact Officer: Mark Croxford, Head of Environmental Health
Telephone: 0121 303 6920
E-mail: mark.croxford@birmingham.gov.uk

3. Background Information

- 3.1 On 16 March 2007 Section 52 of the Road Safety Act 2006 came into force. This has had the effect of enabling a Licensing Authority to suspend or revoke a hackney carriage or private hire driver's licence with immediate effect – meaning that the suspension or revocation takes effect immediately once notice of the authority's decision has been given to the driver – where this decision is considered necessary in the interests of public safety.
- 3.2 In addition Environmental Health requested Chair and Chief Officers authority to implement electronic fixed penalty notices for litter offences which may affect the reporting of FPNs to Committee.

4. Summary of Environmental Health Related Actions Taken During July 2016

- 4.1 On 27 July 2016 the Chair was consulted and gave approval for the litter enforcement officers to trial a new to Birmingham electronic system for issuing litter Fixed Penalty Notices (FPNs). The recipients of a litter FPN will now have their details entered into a hand held computer which will upload their details directly and print the FPN on the street.
- 4.2 The new FPNs will allow payment through Pay-Points in post offices and newsagents and the system will reduce the need for inputting data manually. This will assist our administrative staff by reducing the risk of errors occurring in transposing data. It will also have a beneficial effect on workloads to city cashiers who are also experiencing increased demands in receiving payments.
- 4.3 The Chair was advised that Environmental Health would be able to continue reporting the numbers of FPNs issued but may not be able to run the reports in the format that Committee is familiar with. Environmental Health would advise Committee as soon as it knew if there was a problem in continuing to report FPNs by ward and other Local Authority.

5. Summary of Licensing Related Actions Taken During August 2016

- 5.1 On 15th August the Licensing Service were contacted by West Midlands Police regarding a driver who was being investigated for a sexual assault on a passenger whilst in his licensed vehicle. The passenger had been picked up at a bus stop late at night and had not booked the journey. Following consultation with the Chair, the driver's licence was revoked with immediate effect in the interests of public safety.
- 5.2 On 17th August it was discovered that a licensed private hire driver had been charged with a serious offence involving the disposal of a firearm used in an attempted murder. Following consultation with the Chair, the driver's licence was revoked with immediate effect in the interests of public safety.

6. Implications for Resources

- 6.1 No specific implications have been identified, although the new payment system should have a beneficial effect on the demands placed upon the Environmental Health service.

7. Implications for Policy Priorities

- 7.1 The contents of the report contribute to the City Council's published policy priority of improving the standards of licensed vehicles, people and premises in the City.
- 7.2 The implementation of the electronic fixed penalty facility will improve the efficiency of managing this work for both Environmental Health and colleagues in Finance as well as being easier for recipients to pay their fixed penalty. This supports the priority of developing a smart city.

8. Implications for Equality and Diversity

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

ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

BIRMINGHAM CITY COUNCIL

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

14 SEPTEMBER 2016
ALL WARDS

FIXED PENALTY NOTICES ISSUED MAY, JUNE AND JULY 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 periods May, June and July 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 months of May, June and July 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 FPNs 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	0	0	0	0	0	0	0	0	2
Hall Green	Hall Green	0	0	0	2	0	0	0	0	0	0	0	0	2
	Moseley And Kings Heath	4	0	0	0	0	0	0	0	0	0	0	0	4
	Sparkbrook	0	0	5	0	0	0	0	0	0	0	0	0	5
	Springfield	0	1	1	1	0	0	0	0	0	0	0	0	3
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	0	0	0	0	0	0	0	0	5
	Washwood Heath	0	1	0	10	0	0	0	0	0	0	0	0	11
Ladywood	Aston	0	2	1	2	0	0	0	0	0	0	0	0	5
	Ladywood	479	438	527	452	0	0	0	0	0	0	0	0	1,896
	Nechells	10	16	16	21	0	0	0	0	0	0	0	0	63
	Soho	1	7	1	1	0	0	0	0	0	0	0	0	10
Northfield	Kings Norton	0	0	0	0	0	0	0	0	0	0	0	0	0
	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	0	0	0	0	0	0	0	0	5
	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	0	0	0	0	0	0	0	0	0
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		508	478	566	506	0	0	0	0	0	0	0	0	2,058

APPENDIX 2
WARD OF PERSON RECEIVING FIXED PENALTY NOTICES BY CONSTITUENCY/WARD

Constituency	Ward	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Total
Edgbaston	BARTLEY GREEN	3	1	0	3	0	0	0	0	0	0	0	0	7
	EDGBASTON	7	3	2	2	0	0	0	0	0	0	0	0	14
	HARBORNE	3	8	6	5	0	0	0	0	0	0	0	0	22
	QUINTON	5	5	3	2	0	0	0	0	0	0	0	0	15
Erdington	ERDINGTON	2	5	4	4	0	0	0	0	0	0	0	0	15
	KINGSTANDING	5	4	5	1	0	0	0	0	0	0	0	0	15
	STOCKLAND GREEN	6	4	3	4	0	0	0	0	0	0	0	0	17
	TYBURN	4	2	6	2	0	0	0	0	0	0	0	0	14
Hall Green	HALL GREEN	0	2	5	4	0	0	0	0	0	0	0	0	11
	MOSELEY AND KINGS HEATH	6	5	3	6	0	0	0	0	0	0	0	0	20
	SPARKBROOK	4	3	6	10	0	0	0	0	0	0	0	0	23
	SPRINGFIELD	4	7	5	5	0	0	0	0	0	0	0	0	21
Hodge Hill	BORDESLEY GREEN	4	1	9	2	0	0	0	0	0	0	0	0	16
	HODGE HILL	4	5	2	9	0	0	0	0	0	0	0	0	20
	SHARD END	5	4	2	7	0	0	0	0	0	0	0	0	18
	WASHWOOD HEATH	4	3	3	12	0	0	0	0	0	0	0	0	22
Ladywood	ASTON	7	6	6	5	0	0	0	0	0	0	0	0	24
	LADYWOOD	17	28	34	21	0	0	0	0	0	0	0	0	100
	NECHELLS	6	7	16	12	0	0	0	0	0	0	0	0	41
	SOHO	7	5	4	5	0	0	0	0	0	0	0	0	21
Northfield	KINGS NORTON	2	6	7	6	0	0	0	0	0	0	0	0	21
	LONGBRIDGE	2	4	9	4	0	0	0	0	0	0	0	0	19
	NORTHFIELD	5	3	3	3	0	0	0	0	0	0	0	0	14
	WEOLEY	2	2	1	4	0	0	0	0	0	0	0	0	9
Perry Barr	HANDSWORTH WOOD	2	10	3	6	0	0	0	0	0	0	0	0	21
	LOZELLS AND EAST HANDSWORTH	4	6	6	8	0	0	0	0	0	0	0	0	24
	OSCOTT	2	2	5	3	0	0	0	0	0	0	0	0	12
	PERRY BARR	2	1	1	2	0	0	0	0	0	0	0	0	6
Selly Oak	BILLESLEY	7	2	2	1	0	0	0	0	0	0	0	0	12
	BOURNVILLE	5	8	5	6	0	0	0	0	0	0	0	0	24
	BRANDWOOD	7	8	6	2	0	0	0	0	0	0	0	0	23
	SELLY OAK	6	5	3	6	0	0	0	0	0	0	0	0	20
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	0	0	0	0	0	0	0	0	8
	SUTTON TRINITY	1	5	4	1	0	0	0	0	0	0	0	0	11
	SUTTON VESEY	3	2	2	1	0	0	0	0	0	0	0	0	8
Yardley	ACOCKS GREEN	3	2	2	1	0	0	0	0	0	0	0	0	8
	SHELDON	0	3	5		0	0	0	0	0	0	0	0	8
	SOUTH YARDLEY	7	2	3	8	0	0	0	0	0	0	0	0	20
	STECHFORD AND YARDLEY NORTH	4	4	4	1	0	0	0	0	0	0	0	0	13
	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	0	0	0	0	0	0	0	0	1,288
	Location not recorded	5	9	5	2	0	0	0	0	0	0	0	0	21
Grand Total		508	478	566	506	0	0	0	0	0	0	0	0	2,058

APPENDIX 3

FIXED PENALTY NOTICES ISSUED TO PERSONS RESIDING OUTSIDE THE BIRMINGHAM AREA

RESIDENCE OF FPN RECIPIENT	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Grand Total
Aberdeen (S)			1	1									2
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
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									9
Bromsgrove	6	6	9	7									28
Broxtowe	1												1
Burnley	1												1
Bury	1			1									2
Caerphilly (W)			2										2
Cambridge	3	2	1	2									8
Cannock Chase	5	3	2	4									14
Cardiff (W)	1	1	2										4
Carmarthenshire (W)				1									1
Castle Point	2												2
Central Bedfordshire	1		3										4
Ceredigion (W)	1			1									2
Charnwood			2	2									4
Chelmsford				1									1
Cheltenham	3	1											4
Cherwell	2		2										4
Cheshire East	2	2	2	3									9
Cheshire West and Chester	4												4
Chiltern				1									1

Chorley			1										1
City of Bradford				1									1
City of York	3	3	1	1									8
Copeland	1												1
Corby		1		1									2
Cotswold				2									2
County Durham			1	1									2
Coventry	14	9	10	18									51
Crawley				1									1
Darlington		1											1
Dartford		1		1									2
Daventry		1	2										3
Denbighshire (W)	1												1
Derby	5	2	4	4									15
Derbyshire Dales		1	2										3
Dover		1	1										2
Dudley	16	19	10	7									52
Dundee (S)	1												1
East Devon		2		1									3
East Dunbartonshire (S)			1										1
East Hampshire	2	1											3
East Hertfordshire	2												2
East Lindsey				1									1
East Northamptonshire	1												1
East Riding of Yorkshire			1										1
East Staffordshire	3	4	2	1									10
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									2
Forest Heath			1										1
Forest of Dean	1		1										2
Glasgow (S)	1			2									3
Gloucester	2	4	4	6									16
Guildford		1											1
Gwynedd (W)	1	1											2
Halton				1									1
Harrogate			1	1									2
Hartlepool				1									1
Herefordshire		5	3	3									11
Highland (S)	1												1

Hinckley and Bosworth	1		1	4									6
Hyndburn	1												1
Ipswich			2										2
Isle of Wight				1									1
Kettering	1												1
Kirklees		1	3	3									7
Lancaster	2	1	2	1									6
LB of Barking and Dagenham		1											1
LB of Barnet	3	4	2										9
LB of Brent			2	3									5
LB of Bromley			1	2									3
LB of Camden	2		1										3
LB of Croydon	4	2	1	1									8
LB of Ealing	2												2
LB of Enfield	1	1		1									3
LB of Greenwich	1	1	5	3									10
LB of Hackney	1	1	2	1									5
LB of Hammersmith and Fulham	1												1
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									4
LB of Lambeth			1	1									2
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									4
LB of Sutton		1											1
LB of Tower Hamlets	1	2		1									4
LB of Waltham Forest	1		1										2
LB of Wandsworth	2	2	2	1									7
Leeds	4		3	1									8
Leicester	8	8	6	7									29
Lewes				1									1
Lichfield	5	4	5	7									21
Lincoln	1	1	2	1									5
Liverpool	4	2	7	5									18
Luton			1										1
Malvern Hills	4		2	1									7
Manchester	2	1	2	4									9
Mansfield				2									2
Medway		1											1

Mendip				1									1
Mid Devon	1												1
Mid Suffolk		1											1
Mid Sussex			1	2									3
Middlesbrough	1	1		1									3
Milton Keynes	2	5		1									8
Mole Valley			2										2
New Forest		1											1
Newark and Sherwood	1			1									2
Newcastle-under-Lyme			1										1
Newcastle-upon-Tyne	5		1	1									7
North Devon			1										1
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									5
Northampton	9	5	5	3									22
Northumberland	1												1
Nottingham	6	7	5	4									22
Nuneaton and Bedworth	5	2	2	1									10
Oldham	1	1	1	3									6
Outside of UK		1	3	4									8
Oxford	1	7	3	1									12
Perth and Kinross (S)		1	1										2
Peterborough	2	1	2										5
Plymouth	2		1										3
Powys (W)			2										2
Preston				1									1
RB of Windsor and Maidenhead			1										1
Reading	2	1	1	1									5
Redcar and Cleveland		1											1
Redditch	2	5	5	4									16
Reigate and Banstead			2	1									3
Renfrewshire (S)			1										1
Richmondshire			1										1
Rochdale	1	1											2
Rugby	2	3	10	4									19
Rutland	1												1
Salford			1										1
Sandwell	13	17	27	19									76
Scarborough				2									2
Sefton			1	2									3
Sevenoaks		1											1

[illegible]

Wigan	2												2
Wiltshire		1		1									2
Winchester				1									1
Wirral	3												3
Woking			1										1
Wolverhampton	12	9	15	10									46
Worcester	11	8	6	9									34
Wrexham (W)		2											2
Wycombe			1	1									2
Wyre		1		2									3
Wyre Forest	1		2	1									4
(blank)	2	7	5										14
OUTSIDE BIRMINGHAM TOTAL	335	280	359	314	0	0	0	0	0	0	0	0	1288

BIRMINGHAM CITY COUNCIL

LICENSING AND PUBLIC PROTECTION COMMITTEE

14 September 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 October 2016
599 (ii) 20/01/2016	<u>Implications of the Casey Report for Licensing</u> – That the action plan for CSE be submitted to committee once it had been updated.	See agenda item No. 8
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 October 2016
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.	Report for October 2016
618 (ii) 17/02/2016	<u>Licensing Authority Delegations Hackney Carriage And Private Hire</u> - Officers be instructed to draft a Code of Conduct for Members of the Licensing and Public Protection Committee, to be brought to a future Licensing and Public Protection Committee for agreement with a view to being presented to the Council Business Management Committee for inclusion in the constitution.	See agenda item No. 5
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
633 16/03/2016	<u>Animal Welfare Post</u> – Action to be undertaken by officers to identify alternatives to the deletion of a post in the Animal Welfare Team and find money within the budget for this post to continue.	Acting Director of Regulation and Enforcement to advise on the current situation.
640 (i) 16/03/2016	<u>Preparedness for Sports Grounds</u> That officers, in conjunction with Alister Campbell, Head	Report for October 2016

	of Emergency Planning, provide a report on this for Committee.	
640 (ii) 16/03/2016	<u>Travellers</u> – Report to be submitted to Committee	Report for October 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	Report for October 2016
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.	Report for October 2016
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.	Report for October 2016