

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, 18 NOVEMBER 2015 AT 10:00 HOURS
IN COMMITTEE ROOM 1, COUNCIL HOUSE, VICTORIA SQUARE,
BIRMINGHAM, B1 1BB

A G E N D A

1 NOTICE OF RECORDING/WEBCAST

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

2 APOLOGIES

To receive any apologies.

3 - 14

3 MINUTES

To confirm and sign the Minutes of the meeting held on 16 September 2015.

15 - 44

4 STATEMENT OF LICENSING POLICY CUMULATIVE IMPACT AREAS PRE-CONSULTATION REPORT

Item Description

45 - 112

5 STATEMENT OF GAMBLING PRINCIPLES PRE-CONSULTATION REPORT

Item Description

113 - 118

6 TUBERCULOSIS IN BIRMINGHAM AN UPDATE

Item Description

<u>119 - 122</u>	7	<u>CRIMINAL COURTS CHARGE</u>
<u>123 - 126</u>	8	<u>ACTIONS TAKEN BY THE CHIEF OFFICER IN CONSULTATION WITH THE CHAIR OF THE LPPC DURING SEPTEMBER AND OCTOBER 2015</u>
		Item Description
<u>127 - 162</u>	9	<u>PROSECUTIONS AND CAUTIONS AUGUST AND SEPTEMBER 2015</u>
		Item Description
<u>163 - 166</u>	10	<u>OUTCOME OF APPEALS AGAINST SUB COMMITTEE DECISIONS AUGUST AND SEPTEMBER 2105</u>
		Item Description
<u>167 - 190</u>	11	<u>FIXED PENALTY NOTICES ISSUED AUGUST AND SEPTEMBER 2015</u>
		Item Description
<u>191 - 202</u>	12	<u>LICENISNG AND PUBLIC PROTECTION REVENUE BUDGET MONITORING 2015/16 MONTH 6</u>
		Item Description
<u>203 - 204</u>	13	<u>SCHEDULE OF OUTSTANDING MINUTES.</u>
		To consider the schedule of outstanding Minutes.
	14	<u>OTHER URGENT BUSINESS</u>
		To consider any items of business by reason of special circumstances (to be specified) that in the opinion of the Chairman are matters of urgency.
	15	<u>AUTHORITY TO CHAIRMAN AND OFFICERS</u>
		Chairman to move:-
		'In an urgent situation between meetings, the Chair jointly with the relevant Chief Officer has authority to act on behalf of the Committee'.

BIRMINGHAM CITY COUNCIL

LICENSING AND PUBLIC PROTECTION COMMITTEE 16 SEPTEMBER 2015
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**MINUTES OF A MEETING OF THE LICENSING
AND PUBLIC PROTECTION COMMITTEE HELD
ON WEDNESDAY, 16 SEPTEMBER 2015 AT
1000 HOURS IN COMMITTEE ROOMS 3 AND 4,
COUNCIL HOUSE, BIRMINGHAM**

PRESENT: - Councillor Barbara Dring in the Chair;

Councillors Nawaz Ali, Alex Buchanan, Basharat Dad, Neil Eustace, Mahmood Hussain, Nagina Kauser, Mike Leddy, Bruce Lines, Gareth Moore and Anita Ward.

NOTICE OF RECORDING

547 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

548 Apologies were received from Councillors Bob Beauchamp, Lynda Clinton, Tony Kennedy, Bruce Lines (for lateness), and Rob Sealey.

DECLARATIONS OF INTEREST

549 There were no declarations of interest submitted by Members

MINUTES

15 July 2015

550 The Minutes of the meeting held on 15 July, having been previously circulated, were confirmed as a correct record and signed by the Chairman.

THE CONSUMER RIGHTS ACT 2015

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

(See document No.1)

Vir Ahluwalia, District Services Area Manager, made introductory comments relating to the report and outlined to Members the developments in consumer rights reforms with particular reference to the Consumer Rights Act 2015 which had consolidated, amended and replaced the legislation covering consumer rights and remedies, with 1 main element of this being consumers being given a 30 day right to reject faulty goods.

Mr Ahluwalia also highlighted other provisions within the Act which had consolidated and amended investigating powers of officers and powers of entry in relation to routine visits and the extension of powers to officers via their ability to investigate breaches of legislation outside of their own Local Authority.

In response to questions from Members regarding the amendments within the Act regarding prior notice of inspection visits and the evasion of redress through changing companies; Members were reassured that this would only occur in respect of routine visits only and would not apply should officers suspect a breach of any trading standards legislation. Mr Ahluwalia stressed that whilst the majority of officers' work was intelligence-led and would therefore be exempt from this requirement, some of the pro-active work undertaken by Trading Standards e.g. the hallmarking of jewellery would require this notice to be given and this was of some concern to officers.

With regard to problems concerning traders who sought to avoid redress through closing companies and then re-trading as a new company Mr Ahluwalia advised Members that this could only be tackled via highlighting the issue with Companies House or via direct redress against an individual through civil action.

Members raised concerns regarding the impact of the 30 day consumer right to return goods with regard to the motor trade and the resulting reduced value of the returned goods. Furthermore, the impact of an additional warranty on the vehicle upon a customer's statutory rights was queried. Mr Ahluwalia stressed that advice and information would be provided to businesses with the emphasis on thorough pre-delivery checks of vehicles to protect their business and protect themselves from any scams. With regard to the vehicle warranty this would not waive the customer's statutory rights, however in the case of minor faults customers might choose to accept a trader's offer of redress rather than return the goods and still maintain their statutory rights.

The Chair put the recommendations contained in the report at agenda item No 4 to a vote and these were agreed unanimously.

551

RESOLVED:-

- (i) That Committee makes representations to Government urging funding for the Trading Standards service to be able to meet likely extra demand for business advice from local traders and also for enforcing the provisions relating to letting agencies.
- (ii) That Committee expresses its disappointment that Government has chosen to go ahead with the introduction of a two day notice for routine inspections and that the offence of obstruction has been reduced to a level 3 offence.

REPORT ON THE IMPLEMENTATION OF THE DOG CONTROL ORDERS AND TO CONSIDER THE EXEMPTION ON THE RESTRICTION ON FOUR DOGS

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

(See document No. 2)

Mark Croxford, Head of Environmental Health, introduced this report and provided Members with an overview of the implementation of Dog Control Orders (DCOs) had come into effect on 1 March 2014 and advised Members of a request from commercial dog walkers, under The Dogs (Specified Maximum) Order 2014, to have more than four dogs. This dispensation would then be introduced as a permit scheme with conditions and restrictions attached – this had been introduced already by Wandsworth Council in London.

He further advised Members that the DCOs had been well received and highlighted some of the enforcement activities that had been undertaken in 2014-15 including 676 cautionary letters, increased signage across the city regarding the DCOs, pro-active exercises in dog-fouling hotspots and the issuing of 31 Fixed Penalty Notices.

Mr Croxford informed Members that following the request from the commercial dog walkers to increase the number of dogs, a public consultation had been undertaken on this with 35 professional dog walking companies of which 11 had responded, together with the Friends of Parks and Birmingham Open Space Forum. Of the responses received from the dog walkers 7 out of the 11 had not wanted to take out more than 4 dogs. The issue for consideration therefore was the balance between public protection issues against the wish to support small local businesses.

Members were generally of the opinion that no more than 4 dogs should be allowed per individual as more than this would be difficult to manage alone and public safety should be paramount. Further concerns were expressed about dog-fouling in the parks together with the impact of more than 4 dogs if not under control, on children, the elderly and those using mobility scooters. In addition to this it was noted that the majority of the commercial dog walkers

concerned had not responded and therefore showed a lack of interest in changing the status quo and unless there was a major demand for change this should remain.

The Chair put the recommendations contained in the report at agenda item No 5 to a vote and these were agreed unanimously.

552

RESOLVED:-

That following consideration by Committee to allow a dispensation scheme for commercial dog walkers to have more than 4 dogs, it was agreed, due to the comments expressed by Members as above, that the number of dogs should remain at no more than 4.

DISTRIBUTION OF FREE PRINTED MATTER – RESULTS OF CONSULTATION AND PROPOSALS FOR THE BROAD STREET AREA

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

(See document No. 3)

Mark Croxford, Head of Environmental Health, introduced this report and informed Members of the results of the statutory consultation exercise in April 2015 regarding the introduction of a Free Printed Matter Consent Scheme in the Broad Street area with residents and businesses in the vicinity. Nine responses had been received, the majority of which were in favour of a free literature control zone. Mr Croxford stressed however, that in order for this to be implemented the Authority needed to be satisfied that Broad Street was being defaced by the distribution of free literature.

Comments from the Trade Group, representing the businesses on Broad Street, had indicated that most marketing was conducted online. Furthermore, street surveys undertaken in July and August 2015 had shown a marked improvement in literature defacing the street - only 4 businesses had been found to doing this and of these 3 had been issued with Community Protection Notices requiring them to take pro-active steps to maintain a litter and literature free area within 100 meters of their business. Should they fail to do this individuals could be issued with a fine of up to £2,500 and businesses be fined up to £20,000 for failing to maintain the street scene.

Officers therefore recommended that Broad Street was not sufficiently defaced by literature to enable a free printed matter consent scheme within the area.

Concerns were expressed by Members regarding: Sexual Entertainment Venues (SEVs) touting for business via distribution of literature, the requirement for the West Side BID to a committed budget for street cleaning on Broad Street and the need for a twin-pronged approach regarding this issue of both introducing a free printed matter consent scheme zone and targeting individual businesses through community protection notices in order to ensure that these issues did not reoccur in the future.

Members were advised that warnings had been issued to 4 SEVs found distributing literature, which had subsequently ceased; that West Side BID had a commitment to maintaining the street scene in Broad Street as this was of advantage to their member businesses and that whilst a twin-pronged approach would be possible it would be difficult to defend a legal challenge to impose the scheme when it could not be evidenced.

The Chair put the recommendations contained in the report at agenda item No. 6 to a vote and with a vote of 7 for and 1 against for 553 (i), and a unanimous vote for 553 (ii) these were agreed.

553

RESOLVED:-

- (i) That committee agrees that the street scene in the Broad Street Area is not sufficiently defaced to enable the declaration of a Free Printed Matter Consent Scheme in the surveyed area.
- (ii) That the report be noted and referred to the Cabinet Minister for Transportation and Street Services for information.

STATEMENT OF GAMBLING PRINCIPLES PRE-CONSULTATION REPORT

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

(See document No. 4)

Chris Neville, Head of Licensing made introductory comments relating to the report advising Members of the requirement, under the Gambling Act 2005, by the City Council as the Licensing Authority to determine and publish its Statement of Gambling Principles at least every three years.

Members were advised that the current statement needed to be reviewed and a new policy published by 3 January 2016 to come into force by 31 January 2016. During 2015, the Gambling Commission had been updating its guidance to local authorities on how to prepare these principles which would be considerably more reflective of local circumstances – however the changes would be so significant and the research required so extensive, that it would not be possible to prepare the revised principles and consult on them by the January 2016 deadline.

Mr Neville informed Members that the statement presented therefore incorporated all the required legal amendments - with the intention to commence work on a more in-depth Statement of Gambling Principles for the following year. The new statement would include a local area profile mapping the risks with regard to gambling harm on a geographical level for each area of Birmingham, based on a range of criteria. Operators applying for gambling licences would need to undertake risk assessments and provide evidence of mitigation of risks identified within their local area as part of their application.

The consultation on the existing Statement of Gambling Principles had commenced on 1 September for an 8 week period, during which Members and the public would have had an opportunity to make comments. The results of the consultation would be presented to the November meeting of Licensing and Public Protection Committee and presented to full Council in December.

Members questioned the possibility of limiting the number of establishments within an area; the need for a cumulative impact policy to protect the vulnerable with some responsibility for this being undertaken by the operators of these establishments; the process for the local area risk assessments and concerns over betting terminals and refreshments to delay customers within gambling establishments.

Mr Neville advised Members that under the current legislation there were no provisions for a cumulative impact policy and this would continue to be the case with the revised policy, however the revised procedures would require operators applying for a licence to provide evidence of the measures they would put in place to protect vulnerable groups within the local area. The methodology for the risk assessments would follow a national template to address particular local concerns e.g. indebtedness, which the operator would need to address in his application and confirm control measures which would be put in place to alleviate this and provide evidence of their role in the wider community to support particular local issues. Members were informed that the betting terminals were now limited to 4 per establishment and the provision of refreshments would be noted as part of the new review.

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

554

RESOLVED:-

That Committee consider the Statement of Gambling Principles attached at Appendix 1 to this report and suggests such amendments as the Committee considers necessary.

MODERNISATION OF LICENSING APPLICATION PROCESSES

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

(See document No. 5)

Chris Neville, Head of Licensing, made introductory comments relating to the report detailing some of the actions undertaken by the Licensing services to reduce costs and make better use of officer time in line with Service Review recommendations. These included: the first stages of a channel shift process enabling drivers to apply for and renew licenses online, online payments via credit and debit cards, a move to new offices and the introduction of a new licensing computer system saving time and expense.

Members welcomed the modernisation of licensing processes and felt that communication via email would ensure delivery and receipt of important information. A move to a paperless system was suggested with the possibility of charges for hard copy communication and postage to recover costs. However, it was felt that those without access to online facilities should be directed to training and a staged approach should be taken possibly allowing for cash payments for an interim period.

Mr Neville informed Members that as part of the new licensing system all drivers had been asked to provide an email address as this was felt to be the best way forward in terms of communication. With regard to cash payments, these would require a full security system to be put in place for this to happen and would require the service to invest a large sum of money for a short term service.

The Chair put the motion contained in the report at agenda item No. 8 to the meeting and this was agreed unanimously.

555

RESOLVED:-

That the report be noted.

REVENUE BUDGET MONITORING 2015/2016 (MONTH 4)

The following report of the Director of Regulation and Enforcement and Director of Finance 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 July 2015, the position with regard to the savings programme for 2015/16 and the position on reserves and balances.

Mr Jones informed Members that the Licensing and Public Protection Committee (LPPC) had spent £2.374m as at the end of July 2015 compared to a profiled budget of £1.747m, resulting in an overspend of £627,000. The budget pressures related predominantly to the under recovery of income, particularly income from fees and charges for Pest Control and the Registrars Service – with the target savings of £1.300m for Pest Control being unlikely to be achieved in 2015/16. The Coroners Service had had additional pressures on the service as a result of some major inquests in the first part of the year and a change in legislation for which some income had been agreed in principle. However, a £1.780m overspend was forecast for the year end.

Members expressed concern that the report concluded a year end overspend of more than £1.6m and that it was unlikely for the savings target for 2015/16 for LPPC to be met, given the recommendations that had been made by officers and accepted by the Committee.

Members also questioned the measures being put in place to recover income and expressed their disappointment at the deterioration of the budget that had

been set and asked what actions were being undertaken to resolve the budget problems.

The Chair stressed to Members that the issue of the savings targets for Pest Control had been advised several times at committee and numerous representations regarding this as an unrealistic target had been made to the Leader of the Council.

Jacqui Kennedy, Service Director of Regulation and Enforcement stated that Members had been advised of the challenging savings target set for Pest Control at the start of the budget setting process and that the savings were linked to the service review process, which would not be completely in place until 2016/17. Members were informed that the service would be going to Star Chamber on this matter with evidence that this target could not be achieved in the current financial year. Ms Kennedy further stressed that the service was working hard to maximise income, had put on a recruitment freeze and work was being carried out with all of the managers in each area of pressure to mitigate the loss of income, all of which would help to improve matters in the second half of the financial year.

The Chair put the recommendations contained in the report at agenda item No. 9 to the meeting and these were agreed unanimously.

556

RESOLVED:-

- (i) To note the latest Revenue budget position at the end of July 2015 (Month 4) as detailed in Appendix 1 of the report.
- (ii) To note the position with regard to the Savings Programme for 2015/16 as detailed in Appendix 2 of the report.
- (iii) To note the position on reserves and balances, as detailed in Appendix 3 of the report.

PROSECUTIONS AND CAUTIONS – JUNE/JULY 2015

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

(See document No. 7)

Jacqui Kennedy, Service Director of Regulation and Enforcement, made introductory comments relating to the report.

Councillor Moore thanked Ms Kennedy for the work undertaken by Regulation and Enforcement with regard to prosecutions and cautions; particularly with reference to fly-tipping and noted with interest the case of the company fined £20,000 for this offence and was advised by Ms Kennedy that this had been a case of fly-tipping on the public highway.

The Chair put the recommendation contained in the report at agenda item No. 10 to the meeting and this was agreed unanimously

557

RESOLVED:-

That the report be noted.

FIXED PENALTY NOTICES – JUNE/JULY 2015

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

(See document No.8)

Mark Croxford, Head of Environmental Health, made introductory comments to the report which set out a breakdown of fixed penalty notices issued in the City during June and July 2015 on a Constituency/Ward basis.

Members were informed that 1152 fixed penalty notices had been issued during this period.

The Chair put the recommendation contained in the report at agenda item No. 11 to the meeting and this was agreed unanimously.

558

RESOLVED:-

That the report be noted.

ACTION TAKEN BY THE CHIEF OFFICER IN CONSULTATION WITH THE CHAIR OF LPPC: JULY 2015

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

(See document No.9)

Chris Neville, Head of Licensing introduced the report and informed Members of action taken by the Chief Officer in consultation with the Chair under authority from the Licensing and Public Protection Committee with an explanation as to why this authority was used.

The Chair put the recommendation contained in the report at agenda item No. 12 to the meeting and this was agreed unanimously.

559

RESOLVED:-

That the report be noted.

OUTCOME OF APPEALS – MAY/JUNE/JULY 2015

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

(See document No.10)

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

The Chair put the recommendation contained in the report at agenda item No. 13 to the meeting and this was agreed unanimously.

560

RESOLVED:-

That the report be noted.

SCHEDULE OF OUTSTANDING MINUTES

The following scheduled of Outstanding Minutes was submitted:-

(See document No. 11)

561

RESOLVED:-

That all the Outstanding Minutes be continued.

OTHER URGENT BUSINESS

The Chair was of the opinion that the following item could be considered as a matter of urgency as the proposed fees included Private Hire Operator licences which needed to take effect by 1 October 2015.

Objection to Hackney Carriage and Private Hire Fees and Charges

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

(See document No.12)

Chris Neville, Head of Licensing, made introductory comments relating to the report and informed Members that the new proposed fees agreed by Committee on July 2015 had been advertised in accordance with the relevant legislation and one objection had been received. The Committee needed to consider this objection before taking a decision whether to implement the fee structure approved on 15 July 2015.

Mr Neville advised the Committee that one third of the figure referred to in the objection, of £500,000 carry forward balance, had been incorporated into the fee structure agreed by Committee on 15 July, around £200,000 had been earmarked for new IT for the licensing service and with costs for relocation of the licensing office relocation the remainder would soon disappear. Furthermore, if the objection was accepted this would require a further revision and publication of the fees prior to implementation.

In the ensuing discussion Members expressed some sympathy for the objection given the reserves available in the licensing budget and whilst accepting that some of this had been delegated to specific projects, conveyed support for the request by the objector for more investment in enforcement and advocated an increase in the number of enforcement exercises carried out throughout the year.

Members were informed by Mr Neville that the comments made regarding enforcement had been taken on board; however this would require a separate revenue stream and would be incorporated into the licensing structure with effect from 1 April 2016.

Ms Kennedy reassured the Committee that the licensing service carried out several enforcement activities throughout the year, other than Christmas, but this was restricted by the overtime limit for enforcement officers; however this would be considered as part of the service transformation.

The Chair put the recommendation contained in the report at agenda item No. 14 to the meeting and with a vote of 4 in favour, 2 against and 2 abstentions this was agreed.

562

RESOLVED:-

That the fees and charges approved by the Licensing and Public Protection Committee on 15 July 2015 set out in Appendix 1 of the report be implemented with effect from 1 October 2015.

Director of Regulation and Enforcement

Jacqui Kennedy, Service Director of Regulation and Enforcement advised Members that this would be her last meeting for a few months given her new role in the Place Directorate and introduced the Committee to the new Acting Director of Regulation and Enforcement Alison Harwood who had previously worked in the Bereavement, Coroners and Registrars Service within Regulation and Enforcement. The Chair also welcomed Ms Harwood to Regulation and Enforcement and looked forward to working with her in the future.

AUTHORITY TO CHAIRMAN AND OFFICERS

563

RESOLVED:-

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

The meeting ended at 1208 hours.

.....
CHAIRMAN

BIRMINGHAM CITY COUNCIL

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

18 NOVEMBER 2015

**Erdington, Ladywood, Moseley and Kings Heath,
Nechells, Sparkbrook and Springfield**

**STATEMENT OF LICENSING POLICY – CUMULATIVE IMPACT AREAS
PRE-CONSULTATION REPORT**

1. Summary

- 1.1 The City Council as the Licensing Authority is required to determine and publish its Statement of Licensing Policy at least every five years, and keep it under review and make such revisions to it at such times, as it considers appropriate.
- 1.2 In order to take effect any amended policy must be approved by City Council.
- 1.3 This is a requirement of the Licensing Act 2003 ('The Act').
- 1.4 The Statement of Licensing Policy includes areas of Special Policy known as Cumulative Impact Policy Areas or (CIPs).
- 1.5 The purpose of this report is to apprise Members of the results of preliminary enquiries into the proposal to implement three further CIP areas.
- 1.6 A full consultation must be carried out before any CIP can be implemented.

2. Recommendations

- 2.1 That the Committee consider the responses to the enquiries for the three areas proposed for CIP.
- 2.2 That, officers be instructed to commence the full consultation in relation to the need for CIP areas in:
 - (i) John Bright Street
 - (ii) Digbeth
 - (iii) Erdington
- 2.3 That officers be instructed not to proceed with further consultation in relation a CIP area in the 'Balti Triangle'.
- 2.4 That outstanding minute number 496(ii) be discharged.

Contact Officer: Emma Rohomon, Licensing Manager
Telephone: 0121 303 9780
Email: emma.rohomon@birmingham.gov.uk

3. Background

- 3.1 The principle of 'Cumulative Impact' does not originate from the Licensing Act itself, but from the Statutory Guidance issued by the Home Office as required by s182 of the Act.
- 3.2 Cumulative Impact is addressed in paragraphs 13.2-13.41 of the Revised Guidance (Issued March 2015). The full guidance document can be found at: <http://bit.ly/s182Mar2015>
- 3.3 Paragraph 13.29 of the s182 Guidance sets out the steps to be followed when considering a special policy area as follows:
- *Identify concern about crime and disorder; public safety; public nuisance; or protection of children from harm.*
 - *Consider whether there is good evidence that crime and disorder or nuisance are occurring, or whether there are activities which pose a threat to public safety or the protection of children from harm.*
 - *If such problems are occurring, identify whether these problems are being caused by the customers of licensed premises, or that the risk of cumulative impact is imminent.*
 - *Identify the boundaries of the area where problems are occurring (this can involve mapping where the problems occur and identifying specific streets or localities where such problems arise).*
 - *Consult those specified in section 5(3) of the 2003 Act, and subject to the outcome of the consultation, include and publish details of the special policy in the licensing policy statement.*
- 3.4 The review of the Statement of Licensing Policy in April 2015 resulted in the CIP areas of Broad Street and Hurst St/Arcadian being extended in scope to include late night refreshment and off-sales as well as the existing on-sales.
- 3.5 Following the consultation carried out as part of the review of the Statement of Licensing Policy four areas of the City were suggested as being appropriate to be considered as Cumulative Impact Policy areas, being Digbeth, Erdington, the 'Balti Triangle' and the area around John Bright Street.
- 3.6 In order to satisfy the requirements specified by the s182 Guidance (as detailed in paragraph 3.1 above) officers made preliminary enquiries via email with Local Policing Units, Ward Councillors and, in the case of Digbeth, the Chair of the Resident's association. A copy of the email sent is attached at Appendix 1 to this report.

- 3.7 The matters concerning John Bright Street were discussed at the time of the Licensing and Public Protection Committee in April 2015, whereupon it was agreed by the Committee that a CIP did appear to be merited, although the matter had not been subject to public consultation. For this reason, preliminary enquiries were not considered necessary.

4. Matters for Consideration

- 4.1 Responses to the preliminary enquiries are attached at Appendix 2(a)-(f) to this report.
- 4.2 No responses were received in support of the proposal to implement a CIP in the area known as 'The Balti Triangle'.
- 4.3 For completeness, a copy of the information concerning John Bright Street, previously submitted in April 2015 has also been included at Appendix 2(g).
- 4.4 It should be noted that, although the email at Appendix 2(a) states: *"If I haven't heard anything by 23rd I take it there is requirement / evidence for a CIP"* this was a typographical error which should have said 'no requirement'. This has been verified with West Midlands Police who have confirmed it was understood to mean 'no requirement'. The wider context and content of the email would support this.

5. Consultation

- 5.1 The preliminary enquiries were made with the local policing units for the areas in question as well as ward councillors. For Digbeth, the chair of the resident's association was also contacted as he instigated the original request.
- 5.2 Should Members consider it appropriate to explore the implementation of these proposed CIP areas further, it will be necessary to carry out a full public consultation.
- 5.3 The Public Consultation process is attached at Appendix 3 for information.

6. Implications for Resources

- 6.1 The cost of devising and maintaining a Statement of Licensing Policy, including revisions and amendments, is included within the existing Licence fee structure.

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, as well as laying the foundations for a prosperous city, built on an inclusive economy; Involving local people and communities in the future of their local area and their public services – a city with local services for local people.

8. Public Sector Equality Duty

- 8.1 Section 5 of the Licensing Act 2003 requires the Licensing Authority to publish a Statement of Licensing Policy. Section 5(3) of the Act specifies those who must be consulted on the Policy and subsequent Policy reviews.
- 8.2 There are no likely adverse consequences on any person who falls within the definition of a protected characteristic.

ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: Nil

Licensing Act 2003: Statement of Licensing Policy, Cumulative Impact Areas.

In April 2015 the Licensing and Public Protection Committee considered and approved the revised Statement of Licensing Policy. This Policy was approved by the City Council in July. It is this policy which implements the areas of special policy within the City (Cumulative Impact Policy Areas or CIPs).

The effect of a special policy is to create a rebuttable presumption that applications for new licences/certificates or material variations to existing licences will normally be refused unless it can be shown that the premises concerned will not add to the cumulative impact on the licensing objectives being experienced.

The Statutory Guidance issued under s182 of the Licensing Act by the Home Office explains cumulative impact in more detail. This guidance can be found at <http://bit.ly/s182Mar2015>

Paragraph 13.29 of the Guidance sets out the steps to be followed when considering a special policy area as follows:

- Identify concern about crime and disorder; public safety; public nuisance; or protection of children from harm.
- Consider whether there is good evidence that crime and disorder or nuisance are occurring, or whether there are activities which pose a threat to public safety or the protection of children from harm.
- If such problems are occurring, identify whether these problems are being caused by the customers of licensed premises, or that the risk of cumulative impact is imminent.
- Identify the boundaries of the area where problems are occurring (this can involve mapping where the problems occur and identifying specific streets or localities where such problems arise).
- Consult those specified in section 5(3) of the 2003 Act, and subject to the outcome of the consultation, include and publish details of the special policy in the licensing policy statement.

At the Licensing and Public Protection Committee meeting in April, it was resolved to consider whether there were grounds to extend the Council's special policy to [INSERT AREA NAME].

Having regard to the points made above, I would be obliged if you would consider and answer the following questions to allow us to assess the basis of an extension to the policy (please remember, a CIP is not retrospective, and will not affect the number of existing licensed premises):

1. Do you believe a Cumulative Impact Policy is necessary for the area proposed above?
2. If so, what are your reasons for this?
3. Should the CIP extend beyond on-sales to include off sales / late night refreshment?
4. What geographical area would be appropriate?
5. Do you have any evidence to support your answers?

At this stage, your answers will be used to determine whether it is appropriate to carry out a full consultation exercise in relation to this matter. This is NOT the official consultation. In order to ensure we have a clear understanding of the situation, we are interested to hear from you, whether you support or oppose the suggested policy change.

I would be obliged if you could respond by 5th October. [later extended to 9th Oct]

Should you have any questions concerning this matter please contact me.

Yours sincerely

Emma Rohomon

Response from Birmingham East LPU

Please see below email.

I haven't received a reply from the neighbourhood team and as per below I am taking as:

- There is no requirement for CIP.
- There is no evidence to support an application.

Regards

Chris Jones 55410
Licensing & Planning Officer
Birmingham East

All,

Please see below email from Emma at Council Licensing.

If you can email your thoughts I will collate your emails and send an answer to Emma.

Can I please ask for your replies by 23rd September (I'm on annual leave w/c 28.09.15 and will have to reply to Emma no later than 25th Sept.)

If I haven't heard anything by 23rd I take it there is requirement / evidence for a CIP and will make Emma aware.

Many thanks

Regards

Chris Jones 55410
Licensing & Planning Officer
Birmingham East

Response from Birmingham West and Central Police:

1. Do you believe a Cumulative Impact Policy is necessary for the area proposed:

Yes I believe a Cumulative Impact Policy would be an extremely useful tool, and would fully support the introduction of a Policy within Digbeth, with a potential to encompass all of the Digbeth Area, which would include Millennium Point, Universities, the student accommodation, and Highgate area.

2. If so, what are your reasons for this ?.

The whole of the Digbeth is an ever growing area, which includes our Licensed Premises, Digbeth is a prime area, with a growth in reputation, and for some events has an international and national customer base. Anyone wanting to invest in the event industry would consider Digbeth and the surrounding area a prime site, especially with the amount of sites available. We have had a substantial growth within the last few years and if all current venues were full, I'm sure our capacities would rival Hurst Street. The area has also become a hotspot for Shisha Lounges, mainly within the Highgate, but extending into Digbeth. We currently have 11 operational venues, with another two with planning applications, and another one about to open (without planning). Currently four of these venues have a premises Licence in one shape or another.

3. Should the CIP extend beyond on-sales to include off sales / late night refreshment?

Yes I believe it should include all applications including off and on sales, and late night refreshment. This would be especially important for our ever growing student community which at present stands at approximately 12000, with a high transient population through the area. This areas would be prime location for future late night refreshment and in peculiar off sales applications / sites. With the continuing growth in Shisha Lounges numbers, consideration needs to be given to venues offering extra services such as entertainment and refreshment, to gain an advantage over other such establishments.

Both in these areas, there could be a large impact and or increase in, Crime / Disorder and anti-social behaviour.

4. What geographical area would be appropriate ?.

As discussed in answer 2 – consideration would be needed for all of the Digbeth and Highgate Area.

Please see attached proposed map for Geographical area, the reason behind all of the Digbeth Area, is that you could potentially have one of, either Licensed premises serving Alcohol, or a Shisha Lounge being able to gain a premises Licensed, and

across the road a similar premises having to complete a much more of a comprehensive application, and in the case of Cumulative Impact Policy attend a Committee Hearing. The larger geographical area ensure that all Shisha Lounges are treated equally, and it would cover the growing student accommodation area. (Notably not just with students but it is becoming more socially acceptable to pre load, prior to going out, and although I accept there are already places within the area where alcohol can be purchased, extra premises, without the appropriate measures in place, would resort to under cutting and price wars to entice customers.)

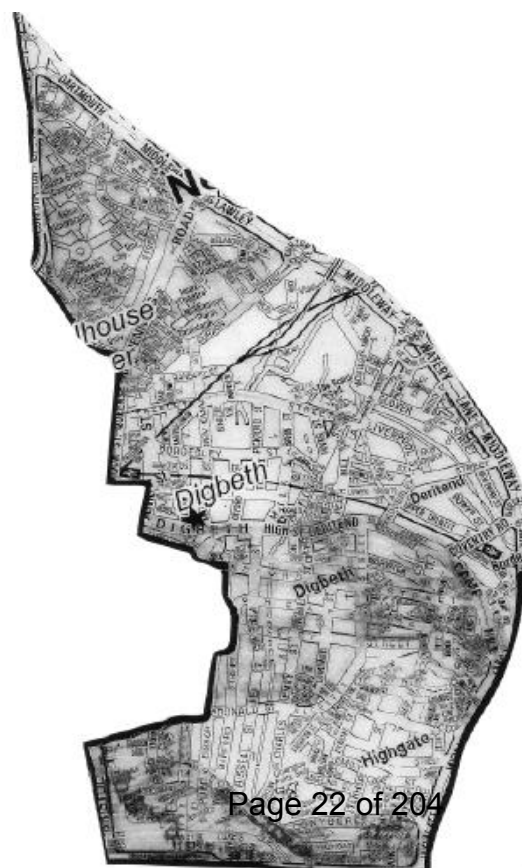
5. Do you have any evidence to support your answers ?.

We could provide during an Official Consultation a full Crime Pattern, we are experiencing an increase in violent crime within Digbeth and Licensed Premises.

We could also provide details regarding the ASB associated with Shisha Lounges, crime numbers, statements (if required could be provided). Examples of the reported ASB are, noise direct from the premises, customers arriving and leaving the premises, pre drinking in the area and leaving the rubbish, customers and vehicles driving at speed in and around the area, together with parking issues. The shisha lounges are attracting customers from out of Birmingham, and in effect doubling our number of Premises. Although three lounges have current Licences, it would be a cause for concern if they were all to obtain a Premises Licence of sorts. I believe this would lead to a greater report of ASB and demand on our and the councils limited resources. A considerable amount of the reports of ASB, is between the times of 2300 – 0400hrs (dependant when the premises close.).

This would reflect when the premises are likely ask for a Licence, be that a late night refreshment, or entertainment. And in the case of one peculiar Shisha Lounge the current impact on the local community is considerable.

Map of Proposed Area



Response from Digbeth Resident's Association

This is an interim response on behalf of Digbeth Residents Association (DRA) and we would hope at some point in the future to contribute further.. Will you please acknowledge receipt of the email and advise us of the likely process, time table and opportunities to engage with that process.

Digbeth Residents Association(DRA) responded to the broader consultation that took place previously and shared our view that a Cumulative Impact Area (CIA) should be considered for the area of Digbeth, it remains our view.

We would welcome a a rebuttable presumption that applications for new, or significant variations of licences, would be refused. We would wish that this applies to the granting of licences and certificates that relate to alcohol sales both on and off the premises, late night entertainment and refreshments.

Our primary concerns that relate to the licensing objectives are those of issues of crime and disorder, public nuisance and the protection of children. We will be happy to expand on these at a later date along with the more detailed information provided by the local police team.

We believe that the appropriate geographical area to which this special provision of a CIA should apply would be section broadly radiating out from the city centre, that is one bounded by a line drawn to the north of Digbeth High St and another drawn to the south of Bradford St, running out to the inner ring road. This area is becoming increasingly residential and there are more significant developments envisaged in the near future that will add to the tensions that can exist between the nighttime economy and those living in the vicinity.

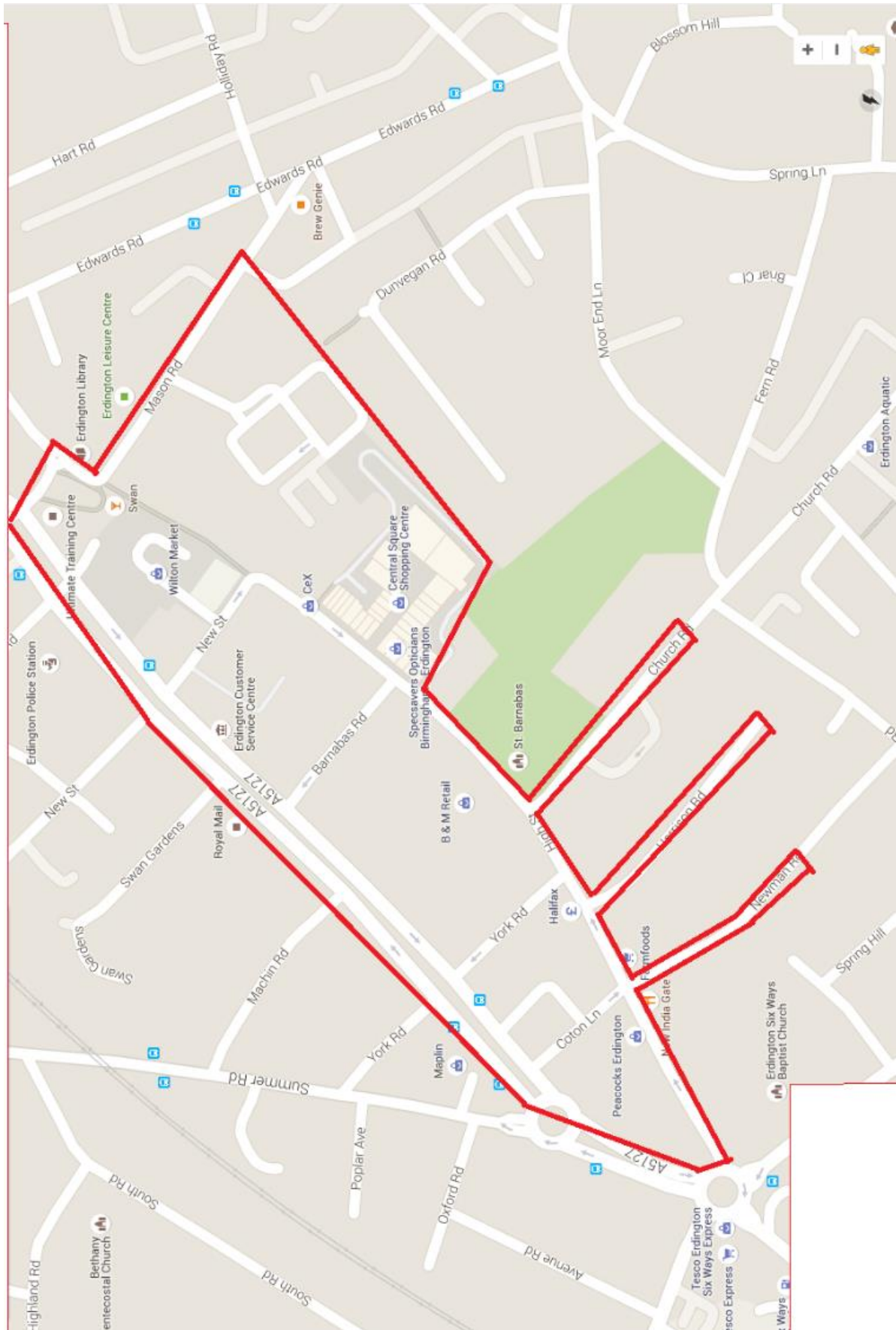
DRA are a business-friendly organisation that wish to see socially responsible businesses thrive, but we have a disproportionate representation of licensed premises in the area and would like to see the standard of existing ones raised and a higher threshold for the granting of future ones.

Kind regards,
John Gordon
Chair Digbeth Residents Association

Response from Birmingham North Police

1. We do believe a cumulative impact policy would be beneficial to the suggested area. At this time we do not have sufficient grounds to oppose new licence applications under the licensing act especially on the grounds an area does not requires more licensed premises. This is particularly relevant with off sales.
2. The main reason for the policy in this area is that it is already saturated with off sales premises.
3. Off sales is the main reason for the application. The area has not seen many on sales applications for some time.
4. Area covered ideally would be the High Street and surrounding streets.
5. After our meeting the local team have informed me that they do have sufficient evidence to support the application for a cumulative impact policy on the High Street, Erdington. They have identified the following issues which they believe will support the application –
 - Impact statement from traders, residents and also people employed in the area.
 - Statement from local PCSO's and local officers which outlines the issues and off sales.
 - Alcohol crime and ASB fingers.
 - CCTV images of groups gathering to street drink near off sales and betting shops as there both linked.
 - Environmental Health issues such as littering.

Please see also attached the defined area the local team would like to see the cumulative impact policy cover.



Response from Councillor Robert Alden

In answer to the questions asked here are my answers:-

1. Do you believe a Cumulative Impact Policy is necessary for the area proposed above?

Yes I absolutely think a CIP is required and necessary for Erdington, indeed there is significant local support for this to happen as well.

2. If so, what are your reasons for this?

The local area has been blighted by issues relating to alcohol in recent years. The local area has had to have significant sums of money spent on local drink addiction work. There are also significant drink addiction homes in the local area. Alcohol related crime regularly comes up on Police tasking meeting agendas. Much money has recently been spent by the police on special work to try and reduce the level of alcohol related crime on the High Street. Residents in the Victorian parts of Erdington regularly find people in their front gardens drinking as well.

3. Should the CIP extend beyond on-sales to include off sales / late night refreshment?

Yes, this would be vital as much of the issues locally are related to off sales, on street drinking.

4. What geographical area would be appropriate?

The most appropriate area would be the area of Erdington Ward that runs, around and includes the shopping parade on Gravelly Lane, down to the Station road shops then takes in the area up to the old Colliers site on Sutton Road down Holly Lane and then along Moor End Lane , into Spring Lane and then along Kingsbury Road, and up Wood End Road to Six Ways roundabout, then back onto Gravelly Lane.

5. Do you have any evidence to support your answers?

We can produce significant quantities of crime data and supporting evidence if required. We can also demonstrate a high level of local support for the implementation of a CIP locally in Erdington. There is also a large number of background documents like, tasking minutes, press coverage, alcohol awareness campaigns that can also be produced to support a CIP.

I would be happy to meet officers etc. who will be considering this to discuss the need for one further.

Cheers
Robert

Cllr Robert Alden
Erdington Ward

Submission in Support of a Cumulative Impact Policy for Erdington High Street

By Councillors Robert Alden, Gareth Moore and Bob Beauchamp

1. Do you believe a Cumulative Impact Policy is necessary for area proposed above?

Yes, we would very much argue that a CIP is needed for the area surrounding Erdington High Street.

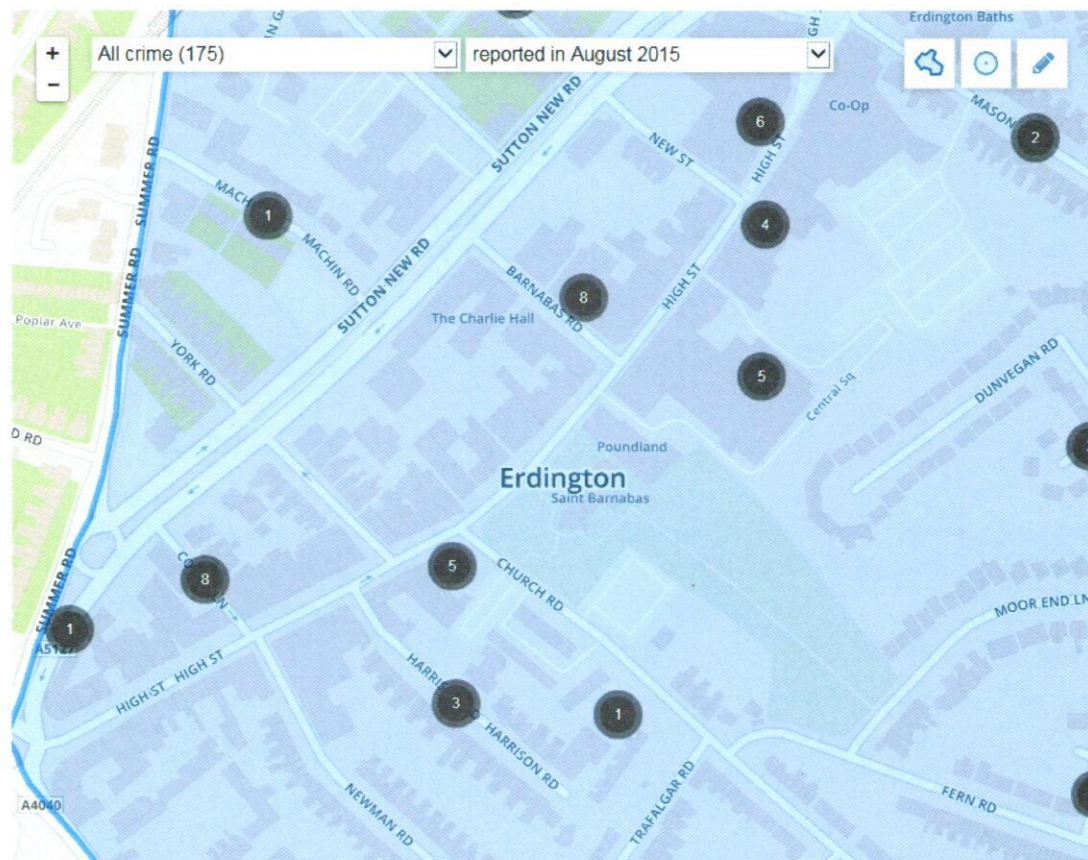
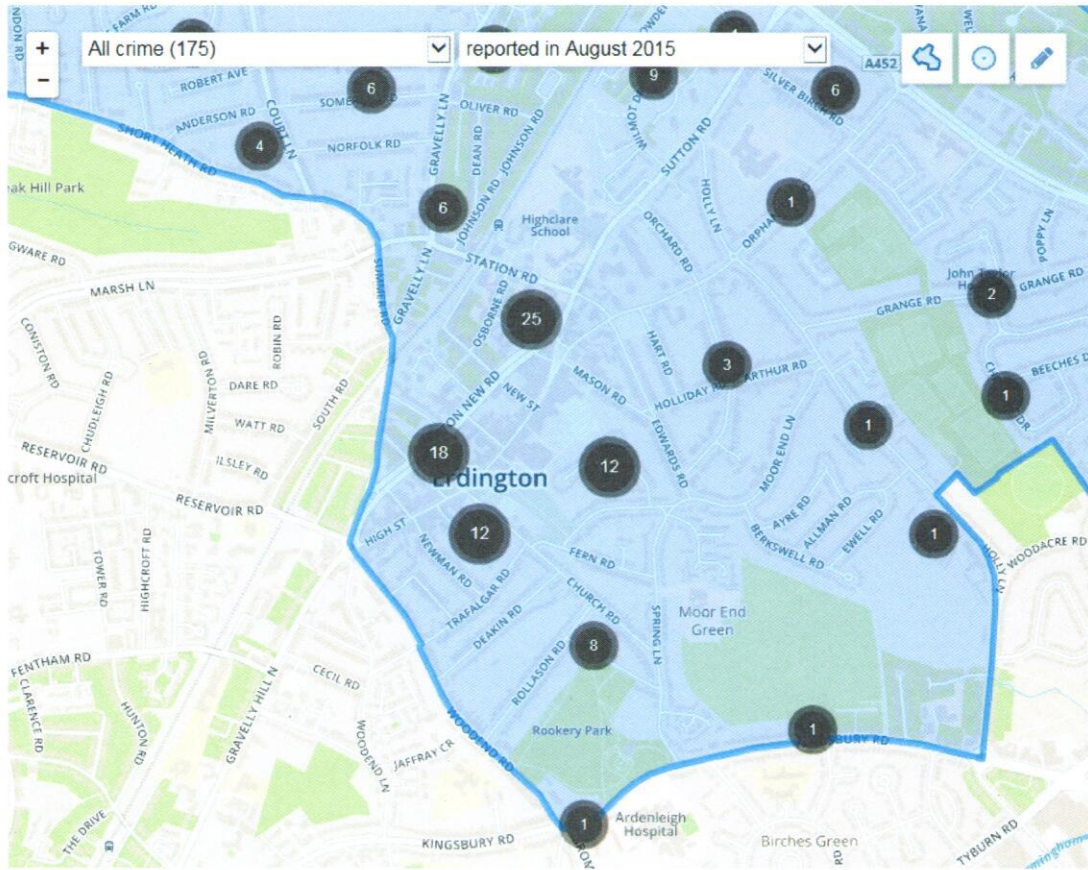
2. If so, what are your reasons for this?

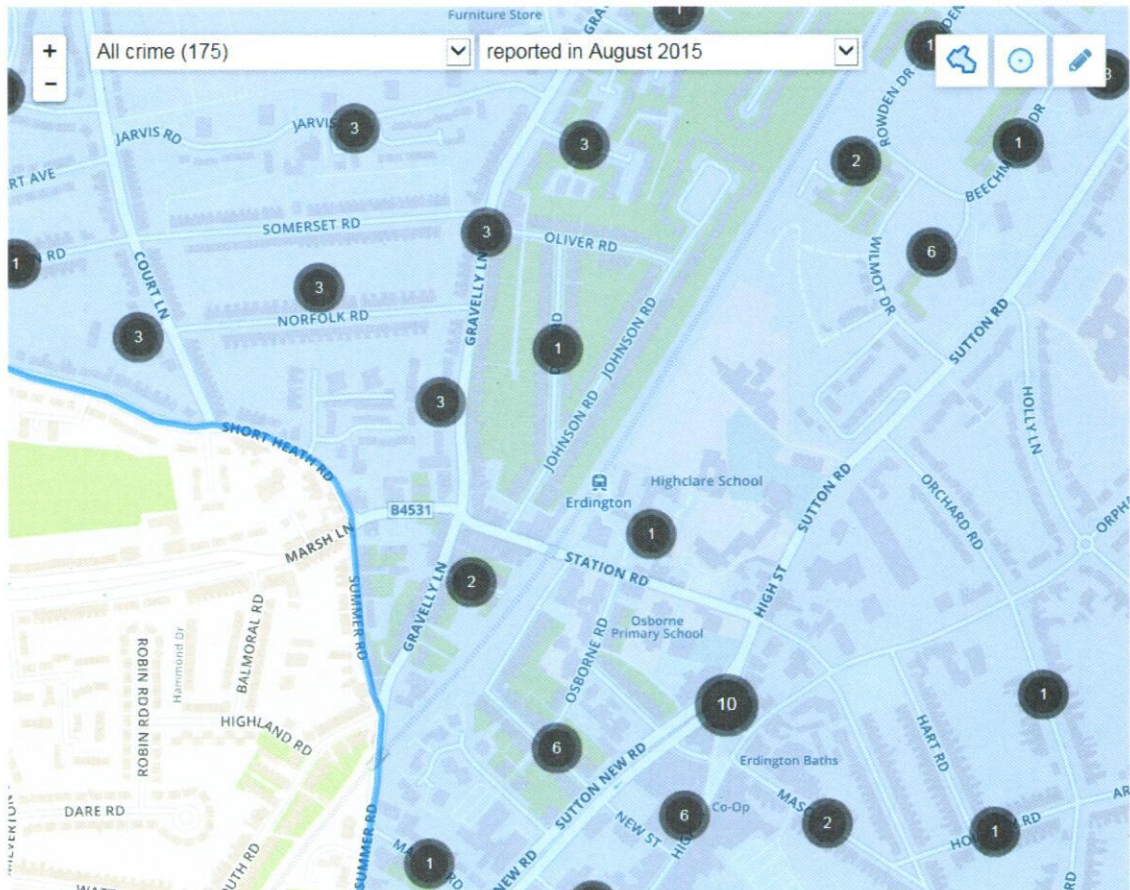
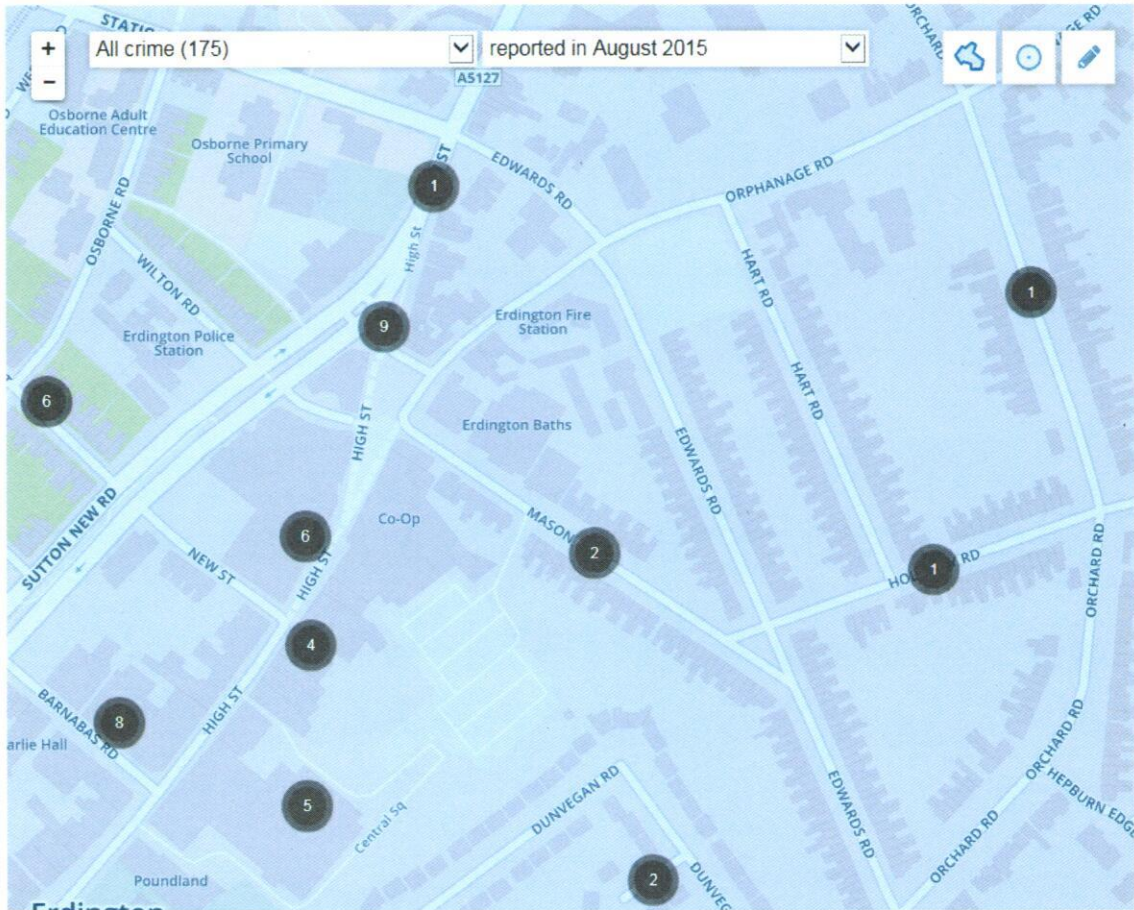
There exist a number of licensed premises already within proximity to the High Street, which causes a number of issues which are contrary to the Licensing Objectives.

Please find enclosed crime maps taken from www.police.uk which demonstrate that the High Street areas suffers from a high crime rate. Many of incidents relate to public order offences, violence and anti-social behaviour. There is a big problem with street drinking on the High Street, with individuals obtaining alcohol from licensed premises and becoming intoxicated. This not only includes persons taking their drinks outside but obtaining it from off-licences and then consuming alcohol in a public place. Examples of the impact that this can have on the local area can be seen with criminal damage, notably damage to Erdington fountain in 2012 and the fire at St. Barnabas Church in 2010.

The following information relates to August 2015 but more information can be provided as required.







In addition to the above crime statistics, a breakdown of the licensed premises within proximity to the High Street is as follows:

Off Licence/Retail Unit	22
Late Night Refreshment Only	13
Public House/Bar	13
Restaurant/Takeaway	4

The concentration of so many licenced premises causes the High Street to be a magnet area for those wishing to obtain alcohol and drink. This contributes significantly to the local crime rate as can be seen by the issue of street drinking featuring regularly within the priorities for the Erdington Ward Tasking Group. It also creates an unsavoury image problem for Erdington, which discourages shoppers and visitors and so impacts on local businesses. This is not only a problem for visitors to the High Street, but the many residential roads that surround the High Street area. Residents here frequently have to endure anti-social behaviour, noise nuisance and littering from drunken individuals making their way home.

3. Should the CIP extend beyond on-sales to include off-sales/late night refreshment?

Yes, a major problem is not necessarily traditional licensed premises such as pubs. There have been issues with some pubs, such as the Hairy Lemon, which was closed down by the Council following a review of the licence by West Midlands Police. A key problem is that of street drinking, whereby alcohol has been obtained at a cheaper rate and is then consumed outdoors in public places. This means that more alcohol is consumed and the impact is greater on the surrounding area. Street drinking has also become a serious problem with certain communities whereby it has become acceptable to drink alcohol in public places or at the front of properties.

The figures demonstrate that off-licences almost outnumber the other types of premises and so contributes significantly to crime and public nuisance. This creates a cumulative impact, as alcohol is easier to obtain and encourages street drinkers to congregate around the High Street.

It should be noted that the two CIPs within the City Centre have been extended to cover off-sales and late night refreshment, which demonstrates that a high concentration of both types of premises contributes to crime and disorder and so needs to be controlled.

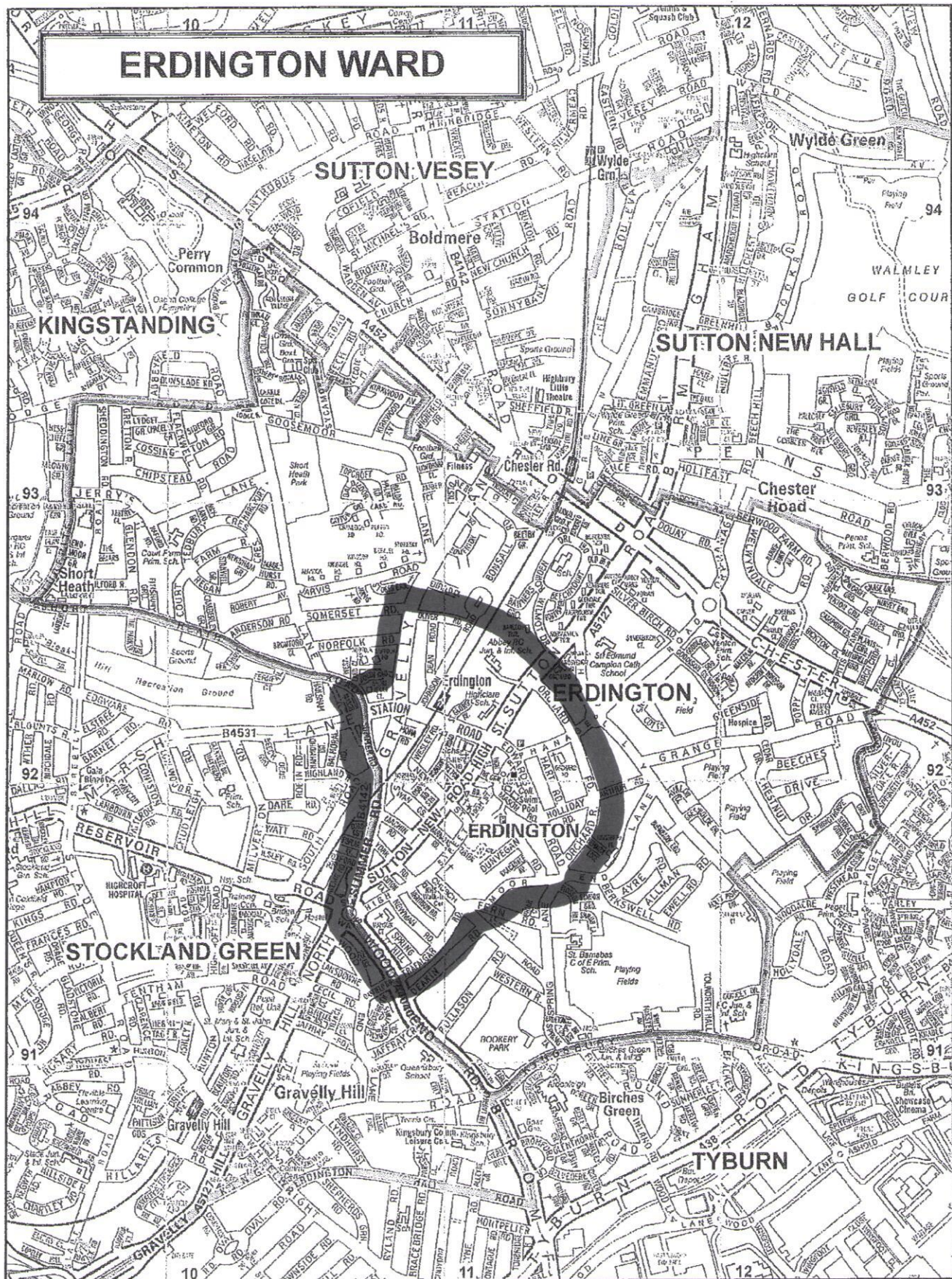
A cumulative impact policy would help the High Street area by tackling the proliferation of off-licences and other licensed premises which make alcohol easy to obtain. Reducing the number would help to reduce crime and public nuisance, and help to improve Erdington's image. This does not mean that there should be no alcohol sold within the proximity of the High Street, but the combination of pubs and off-licences as opposed to café/bars and restaurants is proving to be detrimental to the local area.

4. What geographical area would be appropriate?

The proposed map has been suggested as it covers the majority of the prime retail areas where the concentration of licensed premises has occurred, and reflects issues and crime and public nuisance. The suggestion has also been made to include the surrounding residential roads, which suffers from the impact of excessive alcohol consumption. This reflects the view of councillors who have determined licensing applications for Erdington Ward.

Conclusion

We therefore argue that the best solution to the issue of increasing alcohol-related crime and disorder, anti-social behaviour and public nuisance affecting Erdington Ward, a CIP should be introduced by Birmingham City Council as we have requested above.



Key

- Ward Boundaries
- City Boundary

Scale: 1:18000

Date: 16/10/2014

0 0.1 0.2 0.3 0.4 0.5 0.6 Km



Birmingham City Council

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Aerial Photography, if present, BlueSky, 2012.

Path: P:\ArcGIS\CityMap\Wards\Erdington.mxd

B'ham West & Central LPU

Cumulative Impact Statistics BW LPU

Produced by BWC OSD

Mapping: Crown copyright © and database rights (2014) Ordnance Survey
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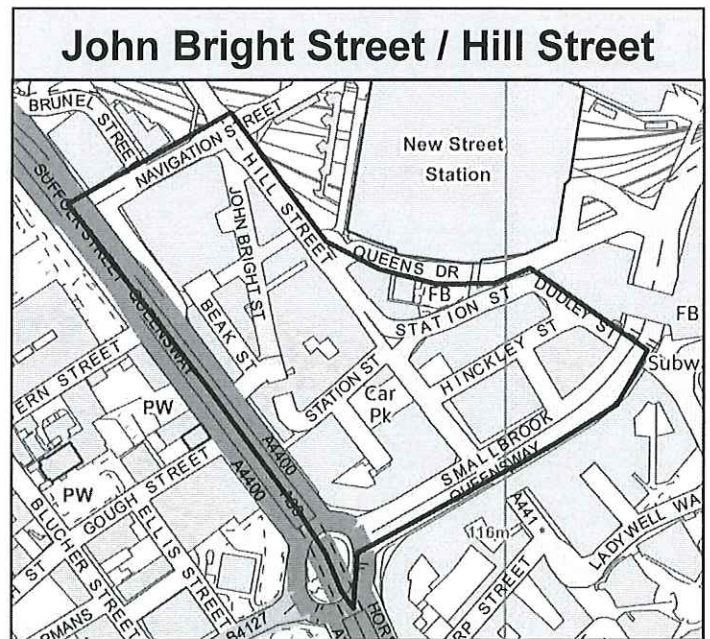
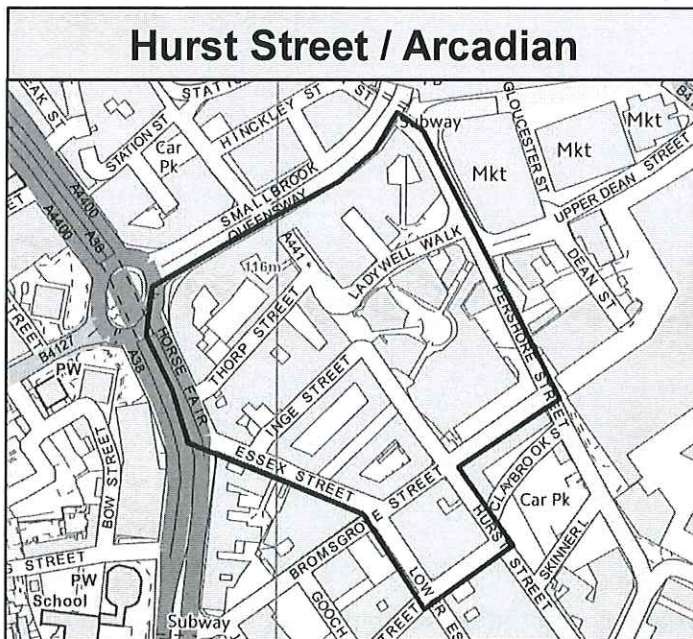
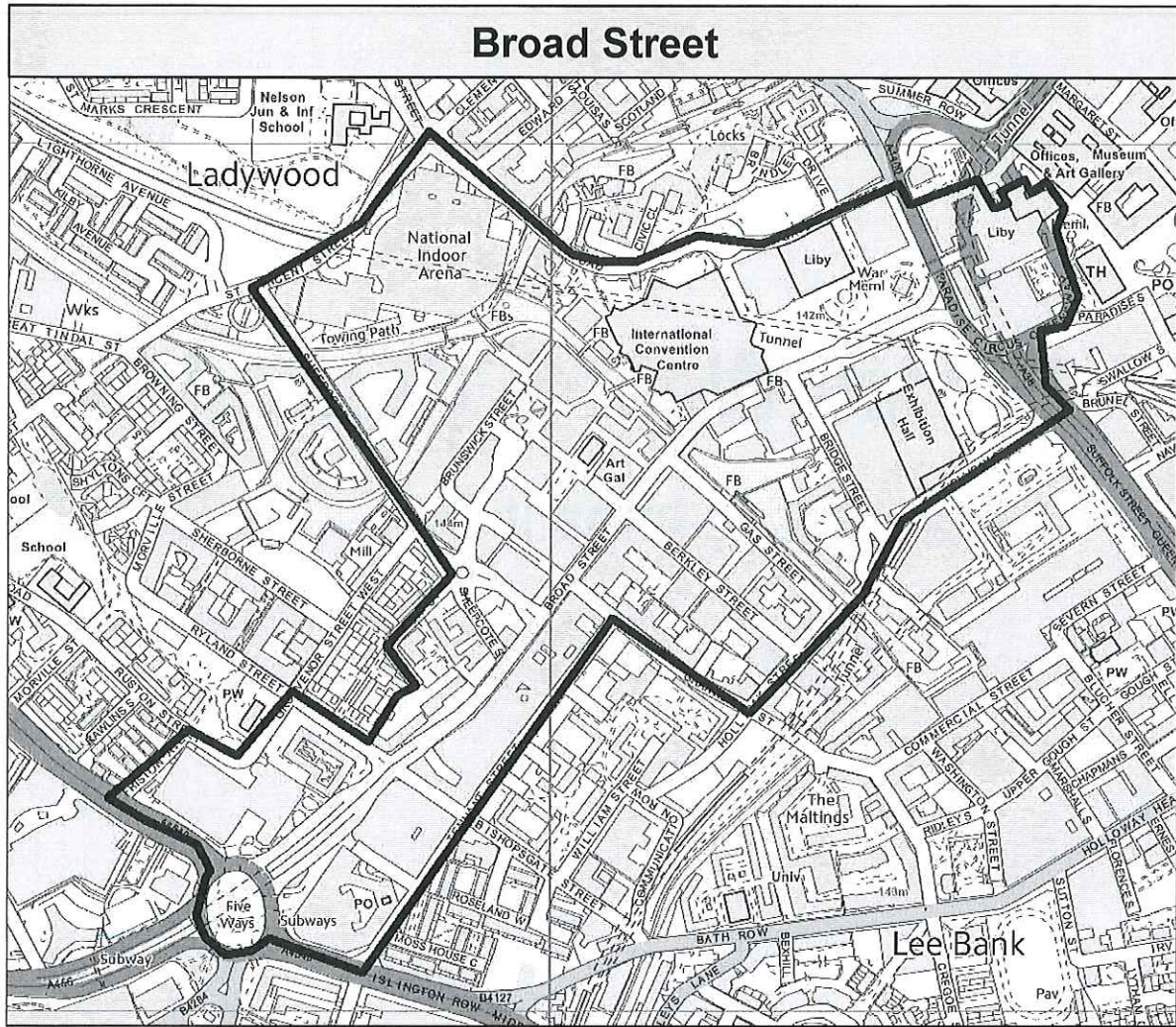
Page 35 of 204

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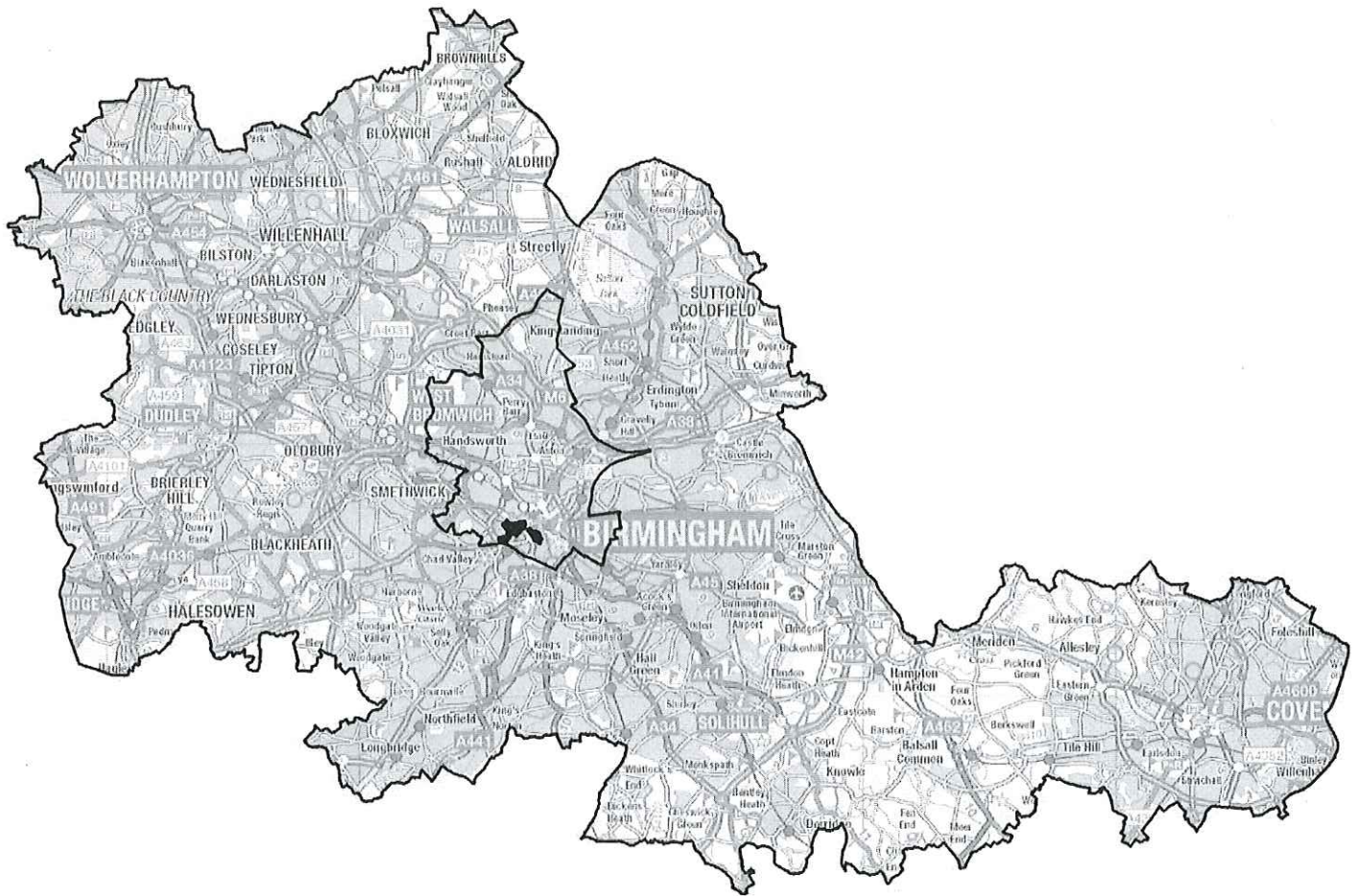
Areas used in document



Area Comparison

BWC LPU

- 5.6% of the Force Area
- 14.6% of Force Total Crime
- 15.5% of Night time crime



3 NTE Zones against BWC LPU

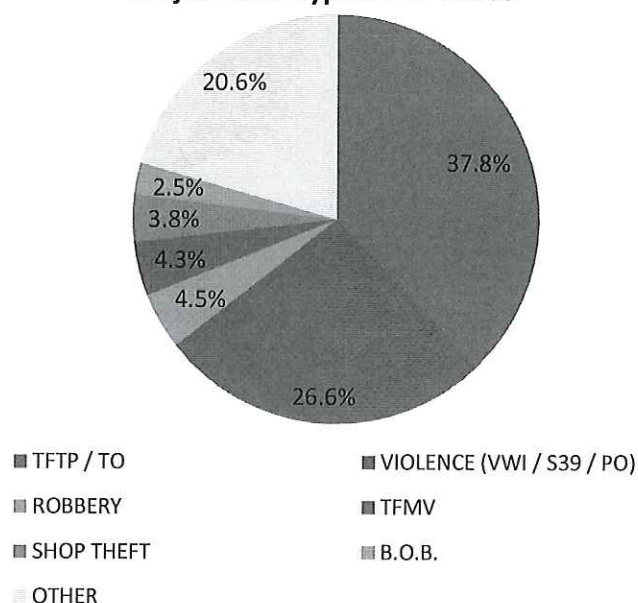
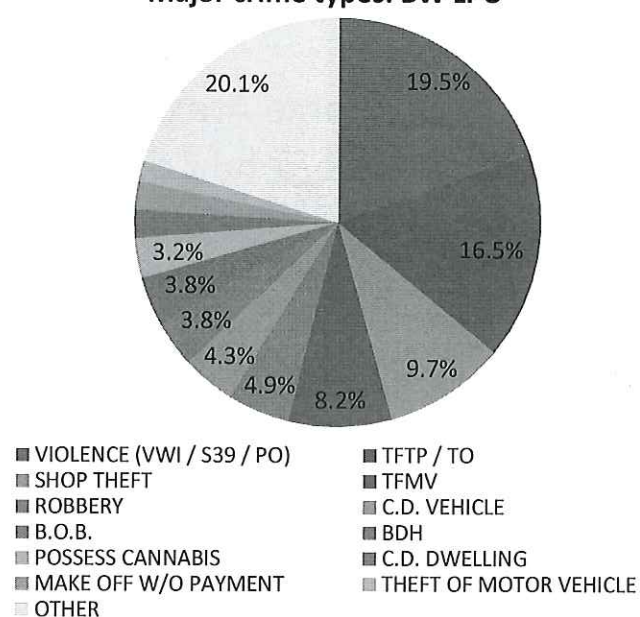
- 1.3% of the LPU Area
- 12.3% of LPU Total Crime
- 25.9% of LPU Night time crime

3 NTE Zones against Force

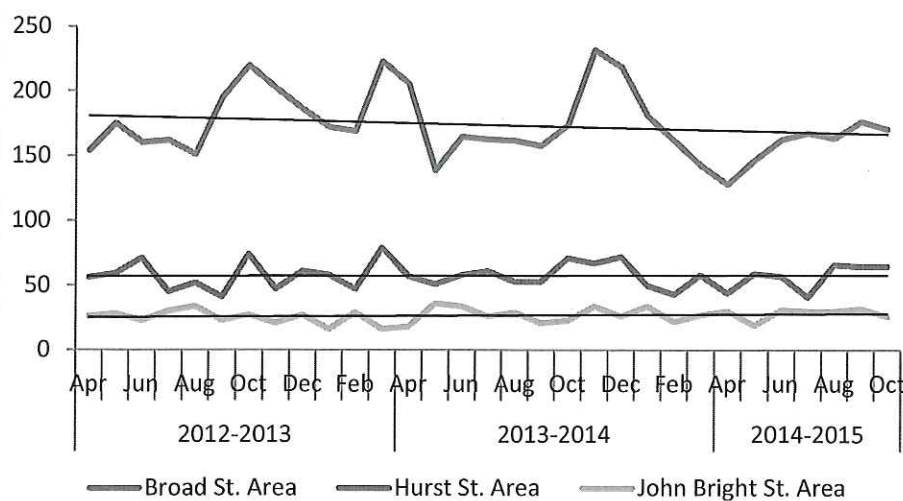
- 0.07% of the Force Area
- 1.8% of Force Total Crime
- 4.0% of Night time crime



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Crime: All Hours, All Days**All data from Apr 12 – Oct 14****Major crime types: NTE Areas****Major crime types: BW LPU**

Type	Broad St. Area	Hurst St. Area	John Bright St. Area	All area totals as % of LPU crime
Total Crime	8.3% (5391)	2.7% (1781)	1.3% (828)	12.3%
Violent Crime	10.7% (1352)	4.8% (613)	1.3% (160)	16.7%
Robbery	7.1% (226)	2.5% (79)	1.7% (55)	11.3%
Theft	20.4% (2194)	5.6% (597)	2.2% (233)	28.2%

Total Recorded Crime: All Hours

Type	Area totals as % of all WMP crime
Total Crime	1.8%
Violent Crime	2.1%
Robbery	2.6%
Theft	7.1%



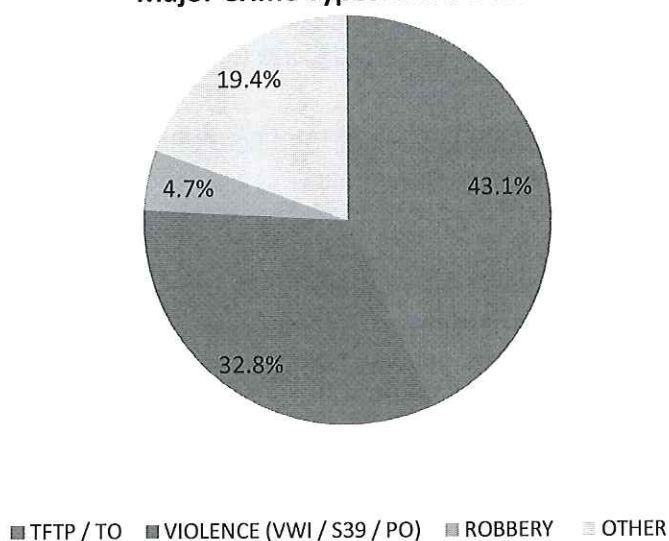
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Page 38 of 204

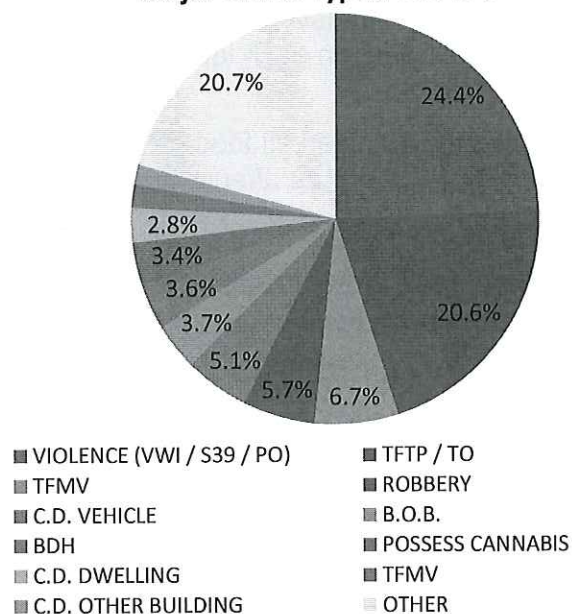
Crime: All Days, 2100 – 0600

All data from Apr 12 – Oct 14

Major Crime Types: NTE Areas

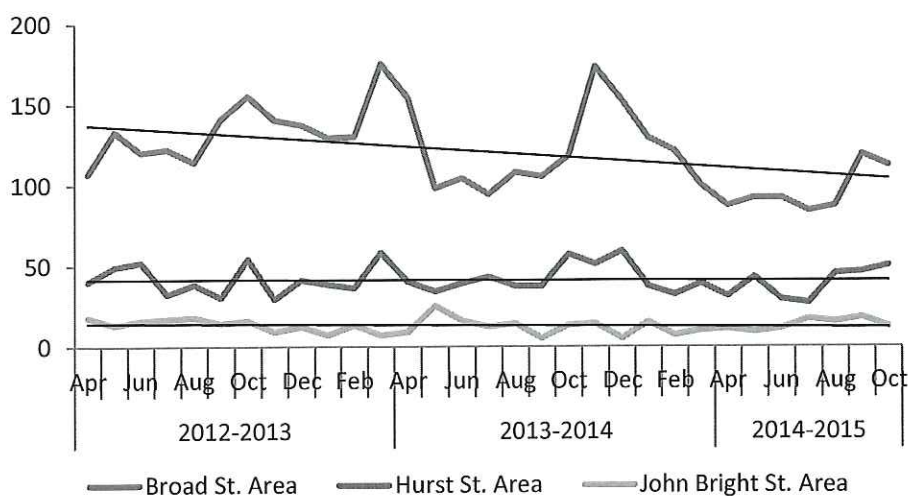


Major Crime Types: BW LPU



	Broad St. Area	Hurst St. Area	John Bright St. Area	% of LPU Total
Total Crime	17.9% (3732)	6.1% (1273)	1.9% (398)	25.9%
Violent Crime	22.9% (1165)	10% (509)	1.9% (96)	34.7%
Robbery	13.9% (165)	4.0% (47)	3.7% (44)	21.5%
Theft	40.3% (1731)	10.5% (451)	3.4% (148)	54.2%

Total Recorded Crime: Night Time Economy Hours



Type	All Areas: % of all WMP crime
Total Crime	4.0%
Violent Crime	4.5%
Robbery	5.5%
Theft	20.2%



Food Venues**All data from Apr 14 – Oct 14**

There are 22 premises (listed below) within the three identified areas that have had crime committed at their premises YTD and have a late night food licence. The below table shows a breakdown of the percentage of crime within each identified area that is committed within or outside one of the 22 listed late night food locations.

This data does not include all food premises but only those that have late night food licences. The data only captures where an offence occurs inside or directly outside of the location.

For example

The identified Broad Street location has had 1170 offences committed within the boundary YTD. 23 (2%) of these have been committed at one of the 22 locations that have a late night food licence.

Of the 1170 offences – 708 have been committed between 2100 x 0600 hours Monday to Sunday. 20 (2.8%) of these have been committed at the late night food premises locations.

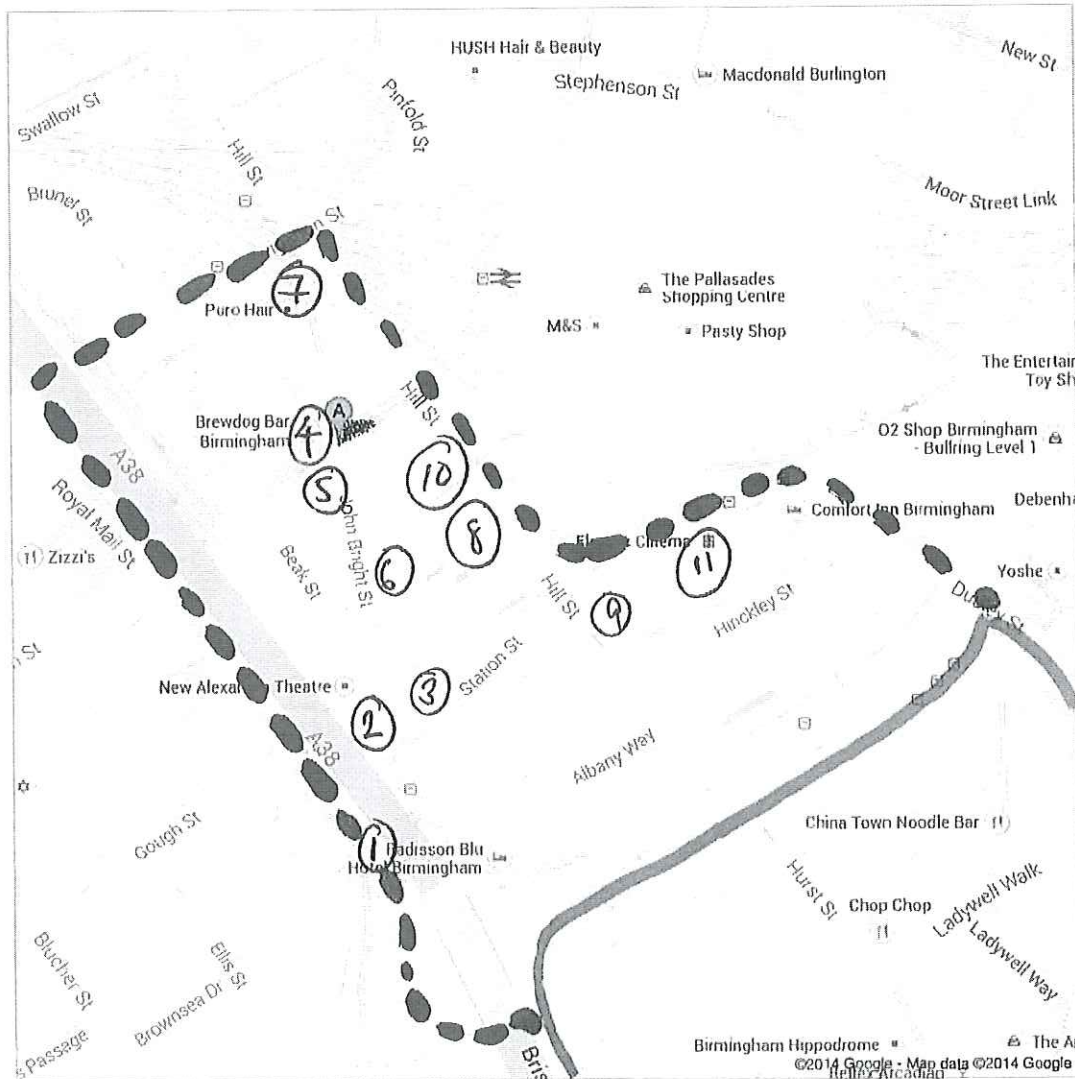
	YTD – TRC anytime of the day	YTD – TRC anytime of the day but committed at a premises with a late night food licence	YTD – TRC during NTE hours	YTD – TRC during NTE hours but committed at a premises with a late night food licence
Broad St. Area	1170	23 (2%)	708	20 (2.8%)
Hurst St. Area	423	27 (6.4%)	293	23 (7.8%)
John Bright St. Area	208	4 (1.9%)	99	3 (3.0%)
3 Combined	1801	54 (2.9%)	1100	46 (4.2%)

Late Night food licence locations	Crimes YTD
193 -, PIT STOP BROAD STREET CITY CENTRE BIRMINGHAM B15 1AY	9
200, FOOD REPUBLIC BROAD STREET CITY CENTRE BIRMINGHAM B15 1SU	9
23, CASPIAN KEBAB HOUSE CASPIAN KEBAB HOUSE SMALLBROOK QUEENSWAY B5 4HE	9
79, BIG BITE BROAD STREET CITY CENTRE BIRMINGHAM B1 2HJ	3
22, CHICKEN COTTAGE HURST STREET CITY CENTRE BIRMINGHAM B5 4BN	3
40, SKIPPER'S FISH BAR HORSE FAIR BIRMINGHAM B1 1DA	3
21, CHICKEN BOX SMALLBROOK QUEENSWAY CITY CENTRE BIRMINGHAM	3
22, MR EGG HURST STREET CITY CENTRE BIRMINGHAM B5 4BN	3
148 -, URBAN KITCHEN HURST STREET CITY CENTRE BIRMINGHAM B5 6RG	2
37, PIZZA PLANET HORSE FAIR CITY CENTRE BIRMINGHAM	2
193, PIT STOP BROAD STREET CITY CENTRE BIRMINGHAM B15 1AY	2
DIXIE CHICKEN HURST STREET CITY CENTRE BIRMINGHAM	1
28, KOH I NOOR INDIAN KOHINOOR RESTAURANT HORSE FAIR CITY CENTRE BIRMINGHAM B1 1DD	1
25-27, TURKISH DELIGHT SMALLBROOK QUEENSWAY CITY CENTRE BIRMINGHAM B5 4HE	1
28, KOHINOOR RESTAURANT CHIC BIRMINGHAM LTD HORSE FAIR CITY CENTRE B1 1DD	1
21 -, CASPIAN KEBAB HOUSE SMALLBROOK QUEENSWAY CITY CENTRE B5 4HE	1
25, TURKISH DELIGHT PIZZSA KEBAB HOUSE SMALLBROOK QUEENSWAY B5 4LJ	1
Grand Total	54



Google

Address John Bright St
Birmingham, West Midlands B1
1BN, UK



 CURRENT ZONE

 PROPOSED EXTENSION.

① - MEDUSA

② - ISLAND BAR.

③ - VICTORIA

④ - BREW DOG

⑤ - CALLABEN REST
TURTLE BAY

⑥ - SHISHA LOUNGE

⑦ - CROOKER CASINO

⑧ - OLD DISUSED

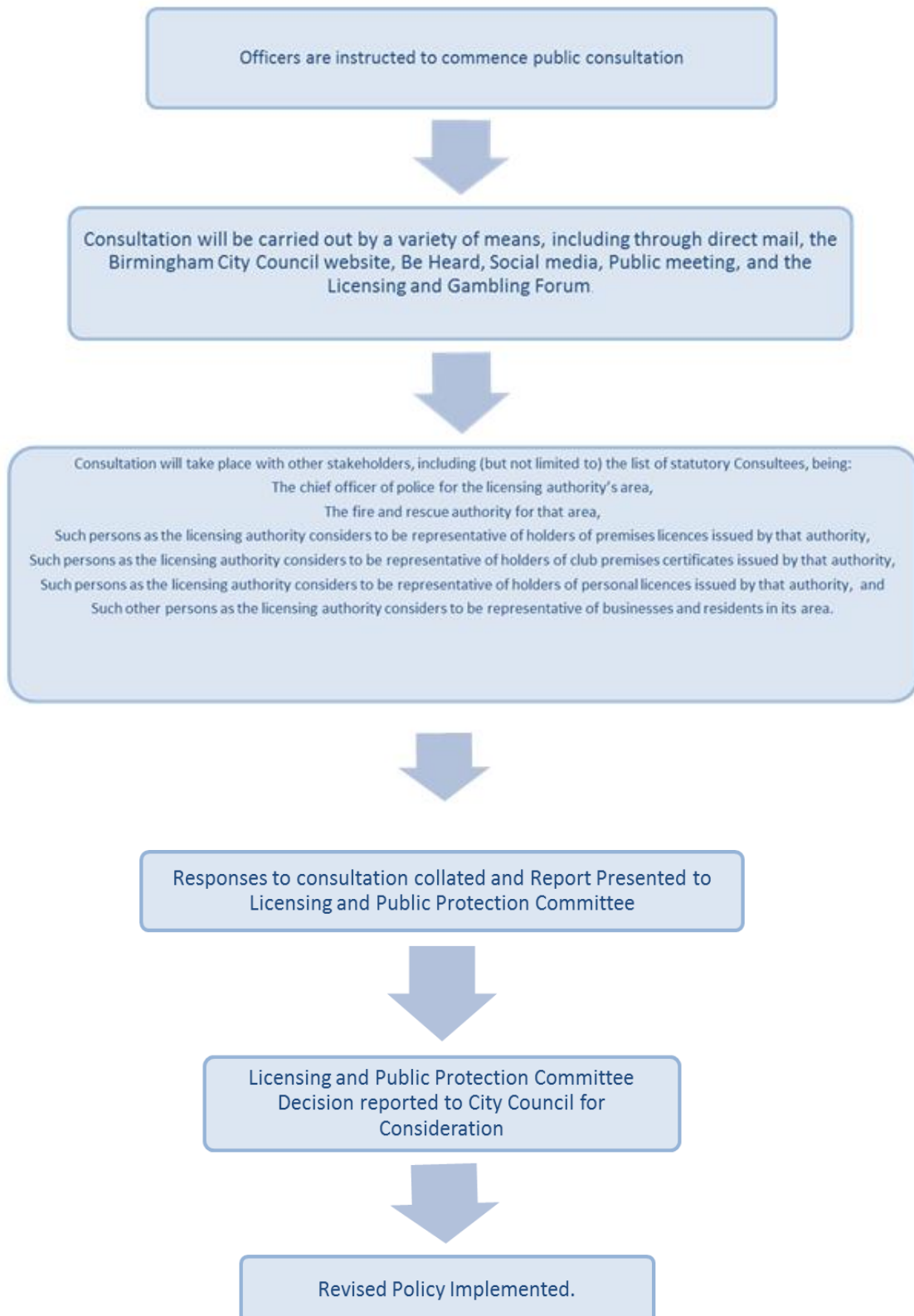
NIGHTCLUB - WILDCATS
Page 41 of 204

⑨ - THE CROWN
(CLOSED)

⑩ - THE STATION

⑪ - MULTI PUL CHINESE
/ FAST FOOD / KARAOKE
BARS.

APPENDIX 3 CONSULTATION PROCESS:



BIRMINGHAM CITY COUNCIL

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

18 NOVEMBER 2015
ALL WARDS

STATEMENT OF GAMBLING PRINCIPLES PRE-CONSULTATION REPORT

1. Summary

- 1.1 The City Council as the Licensing Authority is required to determine and publish its Statement of Gambling Principles at least every three years, and keep it under review and make such revisions to it at such times, as it considers appropriate.
- 1.2 This is a requirement of the Gambling Act 2005 ('The Act').
- 1.3 The purpose of this report is both to inform the Licensing and Public Protection Committee of the outcome of the public consultation and to seek approval for the revised policy document at Appendix 2.
- 1.4 In order to take effect in January 2016 the amended policy and scheme of delegation must be approved by City Council at its meeting on 1st December 2015.

2. Recommendation

- 2.1 That the Committee endorses the Post Consultation Draft Statement of Gambling Principles and recommends the draft document at Appendix 2 to full City Council.
- 2.2 That, where not addressed in this revised Policy document, the matters arising from the consultation responses at Appendix 1(c)-(f) be considered as part of the wider review of Gambling Principles as detailed in paragraphs 3.2 and 3.8 to this report.

Contact Officer: Emma Rohomon Licensing Manager
Telephone: 0121 303 9780
Email: emma.rohomon@birmingham.gov.uk

3. Background

- 3.1 The Gambling Act 2005 requires the City Council as the Licensing Authority to determine and publish its Statement of Gambling Principles at least every three years, to keep it under review and make such revisions to it, as it considers appropriate. The current Statement of Gambling Principles has been in effect since January 2013 and must, therefore, be reviewed, determined and published before January 2016.
- 3.2 Officers are working on a further revised version which incorporates wider changes to the policy, but in order to carry out a thorough review, taking into account further guidance from the Gambling Commission, it would not have been possible to complete this work in time to meet the Committee process deadlines.
- 3.3 An interim draft Policy was circulated to stakeholders, including (but not limited to) the list of statutory Consultees, being:
- The Chief Officer of Police.
 - One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area.
 - One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005.
- 3.4 The public consultation was for five weeks, from 18th September- 23rd October with five submissions received. These submissions are attached at Appendix 1(a)-(e).
- 3.5 Whilst a longer consultation period would have been preferable, the time constraints imposed by the requirement to bring the results back to November Committee, and December City Council preclude any extension of this deadline.
- 3.6 As no fundamental changes are proposed within this draft, a shorter consultation was considered to be acceptable. The full revision brought to Members in 2016 will have a longer consultation period, taking into account the complexities of the revisions to be proposed.

4. Matters for Consideration

- 4.1 Some minor amendments to the Policy have been proposed, including updating contact details for Responsible Authorities. Alterations to the document are highlighted within the text.

- 4.2 Response from Chair of Birmingham Safeguarding Children Board (BSCB) (Appendix 1(a))
- 4.2.1 In keeping with the request to be removed as a nominated Responsible Authority under the Licensing Act 2003, the BSCB Chair has also requested that they be removed as a nominated Responsible Authority for the purposes of Gambling.
- 4.2.2 Safeguarding Boards are not specifically named within the legislation, which simply states:
- ‘...a body which is designated in writing for the purposes of this paragraph, by the licensing authority for an area in which the premises are wholly or partly situated, as competent to advise the authority about the protection of children from harm,’ [GA05 s157(h)]*
- 4.2.3 If the Committee is minded to make the requested amendment, an alternative body must be identified.
- 4.3 Response from Planning Authority (Appendix 1(b))
This response was simply to ask that the contact email address be amended.
- 4.4 Response from Novomatic UK for Luxury Leisure (Appendix 1(c))
- 4.4.1 Reference to the Regulator’s Code has been included in the report.
- 4.4.2 Other matters which are detailed within the response will be considered as part of the wider review of the Statement of Principles as detailed in 3.8 above.
- 4.5 Response from Gosschalks for the Association of British Bookmakers (Appendix 1(d))
- 4.5.1 Comments concerning circumstances when additional conditions would be imposed have been incorporated into the revised policy.
- 4.5.2 Other matters which are detailed within the response will be considered as part of the wider review of the Statement of Principles as detailed in 3.8 above.
- 4.6 Submission from the Campaign for Fairer Gambling (Appendix 1(e))
The matters raised in this submission will be will be considered as part of the wider review of the Statement of Principles as detailed in 3.8 above.
5. Consultation
- 5.1 Consultation was carried out by a variety of means, including through direct mail, the Birmingham City Council website, Be Heard, Social media, and email.
6. Implications for Resources
- 6.1 The cost of devising and maintaining a Statement of Gambling Principles is included within the existing Licence fee structure.

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, as well as laying the foundations for a prosperous city, built on an inclusive economy; Involving local people and communities in the future of their local area and their public services – a city with local services for local people.

8. Public Sector Equality Duty

- 8.1 The Government carried out an equality impact assessment of the legislation which found that no unintended or disproportionate impact is likely. It is not anticipated any amendments to be made as a result of this review would require an Equality Impact Assessment.
- 8.2 Section 349 of the Gambling Act 2005 requires the Licensing Authority to publish a Statement of Gambling Principles. The Act specifies also those who must be consulted on the Policy and subsequent Policy reviews. These are listed at 3.3 above.

ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: Nil

Response from Chair of Birmingham Safeguarding Children Board (BSCB)

From: Jane Held

Sent: Tuesday, September 01, 2015 9:37 AM

To: Licensing

Cc: Simon Cross; Jane Held

Subject: response to consultation on Gambling Act statement of principles

Please remove Birmingham Safeguarding Children Board from the list of responsible authorities. We are unable to fulfil that function as we are not a legal body in the relevant meaning of the term. We do not have any operational responsibilities. Our position is exactly the same as it is with licensing.

Jane

Jane Held

Independent Chair

Birmingham Safeguarding Children Board

Room B54, Council House Extension, Margaret Street, Birmingham B3 3BU

Tel: 0121 464 2612 mob: 07771 556391

Fax: 0121 303 8427

Email: jane.held@birmingham.gov.uk; jane@held1.wanadoo.co.uk

Web: www.lscbbirmingham.org.uk

Birmingham Basics:

- Always see the child first • Never do nothing • Do with, not to, others • Do the simple things better • Have conversations, build relationships • Outcomes not inputs



Right Service, Right Time
Delivering effective support for children
and families in Birmingham

For more information visit www.lscbbirmingham.org.uk



Response from Planning Authority

Dear Emma

Thank you for your enquiry

You may use this email address to update your records

The amendments for Planning and Regeneration as a responsible authority, and have no comments.

I hope this information is of assistance to you

Kind regards

Planning and Regeneration

Click I planningandregenerationenquiries@birmingham.gov.uk I Visit I 1 Lancaster Circus I Birmingham B4 7DJ

planningportal.gov.uk I Check if you need planning permission I make planning applications online

birmingham.gov.uk/planning I Comment on planning applications I search for planning applications and appeals I policy information I Regeneration

PLEASE REPLY TO: planningandregenerationenquiries@birmingham.gov.uk AND NOT TO INDIVIDUALS



Response from Novomatic UK for Luxury Leisure

From: elizabeth speed [<mailto:elizabethspeed@luxuryleisure.co.uk>]

Sent: Friday, September 18, 2015 1:04 PM

To: Licensing

Subject: Gambling Act 2005 - Statement of Principles Consultation

Dear Sirs

Re: Gambling Act 2005 – Statement of Principles Consultation

On behalf of Luxury Leisure, I make the following comments in response to the above consultation draft (the "Draft"):-

1. As the Authority will appreciate, in matters of regulation under the Gambling Act 2005 (the "Act"), it is subject to the Regulators' Code. That code imposes a number of obligations on the Authority, including one that it should carry out its activities in a way that supports those they regulate to comply and grow. Additionally, when designing and reviewing policies, the Authority must, among other things, understand and minimise the negative economic impact of its regulatory activities and regulate and minimise the costs of compliance of those it regulates. Further, the Authority should take an evidence-based approach in determining priority risks and recognise the compliance record of those it regulates. We suggest the Draft be amended to include a statement that the Authority recognises that it is subject to and will comply with the Regulators' Code in relation to matters of gambling licensing and enforcement.
2. The Draft refers on page 11 to the Gambling Commission's concept of Primary Use and the "indicators of betting activity". The Authority will be aware that this concept does not feature in the Gambling Act 2005, that the Commission has been successfully challenged on this issue and that it faces further formal challenges in the coming months.
3. In the first bullet point on page 12 the Draft states that the 3rd licensing objective means that children must be prevented from closely observing or being in close proximity to gambling. Nowhere does the legislation say this and indeed children are permitted to take part in some form of gambling. As such they are plainly permitted to be in close proximity to it and to observe it. This error is repeated on page 16 of the Draft.
4. The suggestion at page 13 that the fact that neighboring premises may not have separate rates registration means that the premises are in fact one for the purposes of the Gambling Act 2005, is with respect, without foundation. The concept of premises under the gambling legislation has nothing to do with rates or ownership and we suggest that this passage should be corrected.
5. As the Draft states, the Authority must avoid duplication with other regimes. On this basis it must avoid duplication of the conditions imposed by the LCCP or through the mandatory conditions imposed by statutory instrument. The Draft nonetheless repeats those provisions, suggesting that it might impose conditions:-

- In relation to Category C machines (page 17) – these are already dealt with by mandatory conditions;
- In relation to AGCs (page 18) – these are already covered by LCCP and mandatory conditions;
- In relation to FECs (page 19) – these are already covered by LCCP and mandatory conditions;
- In relation to Bingo premises (page 21) – these are already covered by LCCP and mandatory conditions; and
- In relation to Betting premises (page 22) – these are already covered by LCCP and mandatory conditions.

We believe that it is confusing and inappropriate to refer to these matters in the Draft as they are already dealt with by legislation.

6. At pages 14 and 15, the Draft suggest that the proximity of premises to a range of stated establishments may not be consistent with the licensing objectives. With respect, this is pre-judging the issue. As the Authority will be aware, from April 2016, operators must have risk assessments in place for their premises - dealing with risks posed to the licensing objectives by the premises in the local area. If any risks arise from the proximity of the types of building the Draft refers to, the operator will deal with it in their risk assessment. The mere fact that such a building is close by does not automatically present a risk – to suggest otherwise would be to pre-judge an application and thereby be in conflict with the Authority's obligations.

We hope the above will prove helpful.

Yours faithfully
 Elizabeth Speed
 Group General Counsel
Novomatic UK
For Luxury Leisure

Response from Gosschalks for the Association of British Bookmakers

Birmingham City Council
Licensing Section
PO Box 17013
Birmingham
B6 9ES

Please ask for: Richard Taylor
Direct Tel: 01482 590216
Email: rt@gosschalks.co.uk
Our ref: RJT / JULIEGA /
097505.00004
#GS419220
Your ref:
Date: 14 October 2015

Dear Sirs,

Re: Gambling Act 2005 Policy Statement Consultation

We act for the Association of British Bookmakers (ABB) and have received instructions to respond on behalf of our client to the current consultation on the Council's review of its gambling policy statement.

The ABB represents over 80% of the high street betting market. Its members include large national operators such as William Hill, Ladbrokes, Coral and Paddy Power, as well as almost 100 smaller independent bookmakers.

This response will explain the ABB approach to partnership working with local authorities, it will detail its views on the implementation of the new LCCP requirements, from April 2016, relating to operators' local area risk assessments and their impact on the licensing regime and will then make specific comment with regard to any statement(s) of concern that are welcomed in your draft policy.

The ABB is concerned to ensure that any changes are not implemented in such a way as to fundamentally change the premises licence regime through undermining the "aim to permit" principle contained within s153 Gambling Act 2005.

The current regime already adequately offers key protections for communities and already provides a clear process (including putting the public on notice) for representations/objections to premises licence applications. The recent planning law changes effective since April 2015 have also already increased the ability of local authorities to consider applications for new premises, as all new betting shops must now apply for planning permission.

It is important that any consideration of the draft policy and its implementation at a local level is put into context. There has recently been press coverage suggesting that there has been a proliferation of betting offices and a rise in problem gambling rates. This is factually incorrect.

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Over recent years betting shop numbers have been relatively stable at around 9,000 nationally, but more recently a trend of overall downwards decline can be seen. The latest Gambling Commission industry statistics show that numbers as at 31 Mar 2015 were 8,958 - a decline of 179 from the previous year, when there were 9,137 recorded as at 31 March 2014.

As far as problem gambling is concerned, successive prevalence surveys and health surveys reveal that problem gambling rates in the UK are stable (0.6%) and possibly falling.

Working in partnership with local authorities

The ABB is fully committed to ensuring constructive working relationships exist between betting operators and licensing authorities, and that where problems may arise that they can be dealt with in partnership. The exchange of clear information between councils and betting operators is a key part of this and we welcome the opportunity to respond to this consultation.

There are a number of examples of the ABB working closely and successfully in partnership with local authorities.

LGA – ABB Betting Partnership Framework

In January 2015 the ABB signed a partnership agreement with the Local Government Association (LGA). This was developed over a period of months by a specially formed Betting Commission consisting of councillors and betting shop firms and established a framework designed to encourage more joint working between councils and the industry.

Launching the document Cllr Tony Page, LGA Licensing spokesman, said it demonstrated the *“...desire on both sides to increase joint-working in order to try and use existing powers to tackle local concerns, whatever they might be.”*

The framework built on earlier examples of joint working between councils and the industry, for example the Ealing Southall Betwatch scheme and Medway Responsible Gambling Partnership.

In Ealing, the Southall Betwatch was set up to address concerns about crime and disorder linked to betting shops in the borough. As a result, crime within gambling premises reduced by 50 per cent alongside falls in public order and criminal damage offences.

In December last year, the Medway Responsible Gambling Partnership was launched by Medway Council and the ABB. The first of its kind in Britain, the voluntary agreement allows anyone who is concerned they are developing a problem with their gambling to exclude themselves from all betting shops in the area.

The initiative also saw the industry working together with representatives of Kent Police and with the Medway Community Safety Partnership to develop a Reporting of Crime Protocol that is helpful in informing both the industry, police and other interested parties about levels of crime and the best way to deal with any crime in a way that is proportionate and effective.

Lessons learnt from the initial self-exclusion trial in Medway have been incorporated into a second trial in Glasgow city centre, launched in July this year with the support of Glasgow City Council, which it is hoped will form the basis of a national scheme to be rolled out in time for the LCCP deadline for such a scheme by April 2016.

Jane Chitty, Medway Council's Portfolio Holder for Planning, Economic Growth & Regulation, said:
"The Council has implemented measures that work at a local level but I am pleased to note that the joint work we are doing here in Medway is going to help the development of a national scheme."

Describing the project, Glasgow's City Treasurer and Chairman of a cross-party Sounding Board on gambling, Cllr Paul Rooney said:

"This project breaks new ground in terms of the industry sharing information, both between operators and, crucially, with their regulator."

Primary Authority Partnerships in place between the ABB and local authorities

All major operators, and the ABB on behalf of independent members, have also established Primary Authority Partnerships with local authorities.

These Partnerships help provide a consistent approach to regulation by local authorities, within the areas covered by the Partnership; such as age-verification or health and safety. We believe this level of consistency is beneficial both for local authorities and for operators.

For instance, Primary Authority Partnerships between Milton Keynes Council and Reading Council and their respective partners, Ladbrokes and Paddy Power, led to the first Primary Authority inspection plans for gambling coming into effect in January 2015.

By creating largely uniform plans, and requiring enforcing officers to inform the relevant Primary Authority before conducting a proactive test-purchase, and provide feedback afterwards, the plans have been able to bring consistency to proactive test-purchasing whilst allowing the Primary Authorities to help the businesses prevent underage gambling on their premises.

Local area risk assessments

With effect from 6th April 2016, under new Gambling Commission LCCP provisions, operators are required to complete local area risk assessments identifying any risks posed to the licensing objectives and how these would be mitigated.

Licensees must take into account relevant matters identified in the licensing authority's statement of licensing policy and local area profile in their risk assessment, and these must be reviewed where there are significant local changes or changes to the premises, or when applying for a variation to or a new premises licence.

The ABB is concerned that overly onerous requirements on operators to review their local risk assessments with unnecessary frequency could be damaging. As set out in the LCCP a review should only be required in response to significant local or premises change. In the ABB's view this

should be where evidence can be provided to demonstrate that the change could impact the premises' ability to uphold the three licensing objectives.

Although ABB members will be implementing risk assessment at a local premises level, we do not believe that it is for the licensing authority to prescribe the form of that risk assessment. We believe that to do so would be against better regulation principles. Instead operators should be allowed to gear their risk assessments to their own operational processes informed by Statements of Principles and the local area profile.

The ABB supports the requirement as set out in the LCCP, as this will help sustain a transparent and open dialogue between operators and councils. The ABB is also committed to working pro-actively with local authorities to help drive the development of best practice in this area.

Local Area Profiles – Need for an evidence based approach

It is important that any risks identified in the local area profile are supported by substantive evidence. Where risks are unsubstantiated there is a danger that the regulatory burden will be disproportionate. This may be the case where local authorities include perceived rather than evidenced risks in their local area profiles.

This would distort the "aim to permit" principle set out in the Gambling Act 2005 by moving the burden of proof onto operators. Under the Act, it is incumbent on licensing authorities to provide evidence as to any risks to the licensing objectives, and not on the operator to provide evidence as to how they may mitigate any potential risk.

A reversal of this would represent a significant increase in the resource required for operators to be compliant whilst failing to offer a clear route by which improvements in protections against gambling related harm can be made.

We would also request that where a local area profile is produced by the licensing authority that this be made clearly available within the body of the licensing policy statement, where it will be easily accessible by the operator and also available for consultation whenever the policy statement is reviewed.

Concerns around increases in the regulatory burden on operators

Any increase in the regulatory burden would severely impact on our members at a time when overall shop numbers are in decline, and operators are continuing to respond to and absorb significant recent regulatory change. This includes the increase to 25% of MGD, changes to staking over £50 on gaming machines, and planning use class changes which require all new betting shops in England to apply for planning permission.

Moving away from an evidence based approach would lead to substantial variation between licensing authorities and increase regulatory compliance costs for our members. This is of particular concern for smaller operators, who do not have the same resources to be able to put

into monitoring differences across all licensing authorities and whose businesses are less able to absorb increases in costs, putting them at risk of closure.

Such variation would in our opinion also weaken the overall standard of regulation at a local level by preventing the easy development of standard or best practice across different local authorities.

Employing additional licence conditions

The ABB believes that additional conditions should only be imposed in exceptional circumstances where there are clear reasons for doing so - in light of the fact that there are already mandatory and default conditions attached to any premises licence. The ABB is concerned that the imposition of additional licensing conditions could become commonplace if there are no clear requirements in the revised licensing policy statements as to the need for evidence.

This would further increase variation across licensing authorities and create uncertainty amongst operators as to licensing requirements, over complicating the licensing process both for operators and local authorities.

Specific Policy Comments

Part B – General Principles

The first paragraph under this heading indicates that “licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate”. The draft statement of principles needs to be clear that conditions in addition to the mandatory and default conditions will only be imposed where there is evidence of a particular risk in the circumstances of that particular case such that the mandatory and default conditions need to be supplemented. The imposition of conditions must be evidence based and conditions should not be imposed where there are mere concerns, a perceived need or whether it is otherwise felt appropriate.

This part of the policy indicates that moral objections and unmet demand are not criteria for the licensing authority when considering applications. It is respectfully submitted that this paragraph be expanded to state that issues of nuisance and the likelihood of the grant of planning permission or building regulation approval are not issues that can be taken into account when considering an application for a premises licence.

The following paragraph deals with betting being the primary activity of a licensed premises. Obviously this is only pertinent to betting premises and this paragraph, once redrafted (would be better placed later in the policy in the “betting premises” section in part 6. Irrespective of where this paragraph is placed, it needs to be redrafted to take into account recent case law. The statement of principle ignores the recent case of *Luxury Leisure v The Gambling Commission* – May 2014 in which it was held that condition 16 (primary gambling activity) does not require a contest between over the counter betting and the use of machines. There must be sufficient facilities for betting if gaming machines are to be utilised but the requirement is simply that sufficient facilities are available. The actual use of those facilities is not an issue. There is therefore no need to

demonstrate that betting will “continue to be the primary activity of the premises.” The only requirement is to demonstrate that there are sufficient facilities.

Paragraph (iv) deals with location. Reference is made to the proposed operation of a new premises license potentially not being reasonably consistent with the licensing objectives due to its proximity to schools, a residential area, a centre for children or a centre for children or vulnerable adults. Premises where there are children will be highlighted in the local area risk assessment which will be submitted with new applications and material variations after 6th April 2016. The reference to residential areas, however, needs to be deleted. Betting offices are situated in areas of high footfall or high population. They are usually, therefore, situated in areas where there are children and children will pass betting offices every day. There has been betting regulation for over 50 years. Betting offices are subject to mandatory and default conditions and operators have developed policies and procedures to ensure that those who are not able to bet do not do so. The fact that a proposed premises in a residential area is not a relevant consideration and therefore this should be removed.

The final paragraph of this section suggests that the local authority may implement a policy with regard to areas where gambling premises should not be located. Any such policy may be unlawful and is certainly contrary to the overriding principles of “aim to permit” contained within section 153 Gambling Act 2005. The reversal of the burden of proof in the final sentence which requires the applicants to demonstrate why an application should be granted is similarly contrary to that principle. This paragraph should be removed and replaced with the simple assertion that each application will be determined on its own merits.

Preventing Gambling from being a source of crime or disorder, associated with crime or disorder or being used to support crime

This paragraph should be expanded to make it clear that issues of nuisance are not relevant considerations and that the Gambling Commission has defined disorder as intending to mean activity that is more serious and disruptive than mere nuisance.

Conditions

The statement of principles would be assisted by an indication that the starting point for consideration of any application is that it will be granted subject only to the mandatory and default conditions as these are usually sufficient to ensure operation that is reasonably consistent with the licensing objectives. The draft statement of principles should make it clear that additional conditions will only be imposed where there is evidence of a risk to the licensing objectives that requires that the mandatory and default conditions be supplemented. The policy should be clear that conditions will only be imposed where there is evidence of a need to do so and not where there is mere “perceived need” to which there is a reference in this section.

Conclusion

The industry fully supports the development of proportionate and evidenced based regulation, and is committed to minimising the harmful effects of gambling. The ABB is continuing to work closely

with the Gambling Commission and the government to further evaluate and build on the measures put in place under the ABB Code for Responsible Gambling, which is mandatory for all our members.

ABB and its members are committed to working closely with both the Gambling Commission and local authorities to continually drive up standards in regulatory compliance in support of the three licensing objectives: to keep crime out of gambling, ensure that gambling is conducted in a fair and open way, and to protect the vulnerable.

Indeed, as set out, we already do this successfully in partnership with local authorities now. This includes through the ABB Code for Responsible Gambling, which is mandatory for all our members, and the Safe Bet Alliance (SBA), which sets voluntary standards across the industry to make shops safer for customers and staff. We would encourage local authorities to engage with us as we continue to develop both these codes of practice which are in direct support of the licensing objectives.

Yours faithfully,



GOSSCHALKS

Submission from the Campaign for Fairer Gambling

From: Lucy Knighton [<mailto:lucy@bcsagency.com>]

Sent: Friday, September 04, 2015 2:50 PM

To: Mark Rogers

Subject: Re: Submission from the Campaign for Fairer Gambling for the review of the Gambling Act 2005 Statement of Principles 2016/19

Date: 04 September 2015

Dear Council Leader,

Re: Submission from the Campaign for Fairer Gambling for the review of the Gambling Act 2005 Statement of Principles 2016/19

As leader of the council, you will know that Licensing Authorities are required under the Gambling Act 2005 (the Act) to publish a statement of the principles which they propose to apply when exercising their functions in respect of gambling activity within their borough.

Under the Act, Licensing Authorities are required to consult those who represent the interests of persons who are likely to be affected by the exercise of the authority's functions. The [Campaign for Fairer Gambling](#) in conjunction with its more focused [Stop the FOBTs campaign](#) has prepared this consultation submission for the consideration of all Local Authority licensing committees with particular regard to dealing with the contentious issue of betting shops and Fixed Odds Betting Terminals (FOBTs/B2 classified gaming machines).

We would appreciate if you could share the important contents of this mailing with your Chief Licensing Officer.

Under the Act, Licensed Betting Offices (LBOs) are allowed a maximum of four B2 category gaming machines offering game content defined as B2 with stakes up to £100 per spin, B3 with stakes up to £2 per spin and category C with stakes up to £1 per spin. Also, the bookmakers have merged two game categories (B2 and B3), so in betting shops you can play a low stake £2 capped slot game that suddenly introduces the player to £10, £20, £30 plus stakes per spin.

Despite increasing evidence of the destructive social impact of high speed, high stake casino gaming in betting shops at stakes up to £100 per spin, the previous coalition government and the current Conservative government have failed to take either decisive or effective action to curb FOBTs.

The recent government response to [93 Councils led by Newham](#) calling for the stakes on FOBTs to be cut to £2 per spin laid the blame for the issue of proliferation of betting shops in town centres and consequently FOBTs, at the door of licencing authorities. Marcus Jones MP, Minister for Local Government, wrote:

"It is perhaps an uncomfortable reality that every one of the betting shops that collectively have given rise to the concern at the heart of the submission relies on a premises licence granted by the local authority itself".

He goes on to advise councils of their existing powers under the licensing process, which many local authorities already recognise as limited in scope.

However, he points to "few" local authorities having so far "made effective use of a provision of the Act that we see as being absolutely critical in managing the local gambling

landscape". With this statement he is referring to the three year review of local gambling policy now under way across England, Scotland and Wales by local authorities such as yours.

In his letter to Newham, Marcus Jones MP, criticises councils for drafting "generic" and "template" based statements and that the Gambling Commission "will be placing much greater emphasis on the importance of the statements".

The Campaign for Fairer Gambling has prepared this submission for consideration as part of your review, taking into account the Minister's advice and focusing on the most prominent issue of contention for licensing authorities – licensed betting offices and the Fixed Odds Betting Terminals they operate.

Enforcement

The main enforcement and compliance role for a licensing authority in terms of the Act is to ensure compliance with the premises licences and other permissions which it authorises. One strategic methodology to measure compliance is to commission [test purchasing](#) of premises and staff employed on those premises to transact gambling.

The Gambling Commission (the Commission) notes that "*it is the responsibility of operators to manage the risks to the licensing objectives that their activities may present*". Licensing authorities are rightly empowered to undertake test purchasing to ensure measures are being implemented effectively. Under guidance from the Commission, test purchasing to evaluate the effectiveness of measures in place on licensed premises concerning self-exclusion, under age controls, anti-money laundering policies and procedures are within the remit of a licensing authority.

However, in the period 2013/2014 across the whole of England, Scotland and Wales, of the two most highly represented licensed premises in high street locations – licensed betting offices (LBO) and adult gaming centres (AGC) - just 825 instances of test purchasing were recorded as being carried out by licensing authorities. To put this in context 599 (6%), of the 9,137 betting shops (to March 2014) and 226 (14%) of the 1,618 AGCs were subject to test purchasing by licensing authorities. Only 37 Councils carried out test purchasing last year.

In most cases, test purchasing focuses on the "protection of the vulnerable" licensing objective and consists of tests for under age access to gambling on licensed premises. However, the Commission is clear that the scope of test purchasing should include the effectiveness of self-exclusion procedures and anti-money laundering controls as well as under age controls. Money laundering in particular has been repeatedly highlighted as a particular area of concern around FOBTs both [low level](#) and more [highly-organised incidents](#) that revealed serious weaknesses in operator controls.

Premise Licence Conditions

The Minister for Local Government, in his negative response to the Newham-led call for stakes on FOBTs to be cut to £2 per spin, said: "*The licensing process gives authorities considerable scope to attach conditions to licences where that is necessary to achieve the licensing objectives*".

The tenth betting shop to open in London's China Town was subject to attached conditions by the Licensing Authority following concerns from the local community and representations from the Police. They included:

- A. Seating provided for use by customers whilst playing FOBTs must be secured to the floor – this is viewed as anticipating [aggressive behaviour](#) from FOBT players who suffer large losses
- B. a comprehensive CCTV system covering internal and external frontage with immediate availability to the police must be fitted
- C. an incident log of all incidents on the premises must be kept
- D. minimum 11.5 mm thickness security glass must be fitted to the service area
- E. a “behind the counter” attack alarm must be fitted and each member of staff must be issued with and required to carry on their person a personal fob attack alarm
- F. maglocks fitted to entrance and exit points and even toilet doors.
- G. a minimum of two staff to be present post 8 pm in the evening.

Whilst these measures have some merit in addressing the potential incidents that now occur in betting shops, they are indicative of an escalation in anti-social behaviour as a consequence of gambling activity in these licensed premises. In the first nine months of 2014, Police call outs to betting shops were already up by over 20% on the previous year.

The one condition that Licencing Authorities seem hesitant to impose and, when they do - as per Westminster - is done in a relatively lack lustre manner, is requiring an adequate number of staff on the premises. The number of people employed in the betting sector has fallen by 9,700 since 2008. The industry now staffs most LBOs with just one person. This is particularly risky for staff and undermines industry claims to be promoting “responsible gambling” and “player protection measures” when they absolve responsibility for their premises to one person, generally young and female, working for not much more than minimum wage levels.

No other gambling sector employs lone staffing as a standard policy. It is perceived as irresponsible to leave licensed premises, on which gambling is transacted, under the management and operation of one person. It is within the remit of licencing authorities to impose minimum staffing levels as a condition attached to LBO premises licences.

Locally determined conditions are recommended by the Commission who says: *“Where there are specific, evidenced risks or problems associated with a particular locality, or specific premises or class of premises, a licencing authority will be able to attach individual conditions to address this. That will be a matter for them in the light of local circumstances.”*

However, unlike the conditions attached to the new Soho betting shop that deal with issues that predominantly occur inside the premises, often disturbances occur outside the premises, causing a nuisance for other businesses or residential occupiers. Acts of vandalism against betting premises, youths gathering outside and anti-social behaviour upon leaving betting shops are common cause for concern and complaint. However, Licensing Authorities are unable deal with these issues under their licensing responsibilities. As the Commission notes: *“Unlike the Licensing Act, the Gambling Act does not include, as a specific licencing objective, the prevention of public nuisance. Any nuisance associated with gambling premises should be tackled under other relevant legislation.”* Hence the imposition of conditions to deal with problems emanating from betting shops but occurring outside of the premises is limited in scope.

It is estimated [over 100 betting shops per week suffer attacks on FOBTs](#) with very few instances being reported to the Police. These are criminal acts of vandalism always occurring as a consequence of heavy cash losses from FOBT usage. As Licensing Authorities are responsible for gambling activity that takes place on the premises it is

perfectly warranted for a condition to be attached to individual or all licensed premises under the licencing authorities' remit, for the recording and reporting of all such incidents. This would not be considered a regulatory burden and is in keeping with the LA responsibility of keeping crime out of gambling.

Despite the Minister for Local Government pointing to conditions as providing "considerable scope", in the area of greatest concern, that of high stake, high speed FOBTs, a Licencing Authority has no control or powers. Section 172(10) of the Act provides that conditions may not relate to gaming machine categories, numbers, or method of operation and section 171 prevents an authority imposing conditions in relation to stakes, fees, winnings or prizes.

Section 181 of the Act however contains an express power for licencing authorities to restrict the number of *betting machines*, their nature and circumstances in which they are made available for, by attaching a licence condition to a betting premises licence. These are not defined under the act as FOBTs. Section 181 of the Act refers to these machines as "accepting bets on real events" and betting operators now refer to them as Self Service Betting Terminals (SSBTs). Like the introduction of FOBTs, no controls over numbers per premises have been agreed and it is left to Licencing Authorities, if they see fit, to control their numbers under guidance pertaining to floor space, service counter positions and ability of staff to monitor their use.

There are now estimated to be in excess of 5,000 SSBTs sited in betting shops and this is increasing each month. As with FOBTs, SSBTs are contributing to the further erosion of jobs in betting shops (down 9,700 since 2008) with one operator, Trafalgar Leisure, providing five SSBTs and four FOBTs at each of its licensed premises but they did not offer any human facing over-the-counter betting facilities.

The Gambling Commission lost in their attempt to declare these betting premises as providing "insufficient facilities for betting" and the consequence is that a betting shop will still be a betting shop even if it is used for no other purpose than making machines available for use on premises.

It is essential that Licensing Authorities have particular concern to the development of SSBTs in betting premises and in particular the content made available on what have been deemed "betting machines" and use their powers under section 181 of the Act to control and monitor their proliferation.

Closing note

It is clear to Councils and Councillors that their ability to deal with and curb the proliferation of betting shops in town centres and high streets, as well as controlling the quantity of FOBTs available is severely restricted under the 2005 Gambling Act. Despite the Minister for Local Government's view that licencing authorities are not making sufficient use of existing powers.

It is proposed to give Scotland the power to vary the number of FOBTs in new betting premises and, subject to amendments in the Scotland Bill, this could be extended as a retrospective power. No such power for Licensing Authorities in England and Wales is proposed just a continual reference to "existing powers".

The view of the Campaign for Fairer Gambling is that the power to vary the number of FOBTs should be devolved to all Local Authorities and their Licensing Committees as is proposed for Scotland. However, it is not the quantity of machines that essentially creates the problem as can be seen from the latest Gambling Commission statistics.

Sector/Machines	Terminals	Yield (millions)	Yield Share
Betting Shops/B2	34,874	£1,613.60	68%
Bingo B3/4/C/D	52,506	£292.24	12%
Casino B1/2/3	2,925	£166.26	7%
AGC B3/4/C/D	50,530	£306.09	13%
Totals	140,835	£2,378.19	

Figures from the Gambling Commission Industry Statistics to September 2014

All gaming machines other than B2/FOBTs are capped at £2 and under per spin. It is the capacity for large losses that is facilitated by such a high staking capacity (£1 to £100 rather than 25 pence up to £2 as on most other gaming machines) that is the core of the problem regarding the B2 casino content.

As part of your Council's gambling policy over the next three years, we recommend you contain a statement supporting further regulatory action against FOBTs, with greater powers of control devolved to councils.

We urge all councils to support Newham in their action under the Sustainable Communities Act calling for the stakes on FOBTs to be brought in line with all other high street gaming machines at £2 per spin.

If you would like further information, please visit www.stopthefobts.org or contact us at info@stopthefobts.org to discuss in more detail.

Yours sincerely,
Derek Webb

Adrian Parkinson

Matt Zarb-Cousin

The Campaign for Fairer Gambling
www.fairergambling.org / www.stopthefobts.org

Response from Coral Racing Ltd

Licensing Section
PO Box 15908
Aston Cross Business Village
50 Rocky Lane
Aston
Birmingham
B6 5RQ

23rd October 2015

Dear Sir,

Consultation on Birmingham City Council's Statement of Principles – Gambling Act 2005

Coral Racing Limited is most grateful to be given the opportunity to respond to this consultation exercise. Coral was one of the first national bookmakers to be licensed under the Betting and Gaming Act of 1960, and so has been operating the length and breadth of the UK for over 50 years. Its premises comprise locations in the inner city, on the high street, in suburbs and in rural areas, and in areas of both high and low deprivation. It now operates 1850 betting offices across Great Britain, which comprise about 20% of all licensed betting offices. It is, therefore, a highly experienced operator.

Coral Racing Limited are broadly supportive of the document. It again notes that the Board when considering applications are still required to 'aim to permit gambling' where this is 'reasonably consistent with the licensing objectives', additionally noting that it should not take into account of any moral objections to gambling.

Whilst each application will be judged on its merits as mentioned at several points within your statement, we would like to politely highlight that Coral knows of no evidence that the location of a licensed betting office within the proximity of schools or residential areas (contained within your draft statement on Page 15), causes harm to the licensing objectives.

Coral knows of no evidence that children coming from schools are gaining access to betting offices. Coral's general experience, in common with other bookmakers, is that children are not interested in betting, and in any case the Think 21 policy operated by Coral is adequate to ensure that under-age gambling does not occur in their premises. There are very many examples of betting offices sited immediately next to schools and colleges and no evidence whatsoever that they cause problems. Additionally, we have multiple shops placed alongside other high street businesses within communities in residential areas across the country, again with no indication that such premises are causing harm to the licensing objectives.

Coral Racing Limited recognise the requirement to supply risk assessments with future applications & variations following the consultation completion (requirement is from 6th April 2016) and whilst this detail is not currently included within the Statement, we would be pleased to contribute to a consultation when it is.

Coral's experience is that through all it does, it achieves an exemplary degree of compliance already, and attracts negligible evidence of regulatory harm. Through the additional local risk assessment to be introduced,



Coral Racing Limited
One Stratford Place, Montfichet Road, London E20 1EJ
Registered Office: New Castle House, Castle Boulevard, Nottingham NG7 1FT
Registered in England No. 541800
Tel: 020 3288 7000 Fax: 020 3288 7050



a GALAX CORAL company

Coral believe that these should be a) to assess specific risks to the licensing objectives in the local area, and b) to assess whether control measures going beyond standard control measures are needed. A number of Council's have created long lists of locations which by inclusion are required to be risk assessed & often with strict templates to be completed. Coral are of the opinion that as there is no evidence that the proximity of such locations causes harm to the licensing objectives, it is best left to the operators to provide their own risk assessments. Naturally, if these do not meet the level desired by the Council, we would adjust to suit.

If we can provide any further information, we would be pleased to do so.

Yours faithfully,

A handwritten signature in blue ink, appearing to read 'John Liddle', with a stylized flourish at the end.

John Liddle
Director of Development – Coral Retail

APPENDIX 2

BIRMINGHAM CITY COUNCIL STATEMENT OF PRINCIPLES Gambling Act 2005

Contents

Item	Page
Part A	
1. The licensing objectives	2
2. Introduction	2
3. Declaration	5
4. Responsible Authorities	5
5. Interested parties	6
6. Exchange of information	7
7. Enforcement	8
8. Licensing authority functions	9
Part B - Premises licences	
1. General Principles	11
2. Adult Gaming Centres	18
3. (Licensed) Family Entertainment Centres	19
4. Casinos	19
5. Bingo	20
6. Betting premises	22
7. Tracks	23
8. Vessels and Vehicles	25
9. Travelling fairs	25
10. Provisional Statements	26
11. Reviews	27
Part C - Permits / Temporary and Occasional Use Notices	
1. Permits	29
2. Unlicensed Family Entertainment Centre gaming machine permits	29
3. (Alcohol) Licensed premises gaming machine permits	31
4. Prize Gaming Permits	32
5. Club Gaming and Club Machines Permits	34
6. Temporary Use Notices	35
7. Occasional Use Notices	36
8. Registration of Small Society Lotteries	37
Part D - Appendices	
Appendix 1. Delegation of licensing functions	38
Appendix 2. Contact addresses	40
Appendix 3. Summary of machines by premises type ¹	44
Appendix 4. Summary of Gaming Machine Entitlements	43
Appendix 5. Summary of Gaming Entitlements for Clubs and Pubs	44

*This Statement of Licensing Principles was approved by **Birmingham City Council** on [insert date of approval] and is to be Effective from **31st January 2016**.*

¹ These summaries have been removed as they do not form part of the Policy. Reference to where the information may be found is now included within Part A to the Policy.(p10)

PART A

1. The Licensing Objectives

In exercising most of their functions under the Gambling Act 2005, licensing authorities must have regard to the licensing objectives as set out in section 1 of the Act. The licensing objectives are:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.
- Ensuring that gambling is conducted in a fair and open way.
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

It should be noted that the Gambling Commission has stated: “The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling”.

This licensing authority is aware that in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling in so far as it is considered to be:

- in accordance with any relevant code of practice issued by the Gambling Commission,
- in accordance with any relevant guidance issued by the Gambling Commission,
- Reasonably consistent with the licensing objectives, and
- in accordance with the authority’s statement of licensing principles.

2. Introduction

Birmingham is the largest city in the United Kingdom after London, with a multi-cultural population of 1,036,900 (2010 estimate). The Licensing Authority recognises that properly regulated gambling contributes to the growth of the City’s local economy. The area covered by the Council is shown in the map below.



Licensing authorities are required by the Gambling Act 2005 to publish a statement of the principles which they propose to apply when exercising their functions. This statement must be published at least every three years. The statement must also be reviewed from “time to time” and any amended parts re-consulted upon. The statement must be then re-published.

Birmingham City Council consulted widely upon this statement before finalising and publishing. A list of those persons consulted is provided below.

The Gambling Act requires that the following parties are consulted by licensing authorities:

- The Chief Officer of Police.
- One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority’s area.
- One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority’s functions under the Gambling Act 2005.

List of persons this authority consulted:

Gambling Commission.
West Midlands Police.
Safe Guarding Children Board.
HM Revenue and Customs.
Premises Licence Holders.
Bodies representing holders of Premises Licences and Permits.
Trade Associations.
Licensing Solicitors.
Members of Birmingham’s Licensing and Gambling Forum.
Elected Members.
Gam Care.
Responsible Authorities.
Public notification on City Council Website.

Our consultation took place between **18th September and 23rd October 2015**.

The full list of comments made and the consideration by the Council of those comments is available by request to The Licensing Service.

The policy was approved at a meeting of the Full City Council on “to be confirmed” and was published via our website on “to be confirmed”. Copies were placed in the public libraries of the City. This Policy is effective from **No Later Than** 31st January 2016.

Should you have any comments regarding this policy statement please send them via e-mail or letter to the following address:

The Head of Licensing, Licensing Service, E-mail: Licensing@birmingham.gov.uk

Any amendments to the Policy will be subject to further consultation.

It should be noted that this statement of licensing principles will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

3. Declaration

In producing the final statement, this licensing authority declares that it has had regard to the licensing objectives of the Gambling Act 2005, the Guidance to Licensing Authorities issued by the Gambling Commission, and any responses from those consulted on the statement.

4. Responsible Authorities

Any responsible authority may make representations.

'Responsible Authority' is defined as:

- a licensing authority in whose area the premises is wholly or partly situated;
- the Gambling Commission;
- the Chief of Police within which the premises are situated;
- the Fire Authority within which the premises are situated;
- the local authority Planning Authority within which the premises are situated;
- the local authority for which statutory functions are exercisable in relation to minimising or reducing the risk of pollution to the environment or harm to human health in which the premises are situated;
- a body which represents those who, in relation to any such area, are responsible for, or interested in, the protection of children from harm and is recognised by the licensing authority for that area for the purpose of this section as being competent to advise it on such matters;
- HM Revenue & Customs;
- any other person prescribed in regulations by the Secretary of State.
- In relation to a vessel:
 - (i) a navigation authority having functions in relation to the waters where the vessel is usually moored or berthed or any water where it is or is proposed to be navigated at a time when it is used for licensable activities;
 - (ii) the Environment Agency;
 - (iii) the Canal and River Trust;
 - (iv) the Secretary of State; or
 - (v) any other person prescribed in regulations by the Secretary of State.

The licensing authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:

- the need for the body to be responsible for an area covering the whole of the licensing authority's area; and
- the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.

~~In accordance with the suggestion in the Gambling Commission's Guidance to Licensing Authorities, this authority designates the Local Safeguarding Children Board for this purpose; the Safe Guarding Children Board is made up of qualified representatives from both statutory and independent child protection agencies operating across the City.~~

The contact details of Responsible Authorities under the Gambling Act 2005 are attached at Appendix 2 and are also available via the Council's website at www.birmingham.gov.uk

5. Interested parties

Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in the Gambling Act 2005 as follows:

"For the purposes of this Part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the applications is made, the person:

- a) lives sufficiently close to the premises to be likely to be affected by the authorised activities,
- b) has business interests that might be affected by the authorised activities, or
- c) represents persons who satisfy paragraph (a) or (b)"

The Licensing Authority is required by regulations to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party. The principles are:

The Licensing Authority will decide each case on its own individual merits and will not apply a rigid rule to its decision making.

The Gambling Commission has recommended that the licensing authority state that interested parties could include trade associations and trade unions, and residents' and tenants' associations. The Licensing Authority will not, however, generally view these bodies as interested parties unless they have a member who can be classed as an interested person under the terms of the Act i.e. lives sufficiently close to the premises to be likely to be affected by the activities being applied for.

The Licensing Authority will also consider persons that 'have business interests' as being the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

In implementing this Policy the Licensing Authority will have regard to the provisions of the Human Rights Act 1998.

Interested parties can be persons who are democratically elected such as councillors and MP's. No specific evidence of being asked to represent an interested person will be required as long as the councillor / MP represents the ward likely to be affected. Likewise, parish councils likely to be affected will be considered to be interested parties. Other than these, however, this authority will generally require written evidence that a person/body (e.g. an advocate / relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.

If individuals wish to approach a Councillor to ask them to represent their views then care will be taken to ensure that the Councillor is not a member of the committee dealing with that application.

The Licensing Authority must determine whether or not representations are admissible. A representation is inadmissible if it is not made by a Responsible Authority, or an Interested Party. After that, the authority must then determine its relevance.

The only representations that are likely to be relevant are those that relate to the licensing objectives, or that raise issues under the licensing policy statement, or the Commission's guidance or codes of practice.

Connected to this is the question of what is a 'frivolous' or 'vexatious' representation. In interpreting these phrases, matters the Licensing Authority is likely to want to look at are likely to include:

- who is making the representation, and whether there is a history of making representations that are not relevant;
- whether it raises a relevant issue; or
- whether it raises issues specifically to do with the premises that are the subject of the application.

6. Exchange of Information

Licensing authorities are required to include in their statements the principles to be applied by the authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act with respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.

The principle that this licensing authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened. The licensing authority will also have regard to any Guidance issued by the Gambling Commission on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

The Licensing Authority will share any information it receives through the application process with the Gambling Commission and other enforcement agencies.

The Licensing Authority will maintain a register of premises licences and permits issued where required and will ensure that the register is open for public inspection at all reasonable times.

The information held will be in accordance with the regulations set by the Secretary of State.

7. Enforcement

Licensing authorities are required by regulation under the Gambling Act 2005 to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.

This licensing authority's principles are that it will be guided by the Gambling Commission's Guidance to Licensing Authorities and will endeavour to be:

- Proportionate: regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
- Accountable: regulators must be able to justify decisions, and be subject to public scrutiny;
- Consistent: rules and standards must be joined up and implemented fairly;
- Transparent: regulators should be open, and keep regulations simple and user friendly; and
- Targeted: regulation should be focused on the problem, and minimise side effects.

The Legislation and Regulatory Reform Act 2006 (LRRRA) Part 2 requires us also to have regard to the Principles of Good Regulation. We have had regard to the Regulators' Code in the preparation of this policy.²

As per the Gambling Commission's Guidance to Licensing Authorities this licensing authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

² Inserted in answer to Consultation response

The main enforcement and compliance role for this licensing authority in terms of the Gambling Act 2005 is to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission is the enforcement body for the operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines are not dealt with by the licensing authority but should be notified to the Gambling Commission.

Birmingham City Council has developed a protocol for enforcement and will continue partnership working with the Gambling Commission and other enforcement organisations to promote a consistent approach between them. The protocol will encompass a strategy of targeting high-risk premises and will ensure intelligence led policing and regulation.

The protocol will actively promote regular inspections of licensed premises which, following risk assessments, have been found to be problematic or high risk.

The Licensing Authority already has developed working protocols such as:

- sharing information and good working practices with other enforcement agencies,
- encouraging close co-operation between licensed premises and enforcement agencies to promote the licensing objectives,
- encouraging good working practices and codes of practice by licensed premises to tackle crime and disorder issues,
- establishing a monitoring system in order to identify premises that are disregarding their responsibilities, and to share this information with the Gambling Commission, Police and other enforcement agencies,
- adopting announced and unannounced inspections and visits to premises.

The Licensing Authority will actively seek to advise the licence holders and managers of those premises who wish to comply with legislation and conditions. However, the Licensing Authority will take a firm stand against irresponsible premises licence holders that do not comply.

The Licensing Authority will continue to investigate complaints and conduct proactive enforcement activities to ensure that conditions attached to licences are complied with, and that unlicensed activity is dealt with as appropriate.

The Licensing Authority will exercise its powers under the Act to instigate criminal proceedings where circumstances require.

8. Licensing Authority Functions

Licensing authorities are required under the Act to:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing *Premises Licences*
- Issue *Provisional Statements*
- Regulate *members' clubs* and *miners' welfare institutes* who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- Issue *Club Machine Permits* to *Commercial Clubs*
- Grant permits for the use of certain lower stake gaming machines at *unlicensed Family Entertainment Centres*
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines
- Issue *Licensed Premises Gaming Machine Permits* for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines
- Register *small society lotteries* below prescribed thresholds
- Issue *Prize Gaming Permits*
- Receive and Endorse *Temporary Use Notices*
- Receive *Occasional Use Notices*
- Provide information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange')
- Maintain registers of the permits and licences that are issued under these functions

It should be noted that licensing authorities are not involved in licensing remote gambling at all, which is regulated by the Gambling Commission via operating licences.

Information on gaming machines permitted at each premises type, gaming machine entitlements and gaming entitlements for clubs and pubs is available on the Gambling Commission website.

<http://www.gamblingcommission.gov.uk/Gambling-sectors/Gambling-sectors>³

PART B

PREMISES LICENCES: CONSIDERATION OF APPLICATIONS

1. General Principles

Premises licences are subject to the requirements set-out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which are detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.

In accordance with s153 of the Act, when considering any application (save for Casino premises as per s166), the Licensing Authority will 'aim to permit' licence applications (subject to the mandatory and default conditions) unless there is evidence of a particular risk to the licensing objectives thereby either requiring the imposition of additional conditions, or that the application be refused.⁴

(i) Decision-making:

This licensing authority is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks fit:

- In accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with authority's statement of licensing principles.

The Licensing Authority's powers and duties will, where appropriate, be delegated by the Licensing Authority to its Licensing and Public Protection Committee, Licensing Sub Committee and Officers.

The Licensing Authority intends to approach these delegations in accordance with Appendix 1 to the policy.

The Licensing and Public Protection Committee will receive regular reports on decisions made by officers under the scheme of delegation so that it maintains an overview of the general situation.

It is appreciated that as per the Gambling Commission's Guidance to Licensing Authorities "moral objections to gambling are not a valid reason to reject applications for premises licences" (except as regards any 'no casino resolution' - see section on Casinos and also that unmet demand is not a criterion for a licensing authority.

~~The licensing authority also notes Gambling Commission guidance on ensuring that~~

⁴ As proposed by consultation response

~~betting is the primary activity of a licensed premises. Gaming machines may be made available for use in licensed betting premises only at times when there are also sufficient facilities for betting available. Operators will need to demonstrate that betting will continue to be the primary activity of the premises when seeking variations to licences.~~

In making this determination, this licensing authority will have regard to the six indicators of betting as a primary gambling activity.

- The offer of established core products (including live event pictures and bet range)
- The provision of information on products and events
- The promotion of gambling opportunities and products
- The actual use made of betting facilities
- The size of premises.
- The delivery of betting facilities

(ii) Definition of “premises”:

In the Act, "premises" is defined as including "any place". Section 152 therefore prevents more than one premises licence applying to any place. But a single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. However, licensing authorities should pay particular attention if there are issues about sub-divisions of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed.

The Gambling Commission stated in its Guidance to Licensing Authorities that: “In most cases the expectation is that a single building / plot will be the subject of an application for a licence, for example, 32 High Street. But, that does not mean 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer. However, the Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises.”

This Licensing Authority takes particular note of the Gambling Commission’s Guidance to Licensing Authorities which states that: licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware of the following:

- The third licensing objective seeks to protect children from being harmed by

gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore, premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating.

- Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not “drift” into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.
- Customers should be able to participate in the activity named on the premises licence.

The Guidance also gives a list of factors which the licensing authority should be aware of, which may include:

- Do the premises have a separate registration for business rates?
- Is the premises’ neighbouring premises owned by the same person or someone else?
- Can each of the premises be accessed from the street or a public passageway?
- Is the premises only accessible from any other gambling premises?

This authority will consider these and other relevant factors in making its decision, depending on all the circumstances of the case.

The Gambling Commission’s relevant access provisions for each premises type are reproduced below:

Casinos

- The principal access entrance to the premises must be from a street.
- No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons.
- No customer must be able to enter a casino directly from any other premises which holds a gambling premises licence.

Adult Gaming Centre

- No customer must be able to access the premises directly from any other licensed gambling premises.

Betting Shops

- Access must be from a street or from another premises with a betting premises licence.
- No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind and you could not have a betting shop at the back of a café – the whole area would have to be licensed.

Tracks

- No customer should be able to access the premises directly from:
 - a casino,
 - an adult gaming centre.

Bingo Premises

- No customer must be able to access the premises directly from:
 - a casino,
 - an adult gaming centre,
 - a betting premises, other than a track.

Family Entertainment Centre

- No customer must be able to access the premises directly from:
 - a casino,
 - an adult gaming centre,
 - a betting premises, other than a track.

The Gambling Commission provides further guidance on this issue, which this authority will also take into account in its decision-making.

(iii) Premises “ready for gambling”:

The Guidance states that a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.

If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made instead.

In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, this authority will determine applications on their merits, applying a two stage consideration process:

- First, whether the premises ought to be permitted to be used for gambling.
- Second, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.

Applicants should note that this authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.

(iv) Location:

This licensing authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives are relevant to its decision-making. This authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder.

The Licensing Authority may take into account the impact that the existence of premises may have on an area in so far as it is relevant to the licensing objectives.

For example, the proposed operation of a new premises licence may not be reasonably consistent with the principles of the licensing objectives due to its proximity to:

- a school or other educational facility;
- a residential area with high concentration of families with children;
- a centre for children;
- a centre for vulnerable adults.

The Licensing Authority will therefore consider representations from any responsible authority or interested party based on the impact on the licensing objectives if a particular application were to be granted.

The onus will be on the person making the representation to provide evidence to support their assertions that the addition of the premises would have the suggested impact on the licensing objectives.

Should any specific policy be decided upon as regards areas where gambling premises should not be located, this statement will be updated. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.

(v) Planning:

In determining applications the licensing authority has a duty to take into consideration all relevant matters and not to take into consideration any irrelevant matters, i.e. those not related to gambling and the licensing objectives. One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal.

This authority will not take into account irrelevant matters and when dealing with a premises licence application for finished buildings, the licensing authority will not take into account whether those buildings have or comply with the necessary planning or building consents. Those matters should be dealt with under relevant planning control and building regulation powers, and not form part of the consideration for the premises licence. Section 210 of the 2005 Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building.

(vi) Duplication with other regulatory regimes:

This licensing authority seeks to avoid any duplication with other statutory /

regulatory systems where possible, including planning. This authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it. It will though, listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.

When dealing with a premises licence application for finished buildings, this authority will not take into account whether those buildings have to comply with the necessary planning or buildings consents. Fire or health and safety risks will not be taken into account, as these matters are dealt with under relevant planning control, buildings and other regulations and must not form part of the consideration for the premises licence.

Licensing objectives - Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, this licensing authority has considered the Gambling Commission's Guidance to Licensing Authorities and some comments are made below.

Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime - This licensing authority is aware that the Gambling Commission takes a leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of organised crime this authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. This licensing authority is aware of the distinction between disorder and nuisance and will consider factors (for example whether police assistance was required and how threatening the behaviour was to those who could see it) so as to make that distinction.

Ensuring that gambling is conducted in a fair and open way - This licensing authority has noted that the Gambling Commission states that it generally does not expect licensing authorities to be concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences. *For Local Authorities with tracks:* There is, however, more of a role with regard to tracks which is explained in more detail in the 'tracks' section.

Protecting children and other vulnerable persons from being harmed or exploited by gambling - This licensing authority has noted the Gambling Commission's Guidance that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children). The licensing authority will therefore consider, as suggested in the Gambling Commission's Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances / machines, segregation of areas etc.

This licensing authority is also aware of the Gambling Commission Codes of Practice

as regards this licensing objective, in relation to specific premises.

As regards the term “vulnerable persons” it is noted that the Gambling Commission does not seek to offer a definition but states that “it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.” This licensing authority will consider this licensing objective on a case by case basis.

Conditions - Any conditions attached to licences will be proportionate and will be:

- relevant to the need to make the proposed building suitable as a gambling facility;
- directly related to the premises and the type of licence applied for;
- fairly and reasonably related to the scale and type of premises; and
- reasonable in all other respects.

In accordance with s153 of the Act, when considering any application (save for Casino premises as per s166), the Licensing Authority will ‘aim to permit’ licence applications (subject to the mandatory and default conditions) unless there is evidence of a particular risk to the licensing objectives thereby requiring the imposition of additional conditions.⁵

Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures this licensing authority will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the licence types below. This licensing authority will also expect the licence applicant to offer their own suggestions as to ways in which the licensing objectives can be met effectively.

This licensing authority will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's Guidance.

This authority will also ensure that where category C or above machines are offered in premises to which children are admitted:

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where these machines are located;
- access to the area where the machines are located is supervised;
- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and

⁵ As proposed by consultation response

- at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

These considerations will apply to premises including buildings where multiple premises licences are applicable.

This licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. This licensing authority will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

It is noted that there are conditions which the licensing authority cannot attach to premises licences which are:

- any condition on the premises licence which makes it impossible to comply with an operating licence condition;
- conditions relating to gaming machine categories, numbers, or method of operation;
- conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated); and
- conditions in relation to stakes, fees, winning or prizes.

Door Supervisors - The Gambling Commission advises in its Guidance to Licensing Authorities that if a licensing authority is concerned that a premises may attract disorder or be subject to attempts at unauthorised access (for example by children and young persons) then it may require that the entrances to the premises are controlled by a door supervisor, and is entitled to impose a condition on the premises licence to this effect.

Where it is decided that supervision of entrances/machines is appropriate for particular cases, a consideration of whether these need to be SIA licensed or not will be necessary. It will not be automatically assumed that they need to be licensed, as the statutory requirements for different types of premises vary.

2. Adult Gaming Centres

This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.

The Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives. However, appropriate measures/licence conditions may cover issues such as:

- proof of age scheme;
- CCTV;

- supervision of entrances/machine areas;
- location of entrance;
- physical security measures on the premises;
- physical separation of areas;
- self-exclusion schemes;
- notices and signage displayed externally stating access to the premises is restricted to persons 18 years of age and over;
- notices displayed internally stating use of gaming machines is restricted to persons 18 years of age and over;
- notice specifying opening hours;
- members of staff appropriately trained;
- reporting of any suspicious activity on the premises;
- display of posters and information leaflets for organisations set up to assist people wishing to seek help and advice regarding gambling related issues such as GamCare.

This is not a mandatory, or exhaustive list, and is merely indicative of example measures.

3. (Licensed) Family Entertainment Centres:

This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

The Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives. However, appropriate measures/licence conditions may cover issues such as:

- proof of age scheme;
- CCTV;
- supervision of entrances/machine areas;
- location of entrance;
- physical security measures on the premises;
- physical separation of areas;
- self-exclusion schemes;
- clear notices and signage around the premises regarding age restricted areas;
- notice specifying opening hours;
- members of staff appropriately trained;
- reporting of any suspicious activity on the premises;
- display of posters and information leaflets for organisations set up to assist people wishing to seek help and advice regarding gambling related issues such as GamCare.

- Measures/training for staff on how to deal with suspected school truant children on the premises.

This is not a mandatory, or exhaustive list, and is merely indicative of example measures.

4. Casinos

No Casinos resolution - This licensing authority has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should this licensing authority decide in the future to pass such a resolution, it will update this policy statement with details of that resolution. Any such decision will be made by the Full Council.

The Licensing Authority is aware that where a licensing authority is able to grant a casino premises licence (regional, large or small), there may be a number of operators who wish to apply for that licence. Should the Licensing Authority be in such a position it will comply with Schedule 9 of the Act and any relevant regulation / codes of practice.

Licence considerations/conditions – This licensing authority will attach conditions to casino premises licences bearing in mind the mandatory conditions and the Licence Conditions and Codes of Practice published by the Gambling Commission.

An applicant for a premises licence must comply with the Act regarding the permitted access or exclusion of children and young persons. With the exception of non-gambling areas of regional casinos no children or young persons must be permitted access into the casino or the close observation of, or the invitation to participate in any gambling activities.

The Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives. However, appropriate measures/licence conditions may cover issues such as:

- proof of age scheme;
- CCTV;
- physical security measures on the premises;
- supervision of entrances/machine areas;
- physical separation of gambling areas;
- self-exclusion schemes;
- clear notices and signage externally and internally regarding age restrictions and age restricted areas (where applicable);
- participation in the Council's 'pupil watch scheme' (where children are permitted entry);
- notice specifying opening hours;
- reporting of any suspicious activity on the premises;
- display of posters and information leaflets for organisations set up to assist people wishing to seek help and advice regarding gambling related issues

such as GamCare.

This is not a mandatory, or exhaustive list, and is merely indicative of example measures.

The Licensing Authority may also consider it appropriate to require members of the public entering casino premises to continue to produce proof of ID on entry in order to effectively support self-exclusion schemes, and to act as a deterrent for persons who may be considering targeting the premises for illegal/criminal activities.

Betting machines - This licensing authority will, as per the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

5. Bingo premises

Gambling Commission Guidance is that Licensing authorities will need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. This will be a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas.

~~This authority also notes that from 13th July 2011 a holder of bingo premises licences may make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises. A licence variation must be applied for if operators wish to take advantage of this change to the legislation.⁶~~

Children and young people are allowed into bingo premises; however they are not permitted to participate in the bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed.

The Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives. However, appropriate measures/licence conditions may cover issues such as:

- proof of age scheme;
- CCTV;
- physical security measures on the premises;
- supervision of entrances/machines;
- physical separation of gambling areas where category C or above gaming machines are made available for use;

⁶ redundant

- supervision of age restricted areas of the premises;
- self-exclusion schemes;
- clear notices and signage externally and internally regarding age restrictions and restricted areas;
- a notice specifying opening hours;
- reporting of any suspicious activity on the premises;
- policy and procedures regarding the employment of young persons (aged 16 and 17 where applicable);
- display of posters and information leaflets for organisations set up to assist people wishing to seek help and advice regarding gambling related issues such as GamCare.

This is not a mandatory, or exhaustive list, and is merely indicative of example measures.

It is important that if children and young persons are allowed to enter premises licensed for bingo that they do not participate in gambling, other than on category D machines.

Where category C or above machines are made available in premises to which children and young persons are admitted the premises licence holder must ensure that:

- all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where these machines are located;
- access to the area where the machines are located is supervised;
- the area where the machines are located is arranged so that it can be observed by staff employed by the operator or premises licence holder; and
- at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18 years old.

The Licensing Authority will take into account any further guidance issued by the Gambling Commission in relation to the suitability and layout of bingo premises.

6. Betting premises

Betting machines - This licensing authority will, as per the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

An applicant for a premises licence must comply with the Act regarding the exclusion of children and young persons.

No children or young persons (under 18 years old) will be able to enter premises with a betting premises licence, although special rules apply to tracks.

The Licensing Authority has the power to restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence or to a Casino premises licence (where betting is permitted in the Casino).

If gaming machines are to be utilised, there must also be sufficient facilities for betting on the premises.⁷

The Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives. However, appropriate measures/licence conditions may cover issues such as:

- proof of age scheme;
- CCTV;
- physical security measures on the premises;
- supervision of entrances/machines;
- self-exclusion schemes;
- clear notices and signage externally regarding age restriction;
- notice specifying opening hours;
- reporting of any suspicious activity on the premises;
- display of posters and information leaflets for organisations set up to assist people wishing to seek help and advice regarding gambling related issues such as GamCare.

This is not a mandatory, or exhaustive list, and is merely indicative of example measures.

7. Tracks

Tracks are sites (including horse racecourses and dog tracks) where races or other sporting events take place. The Licensing Authority recognises that betting is a major gambling activity on tracks, both in the form of pool betting (often known as the “totalisator” or “tote”), and also general betting, often known as “fixed-odds” betting.

This licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track.

This licensing authority will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

This authority will, therefore, expect the premises licence applicant to demonstrate

⁷ As proposed by consultation response

suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

The Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives. However, appropriate measures/licence conditions may cover issues such as:

- proof of age scheme;
- CCTV;
- supervision of entrances/machines;
- physical security measures on the premises;
- physical separation of areas for category C and above gaming machines;
- self-exclusion schemes;
- clear notices and signage around the premises regarding age restricted areas;
- notice specifying opening hours;
- participation in the Council's 'pupil watch scheme' (where children are permitted entry);
- members of staff appropriately trained;
- reporting of any suspicious activity on the premises;
- display of posters and information leaflets for organisations set up to assist people wishing to seek help and advice regarding gambling related issues such as GamCare.

This is not a mandatory, or exhaustive list, and is merely indicative of example measures.

Gaming machines - Where the applicant holds a pool betting operating licence and is going to use the entitlement to four gaming machines, machines (other than category D machines) should be located in areas from which children are excluded.

Betting machines - This licensing authority will take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator proposes to offer.

Applications and plans

The Gambling Act (s151) requires applicants to submit plans of the premises with their application, in order to ensure that the licensing authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for the licensing authority to plan future premises inspection activity.

Plans for tracks do not need to be in a particular scale, but should be drawn to scale and should be sufficiently detailed to include the information required by regulations.

Some tracks may be situated on agricultural land where the perimeter is not defined by virtue of an outer wall or fence, such as point-to-point racetracks. In such instances, where an entry fee is levied, track premises licence holders may erect temporary structures to restrict access to premises

In the rare cases where the outer perimeter cannot be defined, it is likely that the track in question will not be specifically designed for the frequent holding of sporting events or races. In such cases betting facilities may be better provided through occasional use notices where the boundary premises do not need to be defined.

This authority appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information that this authority can satisfy itself that the plan indicates the main areas where betting might take place. For racecourses in particular, any betting areas subject to the “five times rule” (commonly known as betting rings) must be indicated on the plan.

8. Vessels and Vehicles

The Licensing Authority is aware that a premises licence may be granted in respect of a passenger vessel. The definition of a vessel is:

- anything (other than a seaplane or amphibious vehicle), designed or adapted for use on water;
- a hovercraft; or
- anything, or part of any place, situated on or in water (structures which are an extension of the land are not vessels, even if they arch over water).

Vehicles (trains, road vehicles, aircraft, seaplanes and amphibious vehicles other than a hovercraft) may not be the subject of a premises licence and, therefore, all forms of commercial betting and gaming will be unlawful in a vehicle in Great Britain.

The Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives. However, appropriate measures/licence conditions may cover issues such as:

- proof of age scheme;
- CCTV;
- physical security measures on the premises;
- supervision of entrances/machines;
- self-exclusion schemes;
- clear notices and signage externally regarding age restriction;
- notice specifying opening hours;

- reporting of any suspicious activity on the premises;
- display of posters and information leaflets for organisations set up to assist people wishing to seek help and advice regarding gambling related issues such as GamCare.

This is not a mandatory, or exhaustive list, and is merely indicative of example measures.

9. Travelling Fairs

This licensing authority is responsible for deciding whether, where category D machines and / or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

The licensing authority will also consider whether the applicant falls within the statutory definition of a travelling fair.

It is noted that the 27-day statutory maximum for the land being used as a fair applies on a per calendar year basis, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This licensing authority will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

10. Provisional Statements

Developers may wish to apply to this authority for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.

S204 of the Gambling Act provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that they:

- expect to be constructed;
- expect to be altered; or
- expect to acquire a right to occupy.

The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.

In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission (except in the

case of a track) and they do not have to have a right to occupy the premises in respect of which their provisional application is made.

The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The licensing authority will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless:

- they concern matters which could not have been addressed at the provisional statement stage, or
- they reflect a change in the applicant's circumstances.

In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- which could not have been raised by objectors at the provisional statement stage;
- which in the authority's opinion reflect a change in the operator's circumstances; or
- where the premises has not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and this licensing authority notes that it can discuss any concerns it has with the applicant before making a decision.

11. Reviews:

Requests for a review of a premises licence can be made by interested parties or responsible authorities; however, it is for the licensing authority to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is relevant to the matters listed below:

- in accordance with any relevant Code of Practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the authority's statement of principles.

The request for the review will also be subject to the consideration by the authority as to whether the request is frivolous, vexatious, or whether it will certainly not cause this authority to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.

The licensing authority can also initiate a review of a particular premises licence, or a particular class of premises licence on the basis of any reason which it thinks is appropriate.

Once a valid application for a review has been received by the licensing authority, representations can be made by responsible authorities and interested parties during a 28 day period. This period begins 7 days after the application was received by the licensing authority, who will publish notice of the application within 7 days of receipt.

The licensing authority must carry out the review as soon as possible after the 28 day period for making representations has passed.

A review hearing will be held before the Council's Licensing and Public Protection Committee or Sub-Committee (as appropriate) and the review will be determined once the representations have been considered and the licence holder has been given the opportunity to respond.

The onus will be on the responsible authority/interested party initiating the review to provide evidence in support of the matters for concern.

The purpose of the review will be to determine whether the licensing authority should take any action in relation to the licence. If action is justified, the options open to the licensing authority are:

- (a) add, remove or amend a licence condition imposed by the licensing authority;
- (b) exclude a default condition imposed by the Secretary of State (e.g. opening hours) or remove or amend such an exclusion;
- (c) suspend the premises licence for a period not exceeding three months; and
- (d) revoke the premises licence.

In determining what action, if any, should be taken following a review, the licensing authority must have regard to the principles set out in section 153 of the Act, as well as any relevant representations.

In particular, the licensing authority may also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.

Once the review has been completed, the licensing authority must, as soon as possible, notify its decision to:

- the licence holder,
- the applicant for review (if any),
- the Commission,
- any person who made representations,
- the chief officer of police or chief constable; and
- Her Majesty's Commissioners for Revenue and Customs.

PART C

PERMITS / TEMPORARY & OCCASIONAL USE NOTICE

1. Permits

The Policy of the Licensing Authority in respect of permits for unlicensed family entertainment centres, club gaming, club machine and gaming machine on alcohol licensed premises is to:

- promote the licensing objectives;
- treat each application individually on its own merits;
- comply with the statutory requirements;
- ensure compliance with the guidance issued by the Gambling Commission;
- promote and ensure high standards at all venues.

The Licensing Authority when considering an application for a permit will consult closely with the Chief of Police and Safe Guarding Children Board.

Appendices 4 & 5 illustrate the categorisation of gaming machine entitlements and the gaming entitlements for clubs and pubs.

2. Unlicensed Family Entertainment Centre gaming machine permits (Statement of Principles on Permits - Schedule 10 paragraph 7)

Where a premises does not hold a premises licence but wishes to provide gaming machines, it may apply to the licensing authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use.

The Gambling Act 2005 states that a licensing authority may prepare a *statement of principles* that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under section 25. Gambling Commission Guidance is that licensing authorities may include a statement of principles that they propose to apply when exercising their functions in considering applications for permits – i.e. licensing authorities will want to give weight to child protection issues.

Guidance is also that an application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application

Licensing authorities might wish to consider asking applicants to demonstrate:

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;

- that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act; and
- that staff are trained to have a full understanding of the maximum stakes and prizes.

It should be noted that a licensing authority cannot attach conditions to this type of permit.

The Licensing Authority, when considering a permit application for an unlicensed family entertainment centre, may request further information from an applicant regarding any matters of concern, which may include:

- the suitability of the applicant;
- the suitability of members of staff;
- the location of the premises;
- evidence that a premises will only operate as an unlicensed family entertainment centre;
- the applicant will be required to demonstrate they have a full understanding of the maximum stakes and prizes of the gambling that is permissible in an unlicensed Family Entertainment Centre;
- confirmation of intended opening hours;
- ensuring a premises maintains acceptable levels of management supervision at all times during opening hours;
- ensuring a premises maintains acceptable levels of security at all times during opening hours;
- CCTV provisions at the premises and surveillance of the premises;
- evidence that members of staff are appropriately trained and a full understanding of the maximum stakes and prizes of the gambling that is permissible in an unlicensed Family Entertainment Centre;
- participation in the Council's 'pupil watch scheme' in connection with suspected truant school children on the premises;
- evidence of policy and procedures in respect of unsupervised very young children on the premises, or children causing perceived problems on/or around the premises;
- display of posters and information leaflets for organisations set up to assist people wishing to seek help and advice regarding gambling related issues such as GamCare;
- any other factors that are within the control of the permit holder or designated management.

The Licensing Authority will give significant weight to all issues relating to the protection of children and young persons. If no relevant representations are received then the permit will be issued automatically

The Licensing Authority will not refuse an application for a permit unless it has notified the applicant of its intentions to refuse the application and of its reasons and given the applicant an opportunity to make representations.

3. (Alcohol) Licensed premises gaming machine permits - (Schedule 13 paragraph 4(1)) Automatic entitlement: 2 machines

There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the licensing authority.

The licensing authority can remove the automatic authorisation in respect of any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);
- the premises are mainly used for gaming; or
- an offence under the Gambling Act has been committed on the premises.

To take advantage of this entitlement the person who holds the on-premises licence must give notice to the Licensing Authority of their intention to make gaming machines available for use, and must pay the prescribed level of fee.

Permit: For 3 or more machines

If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the licensing authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and “*such matters as they think relevant.*”

This licensing authority considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be of help. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.

It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence.

This licensing authority has delegated authority to officers to grant a permit for up to four gaming machines (category C or D) to be made available for use in alcohol-

licensed premises under this Act.

A person who holds the “on-premises” alcohol licence may apply to the Licensing Authority for a permit specifying any number of category C or D machines but when considering the application the Licensing Authority will have regard to the licensing objectives, and may also take into account any matters that are considered relevant to the application. These may include:

- the appropriate siting of gaming machines in areas where children are not normally permitted;
- the size of the premises;
- the supervision of gaming machines at all times when the premises is open;
- notices by each gaming machine specifying no person under 18 years old are permitted to use the gaming machine;
- age verification checks;
- ensuring members of staff are appropriately trained;
- display of posters and information leaflets for organisations set up to assist people wishing to seek help and advice regarding gambling related issues.

The Licensing Authority can grant or refuse an application. In granting the application the Licensing Authority can also vary the number and category of gaming machines authorised by the permit.

If the Licensing Authority intends to refuse or vary an application the applicant will be notified prior to the refusal or variation in writing of their intention to do so, the applicant will then be given the opportunity to make representations regarding these matters.

It should be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

4. Prize Gaming Permits

The Gambling Act 2005 states that a licensing authority may “prepare a statement of principles that they propose to apply in exercising their functions under this Schedule” which “may, in particular, specify matters that the licensing authority proposes to consider in determining the suitability of the applicant for a permit”.

The Licensing Authority will specify the form and manner in which an application must be made, and will specify the information and supporting documents required, these may include:

- plans of the proposed building;
- insurance certificates; and
- any other documents deemed necessary or appropriate.

The Licensing Authority will comply with any guidance produced by the Gambling Commission, and when considering a permit application may request further information from an applicant regarding any matters of concern, which may include:

- the suitability of the applicant;
- the location of the premises;
- confirmation of intended opening hours;
- confirmation of the types of gaming to be offered;
- the applicant will be required to demonstrate they have a full understanding of the limits to stakes and prizes that are set out in Regulations;
- the applicant will be required to demonstrate the gaming offered is within the law;
- ensuring a premises maintains acceptable levels of management supervision at all times during opening hours;
- ensuring a premises maintains acceptable levels of security at all times during opening hours;
- CCTV provisions at the premises and surveillance of the premises;
- evidence that members of staff are appropriately trained;
- a willingness to participate in the Council's 'pupil watch scheme' in connection with suspected truant school children on the premises;
- any other factors that are within the control of the permit holder or designated management.

The Licensing Authority will give significant weight to all issues relating to the protection of children and young persons.

The Licensing Authority may grant a permit only if they have consulted the Chief of Police about the application.

Where relevant representations are received from the Chief of Police and the Licensing Authority intends to refuse an application based on the objections the applicant will be notified prior to the refusal in writing of their intention to do so, the applicant will then be given the opportunity to make representations regarding these matters.

In making its decision on an application for this permit the licensing authority does not need to (but may) have regard to the licensing objectives but must have regard to any Gambling Commission guidance.

It should be noted that there are conditions in the Gambling Act 2005 by which the permit holder must comply, but that the licensing authority cannot attach conditions. The conditions in the Act are:

- the limits on participation fees, as set out in regulations, must be complied with;
- all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
- the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and

- participation in the gaming must not entitle the player to take part in any other gambling.

5. Club Gaming and Club Machines Permits

Members Clubs and Miners' welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as prescribed in regulations.

Members Clubs and Miner's welfare institutes – and also Commercial Clubs – may apply for a Club Machine Permit. A Club Machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D). NB Commercial Clubs may not site category B3A gaming machines offering lottery games in their club.

Gambling Commission Guidance is that Members clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is permitted by separate regulations. The Secretary of State has made regulation and these cover bridge and whist clubs, which replicates the position under the Gambling Act 1968. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations.

The Licensing Authority, when considering a club gaming and club machine permit application, may require the applicant to provide evidence that the club fulfils the requirements for a members' club, or miners' welfare institute or commercial club (Commercial clubs cannot provide gaming and games of chance).

Licensing authorities may only refuse an application on the grounds that:

- (a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and, therefore, is not entitled to receive the type of permit for which it has applied;
- (b) the applicant's premises are used wholly or mainly by children and/or young persons;
- (c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- (d) a permit held by the applicant has been cancelled in the previous ten years; or
- (e) an objection has been lodged by the Commission or the police.

There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the grounds upon which an authority can refuse a permit under the process are:

- (a) that the club is established primarily for gaming, other than gaming prescribed

- under schedule 12;
- (b) that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- (c) that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled."

There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

6. Temporary Use Notices

Temporary Use Notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a Temporary Use Notice would include hotels, conference centres and sporting venues.

The licensing authority can only grant a Temporary Use Notice to a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence.

The Secretary of State has the power to determine what form of gambling can be authorised by Temporary Use Notices, and at the time of writing this Statement the relevant regulations (SI no 3157: The Gambling Act 2005 (Temporary Use Notices) Regulations 2007) state that Temporary Use Notices can only be used to permit the provision of facilities or equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.

There are a number of statutory limits as regards Temporary Use Notices. The meaning of "premises" is contained in Part 8 of the Act. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place".

In considering whether a place falls within the definition of "a set of premises", the licensing authority needs to look at, amongst other things, the ownership/occupation and control of the premises.

This licensing authority expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises.

In referring to a set of premises, the Act provides that a set of premises is the subject of a Temporary Use Notice if 'any part' of the premises is the subject of a Notice. This prevents one large premises from having a Temporary Use Notice in effect for more than 21 days in a year by giving notification in relation to different parts of the premises and re-setting the clock.

A Temporary Use Notice must be submitted to the Licensing Authority not less than 3 months and one day before the first day on which the gambling event will begin.

In addition a copy of the notice must also be served on:

- the Gambling Commission,
- the Chief Officer of Police,
- the Commissioners of Customs and Excise,
- any other licensing authority in whose area the premises are situated.

(See appendix 2 for relevant addresses.)

The same premises may not be the subject of a temporary use notice for more than 21 days in any 12-month period, but may be the subject of several notices provided that the total does not exceed 21 days.

Should the Licensing Authority or the other bodies served with copies of the temporary use notice consider that the gambling should not take place, or only with modifications, they will issue a notice of objection within 14 days of the date of the temporary use notice.

Where relevant representations are made, a hearing will be held before the Council's Licensing and Public Protection Committee or Sub-Committee to consider representations.

The Licensing Authority will determine the notice after considering supporting evidence from the server of the notice and any objectors who have made representations.

If the Licensing Authority considers that a temporary use notice should not have effect a counter-notice will be issued which may:

- prevent the temporary use notice from taking effect;
- limit the activities that are permitted;
- limit the time period of the gambling; or
- allow the activity to take place subject to a specified condition

7. Occasional Use Notices

The licensing authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded.

In considering an occasional use notice the Licensing Authority will consider the definition of a 'track' and whether the server of the notice is permitted to avail themselves of the notice.

Betting on a track will be permitted by an occasional use notice providing it is for 8 days or less in a calendar year. The calendar year will commence on the 1st January.

The notice must be served by a person who is responsible for the administration of events on the track, or by an occupier of the track.

A notice must be served on the Licensing Authority and copied to the Chief of Police.

The notice must specify the day on which it has effect, and may be given in relation to consecutive days providing the overall limit of 8 days is not exceeded in a calendar year.

The Licensing Authority will maintain a record of the number of notices served in a calendar year to ensure the limit of 8 days is not exceeded.

Providing that a notice will not result in betting facilities being available for more than 8 days in a calendar year, no counter notices or objection can be submitted.

No gaming machines may be provided by virtue of an occasional use notice.

8. Registration of Small Society Lotteries

All applications for registration must be made in the form specified by the Secretary of State, and accompanied by any supporting documents specified by the Secretary of State or required by the Licensing Authority.

The Licensing Authority, when considering an application for registration, may request any additional information it deems appropriate. This may include a declaration from the governing body of the society stating:

- the application is on behalf of a bona fide non-commercial society;
- that all persons to be connected with the promotion of the lottery have no relevant convictions or cautions recorded against them;
- the purpose of the Society and; the purpose of the fund raising;
- confirmation of the appointment of two members of the society who have the authority to sign and complete the required financial returns.
- where a society intends to employ an external lottery manager evidence that person holds an operators licence issued by the Gambling Commission.

If the Licensing Authority is intending to refuse an application to join the register the applicant will be notified in writing of the reasons why it is considering refusal, and the evidence on which it has based that preliminary conclusion. The applicant will then be given the opportunity to provide further evidence in support of the application or to make representations regarding these matters.

Further guidance about the processes and procedures under the Gambling Act 2005 can be obtained from The Licensing Service, Crystal Court, Rocky Lane, Aston, Birmingham, B6 5RQ.

Tel No: 0121 303 9896.

e-mail: licensing@birmingham.gov.uk

website: www.birmingham.gov.uk/licensing

APPENDIX 1

DELEGATION OF FUNCTIONS REGARDING THE GAMBLING ACT 2005

Subject	Full Council	Licensing & Public Protection Committee	Licensing Sub-Committees	Officers
Three year licensing policy	X			
Policy to permit casino	X			
Fee setting (when appropriate)		X		
Application for premises licence			Where representations have been received and not withdrawn	Where no representations received or representations have been withdrawn
Application for a variation to a licence			Where representations have been received and not withdrawn	Where no representations received or representations have been withdrawn
Application for a transfer of a licence			Where representations have been received from the Gambling Commission	Where no representations received or representations have been withdrawn
Application for a provisional statement			Where representations have been received and not withdrawn	Where no representations received or representations have been withdrawn
Review of a premises licence			X	
Application for a club/gaming club machine permits			Where representations have been received and not withdrawn	Where no representations received or representations have been withdrawn
Cancellation of club gaming/club machine permits			X	
Application for other permits			Where an application is received to operate more than 4 gaming machines on an alcohol licensed premises	Where an application is received to operate 4 or less gaming machines on an alcohol licensed premises
Cancellation of licensed premises gaming machine permits				X
Consideration of temporary use notice				X
Decision to give a counter notice to a temporary use notice			X	

Draft Statement of Gambling Principles – to be effective from 31st January 2016

Decision to attach/exclude a premises licence condition			Where any of the relevant parties withhold their agreement to the proposed attachment or exclusion of condition(s). X ⁸	Where all relevant parties agree to the proposed attachment or exclusion of condition(s).
To administer and carry out all other functions not specifically mentioned in the delegation to the Licensing & Public Protection Committee, which are capable of being delegated to an officer as provided in the Gambling Act 2005 and any regulations made under that Act, together with any related functions				X

⁸ This matter should be referred to a sub-committee for determination, although there are provisions to dispense with a hearing if all parties are in agreement (in some circumstances)

RESPONSIBLE AUTHORITIES – CONTACT ADDRESSES
ALL TO BE VERIFIED AND UPDATED WHERE NECESSARY

Birmingham City Council Licensing Section Ashted Lock Building 1-3 Ground Floor Birmingham Science Park Aston Dartmouth Middleway Aston Birmingham B7 4AZ (From Dec 2015)	West Midlands Fire Service HQ 99 Vauxhall Road Nechells Birmingham, B7 4HW firesafety.admin@wmfs.net	Planning Control Division PO Box 28 1 Lancaster Circus Birmingham, B1 1TU planning.enquiries@birmingham.gov.uk planningandregenerationenquiries@birmingham.gov.uk
Environmental Health New address tbc pollution.team@birmingham.gov.uk	Gambling Commission Victoria Square House Victoria Square Birmingham B2 4BP Tel: 0121 230 6500	HM Revenue & Customs National Registrations Unit Portcullis House 21 India Street Glasgow G2 4PZ Tel: 0141 555 3492 Email: nrubetting&gaming@hmrc.gsi.gov.uk
Environment Agency Midlands Regional Office Sapphire East 550 Streetsbrook Road West Midlands B91 1QT Tel: 08708 506506	Birmingham City Council Safe Guarding Children Board Council House Extension, Room 554 Margaret Street Birmingham B3 3B Tel: 0121 303 8402	In respect of a vessel Canal and River Trust West Midland Region Peel's Wharf Fazeley B78 3QZ 01827 252000

WEST MIDLANDS POLICE OPERATION COMMAND UNITS AND CONTACT ADDRESSES

(To ensure that applications are served on the correct Police Station it is recommended applicants contact the West Midlands Police Switchboard on 101)

Birmingham East Local Policing Unit Stechford Police Station 338 Station Road Stechford	Birmingham North Local Policing Unit Sutton Coldfield Police Station Lichfield Road Sutton Coldfield B74 2NR	Birmingham South Local Policing Unit Bournville Lane Police Station 341 Bournville Lane Birmingham	Birmingham West & Central Local Policing Unit Birmingham West & Central Police Station Steelhouse Lane
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Birmingham B33 8RR (Covers Hodge Hill, Yardley and Hall Green)	(Covers Sutton Four Oaks, New Hall, Trinity, Vesey & Sutton Town Centre, Erdington, Tyburn, Castle Vale, Stockland Green and Kingstanding)	B34 1QX (Covers Northfield, Selly Oak & Edgbaston)	Birmingham B4 6NC (Covers Soho, Ladywood, Nechells, Aston, Perry Barr, Oscott, Lozells, Handsworth & City Centre)
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SUMMARY OF MACHINE PROVISIONS BY PREMISES⁹

	Machine Category						
Premises type	A	B1	B2	B3	B4	C	D
Large casino (machine/table ratio of 5-1 up to maximum)		Maximum of 150 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 150 (subject to machine/table ratio)					
Small casino (machine/table ratio of 2-1 up to maximum)		Maximum of 80 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 80 machines (subject to machine./table ratio)					
Pre-2005 Act Casino (no machine/table ratio)		Maximum of 20 machines in categories B to D (except B3A machines), or any number of C or D machines instead					
Betting premises and tracks occupied by pool betting		Maximum of 4 machines categories B2 to D (except B3A machines)					
Bingo premises			Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4**			No limit on Category C or D machines	
Adult gaming centre			Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4**			No limit on category C or D machines	
Family entertainment centre (with premises licence)						No limit on category C or D machines	
Family entertainment centre (with permit)						No limit on category B machines	
Club of miners; welfare institute (with permits)						Maximum of 3 machines in categories B3A or B4 to D*	
Qualifying alcohol-						1 or 2 machines of category C or D automatic upon	

⁹ Appendices 3-5 have been removed. The content of these appendices is outside of the control of the LPPC, and can be located on the Gambling Commission Website which will reflect any changes made to the content without the need to amend the Policy document.

Draft Statement of Gambling Principles – to be effective from 31st January 2016

licensed premises					notification
Qualifying alcohol-licensed premises (with gaming machine permit)					Number of category C-D machines as specified on permit
Travelling fair					No limit on category D machines

~~*It should be noted that members' clubs and miners' welfare institutes are entitled to site a total of three machines in categories B3AA to D but only one B3A machine can be sited as part of this entitlement. Commercial clubs are entitled to a total of three machines in categories B4 to D.~~

~~** Adult gaming centre and bingo premises are entitled to make available a number of Category Gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises. Premises in existence before 13 July 2011 are entitled to make available Four (adult gaming centre premises) or eight (bingo premises) category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. Adult gaming centre premises and bingo premises licences granted on or after 13 July 2011 but before 1 April 2014 are entitled to a maximum of four or eight category B gaming machines or 20% of the total number of gaming machines, whichever is the greater; from 1 April 2014 these premises will be entitled to 20% of the total number of gaming machines only. But not B3A machines.~~

APPENDIX 4

SUMMARY OF GAMING MACHINE CATEGORIES AND ENTITLEMENTS

Category of machine			Maximum stake (from July 2011)	Maximum prize (from July 2011)
A	— No category A gaming machines are currently permitted			
B1			£2	£4,000
B2			£100 (in multiples of £10)	£500
B3A			£1	£500
B3			£2	£500
B4			£1	£250
C			£1	£70
D — non-money prize (other than a crane grab machine or a coin pusher penny falls machine)			30p	£8
D non-money prize (crane grab machine)			£1	£50
D money prize (other than a coin pusher or penny falls machine)			10p	£5
D combined money and non- money prize (other than a coin pusher or penny falls machine)			10p	£8 (of which no more than £5 may be a money prize)
D — combined money and non- money prize (coin pusher or penny falls machine)			10p	£15 (of which no more than £8 may be a money prize)

SUMMARY OF GAMING ENTITLEMENTS FOR CLUBS AND ALCOHOL-LICENSED PREMISES

	Members' club or MW Institute with club gaming permit	Bridge or whist club	Members' club or commercial club with club machine permit	Members' club, commercial club or MW Institute without a club gaming permit or club machine permit	Pubs and other alcohol-licensed premises
Equal chance gaming	Yes	Bridge and/or Whist only	Yes	Yes	Yes
Limits on stakes	No limit	No limit	<u>Poker</u> £1000 per week £200 per day £10 per person per game <u>Other gaming</u> No limit	<u>Poker</u> £1000 per week £200 per day £10 per person per game <u>Other gaming</u> No limit	<u>Poker</u> £100 per premises per day <u>Other gaming</u> £5 per person per game <u>Cribbage & dominoes</u> No limit
Limits on prizes	No limit	No limit	<u>Poker</u> £250 per game <u>Other gaming</u> No limit	<u>Poker</u> £250 per game <u>Other gaming</u> No limit	<u>Poker</u> £100 per game <u>Other gaming</u> No limit
Maximum participation on fees – per person per day	<u>Bridge and/or Whist</u> £20 <u>Other gaming</u> £3	£18 (without club gaming permit) £20 (with club gaming permit)	<u>Bridge and/or Whist</u> £18 <u>Other gaming</u> £3 (commercial club) £1 (members' club)	<u>Bridge and/or Whist</u> £18 <u>Other gaming</u> £1	None permitted
Banker or unequal chance gaming	Pontoon <i>Chemin de Fer</i>	None permitted	None permitted	None permitted	None permitted
Limit on bingo	Maximum of £2,000 per week in stakes/prizes. If more then will need an operating licence.	No bingo permitted	Maximum of £22,000 per week in stakes/prizes. If more then will need an operating licence	Maximum of £22,000 per week in stakes/prizes. If more then will need an operating licence	Maximum of £22,000 per week in stakes/prizes. If more then will need an operating licence

BIRMINGHAM CITY COUNCIL

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

18 NOVEMBER 2015
ALL WARDS

TUBERCULOSIS IN BIRMINGHAM – AN UPDATE

1. Summary

- 1.1 Following a request from the Chair at the Licensing and Public Protection Committee meeting on 18th July 2015 this report updates the committee on the latest situation regarding the levels of Tuberculosis (TB) in Birmingham, and the role of Regulation and Enforcement in managing cases.

2. Recommendation

- 2.1 That outstanding minute no. 538(ii) be discharged and the report be noted.

Contact Officer: Nick Lowe, Food Operations Manager
Telephone: 0121 303 2491
E-mail: nick.lowe@birmingham.gov.uk

3. Background

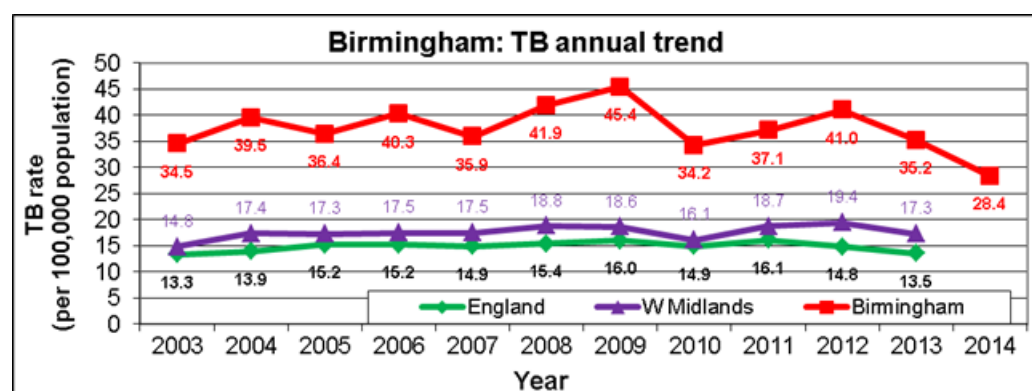
- 3.1 Tuberculosis, or TB, is an infectious bacterial disease caused by *Mycobacterium tuberculosis*, which most commonly affects the lungs. It is transmitted from person to person via droplets from the throat and lungs of people with the active respiratory disease.
- 3.2 In healthy people, infection with *Mycobacterium tuberculosis* often causes no symptoms, since the person's immune system acts to “wall off” the bacteria.
- 3.3 The symptoms of active TB of the lung are coughing, sometimes with sputum or blood, chest pains, weakness, weight loss, fever and night sweats. Tuberculosis is treatable with a six-month course of antibiotics.
- 3.4 About one-third of the world's population has latent TB, which means people have been infected by TB bacteria but are not (yet) ill with the disease and cannot transmit the disease. People infected with TB bacteria have a lifetime risk of falling ill with TB of 10%. However, persons with compromised immune systems, such as people living with HIV, malnutrition or diabetes, or people who use tobacco, have a much higher risk of falling ill.
- 3.5 When a person develops active TB (disease), the symptoms (cough, fever, night sweats, weight loss etc.) may be mild for many months. This can lead to delays in seeking care, and can result in transmission of the bacteria to others. People with infectious TB can infect up to 10-15 other people through close contact over the course of a year. Without proper treatment up to two thirds of people ill with TB will die.
- 3.6 Tuberculosis mostly affects young adults, in their most productive years. However, all age groups are at risk. Over 95% of cases and deaths are in developing countries. People who are infected with HIV are 26 to 31 times more likely to become sick with TB. Risk of active TB is also greater in persons suffering from other conditions that impair the immune system. Worldwide, over half a million children (0-14 years) fell ill with TB, and 80,000 HIV-negative children died from the disease in 2013. Tobacco use greatly increases the risk of TB disease and death. More than 20% of TB cases worldwide are attributable to smoking.
- 3.7 TB is a treatable and curable disease. Active, drug-sensitive TB disease is treated with a standard six-month course of four antimicrobial drugs that are provided with information, supervision and support to the patient by a health worker or trained volunteer. Without such supervision and support, treatment adherence can be difficult and the disease can spread. The vast majority of drug sensitive TB cases can be cured when medicines are provided and taken properly.
- 3.8 Standard anti-TB drugs have been used for decades, and resistance to the medicines is widespread. Disease strains that are resistant to a single anti-TB drug have been documented in every country surveyed. Multidrug-

resistant tuberculosis (MDR-TB) is a form of TB caused by bacteria that do not respond to, at least, isoniazid and rifampicin, the two most powerful, first-line (or standard) anti-TB drugs. The primary cause of drug-resistant TB is improper use of anti-TB drugs, such as from failure to support patients to complete the course of treatment, or from prescribing the inappropriate treatment (drugs, doses, duration of treatment, etc.).

- 3.9 MDR-TB is treatable and curable by using second-line drugs. However, second-line treatment options are limited in some countries and recommended medicines are not always available. The extensive chemotherapy required (up to two years of treatment) is more costly and can produce severe adverse drug reactions in patients.
- 3.10 In some cases more severe drug resistance can develop. Extensively drug-resistant TB, XDR-TB, is a form of multi-drug resistant tuberculosis that responds to even fewer available medicines, including the most effective second-line anti-TB drugs.
- 3.11 About 480,000 people developed MDR-TB in the world in 2013. More than half of these cases were in India, China and the Russian Federation. It is estimated that about 9.0% of MDR-TB cases had XDR-TB.

4. TB in Birmingham up to 2014

- 4.1 TB incidence decreased for the second consecutive year in Birmingham with the total number of cases decreasing in 2014 to 312 (TB incidence 28.4 per 100,000 population), from 385 the previous year and 445 in 2012. The rate though is still considerably higher than the West Midlands and for England.



- **Treatment completion for active and latent tuberculosis**

Completion of TB treatment is essential for control of TB and the Chief Medical Officer has set a target of 85% treatment completion rates. The proportion of cases of active TB disease who complete treatment was already >85% and has increased further to 93-94% (Quarter 1-4, 2013). Treatment completion rates for latent TB infection have also been excellent with rates of 95-98% for the four quarters in 2013. Assessment and delivery of directly observed treatment (DOT) has improved for patients less likely to

complete TB treatment with 97-100% of TB patients risk assessed for DOT and 92-99% of patients assessed as eligible being offered the service.

- **Latent TB Infection – detection and management**

Approximately 70% of TB cases occur in people born abroad of whom around 45% entered the UK within five years of diagnosis. Therefore, establishing a robust system to detect and treat latent infections in migrants from high incidence countries, a priority identified in the recently published national TB strategy, should be an important part of the programme to control TB in Birmingham. A pilot was successfully completed to test and treat college ESOL (English for Speakers of Other Languages) students. More than 450 students, most from high incidence countries, were tested and two cases of active disease and over 65 cases of latent infection identified.

- **Poorly adherent TB patients**

There is a lack of appropriate facilities in the UK for treatment of poorly adherent (and drug-resistant) cases that present a risk to public health, with the resulting risk of increasing spread of (drug resistant) infections. There is also a need for a coordinated multi-agency public health strategy to manage local patients with (drug resistant) TB who have complex social needs.

5. Regulatory Powers available in dealing with TB

5.1 Whilst the treatment and control of TB is a multi-agency function, Regulation and Enforcement's role is in the application of relevant legislation to deal with difficult and complex cases when the public's health is at risk. The measures are contained in the Public Health (Control of Disease) Act 1984 (as amended) together with the Health Protection (Local Authority Powers) Regulations 2010 and the Health Protection (Part 2A Orders) Regulations 2010. This legislation is not only used for TB, but for any infection that poses a risk to public health and control is required, however most incidences do relate to TB cases.

5.2 The main control available to authorities when dealing with non-compliant cases is a Part 2A Order. A Local Authority can apply to a JP for an order that imposes restrictions or requirements on a person(s) or in relation to a thing(s), a body or human remains, or premises. Provided the JP is satisfied that relevant criteria are met, an order can be made for the purposes of protecting against infection or contamination that presents, or could present, significant harm to human health. There are safeguards to protect the interests of individuals who may be the subject of an application for an order.

5.3 A JP can make a Part 2A Order requiring a person(s) to:

- undergo medical examination (NOT treatment or vaccination);
- be taken to hospital or other suitable establishment;
- be detained in hospital or other suitable establishment;
- be kept in isolation or quarantine;
- be disinfected or decontaminated;

- wear protective clothing; (e.g. facemasks in the case of TB patients);
 - provide information or answer questions about their health or other circumstances;
 - have their health monitored and the results reported;
 - attend training or advice sessions on how to reduce the risk of infecting or contaminating others;
 - be subject to restrictions on where they go or who they have contact with;
 - abstain from working or trading.
- 5.4 In addition, a JP can make a Part 2A Order requiring that:
- A thing(s) is seized or retained; kept in isolation or quarantine; disinfected or decontaminated; or destroyed or disposed of;
 - A body or human remains be buried or cremated, or that human remains are otherwise disposed of;
 - premises are closed; premises are disinfected or decontaminated; a conveyance or movable structure is detained, or a building, conveyance or structure is destroyed.
- 5.5 To make an application for a Part 2A Order, the Local Authority must first determine through a risk assessment that an order is necessary to protect human health, that the required evidence is available and that the relevant criteria appear to be met.
- 5.6 The 1984 Act sets out the criteria that a JP, and the Local Authority, must be satisfied about before they can make an order. These are:
- that the person is, or may be, infected or contaminated; and
 - that the infection or contamination presents, or could present, significant harm to human health; and
 - there is a risk that the person might infect or contaminate others; and
 - an order is necessary to remove or reduce the risk.
- 5.7 An application for a Part 2A Order is an uncommon step to take, and on average less than one incident per year in Birmingham in extreme cases results in such an outcome. In most cases of infectious TB the patients fully adhere to prescribed treatment and no action is required by the Local Authority.
6. Management of Cases
- 6.1 In circumstances where recourse to statutory powers are considered, strenuous efforts are made to encourage treatment adherence such as provision of psychosocial support and financial incentives, and arrangements to facilitate easy access to health care. But variable adherence to anti-TB drug therapy can result in the development of increasing drug resistance, and an incident management team is formed involving key partners.

- 6.2 The strategic aims of any incident management team, of which officers from Regulation and Enforcement are key member, will be as follows.
- i) To minimise risk to the public's health.
 - ii) To maximise the health and safety of staff, as far as is reasonably practicable.
 - iii) To maximise the opportunity for the patient to receive effective treatment.
 - iv) To minimise any disruption and/or alarm to the local community.
 - v) To ensure there is a robust communications strategy in place, for both internal and external stakeholders, which is proportionate and balanced.
 - vi) To ensure lessons are identified, shared and acted upon.

7. Consultation

- 7.1 The report is for information only and has been shared with partner agencies. The management of complex cases of infectious diseases illustrates the effective working between the Local Authority and NHS hospitals, the ambulance service, the Police and Public Health England.

8. Implications for Resources

- 8.1 It is anticipated that the core elements of the Act that are enforced through Regulation and Enforcement will be delivered within the Committee's existing budget.

9. Implications for Policy Priorities

- 9.1 The work of Environmental Health identified in this report supports the City Council's strategic outcomes of 'Stay Safe' and 'Be Healthy'.

10. Implications for Equality and Diversity

- 10.1 The incidence of TB is greater in young adults, and is concentrated in deprived inner city areas with the overwhelming majority (88%) among ethnic minority groups – 35% Pakistani; 19% Indian; 19% Black African. As reported around 70% of cases occur in people born overseas of whom around 45% entered the UK within five years of diagnosis.

ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: West Midlands Health Protection Report 2014

BIRMINGHAM CITY COUNCIL

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

18 NOVEMBER 2015
ALL WARDS

CRIMINAL COURTS CHARGE

1. Summary
 - 1.1 A report to advise the Committee of the introduction of the Criminal Courts Charge which will be imposed on all adult offenders who are convicted of a crime.
2. Recommendation
 - 2.1 That the report be noted.

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

Originating Officer: Adrian Parkes, Operations Manager Coroners and Mortuary

3. Background

- 3.1 The Government considers that convicted adult offenders should pay towards the running of the courts. The Prosecution of Offences Act 1985 (Criminal Courts Charge) Regulations 2015 bring this into effect making it possible to recover some of the costs of the criminal courts from these offenders, reducing the burden on taxpayers.
- 3.2 Courts already have powers to require offenders to make payments including compensation for victims, the Victim Surcharge – which funds victims' services – prosecution costs, and fines. Prior to this legislation there were no charges payable to cover the cost of administering a criminal court case by HM Courts and Tribunals Service.
- 3.3 The Criminal Courts Charge will be applied to offences committed after 13th April 2015.

4. The Criminal Courts Charge

- 4.1 Where an adult offender (aged 18 or over) is convicted of a crime, the court will order them to pay the Criminal Courts Charge. The charge is not linked to the offender's sentence but is imposed at a level which has been set according to the costs reasonably attributable to a case of the class. These charges are set out in the table below.

Conviction by a magistrates' court in proceedings conducted in accordance with section 16A of the Magistrates' Courts Act 1980 (trial by single justice on the papers).	£150
Conviction by a magistrates' court for a summary offence on a guilty plea.	£150
Conviction by a magistrates' court at a trial of a summary offence where (a) the defendant did not enter a plea, (b) the trial proceeded in the absence of the defendant, and (c) the court dealt with the case on the papers without reliance on any oral evidence.	£150
Conviction by a magistrates' court for an offence triable either way on a guilty plea.	£180
Conviction by a magistrates' court at a trial of a summary offence.	£520
Conviction by a magistrates' court at a trial of an offence triable either way.	£1000
Conviction by the Crown Court on a guilty plea.	£900
Conviction by the Crown Court at a trial on indictment.	£1200
Magistrates' court when dealing with a person for failure to comply with a community order, suspended sentence order or supervision requirement.	£100
Crown Court when dealing with a person for failure to comply with a community order, suspended sentence order or supervision requirement.	£150

- 4.2 The court will not be able to take the charge into account when they decide on the appropriate sentence.
- 4.3 The Criminal Courts Charge is also imposed where an offender is unsuccessful in their appeal to the court or where they attend hearings for

breaching certain court orders, such as failing to comply with community orders.

- 4.4 The charge will be paid after other financial impositions already set by the court, including the victim surcharge, prosecution costs and fines, have been collected. When summoned to appear at court an individual will be asked to provide information about their means so that appropriate payment rates can be set by the court.
- 4.5 The charge will be collected using existing HMCTS debt collection processes in a similar way to other financial impositions such as fines and compensation.

5. Consultation

- 5.1 As this is a Government imposed charge there has been no consultation on this matter.

6. Implications for Resources

- 6.1 Whilst the courts are not able to take the charge into account when deciding on sentence it remains to be seen if it has any effect on the amount of costs awarded to prosecutors. The awarding of costs by the courts and their recovery is important in respect of the prosecutions taken by Regulation and Enforcement as it has an impact on financial resources

7. Implications for Policy Priorities

- 7.1 Prosecutions are taken in support of the council's priorities in accordance with the Enforcement Policy. It is not envisaged that the Criminal Courts Charge will have any effect on prosecutions taken.

8. Public Sector Equality Duty

- 8.1 This is a Government imposed charge and applies equally to all individuals convicted of a crime.

ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: Nil

BIRMINGHAM CITY COUNCIL

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

18 NOVEMBER 2015
ALL WARDS

**ACTIONS TAKEN BY THE CHIEF OFFICER IN CONSULTATION WITH THE
CHAIR OF THE LICENSING AND PUBLIC PROTECTION COMMITTEE DURING
SEPTEMBER AND OCTOBER 2015**

1. Summary
 - 1.1 This report advises the Committee of actions taken by the Chief Officer in consultation with 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 6920
E-mail: chris.neville@birmingham.gov.uk

3. Background Information

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

4. Summary of Actions Taken for September 2015

- 4.1 On 22 September 2015 authority was sought to suspend with immediate effect the private hire driver's licence held by driver reference 3237. On 22 September 2015 information was received that driver 3237 was under investigation for the offence of sexual assault by touching a passenger carried in his licensed vehicle.
- 4.2 In the interests of public safety being considered paramount, an authorisation of the Acting Director of Regulation and Enforcement, acting in consultation with the Chair, was obtained and on 23 September 2015 notice was delivered to driver 3237's home address advising that his private hire driver's licence was suspended with immediate effect in accordance with Section 52 of the Road Safety Act 2006 and Section 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976.
- 4.3 On 29 September 2015 authority was sought to revoke with immediate effect the private hire driver's licence held by driver reference 15731. On 28 September 2015 information was received that driver 15731 was under investigation for the offence of possessing indecent images of children, to which the driver had admitted. Bail conditions had been imposed, including the prohibition of unsupervised contact with children under sixteen years.
- 4.4 In the interests of public safety being considered paramount, an authorisation of the Acting Director of Regulation and Enforcement, acting in consultation with the Chair, was obtained and on 29 September 2015 notice was delivered to driver 15731's bail address advising that his private hire driver's licence was revoked with immediate effect in accordance with Section 52 of the Road Safety Act 2006 and Section 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976.
- 4.5 On 6 October 2015 authority was sought to revoke with immediate effect the private hire driver's licence held by driver reference 748. On 6 October 2015 information was received that driver 748 was under investigation following an allegation that the driver had assaulted a child transported by him during a home-to-school contract job:
- 4.6 In the interests of public safety being considered paramount, an authorisation of the Acting Director of Regulation and Enforcement, acting in consultation with the Chair, was obtained and on 6 October 2015 notice was delivered to

driver 748's home address advising that his private hire driver's licence was revoked with immediate effect in accordance with Section 52 of the Road Safety Act 2006 and Section 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976.

- 4.7 On 23 October 2015 authority was sought to revoke with immediate effect the private hire driver's licence held by driver reference 2141. On 23 October 2015 information was received that driver 2141 had been charged with the offence of assault. Driver 2141 was recorded on CCTV slamming another driver's leg in the car door, deliberately and repeatedly, causing injury to the victim.
- 4.8 In the interests of public safety being considered paramount, an authorisation of the Acting Director of Regulation and Enforcement, acting in consultation with the Chair, was obtained and on 26 October 2015 notice was delivered to driver 2141's home address advising that his private hire driver's licence was revoked with immediate effect, in accordance with Section 52 of the Road Safety Act 2006 and Section 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976.

5. Implications for Resources

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

6. Implications for Policy Priorities

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

7. Public Sector Equality Duty

- 7.1 The actions identified in this report were taken in accordance with the Regulation and Enforcement's 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**

18 NOVEMBER 2015
ALL WARDS

PROSECUTIONS AND CAUTIONS – AUGUST AND SEPTEMBER 2015

1. Summary
 - 1.1 This report summarises the outcome of legal proceedings taken by Regulation and Enforcement during the months of August and September 2015.
2. Recommendation
 - 2.1 That the report be noted.

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

3. Results

3.1 During the months of August and September 2015:

- 9 Licensing cases resulted in fines of £4,135. Prosecution costs of £4,515 were awarded together with 60 penalty points and a total of 14 months driving disqualifications. 30 simple cautions were administered as set out in Appendix 1.
- 97 Environmental Health cases resulted in fines of £45,876. Prosecution costs of £30,766 were awarded. One simple caution was administered as set out in Appendix 2.
- Six Trading Standards cases resulted in fines of £8,950 together with prison sentences of 29 months and 16 weeks. Prosecution costs of £7,046 were awarded. No simple cautions were administered as set out in Appendix 3.
- Appendix 4 lists cases finalised by district in August and September 2015 and cases finalised by district April-September 2015.
- Appendix 5 lists the enforcement activity undertaken by the Waste Enforcement Team April - August 2015.

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 2015 to September 2015 the following costs have been requested and awarded:

Licensing

£37,134 has been requested with £21,471 being awarded (59%).

Environmental Health

£81,919 requested with £69,331 being awarded (85%).

Trading Standards

£58,216 requested with £40,557 being awarded (70%).

- 5.3 For the months of August and September 2015 the following costs have been requested and awarded:

Licensing

£8,676 has been requested with £4,515 being awarded (52%).

Environmental Health

£36,520 has been requested with £30,766 being awarded (84%).

Trading Standards

£22,766 has been requested with £7,046 being awarded (31%).

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	Court	Legislation	Fine /Penalty	Costs	Offence details
1	Mohammed Mushtaq 43 Vernon Avenue Handsworth Wood Birmingham B20 1DD	7/8/15	Birmingham Magistrates Court	Local Government (Miscellaneous Provisions) Act 1976 & Road Traffic Act 1988	Total £240 + 18 penalty points + 6 months disqualification from driving	£500 (£675 requested)	Pleaded guilty to four offences: one of being the Operator of Atlas Cars and knowingly operating an unlicensed driver and three of permitting the driver to use the vehicle without valid insurance.
2	Nazir Ali Azizi 177 Stockfield Road Acocks Green Birmingham B27 6AU	12/8/15	Birmingham Magistrates Court	Local Government (Miscellaneous Provisions) Act 1976 & Road Traffic Act 1988	Total £290 (£145 x 2 no insurance offences) No separate penalty for remaining offences + 12 penalty points	£100 (£670 requested)	Pleaded guilty to six offences: two of knowingly acting as a private hire driver without a current driver's licence, two of acting as a private hire driver without a current vehicle licence and two offences of using the vehicle without valid insurance.
3	Samson Yosef 122 Ludlow Road Alum Rock Birmingham B8 3BT	14/8/15	Birmingham Magistrates Court	Town Police Clauses Act 1847 & Road Traffic Act 1988	Total £1,000 (£400 – Plying £600 – No Insurance) + 6 penalty points	£423 (£423 requested)	Found guilty in his absence of two offences; one offence of plying for hire on Rea Street on 9 th January 2015 and one offence of consequently having invalid insurance.

4	Paul Grindrod 1 St Lawrence House Melville Road Edgbaston Birmingham B16 9NQ	14/8/15	Birmingham Magistrates Court	Town Police Clauses Act 1847 & Road Traffic Act 1988	Total £1,000 (£400 – Plying £600 – No Insurance) + 6 penalty points	£657 (£657 requested)	Found guilty in his absence of two offences; one offence of plying for hire on Waterloo Street on 9 th January 2015 and one offence of consequently having invalid insurance.
5	Saliman Mohammed Flat 1 24 Rann Close Birmingham B16 8HF	26/8/15	Birmingham Magistrates Court	Town Police Clauses Act 1847 & Road Traffic Act 1988	Total £300 (£200 – Plying £100 – No Insurance) + 6 penalty points	£500 (£1,021 requested)	Pleaded <u>not guilty</u> to two offences; one offence of plying for hire on Broad Street on 28 th May 2014 and one offence of consequently having invalid insurance. Found guilty after trial.
6	Arshid Mahmood 140 Cheshire Road Smethwick West Midlands B67 7DN	26/8/15	Birmingham Magistrates Court	Town Police Clauses Act 1847 & Road Traffic Act 1988	Total £300 (£200 – Plying £100 – No Insurance) + 6 penalty	£300 (£1,000 requested)	Pleaded <u>not guilty</u> to two offences; one offence of plying for hire on Gas Street on 21 st May 2014 and one offence of consequently having invalid insurance. Found guilty after trial.
7	Dharpal Singh 53 Rudge Walk Ladywood Birmingham B18 7AS	3/9/15	Birmingham Magistrates Court	Town Police Clauses Act 1847 & Road Traffic Act 1988	Total £305 (£305 – No Insurance) + 6 penalty points No separate penalty for plying	£450 (£450 requested)	Pleaded guilty to two offences; one offence of plying for hire on Ladywood Middleway on 27 th March 2015 and one offence of consequently having invalid insurance.

8	Goyer Iltaf 227 Bromford Road Hodge Hill Birmingham B36 8HA	17/9/15	Birmingham Magistrates Court	Local Government (Miscellaneous Provisions) Act 1976	Total £500 (£250 x 2)	£1,500 (£2,585 requested)	Pleaded guilty to two offences of being the operator of Galaxy Top Rank Sutton Choice Cars and knowingly operating an unlicensed private hire driver and an unlicensed private hire vehicle.
9	Nadeem Ahmed 60 Morris Road Ward End Birmingham B8 2ED	21/9/15	Birmingham Magistrates Court	Fraud Act 2006 Town Police Clauses Act 1847 & Road Traffic Act 1988	Total £200 (£100 x 2) Disqualified from driving for 8 months. No separate penalty for no insurance.	£85 (£1,195 requested)	Pleaded <u>not guilty</u> to three offences; one of falsely representing that he was a driver for TC Cars Ltd by displaying a "TC CARS" window sticker on his vehicle, one of plying for hire in Bennetts Hill, Birmingham on 12 th December 2014 and one of consequently having invalid insurance. Found guilty after trial.

APPEALS AGAINST CONVICTION AND SENTENCE

	Name & Address	Date Case Heard	Court	Legislation	Fine/Penalty	Costs	Offence details
1	Zulfiqar Ali 2C Hayfield Road Moseley Birmingham B13 9LF	11/9/15	Birmingham Crown Court	Town Police Clauses Act 1847 & Road Traffic Act 1988	Total £275 (£110 – Plying £165 – No Insurance) + 7 penalty points Sentence remains unchanged	£2,222 Additional costs of £1,222 were awarded by the Appeal Court (£1,000 previously awarded by the Magistrates)	Appeal against conviction and sentence. The Appeal Court were satisfied the offences of plying for hire on Broad Street on 28 th May 2014 and consequently having invalid insurance were proven and dismissed the appeal.
2	Khalid Din Flat 11 Bucknall House 172 Alcester Road South Brandwood Birmingham B14 6DE	18/9/15	Birmingham Crown Court	Town Police Clauses Act 1847 & Road Traffic Act 1988	Total £735 (£735 – No Insurance) + 6 penalty points No separate penalty for plying Sentence remains unchanged	£1,000 (£1,000 previously awarded by the Magistrates) No additional costs awarded.	Appeal against conviction and sentence. The Appeal Court were satisfied the offences of plying for hire on Broad Street on 28 th May 2014 and consequently having invalid insurance were proven and dismissed the appeal.

LICENSING SIMPLE CAUTIONS

During the period of August and September 2015, 30 simple cautions have been administered.

Local Government (Miscellaneous Provisions) Act 1976

Section 48(6) 16 cautions were issued for failing to display a private hire vehicle licence plate

Section 48(6), 50(1) & 73(1)(b) One caution was issued for failing to display a private hire vehicle licence plate, failing to present the vehicle for inspection and testing by the Council within 7 days of a date given and failing to produce an insurance certificate to Licensing officers within 5 days.

Section 49 One caution was issued for failing to notify the council within 14 days of the transfer of a vehicle and provide the name and address of the person to whom the vehicle had been transferred

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 forms.

Section 64(3) One caution was issued for waiting on a stand for Hackney Carriages

Byelaw 26 of the Birmingham City Council Hackney Carriage Byelaws 2008 made under section 68 of the Town Police Clauses Act 1847 and section 171 of the Public Health Act 1875

One caution was issued for failing to produce upon request a copy of the Hackney Carriage Byelaws for inspection

Byelaw 26 of the Birmingham City Council Hackney Carriage Byelaws 2008 made under section 68 of the Town Police Clauses Act 1847 and section 171 of the Public Health Act 1875

One caution was issued for failing to wear or display a Hackney Carriage Drivers Badge in a manner as to be plainly and distinctly visible.

Licensing Act 2003

Section 136(a) One caution was issued for supplying hot food from premises without a licence.

ENVIRONMENTAL HEALTH CASES**APPENDIX 2****LITTERING OFFENCES**

	Name & Address	Date Case Heard	Court	Legislation	Fine /Penalty	Costs	Offence details
1	Maxine Hale 17 Anstey Road Perry Barr Birmingham B44 8AW	6/8/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£75	£25 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement in High Street Birmingham.
2	Samantha Simkiss 90 Merrishaw Road Birmingham B31 3SW	6/8/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£200	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in High Street, Birmingham.
3	Nicola Bonner 10 Ashwood Court Stechford Road Stechford Birmingham B34 6BQ	6/8/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£45	£50 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement in Priory Queensway, Birmingham.
4	Lacey Donovan Holmes 34 Roedean Close Birmingham B44 0HR	6/8/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£35	£80 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement in Church Street, Birmingham.
5	Rohit Reaubin Mall 67 Selly Park Road Birmingham B29 7PH	6/8/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£200	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Hill Street, Birmingham.
6	Florim Matu 52 Village Road Aston Birmingham B6 6RB	6/8/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£200	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a bank receipt on the pavement in High Street, Kings Heath.

7	Michael Thomas McQuillan 1 Amber Grove Cannock WS11 7FS	6/8/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£200	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.
8	Anh Nguyen Ngoc 15 Baywater Road Leeds LS8 5LH	6/8/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£200	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Stephenson Street, Birmingham.
9	Suud Muhamad Noori 143 Lea Road Wolverhampton WV3 0LQ	6/8/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£35	£25 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement in Stephenson Street, Birmingham.
10	Cyle James Nurse 53 Brookfield Estate Weston Rhyn SY10 7SA	6/8/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£200	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.
11	Deven Pledger Dowdeswell House Stratford Road Hockley Heath Solihull B94 5NW	6/8/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£35	£25 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement in Stephenson Street, Birmingham.
12	Alister McUbbin 64 Wombourne Park Wombourne WV5 0NA	14/8/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£80	£75 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement in Temple Row, Birmingham.
13	Caroline McKenna 31 Bankes Road Small Heath Birmingham B10 9PP	14/8/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£80	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in Union Street, Birmingham.

14	Tiago Bent Frazao 237 Hubert Road Birmingham B29 6ES	14/8/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£80	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.
15	Anna McNeil 42 The Croft Barnett EN5 2TL	20/8/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£80	None awarded (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement in Stephenson Street, Birmingham.
16	Scott Sutton 3 Newfield Road Hagley Stourbridge DY9 0JP	20/8/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£200	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Temple Row, Birmingham,
17	Brett Moy Flat 8 Bath Court Abdon Avenue Birmingham B29 4NS	20/8/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£200	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Temple Row, Birmingham.
18	Thomas Lewis McKenna 167 Brunswick Street Leamington Spa CV31 2EJ	20/8/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£200	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.
19	Steven Wright 5 Inglefield Road Birmingham B33 8DF	28/8/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£200	£175 (£175 requested)	Found guilty in his absence of one offence of depositing a black bag of waste on the pavement in Hill House Lane, Birmingham.
20	Mamie Khasa-Kiese 48 Barnwood Road Birmingham B32 2LY	28/8/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£60	None awarded (£175 requested)	Pleaded guilty to one offence of depositing litter, namely a letter, on the pavement in Barnwood Road, Birmingham.

21	Scott Taylor 92 Lamb Crescent Wombourne Wolverhampton WV5 0ED	28/8/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£200	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in John Bright Street, Birmingham.
22	Danny Law 107 Warley Road Oldbury B68 9SY	28/8/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£135	£175 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement in John Bright Street, Birmingham.
23	Nick Cox Crosskeys 24 Goodramgate York YO1 7LF	28/8/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£200	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Stephenson Street, Birmingham.
24	Rhianjit Bhatoe 28 Dorrington Road Great Barr Birmingham B42 1QS	28/8/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£200	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in Stephenson Street, Birmingham.
25	Shabana Hussain Flat 21 Browning Tower 116 Overbury Road Birmingham B31 2HE	3/9/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£35	£175 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.
26	Leanna Cooper 67 Tibland Road Acocks Green Birmingham B27 7EE	3/9/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£75	£175 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.
27	Yvonne White 68 Kingscliff Road Birmingham B10 9JT	3/9/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in Bull Street, Birmingham.

28	Daniel Dallison 9 South Street Derby DE1 1DR	3/9/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£120	£175 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement in Stephenson Street, Birmingham.
29	Victoria Tongue 1581 Stratford Road Hall Green Birmingham B28 9JA	3/9/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in Colmore Row, Birmingham.
30	Faisal Shafiq 23 Shipway Road Birmingham B25 8DS	3/9/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Cherry Street, Birmingham.
31	Katie Southall 9 High Heath Close Bournville Birmingham B30 1HU	3/9/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in Cannon Street, Birmingham.
32	Abdullah Qureshi 216 Hunters Road Lozells Birmingham B19 1ES	3/9/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a chocolate wrapper on the pavement in Colmore Row, Birmingham.
33	Ricky Olliviere 16 Greenacres Bartley Green Birmingham B32 3BF	3/9/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Bennetts Hill, Birmingham.
34	Joshua Lippok 38 Woodland View Wyesham Monmouth NP25 3LD	3/9/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Hill Street, Birmingham.

35	Nabila Haider 60 Sampson Road Sparkbrook Birmingham B11 1JL	3/9/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in Corporation Street, Birmingham.
36	Kerry Louise Holthofer 43 Dorset Road Liverpool L6 4DU	3/9/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in Hill Street, Birmingham.
37	Sarah Arnold 29 Tewkesbury Road Handsworth Birmingham B20 3DX	3/9/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in her absence of one offence of dropping chewing gum on the pavement in Stephenson Street, Birmingham.
38	Adam Browne 15 Ashford Road Birkenhead CH41 2UT	3/9/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Stephenson Street, Birmingham.
39	Emma Cox 56 Furzedale Park Hythe Southampton SO45 3HZ	3/9/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in Stephenson Street, Birmingham.
40	Gary Ian Cutler 37 New Spring Street North Birmingham B18 7LB	3/9/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Colmore Row, Birmingham.
41	Angela Downey 89 Harts Road Birmingham B8 3JZ	3/9/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in Corporation Street, Birmingham.

42	David Steed 12 Kinafare Drive Tettenhall Wood Wolverhampton WV6 8JW	4/9/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£80	£100 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement in Stephenson Street, Birmingham. Originally listed for trial.
43	Tariq Mahmood 29 Staplehurst Road Birmingham B28 9AR	11/9/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£200	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Colmore Row, Birmingham.
44	Letitia Leigh 49 Quinton Road West Quinton Birmingham B32 2QB	11/9/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£200	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in Union Street, Birmingham.
45	Casey O'Donoghue 304 Whitfield Mill Meadow Road Apperley Bridge Bradford BD10 0LP	11/9/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£200	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in Priory Queensway, Birmingham.
46	Lydia Peters Apartment 7 Priory Court 243 Pershore Road Birmingham B5 7QP	11/9/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£200	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in Lower Temple Street, Birmingham.
47	Paula Perkins 37 Oakhill Crescent Acocks Green Birmingham B27 7LU	11/9/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£200	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in Union Street, Birmingham.

48	Michaela Hamer Flat 1 1 Culey Grove Tile Cross Birmingham B33 0BB	11/9/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£200	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.
49	Elliot Franklyn-Payne 53 Douglas Road Acocks Green Birmingham B27 6HH	11/9/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£200	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Stephenson Street, Birmingham.
50	Roger Bishop 28 Bruce Gardens Dunfermline KY11 8HG	11/9/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£200	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Stephenson Street, Birmingham.
51	Michaela Bresford 37 Oakhill Crescent Acocks Green Birmingham B27 7LU	11/9/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£200	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Union Street, Birmingham.
52	Graham Scaldwell 351 Glascote Road Glascote Tamworth B77 2BT	17/9/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£60	£80 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement at the junction of Hill Street and Navigation Street.
53	Janine Somers 63 Finningley Road Manchester M9 0GD	17/9/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in Navigation Street, Birmingham.
54	Edgars Sulko 80A Bromford Lane Erdington Birmingham B24 8BY	17/9/15	Birmingham Magistrates Court	Environmental Protection Act 1990 Page 142 of 204	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Stephenson Street, Birmingham.

55	Kieran Synott 24 Beckbury Road Weoley Castle Birmingham B29 5HR	17/9/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Union Street, Birmingham.
56	Lee Hayward 71 Brookfield Road Birmingham B18 7JA	17/9/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Temple Row, Birmingham.
57	Sanam Kayani 100 College Road Moseley Birmingham B13 9LP	17/9/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Union Street.
58	Emma Morris 162 Coronation Road Walsall West Midlands WS4 1BA	17/9/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in Hill Street.
59	Abdul Shakir Rashid 25 Dearman Road Sparkbrook Birmingham B11 1HH	17/9/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£90	£80 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement in St Phillips Place.
60	Allen Griffiths Rosina Cottage 2 Trimms Green Sawbridgeworth CM21 0LX	17/9/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£60	£80 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement in Stephenson Street.
61	Ian Hall 60A Peveril Street Nottingham NG7 4AH	17/9/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Stephenson Street.

62	Sharon Taggart 204 Fenton Road Aston Birmingham B6 6LX	17/9/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in Colmore Row.
63	Abdi Adan 86 Inkerman House Newtown Birmingham B19 2SQ	17/9/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Union Street.
64	Marcus Blick 30 Warren House Walk Sutton Coldfield Birmingham B76 1TS	17/9/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Temple Row.
65	Col Chin Apartment 17 Friday Bridge 50 Berkley Street Birmingham B1 2LB	17/9/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Navigation Street.
66	Gaurav Chopra 75 Hugh Road Smethwick Birmingham B67 7JT	17/9/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Union Passage.
67	Mark Enock 63 Irnham Road Four Oaks Birmingham B74 2TQ	17/9/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£60	£80 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement in Lower Temple Street, Birmingham.
68	Simon Greyley 4 Fenton Hall Close Stoke on Trent ST4 4PU	25/9/15	Birmingham Magistrates Court	Environmental Protection Act 1990 Page 144 of 204	£55	£175 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement in Stephenson Street.

69	Adam James Tait 16 Winchester Drive Stourbridge DY8 2LH	25/9/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£80	£100 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement in Navigation Street.
70	Calvin O'Neill Flat 3, Block 109 Dreghorn Road Birmingham B36 8LX	25/9/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£80	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Lower Temple Street.
71	Richard Limbrick 20 Russet Close Gloucester GL4 0RQ	25/9/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£80	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Cherry Street.
72	Abdul Gaffar 118 Whitehead Road Aston Birmingham B6 6EL	25/9/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£80	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Waterloo Street.
73	John Field Broom Farm Bungalow Broome Stourbridge DY9 0HD	25/9/15	Birmingham Magistrates Court	Environmental Protection Act 1990	Total £160 (£80 x 2)	£175 (£350 requested)	Found guilty in his absence of two offences of dropping cigarette butts on the pavement in Snow Hill and New Street on two separate dates.
74	Keiran Evans 28 Hadley Place Bradwell Common Milton Keynes MK13 8RL	25/9/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£80	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Bridge Street, Birmingham.
75	Amandine Desquartiers 3 Hollybank Southampton Road Ringwood Hampshire BH24 1HL	25/9/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£80	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Broad Street, Birmingham.

76	Frank Collins 19 Bank Terrace Leeds LS27 8NB	25/9/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£80	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in High Street, Birmingham.
77	Kvetoslava Balogava 45 Newcombe Road Handsworth Birmingham B21 8DD	25/9/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£80	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in New Street.

CONTROLLED WASTE (FLY TIPPING) OFFENCES

	Name & Address	Date Case Heard	Court	Legislation	Fine /Penalty	Costs	Offence details
1	Express Vision (UK) Ltd 393 Dudley Road Winson Green Birmingham B18 4HD	6/8/15	Birmingham Magistrates Court	Environmental Protection Act 1990	Total £1,250	£874 (£874 requested)	Found guilty in absence of two offences of knowingly causing controlled waste (fly tipping), namely a black bag of waste from Express Vision (UK) Ltd, to be deposited at the rear of 399-403 Dudley Road, Birmingham and a box relating to the business to be deposited on land in Moilliet Street, Birmingham.
2	Dolce Lounge Ltd 203 Corporation Street Birmingham B4 6RG	6/8/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£350	£350 (£942 requested)	Pleaded guilty to one offence of failing to ensure that waste from the business at Dolce Lounge was transferred to an authorised person in that 16 black bags of waste from the business were found deposited outside 201-203 Corporation Street.

3	Amer Raza Ahmed 15 Kingswood Road Moseley Birmingham B13 9AN	10/8/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£320	£1,375 (£1,375 requested)	Pleaded guilty to one offence of causing controlled waste (fly tipping), namely black bags of rubbish from Khushboos By Chand 218-220 Ladypool Road, Sparkbrook to be deposited on the pavement in Ladypool Road.
4	Paul Andrew McHugh 18 Wheatmore Grove Sutton Coldfield Birmingham B75 6JE	20/8/15	Birmingham Magistrates Court	Environmental Protection Act 1990	Total £1,000 (£1,000 – 1 st offence) No separate penalty for offence 2	£436 (£436 requested)	Pleaded guilty to two offences; one offence of knowingly causing the deposit of controlled waste (fly tipping) from a vehicle on Withy Hill Road, Sutton Coldfield which did not have an Environmental Permit and one offence of failing to ensure reasonable steps were taken to ensure that the waste was transferred to an authorised person.
5	Satyam Rullay 15 Tudor Street Winson Street Birmingham B18 4DG	28/8/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£65	£400 (£635 requested)	Pleaded guilty to one offence of knowingly causing controlled waste (fly tipping), namely 3 black bags of waste from The Barber Shop, 158 Winson Street, to be deposited on the pavement opposite the business.
6	Costica Budiana 31 Beeton Road Birmingham B18 4QD	28/8/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£50	£500 (£1,100 requested)	Pleaded guilty to one offence of depositing controlled waste (fly tipping), namely waste from Brothers Internet, 397 Soho Road on land at 29/30 Beeton Road, Birmingham

7	Carl George Hamilton 35 Wellesbourne Road Birmingham B20 3TH	3/9/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£100	£685 (£685 requested)	Pleaded guilty to one offence of depositing or knowingly causing controlled waste (fly tipping), namely two black bags of waste relating to Villa Shop Afro Caribbean Foods, 82 Villa Road, to be deposited on Hamstead Road, Birmingham.
8	Susan Le Poidevin 49 Faircroft Avenue Great Meadow Worcester WR4 0DR	9/9/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£525	£2,734 (£2,734 requested)	Pleaded guilty to two offences; one offence of depositing or knowingly causing controlled waste (fly tipping), namely two black bags of waste relating to Tan and Beauty, 602 Bristol Road, to be deposited outside 596 Bristol Road, Selly Oak and one offence of being a producer of controlled waste and failing to have in place a legitimate means of disposing of the waste from the business resulting in employees placing waste onto the pavement.
9	Paul Tett 10 Moor Hall Lane Stourport-on-Severn DY13 8RA	11/9/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£235	£771 (£771 requested)	Pleaded guilty to one offence of depositing or knowingly causing controlled waste (fly tipping), namely waste arising from renovation works taking place at 2 Tilshead Close, to be deposited on a grassed area of Manningford Road between Gomeldon Avenue and Tilshead Close.

10	Abida Parveen Ashraf 55 Chester Road Castle Bromwich Birmingham B36 9DP	17/9/15	Birmingham Magistrates	Environmental Protection Act 1990	12 month conditional discharge	£200 (£714 requested)	Pleaded guilty to one offence of depositing or knowingly causing controlled waste (fly tipping), namely two pieces of brown cardboard relating to Abis, 219 High Street, Erdington to be deposited in the entrance way adjacent to 3 York Road, Erdington.
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ANIMAL WELFARE OFFENCES

	Name & Address	Date Case Heard	Court	Legislation	Fine/Penalty	Costs	Offence details
1	Mateasha Tomlinson 187 Darley Avenue Shard End Birmingham B34 6JN	14/8/15	Birmingham Magistrates Court	The Fouling of Land by Dogs Order 2014	£80	£175 (£288 requested)	Found guilty in her absence of one offence of being in charge of a dog which defecated on the grass verge in Heath Way, Shard End and failing to remove the faeces.
2	James Glasheen 590 Church Road Stechford Birmingham B33 8HD	14/8/15	Birmingham Magistrates Court	The Fouling of Land by Dogs Order 2014 & The Dogs on Leads Order 2014	Total £160 (£80 x 2)	£100 (£308 requested)	Pleaded guilty to two offences; one offence of failing to ensure a dog was kept on a lead in Church Road, Stechford and one offence of being in charge of the dog which defecated on the pavement in Church Road, Stechford and failing to remove the faeces.

3	Lee Robins 3A Perry Common Erdington Birmingham B23 7AB	17/9/15	Birmingham Magistrates Court	The Fouling of Land by Dogs Order 2014	£220	£262 (£262 requested)	Found guilty in his absence of one offence of being in charge of a dog which defecated on the footway adjoining Short Heath Road, Erdington and failing to remove the faeces.
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FOOD HYGIENE OFFENCES

	Name & Address	Date Case Heard	Court	Legislation	Fine/Penalty	Costs	Offence details
1	Canalside Café Ltd Clearline 552-554 Bristol Road Selly Oak Birmingham B29 6BD Valerie Jane Hall 538A Hagley Road West Oldbury West Midlands B68 0BZ	5/8/15	Birmingham Magistrates Court	Food Safety and Hygiene (England) Regulations 2013 & Food Safety Act 1990	Total £8,050 (Company £1,000 x 7) (Director £150 x 7) Valerie Hall was prohibited from participating in the management of a food business	£1,760 (£880 each) (£1,760 requested)	The Company and Director pleaded guilty to seven offences; six offences relating to the conditions at Canalside Café, Canalside Cottage, 35 Worcester Bar, Birmingham. There were no procedures based on HACCP and food handlers were not supervised or trained in food hygiene matters. The layout of the premises did not allow a natural flow of production from raw to ready to eat foods. One offence of offering for sale an Apple Pie which was passed its use by date.

2	Martin McLoughlin 64 Aldbury Road Birmingham B14 4NH	6/8/15	Birmingham Magistrates Court	Food Safety and Hygiene (England) Regulations 2013	Total £600 (£600 – offence 1) No separate penalty for offences 2 & 3	£500 (£1,056 requested)	Pleaded guilty to three offences relating to conditions at Sunrise Café, 143 Blythswood Road, Birmingham. There were no procedures in place to control pests. Food debris was found on the floor providing rodents with a food supply and mouse droppings were found on shelves and on the floor in the kitchen. An accumulation of dirt was found throughout the premises particularly at floor wall junctions. Gaps, cracks and crevices found within the structure of the building could allow the ingress of pests.
3	Arshad Zaman 95 Kingswood Road Moseley Birmingham B13 9AW Shafqat Zaman 95 Kingswood Road Moseley Birmingham B13 9AW	12/8/15	Birmingham Magistrates Court	Food Safety and Hygiene (England) Regulations 2013	Total £3,300 (Both defendants £750 x 1, £100 x 2,3 & 4 and £200 x 5,6 & 7)	£1,000 (£500 each) (£2,111 requested)	Each defendant pleaded guilty to seven offences relating to conditions at Quickfry Chippy, 153 Anderton Road, Birmingham. Two offences of failing to comply with Improvement notices requiring food to be kept at the correct temperature and to put in place procedures based on HACCP. The premises were dirty with a build-up of dirt on the floors and walls throughout the premises. No soap or hand drying facilities were provided to the kitchen and staff WC. A chopping board was found to be mouldy and badly scored.

4	SMT Village Café Ltd 6 Ladywell Walk Birmingham B5 4ST	3/9/15	Birmingham Magistrates Court	Food Safety and Hygiene (England) Regulations 2013	Total £1,000 (£500 x 2)	£876 (£876 requested)	Pleaded guilty to two offences relating to conditions at The Village Café, 6 Ladywell Walk, Birmingham. Live cockroaches were found throughout the kitchen where food was being prepared and dead cockroaches were found on the floor of the dried food storage area. The premises were dirty and there was a build-up of grease on the surface of the ribs chopping block.
5	Eklamur Rahman 68 Cartland Road Birmingham B30 2SE	7/9/15	Birmingham Magistrates Court	Food Safety and Hygiene (England) Regulations 2013	Total £1,376 (£1,376 – Offence 1) No separate penalty for remaining offences	£2,671 (£2,671 requested)	Pleaded <u>guilty</u> to two offences relating to conditions at Bangla Food Services, 1 Walford Road. There was a large hole in the ceiling which could allow access to pests and mouse droppings were found throughout the premises. Pleaded <u>not guilty</u> to two offences of failing to comply with improvement notices requiring him to ensure staff received sufficient Food Hygiene training and requiring him to implement a documented Food Safety Management System. Found guilty of these two offences after trial.

6	PR Entertainments Limited 5 Hill Rise Richmond Surrey TW10 6UQ	17/9/15	Birmingham Magistrates Court	Food Safety and Hygiene (England) Regulations 2013	Total £12,500 (£2,500 X 5)	£2,145 (£2,145 requested)	Pleaded guilty to five offences relating to the poor conditions at Bar Estilo, The Mailbox, 110-114 Wharfside Street. The premises were not kept clean and food debris, dirt and mouse droppings were found throughout. Prepared food was stored directly beneath the sanitizer, soap and hand towels dispenser, posing a risk of contamination to food. Food containers were stored on the dirty floor in the boiler room and juice bottles were stored as 'clean' in a bucket in the bar but were dirty with staining and food residue.
7	Broadway Kebab & Grill Limited 215 Bacchus Road Birmingham B18 4RE	17/9/15	Birmingham Magistrates Court	Food Safety and Hygiene (England) Regulations 2013	Total £2,400 (£800 x 3)	£1,127 (£1,127 requested)	Pleaded guilty to three offences relating to conditions at Broadway 3, 237-239 Witton Road. The premises were not kept clean and there was an excessive accumulation of refuse in the rear yard. The floor covering in the food preparation room/kitchen was dirty especially at floor/wall junctions and behind equipment. The pizza oven, gas cooker and tandoori oven were dirty and covered in food debris.

APPEALS AGAINST CONVICTION AND SENTENCE

	Name & Address	Date Case Heard	Court	Legislation	Fine/Penalty	Costs	Offence details
1	Vincent Caines Flat 4 20 Grosvenor Road Birmingham B20 3NP	21/8/15	Birmingham Crown Court	Environmental Protection Act 1990	Total £1,400 (£700 x 2) Sentence remains unchanged	Total £2,499 Additional costs of £1,007 were awarded by the Appeal Court (£1,492 previously awarded by the Magistrates)	Appeal against conviction and sentence heard in absence of defendant. The Appeal Court were satisfied that the offences of failing to comply with an abatement notice requiring him to prohibit the recurrence of a noise nuisance arising from the playing of amplified music from Flat 4, 20 Grosvenor Road, Birmingham were proven and dismissed the appeal.
2	Mushtaq's Ltd 451 Stratford Road Sparkhill Birmingham B11 4LD	14/9/15	Birmingham Crown Court	Food Hygiene (England) Regs 2006	Total £20,000 (£5,000 x 3 £1,000 x 1 £4,000 x 1) Sentence for offences 1-5 remains unchanged	Total £9,624 Additional costs of £2,375 were awarded by the Appeal Court (£7,249 previously awarded by the Magistrates)	Appeal against conviction and sentence. The defendant company abandoned its appeal in respect of charges 1-5 relating to the conditions found at Mushtaq's, 451 Stratford Road on 5 th March 2013. The premises were found to be in a dirty condition and food handlers were not adequately trained. The original conviction still stands in respect of these offences. The Appeal Court allowed the appeal on charges 6 and 7.

ENVIRONMENTAL HEALTH SIMPLE CAUTIONS

During August and September 2015 one simple caution was administered.

Food Safety and Hygiene (England) Regulations 2013

One caution was issued for failing to comply with Food Hygiene Regulations.

TRADING STANDARDS CASES

APPENDIX 3

	Name & Address	Date Case Heard	Court	Legislation	Fine /Penalty	Costs	Offence details
1	Neil Gaffney 8 Burley Way Kings Norton Birmingham B38 8JN	4/8/15	Birmingham Crown Court	Consumer Protection from Unfair Trading Regulations 2008	5 months imprisonment	None awarded (£11,740 requested)	Pleaded guilty to one offence relating to the marketing and sale of a 2001 Nissan Terrano motor vehicle which was a misleading action in that the overall presentation was likely to deceive the average consumer in relation to the identity of the seller, the status of the seller, the nature of the vehicle, the risks of the vehicle and/or the fitness for purpose of the vehicle
2	Mohammed Ibrar T/A Bling Bling Phones 408 Alum Rock Road Alum Rock Birmingham B8 3HT	4/8/15	Birmingham Magistrates Court	Consumer Protection Act 1987 & Trade Marks Act 1994	16 weeks imprisonment x 9 (to run concurrently)	None awarded (£1,530 requested)	Pleaded guilty to nine offences; five relating to the supply of electrical equipment, namely AC/DC Adaptors, which were found to be unsafe and four offences of having in possession for the purpose of supply goods, namely phone covers and cases, at 408 Alum Rock Road, Birmingham, which bore registered trademarks, namely Apple and Porsche, without the consent of the trade mark proprietors.

3	Wah Wah Mirchi Ltd 151-153 Soho Road Handsworth Birmingham B21 9SU	6/8/15	Birmingham Magistrates Court	Cosmetic Products Enforcement Regulations 2013	Total £300 (£100 x 3)	£360 (£1,896 requested)	Pleaded guilty to three offences; one offence of offering cosmetic products, namely 45 Oriental Black Hair Colour, for supply at 151-153 Soho Road, Handsworth, Birmingham which failed to comply with labelling requirements and two offences of possessing cosmetic products for supply which contained banned substances, namely Di Amino Toluene Sulphate.
4	Rehan Birmingham UK Ltd 318-320 Green Lane Birmingham B9 5DP Fozia Ali 19 Inglefield Road Stechford Birmingham B33 8DF	6/8/15	Birmingham Magistrates Court	Cosmetic Products Enforcement Regulations 2013 Electrical Equipment (Safety) Regulations 1994	Total £6,200 (Both company and Director £3,000 x 1 Mercury offence £100 x 1 Electrical Safety Regs) No separate penalty for remaining offences	£3,000 (£1,500 each) (£3,914 requested)	Each defendant pleaded guilty to 21 offences; 14 of offering cosmetic products for supply at 318-320 Green Lane, Birmingham which failed to comply with labelling requirements, five offences of possessing cosmetics for supply which contained banned substances, namely mercury and Di Amino Toluene Sulphate, and two offences of possessing electrical equipment, namely an AC/DC adaptor, for sale which had not been provided with instructions for use and which was unsafe.

5	Maaz Supermarket Ltd 229-233 Witton Road Aston Birmingham B6 6NU	4/9/15	Birmingham Magistrates Court	Cosmetic Products Enforcement Regulations 2013	Total £2,450 (£250 x 7 Labelling £350 x 2 Mercury & Lead) Forfeiture and destruction ordered of items seized	£3,686 (£3,686 requested)	Pleaded guilty to nine offences; seven of offering cosmetic products for sale at 229-244 Witton Road, Aston, Birmingham which failed to comply with labelling requirements in that the container and packaging failed display the registered name and address of the responsible person, the date of minimum durability, a list of ingredients, the function of the cosmetic product, a batch number of the product and nominal content given by weight or volume. Two offences related to Stillmans Freckle Cream offered for sale which was found to contain mercury and Kala Kola Hair Tonic offered for sale which was found to contain lead.
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6	Derkut Akram Rasool 46 Hazelbeach Road Alum Rock Birmingham B8 3HL	17/9/15	Birmingham Crown Court	Trade Marks Act 1994	24 months imprisonment x 30 offences (to run concurrently) Forfeiture and destruction order made for the branded goods and a forfeiture order for the unbranded goods	None awarded	Pleaded guilty to 30 offences of having items of clothing in his possession which bore registered trademarks without the consent of the trade mark holders. Large quantities of counterfeit clothing were seized from Bovingdon Market, the defendant's home address, a Mercedes Sprinter van and a self-storage unit at Fort Parkway.
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TRADING STANDARDS SIMPLE CAUTIONS

During August and September 2015, no simple cautions were administered.

CASES FINALISED BY DISTRICT (PLACE OF OFFENCE) – AUGUST & SEPTEMBER 2015

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	0	2	0	0	7	0	0	0	0	0	0	9
Environmental Health (FPNs) Not paid and prosecuted	0	0	1	0	74	0	0	0	0	0	0	75
Environmental Health (non FPNs)	1	2	3	1	8	0	1	2	1	3	0	22
Trading Standards	0	0	0	2	3	0	0	1	0	0	0	6

CASES FINALISED BY DISTRICT (DEFENDANT'S HOME ADDRESS/REGISTERED OFFICE) – AUGUST & SEPTEMBER 2015

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	1	0	0	3	2	0	1	0	0	1	1	9
Environmental Health (FPNs) Not paid and prosecuted	3	2	5	6	7	3	5	4	2	5	33	75
Environmental Health (non FPNs)	1	1	2	1	6	0	1	3	1	2	4	22
Trading Standards	0	0	0	2	3	1	0	0	0	0	0	6

CASES FINALISED BY DISTRICT (PLACE OF OFFENCE) – APRIL-SEPTEMBER 2015

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	3	2	2	0	24	0	0	1	1	0	1	34
Environmental Health (FPNs) Not paid and prosecuted	1	0	1	0	198	1	0	0	0	0	0	201
Environmental Health (non FPNs)	1	7	10	2	17	0	4	4	2	4	0	51
Trading Standards	0	1	1	5	6	0	0	1	0	1	2	17

CASES FINALISED BY DISTRICT (DEFENDANT'S HOME ADDRESS/REGISTERED OFFICE) – APRIL-SEPTEMBER 2015

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	1	2	6	8	4	1	1	1	0	1	9	34
Environmental Health (FPNs) Not paid and prosecuted	10	12	10	14	18	7	10	6	4	10	100	201
Environmental Health (non FPNs)	2	4	8	4	9	0	4	5	1	3	11	51
Trading Standards	0	1	1	5	6	1	0	0	1	2	0	17

WASTE ENFORCEMENT UNIT – ENFORCEMENT ACTIVITY
APRIL- AUGUST 2015

	Apr-15	May-15	Jun-15	Jul-15	Aug-15	Total 2015/2016	
Waste Investigation Outcomes							
Investigations into commercial waste disposal suspected offences and offences	57	32	44	118	10	261	
<u>Section 34 Environmental Protection Act</u> demand notices issued: (trade waste statutory information demands)	40	25	30	90	20	205	
<u>Section 34 Environmental Protection Act</u> fixed penalty notices issued to businesses (£300)	2	2	4	6	5	19	Payment rate = 33%
<u>Section 87 Environmental Protection Act.</u> Fixed Penalty notices issued for commercial and residential litter offences (£80)	26	15	15	11	15	82	Payment rate = 69%
Prosecutions							
Prosecutions submitted to legal services	59						

BIRMINGHAM CITY COUNCIL

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

18 NOVEMBER 2015
ALL WARDS

OUTCOME OF APPEALS AGAINST SUB COMMITTEE DECISIONS
AUGUST AND SEPTEMBER 2015

1. Summary

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

2. Recommendation

- 2.1 That the report be noted.

Contact Officer: Chris Neville, Head of Licensing
Telephone: 0121 303 6920
E-mail: chris.Neville@birmingham.gov.uk

3. Summary of Appeal Hearings for August and September 2015

	Magistrates'	Crown
Total	4	1
Allowed		
Dismissed	3	1
Appeal lodged at Crown		
Upheld in part		
Withdrawn	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 August and September 2015 costs have been requested to the sum of £1,623 with reimbursement of £1,353 (83.4%) ordered by the Courts.
- 4.3 For the fiscal year thus far, April 2014 to September 2015, costs associated to appeal hearings have been requested to the sum of £15,007.65 with reimbursement of £13,847.65 (92.3%) ordered by the Courts.

5. Implications for Policy Priorities

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

6. Public Sector Equality Duty

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

7. Consultation

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

ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

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

MAGISTRATES' COURT – PRIVATE HIRE DRIVER'S LICENCE

	Name	Date Case Heard	Result	Costs Requested	Costs Ordered	Comments
1	Khalid Mushtaq	14.08.2015	Withdrawn 12.08.2015	£200	£200	On 4 March 2015, in line with the policy relating to a private hire driver who has been convicted for plying for hire and using a vehicle while uninsured – in Mr Mushtaq's case his third such conviction (2007, 2011 and 2014) – Committee considered and resolved to revoke the licence. The Court awarded costs against Mr Mushtaq because he withdrew his appeal only two working days before the hearing.
2	David Tanser	19.08.2015	Dismissed	£300	£300	On 23 June 2015, in line with the policy relating to a private hire driver who has been convicted for plying for hire and using a vehicle while uninsured, Committee considered and resolved to revoke the licence.
3	Sahair Hussain	01.09.2015	Dismissed	£270	£150	On 6 July 2015, as the result of convictions for offences of violence, Committee considered and resolved to refuse to grant a licence.
4	Mohammed Riaz	18.09.2015	Dismissed	£300	£150	On 4 March 2015, as the result of conviction for a public order offence, Committee considered and resolved to revoke the licence.

CROWN COURT – PRIVATE HIRE DRIVER'S LICENCE

	Name	Date Case Heard	Result	Costs Requested	Costs Ordered	Comments
1	Sarwar Khan	04.09.2015	Dismissed	£553	£553	On 4 March 2015, as the result of conviction for a public order offence, Committee considered and resolved to revoke the licence. The appeal to the Magistrates' Court was dismissed on 15 May 2015 with costs of £180 being awarded.

BIRMINGHAM CITY COUNCIL

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

18 NOVEMBER 2015
ALL WARDS

FIXED PENALTY NOTICES ISSUED AUGUST AND SEPTEMBER 2015

1. Summary
 - 1.1 The report sets out a breakdown, on a Constituency/Ward basis, of fixed penalty notices issued in the City during the period August and September 2015.
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

4. Enforcement Considerations and Rationale

4.1 Set out in Appendix 1 to this report is a table showing on a ward and constituency basis where FPNs were issued during the period August and September 2015. Of the people who receive a FPN, Appendix 2 indicates in which Birmingham ward the person lives. As approximately one third of those receiving FPNs do not live in the city [visitors or those who work in the city], Appendix 3 identifies where those people live.

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

WARD WHERE FIXED PENALTY NOTICES ISSUED BY CONSTITUENCY / WARD

CONSTITUENCY	WARD	FPN APR	FPN MAY	FPN JUNE	FPN JUL	FPN AUG	FPN SEPT	FPN OCT	FPN NOV	FPN DEC	FPN JAN	FPN FEB	FPN MAR	TOTAL FPNs
Edgbaston	Bartley Green				1		1							2
	Edgbaston					1	1							2
	Harborne	7	1											8
	Quinton	1		1			1							3
Erdington	Erdington	7	2	7	3	7	19							45
	Kingstanding		1	1			1							3
	Stockland Green		1	2	1		1							5
	Tyburn	2	12		10									24
Hall Green	Sparkbrook		3	4	1	5	6							19
	Springfield	2	2	1		2	2							9
	Moseley and Kings Heath	1	5	2		1	4							13
	Hall Green		2											2
Hodge Hill	Bordesley Green	3	2	2	4	3								14
	Hodge Hill	3		2		1								6
	Shard End	3	1	1										5
	Washwood Heath	1	4	2	2	1	3							13
Ladywood	Aston	5	3		1									9
	Ladywood	491	458	495	532	402	435							2813
	Nechells	65	51	36	32	24	27							235
	Soho	1	3				1							5
Northfield	Longbridge	1				1								2
	Northfield					1								1
	Weoley	1		1		3								5
	Kings Norton	1	1			1								3

Perry Barr	Handsworth Wood	1					1							2
	Lozells & East Handsworth													0
	Oscott	1			1		1							3
	Perry Barr	1			1		1							3
Selly Oak	Bournville	2												2
	Brandwood													0
	Billesley	2				2								4
	Selly Oak	3	1	9										13
Sutton Coldfield	Four Oaks		1			1								2
	New Hall	1												1
	Trinity													0
	Vesey						3							3
Yardley	Sheldon	1	2											3
	Stechford & Yardley North	2												2
	South Yardley	1	5			1	1							8
	Acocks Green	3	1			1								5
TOTALS		613	562	566	589	458	509							3297

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

CONSTITUENCY	WARD	FPN APR	FPN MAY	FPN JUNE	FPN JULY	FPN AUG	FPN SEPT	FPN OCT	FPN NOV	FPN DEC	FPN JAN	FPN FEB	FPN MAR	TOTAL
Edgbaston	Bartley Green	6	6	4	3		8							27
	Edgbaston	8	4	8	7	7	8							42
	Harborne	6	3	7	5	4								25
	Quinton	14	8	11	5	5	7							50
Erdington	Erdington	7	5	8	6	5	7							38
	Kingstanding	3	7	6	9	9	6							40
	Stockland Green	7	4	9	7	3	6							36
	Tyburn	7	4	7	4	7	11							40
Hall Green	Sparkbrook	5	4	14	6	11	15							55
	Springfield	7	7	4	6	7	4							35
	Moseley and Kings Heath	4	10	4	8	4	6							36
	Hall Green	5	4	2	2	3	6							22
Hodge Hill	Bordesley Green	7	10	3	8	7	5							40
	Hodge Hill	13	3	5	6	6	9							42
	Shard End	10	7	10	3	3	4							37
	Washwood Heath	4	9	6	5	6	6							36
Ladywood	Aston	9	10	7	8	5	9							48
	Ladywood	24	27	17	28	17	21							134
	Nechells	9	18	13	14	9	16							79
	Soho	8	5	7	9	7	7							43
Northfield	Longbridge	6	0	5	7	8	1							27
	Northfield	6	3	5	13	3	3							33
	Weoley	6	8	3	4	5	3							29
	Kings Norton	5	3	10	4	5	1							28

Perry Barr	Handsworth Wood	6	2	5	1	5	4							23
	Lozells & East Handsworth	7	8	6	4	6	6							37
	Oscott	6	8	3	6	7	7							37
	Perry Barr	3	3	5	7	1	1							20
Selly Oak	Bournville	3	6	3	7	6	5							30
	Brandwood	6	5	5	5	4	2							27
	Billesley	4	4	6	3	7	3							27
	Selly Oak	7	1	11	4	3	5							31
Sutton Coldfield	Four Oaks	4	4	2	4	3	6							23
	New Hall	5	4	3	2		4							18
	Trinity	5	1	2	2	1	1							12
	Vesey	1	4	3	3	2	3							16
Yardley	Sheldon	3	4	5	4	3	2							21
	Stechford & Yardley North	5	4	11	3	4	10							37
	South Yardley	7	14	3	5	3	3							35
	Acocks Green	8	4	6	5	4	3							30
Outside of Birmingham	Outside of Birmingham	347	317	312	347	253	260							1836
TOTALS		613	562	566	589	458	494							3282

APPENDIX 3**FIXED PENALTY NOTICES ISSUED TO PERSONS RESIDING OUTSIDE THE BIRMINGHAM AREA**

RESIDENCE OF FPN RECIPIENT	April	May	Jun	Jul	Aug	Sept	Oct	Nov
Aberdeen		1	1					
Adur				1				
Amber Valley	1					1		
Arun						1		
Aylesbury Valley	1		2	1		1		
Barrow in Furness				1				
Basildon		1						
Basingstoke	1		1					
Belfast	1							
Bath and NE Somerset					1	1		
Bedford		2	1		1			
Blackburn and Darwen						1		
Blackpool		1	1					
Bolton				2	1	1		
Borough of Poole	1					1		
Boston			2					
Bournemouth		3			1			
Bracken Forest			1					
Bradford	1		1			1		
Brighton and Hove			1					
Bristol	4	1	2	2	1	2		
Bromsgrove	5	7	5	5	4	2		
Broxtowe			1					
Burnley		1	1					
Bury		1				1		
Cambridge	1	1	1	2				
Cannock Chase	5	3	2		3	1		
Cardiff	3		1	1	2	1		
Carlisle	1			1		1		

Central Bedfordshire				1	2	1		
Ceredigion	1							
Charnwood	2							
Chelmsford		2		2				
Cheltenham	1			1	1	2		
Cherwell	3							
Cheshire East		1		1		2		
Cheshire West and East	2				1	2		
Cheshire West and Cheshire				2				
Chesterfield			1	1				
Chorley	1					1		
City of York		1	1					
Colchester	1							
Conwy (W)					1			
Corby					1			
Cornwall	1		1	1	1	2		
Coventry	15	17	18	34	13	15		
Dacorum					1			
Dartford				1				
Daventry			1	2				
Denbighshire				1				
Derby	1	2	2	5	2	1		
Derbyshire Dales			1	2		1		
Doncaster				2				
Dudley	19	29	17	24	14	19		
East Devon						1		
East Hampshire	1		2					
East Northamptonshire			2					
East Riding of Yorkshire		1	2			1		
East Staffordshire				1	3			
Eastbourne						1		
Eastleigh						1		
Edinburgh			1					

Elmbridge		1		1				
Epsom and elwell					1			
Exeter			2					
Falkirk	1							
Fareham	2			1				
Fife						1		
Flintshire		1						
Gateshead	2							
Gedling	2							
Glasgow			1	1				
Gloucester	2	2		1		1		
Great Yarmouth				1	1			
Guildford				1				
Halton	2			1				
Hambleton			1					
Hampshire								
Harborough						1		
Harlow					1			
Harrogate				1				
Hart			1					
Hartlepool	1							
Hastings						1		
Havant					1			
Herefordshire	3	5	3					
Hertfordshire				6	2	3		
Hertsmere						1		
Highlands				1				
Hinckley and Bosworth	1	2			1	2		
Horsham		1						
Huntingdonshire					1			
Isle of Wight	1	1				1		
Kettering				2				
Kingston Upon Hull	1	1						

Kingston Upon Thames								
Kirklees				1	2			
Lancaster	2			2		3		
London Borough of Barnet	2	1		1	1	1		
London Borough of Bexley	2		2			4		
London Borough of Brent	1	1				2		
London Borough of Bromley	3	3	1	1	1			
London Borough of Camden		1		1				
London Borough of Croydon			1					
London Borough of Dagenham						1		
London Borough of Ealing	3	1		1	1			
London Borough of Enfield			2	1		1		
London Borough of Greenwich					1			
London Borough of Hackney		1	1			2		
London Borough of Hammersmith and Fulham		1		1				
London Borough of Haringey	1	1	2	2	3			
London Borough of Harrow	1		1	1	2			
London Borough of Hillingdon		1						
London Borough of Hounslow	2	1						
London Borough of Islington	2			1				
London Borough of Lambeth	1			3	1	4		
London Borough of Lewisham	3							
London Borough of Merton				1	1			
London Borough of Newham		1	1	1		2		
London Borough of Redbridge		2				1		
London Borough of Southwark			3	2	2	1		
London Borough of Sutton			1					
London Borough of Tower Hamlets	1	1			1	1		
London Borough of Waltham Forest		1	1		1			
London Borough of Wandsworth				1	3			
Leeds	3	1	1	2	1	1		
Leicester	4	4	4	6	4	4		
Lichfield	6	1	5	2	3	2		

Lincoln	2	2	1		1			
Liverpool	1	3	3			5		
Luton		1						
Maidstone	1		1					
Malvern Hills		1			1			
Manchester	6	1	8	4	2	2		
Mansfield	1					1		
Medway	1			1				
Melton	1							
Mendip	1							
Middlesbrough	1							
Mid Suffolk				1				
Milton Keynes	2	3	3		1	2		
Mole Valley	1							
Monmouthshire	1							
Neath Port Talbot				1				
Newark	1							
Newcastle Under Lyme	1	2				1		
Newcastle Upon Tyne								
Newport	1		1			1		
Northampton		2	3	8				
Northamptonshire	9	2			3			
North Devon			2					
North Lincolnshire				1				
North Norfolk			2	4				
North Somerset					1			
North Tyneside					1			
North Warwickshire					1	1		
Nottinghamshire	2	2	2	3	3	1		
Nuneaton and Bedworth	1	1	2		1	2		
Oadby and Wigston						1		
Oldham					1			
Outside UK		3	2	1	1	2		

Oxford	5	3	3	3	4	3		
Pembrokeshire	2							
Peterborough	2	1		1				
Plymouth			1					
Portsmouth			1					
Preston					1			
Royal Borough of Kensington and Chelsea			1		1			
Royal Borough of Windsor and Maidenhead	1	1		1		1		
Reading					2	1		
Redcar and Cleveland		1						
Redditch	4	7	5	4	5	3		
Reigate and Banstead			2					
Richmondshire	1	1		1				
Rochdale		1	1	1	1			
Rochford						1		
Rotherham	1				1	2		
Rugby	3	3	3	2	7	1		
Runnymede	1	1						
Rushcliffe	1							
Rushmoor		1						
Rutland					1			
Salford						1		
Sandwell	27	19	40	31	27	29		
Sedgemoor						1		
Sefton			1		1			
Sevenoaks					1	1		
Sheffield			1	1	3	2		
Shepway				1				
Shropshire	6	4	4	1	3	6		
Slough		1				2		
Solihull	27	18	18	22	16	21		
South Buckinghamshire				1				
South Derbyshire				1				

South Somerset	2							
South Staffordshire	3	5	6	2	3	1		
South Tyneside			1					
Southampton	1	2			2			
Southend on Sea			1					
St Edmundsbury						1		
St Helens		2						
Stafford	8	7	7	7		6		
Staffordshire					2			
Staffordshire Moorlands		2	2			1		
Stockport		2	2		1	1		
Stockton on Tees		1						
Stoke on Trent	3	2		2	4	6		
Stratford on Avon	3	2	2					
Stroud				1				
Suffolk Coastal				1	2			
Sunderland	1	1	2					
Surrey Heath	1		4	3	2			
Swale		1	1					
Swansea			1					
Swindon	1					1		
Tameside	1		1	1	2			
Tamworth	1	2		4		3		
Taunton Dean	1				1			
Teignbridge	1		1		1			
Telford and Wrekin	5	4	5	7	4	1		
Torbay	1							
Torridge		1		1				
Trafford				1	1	2		
Vale of Glamorgan	1							
Wakefield						1		
Walsall	15	21	16	32	13	8		
Warrington	1	1						

Warwick	6	2	7	6				
Warwickshire					7	4		
Watford		1			1			
Wealden			2	1				
Wellingborough		1				3		
West Berkshire				1				
West Devon			1					
West Lothian						1		
West Oxfordshire			1					
Westminster	1			1		1		
Wigan		2		1				
Wiltshire	2	1		3		1		
Wirral				2				
Woking				2				
Wolverhampton	38	44	21	16	14	11		
Worcestershire	5	9	9	10	11	4		
Wrexham	1		1			1		
Wychavon				1				
Wycombe	1							
Wyre		5	1	1	1	1		
TOTAL	347	317	312	347	253	260		
CUMMULATIVE TOTAL	347	664	976	1323	1576	1836		

[illegible]

Report to:	LICENSING AND PUBLIC PROTECTION COMMITTEE	
Report of:	ACTING SERVICE DIRECTOR REGULATION AND ENFORCEMENT AND DIRECTOR OF FINANCE	
Date of Decision:	18 NOVEMBER 2015	
SUBJECT:	LICENSING AND PUBLIC PROTECTION – REVENUE BUDGET MONITORING 2015/16 (MONTH 6)	

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 September 2015 and the forecast outturn 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 2015/16.</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 September 2015 (Month 6) as detailed in Appendix 1 (the projected overspend has been reduced from £1.780m at Month 4 to £0.580m).</p> <p>2.2 Note the position with regard to the Savings Programme for 2015/16 as detailed in Appendix 2.</p> <p>2.3 Note the position on reserves and balances, as detailed in Appendix 3.</p> <p>2.4 Note the additional commentary in Section 6 to respond to the outstanding minute 539(iv) from the meeting on 15th July 2015.</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 2015/16.</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 Director of Finance (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 3rd March 2015. The Licensing and Public Protection Committee noted the original net revenue budget allocation of £3.990m (as detailed in Appendix 1). The budget has been increased by £0.457m (as detailed in the table below).

	£'m
Original Budget 2015/16 Reported to LPPC 18 March 2015	3.990
Centralisation of Marketing and Communications Budgets	(0.007)
Repatriation of Districts SLA Budgets (Pest Control)	0.514
Transfer of 1 FTE Post to Future Council Team (2 years)	(0.082)
Additional Resource for Voluntary Redundancy	0.032
Approved Net Revenue Budget 2015/16 (Reported at Month 4)	4.447
Additional Coroners Expenditure relating to Deprivation of Liberty Safeguards	0.050
Additional Government Funding for Deprivation of Liberty Safeguards	(0.050)
Current Approved Net Revenue Budget 2015/16 – Month 6	4.447

- 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

- 5.3 The Licensing and Public Protection Committee has spent £3.708m at Month 6, compared to a profiled budget of £2.449m and results in a net overspend of £1.259m.
- 5.4 The table below provides a high level summary of the Licensing and Public Protection Committee's financial performance as at the end of September 2015 and the year-end projection (the full details are set out in Appendix 1).

Budget Head	Month End Variation £'m	Year End Projection	
		Savings Programme £'m	Base Budget Pressures £'m
Employees	0.214	-	-
Premises	(0.103)	-	-
Transport	(0.022)	-	-
Supplies and Services	(0.083)	-	0.180
Third Party Payments	0.002	-	-
Asset Charges	-	-	-
Recharge Expenditure	0.032	-	-
Sub-Total	0.040	-	-
Income	1.219	0.100	0.300
Interest Received	-	-	-
Total	1.259	0.100	0.480

5.5 The main factors contributing to the position at the end of Month 6 are as follows :

- The Employees budget overspend relates primarily to pension strain costs (£0.164m) and includes additional resources of £0.040m representing the additional expenditure budget for Coroners (Deprivation of Liberty Safeguards).
- The main service area where employee budgets are overspent is Licensing. This pressure will be funded through the use of ring-fenced licensing balances.
- Premises and Supplies are underspent, however even at this late stage, a number of regular charges have still not commenced for 2015/16 – i.e. repairs, laboratory fees.
- The under-recovery of income relates to Pest Control and Register Office as identified and reported in LPPC Report 15th July 2015 (see 5.8 and 5.9 below)

Savings Programme

5.6 The Committee had a significant Savings Programme of £2.316m for 2015/16 relating to all service areas. The full details are set out in Appendix 2 and include: £0.172m for Environmental Health, £0.100m for Registrars, £0.283m for Coroners, £1.300m for Pest Control, £0.122m for Trading Standards and £0.339m for Licensing.

5.7 The rigorous management action and financial control of officers has ensured that 96% of the programme will be achieved through operational efficiencies and income generation.

5.8 A significant slippage of £1.300m has been reported in previous reports relating to the Pest Control service. It is now proposed (report presented to Cabinet on 17th November) that £1.200m will be funded from corporate reserves and the remainder is expected to be delivered through new income work-streams being developed primarily clearance of empty council properties that have been vacated.

Year End Forecast

5.9 An overspend of £1.780m was previously reported as part of the Month 4 Financial Performance Report on 16th September. This projected overspend has been reduced by £1.200m at Month 6 and now includes the following services:

- Residual Pest Control pressure of £0.100m (relating to the savings programme) and likely to be delivered through development of new income work-streams.
- Although additional resources have been provided for Mortuary and Coroners (Deprivation of Liberty Safeguard legislation), the service is still expected to be under pressure. The forecast overspend of £0.180m has not been changed at Month 6.
- The Register Office income continues to be under pressure, a detailed review is continuing, however a realistic forecast pressure for the year has been calculated at £0.300m.

5.10 Managers in consultation with the Service Director Regulation and Enforcement will ensure that any identified pressures are minimised and are working towards achieving the cash limited budget by continuing:

- Stringent control of discretionary expenditure.
- New areas of service provision for the generation of income.
- Careful management of vacancies, temporary staff and redeployment.

Capital

- 5.11 Currently there are no Capital projects for 2015/16.

Illegal Money Lending Team

- 5.12 The Illegal Money Lending Team investigates and takes action against Illegal Money Lending or Loan Shark perpetrators across the whole of England.
- 5.13 This is a national project funded through specific grant jointly from National Trading Standards Board and the Financial Conduct Authority.
- 5.14 The expenditure at the end of September was £1.434m, which is in line with the profiled budget expectations for this stage in the year.
- 5.15 This budget is strictly ring-fenced to this grant funded service.

Scambusters

- 5.16 The Scambusters team investigates and takes action against fraudsters operating across council boundaries in the central region.
- 5.17 This is a regional project funded through specific grant of £0.260m through the National Trading Standards Board.
- 5.18 The expenditure at the end of September was £0.099m, compared to a profiled budget position of £0.130m.
- 5.19 This budget is strictly ring-fenced to this grant funded service.

Proceeds of Crime Act (PoCA)

- 5.20 Regulatory Services secures funding through the Proceeds of Crime Act 2002 in response to financial investigations undertaken post sentencing by the courts.
- 5.21 This money is strictly ring-fenced and can only be utilised by the Council for community and crime prevention projects.
- 5.22 The Trading Standards Team and the Illegal Money Lending Team have so far spent £0.072m on such specific PoCA projects.

Balances and Reserves

- 5.23 The balances and reserves for the Committee are shown in Appendix 3.
- 5.24 The balances brought forward on 1st April 2015 total £1.360m and these are specific ring-fenced resources and there are no available general balances to the Committee.
- 5.25 Income of £0.206m from Home Office for PoCA has been received and paid into the appropriate balances, therefore the total currently held in reserves is £1.566m.

6.	Budget Monitoring and budget Pressures 2015/16 (Outstanding Minute 539(iv))
6.1	The Original Budgets of the committee (as approved by City Council) were reported and detailed in a report to the Committee on 18 th March 2015. This explained the key changes from 2014/15, the Approved Savings Programme for 2015/16 and the position on balances/reserves.
6.2	<p>The report that was presented to the Committee on the 15th July (for Month 2) explained the financial position and in particular highlighted the following:</p> <ul style="list-style-type: none"> • there was additional expenditure of £0.559m compared to the expected position (this position was not adversely distorted by the expected profile of budgets at Month 2). The additional expenditure related principally to the under-recovery of income on a number of services including Pest Control, Registrars and Licensing. • the under-recovery of income on Registrars and Licensing was expected to improve during the year as a number of management actions were being implemented including charges for new services particularly in Registrars. • The slippage on the savings programme for Pest Control services has been under corporate consideration. In response to the slippage in the delivery of this saving, additional corporate resources of £1.2m have now been allocated to this service and this will reduce the projected pressure from £1.3m to £0.1m.
6.3	<p>A number of options for the potential generation of additional income have been evaluated following the report.</p> <p><u>Pest Control</u></p> <p>The projected overspend that was reported at Month 2 of £1.3m has now been reduced to £0.1m (see 5.8 and 5.9 above). The remainder of the pressure may be mitigated through the following actions:</p> <ul style="list-style-type: none"> • Charges for fumigation of empty Council properties. • Charges to developers for unutilised land • Charges to tenants renting properties from social housing landlords (Registered Providers). <p><u>Register Office</u></p> <ul style="list-style-type: none"> • Change to income collection in advance (i.e. at time of booking) – this will generate an additional £0.040m in 2015/16 • Change of Name Ceremonies – expected to generate £0.020m • Additional Commemorative Certificates (e.g. registering a birth) – expected to generate £0.020m <p><u>Mortuary and Coroners</u></p> <p>The service has now received additional grant funding for DoLS of £0.050m. However work will continue to seek efficiencies in running costs such as autopsy fees, witness and jurors expenses. The Coroners service is expected to overspend this financial year by £0.180m</p>

Trading Standards

The focus will continue to be on proactive / preventative work to ensure, as far as possible that the Trading Standards service achieves a balanced budget position at the financial year end.

Environmental Health

Increase efficiencies and continue to increase volume of Fixed Penalty Notices

7. Evaluation of Alternative Option(s):

- 7.1 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

8. Reasons for Decision(s):

- 8.1 The Report informs the Licensing and Public Protection Committee of the Revenue Budget position for 2015/16 at the end of September 2015.
- 8.2 The latest position in respect of the Licensing and Public Protection Committee's year-end projections, use of reserves, the Savings Programme and the present risks identified in its delivery.

Signatures

Alison Harwood
Acting Service Director
Regulation and Enforcement

Jon Warlow
Director of Finance

Date

List of Background Documents used to Compile this Report:

Licensing & Public Protection - Revenue and Capital Budget 2015/16
Licensing & Public Protection - Revenue Budget Monitoring 2015/16 (Month 2) – 15th July
Licensing & Public Protection - Revenue Budget Monitoring 2015/16 (Month 4) – 16th September

List of Appendices accompanying this Report (if any):

1. Appendix 1 - Financial Performance Statement Month 6
2. Appendix 2 - Savings Programme Performance 2015/16 Month 6
3. Appendix 3 - Balances and Reserves at Month 6

Report Version	3.2	Dated	10 November 2015
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Licensing and Public Protection Committee - 2015/16 Month 6 - Revenue Expenditure

Net Expenditure Across Subjective Headings

Original	Budget 2015/16	Subjective Categories	Budget as Reported 16Sep2015	Movement 2015/16 (Aug-Sep)
(1)	(2)	(3)	(4)	
£'000			£'000	£'000
	9,409	Employees	9,735	40
	975	Premises	975	0
	196	Transport and Moveable Plant	196	0
	2,468	Supplies and Service	2,276	19
	1	Third Party Payments	1	(1)
	222	Capital Financing	222	0
	11	Recharge Expenditure	11	(8)
	13,282	Gross Expenditure	13,416	50
	0	Grants	0	(50)
	(71)	Reimbursements	(71)	71
	(4,960)	Fees and Charges	(4,960)	(71)
	(4)	Rents etc	(4)	0
	(3,787)	Miscellaneous Income	(3,464)	0
	(470)	Recharge Income	(470)	0
	(9,292)	Income	(8,969)	(50)
	0	Interest from Previous Periods	0	0
	3,990	Net Expenditure	4,447	0

Net Expenditure Across Individual Service Headings

Original	Budget 2015/16	Service Areas	Budget as Reported 16Sep2015	Movement 2015/16 (Aug-Sep)
(1)	(2)	(3)	(4)	
£'000			£'000	£'000
	3,532	Environmental Health	3,532	0
	(874)	Licensing	(874)	0
	1,025	Mortuary and Coroners	1,025	0
	(1,720)	Pest Control	(1,206)	0
	386	Registrars	414	0
	1,593	Trading Standards	1,508	0
	3,942	Net Expenditure - Regulatory Services	4,399	0
	74	Access and Development	74	0
	(88)	Highways Regulatory	(88)	0
	62	Surveying Services	62	0
	48	Net Expenditure - Highways Services	48	0
	3,990	LPPC - Net Expenditure	4,447	0

Note: figures exclude : PoCA, IMLT and Scambusters

0	IMLT + Scambusters	0	0
3,990	LPPC+Grant Funded Expenditure	4,447	0

APPENDIX 1

Current Budget 2015/16	Profiled Budget Year to Date	Actuals Year to Date	Variance Year to Date	Forecast Year End Variance
(5)	(6)	(7)	(8)	(9)
£'000	£'000	£'000	£'000	£'000
9,775	4,857	5,071	214	0
975	608	505	(103)	0
196	85	63	(22)	0
2,295	1,072	989	(83)	180
0	0	2	2	0
222	111	111	0	0
3	2	34	32	0
13,466	6,735	6,775	40	180
(50)	(25)	(25)	0	0
0	0	0	0	0
(5,031)	(2,436)	(1,505)	931	400
(4)	(2)	(4)	(2)	0
(3,464)	(1,589)	(1,350)	239	0
(470)	(234)	(183)	51	0
(9,019)	(4,286)	(3,067)	1,219	400
0	0	0	0	0
4,447	2,449	3,708	1,259	580

Savings Programme at Risk	Pressures
(10)	(11)
£'000	£'000
0	0
0	0
0	0
0	180
0	0
0	0
0	0
0	180
0	0
0	0
100	300
0	0
0	0
0	0
100	300
0	0
100	480

Current Budget 2015/16	Profiled Budget Year to Date	Actuals Year to Date	Variance Year to Date	Forecast Year End Variance
(5)	(6)	(7)	(8)	(9)
£'000	£'000	£'000	£'000	£'000
3,532	1,808	1,612	(196)	0
(874)	(313)	(56)	257	0
1,025	500	570	70	180
(1,206)	(593)	262	855	100
414	299	548	249	300
1,508	724	816	92	0
4,399	2,425	3,752	1,327	580
74	37	31	(6)	0
(88)	(44)	(75)	(31)	0
62	31	0	(31)	0
48	24	(44)	(68)	0
4,447	2,449	3,708	1,259	580

Savings Programme at Risk	Pressures
(10)	(11)
£'000	£'000
0	0
0	0
0	180
100	0
0	300
0	0
100	480
0	0
0	0
0	0
0	0
100	480

0	0	0	0	0
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0	0
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4,447	2,449	3,708	1,259	580
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100	480
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Savings Programme and Tracker at Month 6 (end September) 2015/16

		Progress against specific Savings with Actions Required				
	Total Programme 2015/16	Actions in place to fully achieve Savings	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)
	£'000	£'000	£'000	£'000	£'000	£'000
Environmental Health	(172)	(172)	0	0	0	(172)
Licensing and Enforcement	(339)	(339)	0	0	0	(339)
Mortuary and Coroners	(283)	0	0	(283)	0	(283)
Pest Control	(1,300)	0	(1,200)	0	(100)	(1,300)
Registrars	(100)	(100)	0	0	0	(100)
Trading Standards	(122)	(122)	0	0	0	(122)
Regulatory Services	(2,316)	(733)	(1,200)	(283)	(100)	(2,316)
Highways Regulatory	0	0	0	0	0	0
Surveying Services	0	0	0	0	0	0
Access and Deveopment	0	0	0	0	0	0
Highways Services	0	0	0	0	0	0
Total Savings Programme	(2,316)	(733)	(1,200)	(283)	(100)	(2,316)

Reserves and Balances	Entertainment Licensing	Hackney Carriage and Private Hire	Illegal Money Lending Team	PoCA Trading Standards	PoCA Illegal Money Lending	Total Ringfenced Reserves	General Balances	Total Reserves and Balances
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000
Reserves and Balances Brought Forward 01 April 2014	(152)	(341)	(279)	(286)	(189)	(1,247)	0	(1,247)
Appropriations to Reserves during 2014/15	0	0	0	(54)	(48)	(102)	0	(102)
Appropriations from Reserves on 31 March 2015	235	0	0	133	96	464	0	464
Appropriations to Reserves on 31 March 2015	0	(227)	(110)	(77)	(61)	(475)	0	(475)
Net Movements 2014/15	235	(227)	(110)	2	(13)	(113)	0	(113)
Reserves and Balances Brought Forward 01 April 2015	83	(568)	(389)	(284)	(202)	(1,360)	0	(1,360)
Transactions to/from Balances 2015/16								
Appropriations (to) and from Reserves in 2015/16	0	0	0	(118)	(88)	(206)	0	(206)
Net Movements 2015/16	0	0	0	(118)	(88)	(206)	0	(206)
Total as at 30th September 2015	83	(568)	(389)	(402)	(290)	(1,566)	0	(1,566)
Each account is strictly ring fenced in accordance with legislation								

BIRMINGHAM CITY COUNCIL

LICENSING AND PUBLIC PROTECTION COMMITTEE

18 NOVEMBER 2015

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 to be submitted December 2015.
387(ii) 16/07/2014	<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	Information to be submitted December 2015
455 21/01/2015	<u>Smartphone Technology</u> – Service Director of Regulation and Enforcement to submit a report on the use of Smartphone Technology in the private hire sector and impact on Committee policies.	Verbal update November 2015
496 (ii) 15/04/2015	<u>Cumulative Impact Policy</u> – Service Director of Regulation and Enforcement to report on the implementation of Cumulative Impact Policies for the Digbeth Area, Erdington High Street and parts of Stratford Road and Ladypool Road (known as the Balti Triangle).	See Agenda Item 4
538 (ii) 15/07/2015	<u>Tuberculosis Cases within Birmingham</u> Service Director of Regulation and Enforcement to report on the data regarding Tuberculosis cases within Birmingham.	See Agenda Item 6
539 (iv) 15/7/2015	<u>Budget Monitoring and Budget Pressures 2015-2016</u> That the Director of Regulation and Enforcement and the Director of Finance submit a report on the over expenditure in the budget as at Month 2 and to inform the Committee of the precise status of the budget to date.	See Agenda Item 12

