

**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, 12 APRIL 2017 AT 10:00 HOURS**  
**IN COMMITTEE ROOMS 3 & 4, COUNCIL HOUSE, VICTORIA**  
**SQUARE, BIRMINGHAM, B1 1BB**

**A G E N D A**

**1 NOTICE OF RECORDING/WEBCAST**

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

**2 APOLOGIES**

To receive any apologies.

**3 - 10**

**3 MINUTES**

To confirm and sign the Minutes of the last meeting held on 15 March 2017.

**11 - 24**

**4 REVIEW OF CHARGES FOR HIGHWAY SERVICES FOR 2017/2018**

Report of the Assistant Director, Highways & Infrastructure

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**5 REGULATION AND ENFORCEMENT SERVICE PLAN 2017/2018**

Report of the Acting Director of Regulation and Enforcement

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**6 CONDITIONS OF LICENCE FOR PRIVATE HIRE OPERATORS**

Report of the Acting Director of Regulation and Enforcement

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<b><u>217 - 238</u></b>	9	<b><u>REGULATING FACE TO FACE FUNDRAISING INSTITUTE OF FUNDRAISING SITE MANAGEMENT AGREEMENT</u></b>	Report of the Acting Director of Regulation and Enforcement
<b><u>239 - 242</u></b>	10	<b><u>ACTIONS TAKEN BY THE CHAIR OF THE LICENSING &amp; PUBLIC PROTECTION COMMITTEE: MARCH-APRIL 2017</u></b>	Report of the Acting Director of Regulation and Enforcement
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<b><u>267 - 270</u></b>	13	<b><u>OUTCOME OF APPEALS AGAINST SUB COMMITTEE DECISIONS: FEBRUARY 2017</u></b>	Report of the Acting Director of Regulation and Enforcement
<b><u>271 - 272</u></b>	14	<b><u>SCHEDULE OF OUTSTANDING MINUTES</u></b>	To consider the Schedule of Outstanding Minutes.
	15	<b><u>OTHER URGENT BUSINESS</u></b>	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.
	16	<b><u>AUTHORITY TO CHAIRMAN AND OFFICERS</u></b>	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  
15 MARCH 2017**

**MINUTES OF A MEETING OF THE LICENSING  
AND PUBLIC PROTECTION COMMITTEE HELD  
ON WEDNESDAY 15 MARCH 2017 AT 1000  
HOURS IN COMMITTEE ROOMS 3 AND 4,  
COUNCIL HOUSE, BIRMINGHAM**

**PRESENT:** - Councillor Barbara Dring in the Chair;

Councillors Bob Beauchamp, Alex Buchanan, Lynda Clinton,  
Neil Eustace, Des Flood, Jayne Francis, Penny Holbrook,  
Nagina Kauser, Mike Leddy, Gareth Moore and Habib  
Rehman.

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**NOTICE OF RECORDING**

818 The Chair advised that the meeting would be webcast for live and subsequent broadcast via the Council's internet site ([www.birminghamnewsroom.com](http://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.

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**APOLOGIES**

819 Apologies were received from Councillors Nawaz Ali, Basharat Dad and Rob Sealey for their inability to attend the meeting.

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**MINUTES**

820 The Minutes of the meeting held on 15 February 2017, having been previously circulated, were confirmed as a correct record and signed by the Chairman.

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**CONTROL OF SEX ESTABLISHMENTS - SEXUAL ENTERTAINMENT  
VENUE, MISCHKAS/CYCLONE CLUB, 192-194 BROAD STREET,  
BIRMINGHAM B15 1AY**

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

(See document No. 1)

The following people were in attendance for the hearing.

Sarah Clover – Barrister acting for the applicant  
Michelle Monaghan – Licence holder

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

Sarah Clover, on behalf of the applicant, made the following comments in respect of the application:-

- (a) The premises had been licenced for a number of years and was located suitably as 1 of the 8 premises with a Sexual Entertainment Venue (SEV) licence within the area bounded by the ring-road.
- (b) The licence transfer was being sought for pragmatic purposes and did not involve any operational changes.
- (c) With regard to paragraph 3.6 of the report, she wished to draw attention to a correction – the entertainment took place on the ground floor and first floor.
- (d) Full consultation had been undertaken and there were no objections from West Midlands Police, enforcement officers or members of the public.

In response to questions from Members of Committee, Sarah Clover and Michelle Monaghan made the following comments:-

- (a) Mischkas and the Cyclone Club existed within one building, but had separate entrances and traded separately. The transfer would bring the licence in line with the named company on the rates and bills for the premises. The company had existed for some time.
- (b) Mischkas was not covered by the SEV licence, which related to the Cyclone Club only. The additional rules made the rules more comprehensive and protected the performers. They covered fees, but emphasised that prostitution and drugs were not allowed. There had not been an issue, but the additional rules provided clarification. Fees had not been increased.



- (c) 4 employees worked at the premises, along with 5 or 6 dancers who were self-employed. The premises were complying with safeguarding regulations and there had been no issues regarding advertising.
- (d) There had not been any relevant changes relating to the regeneration of the area and Broad Street continued to be an entertainment hub.

Sarah Clover advised that she did not wish to give a summing up of the case.

At 1028 hours, the Committee adjourned and the Chairman requested that all present, with the exception of the Members, the Committee Lawyer, the Committee Manager and the web streaming operator, withdraw from the meeting.

After an adjournment, all parties together with officers and members of the public were recalled to the meeting at 1033 hours and a summary of the decision of the Sub-Committee was announced. All parties were advised that the full decision would be forwarded to them within five working days and is set out as follows:-

821

**RESOLVED:-**

**Preamble**

An application was received for the simultaneous transfer and renewal of the Sexual Entertainment Venue (SEV) Licence granted to Michelle Monaghan in respect of premises known as Mischkas / Cyclone Club, 192 – 194 Broad Street, Birmingham B15 1AY.

In the absence of any observations or objections, and or any reason to refuse the renewal in accordance with Schedule 3 Local Government (Miscellaneous Provisions) Act 1982, officers have delegated authority to renew the licence and have chosen to do so following today's determination by Committee. Officers do not have delegated authority to approve the transfer element of the application, which must be determined by the Committee in accordance with the scheme of delegations.

**Substantive Decision of Committee**

That the application by Mischkas Limited for the transfer of a Sexual Entertainment Venue licence under the Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009 in respect of Mischkas/Cyclone Club, 192-194 Broad Street, Birmingham B15 1AY **BE GRANTED.**

The Sexual Entertainment Venue licence in respect of the above premises was held in the name of Michelle Monaghan but following the Committee's determination today will be transferred into the name of Mischkas Limited.

In reaching this decision, the Sub-Committee has given due consideration to the City Council's Sexual Entertainment Venue Policy, the information

contained in the application, the written representations received and the submissions made at the hearing by the applicant and their legal adviser.

Under the provisions contained within Schedule 3, paragraph 27 of The Local Government (Miscellaneous Provisions) Act 1982, there is the right of appeal against the decision of the Licensing Authority to the Magistrates' Court, such an appeal to be made within twenty-one days of the date of notification of the decision.

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**LICENSING AND PUBLIC PROTECTION – BUDGET MONITORING  
PROVISIONAL OUTTURN (MONTH 10) 2016/17**

The following joint report of the Acting Director of Regulation and Enforcement and the Strategic Director – Finance and Legal was submitted:-

(See document No. 2)

Officers made introductory comments relating to the report and responded appropriately to Members' questions.

It was unanimously-

822

**RESOLVED:-**

- (i) That the latest Revenue budget position at the end of January 2017 (Month 10) and Provisional Outturn as detailed in Appendix 1 to the report be noted;
- (ii) that the position with regard to the Savings Programme for 2016/17 as detailed in Appendix 2 to the report be noted;
- (iii) that the expenditure on grant funded programmes in Appendix 3 to the report be noted;
- (iv) that the position on reserves and balances as detailed in Appendix 4 to the report be noted.

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**LICENSING AND PUBLIC PROTECTION – REVENUE BUDGET 2017/18**

The following joint report of the Acting Director of Regulation and Enforcement and the Strategic Director – Finance and Legal was submitted:-

(See document No. 3)

Officers made introductory comments relating to the report and responded appropriately to Members' questions.

It was unanimously-

823

**RESOLVED:-**

- (i) That the 2017/18 Revenue Budget Changes as detailed in Appendix 1 to the report be noted;
  - (ii) that the 2017/18 Service and Subjective Budget in Appendix 2 to the report be noted;
  - (iii) that the 2017/18 Provisional Budget 2017/18 to 2020/21 in Appendix 3 to the report be noted;
  - (iv) that the 2017/18 budgeted employee establishment as detailed in Appendix 4 to the report be noted;
  - (v) that the latest 2017/18 Balances and Reserves position as detailed in Appendix 5 to the report be noted.
- 

**TRANSITIONAL ARRANGEMENTS FOR DESIGNATED PUBLIC PLACES AND DOG CONTROL ORDERS**

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

(See document No. 4)

Mark Croxford, Head of Environmental Health, made introductory comments relating to the report. He responded to comments and questions from Members. In particular, he undertook to clarify the timescale for changes after the meeting, to clarify the fines relating to dog control and to investigate concerns regarding enforcement tickets being available to Police Officers.

Subject to the above clarifications, it was unanimously-

824

**RESOLVED:-**

- (i) That all existing Designated Public Place Orders be revoked, with effect from 30<sup>th</sup> September 2017;
  - (ii) That all signage relating to the Designated Public Place Orders be removed as soon as is reasonably practicable following the cessation of the Orders;
  - (iii) That Officers commence the process of applying for Public Space Protection Orders, to replicate as closely as possible the protections and requirements currently provided by the Dog Control Orders.
-

**OUTCOME OF APPEALS AGAINST SUB COMMITTEE DECISIONS  
DURING JANUARY 2017**

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

(See document No. 5)

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

825 **RESOLVED:-**

That the report be noted.

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**PROSECUTIONS AND CAUTIONS JANUARY 2017**

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

(See document No. 6)

Alison Harwood, Acting Director Regulation and Enforcement, made introductory comments relating to the report. Members expressed their gratitude for the enforcement actions taken by officers and for action taken to move travellers occupying land at Shenley Court School.

826 **RESOLVED:-**

That the report be noted.

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**FIXED PENALTY NOTICES ISSUED JANUARY 2017**

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

(See document No. 7)

Mark Croxford, Head of Environmental Health, made introductory comments relating to the report and responded to Members' questions.

827 **RESOLVED:-**

That the report be noted.

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**SCHEDULE OF OUTSTANDING MINUTES**

The following schedule of Outstanding Minutes was submitted:-

(See document No. 8)

Alison Harwood, Acting Director Regulation and Enforcement, advised Members that a report in relation to Outstanding Minute No. 648 was intended to be submitted in April 2017.

With reference to Outstanding Minute No. 651, the report was dependent on the Clean Air Policy and the Head of Licensing was trying to arrange to meet with neighbouring authorities. Therefore, the date for submission of that report was to be confirmed.

With regard to Outstanding Minute No. 720, the report was due to be submitted in April 2017. Members noted concern expressed by Councillor Gareth Moore that it was important that the report was not deferred, but was submitted to that meeting.

Alison Harwood informed Members that a report in relation to Outstanding Minute No.811 was due to be submitted to the Committee in June 2017.

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**RESOLVED:-**

That all Outstanding Minutes be continued.

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**OTHER URGENT BUSINESS**

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

**Birmingham City Football Club Safety Advisory Group**

Councillor Lynda Clinton advised Members that a problem had occurred with a Member being unable to attend meetings of the Safety Advisory Group for Birmingham City Football Club, to which they had been appointed, and that she had raised that problem with the Leader of the Conservative Group.

In view of the ongoing difficulty, Councillor Neil Eustace had offered to attend the meetings and she proposed that he be appointed as an opposition representative. The proposal was seconded by Councillor Alex Buchanan.

Councillor Gareth Moore expressed concern that consideration should have been given to the possibility of changing the meetings dates from Thursday mornings.

The Chair noted that there were no other nominations and, on putting the vote to a show of hands, it was

829

**RESOLVED:-**

That Councillor Neil Eustace be appointed as an opposition representative in place of Councillor Randal Brew.

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**AUTHORITY TO CHAIRMAN AND OFFICERS**

830

**RESOLVED:-**

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

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The Committee ended at 1130 hours.

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CHAIRMAN

## **BIRMINGHAM CITY COUNCIL**

### **REPORT OF THE ASSISTANT DIRECTOR, HIGHWAYS & INFRASTRUCTURE TO THE LICENSING & PUBLIC PROTECTION COMMITTEE**

**12<sup>TH</sup> APRIL 2017**

**ALL WARDS**

#### **REVIEW OF CHARGES FOR HIGHWAY SERVICES FOR 2017/2018**

#### **1 SUMMARY**

- 1.1 This report deals with the annual review of fees and charges for Highway Services within the delegations of this Committee.

#### **2 RECOMMENDATIONS**

- 2.1 That the fees and charges set out in Appendix 1 are approved as follows:
- City Council retained fees and charges with effect from 12<sup>th</sup> April 2017
  - Highways Maintenance and Management Private Finance Initiative (HMMPFI) Service Provider, Amey retained fees and charges with effect from 7<sup>th</sup> June 2017

#### **3 BACKGROUND**

- 3.1 The City Council's Financial Regulation 15.2 requires that Chief Officers, at least annually, report to and seek approval from Committee on a review of fees and charges levied for services provided. The last review for Highways Services was approved by the Public Protection Committee on 20<sup>th</sup> April 2017.
- 3.2 Following commencement of the Highway Maintenance and Management PFI Contract in June 2010, specific permits, under the legislation shown in Table 1 below, are prepared by the Council's Highway Maintenance and Management Service Provider, Amey.

Under the terms of the Highway Maintenance and Management PFI Contract, Amey is entitled to retain the fee / charge associated with the issue of certain permits. Table 1 below identifies the fee recipient for different permit types;

**Table 1. Recipient of fees and charges**

<b>Statutory Basis</b>	<b>Fee Recipient</b>
<b>Highways Act 1980:</b>	-
Section 115E – Street Cafés/ Objects or Structures	Authority
Section 139 – Placement of Skips in the Highway	Authority
Section 142 – Plant and Maintain Trees Shrubs etc. in the Highway	Authority
Section 169 – Scaffolding and Cranes	Service Provider
Section 171 – Deposit of materials on the highway	Service Provider
Section 172 - Hoarding	Authority
Section 177 – Oversailing the Highway	Service Provider
Section 184 – Carting Over (Temporary Access)	Service Provider
<b>New Roads and Street Works Act (NRSWA) 1991:</b>	-
Section 50 - Licence for Private Apparatus in the Highway	Authority

3.3 The key points in relation to this are:

- For those permits where Amey retains the fees, this is at a level agreed between the City Council and Amey;
- The setting of the levels of fees and charges retained by the Authority for such permits ultimately remains a matter for this Committee;
- The contract restricts the maximum level of increase that Amey may request to the previous rate plus the HMMPFI contractual index (RPIx). This increase is contractually linked to the contract anniversary in June of each year; This increase is capped at 2.86% (January 17 Index) for 2017/18 but may be rounded up for clarity.
- Those fees and charges received by the Service Provider are therefore contractually controlled and are not able to be amended by the committee. They are included for the committee to note.

## **4 PROPOSALS**

- 4.1 The fees and charges covered by this report have been reviewed in line with the Corporate Charging Policy. The fees retained by the Service Provider Amey are to be increased by 2.86% in line with the HMMPFI contractual requirements. Those retained by the Authority are to be increased by 4.58% to allow for inflation, the additional costs of superannuation, national insurance and pay award. These fees and charges, which have been rounded for ease of use, have been provided in Appendix 1 of this report.
- 4.2 The fees and charges have been compared to those of neighbouring West Midlands local authorities and UK Cities for similar services. The picture between different authorities is a varied one, with some different charging structures and different charges. The proposed charges are not significantly disparate to those of other authorities.
- 4.3 No changes such as additional fees, removed fees or altered pricing structures are proposed.
- 4.4 Where new objects or structures are to be installed by third parties on the highway under s115E Highways Act 1980, a fee is added to cover the costs of this licence. Due to the wide variety of items that could be installed and the different locations these are included simply 'at cost' that will be determined on a case by case basis.

## **5 IMPLICATIONS FOR RESOURCES**

- 5.1 Based on estimated usage of services, it is envisaged that implementation of the proposed fees and charges will generate sufficient income to meet budgeted income levels for 2017/18. The proposed fees and charges outlined in appendix 1 are estimated to increase income to the City Council by approximately £12,000 which will cover the associated increase in costs.

## **6 CONSULTATION**

A draft version of this report was presented to the Deputy Leader's Star Chamber on 9<sup>th</sup> March 2017. Senior officers and the Cabinet Member for Transport and Roads have also been consulted.

## **7 IMPLICATIONS FOR POLICY PRIORITIES**

- 7.1 The recommendations contained within this report are in accordance with Financial Regulations, the requirement to balance the Budget and the Corporate Charging Policy.
- 7.2 The extent to which the charges for the services covered by this report comply with the detailed requirements of the Corporate Charging Policy identified attached in Appendix 2.



## **8 IMPLICATIONS FOR EQUALITY AND DIVERSITY**

- 8.1 Following an initial equalities assessment (Appendix 3) no specific implications have been identified for equality and diversity.

### **Appendices:**

- Appendix 1: List of Proposed Revised Fees and Charges
- Appendix 2: Compliance with the City Council's Corporate Charging Policy
- Appendix 3 : Equalities Analysis (**DRAFT awaiting Quality Checking**)
- Appendix 4: Public Sector Duty Statement Equality Act 2010.

### **Background Papers:**

- Corporate Charging Policy

### **Contact Officers**

#### **Kevin Hicks**

Assistant Director Highways & Infrastructure  
kevin.hicks@birmingham.gov.uk

#### **Simon Ansell, Head of City Finance**

Tel: 0121 464 9124  
E-mail: simon.ansell@birmingham.gov.uk

#### **Paul O'Day, Street Services Manager**

Tel: 0121 303 7412  
E-Mail: paul.o'day@birmingham.gov.uk

**CONSIDERATION OF POLICY REQUIREMENT OF CORPORATE CHARGING POLICY**

<b>POLICY REF</b>	<b>CORPORATE CHARGING POLICY REQUIREMENT</b>	<b>LICENSES AND PERMITS</b>
3a	Distinguished between controllable & non-controllable charges (Set by Government)	Controllable
3c	Considered/identified subsidies	No subsidies
3d	Budget adjusted to reflect policy objectives	Not applicable
3e	Differential charging considered	Not applicable
3f	Charges compared with competitors	Not Applicable
3b	Maximises income, covers full cost	Covers cost
4	Discretionary services not charged for considered	Not applicable
7a	Charges simple to understand and administer	Yes
7b	Service users understand charges / payment method before service provided	Yes
7c	Method of payment considered	Yes
8a	Charges updated at least annually	Yes
8b	Charges take account of what market will bear	Yes, where applicable
8c	3 year Corporate Review of concessionary schemes	Not applicable



## Equality Analysis

### Birmingham City Council Analysis Report

EA Name	Licensing And Public Protection Highway Fees And Charges 2017/18
Directorate	Economy
Service Area	Economy - Highways & Infrastructure
Type	Reviewed Policy
EA Summary	Review of fees and charges for highways licencing functions for 2017/18
Reference Number	EA001892
Task Group Manager	dominic.waller@birmingham.gov.uk
Task Group Member	
Date Approved	2017-04-03 00:00:00 +0100
Senior Officer	lesley.edwards@birmingham.gov.uk
Quality Control Officer	hilarly.mills@birmingham.gov.uk

#### Introduction

The report records the information that has been submitted for this equality analysis in the following format.

#### Initial Assessment

This section identifies the purpose of the Policy and which types of individual it affects. It also identifies which equality strands are affected by either a positive or negative differential impact.

#### Relevant Protected Characteristics

For each of the identified relevant protected characteristics there are three sections which will have been completed.

- Impact
- Consultation
- Additional Work

If the assessment has raised any issues to be addressed there will also be an action planning section.

The following pages record the answers to the assessment questions with optional comments included by the assessor to clarify or explain any of the answers given or relevant issues.

## 1 Activity Type

The activity has been identified as a Reviewed Policy.

## 2 Initial Assessment

### 2.1 Purpose and Link to Strategic Themes

#### What is the purpose of this Policy and expected outcomes?

The purpose is for the highway department with guidance from finance and legal to review the fees charged by the Highway Authority for licencing activity such as scaffolding and skips on the highway. This review takes place annually to ensure that fees are fair and meet the corporate charging policy. In the context of the equalities assessment, it reviews annually whether charges are likely to be unfairly applied with particular regard of those with protected characteristics. It also touches on whether those services charged for are likely to be provided in an unfair way because of the charge. The expected outcome is that the charges for 2016/17 will be increased in line with inflation and uplifted to meet staffing cost increases to create new charges for the 2017/18 financial year starting in April 2017.

For each strategy, please decide whether it is going to be significantly aided by the Function.

Children: A Safe And Secure City In Which To Learn And Grow	Yes
Health: Helping People Become More Physically Active And Well	Yes
Housing : To Meet The Needs Of All Current And Future Citizens	Yes
Jobs And Skills: For An Enterprising, Innovative And Green City	Yes

### 2.2 Individuals affected by the policy

Will the policy have an impact on service users/stakeholders?	Yes
Will the policy have an impact on employees?	Yes
Will the policy have an impact on wider community?	Yes

### 2.3 Relevance Test

Protected Characteristics	Relevant	Full Assessment Required
Age	Not Relevant	No
Disability	Not Relevant	No
Gender	Not Relevant	No
Gender Reassignment	Not Relevant	No
Marriage Civil Partnership	Not Relevant	No
Pregnancy And Maternity	Not Relevant	No
Race	Not Relevant	No
Religion or Belief	Not Relevant	No
Sexual Orientation	Not Relevant	No

### 2.4 Analysis on Initial Assessment

The charges have been reviewed by Highways, Finance and Legal for fees to be increased from 2016/17 to 2017/18 in relation to inflation and increases in staff overheads. This increase is currently set at 4.73% and rounded up for clarity.

The fees and charges are reviewed annually for Highways and generally increase in approximate relation to inflation. All fees are charged on an equal basis and do not discriminate or affect an individual group in a differential or negative way.

Fees are largely charged to business customers and applied to organisations rather than individuals. Consequently there is believed to be no impact on individuals or their characteristics. For example, a company will apply for a crane licence and the determining factors are how the operation is managed, whether safety has been considered, whether access is provided or controlled on the highway and if the operation is insured. At no point is an individual person or any characteristic considered affected unfairly by the charge.

### **3 Full Assessment**

The assessment questions below are completed for all characteristics identified for full assessment in the initial assessment phase.

#### **3.1 Concluding Statement on Full Assessment**

The fees and charges for Highways 2017-18 are chargeable to all persons on an equal basis and will not adversely affect any individual group with a protected characteristic or otherwise.

The fee structure has not changed significantly from previous years but has been indexed to cover the cost of inflation and staff overhead increases.

All fees are made public via committee agendas and the report is published on the website each year. In this time no complaints or comments have been received. The fees in this years report do not differ significantly from previous years.

Colleagues within BCC finance and Legal have been consulted and no concerns have been highlighted.

### **4 Review Date**

01/02/18

### **5 Action Plan**

There are no relevant issues, so no action plans are currently required.

### Equality Act 2010

The Executive must have due regard to the public sector equality duty when considering Council reports for decision.

The public sector equality duty is as follows:

1	<p>The Council must, in the exercise of its functions, have due regard to the need to:</p> <ul style="list-style-type: none"> <li>(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by the Equality Act;</li> <li>(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;</li> <li>(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.</li> </ul>
2	<p>Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:</p> <ul style="list-style-type: none"> <li>(a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;</li> <li>(b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;</li> <li>(c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.</li> </ul>
3	<p>The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.</p>
4	<p>Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:</p> <ul style="list-style-type: none"> <li>(a) tackle prejudice, and</li> <li>(b) promote understanding.</li> </ul>
5	<p>The relevant protected characteristics are:</p> <ul style="list-style-type: none"> <li>(a) age</li> <li>(b) disability</li> <li>(c) gender reassignment</li> <li>(d) pregnancy and maternity</li> <li>(e) race</li> <li>(f) religion or belief</li> <li>(g) sex</li> <li>(h) sexual orientation</li> </ul>





Licensing & Public Protection Committee							Appendix 1
Highways Related Fees & Charges 2017/18			Note those Charges determined by the service provider are contractually controlled and are unable to be amended by the committee. They are included for the committee to note.				
Who Recieves the Charge	Statutory Basis	Service Area and Description of Chargeable Item	Further details relating to charge	Duration	16/17 Charge (excl VAT)	17/18 Charge (excl VAT)	VAT status
	<b>Highway Related Charges</b>						
		<b>Highway Licences</b>					
Authority	NRSWA 1991, s50	New licence for private services in highway		until 2035	£ 740.00	£ 775.00	Non Business (0%)
Authority	NRSWA 1991, s50	Additional inspection fee for over 200 metres	Inspection fee for private services	until 2035	£ 175.00	£ 185.00	Non Business (0%)
Service Provider	HA 1980, s177	New licence for overhanging canopies etc on public highway			£ 740.00	£ 765.00	Non Business (0%)
Service Provider	HA 1980, s177	Amendment to existing canopy etc licence			£ 405.00	£ 420.00	Non Business (0%)
		<b>Street Café Licences</b>					
Authority	HA 1980, s115E	Up to 5 tables	Single location		£ 750.00	£ 785.00	Non Business (0%)
Authority	HA 1980, s115E	5 tables or more	Single location		£ 1,100.00	£ 1,155.00	Non Business (0%)
		<b>Objects or Structures on or in Highway</b>					
Authority	HA 1980, s115E	New Licence to place objects on highway	Single location (new item)		-	at cost	Non Business (0%)
		<b>Licence to plant trees, shrubs, etc., in a highway.</b>					
Authority	HA 1980, s142	New License to plant and maintain vegetation in highway.	per application ( <b>new item</b> )		at cost	at cost	Non Business (0%)
		<b>Highway Permits</b>					
Service Provider		Application Fee (non refundable)	Where permit is granted by Authority		£ 75.00	£ 80.00	Non Business (0%)
Authority		Application Fee (non refundable)	Where permit is not granted by Authority		£ 75.00	£ 80.00	Non Business (0%)
		<b>Individual Permits Fee</b>					
Service Provider	HA 1980, s169	Scaffolding	Single location payable on approval	Up to 4 weeks	£ 140.00	£ 145.00	Non Business (0%)
Authority	HA 1980, s172	Hoarding	Single location payable on approval	Up to 4 weeks	£ 140.00	£ 145.00	Non Business (0%)
Service Provider	HA 1980, s184	Carting Over (Temporary Access)	Single location payable on approval	Up to 4 weeks	£ 140.00	£ 145.00	Non Business (0%)
Service Provider	HA 1980, s171	Deposit of Materials	Single location payable on approval	Up to 4 weeks	£ 140.00	£ 145.00	Non Business (0%)
Service Provider	HA 1980, s169	Crane	Single location payable on approval	1 day	£ 65.00	£ 70.00	Non Business (0%)
Service Provider	HA 1980, s169	Crane	Single location payable on approval	2 to 28 days	£ 140.00	£ 145.00	Non Business (0%)
Service Provider	HA 1980, s171	Excavation	Single location payable on approval	Up to 4 weeks	£ 140.00	£ 145.00	Non Business (0%)
		<b>Permits for Projects with a Value up to £1million:</b>					
Service Provider	HA 1980, s169	Scaffolding	Single location payable on approval	Over 28 days	£ 355.00	£ 365.00	Non Business (0%)
Authority	HA 1980, s172	Hoarding	Single location payable on approval	Over 28 days	£ 355.00	£ 365.00	Non Business (0%)
Service Provider	HA 1980, s184	Carting Over (Temporary Access)	Single location payable on approval	Over 28 days	£ 355.00	£ 365.00	Non Business (0%)
Service Provider	HA 1980, s169	Crane	Single location payable on approval	Over 28 days	£ 355.00	£ 365.00	Non Business (0%)
Service Provider	HA 1980, s171	Excavation	Single location payable on approval	Over 28 days	£ 355.00	£ 365.00	Non Business (0%)
Service Provider	HA 1980, s171	Deposit of Materials	Single location payable on approval	Over 28 days	£ 355.00	£ 365.00	Non Business (0%)
		<b>Additonal Street Frontages</b>					
Service Provider	HA 1980	Administration Fee per additional street frontage	per street		£ 75.00	£ 80.00	Non Business (0%)
		<b>Extension or Amendment to Permit</b>					
Service Provider	HA 1980	Administration Fee if less than 4 weeks	Partial Review of an approved permit		£ 75.00	£ 80.00	Non Business (0%)
		<b>Large Development Highways Permit</b>					
Authority	HA 1980	Project Value ≥£1million and over 4 weeks	% of scheme value		0.15%	0.15%	Non Business (0%)

Licensing & Public Protection Committee							Appendix 1	
Highways Related Fees & Charges 2017/18			Note those Charges determined by the service provider are contractually controlled and are unable to be amended by the committee. They are included for the committee to note.					
Who Recieves the Charge	Statutory Basis	Service Area and Description of Chargeable Item	Further details relating to charge	Duration		16/17 Charge (excl VAT)	17/18 Charge (excl VAT)	VAT status

Licensing & Public Protection Committee							Appendix 1
Highways Related Fees & Charges 2017/18			Note those Charges determined by the service provider are contractually controlled and are unable to be amended by the committee. They are included for the committee to note.				
Who Recieves the Charge	Statutory Basis	Service Area and Description of Chargeable Item	Further details relating to charge	Duration	16/17 Charge (excl VAT)	17/18 Charge (excl VAT)	VAT status
		<b>Retrospective Highway Permit Issue</b>					
Service Provider	HA 1980	Retrospective Highway Permit	Applicable where a permit has not been provided previously. To cover site inspection, retrospective review of operations and fast track permitting.		2 x equivalent preapproved total permit value	2 x equivalent preapproved total permit value	Non Business (0%)
		<b>Skip Placements on the Highway</b>					
Authority		Registration Fee	Company etc registration		No Charge	No Charge	Non Business (0%)
Authority	HA 1980, s139	Permit Fee	Per skip	7 days	£ 17.00	£ 18.00	Non Business (0%)



## **BIRMINGHAM CITY COUNCIL**

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

**12 APRIL 2017**  
**ALL WARDS**

### **REGULATION AND ENFORCEMENT SERVICE PLAN 2017/2018**

#### **1. Summary**

- 1.1 This report presents the service planning process for Regulation and Enforcement in terms of the Coroners and Mortuary, Environmental Health, Licensing, Registrars and Trading Standards services.
- 1.2 The resultant service plans for the period 2017/2018 in respect of Regulation and Enforcement are attached for your Committee's consideration and approval.
- 1.3 The service plans are strategic documents and as such reflect our response to corporate, national, regional and local priorities for those parts of the Regulation and Enforcement Services that report to your Committee as well as key performance data for those services.

#### **2. Recommendation**

- 2.1 That the Committee consider and approve the service plans as presented for 2017/2018, namely:
  - Appendix 1 Coroners and Mortuary
  - Appendix 2 Environmental Health
  - Appendix 3 Licensing
  - Appendix 4 Register Office
  - Appendix 5 Trading Standards

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### 3. Background

- 3.1 Each year your Committee receives the service plans in respect of the operational services within Regulation and Enforcement that are accountable to your Committee.
- 3.2 The purpose of the service plans is to set out how corporate, national, regional and local priorities identified for Regulation and Enforcement, together with stakeholders' requirements are to be achieved at a strategic level as well as identifying key performance data for those services.
- 3.3 The plans also provide information on the contextual background to Regulation and Enforcement and a current organisational assessment.

### 4. Regulation and Enforcement

- 4.1 Regulation and Enforcement are within the Place Directorate of the City Council. For the Place Directorate our aim is to make a positive difference every day to citizens lives and deliver an integrated approach to place management.
- 4.2 Within Regulation and Enforcement Our Mission Statement is - locally accountable and responsive fair regulation for all – achieving a safe, healthy, clean, green and fair trading city for residents, business and visitors.
- 4.3 As a workforce we work to the values of the City Council:  
**Put customers first** - Be empathetic and respectful.  
**Act courageously** - We lead, we manage and we tackle the difficult issues: everyday, everybody.  
**Be true to our word** - We make promises and we keep them.  
**Achieve excellence** - Get it right first time, every time.
- 4.4 Regulation and Enforcement provide an integrated range of services, a 'golden thread', throughout peoples' lives from cradle to grave, for example:
  - The Registrar's Service provides efficient registration of births.
  - Trading Standards ensure that the toys our children play with are safe.
  - Environmental Health and Health and Safety regulate standards in nurseries.
  - Environmental Health helps educate young people in relation to healthy eating and Health and Safety in the workplace to prepare them for adult life.
  - Trading Standards ensure that young people are protected from underage sales of tobacco, alcohol, fireworks, knives and solvents.
  - All services work through advice and assistance to consumers and businesses which provide the conditions for economic growth in the business sector to ensure a fair and well regulated trading environment. This enables local and national economic growth.

- All services, through firm, fair and proportionate enforcement, ensure that consumers and businesses are protected from those who seek to make profit at their expense – be it by removing counterfeit goods from the market place, prosecuting unlicensed ‘taxis’ or by tackling those who do not adequately protect people in the workplace.
- Environmental Health ensures that everyone’s wellbeing is protected, for example through inspection of food premises, monitoring air pollution levels and acting against those that threaten health.
- The Waste Enforcement Unit tackle issues relating to Littering, Flytipping, placarding and graffiti which impact adversely on people’s quality of life and the vibrancy of our neighbourhoods.
- The Licensing Service ensures that premises selling alcohol or where regulated entertainment is carried on are properly licensed as are hackney carriage, private hire drivers and those operating such businesses in the city assuring public safety throughout.
- The Registrar’s Service enables marriages and civil partnerships to take place in the City and welcome new citizens through regular citizenship ceremonies.
- The vulnerable, for example, older citizens are protected from rogue builders and those in care homes are protected from identified hazards including scalding and accidents.
- At the end of life, the Coroners and Mortuary and Registrars services provide valued caring, empathetic and efficient services to help provide closure for bereaved families assuring that dignity is maintained throughout for the deceased.

#### 4.5 Regulation and Enforcement’s impacts are felt nationally, regionally, locally and individually, for example:

- At a national level, our services are represented on government and national bodies to influence the direction of legislation to protect our citizens and economic interests. We also host the England Illegal Money Lending Team.
- Regionally services work synergistically with other local authorities to address cross boundary issues. We work in the Greater Birmingham and Solihull Local Enterprise Partnership (LEP) to assist in the economic growth of the region and our services also work within the Central England Trading Standards Authorities (CENTSA) on joint activity across the seven West Midlands local authorities and the seven adjoining County authorities.
- At a city level, we ensure that all of the services that we provide are in support of the City’s Sustainable Communities Strategy, the Council Plan’s Strategic Outcomes, the Leader’s Policy Statement and the Future Council programme.
- We work to deliver our services at a local level in a manner responsive to the needs of the community – for example the setting up of no cold calling zones in areas of high distraction burglaries etc.
- Regulation and Enforcement work in partnership at a local level with many organisations in the private, public and voluntary sectors,

contributing significantly to enable those organisations to achieve their respective strategic objectives, this includes the Police and Fire Service through to Business Improvement Districts and local volunteering groups.

- Much of our service provision is driven by the needs of individuals who approach us for assistance. We provide a bespoke, tailor made, locally delivered, individual service to meet the individual's needs, we communicate through their preferred channel, ensure that they are kept update of progress at times to suit them and have the flexibility to deal with their issues in the most effective manner to achieve their desired outcome.
- We are an important partner in the delivery of the Health Agenda working closely with Public Health colleagues.

#### 4.6 Regulation and Enforcement – Legislative Framework

As an enforcement body Regulation and Enforcement is itself regulated both in terms of the legislation that is enforced on behalf of your Committee (over 130 Acts of Parliament and many more regulations and Orders) and through specific legislation which governs all investigative activities such as the Police and Criminal Evidence Act (PACE) and the Regulation of Investigatory Powers Act (RIPA).

The complex requirements on Regulation and Enforcement in relation to investigating offences, gathering evidence, preparing and presenting cases at Magistrates and Crown Courts are the same as those applied to the Police. This requires our officers to be suitably qualified and competent to investigate offences and prepare prosecution reports to ensure that at court the required burden of proof (beyond all reasonable doubt) is provided and offenders successfully prosecuted. Any failure of our prosecutions would leave us open to accusations of wasting resources, adverse publicity and the possibility of paying compensation.

Prosecution is the last resort in relation to dealing with non compliance. Our published Enforcement Policy, which complies with the Code for Crown Prosecutors and Regulators Compliance Code, details how we attempt to achieve compliance with legislation. We advise businesses on how to comply, we assist them in establishing mechanisms to comply, we issue Notices requiring compliance and only as a last resort do we use the Courts. We also use prevention methods to protect businesses' economic interests, the removal of counterfeit goods prevents losses to legitimate businesses, promotes real economic growth and prevents future offences.

We operate within the legislative framework that applies to all public bodies including freedom of information legislation, the duty to involve and legislation dealing with equality, diversity and discrimination.

To ensure that we achieve the high standards that are required to achieve this level of excellence in enforcement, Regulation and Enforcement operates a



robust set of policies and procedures within the accredited quality management system - this ensures competent officers and proven processes.

Intelligence led enforcement leading to well regulated manufacturing, retail and service sectors creates the environment to benefit the city's economic prosperity and its citizens' wellbeing.

Regulation and Enforcement will continue to maximise the impact of our powers as delegated and build upon the opportunities associated to our Well Being powers.

The Registration Service is governed by the Registrar General's Regulations and Instructions and we are committed to delivering our services to the highest standards consistent with the requirements of the City Council and the Registrar General.

## 5. Service Plans 2017/2018

- 5.1 The service plans of the individual service areas within Regulation and Enforcement, at Appendices 1-5, detail the services that are provided together with outcomes, measures and targets in respect of the specific services to be delivered in 2017/2018. They also set out the significant numbers of interactions that Regulation and Enforcement have with businesses and consumers during the year.
- 5.3 Each service plan demonstrates how it represents improvements in the services to be delivered. The plans also include details of the resources available to deliver the planned services.
- 5.4 All of the services provided by Regulation and Enforcement are delivered under the Governments' Customer Service Excellence Standard which forms the basis of our compliance with the statutory duty to inform, consult and involve. Investors in People accreditation and, for some services, ISO 9000 accreditation provides further assurance and independent assessment of the quality of services delivered.
- 5.5 Over the year ahead Regulation and Enforcement will continue to work with partners on key issues to maximise the use of our resources to deliver the best outcomes for Birmingham, this is detailed in the individual service plans.

## 6. Consultation

- 6.1 The service plans presented reflect the decisions taken through the Service Review process and the future council workstreams and all the plans relate directly to the Council's and Leader's priorities.

## 7. Implications for Resources

- 7.1 The service plan commitments are designed to be accommodated within the resources currently available to your Committee.
- 7.2 In relation to your Committee these include externally provided ring fenced funding, including:
- The Illegal Money Lending Project is funded through the Department for Business Innovation and Skills.
  - The regional Scambusters team is funded through National Trading Standards.
  - Contaminated Land assessment and remediation works are funded by the Department for the Environmental Food and Rural Affairs.
- 7.3 The majority of the services within Licensing are funded through licence fees which are ring fenced by legislation.
- 7.4 The savings for 2017/2018 are reflected in the budget set for the Committee.

## 8. Implications for Policy Priorities

- 8.1 Service plans flow from and support the Leaders Policy Statement areas and the Council Plan and other national and corporate priorities.

## 9. Implications for Equality and Diversity

- 9.1 The consideration of equality and diversity is fundamental to service planning arrangements.

## **ACTING DIRECTOR OF REGULATION AND ENFORCEMENT**

Background Papers: nil

**BIRMINGHAM CITY COUNCIL**  
**REGULATION AND ENFORCEMENT**

**CORONERS AND MORTUARY**  
**SERVICE PLAN 2017/2018**

## 1. **Introduction to Coroner's and Mortuary and the Service Plan**

### 1.1 **Statutory requirements**

The Coroner's and Mortuary Service provide the statutorily required Coroner's service for Birmingham (and Solihull) together with the statutorily required Public Mortuary facilities for the city.

All of our work is required by statute supported by guidance from the Chief Coroner for England and Wales.

The Coroners and Justice Act 2009 places a statutory duty on the city council to appoint and pay a Senior Coroner and where appropriate an Area Coroner together with self employed Assistant Coroners to discharge the functions of the Coroner. The Senior Coroner's statutory duty is to establish the cause of and circumstances of deaths in their area where:

- The deceased died a violent or unnatural death.
- The cause of death is unknown.
- The deceased died in custody or state detention (including those under a Deprivation of Liberty Safeguard (DOLS)).

The Senior Coroner orders Post Mortems, conducts investigations and enquiries into the death which are presented at inquests in the Coroner's Court, authorises bodies to be taken out of England and makes recommendations based on their findings with a view to improving health and wellbeing.

The statutory duties on the city council in relation to the Senior Coroner are to:

- Secure the provision of whatever officers and other staff are needed by the Senior Coroner to carry out the function – it is the Senior Coroner who dictates what these requirements are and the local authority cannot interfere with the judicial role of the Senior Coroner and, therefore, has to provide and pay for what is asked for. In the case of Birmingham this has included the provision of Birmingham City Council staff.
- Provide accommodation that is appropriate to the needs of the Senior Coroner – the Coroner's Courts and offices to accommodate the Senior Coroner, Area Coroner and Assistant Coroners together with BCC staff.
- Maintain the accommodation.
- Pay the expenditure associated with the Senior Coroner and cannot refuse to pay the expenditure incurred by the Senior Coroner.
- Provide proscribed performance information in the form of statutory returns to the Ministry of Justice.

The statutory duties on the city council under the Public Health Act 1936 include:

- The provision of the mortuary for the reception and storage of bodies of people who have died in Birmingham and Solihull where the Senior Coroner orders a Post Mortem.
- Additionally the Human Tissue Act 2004 regulates how these Post Mortems are conducted and the security of the bodies and associated tissues.

## **1.2 The services provided for the Senior Coroner by BCC include:**

- Appointment of the Senior Coroner and Area Coroner, including salary/pension and Assistant Coroners who are paid a daily rate.
- Provision, maintenance and management of the Coroner's Court in the city centre (and availability of a second court) together with associated office accommodation, administrative services, IT, etc required by the Senior Coroner and BCC staff.
- Receipt of all deaths notified to the Senior Coroner and their entry onto the CIVICA system for processing.
- Conducting all investigations required to enable the Senior Coroner to perform her legal duties.
- Provision of a front desk to assist all callers to the coroners, in person and by phone.
- Word Processing resources for all staff in preparing files for investigations, opening inquests, all in one inquests and inquests.
- Full secretarial support for the Senior Coroner, Area Coroner and Assistant Coroners.
- Setting of all inquests – ensuring all witnesses are summoned to attend.
- Operating the Coroner's Courts – ushering the inquests and dealing with all correspondence and administration relating to inquests.
- Presenting evidence to the Coroners in inquests.
- Dealing with witnesses and their fees including those of pathologists and expert witnesses.
- Arranging and supporting juries for inquests.
- All administrative support for the Senior Coroner, Area Coroner and Assistant Coroners.
- Liaising with Register Offices, hospitals, lawyers, families, police, emergency services, prisons and the military in relation to coronial matters.
- Dealing with all certification resulting from coronial involvement – death certification and removals out of England.
- Management of all processes.
- Providing statutory information required by the Ministry of Justice on performance.

### **1.3 The service provided by the mortuary staff includes:**

- Admitting and properly handling bodies with dignity, respect and traceability.
- Arranging the attendance of pathologists and assisting them in undertaking post mortems.
- Taking blood and tissue samples for analysis and administering their processing through to disposal in accordance with HTA requirements.
- Preparing bodies to facilitate viewings and identifications of the deceased by the bereaved and release to undertakers.
- Providing a 24/7 call out service to accept bodies in liaison with police, ambulance, hospitals etc.
- Securing personal belongings.
- Release of bodies to funeral directors.
- Cleaning of the mortuary and laundry of clothing used.

### **1.4 Birmingham and Solihull Coroner's Service**

The Coroner's and Mortuary services are provided by Birmingham City Council for the Birmingham and Solihull Coroner's Area. Solihull Metropolitan Borough, through agreement, is not involved in the management of the system but contributes to the net cost of the service by an annual payment based on the relative population of the Borough – currently Solihull MBC pays 16.2% of the net cost of the services provided. All figures in this Service Plan include deaths in Birmingham and Solihull.

### **1.5 Service Plan**

This Service Plan details the work undertaken by the service, both in terms of quantity and quality, how this contributes to, and supports, the high level intended outcomes of the City; customer feedback; intended improvements; financial, people, IT and accommodation resources; and details what service will be provided

### **1.6 Planned Service Improvements in 2017/2018 and beyond**

- To make effective and economic use of the newly installed WiFi system in the Coroners Court to decrease the need for witnesses from great distances to attend court and to enable use of electronic media in court.
- To respond to an expected increase in demand for the use of non-invasive post mortem services for the bereaved where appropriate. The expected increase is based on the expectation that angiography in CTPMS will be available enabling the more common causes of death to be identified through the CTPM process
- To make increasingly effective use of the service's new IT case management system, CIVICA, to reduce the need for paper and to produce lean processes. It is hoped that a portal system will be introduced during 2017 enabling hospitals and Doctors to enter death

notifications directly onto the Civica system reducing the need for double entry.

- Undertake feasibility studies on setting up a Birmingham based CTPM facility within a multi-disciplinary setting and secondly of establishing a new medico legal centre in the city which would house two Coroner's Courts, all the required staff, a new public mortuary with CTPM facilities
- To improve the provision of the weekend and bank holiday Out of England Service for bereaved people who want to repatriate bodies rapidly.
- To provide a second court to ensure that the increasing number of inquests (and increasing number of long jury inquests) can be accommodated within the 6 month target for completion.

## 1.7 Current Organisational Assessment

2016 was a year of consolidation for the Senior Coroner and her Area Coroner together with Assistant Coroners. It was the first full year of the Civica IT system which led to significant process improvements in the service. An additional three staff were provided through funding agreed by the council to address the increasing demands on the service. There was a steady reduction through the year in the time taken to release bodies for families where no inquest was required.

The service directly supports the **Council's Financial Plan 2017 priority** of 'Health – so Birmingham's a great city to grow old in' The work of the Coroners directly impacts on this as their investigations ensure that people are kept safe and healthy– they make recommendations to prevent instances that have led to preventable death from recurring. The Coroner's service also directly supports criminal investigations undertaken by the police. The results of Inquests on occasions provide the ability for the bereaved to take action against negligent care or practices that contributed to a death.

Recommendations made by the Coroners are intended to reduce the risk of life shortening events and their work ensures that where vulnerable people are able to remain in the community they are safeguarded. The new requirements around DOLs provided further protection for the vulnerable as any deaths under DOLs are now subject to an inquest.



## 1.8 Quantity of work

The following tables indicate the workload of the service:

## 1.9 Number of deaths notified to the Coroner

Year	Number of deaths notified to the Coroner	Year on Year increase	Increase on 2014 baseline
2014	4,284	-	-
2015	4,805	12.2%	12.2%
2016	5,080	5.7%	18.6%

The number of deaths notified to the Coroner had shown a sharp increase in the last two years, a trend which has continued into 2017. The figure of 5,080 notified deaths represents 43.9% of all deaths registered in Birmingham and Solihull – in line with national figures. The increase is far greater than any increase in the death rate – indicating an increasing percentage of deaths are being notified to the service.

## 1.10 Number of inquests completed

Year	Number of inquests
2014	1,135
2015	601
2016	746

The very high number of inquests completed in 2014 under the Senior Coroner was due to dealing with the backlog of cases that had built up in previous years. The 2015 figure represented a closer fit to expectation and the increase to 2016 resulted from the increased number and complexity of referral to the service. There was an increase in the number of DOLs cases, all of which required inquests from 66 in 2015 to 92 in 2016 and there have been further increases in 2017

There have been very significant improvements in the time that the bereaved have had to wait for inquests to be held. In 2013 only 46% of inquests were completed within 6 months of death, due to dealing with the backlog the figure fell to 43% in 2014 but in 2015 93% of inquests were completed within the target 6 months a figure equalled in 2016.

Similar improvements were made in relation to the number of inquests that were completed more than 12 months from the death, this fell from 57% in 2014 (due to the backlog) to 3% in 2015 and only 1% in 2016.

### 1.11 The number of Post Mortems carried out

Year	Number of Post Mortems	% of PMs with toxicology	% of PMs with histology
2014	1,562	19.2	12.9
2015	1,702	16.0	10.5
2016	1,542	20.3	14.4

The number of Post Mortems being carried out reduced in 2016 despite the increase in deaths reported. The percentage of reported deaths resulting in post mortem reduced from 37 to 30% reflecting the desire of the Senior Coroner to conduct Post Mortems where no other avenue is available to establish the cause of death. This figure is well below the national average which was 38% in 2015. In addition 3 minimally invasive CTPMs were carried out on the order of the Coroner, reflecting the low level of demand for this service from the bereaved.

### 1.12 The number of Out of England Forms

Year	Number of Out of England Forms Issued
2014	141
2015	176
2016	227

### 1.13 Percentage of notified deaths resulting in inquest

Year	% resulting in inquest	National average%
2014	14	14
2015	12	14
2016	15	

### 1.14 The aims for 2017/2018 and subsequent years are:

- To ensure that at least 95% of inquests are held within six months of death.
- To maintain levels of customer satisfaction at current levels.
- To maintain the improvements made in 2016 in relation to the average time taken to release the deceased to their families in respect of A and B form deaths (2.2 days for As and 4 days for Bs)

### 1.15 Key Performance Indicators

National Indicators – these are figures required to be submitted by each Coroner Area to the Ministry of Justice – they cover a calendar year.

Indicator	Year	Birmingham and Solihull	National figure
% of all deaths notified to Coroner	2014	36.6	45
	2015	40.9	45
	2016	43.9	
% of notified deaths that result in inquest	2014	14	14
	2015	12.5	14
	2016	15	
% of notified deaths that are subject to PM	2014	36	40
	2015	35	38
	2016	30.4	
% of PMs with toxicology	2014	19.2	15
	2015	16	Not known
	2016	20.3	
% of PMs with histology	2014	12.9	21
	2015	10.5	Not known
	2016	14.4	
% of inquests completed within 6 months of death	2014	43	
	2015	93	
	2016	93	
% of inquests over 12 months from date of death	2014	57.1	Not known
	2015	3	
	2016	1	
% of bodies released to families within 5 days of notification (where no inquest required)	2014	90.7	
	2015	89.7	
	2016	90.7	

## 1.16 Benchmarking

The figures tabulated above provide benchmarking information against national KPIs set by the Ministry of Justice.

In addition there are local indicators that we see as KPIs – in 2013 we introduced a questionnaire for families attending Inquests to establish their satisfaction with the services provided – results tabulated below.

## 1.17 Tabulated results for Customer Satisfaction with Inquests

Question	% positive		
Pre Inquest	2014	2015	2016
Were the reception staff polite and courteous at all times?	100	96	100
Were the Coroner's Officer/Investigators polite and courteous at all times?	100	97	100
How satisfied were you with the speed of initial contact from the Coroner's Officer/Investigator?	90	97	93
Were you dealt with sensitively at all times by all staff with whom you had contact?	100	99	93
How satisfied were you with the timescale in investigating the case and getting it to inquest?	93	94	93
How satisfied were you with the information that you received before the inquest and the arranging of the date of the inquest date and time?	98	90	87
At inquest			
How satisfied were you that the inquest tried to be fair to everyone who was involved?	100	94	100
Were you dealt with sensitively at all times?	97	97	93
Do you feel that the inquest provided a robust and fair presentation of the matters surrounding the death?	97	98	100
How satisfied were you with the outcome of the inquest?	100	95	100

## 1.18 Customer Research and Feedback

Customer Knowledge:

The service provided by Birmingham City Council since 1837 has continually changed to reflect and meet the changing expectations and requirements of legislation and most importantly the customers. The main requirement of

customers in 2017 onwards is to have an efficient, effective and economic service that provides closure for the bereaved in a timely manner whilst meeting the legal requirements placed on the Senior Coroner. This is common across all groups in the city and the service provision reflects this with service provision that is the same for all customers regardless of their cultural, ethnic or religious background but provided in cognisance of the particular expectation from some communities that the dead should be buried or cremated as soon after death as is possible. Our services ensure that this need is met for all customers and 90% of all bodies are released by the Coroner for burial or cremation within 5 days of the death being referred to the Coroner where there is no inquest required. The average time to release a body to the family for an A form is 2.2 days (ranging from 1.6 – 3.3 days dependent on the month) and for a B form is 4 days (ranging from 2.9 – 4.8 days)

The service is advised by community leaders that there is a clear demand for non – invasive post mortems to be carried out and this service has been provided for families, at their expense, since 2015. However this expected demand has not yet materialised in requests for the service. With the increased availability of angiography in combination with CTPMs it is expected that this demand will increase.

Customer Questionnaires :

Very high levels of satisfaction are achieved in relation to the people, processes, court facilities and inquest process.

Chief Coroner :

The changes to Coronial legislation that were introduced in July 2013 and guidance issued by the Chief Coroner were designed to address feedback from across the country that inquests were taking too long to be heard after death. This was reflected in the changes to legislation and guidance that inquests should be heard within 6 months of death and any over 12 months old must be reported to the Chief Coroner with a causal explanation. The Chief Coroner's guidance that all DOLS deaths must be inquested will be followed until legislation is changed.

### **1.19 Likely Future Developments**

- It is expected that a legislative change will be introduced, although still requiring all DOLS deaths to be notified to the Coroner, only those that are unnatural deaths will require an inquest. This will not impact on the number of deaths notified but should reduce the number of inquests required to be heard. However the number of DOLS referrals will depend on the efficiency of the local authorities in the administration of DOLS.
- The Chief Coroner is expected to continue to publish guidance documents for Coroners that they are obliged to follow – in his attempt to 'standardise' coronial services he may introduce requirements that will impact on the service, just as he did with the 6 month time limit for inquests.

- It is expected that there will be an increase in the number of requests for the use of CTPM digital minimally-invasive post mortem techniques for Coronial PMs. To date the demand from the bereaved has been very small but the service has processes in place to deal with any requests received. This increase is likely to come from the potential increase in the availability of CTPMs with angiography which will increase the number of deaths that are suitable for such CTPMs.
- The proposal to introduce Medical Examiners is still ongoing and if implemented will impact on the Coroner's service, especially in relation to the ability of the Senior Coroner to control which deaths are notified to her. There has been a consultation on the national ME scheme which was expected to publish its findings in late 2016, however there has been no such report. The latest date for the introduction of the scheme is October 2018.
- It is expected that the inquests into the 21 deaths in the Birmingham Pub Bombings of 1974 will be held in 2017 – this will not impact on the ongoing work of the Coroner's service as it is being managed by a Coroner who is working outside the service.

## 1.20 Financial and People Resources

The Coroners and Mortuary Service net expenditure and budget allocation is tabulated for each year below. The figure for 16/17 is a forecast and the figure for 17/18 is the available budget for the service.

<b>Year</b>	<b>2014/15</b>	<b>2015/16</b>	<b>2016/17</b>	<b>2017/18</b>
<b>£m</b>	<b>1.262 actual</b>	<b>1.227 actual</b>	<b>1.486 actual</b>	
	<b>1.261 budget</b>	<b>0.955 budget</b>	<b>1.145 budget</b>	<b>1.196 budget</b>

The service is provided by the Senior Coroner together with an Area Coroner who are both salaried and Assistant Coroners who provide cover in the absence of the Senior and Area Coroners and are paid a daily rate.

The Senior Coroners and her Assistants are supported by 6 Coroner's Investigators, 3 Coroner's Support Officers and 7 Administrative Officers. There are 4 Mortuary Technicians who provide the Public Mortuary Service to the Senior Coroner and the citizens of Birmingham and Solihull.

## 1.21 IT Resources

The main operating system within the Coroners and Mortuary Service is 'CIVICA' which is a relatively new system which provides benefits over the previous bespoke system.

## 1.22 **Partners**

The Coroners and Mortuary Service is delivered by the City Council with the West Midlands Police paying the salaries of 6 staff, Coroners Investigators and Coroners Officers who undertake investigations on behalf of the Coroner.

### 1.23 Service Delivery

<b>Service Objective 1</b> <b>To provide a full support service to the Coroner to enable the Coroner to deliver her statutory role</b>			<b>Mission Statement</b> – ‘Locally accountable and responsive, fair regulation for all – achieving a safe, healthy, clean, green and fair trading city for residents, businesses and visitors.’	
<b>Council Plan Strategic Outcomes</b> <ul style="list-style-type: none"> <li>Health</li> </ul>			<b>Lead Officer</b>  Operations Manager Coroners and Mortuary	
Task	Outcome	Measure	Target	Method
<ul style="list-style-type: none"> <li>To enter all notified deaths onto the CIVICA system on day of receipt</li> </ul>	<ul style="list-style-type: none"> <li>To protect the health and well-being of citizens</li> </ul>	<ul style="list-style-type: none"> <li>% of notifications entered on day of receipt</li> <li>Customer satisfaction with timeliness of service*</li> </ul>	<ul style="list-style-type: none"> <li>100%</li> <li>80% of customers to be satisfied with speed of service</li> </ul>	<ul style="list-style-type: none"> <li>Flexibility of staff to ensure this is achieved</li> <li>Customer satisfaction surveys.</li> </ul>
<ul style="list-style-type: none"> <li>To release the deceased to families expeditiously having regard for the judicial</li> </ul>	<ul style="list-style-type: none"> <li>To protect the health and well-being of citizens</li> </ul>	<ul style="list-style-type: none"> <li>Monthly average times for release of the deceased</li> </ul>	<ul style="list-style-type: none"> <li>To improve on the figures for 2016 (based on an equal number of</li> </ul>	<ul style="list-style-type: none"> <li>Triaging of cases and management of staff. Civica report.</li> </ul>



function of the service			incoming deaths)	
<ul style="list-style-type: none"> <li>To provide the support required by the Senior Coroner to ensure that inquests are held in a timely manner</li> </ul>	<ul style="list-style-type: none"> <li>To protect the health and well-being of citizens</li> </ul>	<ul style="list-style-type: none"> <li>% of inquests held within 6 months of death</li> <li>% of deaths inquested within 12 months of death</li> </ul>	<ul style="list-style-type: none"> <li>95% of those deaths notified in 2017</li> <li>100% of deaths notified in 2017 (not S11)</li> </ul>	<ul style="list-style-type: none"> <li>Processes in place to ensure sufficient court availability , expedient communications with witnesses and flexibility of staff to prioritise inquests</li> <li>Appropriate IT operating systems</li> </ul>
<ul style="list-style-type: none"> <li>To provide support to enable the Senior Coroner to achieve KPIs in line with national averages</li> </ul>	<ul style="list-style-type: none"> <li>To protect the health and well-being of citizens</li> </ul>	<ul style="list-style-type: none"> <li>% of deaths notified</li> <li>% of deaths inquested</li> <li>% of deaths resulting in PM</li> </ul>	<ul style="list-style-type: none"> <li>Within 10% points of national averages</li> </ul>	<ul style="list-style-type: none"> <li>Processes and communications to ensure the requirements of the Coroner are met by staff and witnesses</li> </ul>
<ul style="list-style-type: none"> <li>To provide all statutory returns to the Ministry of Justice as required</li> </ul>	<ul style="list-style-type: none"> <li>To protect the health and well-being of citizens</li> </ul>	<ul style="list-style-type: none"> <li>Timely return of statistics</li> </ul>	<ul style="list-style-type: none"> <li>On time</li> </ul>	<ul style="list-style-type: none"> <li>PDR objective</li> </ul>

<b>Service Objective 2</b> <b>To provide a full Public Mortuary service to the Coroner to enable the Coroner to deliver her statutory role</b>			<b>Mission Statement</b> – ‘Locally accountable and responsive, fair regulation for all – achieving a safe, healthy, clean, green and fair trading city for residents, businesses and visitors.’	
<b>Council Plan Strategic Outcomes</b>  <ul style="list-style-type: none"> <li>Health</li> </ul>			<b>Lead Officer</b>  Operations Manager Coroners and Mortuary	
Task	Outcome	Measure	Target	Method
<ul style="list-style-type: none"> <li>To undertake all Senior Coroner ordered PMs as instructed by the Senior Coroner</li> </ul>	<ul style="list-style-type: none"> <li>To protect the health and well-being of citizens</li> </ul>	<ul style="list-style-type: none"> <li>Number of PMs completed within a timescale to ensure 90% of bodies released within 5 days of notification</li> </ul>	<ul style="list-style-type: none"> <li>All carried out within 5 days of order from Senior Coroner</li> </ul>	<ul style="list-style-type: none"> <li>Procedures</li> </ul>
<ul style="list-style-type: none"> <li>To retain Human Tissue Authority Accreditation for PMs</li> </ul>	<ul style="list-style-type: none"> <li>To protect the health and well-being of citizens</li> </ul>	<ul style="list-style-type: none"> <li>Retention and implementation of Quality procedures</li> </ul>	<ul style="list-style-type: none"> <li>Retention</li> </ul>	<ul style="list-style-type: none"> <li>Procedures</li> </ul>

**BIRMINGHAM CITY COUNCIL**  
**REGULATION AND ENFORCEMENT**

**ENVIRONMENTAL HEALTH SERVICE PLAN**  
**2017/2018**

## **2.0 Introduction to Environmental Health Services and the Service Plan**

The diverse and holistic nature of the Environmental Health section offers a unique service to Birmingham's residents, traders and visitors. It protects their health, safety and environment including the air they breathe, the food they buy and their safety in the workplace. Our business knowledge and approach helps businesses succeed from a compliance and economic viewpoint. We reduce the harm from everyday living by ensuring that pests, refuse and noise nuisances are controlled.

The majority of our work is statutory that is to say the Council has a responsibility to deliver a service. We respond to intelligence received and emerging new challenges to our living environment to prevent and reduce escalation of potential harms. We have a strong tradition of joint working with many partners, both from within and outside the Council, to maximise our impact efficiently and to bring about shared outcomes and positive impacts for Birmingham. Our prevent, protect, comply approach requires officers to use a set of tools to change irresponsible or unthinking behaviour. These tools include education and advisory means, but where necessary and in line with our Enforcement Policy, we use the legislative powers invested with us by the City Council to ensure compliance.

### **2.1 The work of the Section derives from five origins:**

- I. Statutory regulatory work includes food and health & safety inspections of premises, dealing with requests for assistance, carrying out the Air Quality Reviews, providing a Dog Warden Service.
- II. Discretionary regulatory work such as the advancement of waste from domestic properties.
- III. Formal consultation responses to other City Council service areas, such as Licensing and Planning Management.
- IV. Educational work such as providing information to businesses and residents, and carrying out responsible dog ownership initiatives.
- V. With the joint funding from the Director of Public Health for Birmingham, we will also need to tackle Health Priorities in the City that overlap with environmental health service delivery.

### **2.2 Service Delivery**

We continue to work within all Wards so that we can bring about environmental improvements to their local areas by proactive joint working with communities and other agencies. Officers regularly respond to Member led requests for assistance.

### **2.3 The core elements of the Environmental Health service are:**

- To respond to requests for assistance, including noisy neighbours, stray dogs, rats and other pests, food complaints, work-related accidents, flytipping, and dangerous private trees (approximately 38,356 requests in 2016/2017)

- To assess and take action in respect of potential statutory nuisances.
- To support the City ambition around clean air, through supporting the developing Clean Air Zone and the revision of the Air Quality Action Plan, whilst continuing to deliver on existing air quality related tasks.
- To support the agenda for a cleaner City in respect of fly-tipping and littering through both proactive and reactive programmes including enforcement action where appropriate.
- To provide a Pest Control Service.
- To undertake statutory inspection programmes for food safety, food hygiene, health and safety standards, environmental protection and animal licensing (approximately 4,000 inspections in 2017/2018).
- To investigate and prevent further illness from food poisoning incidents and outbreaks, food contamination and food fraud.
- To investigate and prevent further harm from workplace incidents leading to serious personal injuries, death, ill health and dangerous occurrences (e.g. structural collapse, unguarded machinery, trips, slips & falls and escapes of hazardous substances).
- To continue to provide support to Planning Management through advising on the environmental merits of planning applications and to provide the function of the Responsible Authority for Environmental Health under the Licensing Act 2003.
- To maintain and manage the strategy for the assessment and remediation of contaminated land.
- To make an active contribution in delivering the Health and Well Being Strategy focusing on public health outcomes for Birmingham.
- To educate, advise and support Birmingham's businesses and residents.

#### 2.4 **Saving Tracker (New and On-going)**

##### Environmental Health:

There will be £1m from the Director of Public Health coming into the budget for 3 years. 2017/18 is the third and final period. Overall this has a neutral impact on the EH budget.

An additional £10k has been added in 2017/18 to the income generation target reflecting the further expansion and development of the business advice.

##### Pest Control:

The pest control income target has been kept stable at £0.9m in 2017/18.

#### 2.5 **Planned Service Improvements for 2017/2018**

- Waste Enforcement Unit is now embedded in Environmental Health and an additional £320K funding has been identified for 2017/18 to support their work.

- Waste Enforcement Unit will prioritise RFAs that evidence that enables a criminal investigation to ensue and thereby improve the numbers of prosecutions taken.
- To exercise the powers in the new Anti-social Behaviour, Policing and Crime Act to protect residents and the city as a whole.
- To build on existing and create more Primary Authority Partnerships with regional and national companies. As well as providing a single point of contact for business support and advice, these also help to reduce regulatory burdens by ensuring other local authorities apply consistent standards. This work is funded by the partner business and is part of a national programme.
- Support the transfer of food businesses from the existing wholesale market to the new market in Witton. Provide continued support and appropriate supervision at the new market to ensure food safety is maintained.
- We will continue to deliver the service improvements and projects agreed within the service level agreement with the Director of Public Health to deliver services to meet health priorities:
  - ◆ Continue to develop alcohol and tobacco strategies in Birmingham by providing a dedicated officer.
  - ◆ The provision of air quality data into a mapped format to support the development of a range of public health indicators at a local level.
- To continue to work with colleagues from other service areas and in partnership with Defra / DfT to scope out the extent of a Clean Air Zone and determine which vehicle types need be captured. To further determine what other interventions are necessary to ensure compliance with the legislative limits in the shortest time possible.
- To progress and complete the review of the Air Quality Action Plan to build in new and developing measures incorporating the Clean Air Zone study, the *Birmingham Connected* policy and the *City Blue Print for Low Carbon Fuel Refuelling Infrastructure*.
- To progress the on-going review of the Contaminated Land Inspection Strategy.
- To work with partner services and organisations to manage incidences of unauthorised encamping to ensure land is returned to public use in the shortest time possible, within a comprehensive strategic framework.
- The Dog Control Orders 2014 have proved to be quick and effective tools in tackling irresponsible dog ownership. As these will cease to be in effect in October 2017, it is proposed to maintain the provisions of the Orders in 5 new Public Space Protection Orders.
- We will continue to work in partnership with Birmingham's Housing Void Team to offer a holistic service for removal of waste from void premises; treatment of rodents or insects in the premises; to undertake pest proofing; and to return gardens into a usable state before they are re-tenanted.

- We shall seek to extend our partnership with Birmingham's property services through the restoration of their properties / land back to an acceptable standard to permit their being re-let.
- Through funding through the Birmingham Community strategic partnership, Retail Bid and Colmore Row Bid manage a small Antisocial behaviour Team tackling homelessness, rough sleeping and begging issues and other ASB type behaviours including noise nuisance impacts associated with Buskers and street speaking.
- To support a programme for Interns to invest in youngsters from University backgrounds to assist in them gaining experience and permanent work.

## 2.6 **Key Performance Indicators**

These include the:

### Place Directorate Performance indicators:

100% of planned Food inspections undertaken.

% of food premises that score 3 or more on the food hygiene rating system – target 80%

### Regulation and Enforcement Indicators

100% of planned Health and Safety inspections undertaken.

100% of planned Environmental Protection inspections undertaken.

Percentage of RFAs responded to in 5 working days	95%
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Customer satisfaction with the overall quality of our Services	80%
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## 2.7 **National Returns**

Environmental Health is required to make a number of statutory/national returns and plans including:

- Waste Data Flow [formerly Flycapture] return to the Department of the Environment, Food and Rural Affairs (Defra).
- Food Law Enforcement Plan (Food Standards Agency).
- Annual Returns (Food Standards Agency).
- Air quality Annual Status Reports (Defra)
- Pollution Prevention and Control returns (Defra)
- Review Contaminated Land Strategy (Defra)
- Health & Safety Law Enforcement Plan (Health & Safety Executive).
- Health and Safety statistics (LAE1) (Health & Safety Executive).
- National Pest Control Survey.
- Animal Health and Welfare prosecutions to Defra.
- Private Water Supply Regulations 2009 (DWI).

## 2.8 **Organisational Assessment**

This section details the service's current performance and other indicators, showing trends where applicable. Section 2.17 details the resources available during 2017/2018.

- Despite a reduction in officers available to carry out the core and additional activities, we have continued to provide an excellent service by concentrating resources where they are needed most; by focusing on statutory rather than discretionary work; by engendering a 'more for



less' approach to performance; and by officers working flexibly and taking on more responsibility and higher workloads.

- Environmental Health is set to achieve 100% of the Food Safety and Health & Safety inspection programmes, but is unlikely to achieve 100% in the Environmental Protection inspection programme due to an officer being on secondment to Waste Management. Furthermore, the target of responding to 95% of requests for assistance within 5 days is unlikely to be met, this being due to the significant number of RFAs verses the available staff compared to previous years. This inability to respond quickly is also being reflected in a reduction in customer satisfaction rates. It is also thought that customer satisfaction is adversely affected where negotiated settlements were achieved for some minor issues where it was inappropriate to use legal powers, now these matters are not resolved by us.

## 2.9 **Performance against KPI**

<b>Type of Indicator</b>	<b>Indicator</b>	<b>Performance</b>	
Place Directorate Indicators – Inspection Programmes	Percentage of programmed food inspections undertaken	2016-2017	100%
		2015-2016	100%
		2014-2015	100%
		2013-2014	100%
		2012-2013	100%
		2011-2012	100%
Regulation and Enforcement	Percentage of programmed Health and Safety inspections undertaken	2016 -2017	100%
		2015-2016	100%
		2014-2015	100%
		2013-2014	100%
		2012-2013	100%
		2011-2012	100%
	Percentage of programmed EPU inspections undertaken	2016-2017	73.2%*
		2015-2016	100%
		2014-2015	100%
		2013-2014	100%
		2012-2013	100%
		2011-2012	100%
	% of food premises that score 3 on the Food Hygiene Rating Scheme	2016-2017	85%
		2015-2016	86%
		2014-2015	86%
		2013-2014	85%
		2012-2013	88%
		2011-2012	92%
Regulatory Services' Local Indicators – response times to customer requests	We will respond to 95% of Requests for Assistance within 5 working days	2016-2017	93% EH 98% PC
		2015-2016	71% EH 95% PC
		2014-2015	90% EH 92% PC

		2013-2014	95% EH 94% PC
		2012-2013	99% EH 98% PC
		2011-2012	99% EH 86% PC

Regulatory Services Local Indicators – customer satisfaction	80% Customer satisfaction with reactive services – requests for assistance	2016-2017	64% EH 87% PC
		2015-2016	60% EH 94% PC
		2014-2015	68% EH 91% PC
		2013-2014	64% EH 85% PC
		2012-2013	87% EH 98% PC
		2011-2012	88% EH 93% PC
	We will receive more compliments than justified complaints (ratio of compliments to complaints)	2016-2017	2:1 EH 0.25:1 PC
		2015-2016	5:1 EH 1:1 PC
		2014-2015	10:1 EH 0.5:1 PC
		2013-2014	10:1 EH 0.5:1 PC
		2012-2013	5:1 EH 1:1 PC
		2011-2012	4:1 EH 1:3 PC
Environmental Health Local Indicators – speed of dealing with customer requests	We will respond to Planning Applications from Planning Committee in the target time	2016-2017*	90%
		2015-2016	93%
		2014-2015	94%
		2013-2014	95%
		2012-2013	97%
		2011-2012	98%

\* To 28 February 2017

## 2.10 Quantity of work

<b>Year</b>	<b>Number of Requests for Advice and Assistance</b>	<b>Number of Prosecutions (including FPN's for littering)</b>	<b>Number of Simple Cautions</b>	<b>Number of special projects e.g. proactive surveys/ investigations</b>
2016-2017	38,356	580	12	398
2015-2016	37,468	312	9	316
2014-2015	45,829	366	7	605
2013-2014	41,492	368	14	1,095
2012-2013	38,036	434	3	1,605
2011-2012	48,585	225	12	1,995
2010-2011	45,545	134	8	Not available

<b>Year</b>	<b>Number of Food premises inspected / intervened</b>	<b>Number of programmed Health and Safety premises Inspected</b>	<b>Number of premises holding Env. Permits inspected</b>	<b>Number of incidents found on district (by officers)</b>	<b>Notifications</b>
2016-2017	2,626	197	138	3,953	3009
2015-2016	3145	269	142	5,786	2,567
2014-2015	2862	354	171	8,350	2,501
2013-2014	2752	318	196	7,235	2,660
2012-2013	3284	296	205	8,700	3,357
2011-2012	4032	141	262	15,731	4,323
2010-2011	4233	141	260	26,387	4,927

## 2.11 **Customer Research**

The Environmental Health section undertakes regular customer satisfaction questionnaires encourage customers to make suggestions for service improvements. The corporate 'Your Views' system provides further information on customer needs and expectations. Environmental Health is part of the Customer Services Excellence Standard awarded to Regulation and Enforcement. The retention of the Customer Service Excellence Standard demonstrates that we are identifying our customers together with their needs from our services.

Environmental Health's customer satisfaction levels with the overall service have remained fairly constant since October 2013 when surveys have been carried out on-line. Satisfaction levels with the helpfulness, knowledge and courtesy of staff remain high, as does information received being clear and easy to understand and most people feel that they have been treated fairly.

Customer satisfaction: (Environmental Health)	64% satisfied with the overall quality of our service 55% satisfied with the outcome of their request 82% satisfied with the courtesy of our staff 64% satisfied with the helpfulness of our staff 64% satisfied with the knowledge of our staff 81% felt that information provided was clear and easy to understand 61% felt that they had been treated fairly 79% would use our service again 79% thought our service is value for money
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Customer satisfaction: (Pest Control)	87% satisfied with the overall quality of our service 82% satisfied with the outcome of their request 91% satisfied with the courtesy of our staff 88% satisfied with the helpfulness of our staff 89% satisfied with the knowledge of our staff 88% felt that information provided was clear and easy to understand 88% felt that they had been treated fairly 93% would use our service again
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In addition, specific questions are asked on the questionnaires relating to consumer confidence in the food they buy and eat in Birmingham and also on the knowledge and use of the national Food Hygiene Rating Scheme. This year has seen consumer's confidence in food premises fall to 65%. Consumers knowledge of the national Food Hygiene Rating Scheme fell to 78% with 74% reporting that they would consider checking the scores before using a business.

## 2.12 **Needs of Stakeholders**

### General

In addition to the desire to support the City's priorities, stakeholder needs are also identified through other sources such as the Birmingham Annual Opinion Survey and the Community Safety Partnerships' Strategic Assessment as well as intelligence from RFAs, meetings and other data sources. This indicates that:

- Rubbish and litter (litter and household/commercial waste).
- Dog fouling.
- Noisy neighbours/parties/dogs.
- Fear of Crime.

We will continue to respond to requests for assistance from members of the public, including the following types for which most requests are made:

- Flytipping.
- Domestic noise.
- Food hygiene.
- Pest control.
- Air Pollution.
- Stray dogs

We make our services available to the public by a variety of routes to ensure that they can engage with us, tell us about problems they would like us to solve and keep informed about the services we provide. Our officers respond to residents in their preferred way by telephone, email or personal visits.

Environmental Health will review and update the streamlined pages it has on the City Council's website. We receive between 85,000 and 90,000 'hits' per year on our information and e-form pages.

We also utilise social media routes wherever possible to ensure that the public is kept up to date with topical issues in both their local area and city wide e.g. we regularly provide information via our Twitter account and have nearly 1900 followers, a number which is growing each month.

### Food Safety

The Food Standards Agency Framework Agreement on Local Authority Food Law Enforcement imposes requirements on Birmingham City Council as a Food Authority. Compliance with this agreement is essential in demonstrating competency as a food authority.

Primary Authority Partnerships have been developed with leading food businesses, these partnerships support businesses operating on a regional or national scale and enhance the reputation of the authority.

We will ensure that future service plans include a clear and realistic comparison of the resources required to carry out the **full** range of statutory food law enforcement activities at **all** relevant food businesses in the area against the resources available to the Service. The Plan should contain a detailed and reasoned intervention strategy and intervention programme which includes arrangements for all historic overdue interventions and unrated businesses on a risk basis. The plan should also include an estimate of the resource required to monitor its implementation and to carry out suitable risk based monitoring across all areas of the Service.

We will carry out interventions at all relevant food premises in the area at a frequency which is not less than that determined under the intervention rating scheme set out in the Food Law Code of Practice (FLCoP) and other centrally issued guidance.

We will maintain up to date accurate records in retrievable form on all food establishments in its area, in accordance with the Food Law Code of Practice and centrally issued guidance. These records shall include reports of all interventions/inspections, the determination of compliance with legal requirements made by the authorised officer, details of action taken where non-compliance was identified, details of any enforcement action taken, results of any sampling, details of any complaints and any action taken, and also relevant food registration and approval information. The authority should also record, with reasons, any deviations from set procedures.

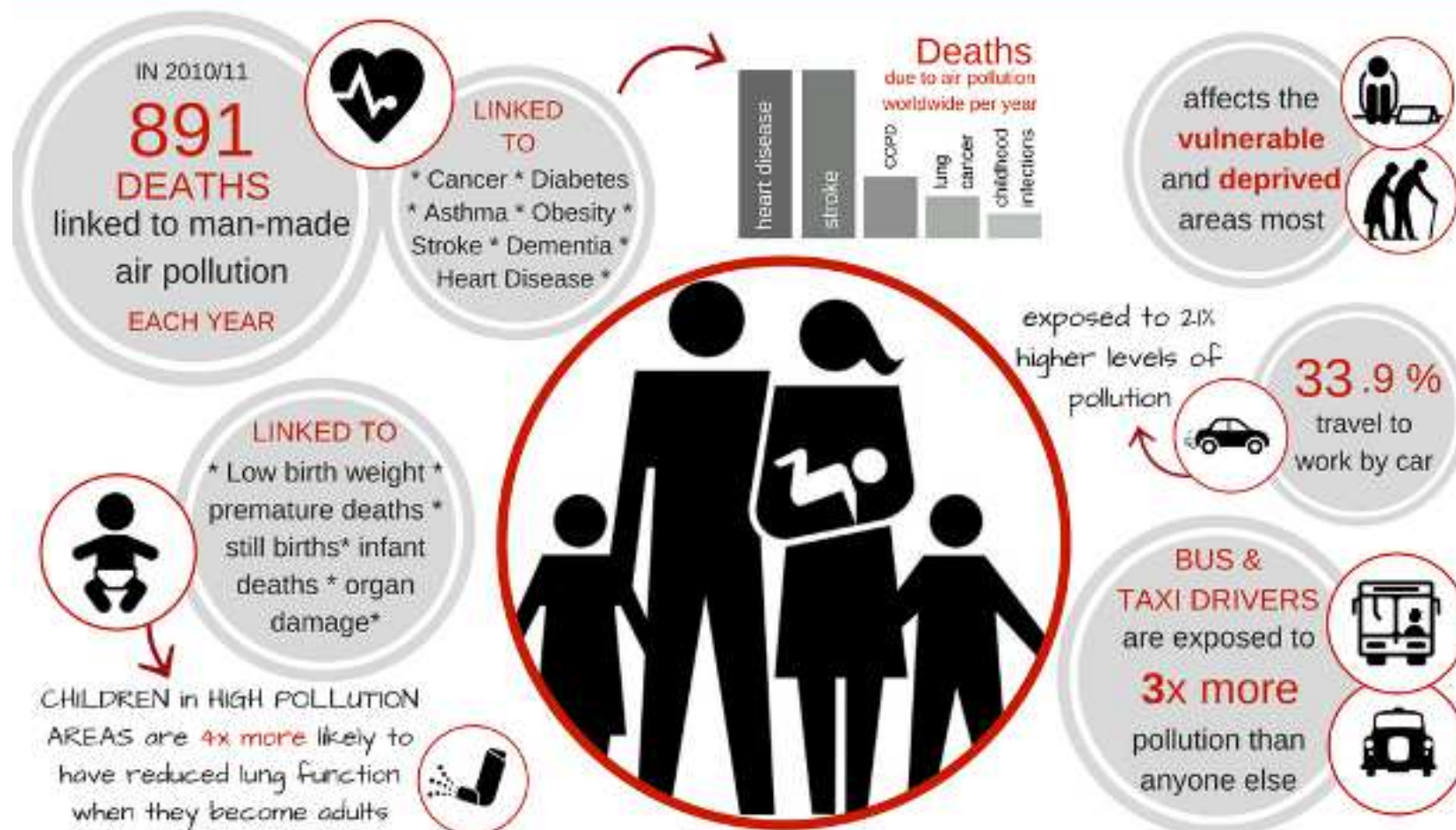
#### Smoke Free

In Birmingham, deaths attributable to smoking have been estimated as 302 per 100,000 population, significantly higher than the national (292) average (2014). Every year in Birmingham, early deaths due to smoking result in 3,153 years of lost productivity which costs the local economy approx. £59M (Dec 2015). The adult smoking prevalence in Birmingham is significantly higher than the national average with around 1 in 5 adults smoking regularly. Smoking rates are highest in those that earn the least, and estimates show that within the lowest income groups an average smoker could spend a 10th of the total household expenditure on tobacco. Local businesses in Birmingham also lose approx. 213,020 days of productivity every year due to smoking-related sick days. This costs about £19M (Dec 2015). This demonstrates the need for the service to ensure workplaces, work vehicles and enclosed public places, including those dealing in shisha smoking within premises, comply with the smoke-free legislation thereby reducing the frequency in which persons can smoke in the environment, thereby increasing the likelihood of the person quitting smoking and reducing the exposure to cigarette smoke in the environment.

#### Air Pollution / Air Quality

Air pollution is widely recognised to damage human health, the primary pollutants being fine particles and oxides of nitrogen, the primary source for which at a local level is road transport. Consideration of the health burdens arising from air pollution suggest that there are approximately 891 deaths linked to man-made air pollution each year.

### EFFECTS OF AIR POLLUTION



Data sourced from: Public Health Outcomes Framework (PHE), "Every Breath We Take - the lifelong impact of air pollution" (2016 RCP & RCPCH), Marmot Cold Homes, Active Travel Survey 2015

The West Midlands region is recognised as having the greatest extent (in km) of roads that exceed the legislative limit for nitrogen dioxide (NO<sub>2</sub>) pollution, outside of London. In Birmingham the largest area of concern is the city centre both within and around the ring road, comprising the inner city wards of Ladywood, Nechells, and Aston. Whilst the burden is borne mostly by residents of these wards, surrounding wards are also impacted as key arterial routes enter the city from all directions.

In recognition of the challenge faced by the city around air quality the Council have established a Quartet of key politicians<sup>1</sup> to respond to the challenge, cutting across portfolios and putting the needs of the citizens first. This Quartet is supported by a managerial level cross service officer led steering group incorporating public health and transportation experts from outside the Council to ensure air quality is embedded in all key decisions affecting the City and the developing Combined Authority.

Officers from Environmental Health continue to work closely with Defra / DfT to scope out the developing Clean Air Zone. The service also maintains a close working relationship with neighbouring local authorities under the auspice of the Low Emissions Towns & Cities Programme (LETCP) to ensure that air quality initiatives are considered at a regional level and that they link into aims and goals of the Combined Authority.

#### Health & Safety

We continue to work in partnership with co-regulators including the Health & Safety Executive, Ofsted and the Care Quality Commission. By maintaining these communication streams between organisations, it encourages the sharing of intelligence and improves the overall safety and welfare of employees and residents.

### **2.13 Likely Future Developments**

Environmental Health is involved locally and nationally within professional bodies and governmental groups looking at potential future development that may impact on our services. Key developments facing Environmental Health in the coming year include:

#### Food Safety

The Food Safety Act revised code of practice has been implemented; this places greater emphasis on competency requirements for inspecting officers.

- Significant new labelling rules were implemented 2 years ago under the Food Information Regulations. This was the most comprehensive review of labelling rules for over 20 years and has provided challenges across all food business sectors. Officers will continue to support businesses, particularly with new allergen rules, but are now taking appropriate enforcement action for continued non-compliance using new powers. In

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<sup>1</sup> Cabinet Member for Clean Streets and Environment, Cabinet Member for Transport, Cabinet Member for Health and Social Care, Chair Licensing & Public Protection Committee



addition further staged labelling rules have now come into force involving mandatory nutritional labelling. We will work with food manufacturers to ensure compliance with these new rules.

#### Health & Safety

Based on local intelligence we will continue to look at machinery guarding in business premises in Birmingham. In addition, once national priorities have been identified by the Health & Safety Executive we will look to run further projects which investigate any high risk practices or premises which are relevant to Birmingham and are regulated by the local authority.

#### Air Pollution / Air Quality

Air quality remains a high priority for Government, especially given the European Union has commenced stage 2 infraction proceedings against the UK Government for continued breach of the Air Quality Directive. Government are expected to produce a new Air Quality Plan in April which is anticipated to see an increase in cities and towns deemed non-compliant and also an increase in the areas of exceedence within Birmingham.

Government's strategy to deliver compliance continues to revolve around Clean Air Zones (CAZ) and it is expected that Government will mandate such a zone for Birmingham, the details of which will be determined by the on-going scoping study.

The review of Local Air Quality Management has completed and the new framework is now streamlined, necessitating the submission of an Annual Status Report, the first submitted in 2016 and accepted by Defra. Progressing from this will be the development of a new Air Quality Action Plan, towards which work has already commenced.

Given the emphasis on CAZ there has been professional interest and lobbying of Government to bring other air quality legislation up to date, starting with a new Clean Air Act. The existing legislation is under review and it is hoped that a new Act will be issued in 2017, replacing the 2003 Act and introducing measures to control the increasing trend to biomass burning including domestic wood burners.

#### Animal Health & Welfare

The 5 Dog Control Orders which came into effect in 1 March 2014 will cease to be in effect in October 2017, due to changes imposed by the Anti-Social Behaviour Crime and Policing Act 2014. It is proposed to retain the provisions of the Orders, in 5 new Public Space Protection Orders.

#### Other

The Department for Environment, Food and Rural Affairs launched a revised Waste Strategy in Autumn 2010 which focuses on waste minimisation and recycling, but regulatory drivers remain in place relating to National Indicator 196 (Performance in dealing with fly-tipping). This has been reinforced through the introduction of statutory guidelines from the Sentencing Council for waste offences and new seizure powers for vehicles involved in fly-tipping.

Environmental Health has both direct and indirect involvement in a number of anti-social behaviour issues. Closer working with colleagues across the City Council and partner agencies will continue to be an increasingly important prerequisite to tackling anti-social behaviour in a coordinated and integrated way. Environmental Health is continuing to work closer with colleagues and agencies managing the public realm which is providing an ever increasing challenge with anti-social behaviour and environmental health related issues at both a strategic and operational view point.

Pest Control are looking to maximise the commercial offer for end to end treatments of void premises to help landlords re-let their premises. This work includes removal of waste, environmental cleans, treatment of rodents and insects, and undertaking pest proofing as necessary. This is an ongoing process. Pest Control are also expanding this to working with internal departments to assist in their pest control needs.

Changes to sentencing legislation and guidelines, which are being applied by the courts to all offences committed on or after 12 March 2015 may increase the number of defendants entering early guilty pleas, and may affect the level of fines imposed. This is a result of the removal of the magistrate's court fine limit and better defined penalties which are based on a company's annual turnover. In last year there were increased demands in officer attendance to sentencing hearings. We will monitor how to respond to this demand.

#### 2.14. **Potential to maximise funding for service provision**

With the ongoing budgetary pressures in the current financial climate, it is important that services are reviewed regularly and that new ways of providing them are sought.

We will continue to take opportunities to work with regional and national companies, with a Birmingham presence, to set up Primary Authority Partnerships for both Food and Health & Safety.

#### 2.15 **Service Delivery**

Environmental Health contributes to each of the City Council's Strategic Outcomes. It is our declared strategy to ensure that all of the work that we undertake and all of the services that we provide clearly support these. The services that will be delivered are contained in Appendix 2A to this Service Plan. More detailed plans relevant to specific service areas, together with outturns on delivery will be reported to Committee over the next few months as required by law and statutory codes of practice:

- Food Law Enforcement Plan.
- Health and Safety Law Enforcement Plan.
- Annual Animal Welfare Plan.
- Air Quality Action Plan.

We will continue to provide a range of interventions set out in our statutory duties and powers delegated through the Licensing & Public Protection Committee. Processes will be reviewed to ensure that services are delivered in as effective and efficient way as possible in order to minimise any effect on customer needs and satisfaction. It should be noted, however, that the additional savings and loss of posts to meet these may have an effect on the range of services provided as well as the response times.

With regard to Pest Control the income target for 2017/18 remains stable at £0.9m, similar to 2016/17. It is still a difficult and challenging target but more achievable than two years ago.

Due to the impact of food fraud and the resources needed to investigate this, the overall number of food inspections will be reduced to allow resources to be balanced across the wide range of food service provision. This will be detailed in the Food Law Code of Practice, but we will continue to ensure that all food businesses which produce or prepare high risk foods or where there are or have been concerns about food hygiene standards are inspected to ensure that standards are safe and all requests for assistance concerning poor hygiene will be investigated. The Food Standards Agency will be advised of this approach.

If resources allow, we will implement the following additional services:

- Inspection of all low risk food premises.
- Delivery of the Safe@Work scheme to help young people stay safe at work.
- We will look to reduce costs by trying to return dogs to their owners rather taking them to Birmingham's Dogs Home.

## 2.16 **Financial And Resource Planning And Management**

Revenue budget for 2017/18 is shown below (in 000's), with figures for 2013/14, 2014/15, 2015/16 and 2016/17 included for comparison. The savings targets are included, although it should be noted that in 2013/14, the corporate recharges and asset depreciation has been removed from the base budget at the start of the year, unlike previous years.

There is one Step-Up saving of £0.010m for 2017/18, this is to reflect the further expansion of Business Advice (now totals £0.020m).

<b>ENVIRONMENTAL HEALTH</b>	<b>2013/14</b>	<b>2014/15</b>	<b>2015/16</b>	<b>2016/17</b>	<b>2017/18</b>
	<b>£'000</b>	<b>(Budget Report)</b>	<b>(Budget Report)</b>	<b>(Budget Report)</b>	<b>(Budget Report)</b>
		<b>£'000</b>	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>
Employees	3,447	3,844	3,763	3,659	4,227
Non Employees	1,738	1,026	579	944	1,696
Capital Finance Costs	16	16	16	0	0
Savings Targets	(685)	(170)	(172)	(24)	0
<b>TOTAL EXPENDITURE</b>	<b>4,516</b>	<b>4,716</b>	<b>4,186</b>	<b>4,579</b>	<b>5,923</b>
Income	(625)	(680)	(654)	(1,037)	(1,866)
Grants	0	0	0		0
Savings Targets	(55)	0	0	(10)	(10)
<b>TOTAL INCOME</b>	<b>(680)</b>	<b>(680)</b>	<b>(654)</b>	<b>(1,047)</b>	<b>(1,876)</b>
<b>NET EXPENDITURE</b>	<b>3,836</b>	<b>4,036</b>	<b>3,532</b>	<b>3,532</b>	<b>4,047</b>
Recharges removed and non-employee budget reduced (net nil)	(447)	0	0	0	0
Depreciation removed and non-employee budget reduced	16	0	0	0	0

<b>PEST CONTROL</b>	<b>2013/14</b>	<b>2014/15</b>	<b>2015/16</b>	<b>2016/17</b>	<b>2017/18</b>
	<b>£'000</b>	<b>(Budget Report)</b>	<b>(Budget Report)</b>	<b>(Budget Report)</b>	<b>(Budget Report)</b>
		<b>£'000</b>	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>
Employees	675	701	709	728	740
Non Employees	308	296	223	207	208
Capital Finance Costs	0	0	0	0	0
Savings Targets	0	0	0	0	0
<b>TOTAL EXPENDITURE</b>	<b>983</b>	<b>997</b>	<b>932</b>	<b>935</b>	<b>948</b>
Income	(956)	(1,052)	(1,352)	(938)	(944)
Grants	0	0	0	0	0
Savings Targets	(46)	(300)	(1,300)	0	0
<b>TOTAL INCOME</b>	<b>(1,002)</b>	<b>(1,352)</b>	<b>(2,652)</b>	<b>(938)</b>	<b>(944)</b>
<b>NET EXPENDITURE</b>	<b>(19)</b>	<b>(355)</b>	<b>(1,720)</b>	<b>(3)</b>	<b>4</b>
Recharges removed and non-employee budget reduced (net nil)	(21)	0	0	0	0
Depreciation removed and non-employee budget reduced	0	0	0	0	0

## 2.17 People Resources

For 2017/2018 there has been a slight reduction in full time equivalent Officers within Environmental Health available to deliver this plan.

Total FTEs on 1 <sup>st</sup> April each year				
	2014/15	2015/16	2016/17	2017/18
Environmental Health	68.2	54	58	60.3
Pest Control	23	22	21	17
Admin Support	17.37	15.37	10.3	9.7
<b>Total</b>	<b>108.57</b>	<b>91.37</b>	<b>89.3</b>	<b>87</b>

To account for the reduction in resources, we will continue to find more effective ways of working, including joint and partnership working where appropriate, to ensure that our key performance indicators are met and that essential, statutory and mandatory services are provided.

The Section is structured by functional teams, as illustrated in the organisation chart, shown as Appendix 2B.

There has been little in the way of training outside of in-house/cascade training in the last 3 years. We intend to put all enforcement staff through competency training in enforcement to increase efficiencies and improve assurance for this work. We will be seeking, continued accreditation to the 'Investors in People' standard will ensure confidence in our ability to deliver the plan and address matters of competency amongst our work force.

Environmental Health and Pest control use corporate email system and a job management system called M3 (Mapss) for recording and managing work. The Environmental Protection Unit uses some non-standard systems for its specialised air pollution work which is not on the corporate intranet.

## 2.18 **Partners**

The Environmental Health service acknowledges that maintaining and developing its services can be achieved more efficiently through selected partnership working. We work closely with neighbouring Local Authority Environmental Health services who form a number of West Midlands Joint Working Groups on specific topics including Food Safety, Health and Safety, Air Pollution, Animal Welfare and Environmental Health Chief Officers to ensure consistency in the delivery of services across the region.

Environmental Health enters into partnerships when we have assessed, using a decision matrix, the desirability of the working in terms of increased efficiency, synergy and commonality of priorities. This table details the significant partnership working that we currently undertake to provide financial support, joint working and delivery of jointly agreed interventions.

<b>Activity</b>	<b>Description</b>	<b>Partners</b>
Embracing new public health responsibilities through the use of environmental Health legislation and practice	Working to bring about public health outcomes for Birmingham.	Public Health England Birmingham Public Health, BCC Service Commissioners
Tackling obesity	Exploring initiatives through contracts, inspection and environmental health legislation.	Birmingham Public Health
Improving Health and Safety of the workforce and those visiting places of work	Involvement in specific projects aimed at delivering national and regional strategies.	Health and Safety Executive, West Midlands Metropolitan Authorities
Scoping and delivery of a Clean Air Zone	Working with partners to identify the likely extent of a CAZ and the vehicles most likely to be affected to secure legislative compliance	Defra, Centro, WM ITA, Combined Authority
Dealing with air pollution on a regional level	The coordination of effort and sharing of best practice at a regional level, including the securing of external funding, to provide for air quality improvements.	West Midlands Metropolitan Authorities, Defra
Dealing with unauthorised encampments	The provision and delivery of a joint protocol between BCC and WMP on managing unauthorised encampments.	West Midlands Police
Managing the impacts arising from the night time economy	The provision of officers to support a pan Birmingham task force to manage nuisance and crime arising from the night time economy.	West Midlands Police, BCC Planning, BCC Licensing, BCC Trading Standards, West Midlands Fire Service
Tackling food safety and food fraud issues	Through membership of forums and by acting as a consultee on ongoing and proposed food safety matters.	Food Standards Agency West Midland Food Liaison Group
Food inspections in premises supplying food to schools and residential homes. Improving food safety in school kitchens.	Conducting food inspections and engaging in regular liaison with key contacts.	BCC Procurement Citiserve

<b>Activity</b>	<b>Description</b>	<b>Partners</b>
Shisha	Legislative compliance and communication campaign regarding health messages.	Fire service, HMRC, Stop smoking services, NHS, DoH, BCC planning, BCC licensing, BCC Trading Standards, BCC Public Health, Birmingham Tobacco Control alliance; CenTSA, other West Midlands local authorities, Public Health England and the Chartered Institute of Environmental Health.
Research and voluntary work opportunities for student Environmental Health Practitioners.	By giving training and work based opportunities to students who wish to carry out work based projects which will be of value to Birmingham, helping the students to qualify and provide work experience to start them in their work careers.	Various University Establishments
Tackling sites blighted by litter and fly-tipping.	Engagement work with private and public land owners, supported by enforcement work in support of the 'Blooming Streets' and micro-composting initiatives aimed at creating sustainable options for problem locations.	Keep Britain Tidy, Community Safety Partnership, Fleet and Waste Management, Place Managers Residents Group representatives
Tackling litter and dog fouling	Enforcement work in support of the 'Love where you Live' national initiative aimed at reducing litter.	DEFRA, Keep Britain Tidy, Community Safety Partnership. The Dogs Trust (Big Scoop)
Tackling organised fly-tipping	To undertake intelligence led interventions, including use of warrants and seizure powers aimed at targeting organised criminality.	Partners to the Government Agency Intelligence Network (GAIN), including Police Regional Organised Crime Unit and other Local authority partners.
Responsible dog ownership	To continue to work with partners to raise awareness of responsible dog ownership issues such as dog fouling, and helping	Police, national and local animal charities and where required with other agencies such as Keep Britain Tidy, Defra. The

<b>Activity</b>	<b>Description</b>	<b>Partners</b>
	children and young people to stay safe around dogs.	Dogs Trust (Big Scoop)
Animal Health premises	To continue to work with livestock keepers, transporter and abattoirs in the city to ensure legislative compliance; Bio- security, livestock Identification, welfare, movement records. Continued investigations into the illegal importation of puppies and dogs.	Defra / Other local authorities / private quarantine kennels and transporters.
Counterfeit and fake alcohol	To remove counterfeit and fake alcohol from Birmingham's shops where intelligence is received.	HMRC, Trading Standard, Fire Service, Police.

## 2.19 **Information management**

Our IT system ensures the validity of our performance management information. It provides controls for the gathering and review of customer and other stakeholder feedback and ensures this feedback is acted upon. We are able to monitor our performance via the corporate system that provides a 'dashboard' view of our progress against declared targets and objectives. Corporate Data Quality Assurance templates will be used to assure the robustness of our performance figures.



## **SERVICE DELIVERY**

All activities are focused on ensuring public health outcomes for Birmingham.

Each section details how the work contributes to the:

### **Sustainable Community Strategy Birmingham 2026 Priorities:**

- Enjoying a high quality of life
- Social Cohesion

Supported by 4 themes:

- Succeed economically
- Stay safe in a clean green City
- Be Healthy
- Make a Contribution

### **Council Business Plan 2015+ Priorities:**

- **A Fair City** – where people are safe; people are not excluded from opportunities or services because of their background or where they live; older people are cared for with dignity in their own community
- **A Prosperous City** – where local entrepreneurs can thrive; inward investment is attracted; there is a highly skilled workforce. A smart, green and sustainable city with excellent connectivity
- **A Democratic City** – where everyone has a duty to contribute to civic life and a right to be heard as equals; where public services are accountable and focus on the 'whole place' and the 'whole person'; where citizens work together to look after each other
- **Council of the Future**

### **Values**

- Putting residents first
- Acting courageously
- Being true to our word
- Achieving excellence

<b>Service Objective 1</b> <b>Offer advice to and respond to requests for assistance from residents, businesses and elected Members on Environmental Health issues including the resolution of neighbourhood issues, statutory nuisances and advice to businesses.</b>			<b>Mission Statement</b> – ‘Locally accountable and responsive, fair regulation for all – achieving a safe, healthy, clean, green and fair trading city for residents, businesses and visitors.’	
<b>Council Plan Strategic Outcomes</b> <ul style="list-style-type: none"> <li>• A Fair City – Safe and inclusive</li> <li>• A Prosperous City – Supporting business in a green and sustainable city</li> <li>• A Democratic City – Accountable public services focussing on the ‘whole place’</li> </ul>		<b>Sustainable Community Strategy Birmingham 2026 Priorities</b> <ul style="list-style-type: none"> <li>• Enjoy a high quality of life</li> <li>• Promote social cohesion</li> <li>• Succeed economically</li> <li>• Stay safe in a clean, green city</li> <li>• Be healthy</li> <li>• Make a contribution</li> </ul>	<b>Lead Officer</b>  Head of Environmental Health	
<b>Task</b>	<b>Measure</b>	<b>Target</b>	<b>Method</b>	<b>Outcome(s)</b>
1.1 Respond to all requests for advice and assistance (RFA)	<ul style="list-style-type: none"> <li>• Percentage of all RFAs responded to within the performance target deadline (normally 5 days)</li> </ul>	95%	Departmental computer system (MAPPS)	<ul style="list-style-type: none"> <li>• To protect the health and wellbeing of citizens and visitors and safeguard businesses</li> <li>• To support compliant businesses from unfair competition</li> </ul>
1.2 Provide a good service to our customers (new)	<ul style="list-style-type: none"> <li>• Percentage of customers satisfied with overall quality of service provided</li> </ul>	80%	Customer satisfaction surveys	

<b>Service Objective 2</b> <b>Improve the environment through proactive and reactive enforcement measures in respect of tackling fly-tipping, illegal dumping of refuse, advancement of waste and other issues causing detriment to the environment</b>			<b>Mission Statement</b> – ‘Locally accountable and responsive, fair regulation for all – achieving a safe, healthy, clean, green and fair trading city for residents, businesses and visitors.’	
<b>Council Plan Strategic Outcomes</b> <ul style="list-style-type: none"> <li>• A Fair City – Safe and inclusive</li> <li>• A Prosperous City – Supporting business in a green and sustainable city</li> <li>• A Democratic City – Accountable public services focussing on the ‘whole place’</li> </ul>		<b>Sustainable Community Strategy Birmingham 2026 Priorities</b> <ul style="list-style-type: none"> <li>• Enjoy a high quality of life</li> <li>• Promote social cohesion</li> <li>• Succeed economically</li> <li>• Stay safe in a clean, green city</li> <li>• Be healthy</li> <li>• Make a contribution</li> </ul>	<b>Lead Officers</b>  Head of Waste Enforcement Unit Head of Environmental health	
Task	Measure	Target	Method	Outcome(s)
2.1 Conduct proactive enforcement to deal with areas of land blighted by environmental crime	<ul style="list-style-type: none"> <li>• Prioritise referrals for proactive enforcement where residents are willing to provide evidence</li> </ul> Respond to local community’s concerns about blighted areas Take enforcement action where proportionate, practicable and appropriate. Where practicable, to involve local communities and partners in reducing the levels of environmental crime issues in local areas.  Where sites suffer repeated problems, to scope additional methods of prevention.	100%	Waste Enforcement Unit Management Information (WEU MI)	<ul style="list-style-type: none"> <li>• To improve the environmental quality of local areas</li> </ul>
2.2 Programme to ensure	<ul style="list-style-type: none"> <li>• Percentage of commercial</li> </ul>	100%	Departmental	<ul style="list-style-type: none"> <li>• To promote compliance</li> </ul>

that Birmingham's businesses dispose of their waste legally	<p>businesses that are inspected which are deemed compliant</p> <p>Conduct duty of care inspections at all premises inspected or otherwise visited by officers</p> <p>Carry out inspections and visits in 'hot spot' areas</p> <p>Undertake follow up visits to check compliance and maintain standards</p> <p>Conduct enforcement activity to promote compliance and to deter anti-competitive avoidance of legal duties</p>		Computer System (MAPSS) WEU MI	<p>with environmental legislation and protect compliant businesses</p> <ul style="list-style-type: none"> <li>To reduce the likelihood of fly-tipping and associated environmental impact from fly-tipping</li> <li>To prevent the Council from underwriting waste disposal costs from non-compliant businesses</li> </ul>
2.3 Programme of litter enforcement exercises	<ul style="list-style-type: none"> <li>Percentage of planned exercises completed</li> </ul> <p>Partnership working with other involved parties</p> <p>Robust enforcement against people found littering</p>	90%	WEU MI	<ul style="list-style-type: none"> <li>To improve the cleanliness of streets and open spaces in the city</li> <li>To dissuade people from littering</li> </ul>
2.4 Enforcement action – Waste Data Flow Return	<ul style="list-style-type: none"> <li>Improvement on year-on-year enforcement trends</li> </ul> <p>Intelligence led approach to realise an understanding of the true nature of dumped waste across the city.</p> <p>Statistical return to Defra</p> <p>Focus on work tackling cleanliness across the city</p>	Increase in number	WEU MI	<ul style="list-style-type: none"> <li>To improve the cleanliness of streets and open spaces in the city</li> </ul>

<b>Service Objective 3</b> <b>Promote and ensure Food Safety, including a programme of food inspections and the investigation of food related complaints, food fraud and food poisoning.</b>			<b>Mission Statement</b> – ‘Locally accountable and responsive, fair regulation for all – achieving a safe, healthy, clean, green and fair trading city for residents, businesses and visitors.’	
<b>Council Plan Strategic Outcomes</b> <ul style="list-style-type: none"> <li>• A Fair City – Safe and inclusive</li> <li>• A Prosperous City – Supporting business and promoting a skilled workforce</li> <li>• A Democratic City – Accountable public services focussing on the ‘whole place’</li> </ul>		<b>Sustainable Community Strategy Birmingham 2026 Priorities</b> <ul style="list-style-type: none"> <li>• Enjoy a high quality of life</li> <li>• Promote social cohesion</li> <li>• Succeed economically</li> <li>• Stay safe in a clean, green city</li> <li>• Be healthy</li> <li>• Make a contribution</li> </ul>	<b>Lead Officer</b>  Head of Environmental Health	
<b>Task</b>	<b>Measure</b>	<b>Target</b>	<b>Method</b>	<b>Outcome(s)</b>
3.1 To develop the statutory Food Law Enforcement Plan	<ul style="list-style-type: none"> <li>• Plan developed</li> </ul> To undertake a review of last year’s food safety service and develop a food hygiene intervention programme in line with statutory code of practice	Plan reported to LPPC	Committee database	<ul style="list-style-type: none"> <li>• To ensure that the Local Authority complies with the Food Standards Agency’s Statutory Guidance</li> </ul>
3.2 To undertake a statutory food intervention programme to ensure that new and existing food businesses comply with food safety legislation	<ul style="list-style-type: none"> <li>• Percentage of planned inspections undertaken</li> </ul> Inspections in line with the statutory Food Law Code of Practice Inspections ensure that all food businesses requiring approval under specific EU legislation are able to maintain their approval To work with food business operators where possible to ensure that they comply with their	100%	Departmental computer system (MAPPS)	<ul style="list-style-type: none"> <li>• To protect the health and wellbeing of citizens, employees of businesses and visitors</li> <li>• To maintain a high level of consumer confidence in food businesses in Birmingham</li> <li>• To take appropriate enforcement action against food businesses where the health of the public is put at risk</li> </ul>

	legal responsibilities as well as scoring as highly as possible on the Food Hygiene Rating Scheme			<ul style="list-style-type: none"> <li>To discharge the local authority's duty in meeting the Food Law Enforcement Plan</li> </ul>
3.3 To target all food businesses scoring 0 - 2 on the Food Hygiene Rating Scheme to raise their standards	<ul style="list-style-type: none"> <li>Percentage of targeted businesses that are rated as 0 – 2 (as of 1<sup>st</sup> April 2015) in which interventions are undertaken</li> </ul> <p>Inspection in line with Food Law Code of Practice. To carry out revisits and other interventions, including enforcement action where necessary. To ensure food businesses are operating to a safe standard.</p>	100%	Departmental computer system (MAPPS)	<ul style="list-style-type: none"> <li>To protect the health and wellbeing of citizens, employees of businesses and visitors</li> <li>To protect good businesses from being disadvantaged by non-compliant traders</li> <li>To assist businesses to remain competitive</li> <li>To ensure that resources are targeted to the poorest performing businesses</li> </ul>
3.4 To tackle food fraud in Birmingham	<ul style="list-style-type: none"> <li>Percentage of planned food fraud investigations completed</li> </ul>	100%	Departmental computer system (MAPPS)	<ul style="list-style-type: none"> <li>To protect the health and wellbeing of citizens, employees of businesses and visitors</li> <li>To protect good businesses from being disadvantaged by non-compliant traders</li> </ul>
3.5 To develop a food and water sampling programme in line with national and regional priorities	<ul style="list-style-type: none"> <li>Percentage of surveys completed</li> </ul> <p>Dependent upon sufficient budget being available</p>	100%	Environmental Health Management Information (EH MI)	<ul style="list-style-type: none"> <li>To ensure the safety and quality of food produced and sold in Birmingham</li> </ul>
3.6 To provide additional support and training to food businesses through securing external funding	<ul style="list-style-type: none"> <li>Percentage of food businesses which receive additional support and training being satisfied that this has helped them</li> </ul>	80%	EH MI	<ul style="list-style-type: none"> <li>To assist food businesses to remain competitive</li> </ul>

	understand the legal requirements (Survey to demonstrate satisfaction)			
3.7 To promote the Healthy Choices initiative across the city and particularly in deprived areas	<ul style="list-style-type: none"> <li>Number of food businesses with a healthy choices aware</li> </ul>	Increase on previous year (2014-15)	EH MI	<ul style="list-style-type: none"> <li>To promote the health and wellbeing of citizens, including young people</li> </ul>

<b>Service Objective 4</b> <b>Promote and ensure healthy and safe working environments including a programme of health and safety inspections and focussed visits, investigation of serious accidents and complaints concerning working conditions.</b>			<b>Mission Statement</b> – ‘Locally accountable and responsive, fair regulation for all – achieving a safe, healthy, clean, green and fair trading city for residents, businesses and visitors.’	
<b>Council Plan Strategic Outcomes</b> <ul style="list-style-type: none"> <li>• A Fair City – Safe and inclusive</li> <li>• A Prosperous City – Supporting business and promoting a skilled workforce</li> <li>• A Democratic City – Accountable public services focussing on the ‘whole place’</li> </ul>		<b>Sustainable Community Strategy Birmingham 2026 Priorities</b> <ul style="list-style-type: none"> <li>• Enjoy a high quality of life</li> <li>• Promote social cohesion</li> <li>• Succeed economically</li> <li>• Stay safe in a clean, green city</li> <li>• Be healthy</li> <li>• Make a contribution</li> </ul>	<b>Lead Officer</b>  Head of Environmental Health	
Task	Measure	Target	Method	Outcome(s)
4.1 To develop the Health and Safety Law Enforcement Plan	<ul style="list-style-type: none"> <li>• Produce a health and safety inspection plan in line with Health and Safety Executive guidance.</li> </ul>	Plan reported to Public Protection Committee	Committee database	<ul style="list-style-type: none"> <li>• To ensure that the Local Authority complies with the Section 18 Health and Safety at Work etc Act 1974.</li> </ul>
4.2 Investigation of work place related accidents and incidents, including those resulting in serious injuries and fatalities.	<ul style="list-style-type: none"> <li>• Percentage of mandatory (serious) incidents investigated.</li> </ul>	100%	Departmental computer system (MAPPS)	<ul style="list-style-type: none"> <li>• To protect employees and members of the public from unsafe practices.</li> <li>• To ensure that employers meet their statutory responsibilities in relation to health and safety</li> </ul>
4.3 To undertake a programme of targeted inspections of high risk activities, in accordance with the	<ul style="list-style-type: none"> <li>• Percentage of high health and safety risk activities inspected.</li> </ul> To take appropriate action in line	100%	Departmental computer system (MAPPS)	<ul style="list-style-type: none"> <li>• To protect employees and members of the public from unsafe practices.</li> <li>• To protect the wellbeing of vulnerable people in care</li> </ul>



National Local Authority Enforcement Code.	with the departmental Enforcement Policy.			environments. <ul style="list-style-type: none"> <li>To ensure that employers meet their statutory responsibilities in relation to health and safety</li> </ul>
4.4 To undertake a programme of targeted inspections of cooling towers which are regulated by the Local Authority.	<ul style="list-style-type: none"> <li>Percentage of businesses with cooling towers inspected</li> </ul> <p>To ensure that businesses meet their statutory responsibilities in relation to health and safety.</p>	100%	Departmental computer system (MAPPS)	<ul style="list-style-type: none"> <li>Increase Businesses awareness of the dangers associated with poorly managed cooling towers.</li> <li>Protect employees and the wider public from the health risks associated with poorly managed cooling towers.</li> </ul>
4.5 Maintain current Primary Authority Partnerships and where possible develop future partnerships.	<ul style="list-style-type: none"> <li>Percentage of enquiries from Local Authorities and Company Partnerships responded to within 5 working days</li> </ul> <p>Support businesses in Health &amp; Safety compliance and Local Authorities in Health &amp; Safety related enforcement.</p>	100%	BRDO – Primary Authority Partnership Portal	<ul style="list-style-type: none"> <li>To protect employees and members of the public from unsafe practices.</li> <li>To ensure that employers meet their statutory responsibilities in relation to health and safety</li> </ul>

<b>Service Objective 5</b> <b>Improve the environment and protect the public from environmental hazards arising from air and land and in the form of noise.</b>			<b>Mission Statement</b> – ‘Locally accountable and responsive, fair regulation for all – achieving a safe, healthy, clean, green and fair trading city for residents, businesses and visitors.’	
<b>Council Plan Strategic Outcomes</b> <ul style="list-style-type: none"> <li>• A Fair City – Safe and inclusive</li> <li>• A Prosperous City – Supporting business in a smart, green and sustainable city with excellent connectivity</li> <li>• A Democratic City – Accountable public services focussing on the ‘whole place’</li> </ul>		<b>Sustainable Community Strategy Birmingham 2026 Priorities</b> <ul style="list-style-type: none"> <li>• Enjoy a high quality of life</li> <li>• Promote social cohesion</li> <li>• Succeed economically</li> <li>• Stay safe in a clean, green city</li> <li>• Be healthy</li> <li>• Make a contribution</li> </ul>	<b>Lead Officer</b>  Head of Environmental Health	
Task	Measure	Target	Method	Outcome(s)
5.1 Undertake inspections of regulated facilities in line with the Defra inspecting protocol	<ul style="list-style-type: none"> <li>• Percentage of premises inspected</li> </ul>	100%	EPU EPR Access database	<ul style="list-style-type: none"> <li>• To protect the health and well-being of citizens, employees of businesses and visitors.</li> <li>• To support businesses in the community by providing regulatory advice, proportionate enforcement and a consistent and level playing field.</li> </ul>
5.2 To review the Air Quality Action Plan (AQAP) and issue the new version (following consultation)	<ul style="list-style-type: none"> <li>• AQAP reviewed and issued, building in consultee comments</li> </ul> Heavily dependent on resources	AQAP re-issued	AQAP approved by LPPC and AQ Quartet and uploaded on website	<ul style="list-style-type: none"> <li>• To protect the health and well-being of citizens, employees of businesses and visitors.</li> </ul>
5.3 Development and deployment of a Clean Air Zone	<ul style="list-style-type: none"> <li>• Progress made on CAZ</li> </ul>	Extent of CAZ and vehicles affected, scoped out	Monitoring, modelling, partnership working, agreement from partners	<ul style="list-style-type: none"> <li>• To protect the health and well-being of citizens, employees of businesses and visitors.</li> <li>• To promote the local</li> </ul>

				economy through supporting the development of low emission technologies
5.4 To review the Contaminated Land Inspection Strategy (CLIS) and issue the new version (following consultation)	<ul style="list-style-type: none"> <li>CLIS reviewed and issued, building in consultee comments</li> </ul> <p>Heavily dependent on resources</p>	CLIS re-issued	CLIS approved by LPPC and Cabinet Member and uploaded on website	<ul style="list-style-type: none"> <li>To protect the health and well-being of citizens, employees of businesses and visitors.</li> </ul>
5.5 To undertake the role of responsible authority for Environmental Health under the Licensing Act 2003	<ul style="list-style-type: none"> <li>Percentage of all applications for premises licences responded to within the consultation period (28 days)</li> </ul>	90%	Environmental Protection Unit Management Information (EPU MI)	<ul style="list-style-type: none"> <li>To protect the health and well-being of citizens, employees of businesses and visitors</li> <li>To promote compliance with the objectives of the Licensing Act in Birmingham by the licence trade.</li> </ul>
5.6 To respond to planning applications as a non-statutory consultee on behalf of Planning Management	<ul style="list-style-type: none"> <li>Percentage of all planning consultations responded to within the consultation period (28 days)</li> </ul>	85%	EPU MI	<ul style="list-style-type: none"> <li>To protect the health and well-being of citizens, employees of businesses and visitors</li> <li>To promote the local economy by providing for sustainable development</li> </ul>

<b>Service Objective 6 Tobacco Control</b>			<b>Mission Statement</b> – ‘Locally accountable and responsive, fair regulation for all – achieving a safe, healthy, clean, green and fair trading city for residents, businesses and visitors.’	
<b>Council Plan Strategic Outcomes</b> <ul style="list-style-type: none"> <li>• A Fair City – Safe and inclusive</li> <li>• A Prosperous City – Supporting business in a green city</li> <li>• A Democratic City – Accountable public services focussing on the ‘whole place’</li> </ul>		<b>Sustainable Community Strategy Birmingham 2026 Priorities</b> <ul style="list-style-type: none"> <li>• Enjoy a high quality of life</li> <li>• Promote social cohesion</li> <li>• Succeed economically</li> <li>• Stay safe in a clean, green city</li> <li>• Be healthy</li> <li>• Make a contribution</li> </ul>	<b>Lead Officer</b>  Head of Environmental Health	
Task	Measure	Target	Method	Outcome(s)
6.1 Undertake smokefree inspections	<ul style="list-style-type: none"> <li>• Percentage of premises subject to a food hygiene or health and safety inspection to have a smokefree inspection</li> </ul>	100%	Departmental computer system (MAPPS)	<ul style="list-style-type: none"> <li>• To protect the health and wellbeing of citizens, visitors and employees of businesses.</li> <li>• To take appropriate enforcement action against premises which do not comply with legislation.</li> </ul>
6.2 Undertake inspections to ensure legislative compliance and provide advice to Shisha premises in Birmingham	<ul style="list-style-type: none"> <li>• Percentage of planned inspections undertaken</li> </ul> <p>Partnership working with other agencies including HMRC, Stop Smoking Services, NHS, BCC Planning, BCC Trading Standards, WM Fire Authority, Tobacco Control Alliance, DoH, and CentSA</p>	100%	Departmental computer system (MAPPS)	<ul style="list-style-type: none"> <li>• To protect the health and well-being of citizens, businesses and visitors</li> <li>• To provide advice to Shisha users on the dangers of smoking Shisha</li> <li>• To provide advice to Shisha premises owners on their legal obligations.</li> <li>• To take appropriate enforcement action against</li> </ul>

				premises which do not comply with legislation.
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<b>Service Objective 7</b> <b>To provide an effective and efficient pest control service</b>			<b>Mission Statement</b> – ‘Locally accountable and responsive, fair regulation for all – achieving a safe, healthy, clean, green and fair trading city for residents, businesses and visitors.’	
<b>Council Plan Strategic Outcomes</b> <ul style="list-style-type: none"> <li>• A Fair City – Safe and inclusive</li> <li>• A Prosperous City – Supporting business and promoting a skilled workforce</li> <li>• A Democratic City – Accountable public services focussing on the ‘whole place’</li> </ul>		<b>Sustainable Community Strategy Birmingham 2026 Priorities</b> <ul style="list-style-type: none"> <li>• Enjoy a high quality of life</li> <li>• Promote social cohesion</li> <li>• Succeed economically</li> <li>• Stay safe in a clean, green city</li> <li>• Be healthy</li> <li>• Make a contribution</li> </ul>	<b>Lead Officer</b>  Head of Environmental Health	
<b>Task</b>	<b>Measure</b>	<b>Target</b>	<b>Method</b>	<b>Outcome(s)</b>
7.1 To respond to all requests for assistance (RFA) and advice regarding pest control	<ul style="list-style-type: none"> <li>• Percentage of RFAs responded to within the designated performance timescale</li> </ul> <p>Monitoring of work and appointment system to ensure that requests are responded to within the designated timescales Treatment carried out in line with relevant codes of practice</p>	95%	Departmental computer system (MAPPS)	<ul style="list-style-type: none"> <li>• To protect the health and wellbeing of citizens, employees of businesses and visitors.</li> <li>• To improve the environmental quality of local areas.</li> </ul>
7.2 Provide proactive rat treatments in the city where ‘hotspots’ are identified.	<ul style="list-style-type: none"> <li>• Number of proactive treatments within a postcode area where pest problems have been identified</li> </ul> <p>Implementation of proactive exercises aimed at identifying hotspots and monitoring of results</p>	5 treatments	Departmental computer system (MAPPS)  Pest Control Management Information (PC MI)	<ul style="list-style-type: none"> <li>• To protect the health and wellbeing of citizens, businesses and visitors.</li> </ul>

7.3 Offer a commercial pest control service to generate income to support the provision of free rat treatments in domestic properties.	<ul style="list-style-type: none"> <li>Income generation target</li> </ul> <p>Market a competitive commercial pest control service.</p>	Income generation target achieved	Market a competitive pest control service for domestic and commercial customers	<ul style="list-style-type: none"> <li>To protect the health and wellbeing of citizens, businesses and visitors.</li> <li>To enhance officers' skill base and to move into other areas of Pest Control which concern the public</li> </ul>
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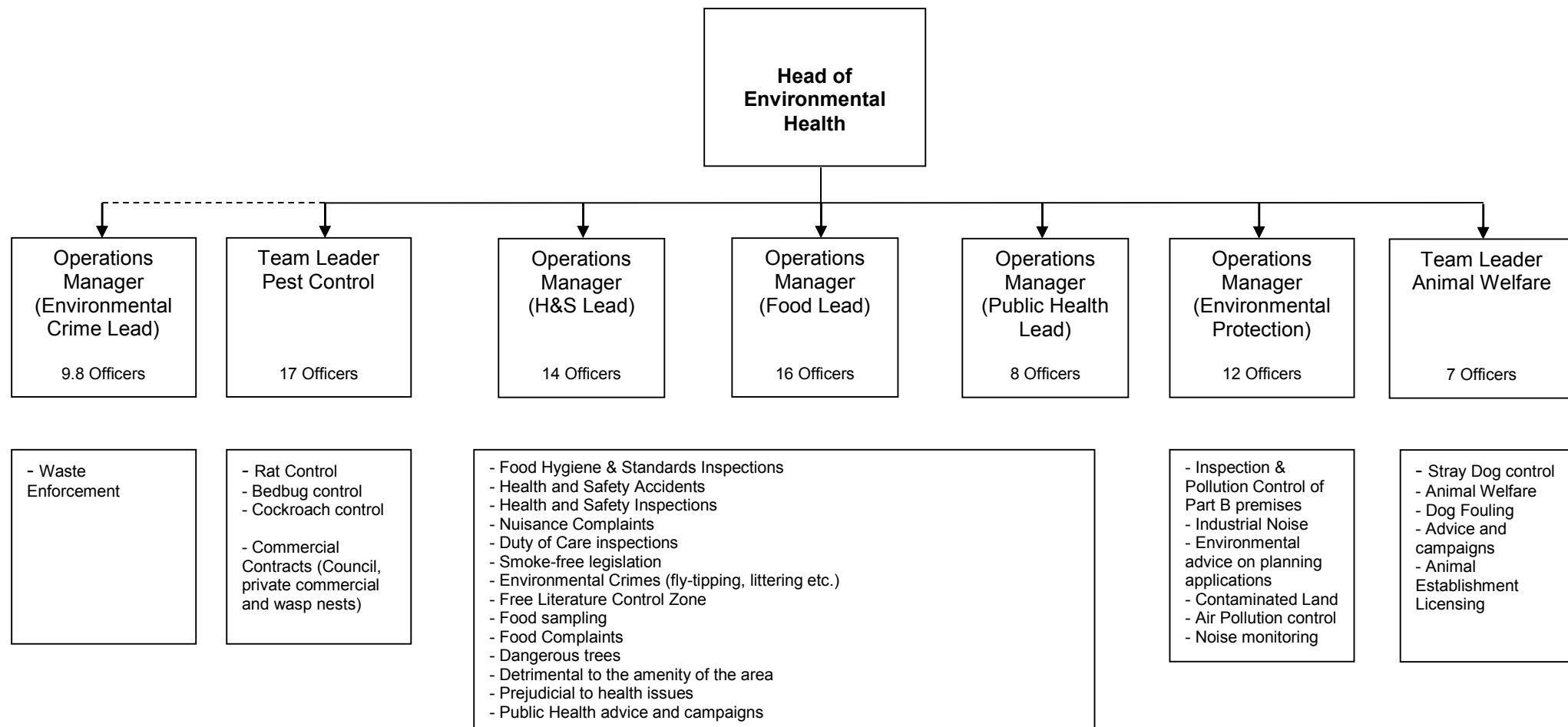




8.3 To respond to enquiries regarding the welfare of dogs and take appropriate action	<ul style="list-style-type: none"> <li>Percentage of all RFAs to be responded to within the performance deadline target</li> </ul>	95%	AW MI	<ul style="list-style-type: none"> <li>To protect and promote animal health and welfare</li> </ul>
8.4 Undertake a programme of inspections of all licensed animal establishments	<ul style="list-style-type: none"> <li>Percentage of licensed animal establishments inspected</li> </ul>	100%	AW MI	<ul style="list-style-type: none"> <li>To protect animal welfare within Birmingham and to support businesses publicly trading in Birmingham</li> </ul>
8.5 Promote responsible dog ownership and enforce legislation in respect of the same through a programme of planned initiatives	<ul style="list-style-type: none"> <li>Percentage of planned initiatives undertaken (5 planned)</li> </ul>	100%	AW MI	<ul style="list-style-type: none"> <li>To protect the health and wellbeing of the public and to promote animal welfare within Birmingham</li> </ul>
8.6 To enforce legislation in relation to dog control, including The Dog Control Orders and Microchipping of Dogs Regulations.	<ul style="list-style-type: none"> <li>Numbers of enforcement activities (Fixed Penalty Notices served, Notices served, level of compliance, number of prosecutions taken)</li> </ul>	No target, log of activities	AW MI	<ul style="list-style-type: none"> <li>To protect and promote animal health and welfare</li> <li>To protect the health and wellbeing of the public</li> <li>To reduce the numbers of stray dogs</li> </ul>
8.7 To respond to requests from the People Directorate to undertake assessments on dogs or animals kept by those looking to adopt or foster children	<ul style="list-style-type: none"> <li>Log all requests and income generated</li> </ul>	Log of requests and income generated	AW MI	<ul style="list-style-type: none"> <li>To protect the health and wellbeing of the public, in particular young people and children</li> <li>Income generation for the service</li> </ul>
8.8 To promote the Dog Warden Service to assist with an eviction or forced entry process, to restrain or remove dogs as	<ul style="list-style-type: none"> <li>Log all requests and income generated</li> </ul>	Log of requests and income generated	AW MI	<ul style="list-style-type: none"> <li>To protect the health and safety of those involved with forcing entry to premises where dogs are kept</li> <li>To protect animal welfare</li> </ul>

required				<ul style="list-style-type: none"> <li>Income generation for the service</li> </ul>
8.9 To promote the neutering of cats and dogs by the issue discounted animal neutering vouchers provided by national animal charities.	<ul style="list-style-type: none"> <li>Number of discounted neutering vouchers issued by officers</li> </ul>	Identify those animals at risk and log numbers issued	AW MI	<ul style="list-style-type: none"> <li>To protect and promote animal health and welfare</li> <li>To protect the health and wellbeing of the public</li> <li>To reduce the numbers of stray dogs and cats</li> </ul>
8.10 To ensure animal welfare in transport	<ul style="list-style-type: none"> <li>Percentage of livestock vehicles to be inspected (12 planned)</li> </ul>	100%	AW MI	<ul style="list-style-type: none"> <li>To protect and promote animal health and welfare in transport.</li> </ul>

## ENVIRONMENTAL HEALTH STRUCTURE CHART 2016/2017





**BIRMINGHAM CITY COUNCIL**  
**REGULATION AND ENFORCEMENT**

**LICENSING SERVICE**  
**SERVICE PLAN 2017/2018**

### **3.1 Introduction to the Service and Service Plan**

This plan sets out the priorities for Birmingham City Council's Licensing Service for the coming year and beyond. It sets out what services will be delivered, how they fit in with the Council's strategic outcomes and the national agenda and what the service seeks to achieve.

### **3.2 The core elements of the service are:**

The City Council has a number of licensing, regulatory and registration powers and duties. These powers and duties are delegated to the Licensing and Public Protection Committee. The provision of a Licensing Service is a statutory duty placed on the Local Authority. The granting and issuing of specific licences, permits and registrations is delegated to the Director of Regulation and Enforcement and Head of Licensing on the understanding that any applications giving rise for concern may be referred to the Licensing and Public Protection Committee for determination.

The Licensing and Public Protection Committee plays a vital and unique role in an administrative function regarding the grant, suspension and revocation of Licences. The legislation delegated to the Licensing and Public Protection Committee includes:

- Animal Boarding Establishments Act 1963\*
  - Birmingham City Council Act 1990
  - Breeding of Dogs Act 1973 and 1991\*
  - Dangerous Wild Animals Act 1976\*
  - Gambling Act 2005
  - House to House Collections Act 1939
  - Licensing Act 2003
  - Local Authority (Alcohol Consumption in Designated Places) Regulations 2001 and 2007
  - Local Government Act 2003
  - Local Government (Miscellaneous Provisions) Act 1976
  - Local Government (Miscellaneous Provisions) Act 1982 as amended
  - Performing Animals (Regulation) Act 1925\*
  - Pet Animals Act 1951\*
  - Police, Factories etc (Miscellaneous Provisions) Act 1916
  - Poisons Act 1972
  - Private Hire Vehicles (Carriage of Guide Dogs etc) Act 2002
  - Riding Establishments Acts 1964 and 1970\*
  - Scrap Metal Dealers Act 2013
  - Town Police Clauses Act 1847 and 1970
  - Zoo Licensing Act 1981\*
- \*administered and enforced by the Animal Welfare Officers from the Environmental Health Service

The Licensing Service is structured to reflect the types of licences that are administered. The General Licensing Team issues licences and Temporary

Event Notices under the Licensing Act 2003 in respect of premises selling alcohol or where regulated entertainment is carried on, and also deals with a range of other licences under many of the Acts of Parliament listed above. The Hackney Carriage & Private Hire Team administers licences for hackney carriage and private hire drivers, vehicles and operators. Dividing the functions in this way meets our legal requirement to ensure that the two different licensing regimes are kept separate and do not cross-subsidise each other financially. The Enforcement Team within Licensing carries out our enforcement and compliance responsibilities. It is funded from licence fees, 60% of which come from hackney carriage and private hire licences and the remaining 40% from other licences.

The work of the Enforcement Team is generated through a combination of responding to Requests for Assistance (RFAs) from members of the public or other businesses, officer initiated projects, and pre-planned inspection programmes of licensed premises and vehicles. The team ensures both legal compliance amongst reputable businesses and identifies and prosecutes licence holders who act in contravention of the licences they have been granted. We work with many different law enforcement agencies to achieve this.

The Licensing Service is integrated with the Trading Standards Service through an accredited Quality Management System. This joint venture, under the acronym REMS (Regulation and Enforcement Management System), was first accredited in March 1999 and has proven successful in terms of improving the quality of the services provided. The system enables us to measure and review our performance with a view to achieving continuous improvement. Feedback from our staff and customers has been considered and included in the development of this plan.

The key aim of the Licensing and Public Protection Committee and the Licensing Service is to raise standards of people, vehicles and premises licensed in Birmingham. Everything that we do is done with reference to this objective. Our overarching priority is to protect the safety of people using licensed premises or vehicles and to ensure that the licensed trade operates fairly.

In order to both promote public safety and awareness regarding licensing issues we use print and broadcast media campaigns, social media and our website.

### **3.3 Planned Service Improvements**

#### **IT System**

In 2016/2017 we have been supporting and working with the Council's IT partners, Service Birmingham, to introduce a replacement IT system to administer licences. The migration of data from our existing IT system (SOPRA) to the replacement system (Northgate) has been more difficult than was envisaged, which has delayed the implementation of the new system. The new system will be ready by the summer of 2017. It will meet the need

identified in the Casey Report on CSE to ensure that the same system is used to administer licence applications and record compliance checks and enforcement activity.

Our ambition is to develop the system and our processes to move all hackney carriage and private hire licence applications and renewals on-line.

#### SEV Policy

In 2017/18 we will review our Sexual Entertainment Policy to ensure that it is current, that it reflects any issues that have arisen in SEV licensing since it was implemented in 2014 and that clearly sets out our expectations from SEV operators.

#### Vehicle Emissions Policy

On 1<sup>st</sup> March 2017 we launched a formal 12-week consultation to seek the views of the hackney carriage and private hire trade and the general public on proposals for new emissions standards for licensed vehicles to comply with DEFRA's requirements for Birmingham to have a Clean Air Zone. We will bring forward proposals to the Committee for a policy after considering the results of this consultation.

#### Driver, Vehicle and Operator Conditions

During 2016 we have consulted with the trade to review the conditions of licence for private hire drivers, vehicles and operators. Refreshed conditions will be presented to the Committee early in 2017 for approval.

#### Hackney Carriage Bye-Laws

Having reviewed conditions of licence private hire drivers, vehicles and operators we will then review our bye-laws for hackney carriages and hackney carriage drivers during 2017/18.

#### Safeguarding

Proposals will be brought before your Committee to consider a process by which private hire drivers and operators, and hackney carriage drivers, will be required to attend safeguarding training.

#### CCTV in Vehicles

Proposals will be brought before your Committee in 2017/18 to consider the compulsory installation of CCTV cameras in all licensed vehicles.

#### Quality Rating Scheme

We will give recognition to private hire operators who achieve high standards in respect of compliance with their legal responsibilities and who go beyond their statutory duties to offer an enhanced level of service to their customers. The scheme will be built upon adherence to Birmingham's Private Hire Operator Conditions of Licence.



#### Points System for Drivers

We intend to introduce a points system this year to enable us to record minor contraventions by licensed drivers similar to the cumulative points system operated by the DVLA for driver licences. The system will be built upon the revised conditions of licence.

#### Vehicle Signage

We began a consultation on vehicle signage in 2016 which was paused as we focussed on other more pressing issues at the time. However, the consultation has now resumed with a view to bringing proposals to the Committee later this year.

#### Birmingham City Council Act 1990

We will review the workings of the Birmingham City Council Act so far as it relates to massage and special treatment licences to determine whether it is relevant and necessary by consulting with interested parties and bringing a report to the Licensing and Public Protection Committee.

### 3.4 **Key Performance Indicators**

These include the:

#### Place Directorate Indicator:

- The percentage of Hackney Carriage and Private Hire vehicles that do not have any safety related faults at stop-check inspections – Target:  
Hackney Carriage – better than previous year  
Private Hire – better than previous year

#### Regulation and Enforcement Indicators:

- The percentage of Requests for Assistance responded to within 5 working days – Target 100%.
- The percentage of personal callers to our office who are seen within 15 minutes of their appointment time – Target 97%.

### 3.5 **National Returns**

The Licensing Service is required to make statutory returns to the Gambling Commission.

### 3.6 **Organisational Assessment**

In 2013 and 2014 the Licensing Service was reviewed as part of the city-wide service review process. The 2014 review resulted in financial savings targets being applied to the service. As part of the 2017 budget setting process and budget consultation for the City Council, the financial savings targets for Licensing were removed in recognition of the ring fenced nature of its budget. This decision was approved by Full Council in February 2017.

In 2015 Birmingham's Future Council programme considered opportunities for demand reduction or income generation across all services. One recommendation was approved which relates to Licensing, that being that it should work with Trading Standards and Environmental Health to offer consultancy services to businesses on a commercial basis.

### 3.7 **Key Performance Indicators**

<b>Type of Indicator</b>	<b>Indicator</b>	<b>Performance</b>	
Place Directorate Indicators – Inspections  New indicators introduced in 2012/2013	Percentage of Hackney Carriage Vehicles fully compliant with Safety Critical Conditions	2016-2017	85%
		2015-2016	84%
		2014-2015	86%
		2013-2014	86%
		2012-2013	83%
	Percentage of Private Hire Vehicles fully compliant with Safety Critical Conditions	2016-2017	79%
		2015-2016	80%
		2014-2015	82%
		2013-2014	79%
		2012-2013	73%
Regulation and Enforcement Local Indicators – response times to customer requests	We will respond to Request for Assistance within 5 working days	2016-2017*	98%
		2015-2016	94%
		2014-2015	97%
		2013-2014	96%
		2012-2013	99%
		2011-2012	100%
		2010-2011	100%
		2009-2010	99%
		2008-2009	99%
Licensing Local Indicators – inspection programmes	Delivery of programmed inspection programme	2016-2017*	88%
		2015-2016	93%
		2014-2015	70%
		2013-2014	81%
		2012-2013	100%
		2011-2012	97%
		2010-2011	100%
		2009-2010	100%
		2008-2009	100%
Licensing Local Indicators – response time to Licensing Applications	General Licences - % responded to in target time	2016-2017	91.5%
		2015-2016	97.6%
		2014-2015	100%
		2013-2014	100%
		2012-2013	100%
		2011-2012	100%
		2010-2011	100%
		2009-2010	100%
	Hackney Carriage and Private Hire Licences - % responded to in target time	2016-2017	100%
		2015-2016	100%
		2014-2015	100%
		2013-2014	100%
		2012-2013	100%
		2011-2012	100%
		2010-2011	100%
		2009-2010	100%
Licensing Local	% of Licensing callers with appointment seen	2016-2017	100%

Indicators – Customer Care	within 15 minutes	2015/2016	99.9%
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\*part year (Apr – Feb)

### 3.8 **Customer Research**

Licensing undertake a variety of planned consultations in order to gather information on the needs and expectations of our customers and potential customers. Our customers are Licensees, including Hackney Carriage and Private Hire drivers and operators, members of the public who live or do business in Birmingham and businesses that trade in the city. Regular customer satisfaction questionnaires encourage customers to make suggestions for service improvements. The corporate Your Views system provides further information on customer needs and expectations. Our retention of the Customer Service Excellence Standard demonstrates that we recognise the needs of our customers. Liaison meetings are held with groups of customers including Hackney Carriage and Private Hire drivers and operators where needs and expectations are expressed.

We have commissioned a Hackney Carriage Demand Survey to assess whether there is a surplus or deficit of hackney carriages in the City with a view to determining whether we should continue the moratorium on granting new hackney carriage vehicle licences. Demand was last considered in 2014. The new survey will be conducted in 2017.

In 2016 we consulted with businesses and the general public to assess whether our trial Site Management Agreement (SMA) with the Public Fundraising Association had resulted in less dissatisfaction concerning face to face fundraisers in the city centre. Despite the fact that the SMA resulted in a 70% reduction in fundraisers on the streets of the city centre, the survey demonstrated that 62% of respondents had not noticed a difference in numbers and 83% wanted to see fewer fundraisers on our streets. The SMA has since been reviewed and further reductions have been agreed with the Institute of Fundraising. The revised SMA is to be presented to the Committee in April 2017 with a recommendation that the scheme be used as template for suburban shopping centres in Birmingham.

In 2016 we have carried out considerable consultation with our licensed private hire drivers and operators concerning our review of driver and vehicle conditions.

Our consultation with the trade and the general public on an emissions policy for vehicles to comply with DEFRA's Clean Air Zone is very extensive. The 12-week consultation, using the Council's BeHeard website and face to face meetings with trade representatives will capture the trade's views, which have so far centred around the affordability of replacing vehicles with cleaner, low emission vehicles, and the timescale by which we are asking the trade to comply.

### 3.9 **Needs of Stakeholders**

One of our strongest relationships with partner agencies is that with the West Midlands Police. We recognise that we share mutual targets and priorities. In particular, we have a common interest in the night time economy and making the city centre a place where people from all backgrounds want to come and where they will feel safe, which supports the Be Birmingham 2026 strategic priority to stay safe in clean, green neighbourhoods.

We engage with a range of stakeholders through our involvement with the specific fora that have been created under the umbrella of the Community Safety Partnership; namely the Night Time Economy Steering Group, The Daytime Economy Steering Group and the Business Crime Steering Group. At those meetings we engage with the police, Fire and Ambulance services, Business Improvement Districts, Universities, licensed premises and retail businesses.

We consider the needs of hackney carriage and private hire drivers and operators through our Trade Liaison meetings which are scheduled every two months.

The needs of the general public are taken into account by the legislative requirements of the Licensing Act 2003 and the Gambling Act 2005 which enable anyone to ask for a licence to be reviewed and which enable the public to object to the grant of any new licences. This ability supports the Council Business Plan 2015+ priorities for a Democratic City, allowing people to influence decisions: “where everyone has a duty to contribute to civic life and a right to be heard as equals; where public services are accountable and focus on the ‘whole place’ and the ‘whole person’; where citizens work together to look after each other.”

Further specific consultation is evidenced in individual committee reports.

#### **Protection of Children from Harm**

Licensing has specific responsibilities under the Licensing Act 2003 to protect children from harm, and under the Gambling Act 2005 to protect children and vulnerable persons from being harmed or exploited by Gambling. These responsibilities are achieved through the application of conditions to licences to support the objectives of the legislation and by enforcement of the objectives where they are breached. In respect of taxi and private hire drivers, Licensing must ensure that drivers are ‘fit and proper’ to be entrusted to drive members of the public.

The key priority for the Licensing Service is Public Safety, but at the present time Child Sexual Exploitation (CSE) is of particular concern. Well publicised events in other towns and cities in England have linked CSE to the taxi and private hire trade. One of the worst affected places was Rotherham. In February 2015 the Casey Report concluded that Rotherham MBC was not fit

for purpose, having failed in its duties to protect vulnerable children and young people from harm. The report focussed heavily on the Licensing service and examined its contribution to the council's failings. In Birmingham the Licensing service is using the Casey Report as a template to measure itself against, to learn lessons and critically analyse whether it needs to change to ensure that Birmingham's children are protected.

We attend the CSE and Missing Sub-Group as well as the CSE Operational Group where matters concerning Child Sexual Exploitation are discussed with colleagues from many partner agencies. Officers continue to raise awareness of the work we do in all areas of Licensing with our partners, to ensure there is no delay in sharing important information and intelligence.

### **3.10 Likely Future Developments**

We have systems to ensure that we are aware of likely future developments that may impact on our services through our membership of the Institute of Licensing (IOL), National Association of Licensing Enforcement Officers (NALEO) and our cooperation with the Neighbouring Authorities Working Group (NAWG).

Locally, our decision to make hackney carriage and private hire licence applications available on line will involve considerable financial and manpower investment for the service, based on the requirement to replace our IT system. It will represent a significant change for licensed drivers who will need to be able to use computer technology to access the system.

Other important policy reviews will be carried out this year in relation to private hire vehicle signage and vehicles emission standards. The introduction of a Clean Air Zone in Birmingham is likely to have one of the biggest effects on our vehicle policy seen in many years as vehicles will need to meet the new, more stringent, air quality standards. Birmingham has until 2020 to demonstrate that it has improved its air quality. Between now and then Licensing must adapt its policies to meet the challenge.

In March 2016 the contracts for the 10 MOT garages that are authorised to conduct hackney carriage and private hire vehicle MOTs were extended for a further 12 months. We are procuring a new contract to invite businesses to tender for the work.

In 2017 we will review the Birmingham City Council Act

### **3.11 Potential for Services to be provided by outside organisations**

One of the main recommendations of the 2013 Service Review was to determine whether there are benefits to be gained from outsourcing the Licensing Service, or parts of it, to an external company or service provider. A report was presented the Cabinet Member for Development, Transport and

the Economy outlining the benefits and risks of such a proposal. No further decisions have been made to progress this matter.

An alternative to outsourcing could be the development of a Public Sector Mutual. These are organisations that have left the public sector, but continue to deliver public services. Employee control usually plays a significant role in their operation.

Licensing has Service Level Agreements (SLAs) with other agencies to provide services on its behalf, namely the City's Occupational Health service for driver medicals, the City's Driver Training Centre for driving tests, and Surveying Services for consultancy on Safety Advisory Groups and inspecting temporary structures. We first outsourced the provision of MOT testing in 2008.

### 3.12 **Service Delivery**

In 2014/15 we began a three-year programme to inspect one third of premises licensed under the Licensing Act 2003 each year. That process was concluded on 31 March 2017. This was a departure from our previous approach of only inspecting premises about which a complaint or Request For Assistance (RFA) had been received.

Having completed the process of inspecting all our licensed premises we will revert this year we do not intend to repeat the exercise. Whilst it provides benefits in terms of ensuring that our records are up to date, the benefits are outweighed by the disproportionate use of resources to achieve the inspection programme. Those resources could be more usefully deployed in tackling problem premises.

As part of our inspection programme in 2017/18 we will also prioritise premises under the Licensing Act 2003 that have not paid their annual licence renewal fee, as the Act now places a duty upon us to suspend the licences of premises that have not paid.

Subjects for the inspection programme will include:

- Premises licensed under the Licensing Act 2003.
- Premises licensed for the provision of massage and special treatments.
- Premises licensed as sex establishments (we will inspect each premises at renewal and carry out a further annual compliance check).
- Premises licensed under the Gambling Act 2005.
- Private Hire Vehicles and Hackney Carriage Vehicles for compliance with conditions of licence.
- Operators of private hire vehicles for compliance with conditions of licence.
- Specific exercises to identify private hire drivers who are prepared to pick up passengers who have not pre-booked their journey.
- Scrap metal collectors

- Scrap metal sites
- Our Inspection Programme for 2017/2018 is attached at Appendix 3B.

In addition to the inspection programme, we have proposed a series of themed projects that have been identified by reference to known problem areas, which evidences an intelligence-led approach to enforcement.

### 3.13 **Financial And Resource Planning And Management**

In setting our fees this year we have again undertaken a thorough review of our costs associated to delivering the Licensing Service, which is required by the City's Corporate Charging Policy. The Licensing and Public Protection Committee resolved to freeze all licence fees and charges for 2013/2014. In 2014/2015 the Committee resolved to reduce driver and vehicle renewal fees by 2.5%. Certain reductions and increases were approved to General Licensing fees and charges.

For 2015/2016 the Committee approved a range of proposals to increase and reduce licence fees dependent on the licence and the time taken to administer each licence type. Following the receipt of objections to the proposals from the hackney carriage and private hire trade the fees for drivers and vehicles were reviewed again in July 2015. The Licensing and Public Protection Committee agreed to the use of one third of the ring fenced reserves available to it for hackney carriages and private hire (totalling £113k) to enable driver and vehicle fees to be reduced. The new fees were applied from 1<sup>st</sup> September 2015.

In February 2016 fees for 2016/2017 were approved by the Committee, again utilising one third of the ring fenced carry forward balance (totalling £189k), which resulted in further reductions to fees.

The principle of using one third of the ring-fenced carry forward balance for hackney carriage and private hire fees has again been applied to the fees for 2017/17, which are subject to objection at the time of writing this report and have not yet been agreed.

The budget for General Licensing remains under pressure due to its reliance on statutory fees that are uncontrollable.

The service funds 45 FTEs. The service also funds the secondment of a Police Constable to the Enforcement Team. Our structure chart is appended as Appendix 3C.

### 3.14 **Partners**

The Licensing service acknowledges that maintaining and developing its services can be achieved more efficiently through selected partnership working. We work closely with neighbouring local authority licensing services who are members of the regional group called Neighbouring Authorities

Working Group (NAWG). Licensing enters into partnerships when we have assessed, using a decision matrix, the desirability of the partnership in terms of increased efficiency, synergy and commonality of priorities. This table details the partnership working that we currently undertake

<b>Activity</b>	<b>Description</b>	<b>Partners</b>
Enforcement of Licensing legislation and conditions	Employment of a Police Constable and Police Motorcycle for HC and PH enforcement and compliance	West Midlands Police
Provision of testing required for the Licensing process	Medical tests for drivers	Occupational Health Unit
	MOT testing of vehicles	MOT Testing Stations
	Driving tests for licensed drivers	Driving Test Centres
Inspection of licensed premises	Joint inspection visits to licensed premises via Joint Licensing Task Force to increase levels of compliance. (various agencies where appropriate)	West Midlands Police, BCC Planning, BCC Environmental Health, BCC Trading Standards, West Midlands Fire Service, HMRC, Safeguarding Children Board, UK Border Agency
Vehicle and driver licensing conditions and plying for hire offences	Stop checks and plying exercises – require the police to stop vehicles	West Midlands Police, VOSA, CMPG (Central Motorway Police Group), UK Border Agency, HMRC
Corporate membership of Professional Institute	Keeping up to date with legislative changes and benchmarking against other authorities.	Institute of Licensing
Managing licence reviews	Working with Responsible Authorities in respect of objections to applications or reviews of licences.	WM Police, WM Fire Service, Trading Standards, Safeguarding Children Board, BCC Planning, Environmental Health, Public Health
The Night Time and Daytime Economy / Community Safety Partnership	Working with partners to ensure that visitors to Birmingham enjoy high levels of safety.	Birmingham CSP, West Midlands Police, BCC Highways, BCC Transportation



Activity	Description	Partners
		City Centre Management Business Improvement Districts

<b>Licensing Service Objectives 2017/2018</b>			<b>Mission Statement</b> 'Locally accountable and responsive fair regulation for all - achieving a safe, healthy, clean, green and fair trading city for residents, business and visitors		
<b>Council Business Plan 2015+ Priorities</b> <ul style="list-style-type: none"> <li>▪ A Fair City</li> <li>▪ A Prosperous City</li> <li>▪ A Democratic City</li> </ul>			<b>Lead Team/Officer</b> – Head of Licensing		
<b><u>Objective</u></b>	<b><u>Task</u></b>	<b><u>Outcome</u></b>	<b><u>Measure</u></b>	<b><u>Target</u></b>	<b><u>Method</u></b>
To provide effective administration on all licensing applications	We will respond to all applications in a timely manner	To provide an efficient and expedient licensing services for our customers	Percentage of applications processed within 60 days.	90%	Follow efficient procedures, with monthly monitoring
To deliver a programme of inspections of premises, people and vehicles	Inspection programme	To ensure compliance with Licensing legislation	To deliver 100% of planned inspection programme.  Percentage of hackney carriage and private hire vehicles that do not have safety related faults at stop-check inspections. PH Compliance rate: HC Compliance rate:	100%  To improve on 2016/17  ≥ 78.5% ≥ 85.4%	Follow inspection programme, with monthly monitoring
To deliver effective enforcement action against those contravening licensing requirements	Enforcement action in accordance with the Enforcement Policy	To achieve compliance with legislation	Percentage of prosecution cases that are successful:	95%	Follow Enforcement policy and quality procedures

<b>Objective</b>	<b>Task</b>	<b>Outcome</b>	<b>Measure</b>	<b>Target</b>	<b>Method</b>
To provide an efficient and expedient service for dealing with customer enquiries and complaints	We will respond to all RFA's (Requests For Assistance)	RFA Customer Satisfaction results	Response time to RFAs within 5 working days	97.5%	Follow RFA procedures, with monthly monitoring
To introduce a penalty point system for All drivers	We will introduce a penalty point system for all drivers to deal with minor breaches of conditions at stop checks	Improved standards for vehicles and drivers	Launch of scheme	Dec 2018	Public consultation prior to approval of scheme by L&PPC.
Identify and take appropriate enforcement action against drivers illegally plying for hire	Carry out exercises attempting to take un-booked journeys	To achieve compliance with legislation	Number of exercises carried out. Number of drivers refusing journeys compared against journeys taken. Number of drivers caught illegally plying for hire.	12 plying for hire exercises	Exercises carried out with police support - daytime and evening
High profile deterrent & advisory presence: "Yellow Coating"	Carry out high profile exercises in entertainment districts / problem areas	Deterrent effect Raise profile of service	Number of exercises carried out	Feedback from partner agencies and stakeholders.	Exercises carried out daytime and evening

<b>Objective</b>	<b>Task</b>	<b>Outcome</b>	<b>Measure</b>	<b>Target</b>	<b>Method</b>
To set improved emission standards for licensed hackney carriage and private hire vehicles and to encourage the licensing of environmentally friendly vehicles, which will include recommendations on vehicle engine sizes.	We will work in partnership with Env. Health and Transportation colleagues to link the licensing of vehicles to the City's Air Quality Action Plan	Improved air quality standards for Birmingham	The production of an approved policy that addresses emission standards for licensed vehicles	To have an approved policy in place before January 2018	Liaison with the Environmental Protection Unit and linking to the West Midlands Low Emissions Strategy. Consultation with licensed drivers and operators.
Quality Rating Scheme for Private Hire Operators	We will introduce a Quality Rating scheme for private hire operators that will give recognition to those who achieve high standards in respect of compliance with their legal responsibilities	Improved customer choice and improved standards amongst operators	Launch of scheme	To have a scheme in place by December 2017	Public consultation prior to approval of scheme by L&PPC.
To review whether the Birmingham City Council Act 1990 is still relevant and	Consult with interested parties and	To ensure that the Birmingham City Council Act is still	To have reported options for the Act to the Licensing & Public Protection Committee.	To have reported the options to the	Public consultation and

<b>Objective</b>	<b>Task</b>	<b>Outcome</b>	<b>Measure</b>	<b>Target</b>	<b>Method</b>
necessary.	bring proposals to the Licensing & Public Protection Committee.	fit for purpose.		Committee by October 2017.	presentation of report to elected members.
To raise public awareness of personal safety when using taxis and private hire vehicles.	Deliver a public safety campaign	Greater public awareness of the risks of using vehicles that are unlicensed or of taking journeys in un-booked private hire vehicles.	Number of people who hear the campaign.	To deliver a media campaign in conjunction with the taxi and PH trade to target fresher's week.	Radio and social media campaign
To procure a system that will enable applicants for licences to be able to apply and pay for licences on-line.	To deliver a programme of channel shift by building a web portal that is linked to our licensing system.	Reduction in time spent by applicants visiting the Licensing office, reduction in data entry for officers, reduction in cash handling and improved customer service	Implementation of new IT system.	Applications for licences under the Licensing Act, Gambling Act and for Hackney Carriage and Private Hire licences to be available on-line by 31.03.18	Implementation of on-line systems (where appropriate)

<b>Objective</b>	<b>Task</b>	<b>Outcome</b>	<b>Measure</b>	<b>Target</b>	<b>Method</b>
To modernise our conditions of licence for private hire operators	In consultation with the trade to review our conditions of licence.	Conditions which protect the public, and which are fit for purpose	Revised conditions approved by the Licensing & Public Protection Committee.	May 2017	Consultation with private hire operators and drivers.
To modernise our conditions of licence for private hire drivers	In consultation with the trade to review our conditions of licence.	Conditions which protect the public, and which are fit for purpose	Revised conditions approved by the Licensing & Public Protection Committee.	May 2017	Consultation with private hire operators and drivers.
To modernise our conditions of licence for private hire vehicles	In consultation with the trade to review our conditions of licence.	Conditions which protect the public, and which are fit for purpose	Revised conditions approved by the Licensing & Public Protection Committee.	May 2017	Consultation with private hire operators and drivers.

**LICENSING ENFORCEMENT TEAM**  
**INSPECTION PROGRAMME 2017/2018**

The licensing enforcement team will undertake to complete an inspection programme as follows:

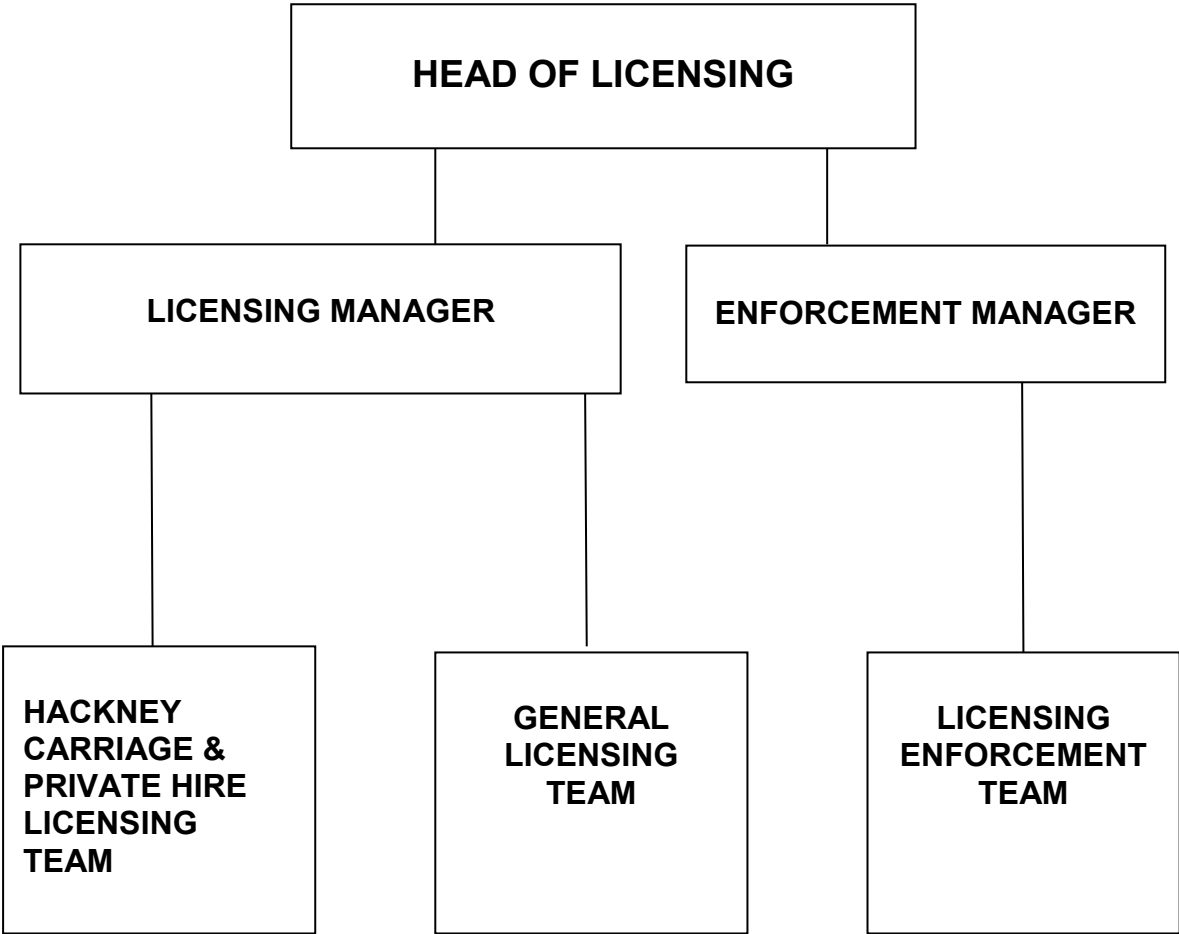
<b>Service Area</b>	<b>Target</b>
Requests For Assistance (RFA)	Every premises which is the subject of an RFA will be inspected during the year.
Premises licensed or applying for licences under Licensing Act	Inspections will be targeted at new or varied licence applications, premises subject to RFA's, late or non-payers or other intelligence received from outside sources e.g. Police/EH/Fire Service.  100% of applications for a new or varied licence will receive an inspection.
Premises licensed or applying for licences under Gambling Act	100% of applications for a new or varied licence will be inspected.
Premises licensed or applying for licences under Birmingham City Council Act	100% of premises applying for a new licence will be visited.
Premises licensed or applying for licences as a sex establishment or Sexual Entertainment Venue under Local Government (Miscellaneous Provisions) Act 1982	All premises applying for a new licence will be visited. All premises applying for renewal of licence will be visited. All premises that are already licensed will receive at least one annual compliance inspection.
Scrap metal collectors under the Scrap Metal Dealers Act 2013	All applicants for a new licence will be subject to a suitability test.
Licensed scrap metal sites under the Scrap Metal Dealers Act 2013	All applicants for a new licence will have a site visit

<b>Service Area</b>	<b>Target</b>
Businesses licensed to operate private hire vehicles under Local Government (Miscellaneous Provisions) Act 1976	All operators to have a least one annual inspection Operators who have failed to comply with the conditions of licence during an inspection will be re-inspected after 4 months and will continue to be inspected at four monthly intervals until they pass, after which they will revert to an annual inspection.
Vehicles licensed to be used for private hire purposes under provisions of Local Government (Miscellaneous Provisions ) Act 1976	18 stop-check exercises. This will provide for at least one stop-check per month, with more in the approach to Christmas and New Year when demand for hackney carriages and private hire is at its greatest.
Drivers licensed to drive a private hire vehicle under Local Government (Miscellaneous Provisions) Act 1976	18 stop-check exercises. This will provide for at least one stop-check per month, with more in the approach to Christmas and New Year when demand for hackney carriages and private hire is at its greatest.
Vehicles licensed as Hackney Carriages under the Town Police Clauses Act 1847	18 stop-check exercises. This will provide for at least one stop-check per month, with more in the approach to Christmas and New Year when demand for hackney carriages and private hire is at its greatest.
Drivers licensed under the Town Police Clauses Act to drive Hackney Carriages	18 stop-check exercises. This will provide for at least one stop-check per month, with more in the approach to Christmas and New Year when demand for hackney carriages and private hire is at its greatest.

\*N.B. The proposed number of stop check exercises for hackney carriage and private hire is 18 in total, at which all types of vehicles and drivers will be inspected.



**LICENSING STRUCTURE CHART**





**BIRMINGHAM CITY COUNCIL**  
**REGULATION AND ENFORCEMENT**

**REGISTER OFFICE**  
**SERVICE PLAN 2017/2018**

#### **4. Introduction to the Service and the Service Plan**

##### **Statutory requirements**

The Registration Service Act 1953 requires every local authority to provide a Registration Service. The service is a statutory service and local authorities in general are obliged by law to provide accommodation and staffing to enable the registration of all civil events within a statutory time frame. Such events include the registration of births, deaths, stillbirths, marriages and civil partnerships, the provision of a certificate service and the provision of Citizenship Ceremonies. Various other Acts, such as the Marriage Act 1949 and the Birth and Death Registration Act 1953, place a statutory requirement on the public to register such events.

Although the Registration Service is regulated by the Registrar General, whose office is part of the Identity and Passport Service, the local and legal responsibility for the provision of the Service is given to a senior council officer called the Proper Officer for Registration Matters. The Proper Officer for Birmingham City Council is Jacqui Kennedy, Acting Strategic Director of Regulation and Enforcement.

##### **4.1 The Core Statutory Elements of the Service are to:**

- Register all births occurring within Birmingham within 42 days.
- Register all deaths occurring within Birmingham within 5 days.
- Attest declarations for births and deaths occurring outside Birmingham.
- Provide and certify copies of all registrations to the Registrar General.
- Provide a service as a Designated Register Office for persons who are subject to Immigration Control and who may or may not be Birmingham citizens.
- Undertake the legal preliminaries to marriage and civil partnership.
- Provide certificates of birth, death, marriage and civil partnership.
- Attend, provide a ceremony for and register civil marriages and civil partnerships at the Register Office.
- Attend and register marriages and civil partnerships taking place at registered buildings.
- Assist in the registration of places of worship.
- Attend, provide a ceremony for and register civil marriages and civil partnerships at approved premises.
- Assist in the certification of registered buildings as a place for the solemnization of marriages.
- Make statutory payments to authorised persons for making returns of marriage ceremonies in religious buildings.
- Arrange and provide citizenship ceremonies.
- Assist the public with corrections to registrations.
- Re-register births in accordance with the Registration Acts.
- Provide statistical information to the Registrar General and Birmingham City Council.
- Ensure the security, maintenance and restoration of registers and indexes.
- Arrange for the approval of buildings to be used as venues for civil marriage and civil partnership ceremonies.

- Arrange for the approval of religious buildings to be used as venues for the registration of civil partnership.
- Provide a conversion procedure for Civil Partners
- Report Sham marriages to the Home Office (UKVI) and fraudulent applications for certificates to the Registrar General.

#### 4.2 **Non-statutory services provided**

The Service provides a range of non-statutory services as set out below:

- Civil ceremonies, for example baby naming and renewal of vows.
- Nationality Checking Service.
- Settlement Checking Service.
- Provision of advice, searches and copy certificates for use in genealogical research.
- Provision of advice on name changes, bereavement procedures, Tell Us Once.
- Provision of an Emergency Bereavement Service outside normal office hours e.g. at weekends and bank holidays including short notice death registration and out of England removal orders.

The legislation that regulates the Registration Service is listed below:

#### **The Registration of Births Deaths and Still Births**

- Births and Deaths Registration Act 1953
- Population (Statistics) Act 1960
- The Registration Service Act 2007
- Registration of Births and Deaths Regulations 1987
- Marriage (Registrar General's Licence) Act 1970
- Legitimacy Act 1976
- The Deregulation (Still-Birth and Death Registration) Order 1996
- The Contracting Out (functions of the Registrar General in relation to authoring re-registration of births) Order 1997.
- The Deregulation (Correction of Birth and Death Entries in Registers of Other Records) Order 2002
- The Registration of Births and Deaths (Electronic Communications and Electronic Storage) Order 2006
- Legitimacy Act 1976
- Adoptions and Children's Act 2002
- The Adopted Children and Adoption Contact Register Regulations 2005
- The Adoption Information and Intermediary Services (Pre-commencement) Adoptions Regulations
- Gender Recognition Act 2004
- The Gender Recognition Register Regulations 2005
- The Registration of Births, Deaths and Marriages Regulations 1968
- The Registration of Births, Deaths and Marriages (Amendment) Regulations 2007
- The Registration of Births, Deaths and Marriages (Amendment) No 2 Regulations 2007
- Perjury Act 1911
- The Registration of Births, Deaths and Marriages (Amendment)

- Regulations 2005
- The Registration of Births, Deaths and Marriages (Amendment) Regulations 2007
- Family Law Reform Act 1987
- Guardianship of Minors Act 1971
- Affiliation Proceeding Act 1957
- Statutory Declaration Act 1836
- Human Fertilisation and Embryology Act 1990
- Human Fertilisation and Embryology (Deceased Fathers) Act 2003
- Baptismal Registers Measure 1961
- National Health Service Act 2006
- Education Act 1996
- Population (Statistics) Act 1938 and 1960
- The Anglo Spanish Consular Convention 1963

### **Marriages and Civil Partnerships**

- Marriage Act 1949
- The Marriage Act 1976
- The Marriage Act 1983
- Perjury Act 1911
- The Marriage (Prohibited Degrees of Relationship) Act 1986
- The Marriage Act 1994
- The Registration Service Act 2007
- The Registration of Marriages Regulations 1986
- The Marriage Act 1994 (Approved Premises)
- The Registrar General's Act 1970
- The Reporting of Suspicious Marriages and Registration of Marriages (Miscellaneous Amendments) Regulations 2000
- The Asylum and Immigration (Treatment of Claimants) Act 2004
- The Immigration (Procedure for Marriage) Regulations 2005
- The Registration of Births, Deaths and Marriages (Fees) Order 2002
- Marriage Act 1983 (Housebound and detained persons)
- Marriage (Registrar General's Licence) Act 1970.
- Marriage (Scotland) Act 1956 as amended by the Marriage (Scotland) Act 1977
- Marriage (Ireland) Act 1846
- Marriage of British (Facilities) Acts 1915 and 1916
- Marriage with Foreigners Act 1906
- Marriage with foreigners Act 1892-1988
- The Foreign Marriage Order 1970
- Places of Worship Registration Act 1855
- The Civil Partnership Act 2004
- Civil Partnership Act 2005
- The Marriages and Civil Partnerships (Approved Premises) Regulations 2005
- The Reporting of Suspicious Civil Partnerships Regulations 2005
- The Civil Partnership (Registration Provisions) Regulations 2005
- The Immigration (Procedure for Formation of Civil Partnerships) Regulations 2005
- The Registration of Civil Partnerships (Fees) (No. 2) Order 2005
- The Marriages Act ( ~~Same Sex Civil Partnerships~~ ) 2013

- The Immigration Act 2014

### **Registration Service and Certificates**

- Marriage Act 1949
- Birth and Deaths Registration Act 1953
- Civil Partnership Act 2004
- Civil Partnership Act 2005
- The Registration Service Act 2007
- Legitimacy Act 1976
- Gender Recognition Act 2004
- Places of Worship Registration Act 1855
- The Marriages and Civil Partnerships (Approved Premises) Regulations 2005
- The Registration of Births, Deaths and Marriages (Fees) Order 2002
- Baptismal Registers Measure 1966.

#### **4.3 Service Plan**

This Service Plan details the work undertaken by the service, both in terms of quantity and quality, how this contributes to, and supports, the high level intended outcomes of the City; customer feedback; intended improvements; financial, people, IT and accommodation resources; and details what service will be provided.

#### **4.4 Planned Service Improvements in 2017/2018 and beyond**

- To introduce new income generation schemes.
- To make increasingly effective use of the service's Stopford electronic diary system by offering an online death registration appointment facility, on line payments and online design of bespoke orders of service for wedding ceremonies.
- To continue to review processes and introduce electronic systems to make them more efficient.
- To continue to extend electronic payment facilities to speed up processes and improve the customer journey.
- To introduce enhancements to the ceremonial courtyard.
- To continue with partnership working with hospitals and GP's to improve the quality of death certificates issued by doctor's in order to decrease the return of incorrect certificates, speed up death registration and improve communication channels.
- To improve the weekend provision of the out of England Service for bereaved people who want to repatriate bodies rapidly.
- To implement a full registration service on a Saturday
- To explore and where appropriate enter into partnership working arrangements with neighbouring registration districts for the registration of births and deaths.

#### 4.5 **Current Organisational Assessment**

The intensive workload, of the Register Office, has continued to provide the driver to make further improvements to processes and procedures. Various processes and procedures have been reviewed over the past year and improvements implemented to make the processes leaner. The main improvements include the further employment of the Stopford electronic diary system with the availability to book birth registration appointments online.

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

A review of the registration appointments system has resulted in a significant increase in the number of appointment slots available.

An electronic cash book was introduced in April and an electronic card payment facility was piloted in January 2017, both of which have helped with efficiencies.

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

Private Citizenship ceremonies are also now available.

Service managers have continued to offer DWP work placements and work with other service areas to help resource the Register Office.

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

#### 4.6 **Key Performance Indicators**

The Key Performance Indicators for the local registration service are set nationally.

They are as follows:

- 98% of all births registered within 42 days.
- 98% of all stillbirths registered within 42 days.
- 95% of all deaths registered within 5 days of occurrence.
- 95% of appointments made to register births are within 5 working days of the request.
- 95% of appointments made to register deaths are within 2 working days of the request.
- To see 95% of all customers, who have an appointment, within 10 minutes of their appointed time.
- To see 95% of other customers i.e. those without an appointment, within 30 minutes of their arrival.
- 95% of all applications for certificates dealt with within 5 working days from receipt of application.
- 92.5% of customers surveyed expressing satisfaction with the service.



- Total number of complaints not to exceed 0.3% of all registrations.
- To provide all new citizens with a Citizenship Ceremony with 3 months of being notified that their application to become a British Citizen has been successful.

#### 4.7 **National Returns**

A local Registration Service is required by law to make annual and quarterly returns to the General Register Office.

An annual report is also required about performance and achievement this report is made to the Registrar General after the end of the financial year.

#### 4.8 **Performance Indicators**

The Registration Service reports on a series of nationally agreed key performance indicators. The outcomes for the last and previous years are shown below.

Type of Indicator	Indicator	Performance	
National Good Practice Guide Indicators	% of births registered within 42 days of birth	2013	95%
		2014	89%
		2015	94%
		2016	63%
	% of deaths (excluding post mortem and inquest cases) registered within 5 days of occurrence	2013	75%
		2014	75%
		2015	66%
		2016	58%
	% of applicants for certificates dealt with in 5 working days from receipt of application	2013	100%
		2014	100%
		2015	100%
		2016	100%
	% of appointments for birth registrations that are within 5 working days of the request	2013	Sept – Dec 33.5%
		2014	36%
		2015	44.2%
		2016	42.5%
	% of appointments for death registrations that are within 2 working days of the request	2013	Sept – Dec 97.5%
		2014	97%
		2015	93%
		2016	93.4%
	% of customers, who have an		
		2013	98%

	appointment, who are seen early, on time or within 10 minutes of their appointment time	2014 2015 2016	94% 92% 93%
Regulation and Enforcement Local Indicators – customer satisfaction	We will respond to correspondence within 5 days		
		2013	100%
		2014	100%
		2015 2016	100% 90%
Registration Service Local Indicators – speed of dealing with customer requests	To issue copy certificates on the same day as application to customers attending the office		
		2013	100%
		2014	100%
		2015 2016	100% 100%
	To issue copy certificates within five working days to customers applying by post or online.		
		2013	100%
		2014	100%
		2015 2016	100% 100%

#### 4.9 **Quantity of work**

Year	Number of Certificates issued	Number of Births registered	Number of Deaths Registered	Number of marriages at Register Office
2016	137,475	24,425	9,990	1,377
2015	130,564	22,707	10,172	1,315
2014	132,785	23,791	10,160	1,637
2013	134,628	23,636	10,001	1,749
2012	132,000	25,175	9,726	1,808

Year	Number attending citizenship ceremonies	Number of search room post and e mail applications	Number of search room personal applicants	Total Primary Customers attending the Register Office
2016	3,327	16,150	9,938	69,055
2015	2,076	14,882	11,551	66,516
2014	3,332	15,984	16,088	73,816
2013	5,534	15,718	15,718	84,861
2012	4,977	13,981	17,093	84,565

#### 4.10 **Customer Research and Feedback**

As Birmingham is one of the Designated Register Offices and registers births and deaths for non-Birmingham residents not all service users are council taxpaying citizens of Birmingham. A large part of the number of births registered and deaths registered are for residents living in other authorities.

Applicants for certificates are from all over the world. There is also a growing number of customers who live around the world and who contact us to marry in Birmingham or ask about marrying in the UK in general.

In order to gauge how the customer views our service to them we have traditionally provided three separate customer satisfaction questionnaires which relate to the service received in the three main service areas of Ceremonies, Certificates and Registration. Very high levels of satisfaction are achieved and we react to customer feedback when comments or suggestions are made which will improve future service provision.

#### **4.11 Needs of Stakeholders**

The Service is continually seeking ways to improve the service and accordingly officers attend meetings with various stakeholder groups. The regular meetings with the Senior Coroner for Birmingham and Solihull, twice yearly Funeral Directors meetings and quarterly Faith Advocacy Group meetings have proved invaluable in moving the service forward to better meet customer needs.

#### **4.12 Likely Future Developments**

- It is expected that approval of the revised budget, alongside the approval of the new fee structure will allow the Register Office to operate without causing a financial pressure to Regulatory Services or Birmingham City Council in the immediate future.
- Plans to introduce new chargeable services and income generation schemes should help the service to return income to the city.
- There are statutory services for which fees will be applicable in the future and the GRO has indicated that in 2017 the first phase of these fees will become chargeable.
- Marriage law is due to be revised in the near future making it compulsory for the majority of marriages to be registered at a Register Office; this will assist with verification of marriages and has the potential to be an income generating stream.
- There are challenges to traditional income generating schemes with the announcement of by the GRO to move to on-line application forms for all United Kingdom Visa and Immigration (UKVI) which brings some challenge to the long term sustainability of the current process operated by Local Registration Services in partnership with UKVI with regards to the Nationality Checking Service (NCS).
- The planned tendering of some UKVI services has the potential to further significantly impact this service.
- The service is driven by customer demand. The number of marriages in 2016 has increased slightly on 2015 as have the number of new citizens. The number of birth registrations has increased against 2015 which has resulted in increased income.

- The fees for use of the ceremony rooms are benchmarked against neighbouring districts. The Tell Us Once Government initiative has reduced the need for additional certificates traditionally a means of generating income. The Passport Agency viewing documents provided by the General Register Office (GRO) and the Deregulation Act 2015, which allows GRO only to provide cheaper copies of events rather than certificates from local offices has also damaged this potential income generation stream.
- Although the service is restricted in the ways in which it can generate income in that the majority of fees are statutory and do not reflect the cost of delivery, review of non- statutory services has resulted in an increase in the fees charged for non -statutory to reflect the cost of delivery.
- In 2017 the GRO is to introduce a raft of fees for services which previously have been non chargeable.
- In recent years staffing levels have been reduced and some posts held vacant to mitigate a challenging income target, however this has impacted on the ability of the service to meet the nationally agreed KPIs timeliness registration targets which are reflected in the measures table below and has attracted GRO intervention. It should be noted that failure to provide some duties is an offence. Although more appointments have been made available this is not sustainable in the long term and limited recruitment is therefore necessary.

#### 4.13 **Potential for Services to be provided by outside organisations**

The Registration Service is a statutory function governed by the Registrar General and is not open to provision by outside organisations or competition from outside the council. The law requires the service to be provided by local authorities even though it is a national requirement,

#### 4.14 **Service Delivery**

The service will continue to provide excellent services including the following:

- Registration services for the Citizens of Birmingham and beyond, as required in legislation.
- The reporting of sham marriages and fraudulent applications for certificates.
- The forwarding of any submitted foreign divorces accepted at the time of giving notice of marriage or civil partnership, to the Registrar General, within two working days of receipt.
- All requests for corrections requiring the authority of the Registrar General, will be forwarded to the General Register Office, within two working days of receipt from the customer.
- All correspondence will be answered, where possible, within 48 hours.
- The treatment of customers will be carried out in accordance with the guidelines set out in the Birmingham Promise and the Service Area's Customer Care guidelines.

- 4.15 The service clearly and directly supports the Council **Business Plan 2015+ Priorities** of “A Fair City” as it has delivered the service within budget and is supporting the drive to channel shift by moving more processes on line for example on line appointments.

It is also supporting the Council's 2020Vision by supporting the provision of a “Modern Council” in offering a weekend and bank holiday Out of England service and is working towards the provision of full a registration service on a Saturday , online payments and an online bespoke wedding service.

It supports a “Strong Economy” by the delivery of services within budget  
It supports a “Happy health city” by helping to prevent family breakdown with the provision of weddings and civil partnership services, holding of a spring Wedding fayre and reducing waiting times to registrations thereby supporting safeguarding of new borns by providing them with an identity as soon as possible.

The table below details the service provision for the year and links it to outcome measures. A number of key targets have not been met due to an increase in birth registrations and staffing levels:

Service Provision	Outcome	Measure	Target	Actual
To be available to Register births and deaths within statutory time limits	To provide an efficient and timely Registration service for our customers	Customer Satisfaction with the overall quality of our services	92.5%	95%
		Waiting times	95% of customers seen within 10 minutes with appointment	95%
To be available to Register births and deaths within statutory time limits	To provide an efficient and timely Registration service for our customers	<b>Ability to make an appointment</b> % of appointments for registration of births within 42 working days of birth (Or 5 working days of request)	98%	63.%
			95%	43%
		% of appointments	95%	93.%

		for registration of deaths within 2 working days of request		
To respond to all written applications for certificates within five working days	To provide an efficient and responsive Registration service for our customers	Customer Satisfaction with the overall quality of our services	92.5%	100%

#### 4.16 **Financial and Resource Planning Management**

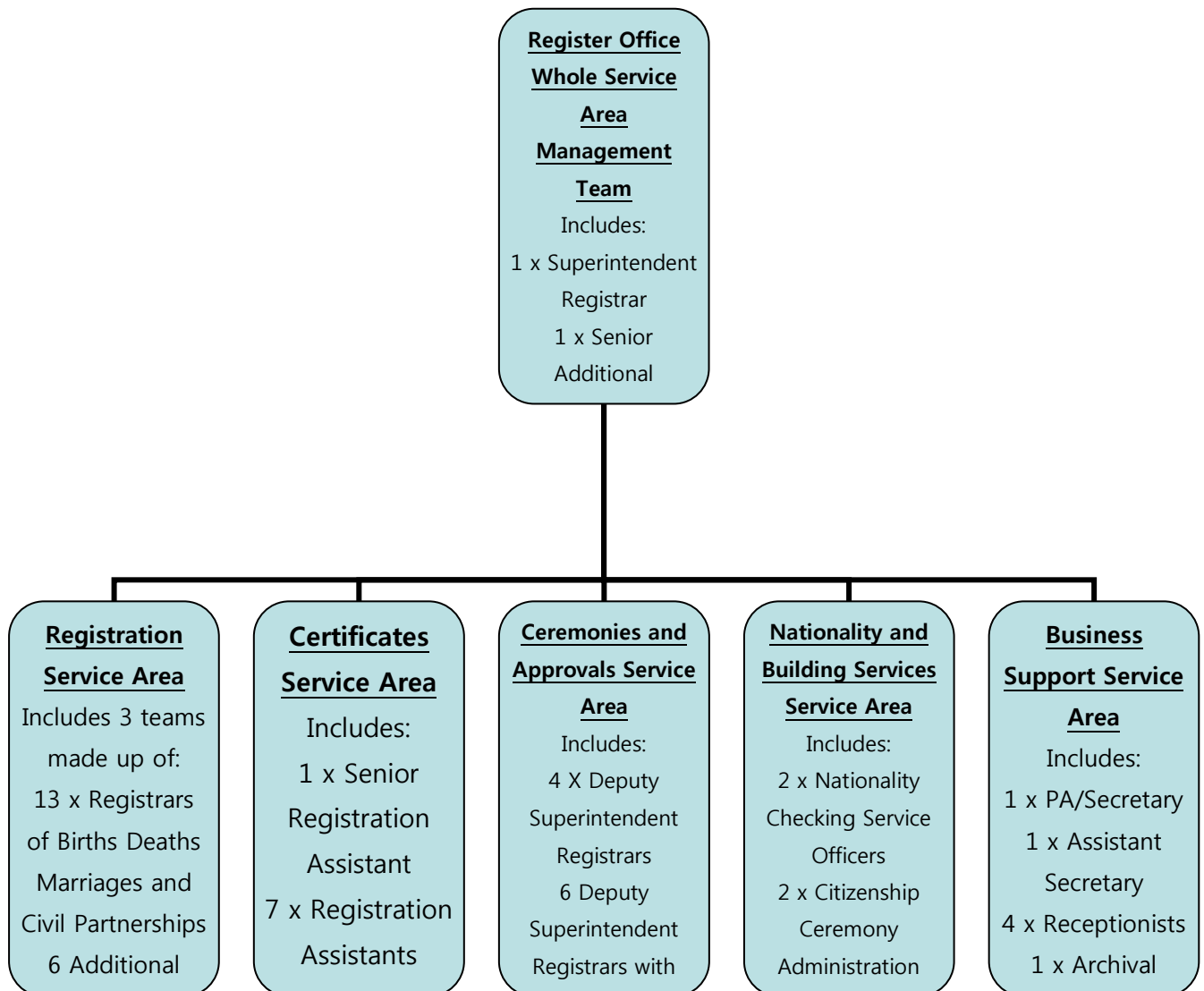
The service has a staffing compliment of 74 FTEs. There are 12 peripatetic staff and 12 weekend only staff the peripatetic staff attend ceremonies at Approved Premises and Citizenship Ceremonies. The weekend only staff provide ceremonies and registrations at the Register Office and registered religious buildings at weekends as well as the out of hours Emergency Bereavement Service.

Whilst the majority of fees are set nationally by the Registrar General some non-statutory fees are set by the City Council through the Licensing and Public Protection Committee. There have been comments, by elected members, about the burden placed on the council tax payer of Birmingham in supporting a registration service for non-Birmingham residents. Senior managers are in discussions with neighbouring districts to enter into partnership arrangements around registrations. It has also been suggested that many central government agencies use the local registration service as a source of information and data as well as a free service. For example, the DWP use the local registration service to provide the Tell Us Once system and the Office for National Statistics uses the statistics from birth and death registrations freely. It has been further suggested that central government should financially support such a vital, valuable and necessary service rather than hope that someone buys a certificate or gets married to provide an inadequate fee. Service managers continue to lobby the GRO.

4.17 The current staffing structure is attached as Appendix 3A.

4.18 The statutory fees charged by the service appears in Appendix 3B.

## REGISTER OFFICE ORGANISATION STRUCTURE



## STATUTORY REGISTER OFFICE FEES

Statutory or PPC Fees	Current Fees	Statutory or PPC
Superintendent Registrar's Cert of Birth, Death or Marriage	£10	Statutory/National
Registrar's Certificate issued at the time of Registration	£4	Statutory/National
Registrar's Certificate after Registration	£7	Statutory/National
A general search in indexes not exceeding 6 hours	£18	Statutory/National
Certificate of Worship	£29	Statutory/National
Registration of a religious building for marriage	£123	Statutory/National
Registration of a religious building for marriages for same sex couples (that is already registered)	£64	Statutory/National
Notice of Marriage	£35	Statutory/National
Notice of Marriage subject to immigration Act	£47	Statutory/National
Notice of Civil Partnership subject to immigration Act	£47	Statutory/National
Notice of Civil Partnership	£35	Statutory/National
Fee to reduce the legal waiting period of a notice of marriage/civil partnership	£28	Statutory/National
Fee payable to Registrar for marriage Ceremony at register Office	£46	Statutory/National
Fee payable to Registrar for marriage Ceremony at registered building	£86	Statutory/National
Attendance of Civil Partnership Registrar at Register Office	£46	Statutory/National
Notice given at Housebound Person's abode SR attendance	£47	Statutory/National
Notice given at Detained Person's abode SR Attendance	£68	Statutory/National
Attendance of Registrar at Housebound Person's Marriage	£81	Statutory/National
Attendance of Registrar at Detained Person's Marriage	£88	Statutory/National
Attendance of Superintendent Registrar at Housebound Person's marriage	£84	Statutory/National
Attendance of Superintendent Registrar at Detained Person's marriage	£94	Statutory/National
Attendance of CP Registrar at Housebound Person's CP	£81	Statutory/National
Attendance of CP Registrar at Detained Person's CP	£88	Statutory/National
Registrar General's Licence for Marriage	£15	Statutory/National
Standard Conversion Civil partnership to marriage	£45	Statutory/National
Two stage procedure stage 1 conversion civil partnership to marriage	£27	Statutory/National
SR attendance Conversion Civil partnership to marriage according to Jews / Society of Friends	£91	Statutory/National
SR attendance Conversion Civil partnership to marriage Housebound	£99	Statutory/National
SR attendance Conversion Civil partnership to marriage detained	£117	Statutory/National
Registrar General's Licence for Civil Partnership	£15	Statutory/National
CP Registrar's attendance at religious building	£86	PPC/Local
CP certificate issued at time of registration	£4	Statutory/National
CP certificate issued after registration	£10	Statutory/National



**BIRMINGHAM CITY COUNCIL**  
**REGULATION AND ENFORCEMENT**

**TRADING STANDARDS SERVICE PLAN**  
**2017/2018**

## 5. **Introduction to Trading Standards Services and the Service Plan**

The provision of a Trading Standards service is a duty placed on the Local Authority by statute. This includes the requirement to enforce specific Acts of Parliament and secondary legislation. The purpose of the Trading Standards service is to ensure that trade within the city is fair; that businesses comply with consumer protection legislation and that consumers are protected from unfair trading practices.

The work of the service affects people at all levels. Historically, individuals have been assisted in resolving civil consumer protection issues and are protected from unscrupulous traders through targeted enforcement action through intelligence led work. At a local level we, for example, remove unsafe products and counterfeit goods from the market place and tackle rogue traders etc. Regionally and nationally, we work with other local authorities and partners organisations such as the Police, HMRC, NHS and the Border Agency to pursue criminals and take enforcement action to protect consumers and legitimate businesses. Our activities even impact on an international level, where the enforcement action we take in Birmingham prevents people being exploited through, for example, unscrupulous package tour operators or organised serious crime such as financial scams and fraud.

Trading Standards work is intelligence led, either through complaints from the public, regional/national trading standards intelligence or information from partner agencies such as the police. This approach is consistent with all enforcement bodies in that resources are targeted at high risk service areas and are outcome focussed. Often major investigations can involve a whole team and this involvement is over weeks as opposed to one day. Some investigations can last more than a year from discovery to submission of prosecution proceedings. Although an investigation may be focussed at a particular location e.g. an importer's warehouse in Tyseley, the impact of unsafe products distributed from this location could be anywhere in Birmingham if not nationally or even internationally.

As an enforcing authority it is necessary for us to produce and publish our enforcement policy. This ensures that we apply consistent standards to our decision making process when we consider taking enforcement action. It also ensures consistency on a geographical basis across the city.

We have a commitment to deliver excellent, high quality integrated services that are focussed on outcomes. We seek to ensure that no sectors of the community are disproportionately disadvantaged by unacceptable activities of traders. With this in mind we use intelligence with our colleagues in Birmingham City Council and our partners to implement work programmes to tackle corporate and local priorities.

Factors that will influence the nature and scale of service delivery in 2017/2018 are:

- Since 2010 the team has reduced by over two thirds from 57.72 Full Time Equivalent staff (FTE) to 19.20FTE in 2015/2016.
- The maximisation of our use of intelligence to identify priority areas and tackle the high risk issues thereby maximising efficiency and value for money.
- Delivery of corporate business plan savings through income generation for business advice the exploration of creating a West Midlands Combined Authority Trading Standards service.
- Our continued alignment with Central England Trading Standards Authorities (CenTSA) and National Trading Standards (NTS) with a view to maximising any potential opportunities in receiving funding to deliver new regional or national work.

#### 5.1 **The work of the Section originates in one of five ways:**

- Statutory, regulatory work to enforce a range of consumer protection legislation. This is primarily achieved through intelligence-led inspection of business premises and the investigation of requests for assistance e.g. enforcement of age restricted products, weights and measures, product safety and fair trading legislation.
- Supporting businesses by ensuring compliance with relevant legislation and tackling unfair competition. This will include Primary Authority Partnership work.
- Analysis of notifications and referrals from the Citizens Advice Consumer service to identify businesses that may be causing consumer detriment and trends.
- The use of intelligence to prioritise and inform proactive investigations by implementation of a tasking process.
- Acting as a responsible authority under the Licensing Act 2003 and as such making appropriate representations in response to licensing applications. In addition we instigate licence reviews where breaches of the licensing objectives have been identified.

#### 5.2 **The core elements of the service are:**

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

- Adult safeguarding, preventing financial abuse through investigation of scams and doorstep crime.
- To support legitimate businesses through tackling illegal business practices.
- To reduce the supply of age restricted products to young people.
- To ensure goods placed on the market are safe.
- To work in partnership under a Primary Authority Partnership with No Rogue Traders Here. (trader approval scheme)
- To support the City Council's strategic priorities
  - **Children** – so Birmingham's a great city to grow up in
  - **Housing** – so Birmingham's a great city to live in
  - **Jobs and skills** – so Birmingham's a great city to succeed in
  - **Health** – so Birmingham's a great city to grow old in

### **Trading Standards statutory responsibilities:**

There are 250 different pieces of legislation that places a statutory duty on the Council. Trading Standards Officers are authorised to enforce that legislation which primarily covers:

- **Unsafe goods** - TS ensure that consumer products are safe and comply with the requirements of the Consumer Protection Act 1987, and the General Product Safety Regulations 2005.
- **Fair trading** - the aim is to ensure truthfulness in trade to prevent consumers being misled during contractual negotiations for goods and services. This is done by ensuring compliance with the Consumer Rights Act 2015 and the Consumer Protection from Unfair Trading Regulations 2008. Investigations can lead to the discovery of serious fraud issues.
- **Counterfeit goods** - Counterfeit consumer goods are by definition goods infringing the rights of a trade mark holder by displaying a trade mark which is either identical to a protected trade mark or by using an identification mark. This criminal activity is often on a national scale and considered as a serious organized crime. By enforcing relevant legislation Trading Standards are ensuring that legitimate businesses that provide employment and economic benefits are being protected. Consumers are protected from poor quality, fake and potentially dangerous goods.
- **Underage sales** - trading standards enforce legislation related to the sale of age restricted products such as alcohol, tobacco products, knives, fireworks and DVDs to underage consumers.
- **Pricing of goods and services** - trading standards law requires that the price of goods should be made known to consumers in a clear and legible manner. We investigate both proactively and reactively any false and misleading price indications.
- **Weights and measures** - trading standards services are required to ensure that all relevant goods are correctly weighed and measured in accordance with

the Weights and Measures Act 1985. This is done by checking the accuracy of weighing/measuring equipment; checking goods in stock are of the correct weight; and investigating complaints of short measure.

- **Alcohol control** - duties as a responsible authority under the Licensing Act 2003. In addition we work to control the supply of illicit alcohol.

Further to the above, there is a duty placed on the Authority for a number of harmonised EU directives:

Directive 2005/29/EC on unfair commercial practices places a direct duty on enforcing authorities to protect certain population groups due to their vulnerability or credulity.

The Care Act 2014 places significant duties upon local authorities including in relation to preventing abuse and the role of the trading standards service in preventing financial abuse must be considered in the context of supporting the vulnerable citizens of Birmingham.

### 5.3 **Localisation**

We support the provision of services that deliver neighbourhood, city, and city region/national priorities. We will continue to work with communities to identify their priorities so that we can bring about consumer protection improvements to their local areas by proactive joint working with businesses, communities and other agencies. Officers engage through various local forums including neighbourhood/community groups, Business Improvement Districts, Ward and District Committee meetings to ensure effective engagement with residents, local traders and Members.

We continue to participate in the Central England Trading Standards Authorities group to access additional project funding from the NTS, intelligence advice and work in partnership to tackle regional and national issues.

We use intelligence to identify specific traders within Birmingham whose criminality may be having a detrimental effect on consumers not only locally but on a regional and national scale.

### 5.4 **Budget Pressures and Significant Changes in Service Delivery**

Since 2010 trading standards gross budget has reduced from £3,845,000 to £1,675,000 (2017/18). In 2017/18 we must deliver income generation of £20,000 in relation to business advice and in 2018/19 £50,000 (management overheads) in saving related a combined authority trading standards service.

To deliver the income proposal we:

- have entered into a Primary Authority Agreement with No Rogue Traders Here;

- are developing an access to knowledge course to support private hire applicants to achieve a pass in their compulsory knowledge test;
- exploring delivery of seminars to Business Improvement District.

In relation to the combined authority trading standards service we:

- have entered into discussions with other local authorities
- will be writing to the chief executives of the other 6 constituent authorities to gauge interest in the proposal.

Despite the reduction to its budget, Trading Standards will continue to use intelligence to tackle the highest risk areas and hence maximise efficiency and value for money. We have implemented a scoring matrix to review incoming requests for assistance. Priority will be given to vulnerable consumers and safety matters. We will also continue to align ourselves with the Central England Trading Standards Authorities and National Trading Standards (NTS) to maximise any potential opportunities in receiving funding to deliver new regional or national work.

## 5.5 **Planned Changes to Service Delivery**

During 2017/2018 the following changes to service delivery will be implemented to ensure maximum efficiency and effectiveness within budget constraints.

- We will offer regulatory advice to businesses on a commercial basis. We will no longer offer free business advice.
- We will deliver the new Primary Authority Partnership with No Rogue Traders Here to maximise benefits for all parties.
- We will explore new opportunities to enter into Primary Authority Partnerships.
- We will deliver the “Access to Knowledge” course for private hire drivers
- We will support the use of the corporate intelligence database to explore benefits in safeguarding adults through bespoke interventions with partners
- Utilise funding from the Director of Public Health to deliver tobacco control and alcohol control strategies

## 5.6 **Key Performance Indicators -**

These include the:

### Place Directorate Performance Indicators:

Percentage of confident consumers in the City	Target 80%
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### Local Indicators:

Percentage of RFAs responded to within 5 day target	Target 100%
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Customer and business satisfaction with the overall quality of our services

Target 80%

## 5.7 **National Returns**

Trading Standards is required to make a number of statutory/ national returns and plans including:

- Chartered Institute of Public Finance Association - annual trading standards return.
- National Measurement Office – annual return under section 70 of The Weights and Measures Act 1985 of verification work completed and charged for in the last financial year.
- Animal Feed Registration and Inspection – returns to the Food Standards Agency

## 5.8 **Organisational Assessment**

This section details the service's current performance.

The table below details the service's key performance indicators with results against these indicators over previous years and some indicators of the quantity of work undertaken.

## 5.9 **Key Performance Indicators**

Type of Indicator	Indicator	Performance	
Place Directorate Plan Indicators	Percentage of confident consumers in the City. The measure was recalibrated in 2011/2012 and again in 2014/2015 as budget reductions impacted the breath of services delivered. The target is now 80% and will be used as the baseline for future years.	2016-2017*	83.0 %
		2015-2016	84.3%
		2014-2015	83.8%
		2013-2014	90.3%
		2012-2013	90.0%
Regulation and Enforcement' Local Indicators – response times to customer requests	We will respond to Requests for Assistance within 5 working days	2016-2017*	90%
		2015-2016	90%
		2014-2015	86%
		2013-2014	96%
		2012-2013	97%
Regulation and Enforcement Local Indicators – customer satisfaction	Customer satisfaction with reactive services	2016-2017*	81%
		2015-2016	64%

		2014-2015	72.4%
		2013-2014	93%
		2012-2013	97%
	We will receive more compliments than justified complaints ratio of compliments to complaints)	2016-2017*	18:0
		2015-2016	14:0
		2014-2015	22:1
		2013-2014	30:1
		2012-2013	35:0
Trading Standards Local Indicators – speed of dealing with customer requests	We will deal with 75% Criminal Requests for Assistance within 60 days	2016-2017*	92.2%
		2015-2016	91.0%
		2014- 2015	93.5%
		2013-2014	88.3%
		2012-2013	82.9 %

\* 1/4/16- 13/3/17

#### 5.10 **Quantity of work**

Year	Number of Requests for Advice	Number of Requests for Assistance	Number of Prosecutions submitted	Number of Cautions submitted	Number of inspections undertaken
2016- 2017*	Service no longer provided	4,123	15	7	173
2015 -2016	Service no longer provided	4,792	16	5	517
2014-2015	Service no longer provided	5,079	25	13	1,017
2013-2014	Service no longer provided	5670	36	24	1,398
2012-2013	Service no longer provided	4486	42	28	1,770

\* 1/4/16 – 13/03/17

#### 5.11 **Customer Research**

Trading Standards undertake a variety of customer consultations in order to gather information on the needs and expectations of our customers and potential customers. Our customers are members of the public who live or shop in Birmingham and businesses that trade in Birmingham. Regular



customer satisfaction questionnaires encourage customers to make suggestions for service improvements. The corporate Your Views procedure provides further information on customer needs and expectations. National Consumer Week provides opportunities to engage with the public and to seek their views. Other opportunities are taken as they arise to establish non-customers' knowledge of consumer issues. We utilise this consultation to ensure we comply with the local authority's requirements of the Duty to Inform, Consult and Involve. Our retention of the Customer Service Excellence Standard demonstrates that we are identifying our customers together with their needs from our services.

Recent examples of consultation and customer feedback have included:

- **Consumer Confidence**

We have conducted surveys amongst the public throughout the year to measure levels of consumer confidence as a way of measuring our own success in achieving the government's ideal of citizens being 'informed, confident consumers'. To the end of February 2017 83% of people surveyed said that they felt confident buying goods and services in Birmingham. In 2014/2015 the target was reduced to 80% from the previous 90% when trading standards stopped offering civil advice and assistance to all but the most vulnerable consumers, which was anticipated to have a negative consequence for this performance measure.

## 5.12 **Needs Of Stakeholders**

Central to the development of this Service Plan is the acceptance that Trading Standards serves not only its direct customers and businesses but also a wide range of other stakeholders – these include the City Council's elected members, partner organisations and government. The City Council's plans, policies, priorities and strategic outcomes provide us with the information from research that is essential to planning our services. The City's strategic priorities have formed the basis of this service plan and as such it supports the outcomes of Birmingham's Community Strategy 'Birmingham 2026'.

In relation to Government, both national and European, we play an active part in responding to consultations that might affect consumers or businesses in Birmingham. We also lobby Government over issues that are of concern to our stakeholders.

Birmingham Trading Standards has continued with the close working relationship with the Association of British Hajj which represents the interests of Muslim pilgrims who undertake the Hajj to Saudi Arabia. Over many years we have developed a close working relationship with Birmingham Assay Office enabling us to work collaboratively in the enforcement of hallmarking legislation.

### 5.13 **Likely Future Developments**

Trading Standards is involved locally and nationally with professional bodies and governmental groups looking at potential future developments. We have systems to ensure that we are aware of likely future developments that may impact on our services. Key developments facing Trading Standards in the coming year are:

- In the LGA Trading Standards Review in January 2016, there a key response to the review from the LGA is
  - “in order to ensure the future sustainability of trading standards work, councils should explore the options for sharing their services to create larger units. There is no one size fits all model for different councils, but having fewer, larger trading standards services, which serve more than one council but sit fully within local government structures, is likely to help ensure greater long term resilience of trading standards expertise”

Reference is then made to

- “We believe that larger services could be formed that fit within the new combined authority areas”
- The creation of the West Midlands Combined Authority from 1<sup>st</sup> April 2016 has raised the opportunity for Trading Standards to be delivered as a regional service. In 2017/2018 officers will continue discussions with the other six West Midlands Constituent Metropolitan District Council’s to establish how much interest and support there is for such a proposal.
- In 2016/2017 we will work with colleagues in Environmental Health and Licensing to create a commercial model for business support to underwrite the cost of delivering this part of our service which is non-statutory. We will no longer offer free advice to businesses.
- The promotion of the Better Business for All initiative under the Greater Birmingham and Solihull LEP

### 5.14 **Potential For Services To Be Provided By Outside Organisations**

The Local Government Association trading standards review summary report published in January 2016 stated that over the course of 2010-2015 funding from central government was cut by 40% and cuts to trading standards services around the country reflect this to a greater or lesser degree. It predicts further significant reductions to grant funding between 2015-2020. One of the key messages from the review said that there was still a strong commitment to trading standards remaining fully integrated within local government and it argued against recent proposals from the Chartered Trading Standards Institute that trading standards should be delivered by

strategic authorities. Without exception, trading standards was seen as a valuable service able to support local priorities, communities and businesses.

National Audit Office Protecting Consumers from Scams Report published in December 2016 acknowledges that the loss of resource and downsizing of Local Trading Standards services have led to gaps in coverage at the local level. Effective consumer protection relies on sufficient coverage across the local level, in particular to prevent enforcement gaps. Local Trading Standards has lost 56% of full-time equivalent staff since 2009. Twenty services in England have reduced funding by over 60% since 2011 and some now have only one qualified officer. The funding of smaller services is no longer sufficient for them to undertake significant enforcement cases, and a number of our case study sites were concerned about the viability of their service. There is no consensus on the minimum service level needed to protect consumers adequately

Local Authority trading standards are the only bodies able to enforce legal requirements of criminal consumer protection legislation, apart from some areas relating to the testing and the verification of accuracy of weighing and measuring equipment which can, in certain circumstances, be undertaken by non-Trading Standards organisations. Much of this work relating to weights and measures is now being delivered by other organisations and indications imply that this move to other providers will continue in the future.

A small number of companies employ former Trading Standards staff to act as consultants to private industry and offer analytical laboratory services to test foodstuffs and consumer goods. Although these companies have no statutory basis, they possess the technical knowledge to compete with enforcers if the Government was minded to take enforcement out of local authority control. However, such consultants normally work on a task and finish basis and hence the services provided will not benefit from a holistic approach working in partnership with other internal services or third party agencies to promote sustainable improvements.

There are examples of Local Authority services being out-sourced; examples included London Borough of Barnet and North Tyneside Council Regulatory Service, both of which are run under contract agreements with Capita-Symonds.

An alternative to outsourcing could be the development of a Public Sector Mutual. These are organisations that have left the public sector, but continue to deliver public services. Employee control usually plays a significant role in their operation.

## **5.15 Service Delivery**

Trading Standards contributes to each of the City Council's Strategic Priorities. It is our declared strategy to ensure that all of the work that we undertake and all the services that we provide clearly support these. The services to be delivered as detailed in this Service Plan have been decided

upon based on the evaluation of the issues raised in sections 4 to 6. The services that will be delivered are contained in Appendix 5A to this Service Plan. The Appendix details the services that we will deliver and for each indicates the strategic outcomes that it supports.

## 5.16 **Financial And Resource Planning And Management**

### Financial – Revenue and Capital

Revenue budget for 2017/2018 is shown below (in 000's), with figures for previous years included for comparison.

	Gross Expenditure	Gross Income	Other deductions
	£'000s	£'000s	£'000s
2017/2018	1,675	(221) incl.£27 asset depreciation	1,454
2016/2017	1,748	(182)	1,566
2015/2016	1,765	(172)	1,593
2014/2015	2,104	(173)	1,931
2013/2014	2,176	(172)	2,004
2012/2013	2,829	(152)	2,677
2011/2012	3,004	(63)	2,941
2010/2011	3,515	(189)	3,326
2009/2010	3,932	(172)	3,760
2008/2009	3,845	(77)	3,768

Budgets will be aligned to the identified priorities based on the staff and teams delivering the priorities. Where necessary staff and budgets may be redirected to ensure delivery of priorities.

### People Resources

Since 2010 the team has reduced by over two thirds from 57.72 Full Time Equivalent staff (FTE) to 19.20FTE in 2015/2016.

The Trading Standards service has Head of Service, two Operations Managers, five Trading Standards Officers, two Accredited Financial Investigators and ten Enforcement Officers. It supports a further 6.03 administrative support staff. The structure of the service is illustrated in the Structure Chart at Appendix 5B. There are additional staff in the Government funded: Illegal Money lending team, which delivers a national service for England; and the regional Scambuster team.

The sectional training plan and consideration of competencies through the My Appraisal process will be used to ensure that people are trained and able to deliver the services that they are allocated. The resources required to deliver this Service Plan have been taken into account in its creation. Continued

accreditation to the 'Investors in People' standard will ensure confidence in our ability to deliver the plan and address matters of competency amongst our workforce. All enforcement staff have been trained in Advanced Investigatory Practices and have access to the Trading Standards Institute e-learning on-line training system to ensure core competencies are maintained.

### I.T. Resources

All Requests for Advice and Assistance (RFA's) are recorded on an SAP system called M3. It provides us with intelligence to identify individual problem traders or trends in consumer complaints. Certain officers have been nominated as super users and additionally an officer attends a regulation and enforcement user group who are identifying any developments to the system that are needed to deliver service improvements.

Electronic communications are provided through the Outlook email system. There are various bespoke IT systems for particular service areas, including processing of court cases and the authorisation of and tracking of applications under the Regulation of Investigatory Powers Act.

The Trading Standards Service also utilises a national intelligence database called IDB. All officers are trained as Base Users with others trained as Super Users who can sanitise intelligence logs. This enables the service to input intelligence relating to criminality and also interrogate the system for intelligence provided by colleagues nationwide. In addition to this there are dedicated standalone computers to enable efficient e-crime investigations; this includes the test purchase of goods being sold on-line.

Trading Standards staff has been provided with equipment to support agile working and thus maximise efficiency.

### Partners

The Trading Standards service acknowledges that maintaining and developing its services can be achieved more efficiently through selected partnership working. We work closely with neighbouring Local Authority Trading Standards services who are members of the regional group called CenTSA (Central England Trading Standards Authorities). Trading Standards enters into partnerships when we have assessed, using a decision matrix, the desirability of the working in terms of increased efficiency, synergy and commonality of priorities. This table details the partnership working that we currently undertake.

<b>Activity</b>	<b>Description</b>	<b>Partners</b>
Consumer Advice	1 <sup>st</sup> tier advice provided by the National Citizens Advice Consumer helpline	Citizens Advice Bureau Citizens Advice Consumer Service
Underage Sales of Alcohol	Control under-age purchasing of alcohol	West Midlands Police Licensing Authority Local businesses Community safety

Activity	Description	Partners
		partnership Community Alcohol Partnerships Public Health
Underage Sales of Fireworks	Control under-age purchasing of fireworks	West Midlands Police West Midlands Fire Service
Joint Licensing Taskforce	Targeted inspection of licensed premises to ensure compliance with licensing conditions especially underage alcohol sales	Licensing authority Environmental Health Planning Fire Service West Midlands Police
Door Step Crime	Protecting the elderly and vulnerable from distraction burglary, rogue property repairers and cold call hard sales	West Midlands Police Operation Liberal Operation Pursue Victim Support Age Concern Neighbourhood Watch Community Safety Partnership CEnTSA Intelligence Hub Adult Safeguarding West Midlands Fire Service National Scams Team
Building and property repairs	Identifying rogue builders and promoting good service	Building Consultancy BCC Private Tenancy Team Building trade associations Planning enforcement
'E-commerce'	Combating fraud on the Internet.	Co-ordinating Group for Central England Trading Standards Authorities (CenTSA) E-Crime unit
Intellectual Property Including the Real Deal partnership with Markets	Combating Counterfeiting	West Midlands Police BCC markets Trade Mark Holders Scambusters (CenTSA) CenTSA Intelligence Unit HM Revenue & Customs Anti-counterfeiting group Intellectual Property Office
Tobacco Control	Control under-age purchasing of tobacco products and ensure display of statutory warning notices. Investigate allegations of illicit tobacco being supplied in the City. to ensure compliance with tobacco labelling and advertising regulations	Birmingham Tobacco Control Alliance HM Revenue & Customs CEnTSA Environmental Health Public Health Shisha working group West Midlands Police West Midlands Fire Service

<b>Activity</b>	<b>Description</b>	<b>Partners</b>
Responsible authority under the Licensing Act 2003  Police Reform and Social responsibility Act 2011	Being able to exercise greater influence over the decision to grant licenses with a view in particular for the protection of children from harm	All other responsible authorities
Advice to Businesses	CTSI Business Companion Website Engage with BRDO in developing PAP's	Chartered Trading Standards Institute Regulatory Delivery
Collaboration with a trader approval scheme	Ensuring consumers can be confident when choosing and appointing traders	No Rogue Traders Here
Package Travel (Hajj)	Ensuring consumers are not victim of rogue travel agents offering packages to Saudi Arabia	Assoc of British Hujjaj Council of British Hajjij Civil Aviation Authority City of London Police
Tackling food fraud	Working in partnership to ensure misdescribed meat i.e. Halal is not provided to consumer	Environmental Health Halal Monitoring Committee Halal Food Authority National Food Crime Unit
Hallmarking	Ensuring goods offered for sale are correctly hallmarked	Birmingham Assay Office
Mass Marketing Fraud	Working in partnership with the National Scams Team to identify vulnerable and socially isolated residents that may have been a victim of a postal lottery or similar scam	National Scams Team Birmingham Adults Safeguarding Board Partnership

### Information management

Our ISO accredited management system ensures the validity of our management information. It provides controls for the gathering and review of customer and other stakeholder feedback and ensures this feedback is acted upon.

**SERVICE DELIVERY**

<b>Service Objective 1 -</b>  <b>Supporting businesses</b>  <b>Council Financial Plan 2017 Priorities</b> <ul style="list-style-type: none"> <li><b>Jobs and skills</b> – so Birmingham's a great city to succeed in</li> <li><b>Health</b> – so Birmingham's a great city to grow old in</li> </ul>			<b>Mission Statement</b> – Locally accountable and responsive fair regulation for all – achieving a safe, healthy, clean, green and fair trading city for residents, business and visitors  <b>Lead Team/Officer –</b>  All TS Officers	
<b>Task</b>	<b>Outcome</b>	<b>Measure</b>	<b>Target</b>	<b>Method</b>
Metrological inspection of business premises subject	Increased compliance with relevant legislation Informed and successful business's	Level of compliance for high risk premises inspected.	90% compliance on inspection 100% of High Risk premises to be inspected.	Annual inspection of business that pack to the average weight system.
Implement a charging policy to provide business advice on demand (subject to review)	Increased compliance with relevant legislation  Informed and successful Business's	Number of businesses advised  Income generated	80% satisfaction of businesses with service provided.	Respond to all requests for trader advice within the agreed charging structure  Survey of all businesses requesting advice done on a quarterly basis
Supporting businesses through the Primary Authority Principle.	Increased Compliance with relevant legislation.  Informed and successful Business's	Levels of business satisfaction within a PAP	At least 3 meetings/contact per annum with companies that have formal agreements  80% satisfaction of businesses with service provided	Allocation of specific PAP officers.



Develop Better Business for All with Regulatory Partners	Increased compliance with relevant legislation  Informed and successful Business's	Number of business engaged in process	Establish BBfA for Birmingham and Solihull	Engage with Regulatory Delivery Office and Regulatory Partners  Attend Black Country BBfA to develop best practice
Provide an up to date and informative website	Informed consumers and businesses  Quick access to information	Website hits	Establish satisfaction levels	Review and update website with information on current issues relevant to consumers and businesses.  Provide relevant links for all users.  Promote CTSI Business Companion and Centsa Trading standards Business News
Maintain collaboration with a local trader approval scheme through PAP arrangement	Improved levels of consumer confidence	Consumer confidence levels  Number of new Registered Members	85% level of consumer confidence	Work in collaboration with No Rogue Traders Here

<b>Service Objective 2-</b>  <b>Anti Counterfeiting Enforcement</b>  <b>Council Financial Plan 2017 Priorities</b> <ul style="list-style-type: none"> <li><b>Jobs and skills</b> – so Birmingham's a great city to succeed in</li> <li><b>Health</b> – so Birmingham's a great city to grow old in</li> </ul>			<b>Mission Statement</b> – Locally accountable and responsive fair regulation for all – achieving a safe, healthy, clean, green and fair trading city for residents, business and visitors  <b>Lead Team/Officer –</b>  All TS Officers	
<b>Task</b>	<b>Outcome</b>	<b>Measure</b>	<b>Target</b>	<b>Method</b>
Intelligence led inspection visits to wholesale and retail premises. This could include on-line traders  Prioritising goods where safety could be an issue	Reduction in the quantity of counterfeit goods from the marketplace  Improve local economic prosperity	Number of inspections resulting in the identification of counterfeit goods.  Number and value of non-compliant goods removed	To remove 100% of non compliant goods found  100% compliance or enforcement actions against those found with infringing goods.	Intelligence led enforcement activity.  Partnership working with trade mark holders and other agencies.( FACT, FAST, IPO, UKIE, Police & HMRC, ACG, GAIN)  Engage with the national E-Crime unit

<b>Service Objective 3 -</b>  <b>Reduce Doorstep Crime and protect vulnerable/socially isolated residents</b>			<b>Mission Statement</b> – Locally accountable and responsive fair regulation for all – achieving a safe, healthy, clean, green and fair trading city for residents, business and visitors	
<b>Council Financial Plan 2017 Priorities</b>  <ul style="list-style-type: none"> <li><b>Jobs and skills</b> – so Birmingham's a great city to succeed in</li> <li><b>Health</b> – so Birmingham's a great city to grow old in</li> </ul>			<b>Lead Team/Officer –</b>  All TS officers	
Task	Outcome	Measure	Target	Method
Consideration of the implementation of No cold calling zones	Improve community safety	Number of zones created.  Reduced fear of crime	Create new zones where need identified	Review of crime data annually linked to distraction burglary incidents, consultation with Community Safety Partnership and local residents. Residents survey
Maintenance of current 'no cold calling zones'	Improve Community Safety Contribute toward reduction in anti-social behaviour	Annual Perception questionnaire of people who feel safer as a result of the zones	Maintain the proportion of people who feel safer as a result of the zones	Monitoring of activity within zones.  Publicity, street signage Rapid Responses and response to RFA's
Provide rapid response service to deal with rogue traders/active threats to vulnerable residents	Protection of vulnerable consumers Contribute toward reduction in anti-social behaviour	Number of rapid responses  Perception questionnaire of people who feel safer as a result of the TS intervention.	Respond to 100% of requests for rapid response within Birmingham	Response by officers to consumers home in accordance with Rapid Response Procedure

Identify and tackle rogue builders	Protection of vulnerable consumers  Contribute toward reduction in anti-social behaviour	Number of targeted individuals/businesses	Carry out investigations where targets identified	Intelligence led enforcement activity and partnership with Community Safety Partnership, building consultancy, WMP and CENTSA
Provide information and training to Adults Social Care and those engaged in looking after adults to identify at victims or potential victims  Joint Collaboration with Partners who also interact with vulnerable adults e.g. West Midlands Fire Service	Protection of vulnerable consumers  Awareness raising to reduce incidents	Number of interventions/meetings attended	Attendance at least 2 partnership events.	Attend meetings of the Birmingham Adults Safeguarding Board and cascade information  Make use of Internal Data (data warehouse) through collaboration with Birmingham Audit

<b>Service Objective – 4</b>  <b>Community Safety</b>  <b>Council Financial Plan 2017 Priorities</b> <ul style="list-style-type: none"> <li>• <b>Children</b> – so Birmingham’s a great city to grow up in</li> <li>• <b>Jobs and skills</b> – so Birmingham’s a great city to succeed in</li> <li>• <b>Health</b> – so Birmingham’s a great city to grow old in</li> </ul>			<b>Mission Statement</b> – Locally accountable and responsive fair regulation for all – achieving a safe, healthy, clean, green and fair trading city for residents, business and visitors  <b>Lead Team/Officer –</b>  All TS officers	
Task	Outcome	Measure	Target	Method
Respond to RFA’s alleging sales of age restricted products: alcohol, fireworks, knives, spray paints/solvents, sunbeds, tobacco and nicotine inhaling products	Improved business compliance  Reduce access to age restricted products by children.  Contribute towards health and wellbeing of young people  Contribute toward reduction in anti-social behaviour	% of subsequent test purchases that result in a sale after advice given	100% compliance and/or enforcement action of businesses where test purchases carried out.	intelligence led inspections  Liaise with licensing officers/ WMP/ WMFS/ PCT Visit premises and give advice pack.  Follow up with test purchases
Undertake intelligence led test purchasing exercises at premises that stock age restricted products	Improve business compliance  Reduce access to age restricted products by children  Contribute toward reduction in anti-social behaviour	% of test purchases that result in a sale after advice given	100% compliance and/or enforcement action of businesses where test purchases carried out.	Carry out exercises in accordance with best practice guidance. Joint exercises with police and other agencies where appropriate Take enforcement action in accordance with enforcement policy

Tobacco Control work (including novel tobacco products such as Shisha and chewing tobacco and nicotine inhaling products)	<p>Reduce the prevalence of supply of tobacco products to young people</p> <p>Informed and compliant businesses</p> <p>Reduction of supply of non-compliant tobacco</p> <p>Contribute towards health and wellbeing of young people</p>	Number of inspections and enforcement outcomes	<p>Inspection of all identified Shisha premises.</p> <p>100% compliance and/or enforcement action of businesses where test purchases carried out.</p>	<p>In partnership with EH and the tobacco control alliance, HMRC, CEnTSA, DoH, WMFS and WMP</p> <p>Joint inspections with other agencies as appropriate</p> <p>Testing of product where necessary</p>
Illicit/counterfeit tobacco work	<p>Reduce availability of illicit/counterfeit tobacco</p> <p>To instigate premises licence reviews where a breach of the licensing objectives discovered.</p> <p>Compliant businesses</p> <p>Improved health outcomes by removal of cheap and illegal tobacco</p>	Quantity/value of counterfeit products seized	<p>Non-compliant traders to be identified.</p> <p>To remove 100% of non-compliant products</p> <p>100% compliance or enforcement action against those found with infringing goods.</p>	Intelligence led enforcement activity and partnership working with HMRC, Tobacco Control Alliance, CEnTSA, and HAS
Illicit/counterfeit alcohol	<p>Reduce availability of such alcohol.</p> <p>Protect public health and prevent anti-social behaviour from the effects of such alcohol</p>	Quantity/value of counterfeit /illicit products seized	<p>Non-compliant traders to be identified.</p> <p>To remove 100% of non-compliant products</p>	Intelligence led enforcement activity and partnership working with Environmental Health/Licensing, HMRC, CEnTSA, Community Safety Partnership, Public Health and Police.

	<p>To instigate premises licence reviews where a breach of the licensing objectives discovered.</p> <p>Compliant businesses</p>		100% compliance or enforcement action against those found with infringing goods.	
National Scams Team (NST) Partnership	Identify potential victims of scams, protecting our more vulnerable and socially excluded citizens.	Number of residents advised on scams	Receive 10 referrals per month from the NST and visit 100% of those reported	<p>Receive intelligence relating to the victims of Mass Marketing Fraud and undertake home visits.</p> <p>Share best practice with partners and to provide materials to assist in protecting vulnerable citizens</p> <p>Make appropriate safe-guarding referrals to Social Services</p> <p>Use of media to raise awareness</p>

<b>Service Objective - 5</b>  <b>Promote consumer awareness</b>  <b>Council Financial Plan 2017 Priorities</b> <ul style="list-style-type: none"> <li>• <b>Children</b> – so Birmingham's a great city to grow up in</li> <li>• <b>Jobs and skills</b> – so Birmingham's a great city to succeed in</li> <li>• <b>Health</b> – so Birmingham's a great city to grow old in</li> </ul>			<b>Mission Statement</b> – Locally accountable and responsive fair regulation for all – achieving a safe, healthy, clean, green and fair trading city for residents, business and visitors	
			<b>Lead Team/Officer –</b>  All TS Officers	
Task	Outcome	Measure	Target	Method
Provide up to date and informative website	Informed consumers and businesses  Quick access to information	Website hits	Increase on hits from previous year	Review and update website with information on current issues relevant to consumers and businesses.  Provide relevant links for all users.  Establish the number of hits of the website.
National Consumer Week	Informed consumers	Extent of media coverage	Over 80% confident consumers attending any event	Participation in NCW, dependent on theme when agreed nationally  Liaison with press officer and use of all media platforms
National Scams Awareness Month	Informed consumers	Extent of media coverage	Over 80% confident consumers attending any event	Participation in SAM, dependent on theme when agreed nationally  Liaison with press officer and use of all media platforms



Safety/Scams Awareness Events	Informed Consumers	Extent of media coverage  Number of residents advised on scams	Over 80% confident consumers attending any event	Host Events in localities where date indicates potential vulnerable residents. Engaging with other partners eg Victim Support and West Midlands Fire Service and Safeguarding
Media engagement	Publication of outcomes to raise consumer awareness	Extent of media coverage	6 press releases  Monthly tweets	Press releases in collaboration with press officer  Tweets

<b>Service Objective -6</b>  <b>Investigation of Consumer fraud/misleading descriptions;</b> e.g. Hajj, Faith healers, Car Clocking rings; association to Organised Crime Groups			<b>Mission Statement</b> – Locally accountable and responsive fair regulation for all – achieving a safe, healthy, clean, green and fair trading city for residents, business and visitors	
<b>Council Financial Plan 2017 Priorities</b>  <ul style="list-style-type: none"> <li>• <b>Children</b> – so Birmingham's a great city to grow up in</li> <li>• <b>Jobs and skills</b> – so Birmingham's a great city to succeed in</li> <li>• <b>Health</b> – so Birmingham's a great city to grow old in</li> </ul>			<b>Lead Team/Officer –</b>  All TS officers	
Task	Outcome	Measure	Target	Method
Investigation of criminal RFAs	Improved local economic prosperity	Customer satisfaction results	80% satisfaction	Intelligence/RFA led enforcement actions Investigation of RFAs
Use of intelligence to direct interventions	Support legitimate business by ensuring a fair trading environment		75 % of criminal RFAs completed within 60 days	Quarterly tasking meetings using intelligence model to identify those causing most consumer detriment
	Improved consumer confidence		Increase in logs on IDB	Effective partnerships with Police
Pursue offenders for proceeds of crime.	Ensure that profits gained through criminal activities are returned to the state	Cash benefit achieved	Maximisation of realisable cash benefit.	Intelligence led investigations to seize proceeds of crime.  Appointed accredited financial investigators.
Inspect agents offering Hajj and Umrah Package Travel	Improved business compliance	% of businesses which are identified as non-	100% of non-compliant businesses checked to be	Intelligence led inspection of Birmingham based agents

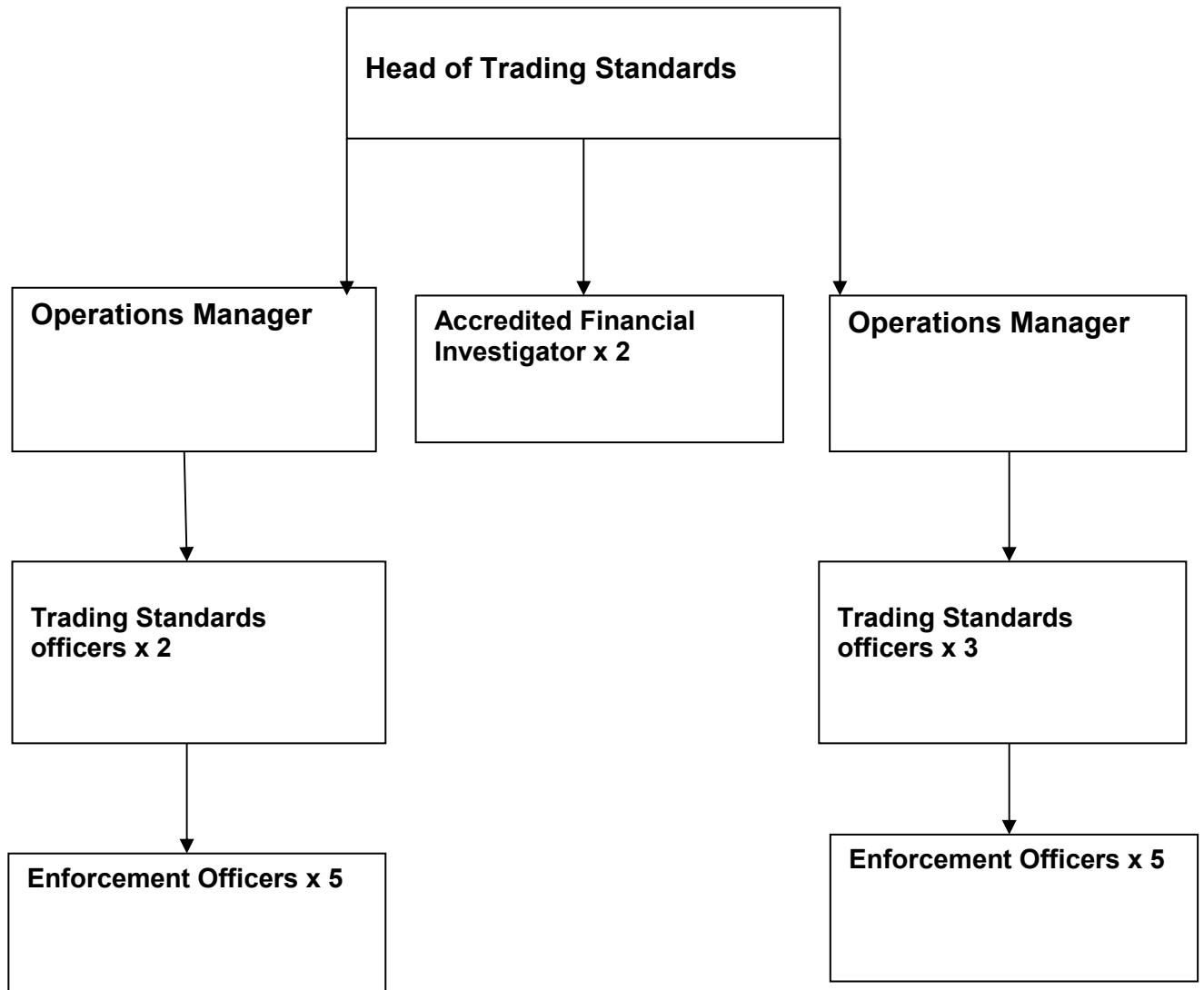
		compliant	made compliant and/or enforcement action taken	offering Hajj and Umrah packages  Liaise with the Association of British Hajj  Advice to businesses  Media awareness
Identification and investigation of acquisitive crime targeted at vulnerable consumers; including faith healers and Scams	Protection of vulnerable consumers thereby protecting their health and wellbeing and financial status.	Positive feedback from victims identified,	100% Positive feedback from victims identified.	Quarterly tasking meetings using intelligence model to identify those causing most consumer detriment

<b>Service Objective - 7</b>  <b>Product Safety - Ensure goods placed on the market are safe</b>  <b>Council Financial Plan 2017 Priorities</b> <ul style="list-style-type: none"> <li>• <b>Children</b> – so Birmingham's a great city to grow up in</li> <li>• <b>Jobs and skills</b> – so Birmingham's a great city to succeed in</li> <li>• <b>Health</b> – so Birmingham's a great city to grow old in</li> </ul>			<b>Mission Statement</b> – Locally accountable and responsive fair regulation for all – achieving a safe, healthy, clean, green and fair trading city for residents, business and visitors  <b>Lead Team/Officer –</b>  All TS officers	
Task	Outcome	Measure	Target	Method
To remove non-compliant and unsafe products from the marketplace  (e.g. cosmetics, blinds, toys, furniture, electrical products,)	Increased business compliance  Improved levels of consumer safety  Raised levels of consumer awareness of the risks of using the products  Primary Authority agreements established where appropriate	Number of non compliant businesses  Number of compliant businesses  Target non compliant businesses to be identified	100% of non compliant businesses checked to be made compliant and/or enforcement action taken  100% of non compliant products removed from sale	Intelligence led inspections at retail, wholesale and importers level.  Providing advice to businesses.  Test purchasing.  Use of media to inform consumers Removal of non-compliant products  Participate in market surveillance projects through Centsa

<b>Service Objective - 8</b>  <b>Investigation of consumer criminal RFA's; Car sales</b>			<b>Mission Statement</b> – Locally accountable and responsive fair regulation for all – achieving a safe, healthy, clean, green and fair trading city for residents, business and visitors	
<b>Council Financial Plan 2017 Priorities</b>  <ul style="list-style-type: none"> <li><b>Children</b> – so Birmingham's a great city to grow up in</li> <li><b>Jobs and skills</b> – so Birmingham's a great city to succeed in</li> <li><b>Health</b> – so Birmingham's a great city to grow old in</li> </ul>			<b>Lead Team/Officer –</b>  All TS Officers	
Task	Outcome	Measure	Target	Method
Investigate allegations of misdescribed and unroadworthy vehicles.	Increased compliance with relevant legislation  Support legitimate businesses	Number of businesses/individuals identified selling misdescribed or unroadworthy vehicles	100% compliance and/or enforcement action of non-compliant targeted businesses.	Use of intelligence to identify businesses/individuals who may potentially be selling misdescribed or unroadworthy vehicles.  Includes consultation under the Enterprise Act
Investigate allegations of "clocked" vehicles.	Increased compliance with relevant legislation  Support legitimate businesses	Number of businesses/individuals identified selling "clocked" vehicles	100% compliance and/or enforcement action of non-compliant targeted businesses.	Use of intelligence to identify businesses/individuals who may potentially be selling "clocked" vehicles.
Use of intelligence to direct interventions	Increased compliance with relevant legislation  Support legitimate businesses	Number of businesses brought into compliance  Enforcement interventions	100% compliance and/or enforcement action of non-compliant targeted businesses	Quarterly tasking meetings using intelligence model to identify those causing most consumer detriment  Membership of the Regional Intelligence Group to assist in

				tasking
<b>Service Objective – 9</b>  <b>Animal Feed Registration and Inspection</b> <b>Sustainable Community Strategy ‘Birmingham 2026’ themes-</b> <ul style="list-style-type: none"> <li>• <b>Succeed Economically</b></li> <li>• <b>Be Healthy</b></li> <li>• </li> </ul> <b>Council Financial Plan 2017 Priorities</b> <ul style="list-style-type: none"> <li>• <b>Children</b> – so Birmingham’s a great city to grow up in</li> <li>• <b>Jobs and skills</b> – so Birmingham’s a great city to succeed in</li> <li>• <b>Health</b> – so Birmingham’s a great city to grow old in</li> </ul>			<b>Mission Statement</b> – Locally accountable and responsive fair regulation for all – achieving a safe, healthy, clean, green and fair trading city for residents, business and visitors  <b>Lead Team/Officer –</b>  All Trading Standards Officers with appropriate qualification	
<b>Task</b>	<b>Outcome</b>	<b>Measure</b>	<b>Target</b>	<b>Method</b>
Identification, registration and inspection of businesses requiring feed enforcement	Protect the public health by ensuring only permissible food enters the animal feed food chain.	Number of businesses identified and registered.	Registered businesses to be inspected in 2015/16 and a rolling programme thereafter.	Use of information on M3 database to identify premises to be registered.  Liaise with Environmental Health colleagues to identify potential new premises  Registration of businesses  Inspection of registered businesses

**TRADING STANDARDS STRUCTURE CHART**







**BIRMINGHAM CITY COUNCIL**

**REPORT OF THE DIRECTOR OF REGULATORY SERVICES  
TO THE LICENSING AND PUBLIC PROTECTION COMMITTEE**

**12 APRIL 2017**  
**ALL WARDS**

**CONDITIONS OF LICENCE FOR  
PRIVATE HIRE OPERATORS**

1. Summary

- 1.1 Following reports to this committee in April, July and November 2016, this report proposes the introduction of a new set of conditions to be attached to the licences issued in respect of private hire operators (appendix 1).
- 1.2 The current conditions relating to operators licences have been reviewed, amended and updated in an attempt to clarify certain issues and introduce new initiatives, procedures and remove what are already legal duties.
- 1.3 As a result of a number of initial consultation exercises, various versions of the conditions have been produced and these are available as background papers to this report.
- 1.4 Following the agreement of this Committee at its July 2016 meeting further wider consultation on the proposed conditions was arranged by way of a survey on the Birmingham Be Heard website.
- 1.5 Further consultation was then held with the trade and minor amendments have since been made to the proposed conditions in order to get to the final version presented to you in November 2016.
- 1.6 A subsequent wider consultation exercise was then held in December 2016 to get to the final draft presented here today.

2. Recommendations

- 2.1 That the Committee considers the proposed updated conditions for private hire operators at Appendix 1 and agrees to implement them with effect from the implementation date of the proposed policy on vehicle signage.
- 2.2 That outstanding minute 648 of 20 April 2016 be discharged so far as it relates to operators.

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Originating Officer: Shawn Woodcock, Licensing Operations Manager (Acting)

### 3. Background

- 3.1 Following a proposal to this committee in October 2014 to introduce a Quality Rating Scheme for Private Hire Operators, officers from the Enforcement team consulted with the trade.
- 3.2 The vast majority of the feedback from that exercise was that before a Quality Rating Scheme could be introduced the conditions on which they would be measured MUST be reviewed as they were, according to the representatives there, "not appropriate given changes in technology".
- 3.3 A further report to this committee in January 2016 regarding the Implications of the Casey Report on Child Sexual Exploitation in Rotherham set out an action plan "*...to improve our systems and to minimise the risk...*".
- 3.4 This review of conditions for Operators completes part of that action plan.

### 4 Conditions

- 4.1 Section 55 of the Local Government (Miscellaneous Provisions) Act 1976, which relate to the issue of licences for private hire operators, states:  
  
"A district council may attach to the grant of a licence under this section such conditions as they may consider reasonably necessary".
- 4.2 The purpose of attaching conditions to these licences is to be able to regulate a large variety of matters relating to the way operators, conduct themselves and the use of their vehicles. Conditions can prescribe the ways in which activities are conducted, the sort of documentation operators must maintain and how vehicles are to display their plates and signage.
- 4.3 The conditions are used to deal with issues that require regulating and are drafted to stipulate the exact manner in which activities are to be undertaken. Failing to comply with conditions may result in enforcement action being taken. This may include referral to a Licensing Sub Committee for them to consider whether the licensee is "fit and proper" and if not whether their licence should be suspended or revoked.
- 4.4 The current conditions for operators, was last reviewed and/or amended on the 15 September 2010, with an additional amendment in February 2015 to

account for the changes to the Equalities Act 2010. These are included in the background papers.

- 4.5 Since then, a number of changes have taken place both in respect of how the private hire trade operate with the introduction of new technology (apps.) and the ongoing review of vehicle signage.
- 4.6 The current conditions contain offences which may result in either the cautioning or prosecuting of the licensee. These conditions have been removed from the proposed conditions as these are legislative requirements and so there is no need for it also to be a condition of licence.
- 4.7 Further guidance has been produced (appendix 2) to accompany the new conditions advising operators of their legal obligations. This gives details of offences under the various Acts that relate to private hire.
- 4.8 The Licensing Enforcement Team deal with numerous complaints about the activities of licensees and undertake various exercises throughout the year including the stop checking of vehicles and drivers and the inspection of records and documentation retained at operators' bases. These conditions are used to measure the licensees' compliance and deal with such complaints.

## 5. Issue of Conditions of Licence

- 5.1 Conditions can only be issued upon the grant of a licence except in exceptional circumstances. Thus should Committee be minded to approve the amended conditions of licence as drafted, they will then be issued upon the grant or renewal of licence applications following the implementation of the proposed policy on vehicle signage.
- 5.2 It is worth noting however, that due to the availability of five year licenses for operators that we could be enforcing two sets of conditions for up to five years following the proposed introduction of new conditions.
- 5.3 Any individual aggrieved by the conditions of licence may make an application for exemption from them and attend a hearing before a Licensing Sub Committee. Alternatively, they can appeal to a Magistrates Court within 21 days of the service of the licence upon them.
- 5.4 A set of the new draft conditions with the reasoning as to why each condition is necessary is attached at appendix 3.

## 6. Consultation

- 6.1 Following an initial draft of Private Hire Operator conditions (background papers) produced by Licensing Enforcement, these were circulated around all those operators that have provided an email contact. At the time this was 55 of the 71 Operators currently licensed by the City Council.

- 6.2 Three replies were received from Star Cars, Elite and Uber and these are available as background papers to this report.
- 6.3 A number of the suggestions that were made by the respondents to the initial consultation and comments made by the enforcement team were included in the proposed conditions presented to committee in July 2016.
- 6.4 Following that meeting further wider consultation on the proposed conditions was arranged by way of a survey on the Birmingham Be Heard website.
- 6.5 This consultation was advertised in the last online trade newsletter 'Driving Forward' and post cards were sent to all vehicle owners, drivers and operators advising where they could view or download 'Driving Forward'. A copy of the post card and Driving forward are included in the background papers.
- 6.6 Details of the consultation were also published on the City Council's website and sent out to various potentially interested parties via social media.
- 6.7 The responses to this consultation are included in the background papers.
- 6.9 There were three responses to the consultation on the BeHeard website and these revolved around the issue of cross border hire and preventing it.
- 6.10 Unfortunately this cannot be covered by condition of licence as it is now legal (since the introduction of the Deregulation Act 2015) for operators to pass bookings to other operators from outside Birmingham.
- 6.11 Following that wider consultation a further meeting was held with trade representatives to discuss the proposed conditions.
- 6.12 Notes of the trade meeting are included in the background papers along with an alternative version produced by A2Z Licensing on behalf of Star Cars & Coaches Limited. Comments made at that meeting and in the draft from A2Z have been considered whilst preparing a final draft of conditions that was presented to committee in November 2016.
- 6.13 Account has also been taken of the Licensing Enforcement team's views and the need to protect the safety of the public.
- 6.14 Further comments have since been received from the Competition and Markets Authority and whilst these have been responded to separately their letter is included in the background papers.
- 6.15 A final round of public consultation was carried out via the Birmingham BeHeard website from 13<sup>th</sup> December 2016 until the 13<sup>th</sup> January 2017.
- 6.16 There were nine responses to this consultation through the BeHeard website and a further three responses via email, although one of these was a

duplicate of an online submission, giving a total of 11 respondents.

- 6.17 All points raised have been taken into account when preparing this draft of the operator conditions for consideration by committee and a number of conditions have been amended accordingly.
- 6.18 Two major points raised were the need to record the destination of the journey at the time of booking; and the requirement to keep a copy, rather than the original, of the driver's vehicle and driver licence.
- 6.19 The first of these centres around the use of new technology and in particular Interactive Voice Recognition (IVR).
- 6.20 Condition 31(e) is in place for three main reasons. Firstly, to ensure that bookings are genuine pre-bookings and to prevent bookings being backdated to cover up plying for hire and ensure that passengers get into the vehicle which they have been allocated by the operator. Secondly, to ensure passenger and driver safety by knowing where journeys start and end. Thirdly, to ensure that the route taken is the shortest route.
- 6.21 New technology allows the vehicles to be tracked via GPS whenever they are logged on to the operator's dispatch system and the destination is post-populated when the journey ends.
- 6.22 The driver is given the details of the journey when the passenger gets into the car.
- 6.23 Unfortunately not every operator has invested in this new technology and a number still use books to record journey records in. The City Council has to cover all operators with one set of standard conditions and so must secure the best data to ensure passenger/driver safety and aid in the detection of crime.
- 6.24 For this reason the condition has been drafted as it is but this does not prevent those operators from seeking exemptions to any such condition where they can demonstrate the technology can provide the requirements in 6.20 and each case can then be considered on its own merits.
- 6.25 The requirement to keep copies of licences was requested to be changed to the keeping of the original documents.
- 6.26 This would effectively prevent drivers from working for more than one operator at any one time.
- 6.27 This condition has not been amended especially given the response to the previous round of consultation by the Competition and Markets Authority.
- 6.28 The CMA said "The condition requiring PHV vehicles to display the name and call sign of the PHV operator (among others) may effectively prevent drivers for working for more than one operator... This reduces the scope for competition and could create the potential for significant consumer harm."

- 6.29 The Licensing Department does not want to restrict completion and is of the opinion that requiring drivers to work solely for one company may well do so and as such only require copies of relevant documents to be retained.
- 6.30 There is of course nothing to prevent individual operators from requiring that any driver who works for their company only works for their company and this should be down to the individual operating policies of those companies.
- 6.31 A further condition has been added following recent information obtained from the Local Government Association.
- 6.32 This is a letter from the Under Secretary of State for Transport Andrew Jones MP. This suggest that conditions be placed on operators to close a loophole in Licensing legislation that allows PSV drivers to carry out private hire work when they have potentially been deemed unfit to work as a private hire driver by the City Council.

## 7. Summary of Key Changes

- 7.1 The following points highlight the key changes from the original conditions to the final draft of the proposed conditions. The list does not include every minor variation to wording.
- Reduced from 57 to 42 conditions
  - Legal obligations removed
  - Guidance now produced as a separate document
  - Information to be reported has been streamlined
  - Allows for email as a means of communication
  - Allows for Apps to be used for inviting and accepting bookings and passing same onto drivers
  - Clarification over documents required for staff register
  - Removal of specific signage requirements (to be included in a proposed Vehicle Signage Policy)
  - Restriction to one approved sign only
  - Requirement to record sub-contracted bookings
  - Clarification on recording of destination
  - Specific requirement to notify Licensing of certain complaints
  - A restriction on the use of PSV's

## 8. Implications for Resources

- 8.1 This work has and will be undertaken within the resources available from within those funds generated by the licence fee structure.

9. Implications for Policy Priorities

- 9.1 The content of this report support the Committee's objective to improve standards of licensed people, premises and vehicles and the Council's strategic outcome of staying safe in a clean, green city.

10. Implications for Equality and Diversity

- 10.1 No specific implications have been identified.

## **DIRECTOR OF REGULATORY SERVICES**

### **Background Papers:**

Initial draft of conditions for Consultation with the trade  
Responses from the trade following initial draft version  
Annotated draft following initial consultation showing changes made  
Second draft for wider public consultation  
Driving Forward online and Postcard sent out to all licensees  
Operator conditions consultation on Be Heard  
Notes from Trade meeting  
Letter from Competition and Markets Authority  
Third Draft for further consultation  
Summary of responses from Be heard  
Consultation responses  
Star Cars & Coaches response  
Elite Radio Cars response  
24/7 Carz response  
Enforcement responses  
Letter from Andrew Jones MP to LGA in response to 03/21/2016 media release





## **PRIVATE HIRE OPERATORS CONDITIONS OF LICENCE**

**This licence is granted subject to the following conditions. Failure to comply with these conditions could lead to a criminal prosecution and/or your licence being suspended, revoked or not renewed.**

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

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

These conditions are attached to your licence in addition to any other legal requirements to which you are required to comply. These include, but are not restricted to, the Local Government (Miscellaneous Provisions) Act 1976, the Health and Safety at Work etc. Act 1974

### **CONDITIONS**

#### **INFORMATION TO BE REPORTED TO THE LICENSING OFFICE**

1. You must notify the Licensing Office, in writing, of the name and details of any individual to be nominated as a Responsible Person for managing your business in your absence at least **7 days** prior to their commencement in that role.
2. You must notify the Licensing Office, in writing, within **7 days** if you, or any individual or company named on the application form or a currently appointed Responsible Person
  - a) is convicted of any criminal or motoring offence
  - b) is cautioned for any criminal or motoring offence (by the Police or any other agency)
  - c) receives a Magistrates' Court summons
  - d) receives a fixed penalty notice for any criminal or motoring offence
  - e) receives a police warning or court order in relation to harassment or any other form of anti-social behaviour
  - f) receives a civil or family law injunction
  - g) is arrested for any offence (whether or not charged)
  - h) is charged with any criminal offence.
  - i) is refused any type of licence by any other regulatory authority or any such licence is suspended, revoked or not renewed
  - j) changes home address
  - k) if any company or limited liability partnership changes its registered office
  - l) if any changes are made in the ownership/management/partnership of the operation as specified in your application form.
  - m) If a Responsible Person ceases to be employed in this capacity

3. When notifying the Licensing Office of any matters required by Condition 2. You must provide full details of any such matter and if asked, provide any further information that might reasonably be asked for by an authorised officer.
4. You must provide the Licensing Office an updated Driver and Vehicle List on the first of every month. This list should include **all** drivers and vehicles operated by you for the purposes of private hire and their call signs.
5. When supplying information to the Licensing Office this **MUST** be in writing but can be provided by post, in person or via email.

**DISPLAY OR PROVISION OF A COPY OF THE LICENCE**

6. If the public have access to your premises your licence and the conditions attached to it must be prominently displayed in a position that is clearly visible.
7. If the public do not have access to your premises then upon request you must either provide a copy or permit any member of the public to view a copy of your licence and conditions attached to it.
8. If you have a website a copy of your licence and conditions attached to it must be available on your website.
9. In respect of these copies of your licence either on display, on request or online you may redact your personal address if shown on the licence.

**STAFF**

10. No person other than a director, partner, employee or contractor shall be engaged in any aspect of the business.
11. You must keep and maintain at the licensed premises a register of all such persons, which shall include
  - (a) their full name
  - (b) date of birth
  - (c) home address
  - (d) national insurance number
  - (e) contact telephone number
  - (f) any call sign/codes they are allocated
  - (g) the dates their employment commenced/terminated
  - (h) documentary proof of identification
  - (i) documentary proof that each has been registered with HMRC as an employee
  - (j) documentary proof of their right to work in the UK
12. Either you or a Responsible Person over the age of 18 and notified by you in writing to the Licensing Office pursuant to Condition 1 must be in charge of the operation and immediately contactable by an authorised officer or police constable at any time during the hours of operation.
13. You must ensure that any Responsible Person left in charge of the premises in your absence is fully aware of these conditions of licence, the need to comply with them and be able to produce the records to an authorised officer or police constable on request.

14. The aforementioned register must be retained at the premises and be made available to an authorised officer or police constable for inspection at any time during the hours of operation.

**STATIONERY & ADVERTISEMENTS**

15. You must not advertise your private hire business or use stationery
- (a) with a trading name that is not included in your Private Hire Operator's licence
  - (b) showing your trading name in a different style/format of letters, numbers or logos
  - (c) which includes any references or information which may be misleading to the public
- without obtaining the prior written approval of the Licensing Office
16. You must not advertise your private hire business in a manner which gives rise to confusion with another private hire operator licensed by this Council or any other neighbouring council.
17. No notice, sign or advertisement seeking to advertise or promote your business of a private hire operator, wherever it is displayed, shall consist of or include the words "TAXI" or "CAB" or "For Hire" whether in the singular or plural, or any words or devices which give any indication that the service to which the notice, sign or advertisement relates is that which can only be provided by a licensed Hackney Carriage.
18. You must ensure that staff answering your private hire telephone number(s) does so by using your trading name only.
19. If you do not issue an electronic receipt to the customer, you must provide drivers with stationery that they can use for issuing receipts. Electronic receipts shall include your trading name, details of the driver, the journey and fare paid. Stationery shall include your trading name and have spaces for the driver's call sign, details of the journey and fare paid to be recorded.

**DRIVERS AND VEHICLES**

20. Private Hire Operators in the City of Birmingham shall only operate with vehicles and drivers licensed by the Birmingham City Council and shall operate only from premises within the City boundary.
21. Mobile phones or smart phones are not allowed to be used, installed, fitted to or carried in any private hire vehicle for the purpose of inviting, passing or accepting bookings for that vehicle.
- The only exception to this is where a smart phone is installed specifically to host an app. designed for the acceptance of bookings from you.
22. Should a taximeter be fitted to any private hire vehicle operated by you, you must ensure that it has been tested, sealed and certified to have been calibrated and set to your tariff(s) before it can be used for calculating fares for passengers.

23. If technology is provided by the operator to enable route planning and fare calculation they should ensure that drivers proceed to the destination by shortest possible route, through the programming of any technology provided by the operator, which is designed to assist drivers in route planning and calculation of fares.

Deviating from the shortest possible route is only allowed when the driver obtains the agreement of the passenger to do so.

#### **VEHICLE IDENTITY PLATES & SIGNAGE**

24. You must ensure that every private hire vehicle operated by you is issued with such operator signs and notices as may be required for the vehicle to be compliant with the requirements of the City Councils Vehicle Signage Policy and approved in writing by the Licensing Office. No other signage is permitted.
25. You must not change the design of your operator signs without obtaining the prior written approval from the Licensing Office.
26. Only one approved door sign design is to be in use at any one time. All previous versions must be removed from circulation within 14 Days of a new approved sign being introduced.

#### **RECORDS OF BOOKINGS**

27. You must keep a record of every private hire booking either in writing in a suitable hard back book which has consecutive page numbers or a proprietary computerised booking and dispatch system.
28. If you use a book you must ensure the entries are clearly and easily legible, with no line spaces or blank pages.
29. Should you wish to use change your computerised system, then you must first notify, in writing, the Licensing Office.
30. If you have a computerised booking system, you must ensure it is able to produce a print out of any records requested by an authorised officer or police constable at all times.
31. At the time of accepting each booking an entry shall be made in the record book or computerised booking and dispatch system that shall include:
- ai) The name and signature of the person making the record and the radio operator for each period of duty - Record Book only
  - a ii) The code for the person making the record - Computerised system only
  - b) The date on which the booking is made and, if different, the date of the proposed journey
  - c) The name of the person for whom the booking is made or, if more than one person, the name of one of them
  - d) The agreed time and place of collection, or, if more than one, the agreed time and place of the first place of collection
  - e) The destination
  - f) The time a vehicle was allocated to the booking
  - g) The driver's call sign or registration number of the vehicle allocated the booking
  - h) The fare agreed for the journey (where appropriate)
  - i) If applicable, the name of the other operator from whom a booking was received and / or to whom the booking was subcontracted.

32. Recording destinations - The very minimum you should record is the street and postal area of the main destination (e.g. Stratford Road, Hall Green) or the place (e.g. The Robin Hood, Stratford Road). At best it should be the full postal address (e.g. 1456 Stratford Road, Hall Green, B28 9ES). It is not sufficient to record just the postal area (e.g. Hall Green) as that would cover too wide an area. However where you know the full postcode (e.g. B28 9ES) that will suffice, as it would identify the street destination.
33. When allocating a booking to a driver, you must provide them with all of the following details:
- a) the name of the person for whom the booking is made
  - b) the agreed time and place of collection
  - c) the destination
  - d) the fare agreed (if applicable).
34. You must not accept or record details of any booking passed to you by a driver.
35. Your records of all private hire bookings, whether retained in a book or on a computerised system, must be kept at your licensed premises for at least 12 months and be readily available for production to an authorised officer or police constable for inspection at any time during the hours of operation.

#### **DRIVER AND VEHICLE RECORDS AND DOCUMENTS**

36. You must keep and maintain an up to date record of **all** the drivers and vehicles operated by you for the purposes of private hire on a Driver and Vehicle List, which must include:
- a) the call sign allocated to the driver/vehicle
  - b) the driver's name and private hire badge number
  - c) the vehicle's registration and private hire plate numbers
  - d) the date the driver joined you and, if applicable, ceased working for you.
37. You must obtain and retain the following documentation in respect of every vehicle and driver you operate prior to allocating them any bookings, namely:
- a) a copy of the driver's current private hire driver's licence or badge
  - b) a copy of the vehicle's current private hire vehicle licence or front identity plate
  - c) a copy of the vehicle's current MOT certificate
  - d) a copy of the vehicle's current insurance certificate or cover note in respect of the driver using the vehicle.
  - e) a copy of the Taximeter Calibration Certificate, where appropriate
38. The above documentation relating to vehicles and drivers must be retained at your licensed premises for at least 12 months after a vehicle or driver ceases to undertake work for you and be readily available for production to an authorised officer or police constable for inspection at any time during the hours of operation.

#### **COMPLAINTS**

39. You must establish a complaints procedure and take all reasonable steps to fully investigate any complaints, ensuring a record is kept of the following information:

- a) the name, contact details of complainant and date complaint received
- b) the date, time and details/nature of the complaint
- c) the name of the driver (and Badge number) or member of staff, to which the complaint relates
- d) details of the investigation carried out and any action taken.

40. Upon receiving a complaint or allegation concerning:

- a) sexual misconduct, sexual harassment or inappropriate sexual attention
- b) racist behaviour
- c) violence
- d) dishonesty such as overcharging, theft or retention of lost property
- e) breach of equality legislation, such as refusing to carry an assistance dog

regarding any person licensed by Birmingham City Council you must report it immediately when the licensing office is open, and in any other event immediately upon the Licensing Office next opening.

41. Your records of complaints, whether retained in a book or on a computerised system, must be kept for at least 12 months at your licensed premises and be readily available for production to an authorised officer or police constable for inspection at any time during the hours of operation.

#### **Passenger Service Vehicles**

42. Where a PHV operator also holds a PSV operator's licence, PSV's should not be used to fulfil bookings except with the informed consent of the hirer. This consent shall be recorded as part of the booking record.

For example, if a member of the public contacts a PHV operator and seeks a booking for a party of fewer than nine passengers it cannot be reasonable to assume a PSV is required unless there are other factors, e.g. a large amount of baggage, or a need for a wheelchair accessible vehicle which would not otherwise be available. If there is no good reason to use a PSV for a booking for fewer than nine passengers, the difference in licensing requirements should be explained and explicit consent obtained.

## **Guidance for Private Hire Operator licence holders.**

### **INTRODUCTION**

All licences issued by the Council in connection with the driving and operation of Private Hire Vehicles are issued in accordance with the provisions of Part 2 of the Local Government (Miscellaneous Provisions) Act 1976.

Operators, Drivers and Proprietors should be familiar with this Act, the provisions of the Town Police Clauses Act 1847 and the Equality Act 2010 as it affects Private Hire Drivers and Operators.

Exceptions to vary conditions will be recorded on the licence with the reason for the variance.

### **Background**

The Local Government (Miscellaneous Provisions) Act, 1976 (LGMP) serves to provide a licensing framework within which conditions can be placed upon drivers, vehicles and operators making private contracts for the hire of a vehicle with a driver. The primary purpose of the legislation is to protect the interests and safety of the travelling public. At the time of its inception, Private Hire was primarily concerned with the provision of domestic vehicles to undertake relatively short local journeys.

The Private Hire sector has grown and extended significantly and there is now a much wider range of vehicles and services and newer technology continues to provide ever more innovative ways of booking those services.

The Road Safety Act, 2006, along with best practice guidance issued by the Department for Transport (dft) has caused Birmingham City Council to consider licensing a wider range of vehicles and services, including limousines and novelty vehicles. This guidance applies to the more standard types of saloon, hatchback, people carrier, or wheelchair accessible vehicles.

The operation of a business involving Private Hire vehicles is subject to the same business, legal and public safety principles as other areas of activity licensed by the Local Authority.

Public safety is always paramount and it is very important to Birmingham City Council that Operators fit comfortably into their environment and are not the cause of nuisance in residential areas. Operators should contribute positively to the image of the City and take ownership of their civic responsibilities.

Operators can make a significant contribution to public safety by ensuring that they and their drivers adhere to this guidance and the various conditions of licence by which they are bound.

The aim of the guidance is to increase professionalism within the trade through business improvements and best practice; encouraging improvements to customer service and public safety.

## **Customer focus, business improvements and best practice**

### **Corporate clothing (shirt or outer garment)**

There are distinct benefits to be gained in terms of enhanced safety for customers and improving the image of the private hire trade across the city. There appears to be a positive link between supplying a uniform style shirt with the company logo on it and improved customer satisfaction, along with a perception of an Operator having a more professional outlook. Whilst it is considered to fall outside the remit of The Licensing Service to require Operators to introduce corporate clothing for their drivers, it is recommended as best practice.

### **Staff training and public access to private hire operator premises and health and safety considerations**

It is good practice for all Private Hire Operators employing call handling staff to ensure they have all received:

- Accredited customer service training
- Data protection training
- Have been subject to a DBS check

DBS disclosure is considered important because of the amount of personal and secure information that can be collected. The practice of using totally unqualified and untrained staff is not best practice and may have a detrimental effect on customer perceptions of an Operator's professionalism. It may also contribute to perceptions that within the trade, people are 'employed' outside the normal scope of employment law, HM Revenue and Customs arrangements and minimum wage legislation.

The Data Commissioner retains responsibility for monitoring the Private Hire Operator in the role of 'data controller'. However, in the event of data security breaches, the Licensing Authority reserves the right to take compliance or other formal action against a private hire operator to reduce the risk of crime or danger to public safety. Where there is a public waiting area, measures must be in place to keep all personal audio and written data private and secure.

An Operator is responsible for the safety of staff and the public on the premises and Operators are advised to undertake a full review by an appropriately qualified health and safety officer. Other areas of business may fall under the remit of HM Revenue and Customs or the Health and Safety Executive and Licensing Officers may inform the appropriate regulatory body if they have concerns, especially where public safety issues are identified.

### **Record of driver hours**

In contrast to the regulation of hours worked by a PSV or HGV driver, the average self-employed Private Hire Driver is under no such legal restriction. Where they are subject to a contract of employment with a Private Hire Operator there is a restriction of 48 hours per week averaged over a 17 week period, but that is the only legal constraint. The consequences of driver fatigue are identified all too often following a serious road traffic collision and whilst the driver may be held accountable for any subsequent serious injury or fatality, it is an issue that the Private Hire Operator



should be aware of. There are many full time drivers but also others who use their Private Hire driver's licence as a secondary form of income.

This issue requires awareness on the part of Private Hire Operator and it would be best practice for Operators to be alert to the signs of tiredness and exhaustion. Operators are in a position to identify drivers who work excessively long hours for their companies and may wish to consider their own potential liability if they fail to take full account of such issues when entering into a contractual arrangement with a customer..

#### **Fare awareness**

This is often the subject of complaint by the travelling public and is frequently a cause of arguments. That situation can be improved by providing clearer information at the time of booking, displaying a notice showing how fares are calculated on Private Hire Operator web-sites and making similar provision in public waiting areas. It would be helpful if it was pointed out "fares can be agreed before the journey". Where a vehicle uses a meter, this should be clearly explained as should any occasion when it is not used (pre-arranged contract fares, out of Licensing District fares etc.).

The more information that can be made available to passengers, the better it is for your driver, your business reputation and of course the public. Being 'upfront' with fares and pricing information can help reduce the risk of escalating arguments and create a safer environment for drivers.

#### **Vehicles operated under the licence – planning regulations**

Planning legislation has primacy and responsibility for enforcing breaches of planning rests with that department and cannot be undertaken by Licensing Officers. However Licensing Officers will support communities where complaints are made in assisting enforcement by planning and other Regulatory Officers and by seeking an early resolution to problems through contact with the relevant Private Hire Operator.

#### **Safety standards of licensed vehicles under the operating licence**

To increase public safety and reduce the risk of prosecution to themselves, Private Hire Operators are strongly advised to maintain a monthly record of vehicle inspections carried out by them on their operating licence to ensure checks on tyres, Council livery, accident damage, condition of interior etc., as prescribed by the Council and a check list of expiry dates of the Private Hire driver licence, Private Hire vehicle licence and MOT expiry dates. The personal responsibility of the licensed Private Hire Operator for the safety of their customer is inescapable and each Private Hire Operator should be able to demonstrate their commitment to road safety.

#### **TRADING NAME**

It is a pre-requisite to the grant of a Private Hire Operator licence to ensure that any potential confusion is removed when a preferred operating name is put forward. This would also apply to those names which might conflict with operating names already in use within a neighbouring Local Authority.

The Licensing Service reserves the right to refuse the grant or renewal an Operator's licence where the business name is either changed or made up from a collection of other Operator names operating within the boundaries of this Council or any other neighbouring Local Authority.

It is not intended to put restrictions on the appropriate or innovative naming of a Private Hire businesses, but attempts to take advantage of the good name and reputation of existing businesses in Birmingham and in surrounding areas have been a regular source of frustration to the trade and officers alike. Similarly, there are examples of a Private Hire Operator selling a business only to attempt to open another with a very similar name almost immediately. Sometimes this has not been dealt with adequately within the contractual arrangements and can lead to confusion for the public and ill will within the trade.

### **PSV VEHICLES, DRIVERS & RECORDS**

If you operate vehicles having in excess of 8 passenger seats (PSVs) for undertaking private hire bookings then you must ensure that you have the appropriate Operators Licence issued by VOSA.

You must ensure that your PSV vehicles display the discs issued by VOSA and your drivers have the appropriate licences to drive such vehicles. You must also comply with driver's hours regulations and ensure vehicles are properly equipped with tachometers. The Licensing Service is not responsible for your PSV operation, but officers will co-operate with VOSA inspectors, particularly where public safety problems are identified.

### **PRIVATE HIRE VEHICLE FLEET POLICIES**

Operators using vehicles under a fleet policy should ensure that details of each Private Hire Vehicle are listed on the insurance certificate, the schedule, or the policy itself.

### **ASSISTANCE DOGS & WHEELCHAIR USERS**

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

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

You must not refuse to accept the hiring of a vehicle merely because the passenger is accompanied by an assistance dog.

You must not make any additional charge for the carriage of an assistance dog, the conveyance of a wheelchair, or other equipment required by a person suffering from a disability.

### **SUBCONTRACTING BOOKINGS**

The **Deregulation Act 2015** introduced provisions allowing an Operator to sub-contract a booking to another Licensed Operator outside the Controlled District of Birmingham. Both Operators must

keep a record of the booking and the contract and responsibility for the booking remains with the Operator who took the original booking from the hirer. **Operators cannot pass bookings directly to drivers from other areas even if they work for the same company.**

For example, a Birmingham Operator can pass a job to his licensed base in Solihull, which in turn can pass the job to a Solihull licensed driver. A Birmingham operator cannot pass a job directly to a Solihull licensed driver, even if the driver works for the Solihull branch of the same company. Where such practice happens, both operator and driver are committing offences and could be prosecuted.

## **TOUTING**

The operator shall not:

- a) Tout or solicit any person to hire or be carried for hire in any private hire vehicle;
- b) Cause or procure any other person (a marshal for instance) to tout or solicit any person to hire or be carried for hire in any private hire vehicle

see Criminal Justice and Public Order Act 1994 s167

## **Licensed Premises**

With the event of 'app' technology there may be no necessity for potential customers to visit an Operator base. Accordingly the previous requirement has been adjusted to reflect new operating practices.

Where the facility for customers to visit the premises to book does exist, Private Hire Operators are reminded of the best practice guidance under 'Staff training and public access to Private Hire Operator premises'. The premises shall be kept clean, adequately illuminated, heated and ventilated and shall conform to any other relevant legal requirements.

Licence holders need to be acutely aware of the risks associated with children or young people frequenting premises for non- business purposes and there can be no compromise in the necessity of the Private Hire Operator to intervene and stop such activity.

Licensed premises may be targeted by criminals using drivers to facilitate the grooming of children, trafficking, or to supply drugs or contraband tobacco etc.

It is expected the assistance of the Police will be sought if an Operator becomes aware of such activity taking place on his premises. However, that does not diminish the responsibility of the Private Hire Operator to tightly control and prevent such occurrences. With such strong cautionary advice issued alongside the licence, Private Hire Operators need to consider how failure to take reasonable measures to guard against such criminal activity taking place on their premises might be used in any criminal proceedings.

The licence is granted in respect of the address notified to the Licensing Office at the time of application. You can only operate from the address specified on your licence. If you intend to change the business address of the operation, you must first obtain written consent from the Licensing Office and if approved you must return your original licence for amendment. Consent will

only be granted in respect of premises for which planning permission for the use of a Private Hire Operators business has already been granted.

### **Advertisements**

There are some restrictions regarding the words that may be used in your trading names and advertisements. Any trading name or advert for a Birmingham PHV business cannot include the words 'taxi', 'taxis', 'cab' or 'cabs', or any word so closely resembling any of those words as to be likely to be mistaken for it. This includes using such words in website addresses.

You can use the word 'minicab', 'mini-cab' or 'mini cab' (whether in the singular or plural) in your adverts.

While the following list is not exhaustive, an advert includes:

- business cards, letter headed paper, compliment slips and posters,
- signage, including on shop fronts, other premises (e.g. supermarkets, hospitals, nightclubs etc) and licensed private hire vehicles
- email addresses – e.g. digbethcabs@google.co.uk could not be used as an email address for your passengers to make bookings but you could use digbethminicabs@google.co.uk
- websites and website addresses – e.g. www.digbeth-taxis.co.uk could not be used but you could use www.digbeth-minicabs.co.uk. You must also make sure that photos or animations on websites do not show taxis/black cabs or give the impression that a taxi/black cab service is provided.
- telephone numbers – e.g. if your telephone number is 0845 222 1234 you could not advertise this as 0845 CAB 1234
- recorded telephone messages and answer machine messages – e.g. your message should not say 'Thank you for calling Digbeth Cabs' however you could say 'Thank you for calling Digbeth Cars'.

In short, any advert that you issue must make it clear that you are providing a private hire service. Some examples of phrases that you may use in your adverts are:

- Mini-cab service
- Executive car hire
- Private hire service

You should also be aware that most customers will want to verify that you are licensed before they use your services. Your adverts should therefore contain sufficient information for potential customers to be able to identify you.

### **Information on your website**

To prove that you are a bona fide operator, you should consider displaying the following information on your website:

- your company name;
- the trading names that are specified on your operator's licence;
- your trading address(es);
- the telephone number for accepting bookings;
- your VAT registration number (if applicable);
- your email address;
- your licence number;
- the fact that you are licensed by BCC and BCC's contact details; and
- if the business in question is incorporated as a company, its registered number, the address of its registered office and the part of the UK in which it is registered.

For other types of adverts (e.g. business cards), you should at least specify your trading name and your operator's licence number.

### **Smoke Free Legislation**

Private Hire Vehicles and 'Taxis' are smoke free vehicles and nobody may smoke within these vehicles at any time. Appropriate 'No Smoking' signage must be displayed in the vehicle.

Any enclosed premises used as a workplace or used by the public, for example to make bookings, must be smoke-free. Failing to prevent smoking in a smoke free place can lead to prosecution and a maximum fine of £2,500 being imposed on whoever manages or controls the smoke-free premises or vehicle. For further advice and guidance on this matter please go to [www.smokefreengland.co.uk](http://www.smokefreengland.co.uk)

### **Consumer Protection from Unfair Trading Regulations 2008**

Under the provisions of the above legislation, any licensed Operator marketing a product (including comparative advertising) that creates confusion with any products, trade names or other distinguishing marks of a competitor may be committing an offence.

### **Sale of Alcohol**

Sale of alcohol is a licensable activity under the Licensing Act 2003. Sale of alcohol is prohibited on a moving vehicle. If a sale of alcohol is made as part of a booking arrangement that sale must be authorised in accordance with the Licensing Act 2003. For further advice and guidance please contact the Licensing Office on 0121 303 8222, or visit [www.culture.gov.uk](http://www.culture.gov.uk)

### **Safety of Drivers**

Operators are responsible for taking clear and accurate details of a passenger's booking and passing those details to their drivers to ensure they can identify and pick up the correct passenger(s). Failure to record and pass on clear instructions to drivers may put their personal safety at risk and leave them vulnerable to breaches of legislation in their own right.



## **PRIVATE HIRE OPERATORS CONDITIONS OF LICENCE**

**This licence is granted subject to the following conditions. Failure to comply with these conditions could lead to a criminal prosecution and/or your licence being suspended, revoked or not renewed.**

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

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

These conditions are attached to your licence in addition to any other legal requirements to which you are required to comply. These include, but are not restricted to, the Local Government (Miscellaneous Provisions) Act 1976, the Health and Safety at Work etc. Act 1974

### **CONDITIONS**

#### **INFORMATION TO BE REPORTED TO THE LICENSING OFFICE**

1. You must notify the Licensing Office, in writing, of the name and details of any individual to be nominated as a Responsible Person for managing your business in your absence at least **7 days** prior to their commencement in that role.

*To ensure the licensing office is aware of who to contact on a day to day basis*

2. You must notify the Licensing Office, in writing, within **7 days** if you, or any individual or company named on the application form or a currently appointed Responsible Person
  - a) is convicted of any criminal or motoring offence
  - b) is cautioned for any criminal or motoring offence (by the Police or any other agency)
  - c) receives a Magistrates' Court summons
  - d) receives a fixed penalty notice for any criminal or motoring offence
  - e) receives a police warning or court order in relation to harassment or any other form of anti-social behaviour
  - f) receives a civil or family law injunction
  - g) is arrested for any offence (whether or not charged)
  - h) is charged with any criminal offence.
  - i) is refused any type of licence by any other regulatory authority or any such licence is suspended, revoked or not renewed
  - j) changes home address
  - k) if any company or limited liability partnership changes its registered office
  - l) if any changes are made in the ownership/management/partnership of the operation as specified in your application form.
  - m) If a Responsible Person ceases to be employed in this capacity

*So the Licensing service can be confident that those managing the operator's licence remain fit and proper*

3. When notifying the Licensing Office of any matters required by Condition 2. You must provide full details of any such matter and if asked, provide any further information that might reasonably be asked for by an authorised officer.

*So that a proper assessment of fitness can be made*

4. You must provide the Licensing Office an updated Driver and Vehicle List on the first of every month. This list should include **all** drivers and vehicles operated by you for the purposes of private hire and their call signs.

*This replaces the previous condition for notification with an up to date list every time a driver leaves or a new driver starts. Additionally inspections aren't as frequent as in previous years and so this will aid in identifying where drivers work in the event of complaints.*

5. When supplying information to the Licensing Office this **MUST** be in writing but can be provided by post, in person or via email.

*So that a proper record can be kept*

#### **DISPLAY OR PROVISION OF A COPY OF THE LICENCE**

6. If the public have access to your premises your licence and the conditions attached to it must be prominently displayed in a position that is clearly visible.

*In order to provide transparency for members of the public as to conditions you must comply with*

7. If the public do not have access to your premises then upon request you must either provide a copy or permit any member of the public to view a copy of your licence and conditions attached to it.

*In order to provide transparency for members of the public as to conditions you must comply with*

8. If you have a website a copy of your licence and conditions attached to it must be available on your website.

*In order to provide transparency for members of the public as to conditions you must comply with*

9. In respect of these copies of your licence either on display, on request or online you may redact your personal address if shown on the licence.

*So as not to put operator personal safety at risk*

#### **STAFF**



10. No person other than a director, partner, employee or contractor shall be engaged in any aspect of the business.

*In order to ensure the business is operated by fit and proper persons*

11. You must keep and maintain at the licensed premises a register of all such persons, which shall include
- (a) their full name
  - (b) date of birth
  - (c) home address
  - (d) national insurance number
  - (e) contact telephone number
  - (f) any call sign/codes they are allocated
  - (g) the dates their employment commenced/terminated
  - (h) documentary proof of identification
  - (i) documentary proof that each has been registered with HMRC as an employee
  - (j) documentary proof of their right to work in the UK

*To demonstrate compliance with 10 above and demonstrate that persons engaged in private hire have a right to work in the UK*

12. Either you or a Responsible Person over the age of 18 and notified by you in writing to the Licensing Office pursuant to Condition 1 must be in charge of the operation and immediately contactable by an authorised officer or police constable at any time during the hours of operation.

*So that should emergency suspensions/revocations of drivers be necessary this can be done*

13. You must ensure that any Responsible Person left in charge of the premises in your absence is fully aware of these conditions of licence, the need to comply with them and be able to produce the records to an authorised officer or police constable on request.

*To ensure compliance with these conditions at all times and provide relevant information whenever necessary*

14. The aforementioned register must be retained at the premises and be made available to an authorised officer or police constable for inspection at any time during the hours of operation.

*To enable officers to establish those present at premises are fit and proper and employed at the business*

## **STATIONERY & ADVERTISEMENTS**

15. You must not advertise your private hire business or use stationery
- (a) with a trading name that is not included in your Private Hire Operator's licence
  - (b) showing your trading name in a different style/format of letters, numbers or logos
  - (c) which includes any references or information which may be misleading to the public

without obtaining the prior written approval of the Licensing Office

*To avoid confusion with other licensed operators*

16. You must not advertise your private hire business in a manner which gives rise to confusion with another private hire operator licensed by this Council or any other neighbouring council.

*To avoid confusion with other licensed operators*

17. No notice, sign or advertisement seeking to advertise or promote your business of a private hire operator, wherever it is displayed, shall consist of or include the words "TAXI" or "CAB" or "For Hire" whether in the singular or plural, or any words or devices which give any indication that the service to which the notice, sign or advertisement relates is that which can only be provided by a licensed Hackney Carriage.

*To avoid confusion with licensed hackney carriages*

18. You must ensure that staff answering your private hire telephone number(s) does so by using your trading name only.

*To avoid confusion with other licensed operators*

19. If you do not issue an electronic receipt to the customer, you must provide drivers with stationery that they can use for issuing receipts. Electronic receipts shall include your trading name, details of the driver, the journey and fare paid. Stationery shall include your trading name and have spaces for the driver's call sign, details of the journey and fare paid to be recorded.

*So that passengers have a record of their journey if required*

**DRIVERS AND VEHICLES**

20. Private Hire Operators in the City of Birmingham shall only operate with vehicles and drivers licensed by the Birmingham City Council and shall operate only from premises within the City boundary.

*It is an offence to operate private hire drivers not licensed by Birmingham City Council.*

21. Mobile phones or smart phones are not allowed to be used, installed, fitted to or carried in any private hire vehicle for the purpose of inviting, passing or accepting bookings for that vehicle.

The only exception to this is where a smart phone is installed specifically to host an app. designed for the acceptance of bookings from you.

*In order to prevent drivers from making and accepting bookings direct from passengers*

22. Should a taximeter be fitted to any private hire vehicle operated by you, you must ensure that it has been tested, sealed and certified to have been calibrated and set to your tariff(s) before it can be used for calculating fares for passengers.

*To ensure that those carried in private hire vehicles are not overcharged*

23. If technology is provided by the operator to enable route planning and fare calculation they should ensure that drivers proceed to the destination by shortest possible route, through the programming of any technology provided by the operator, which is designed to assist drivers in route planning and calculation of fares.

Deviating from the shortest possible route is only allowed when the driver obtains the agreement of the passenger to do so.

*As a general rule the route taken shall be the shortest. However new technology can provide benefits to customers, in terms of cost, where journeys are calculated including a time element. The journey undertaken should be that which provides the greatest benefit to the passenger in terms of price unless specifically told to do otherwise by the passenger.*

#### **VEHICLE IDENTITY PLATES & SIGNAGE**

24. You must ensure that every private hire vehicle operated by you is issued with such operator signs and notices as may be required for the vehicle to be compliant with the requirements of the City Councils Vehicle Signage Policy and approved in writing by the Licensing Office. No other signage is permitted.

*So that vehicles operated by you are readily identifiable by both customers and regulators.*

25. You must not change the design of your operator signs without obtaining the prior written approval from the Licensing Office.

*To avoid confusion with other licensed operators*

26. Only one approved door sign design is to be in use at any one time. All previous versions must be removed from circulation within 14 Days of a new approved sign being introduced.

*To avoid confusion with other licensed operators*

#### **RECORDS OF BOOKINGS**

27. You must keep a record of every private hire booking either in writing in a suitable hard back book which has consecutive page numbers or a proprietary computerised booking and dispatch system.

*Because the Act requires operators to keep records of journeys in a form prescribed by the Council*

28. If you use a book you must ensure the entries are clearly and easily legible, with no line spaces or blank pages.

*So that the records can be read and to prevent records being post populated with unbooked journeys*

29. Should you wish to use change your computerised system, then you must first notify, in writing, the Licensing Office.

*So that the Licensing Service can ensure that the system you propose is suitable and can provide the records in the necessary format if and when required. This is not intended to include systems updates/upgrades from the provider of the system.*

30. If you have a computerised booking system, you must ensure it is able to produce a print out of any records requested by an authorised officer or police constable at all times.

*So that copies can be produced in evidence if necessary when prosecuting offences*

31. At the time of accepting each booking an entry shall be made in the record book or computerised booking and dispatch system that shall include:

- a) The name and signature of the person making the record and the radio operator for each period of duty - Record Book only
- a) The code for the person making the record - Computerised system only
- b) The date on which the booking is made and, if different, the date of the proposed journey
- c) The name of the person for whom the booking is made or, if more than one person, the name of one of them
- d) The agreed time and place of collection, or, if more than one, the agreed time and place of the first place of collection
- e) The destination
- f) The time a vehicle was allocated to the booking
- g) The driver's call sign or registration number of the vehicle allocated the booking
- h) The fare agreed for the journey (where appropriate)
- i) If applicable, the name of the other operator from whom a booking was received and / or to whom the booking was subcontracted.

*In order to protect both driver and passenger safety; prevent potential public order; and assist in the prosecution of offences at a later date if necessary.*

32. Recording destinations - The very minimum you should record is the street and postal area of the main destination (e.g. Stratford Road, Hall Green) or the place (e.g. The Robin Hood, Stratford Road). At best it should be the full postal address (e.g. 1456 Stratford Road, Hall Green, B28 9ES). It is not sufficient to record just the postal area (e.g. Hall Green) as that would cover too wide an area. However where you know the full postcode (e.g. B28 9ES) that will suffice, as it would identify the street destination.

*To assist drivers in planning routes and assist in the prosecution of offences at a later date if necessary.*

33. When allocating a booking to a driver, you must provide them with all of the following details:

- a) the name of the person for whom the booking is made
- b) the agreed time and place of collection
- c) the destination
- d) the fare agreed (if applicable).

*To enable drivers to be able to correctly identify their passenger, turn up on time and comply with their conditions of licence.*

34. You must not accept or record details of any booking passed to you by a driver.

*To prevent drivers from making and accepting bookings direct from passengers i.e. operating, to reduce touting and assist in the reduction of plying for hire.*

35. Your records of all private hire bookings, whether retained in a book or on a computerised system, must be kept at your licensed premises for at least 12 months and be readily available for production to an authorised officer or police constable for inspection at any time during the hours of operation.

*To assist in the apprehension of offenders; this is not restricted to licensing offences hence the requirement for 12 months.*

## **DRIVER AND VEHICLE RECORDS AND DOCUMENTS**

36. You must keep and maintain an up to date record of **all** the drivers and vehicles operated by you for the purposes of private hire on a Driver and Vehicle List, which must include:

- a) the call sign allocated to the driver/vehicle
- b) the driver's name and private hire badge number
- c) the vehicle's registration and private hire plate numbers
- d) the date the driver joined you and, if applicable, ceased working for you.

37. You must obtain and retain the following documentation in respect of every vehicle and driver you operate prior to allocating them any bookings, namely:

- a) a copy of the driver's current private hire driver's licence or badge
- b) a copy of the vehicle's current private hire vehicle licence or front identity plate
- c) a copy of the vehicle's current MOT certificate
- d) a copy of the vehicle's current insurance certificate or cover note in respect of the driver using the vehicle.
- e) a copy of the Taximeter Calibration Certificate, where appropriate

*To ensure that vehicles and drivers operated by you are properly licensed and insured.*

38. The above documentation relating to vehicles and drivers must be retained at your licensed premises for at least 12 months after a vehicle or driver ceases to undertake work for you and be readily available for production to an authorised officer or police constable for inspection at any time during the hours of operation.

*To assist in the apprehension of offenders; this is not restricted to licensing offences hence the requirement for 12 months.*

## **COMPLAINTS**

39. You must establish a complaints procedure and take all reasonable steps to fully investigate any complaints, ensuring a record is kept of the following information:

- a) the name, contact details of complainant and date complaint received
- b) the date, time and details/nature of the complaint
- c) the name of the driver (and Badge number) or member of staff, to which the complaint relates
- d) details of the investigation carried out and any action taken.

*It is good practice and beneficial to customer service to have a well-documented complaints procedure. This also assists the Licensing Service in following up complaints made about drivers*

40. Upon receiving a complaint or allegation concerning:

- a) sexual misconduct, sexual harassment or inappropriate sexual attention
- b) racist behaviour
- c) violence
- d) dishonesty such as overcharging, theft or retention of lost property
- e) breach of equality legislation, such as refusing to carry an assistance dog

regarding any person licensed by Birmingham City Council you must report it immediately when the licensing office is open, and in any other event immediately upon the Licensing Office next opening.

*To assist in the protection of the safety of the public by allowing the Licensing Service to investigate specific complaints that go to the fitness of the driver/operator in question.*

41. Your records of complaints, whether retained in a book or on a computerised system, must be kept for at least 12 months at your licensed premises and be readily available for production to an authorised officer or police constable for inspection at any time during the hours of operation.

*To assist in the apprehension of offenders; this is not restricted to licensing offences hence the requirement for 12 months.*

### **Passenger Service Vehicles**

42. Where a PHV operator also holds a PSV operator's licence, PSV's should not be used to fulfil bookings except with the informed consent of the hirer. This consent shall be recorded as part of the booking record.

For example, if a member of the public contacts a PHV operator and seeks a booking for a party of fewer than nine passengers it cannot be reasonable to assume a PSV is required unless there are other factors, e.g. a large amount of baggage, or a need for a wheelchair accessible vehicle which would not otherwise be available. If there is no good reason to use a PSV for a booking for fewer than nine passengers, the difference in licensing requirements should be explained and explicit consent obtained.

*In order to prevent as far as practicable, those deemed to not be 'fit and proper' from carrying out private hire bookings.*



**BIRMINGHAM CITY COUNCIL**

**REPORT OF THE DIRECTOR OF REGULATORY SERVICES  
TO THE LICENSING AND PUBLIC PROTECTION COMMITTEE**

**12 APRIL 2017**  
**ALL WARDS**

**CONDITIONS OF LICENCE FOR  
PRIVATE HIRE DRIVERS & VEHICLES**

1. Summary

- 1.1 Following reports to this committee in April, July and November 2016 this report proposes the introduction of a new combined set of conditions to be attached to the licences issued in respect of private hire drivers and vehicles (Appendix 1).
- 1.2 The current conditions relating to these two types of licence have been reviewed, amended and updated in an attempt to clarify certain issues, introduce new initiatives, procedures and remove what are already legal duties.
- 1.3 A considerable number of amendments have been made in respect of the format of the conditions of licence and their content and documents detailing the tracked changes are available as background papers.
- 1.4 A combined set of conditions for drivers and vehicles has been produced to remove duplicate conditions and ensure those drivers that are not vehicle owners are aware of the responsibilities pertaining to the vehicle they drive and vice versa.

2. Recommendation

- 2.1 That the Committee consider the proposed updated and combined conditions for private hire drivers and vehicles at Appendix 1 and agrees to implement them with effect from the implementation date of the proposed policy on vehicle signage.
- 2.2 That outstanding minute 648 from 20/04/2016 be discharged in so far as it relates to drivers and vehicles.

Contact Officer: Chris Neville, Head of Licensing  
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Originating Officer: Shawn Woodcock, Licensing Operations Manager (Acting)

### 3. Background

- 3.1 Following a proposal to this committee in October 2014 to introduce a Quality Rating Scheme for Private Hire Operators, officers from the Enforcement team consulted with the trade.
- 3.2 The vast majority of the feedback from that exercise was that before a Quality Rating Scheme could be introduced the conditions on which they would be measured MUST be reviewed as they were, according to the representatives there, "not appropriate given changes in technology".
- 3.3 A further report to this committee in January 2016 regarding the Implications of the Casey Report on Child Sexual Exploitation in Rotherham set out an action plan "...to improve our systems and to minimise the risk..."
- 3.4 This review of conditions for Drivers and Vehicles completes part of that action plan.

### 4 Conditions

- 4.1 Sections 48 and 51 of the Local Government (Miscellaneous Provisions) Act 1976, which relate to the issue of licenses for private hire vehicles and drivers respectively, state:

"A district council may attach to the grant of a licence under this section such conditions as they may consider reasonably necessary".

- 4.2 The purpose of attaching conditions to these licences is to be able to regulate a large variety of matters relating to the way proprietors and drivers conduct themselves and the use of their vehicles. Conditions can prescribe the ways in which activities are conducted, the sort of documentation operators, proprietors and drivers must maintain and how vehicles are to display their plates and signage.
- 4.3 The conditions are used to deal with issues that require regulating and are drafted to stipulate the exact manner in which activities are to be undertaken. Failing to comply with conditions may result in enforcement action being taken. This may include referral to a Licensing Sub Committee for them to consider whether the licensee is "fit and proper" and if not whether their licence should be suspended or revoked. For example, a complaint from members of the public about a driver's behaviour.
- 4.4 The current conditions for drivers and vehicles were last reviewed and/or amended on the 15 September 2010, with an additional amendment in February 2015 to account for the changes to the Equalities Act 2010.



- 4.5 Since then, a number of changes have taken place both in respect of how the private hire trade operate with the introduction of new technology (apps.) and the current review of vehicle signage.
- 4.6 The current conditions contain offences which may result in either the cautioning or prosecuting of the licensee, an example of which would be a driver not wearing his private hire badge. These conditions have been removed from the proposed conditions as these are legislative requirements and so there is no need for it to also be a condition of licence.
- 4.7 Further guidance has been produced (Appendix 2) to accompany the new conditions advising drivers and vehicle owners of their legal obligations. This gives details of offences under the various Acts that relate to private hire.
- 4.8 The Licensing Enforcement Team deal with numerous complaints about the activities of licensees and undertake various exercises throughout the year including the stop checking of vehicles and drivers and the inspection of records and documentation retained at operator's bases. These conditions are used to measure the licensee's compliance and deal with such complaints.

## 5. Issue of Conditions of Licence

- 5.1 Conditions can only be issued upon the grant of a licence except in exceptional circumstances. Thus should Committee be minded to approve the amended conditions of licence as drafted, they will then be issued upon the grant or renewal of licence applications following the implementation of the proposed policy on vehicle signage.
- 5.2 It is worth noting however, that due to the availability of three year licences for drivers that we will be enforcing two sets of conditions for up to three years following the proposed introduction of new conditions.
- 5.3 This is somewhat compensated for in that vehicles are currently only licensed for 12 months so the vast majority of drivers will be made aware of the new proposed conditions.
- 5.4 Any individual aggrieved by the conditions of licence may make an application for exemption from them and attend a hearing before a Licensing Sub Committee. Alternatively, they can appeal to a Magistrates Court within 21 days of the service of the licence upon them.

## 6. Consultation

- 6.1 An initial draft of the proposed combined conditions was consulted on with the trade and the wider public by way of a survey on the Birmingham Be Heard website.

- 6.3 This consultation was advertised in the last online trade newsletter 'Driving Forward' and post cards were sent to all vehicle owners, drivers and operators advising where they could view or download 'Driving Forward'.
- 6.4 Details of the consultation were also published on the City Council's website and sent out to various potentially interested parties via social media.
- 6.5 The proposed conditions' consultation and the responses are available as background papers.
- 6.6 Following that wider consultation a further meeting was held with trade representatives to discuss the proposed conditions.
- 6.7 Notes of the trade meeting are also available as background papers and comments made at that meeting have been considered whilst preparing this final draft of conditions.
- 6.8 Account has also been taken of the Licensing Enforcement team's views and the need to protect the safety of the public.
- 6.9 A version of the proposed conditions is attached at Appendix 3 detailing the reasons the Licensing Authority feels they are necessary to protect public and driver safety as well as assist in the investigation and prevention of offences.

## 7. Summary of Key Changes

- 7.1 The following points highlight the key changes from the original conditions to the final draft of the proposed conditions. The list does not include every minor variation to wording.
- Two sets of Conditions combined into one Document
  - Reduced from 82 in total to 34 conditions
  - Duplication removed
  - Legal obligations removed
  - Guidance now produced as a separate document
  - Allows for Smart phone Apps to be used for receiving bookings from operators
  - Removal of specific signage requirements (to be included in a proposed Vehicle Signage Policy)

## 8. Implications for Resources

- 8.1 This work has and will be undertaken within the resources available from within those funds generated by the licence fee structure.

9. Implications for Policy Priorities

- 9.1 The content of this report support the Committee's objective to improve standards of licensed people, premises and vehicles and the Council's strategic outcome of staying safe in a clean, green city.

10. Implications for Equality and Diversity

- 10.1 No specific implications have been identified.

**DIRECTOR OF REGULATORY SERVICES**

Background Papers:

Current Conditions for Private hire drivers  
Current Conditions for Private hire vehicles  
Initial draft of conditions for Consultation with the trade  
Annotated private hire driver conditions  
Annotated private hire vehicle conditions  
Driving Forward online and Postcard sent out to all licensees  
Private Hire Driver & Vehicle conditions consultation on Be Heard  
Notes from Trade meeting  
Letter from Competition and Markets Authority  
Enforcement responses



## **PRIVATE HIRE DRIVER AND VEHICLE CONDITIONS OF LICENCE**

**This licence is granted subject to the following conditions. Failure to comply with these conditions could lead to a criminal prosecution and/or your licence being suspended, revoked or not renewed.**

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

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

These conditions are attached to your licence in addition to any other legal requirements to which you are required to comply. These include, but are not restricted to, the Local Government (Miscellaneous Provisions) Act 1976, the Health and Safety at Work etc. Act 1974

### **GENERAL CONDITIONS**

#### **DETAILS TO BE REPORTED**

1. You must notify the Licensing Office, in writing, within **7 days** if you,
  - a) are convicted of any criminal or motoring offence
  - b) are cautioned for any criminal or motoring offence (by the Police or any other agency)
  - c) receive a Magistrates' Court summons
  - d) receive a fixed penalty notice for any criminal or motoring offence
  - e) receive a police warning or court order in relation to harassment or any other form of anti-social behaviour
  - f) receive a civil or family law injunction
  - g) are arrested for any offence (whether or not charged)
  - h) are charged with any criminal offence.
  - i) are refused any type of licence by any other regulatory authority or any such licence is suspended, revoked or not renewed and provide the following information:
    - a. The name of the council.
    - b. The licence number(s) of the licence(s) suspended or revoked.
    - c. The date of the decision.
    - d. A copy of the decision notice issued by the other council giving the grounds for the action taken.
  - j) change your home address
  - k) keep the vehicle when it is not in use at an address that is not specified on your licence
2. If any of your vehicle's identity plates are lost or stolen you must report the loss or theft in writing to the Licensing Office within **3 days**.

3. Mobile phones are not allowed to be used, installed, fitted to or carried in any private hire vehicle for the purpose of inviting or accepting bookings for that vehicle.

The only exception to this is where a phone is installed specifically to host an app. designed for the acceptance of bookings from your operator.

#### **LOST PROPERTY**

4. You must immediately after the termination of any hiring, or as soon as practicable thereafter, carefully search the private hire vehicle for any property which may have been accidentally left therein.
5. Any property accidentally left in a private hire vehicle must be handed in to a West Midlands Police Station as soon as possible, and in any event, within 72 hours of the property being found and a receipt for such property obtained. A copy of the receipt must be provided to the Licensing Office within 3 days of its issue.

#### **CONDITIONS SPECIFIC TO DRIVERS**

6. If you have any illness or medical condition that prevents you from driving or requires you to notify the DVLA, you must notify the Licensing Office, in writing, within **3 days**.
7. If you decide to work for an operator different from that supplied at the time of your licence application, then before commencing work with the new operator, you must notify the Licensing Office, in writing, with details of your previous operator, new operator, new call sign and start date and provide a valid signed operators form.
8. Your private hire driver's badge remains the property of the Council and should your licence expire, be suspended, revoked or not renewed, you must return your private hire driver's badge within **7 days**.
9. You must not wilfully obstruct or refuse any person from viewing your private hire badge or taking the number of your badge.
10. If your private hire driver's badge is lost or stolen, you must inform the Police and obtain a Police report number, which must be reported to the Licensing Office within **3 days**.
11. The operator identification door signs must be displayed on the two front doors of the vehicle.
12. Your private hire vehicle must **display** the Fare Table issued by the private hire operator in a prominent position inside the vehicle so as to be clearly visible to any passenger.
13. You must not respond to any booking from your operator unless you are given:
  - a) The passenger's name.
  - b) The time and point of pick up.
  - c) The destination.
  - d) The fare (if applicable).
14. You must not, via any means, pass details of any booking or passenger you have agreed to carry to your operator.
15. You must not accept a return booking directly from a passenger.

16. You must not park in such a position or location to be in the vicinity of premises such as bars, restaurants, takeaways, public houses, clubs, hotels, casino's, gaming and amusement arcades, which could give the appearance of being available for hire unless you have been allocated a booking by your operator.
17. You must:-
- a) Have a good standard of personal hygiene, be clean and respectable in your appearance and behave in a civil and orderly manner at all times whilst your vehicle is in use or available for hire.
  - b) Not congregate with more than 2 other private hire drivers/vehicles in residential areas and cause a nuisance by your parking, noise or activities whilst waiting to be allocated a booking.
  - c) Convey a reasonable quantity of luggage and afford reasonable assistance in loading and unloading, including assistance in moving luggage to and from the entrance of any premises where you collect or set down your passenger(s).
  - d) Take all reasonable steps to assist with and ensure the safety of your passenger(s) when entering, being conveyed in and alighting from your vehicle.
  - e) Unless otherwise directed by your passenger(s), proceed to the destination by the shortest possible route.
  - f) Not eat or drink in your vehicle whilst carrying a passenger.
  - g) Not without the express consent of your passenger(s) play any radio or sound producing instrument or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle.
  - h) Not cause or permit the noise emitted by any radio or previously mentioned equipment in the vehicle which you are driving to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle.
  - i) Not demand a fare in excess of any previously agreed for that hiring. If no fare has been previously agreed then you must not demand a fare in excess of that prescribed by your operator's fare table displayed in the vehicle. If the vehicle is fitted with a meter and no fare has been previously agreed then you must not demand a fare in excess of that shown on the meter.
  - j) If requested to do so by your passenger(s), provide a written receipt for any fare paid, on stationery bearing the name of your operator, which includes your call sign, details of the journey and the fare paid.

### **CONDITIONS SPECIFIC TO VEHICLES**

#### **VEHICLE IDENTITY PLATES & SIGNAGE**

18. The only plates and signs that may be displayed on or in a private hire vehicle are those prescribed by the City Council's Vehicle Signage Policy
19. Vehicles granted exemption not to display an identification plate or sign must carry and be able to produce the letter confirming the exemption and the licence plate issued by the Licensing Office to an authorised officer of the Licensing Authority or a Police Constable on request.
20. The rear identity plate must be fitted externally on the rear of the vehicle in such a place and manner to ensure that all of the information displayed on the identity plate is clearly visible at all times.

21. The rear identity plate must be securely attached to the vehicle in such a manner so that it cannot be removed without the use of tools. It must not be affixed using string, tape, magnets, Velcro or any other similar material. If a securing bracket is not used the identity plate must be fixed to the vehicle using bolts, rivets or screws.

#### **MAINTENANCE OF VEHICLES**

22. The vehicle and all its fittings and equipment shall at all times when the vehicle is in use or available for hire be kept in an efficient, safe, tidy and clean condition. In particular all data boxes, radios, PDA's or any other equipment installed in the vehicle must be affixed to the vehicle by use of secure fittings so they cannot be easily removed, to prevent injury or harm to the driver or passengers.
23. Once a vehicle has been inspected by one of the Licensing Office's approved MOT stations and a licence has been granted it must be maintained in that form and condition. No change in the specification, design or appearance of the vehicle or addition of any body work accessories shall be made within the duration of the licence without the prior written approval from the Licensing Office.
24. Only tinted and anti-glare windows fitted by the vehicle's manufacturer are acceptable.
25. No private hire vehicle licensed by this authority may be licensed in any other authority as a private hire or hackney carriage vehicle.

#### **DOCUMENTATION TO BE MAINTAINED FOR VEHICLE & DRIVER(S)**

26. Only a licensed private hire driver can drive a licensed private hire vehicle. If you propose to allow someone else to drive your vehicle at any time, before doing so you must obtain from the driver the following documents:
- a) A copy of their current Birmingham City Council Private Hire Driver's Licence, and
  - b) A copy of their insurance documentation covering them to use the vehicle for the purpose of private hire.

You must ensure that the driver's Private Hire Driver's Licence and insurance remain current for the duration of the period they have your vehicle.

27. If there are exceptional reasons which prevent you from maintaining or ensuring continuous insurance cover, for whatever reason, throughout the duration of the licence you must attend and notify the Licensing Office, in writing, within 72 hours following the insurance cover expiring or lapsing. At the same time you must return the vehicle identification plates as the vehicle will be liable to suspension until insurance cover is produced.
28. You must retain the above documents for a period of 12 months following their expiry and these documents must be available for inspection at any time to an authorised officer.

#### **TAXIMETERS**

29. Should a taximeter be fitted to any private hire vehicle, you must ensure that it has been tested, sealed and certified to have been calibrated and set to your operator's tariff(s) before it can be used for calculating fares for passengers.



30. A copy of the taximeter calibration certificate shall be kept in the vehicle at all times and shall be made available for inspection on request by an authorised officer of the Licensing Authority or a Police Constable
31. If technology is provided by the operator to enable route planning and fare calculation they should ensure that drivers proceed to the destination by shortest possible route, through the programming of any technology provided by the operator, which is designed to assist drivers in route planning and calculation of fares.

Deviating from the shortest possible route is only allowed when the driver obtains the agreement of the passenger to do so.

32. You must not tamper with or permit any other person to tamper with the meter, its fittings, connections or seal without the written approval of the Licensing Office.

#### **ADVERTISING**

33. No advertisement may be placed upon a private hire vehicle unless in accordance with Birmingham City Council's Vehicle Signage Policy.

#### **MISCELLANEOUS**

34. A copy of these conditions must be kept in the vehicle at ALL times and shall be made available for inspection on request by an authorised officer of the Licensing Authority or a Police Constable.



# Guidance for Private Hire Drivers and Vehicle Owners

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This guidance has been produced to assist you to comply with the legal requirements of owning and driving a private hire vehicle. It does not contain all of the legal requirements but focusses on the main non-compliance found with in Birmingham.

Should you require further detailed information then you should seek your own legal advice.

The main legislation affecting Hackney Carriages and Private Hire vehicles is The Town Police Clauses Act 1847 (TPCA) and the Local Government (Miscellaneous Provisions) Act 1976 (LGMP) although various other pieces of legislation do have an impact on what you can and cannot do as a PHD/Owner.

## Common Offences

- You must not **PLY FOR HIRE** or accept any booking, which is not made via your operator. This is an offence under s45 TPCA and may also invalidate your vehicle insurance and by doing so commit a further offence under the Road Traffic Act 1988.
- You must not tout or solicit any person to hire or be carried for hire in any private hire vehicle or cause or procure any other person to tout or solicit any person to hire or be carried for hire in any private hire vehicle. This is an offence under the Criminal Justice and Public Order Act 1994.
- If your vehicle is involved in an accident that materially affects the safety, performance or appearance of the vehicle or affects the comfort or convenience of the passengers being carried, you must report this to the Licensing Office within **72 hours** of the accident occurring. It is advisable that this notification is in writing and a copy of the same is retained by you. LGMP S50(3)
- If you sell your vehicle you must inform the Licensing Office, in writing, within **14 days** of the sale, detailing the name and address of who it has now been sold to. LGMP S49
- You **must** wear your Badge in a position and manner as to be plainly and distinctly visible whilst you are working as a licensed driver. LGMP S54(2)
- You must display your vehicle licence plate in the manner prescribed by the Council, as detailed in the City Council vehicle signage Policy, **at all times** whether working or not. LGMP S48(6)
  - The **front vehicle licence plate** must be fixed in the front windscreen of the vehicle in such a position that it is clear from obstruction and that all the information is visible both internally and externally.
  - The **rear vehicle licence plate** must be fitted externally to the rear of the vehicle, adjacent to the number plate. It must be kept clean and free from obstruction and clearly visible at all times. It must be fitted to the vehicle so that it cannot be removed without the use of tools. **If a securing bracket is not used it must be fixed**

**to the vehicle using bolts rivets or screws and must not be attached by string or any other similar material.**

### **Smoke Free Legislation**

- Private Hire Vehicles and 'Taxis' are smoke free vehicles and nobody may smoke within these vehicles. Appropriate 'No Smoking' signage must be displayed in the vehicle. Failure to display appropriate signage is an offence under the Health Act 2006 and you could receive a fixed penalty for £200.
- Furthermore, any enclosed premise that is used as a workplace or is used by the public, for example, making bookings, must be smoke-free. Failing to prevent smoking in a smoke free place can lead to prosecution and a maximum fine of £2,500 being imposed on whoever manages or controls the smoke-free premises or vehicle. For further advice and guidance on this matter please go to [www.smokefreengland.co.uk](http://www.smokefreengland.co.uk)

**The Equality Act 2010** (EQ10) brings together a number of existing laws into one place so that it is easier to use. It sets out the personal characteristics that are protected by the law and the behaviour that is unlawful.

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

- You must not refuse to accept the hiring of a vehicle merely because the passenger is accompanied by a guide dog or assistance dog. If you have a medical exemption from carrying dogs, then this must be obtained in writing from the Licensing Office and be maintained in the vehicle at all times for production to passengers or inspection by an authorised officer. EQ10 s170
- You must not make any additional charge for the carriage of a guide or assistance dog, the conveyance of a wheelchair, or other equipment required by a person suffering from a disability. EQ10 s170

## **PRIVATE HIRE DRIVER AND VEHICLE CONDITIONS OF LICENCE**

**This licence is granted subject to the following conditions. Failure to comply with these conditions could lead to a criminal prosecution and/or your licence being suspended, revoked or not renewed.**

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

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

These conditions are attached to your licence in addition to any other legal requirements to which you are required to comply. These include, but are not restricted to, the Local Government (Miscellaneous Provisions) Act 1976, the Health and Safety at Work etc. Act 1974

### **GENERAL CONDITIONS**

#### **DETAILS TO BE REPORTED**

1. You must notify the Licensing Office, in writing, within **7 days** if you,
  - a) are convicted of any criminal or motoring offence
  - b) are cautioned for any criminal or motoring offence (by the Police or any other agency)
  - c) receive a Magistrates' Court summons
  - d) receive a fixed penalty notice for any criminal or motoring offence
  - e) receive a police warning or court order in relation to harassment or any other form of anti-social behaviour
  - f) receive a civil or family law injunction
  - g) are arrested for any offence (whether or not charged)
  - h) are charged with any criminal offence.
  - i) are refused any type of licence by any other regulatory authority or any such licence is suspended, revoked or not renewed and provide the following information:
    - a. The name of the council.
    - b. The licence number(s) of the licence(s) suspended or revoked.
    - c. The date of the decision.
    - d. A copy of the decision notice issued by the other council giving the grounds for the action taken.
  - j) change your home address
  - k) keep the vehicle when it is not in use at an address that is not specified on your licence

***So the Licensing service can be confident that those licenced remain fit and proper***

2. If any of your vehicle's identity plates are lost or stolen you must report the loss or theft in writing to the Licensing Office within **3 days**.

*It is an offence to use your vehicle without the required signage and so replacements will be needed as soon as practicable.*

3. Mobile phones are not allowed to be used, installed, fitted to or carried in any private hire vehicle for the purpose of inviting or accepting bookings for that vehicle.

The only exception to this is where a phone is installed specifically to host an app. designed for the acceptance of bookings from your operator.

*In order to prevent drivers from making and accepting bookings direct from passengers*

## **LOST PROPERTY**

4. You must immediately after the termination of any hiring, or as soon as practicable thereafter, carefully search the private hire vehicle for any property which may have been accidentally left therein.

*In order to ensure you cannot be accused of theft of that property*

5. Any property accidentally left in a private hire vehicle must be handed in to a West Midlands Police Station as soon as possible, and in any event, within 72 hours of the property being found and a receipt for such property obtained. A copy of the receipt must be provided to the Licensing Office within 3 days of its issue.

*To enable the return of any lost property to its rightful owner*

## **CONDITIONS SPECIFIC TO DRIVERS**

6. If you have any illness or medical condition that prevents you from driving or requires you to notify the DVLA, you must notify the Licensing Office, in writing, within **3 days**.

*To ensure public safety by preventing drivers that are not medically fit to drive from carrying passengers.*

7. If you decide to work for an operator different from that supplied at the time of your licence application, then before commencing work with the new operator, you must notify the Licensing Office, in writing, with details of your previous operator, new operator, new call sign and start date and provide a valid signed operators form.

*So that if complaints are received about your behaviour we can contact your operator ascertain whether or not you were working at the time.*

8. Your private hire driver's badge remains the property of the Council and should your licence expire, be suspended, revoked or not renewed, you must return your private hire driver's badge within **7 days**.

*To ensure unlicensed drivers cannot impersonate those that are properly licensed.*

9. You must not wilfully obstruct or refuse any person from viewing your private hire badge or taking the number of your badge.

*This allows those being carried as passengers to identify you as a properly licensed driver.*

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

*It is an offence to not have your badge on whilst working and so a replacement will be needed as soon as practicable.*

11. The operator identification door signs must be displayed on the two front doors of the vehicle.

*To enable members of the public to correctly identify the vehicle they have booked.*

12. Your private hire vehicle must **display** the Fare Table issued by the private hire operator in a prominent position inside the vehicle so as to be clearly visible to any passenger.

*To enable passengers to check they are being charged the correct fare.*

13. You must not respond to any booking from your operator unless you are given:

- a) The passenger's name.
- b) The time and point of pick up.
- c) The destination.
- d) The fare (if applicable).

*To enable you to be able to correctly identify your passenger, turn up on time and guard against unintentional plying for hire.*

14. You must not, via any means, pass details of any booking or passenger you have agreed to carry to your operator.

*As you are not an operator you cannot make provision for the acceptance of bookings*

15. You must not accept a return booking directly from a passenger.

*As you are not an operator you cannot make provision for the acceptance of bookings*

16. You must not park in such a position or location to be in the vicinity of premises such as bars, restaurants, takeaways, public houses, clubs, hotels, casino's, gaming and amusement arcades, which could give the appearance of being available for hire unless you have been allocated a booking by your operator.

*To ensure you are not approached by members of the public for immediate hire*

17. You must:-

- a) Have a good standard of personal hygiene, be clean and respectable in your appearance and behave in a civil and orderly manner at all times whilst your vehicle is in use or available for hire.
- b) Not congregate with more than 2 other private hire drivers/vehicles in residential areas and cause a nuisance by your parking, noise or activities whilst waiting to be allocated a booking.
- c) Convey a reasonable quantity of luggage and afford reasonable assistance in loading and unloading, including assistance in moving luggage to and from the entrance of any premises where you collect or set down your passenger(s).

- d) Take all reasonable steps to assist with and ensure the safety of your passenger(s) when entering, being conveyed in and alighting from your vehicle.
- e) Unless otherwise directed by your passenger(s), proceed to the destination by the shortest possible route.
- f) Not eat or drink in your vehicle whilst carrying a passenger.
- g) Not without the express consent of your passenger(s) play any radio or sound producing instrument or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle.
- h) Not cause or permit the noise emitted by any radio or previously mentioned equipment in the vehicle which you are driving to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle.
- i) Not demand a fare in excess of any previously agreed for that hiring. If no fare has been previously agreed then you must not demand a fare in excess of that prescribed by your operator's fare table displayed in the vehicle. If the vehicle is fitted with a meter and no fare has been previously agreed then you must not demand a fare in excess of that shown on the meter.
- j) If requested to do so by your passenger(s), provide a written receipt for any fare paid, on stationery bearing the name of your operator, which includes your call sign, details of the journey and the fare paid.

*In order to provide good customer service, raise the profile of your profession and not cause a nuisance to local residents.*

## **CONDITIONS SPECIFIC TO VEHICLES**

### **VEHICLE IDENTITY PLATES & SIGNAGE**

18. The only plates and signs that may be displayed on or in a private hire vehicle are those prescribed by the City Council's Vehicle Signage Policy

*To avoid confusion for members of the public*

19. Vehicles granted exemption not to display an identification plate or sign must carry and be able to produce the letter confirming the exemption and the licence plate issued by the Licensing Office to an authorised officer of the Licensing Authority or a Police Constable on request.

*In order to demonstrate at that moment that such an exemption exists.*

20. The rear identity plate must be fitted externally on the rear of the vehicle in such a place and manner to ensure that all of the information displayed on the identity plate is clearly visible at all times.

*It is a legal requirement to display a plate and this should be easily visible at all times.*

21. The rear identity plate must be securely attached to the vehicle in such a manner so that it cannot be removed without the use of tools. It must not be affixed using string, tape, magnets, Velcro or any other similar material. If a securing bracket is not used the identity plate must be fixed to the vehicle using bolts, rivets or screws.

*To ensure it is not easily removed, lost or stolen.*

### **MAINTENANCE OF VEHICLES**



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

*To ensure both passenger and driver safety*

23. Once a vehicle has been inspected by one of the Licensing Office's approved MOT stations and a licence has been granted it must be maintained in that form and condition. No change in the specification, design or appearance of the vehicle or addition of any body work accessories shall be made within the duration of the licence without the prior written approval from the Licensing Office.

*To ensure both passenger and driver safety*

24. Only tinted and anti-glare windows fitted by the vehicle's manufacturer are acceptable.

*To ensure both passenger and driver safety*

25. No private hire vehicle licensed by this authority may be licensed in any other authority as a private hire or hackney carriage vehicle.

*To prevent any potential conflict in conditions of licence.*

#### **DOCUMENTATION TO BE MAINTAINED FOR VEHICLE & DRIVER(S)**

26. Only a licensed private hire driver can drive a licensed private hire vehicle. If you propose to allow someone else to drive your vehicle at any time, before doing so you must obtain from the driver the following documents:

- a) A copy of their current Birmingham City Council Private Hire Driver's Licence, and
- b) A copy of their insurance documentation covering them to use the vehicle for the purpose of private hire.

You must ensure that the driver's Private Hire Driver's Licence and insurance remain current for the duration of the period they have your vehicle.

*To ensure that vehicles and drivers are properly licensed and insured.*

27. If there are exceptional reasons which prevent you from maintaining or ensuring continuous insurance cover, for whatever reason, throughout the duration of the licence you must attend and notify the Licensing Office, in writing, within 72 hours following the insurance cover expiring or lapsing. At the same time you must return the vehicle identification plates as the vehicle will be liable to suspension until insurance cover is produced.

*To ensure that vehicles and drivers are properly licensed and insured.*

28. You must retain the above documents for a period of 12 months following their expiry and these documents must be available for inspection at any time to an authorised officer.

*To assist in the apprehension of offenders; this is not restricted to licensing offences hence the requirement for 12 months.*

## **TAXIMETERS**

29. Should a taximeter be fitted to any private hire vehicle, you must ensure that it has been tested, sealed and certified to have been calibrated and set to your operator's tariff(s) before it can be used for calculating fares for passengers.

*To ensure that those carried in private hire vehicles are not overcharged*

30. A copy of the taximeter calibration certificate shall be kept in the vehicle at all times and shall be made available for inspection on request by an authorised officer of the Licensing Authority or a Police Constable

*To ensure that any taximeter fitted into the vehicle is calibrated and certified for that use.*

31. If technology is provided by the operator to enable route planning and fare calculation they should ensure that drivers proceed to the destination by shortest possible route, through the programming of any technology provided by the operator, which is designed to assist drivers in route planning and calculation of fares.

Deviating from the shortest possible route is only allowed when the driver obtains the agreement of the passenger to do so.

*As a general rule the route taken shall be the shortest. However new technology can provide benefits to customers, in terms of cost, where journeys are calculated including a time element. The journey undertaken should be that which provides the greatest benefit to the passenger in terms of price unless specifically told to do otherwise by the passenger.*

32. You must not tamper with or permit any other person to tamper with the meter, its fittings, connections or seal without the written approval of the Licensing Office.

*To ensure the calibration and certification of the taximeter remains valid.*

## **ADVERTISING**

33. No advertisement may be placed upon a private hire vehicle unless in accordance with Birmingham City Council's Vehicle Signage Policy.

*To avoid confusion for members of the public*

## **MISCELLANEOUS**

34. A copy of these conditions must be kept in the vehicle at ALL times and shall be made available for inspection on request by an authorised officer of the Licensing Authority or a Police Constable.

*To enable you to keep yourself any driver of the vehicle up to date with conditions placed on the appropriate licence.*

## **BIRMINGHAM CITY COUNCIL**

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

**12 APRIL 2017**  
**ALL WARDS**

#### **IMPLICATIONS OF CASEY REPORT FOR LICENSING**

##### **1. Summary**

- 1.1 In February 2015 the Government published the report of Louise Casey CB into child sexual exploitation ('CSE') in Rotherham. The 154 page report considered whether Rotherham was fit for purpose as a Local Authority. Part of her report considered the role played by Rotherham's Licensing Service in relation to the link between CSE and taxi and private hire licensing.
- 1.2 Birmingham Licensing Service has used the Casey report as a benchmark to measure itself against in order to identify whether any of the bad practices that the report identified in Rotherham were matters which Birmingham also needed to address.
- 1.3 Reports have been presented to this Committee in January and September 2016 to update members on progress. This report provides the latest position statement and outlines a consultation process for making safeguarding training compulsory for all hackney carriage and private hire drivers and private hire operators and to require approved CCTV in licensed vehicles.

##### **2. Recommendations**

- 2.1 That outstanding minute 720(iii) of 14 September 2016 be discharged
- 2.2 That the action plan in the Appendix be noted
- 2.3 That the proposals in paragraphs 7.1 to 7.3 to consult on a policy requiring all licensed divers and operators to attend safeguarding training be approved
- 2.4 That the proposals to in paragraphs 7.1 to 7.3 to consult on a policy to require all licensed vehicles to carry CCTV recording equipment be approved
- 2.5 That a further update report be presented in October 2017 with final recommendations to this Committee.

Contact Officer: Chris Neville, Head of Licensing  
Telephone: 303 6920  
E-mail: [chris.neville@birmingham.gov.uk](mailto:chris.neville@birmingham.gov.uk)

### 3. Background

- 3.1 As part of the Licensing Action Plan to respond to the threat of CSE across licensed premises and drivers, members of the Licensing and Public Protection Committee were offered training from a barrister on 16<sup>th</sup> November 2016 who has advised other local authorities, including Rotherham MBC on CSE matters and the links to the taxi trade.
- 3.2 As a consequence of that training, members of the Committee asked for two strands of work to be put in place: firstly, to require all Birmingham licensed hackney carriages and private hire vehicles to be fitted with CCTV equipment, and secondly, for all licensed drivers to be required to attend safeguarding training within a 12-month timeframe, as opposed to the three-year time frame proposed by officers.
- 3.3 Officers have taken detailed advice from the barrister who delivered the training to members to consider the process by which both objectives can be implemented. The considerations are set out below.

### 4. Safeguarding Training

- 4.1 Officers were putting into place arrangements for all licensed drivers to attend a compulsory safeguarding training course on the basis that it would apply to each driver at the time of their licence renewal. This is consistent with the principle that a hackney carriage or private hire driver's licence cannot be varied during its lifetime: changes can only occur at the point of grant or renewal. The problem with this approach is that since the introduction of three-year driver licences it would take three years before all drivers would be trained. However, our legal advice is that changes can be applied to a licence mid-term depending on the reason for the alteration and providing sufficient consultation has taken place to include the trade and prepare them for the change.
- 4.2 In order to speed up the process of safeguarding training, officers propose to follow a process similar to that used in Rotherham. It will be based on a two stage consultation process: the first stage will outline the broad proposal and include a research phase. The second stage will outline the proposal in more detail, having taken account of the feedback from the first stage. The intention would be to require all drivers to be trained within a year of the policy being approved.

## 5. CCTV in Vehicles

- 5.1 Rotherham, Warrington, Wigan and Southampton are all examples of licensing authorities that have made CCTV compulsory for hackney carriages and private hire vehicles. CCTV can be used in different ways in vehicles: at one extreme are systems that record vision and audio continuously and at the other are systems which are permanently off until the driver or customer activates them. In Rotherham, for instance, audio must be recorded between 10.00pm and 6.00 am, or at any time when carrying an unaccompanied child.
- 5.2 The use of CCTV in licensed vehicles is often challenged through the courts by the licensed trade, but the outcome of challenges depends on the reasonableness of the policy and the reasons for it. Southampton, for instance, was successfully challenged by the Information Commissioner because it required permanent audio recording, regardless of the circumstances.
- 5.3 A successful CCTV policy might set out a named provider or providers to install the equipment and/or a technical specification for the type of equipment that would be acceptable. It would set out a timeframe within which all vehicles would be required to have the equipment installed. Given the number of vehicles licensed by Birmingham and taking into account the number of installers that might need to be approved, it is possible that it would take 12 months from the date that any policy was enacted for every vehicle to have equipment installed.

## 6. Birmingham Action Plan

- 6.1 Officers in Birmingham have considered the findings of the Casey Report against our own policies, procedures and working practices to determine whether there are areas from which we can learn and/or improve. The resulting action plan (see Appendix) looks at the main areas for concern that Casey identified in Rotherham's Licensing service, how we compare and what we need to do to improve.
- 6.2 Since the Action Plan was last considered by the Committee in September 2016, members of the Committee have received training on issues related to taxi licensing. Revisions to the driver, vehicle and operator licence conditions have taken longer to develop than was anticipated due to the extent of the challenges from the trade and the lengthy consultation that this has required. The new conditions are presented for approval at today's Committee meeting. Consultation on the quality rating scheme for drivers cannot be finalised until the driver, vehicle and operator conditions have been approved.

## 7. Consultation

- 7.1 It is proposed to combine the safeguarding and the CCTV proposals into one consultation which will follow a two-stage process. The first stage will be to broadly outline the ambition of the proposed changes and to gather information from other local authorities that have implemented similar policies, as well as considering the technical options available in terms of CCTV. After the Committee has considered the findings of the first stage, a detailed proposal would then be put forward as a second stage for final consultation with the public and the trade.
- 7.2 A suggested timetable for the consultation and new policies is set out below:
- First stage framework consultation to be launched on 1<sup>st</sup> May 2017 for 6 weeks. This consultation to be with trade representatives only.
  - Outcome of first stage consultation to be reported to the Committee in July 2017, with a detailed proposal for safeguarding and CCTV policies.
  - Second stage consultation based on detailed proposals begins on 1<sup>st</sup> August 2017 for 6 weeks. This consultation to be wider ranging, using the Council's BeHeard website, allowing all licensed drivers and operators and the general public the opportunity to comment. Results to be reported to the Committee in October 2017 for new policies to be implemented on 1<sup>st</sup> November 2017.
  - Depending on the outcome of both consultation stages, all Birmingham licensed drivers would have received safeguarding training and all vehicles would have CCTV installed by October 2018.
- 7.3 The initial consultation will be to explain the wish of the Licensing and Public Protection Committee to see all drivers and operators receiving safeguarding training for reasons of public safety. It will outline the subject areas to be covered in the training and the likely duration of the training course and the fact that it will be delivered in-house by Birmingham City Council's Youth Services Team. In respect of CCTV the consultation will explain that the Committee would like to see every vehicle fitted with CCTV for reasons of public safety, and invite comment on the various options for recording audio and vision.

## 8. Implications for Resources

- 8.1 The cost of safeguarding training is estimated at £50 per driver. The cost of CCTV is estimated at £500 per vehicle. Both amounts would be paid for by individual drivers.

9. Implications for Policy Priorities

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

10. Implications for Equality and Diversity

- 10.1 The Casey Report identified a misplaced sense of political correctness which inhibited open discussion about problems linked to minority ethnic groups for fear of being labelled 'racist'. This resulted in action not being taken which permitted perpetrators to remain at large and victims not being protected.
- 10.2 An Equality Assessment will be undertaken to be presented to this Committee in October 2017 with the final recommendations

**ACTING DIRECTOR OF REGULATION AND ENFORCEMENT**

Background Papers: Nil





Appendix. Implications of Casey Report for Licensing				
Casey Report Findings	Birmingham Comparison	Action previously reported	Target Date	Position at April 2017
1. Rotherham's Licensing service was split between a Policy Team and an Enforcement Team using different databases. Complaints and information about drivers were not always recorded.	Birmingham Licensing service mirrors a similar split, however, we do not regard this to be a barrier to successful compliance or enforcement.	Staff training to ensure that the importance of record keeping is understood and that information is shared between teams. Officers are reminded at team meetings to record all information. Our enforcement officers can all use SOPRA and place any warnings on the system if they need to alert Licensing Officers of investigations.	Achieved	Achieved
2. Rotherham's Licensing service was split between a Policy Team and an Enforcement Team using different databases. Complaints and information about drivers were not always recorded.	Birmingham has two databases that service the granting and administration of licences (SOPRA) and a separate enforcement database (M3).	Work is well underway to migrate all our licensing functions, including the grant, administration and enforcement of licences from SOPRA to M3. This will ensure that the same set of information is visible to all officers.	Summer 2017	The migration of data from SOPRA to M3 has been far more complicated than was expected. Officers are working with Service Birmingham to develop new licensing processes to correspond with the new M3 system.
3. A failure to make links between separate incidents or complaints about drivers where recurrent issues were identified.	Records are maintained of all complaints, intelligence and enforcement action against individual drivers and operators, whether substantiated or not, but low level infringements (e.g. not displaying operator signs) are dealt with at stop checks by way of verbal warnings coupled with on the spot rectification.	Draft proposals have been prepared for a cumulative points system for drivers and operators to capture all infringements to help build a complete picture of individuals' behaviour and identify trends. The policy will incorporate trigger points for appropriate action to be taken, e.g. based on a set number of complaints being made within a fixed timescale. The system is dependent on the outcome of the review of driver and vehicle conditions, which are due to be presented to LPPC in April 2017.	01/10/2017	This policy is dependant on approval of new conditions for drivers, vehicles and operators, which are due for approval on 12 April 2017 by the Licensing and Public Protection Committee. If the new conditions are approved on that date officers can commence the consultation on the points system.

Casey Report Findings	Birmingham Comparison	Action previously reported	Target Date	Position at April 2017
4. Lack of Policy: Rotherham's policies were found to be out of date.	Hackney Carriage/Private Hire policies / licence conditions have not been changed for a number of years, although they have been reviewed annually.	Operator Conditions	Apr-17	Revised conditions for operators to be approved on 12 April 2017 at the Licensing and Public Protection Committee meeting.
5. Lack of Policy: Rotherham's policies	Hackney Carriage/Private Hire policies / licence conditions have not been changed for a number of years, although they have been reviewed annually.	Vehicle Conditions.	Apr-17	Revised conditions for vehicles to be approved on 12 April 2017 at the Licensing and Public Protection Committee meeting.
6. Lack of Policy: Rotherham's policies were found to be out of date.	Hackney Carriage/Private Hire policies / licence conditions have not been changed for a number of years, although they have been reviewed annually.	Driver Conditions.	Apr-17	Revised conditions for drivers to be approved on 12 April at the Licensing and Public Protection Committee meeting.
7. Lack of Policy: Rotherham's policies were found to be out of date.	Hackney Carriage/Private Hire policies / licence conditions have not been changed for a number of years, although they have been reviewed annually	Hackney Carriage Bye-Laws	Work will start on reviewing these in May 2017 as soon as the vehicle, driver and operator conditions have been approved and to have a revised draft bye law by Dec 2017	Work to review Hackney Carriage bye-laws to be started after approval of driver , vehicle and operator conditions in April 2017.

Casey Report Findings	Birmingham Comparison	Action previously reported	Target Date	Position at April 2017
8. Inappropriate political intervention in officer decision making.	There have been occasions when elected members have attempted to influence licensing decisions at officer level (both taxi and non-taxi decisions). Normally they are councillors who do not sit on the Licensing and Public Protection Committee. Similar pressure is sometimes applied by councillors to other councillors sitting on Licensing sub-committees.	In February 2016 LPPC considered a report on delegating powers to officers and whether decisions about hackney carriage and private hire matters should continue to be made by a Licensing Sub-Committee. It agreed to retain the role of Sub-Committees and to delegate to officers decisions involving late renewal of licences where the delay was on medical grounds and applications for driver licences from drivers from failed states. It was further agreed to introduce a code of conduct for members of the LPPC and to amend the Code of Conduct for all BCC Members to prevent any attempts at interference with the decision making process.	Report to LPPC September 2016 to agree code of conduct.	Achieved
9. Complaints about drivers with school transport contracts were inadequately investigated.	Decisions to award contracts to drivers for school contracts are made by the City's Education Transport Team. Officers in that team and in Licensing have improved their liaison to improve the flow of communication. A formal document to outline each team's roles and responsibilities would be helpful.	To agree a Revised Memorandum of Understanding between Licensing and Education Transport to cover roles, responsibilities, communication etc.	Completed	Achieved
10. Members of the Licensing Board did not receive sufficient bespoke training on dealing with taxi hearings. The number and nature of documents provided to members in advance of hearings were reduced.	Bespoke training was provided to the Licensing and Public Protection Committee in 2015 and 2016. We have not shortened the reports that are presented to elected members.	Specific taxi licensing training to be organised by Legal Services for members whenever the Committee is renewed following local elections.	Completed	Achieved

Casey Report Findings	Birmingham Comparison	Action previously reported	Target Date	Position at April 2017
11. In Rotherham some hackney carriage and private hire drivers were directly involved in CSE offences, but equally, all hackney carriage and private hire drivers might witness circumstances connected to CSE in their day-to-day work.	Levels of direct involvement in CSE amongst Birmingham's licensed hackney carriage and private hire drivers and operators have been minimal to date, but drivers have a valuable role to play as the eyes and ears of the community and can report suspicious circumstances if they see them.	It was agreed in June 2016 by LPPC to require all current and future licensed hackney carriage drivers, private hire drivers and operators to attend a Safeguarding awareness course (taking account of CSE and all categories of vulnerable people, including intoxicated customers). Subsequently members of the Committee have asked officers to introduce safeguarding training for all hackney carriage and private hire drivers and operators with a view to drivers being required to attend training before the expiry of their current licences. We have agreed course material that will be delivered to current drivers by the Council's Youth Services team. All new applicants now attend training with the Disability Resource Centre.	Under proposals contained in the report to the April 2017 meeting of the Licensing & Public Protection Committee all drivers will have been trained by October 2018.	This will require detailed consultation based on legal advice. Proposals put forward to start process at April 2017 Licensing and Public Protection Committee meeting. All new applicants now receive safeguarding training.
12. The Casey Report found that officers lacked guidance on how to deal with complaints where the complainant would not report an incident to the police or where the police decided not to investigate or prosecute due to the criminal burden of proof.	Officers in Birmingham also lack such guidance, although we are clear that we do not apply the criminal burden of proof to these situations.	Officers to develop a framework for dealing with CSE and other complaints that have not been reported to the police or where the police have not prosecuted. To include guidance on the circumstances when suspension will apply and the level of evidence required. Such framework to incorporate grounds for decisions on when to immediately suspend or revoke licences.	Jun-17	Officers, working with members, are clear that the burden of proof for the decision to revoke or suspend a driver or operator licence is on the balance of probabilities, but specific guidance will be incorporated in the revised Policies, Procedures and Delegations report to the Committee in June 2017.

**BIRMINGHAM CITY COUNCIL**

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

**12 APRIL 2017**  
**ALL WARDS**

**REGULATING FACE TO FACE FUNDRAISING**  
**INSTITUTE OF FUNDRAISING SITE MANAGEMENT AGREEMENT**

1. Summary

- 1.1 In April 2016 this Committee agreed to trial a Site Management Agreement (SMA) with the Public Fundraising Association (PFRA) (now known as the Institute of Fundraising), by which the PFRA would manage face to face fundraisers in the city centre. The trial began on 1 July 2016.
- 1.2 The trial was based on restricting the number of zones in the city centre within which fundraising would be permitted to a maximum of 3 per day, and to no more than 4 fundraisers working in any one zone. This limited the total number of fundraisers to 12 per day across the city centre.
- 1.3 Officers were asked to monitor the trial, to aim to reduce the number of zones in daily use from 3 to 2, and to carry out a consultation on the impact of the Site Management Agreement.
- 1.4 This report contains the outcome of the consultation and the revised proposals from the Institute of Fundraising for a long-term Site Management Agreement.

2. Recommendations

- 2.1 That the Committee approves a Site Management Agreement for the city centre with the Institute of Fundraising based on the new proposals identified in Section 6 of this report.
- 2.2 That the Committee authorises officers to bring forward proposals for Site Management Agreements for any other suburban town centres in Birmingham where an identified demand is recognised.

Contact Officer: Chris Neville, Head of Licensing  
Telephone: 0121 303 6920  
E-mail: [chris.neville@birmingham.gov.uk](mailto:chris.neville@birmingham.gov.uk)

### 3. Background

- 3.1 In 2015 we began a process to obtain a byelaw to control (but not ban) face to face fundraising in Birmingham. It went to the Department for Communities and Local Government for approval, but it was rejected because we had not provided evidence as to why a Site Management Agreement (SMA) with the PFRA (Public Fundraising Association) was not felt to be appropriate.
- 3.2 The PFRA became the Institute of Fundraising (IoF) in 2016. It is the professional membership body for UK fundraising and represents fundraisers working on behalf of charities. It operates SMAs in many towns and cities across the UK in conjunction with local authorities. The purpose of a SMA is to agree with the IoF when and where face to face fundraising can take place and how many fundraisers are permitted to work at any given time. The agreement can then be monitored by the IoF itself, the fundraising companies that have signed up to it, and the local authority, although only the IoF would be able to issue sanctions for breaches of the Agreement. The IoF publishes a rule book that fundraisers agree to follow and it can impose financial penalties on companies that disregard the rules.
- 3.3 On 20 April 2016 this Committee agreed to trial a SMA for the city centre. The SMA marked a notable reduction to the number of collectors that were operating prior to the agreement when there were no controls in place. The city centre was divided into 7 zones:
- New Street (divided into 2 zones).
  - Cherry Street/Union Street.
  - Colmore Row.
  - High Street.
  - Broad Street.
  - Corporation Street.
  - Bull Street (to be used as a relief site on days when activities at any of the other sites made fundraising not possible).
- 3.4 The maximum number of fundraisers was limited to 4 per zone and no more than 3 zones would operate on any given day, with only 2 zones on Wednesdays. None of the zones would adjoin each other on a day when fundraisers were working and the zone in Corporation Street was shortened to prevent it overlapping with New Street. Victoria Square was removed completely from the original proposal. It was agreed that New Street would be completely free of fundraisers on Wednesdays and Saturdays. Broad Street was removed entirely because of its proximity to the war memorial.

### 4. Trial Site Management Agreement

- 4.1 An agreement based on the terms outlined above was signed between the City Council and the PFRA and it took effect on 1 July 2016. It was signed for a 3-month period and has since been renewed monthly and can be cancelled with a month's notice by either party. Officers in Licensing and City Centre

Management have noticed a considerable reduction in the number of fundraisers working in the city centre since the agreement came into force. However, there is clearly a view amongst businesses and the general public that there are still too many fundraisers working there.

- 4.2 Under the SMA, the IoF send Birmingham City Council a diary sheet in advance for every week to say which charities or fundraising organisations have been given permission to work on which days and in which locations.
- 4.3 Since the SMA came into effect on 1<sup>st</sup> July 2016 Regulation and Enforcement has not received any complaints from businesses or members of the public about fundraisers

## 5. Consultation Results

- 5.1 A public consultation was carried out using the Council's BeHeard website during October and November 2016 to measure public perceptions of fundraisers and to determine whether the public had noticed the difference that the SMA had brought about. Ninety people responded to it. The results are contained in Appendix 1 to this report, but the highlights are shown below:

90% objected to being approached by fundraisers

38% said that they had noticed a reduction in the number of fundraisers in the city centre

62% had not had not noticed a difference in numbers.

62% said that they had not seen any improvements in the behaviour of fundraisers

83% wanted to see less fundraising happening

- 5.2 Despite the measurable reductions in numbers of fundraisers, the consultation results show that the public still regard fundraising as something that they object to and they want it to be reduced more. Using the results from the consultation, officers have engaged with the IoF to ask for further reductions.

## 6. Revised Proposals from the Institute of Fundraising

- 6.1 The IoF has consulted its member organisations and put forward a revised fundraising schedule which is shown below and alongside the current schedule.

Zone	Current Agreement	Proposed Agreement	Notes
New Street Zone 1 (between High Street and Corporation Street)	Monday Friday	Monday Friday	This ensures that there will never be fundraisers working simultaneously in both ends of New Street
New Street Zone 2 (between Corporation Street and Victoria Square)	Tuesday Thursday	Tuesday Thursday	
Cherry Street / Union Street	Monday Wednesday Friday	Monday Friday	Removal of Wednesday. This zone extends to both sides of Corporation St, but is classed as one zone
Colmore Row	Monday Wednesday Friday	Monday Friday	Removal of Wednesday
High Street	Tuesday Thursday	Tuesday Thursday	These days ensure that High Street and Union Street do not conflict
Corporation Street	Tuesday Thursday	Tuesday Thursday	Between Fore Street and Bull Street to ensure that it does not conflict with Corporation St.

6.2 The change proposed by the IoF would remove fundraisers from Cherry Street / Union Street and from Colmore Row on Wednesdays. A maximum of 4 fundraisers per zone would still be permitted with never more than 3 zones operational on the same day, but the new schedule will mean no fundraising at all on Wednesdays, Saturdays or Sundays in the city centre.

6.3 The SMA can be cancelled by either party with 4 weeks' notice. A copy of the current SMA is attached as Appendix 2 for information.

## 7. Options Available to the Committee

7.1 Although it had been the Committee's original intention to enact a byelaw, the DCLG refused to endorse the byelaw without being able to prove that we had



exhausted all other ways of managing fundraisers. The DCLG referred to the service offered by the PFRA at the time as being one which we had not used.

7.2 At best, a byelaw would only manage the worst excesses of fundraising. The byelaw, as drafted, would have created an offence if the fundraising was carried out in a street or public place 'in such a manner as to cause obstruction or give reasonable grounds for annoyance to any person in that street or public place'. It would not have limited the numbers of fundraisers or the frequency of collection days. The cost of enforcing a byelaw would have to be met by the local authority without an associated income stream.

7.3 The IoF solution places no administrative, enforcement or financial burdens on the City Council. Whilst members may wish to see even greater reductions to the frequency of fundraising in the city centre, the IOF believes that it has moved as far as it can. If the Committee does not agree to the proposed SMA the reality is that we will revert to the unmanaged and unregulated situation that existed before 1<sup>st</sup> July 2016.

## 8. Suburban Shopping Areas

8.1 The contents of this report relate to the city centre of Birmingham; however suburban shopping centres are just as affected by face to face fundraisers as the city centre. If the Committee approves the recommendation to agree to the revised SMA, it is further proposed to ask officers, in conjunction with relevant Business Improvement Districts and town centre managers, to agree separate SMAs for each one and to bring them to the Committee for approval.

## 9. Implications for Resources

9.1 The cost of administering and policing the SMA will be met by the IoF, not the City Council, which is a major benefit of this self-regulatory approach.

## 10. Implications for Policy Priorities

10.1 Addressing people's concerns about face to face fundraising will support the Council's strategic priorities of 'succeed economically' and 'stay safe in clean, green neighbourhoods', by making the city centre more welcoming. Allowing the IoF to manage fundraisers is consistent with the Council's ambition to become an enabling authority.

## 11. Public Sector Equality Duty

11.1 No specific issues have been identified with the contents of this report.

## **ACTING DIRECTOR OF REGULATION AND ENFORCEMENT**

Background Papers: Nil

## Face to Face Fundraising: Summary report

This report was created on Friday 25 November 2016 at 08:57.

The consultation ran from 27/10/2016 to 24/11/2016.

### Contents

Question 1: What is your name?	1
Name	1
Question 2: What is your email address?	1
Email	1
Question 3: Why do you come to Birmingham city centre?	1
Reasons for coming into Brum	1
Question 4: Have you every been approached by face to face fundraisers in the city centre?	2
Contact	2
Question 5: Do you object to fundraisers approaching you?	2
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Question 6: Do you feel that you have been approached less frequently by face to face fundraisers since 1st July?	2
Have they noticed the difference?	2
Question 7: Have you noticed a reduction in the number of fundraisers in the city centre since 1st July 2016?	3
Reduction in number	3
Question 8: Have you noticed an improvement in the behaviour of fundraisers since 1st July 2016 (e.g. have you noticed fundraisers become less forceful in the way that they approach the public)?	3
Improvement in behaviour	3
Question 9: Are you happy with the level of fundraising that takes place on the city centre's streets since 1st July 2016? Should there be more, less or the same?	3
How much going forward	3

### Question 1: What is your name?

#### **Name**

There were **74** responses to this part of the question.

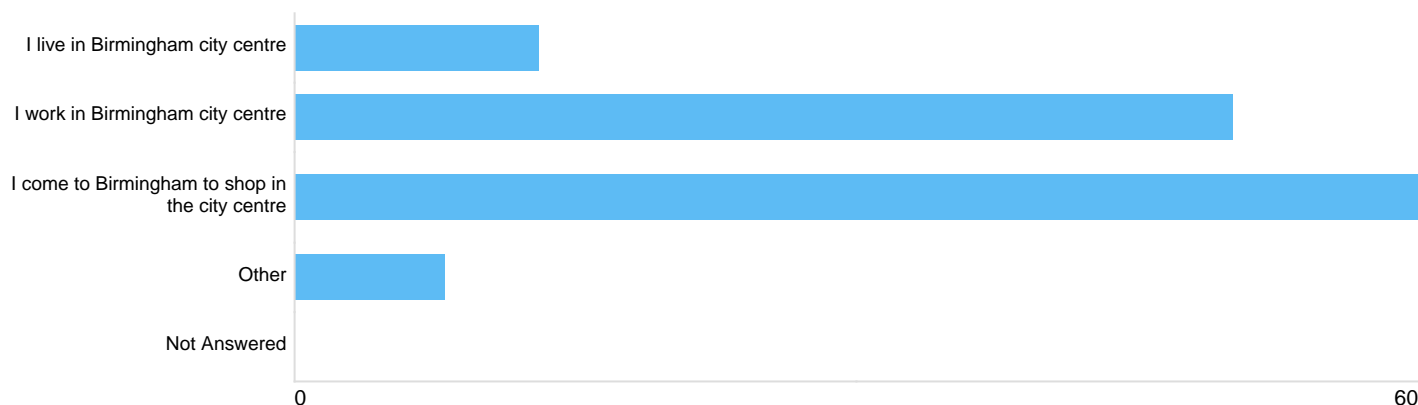
### Question 2: What is your email address?

#### **Email**

There were **44** responses to this part of the question.

### Question 3: Why do you come to Birmingham city centre?

#### **Reasons for coming into Brum**



Option	Total	Percent
I live in Birmingham city centre	13	14.44%
I work in Birmingham city centre	50	55.56%
I come to Birmingham to shop in the city centre	60	66.67%
Other	8	8.89%
Not Answered	0	0%

#### Question 4: Have you every been approached by face to face fundraisers in the city centre?

##### Contact



Option	Total	Percent
Yes	90	100.00%
No	0	0%
Not Answered	0	0%

#### Question 5: Do you object to fundraisers approaching you?

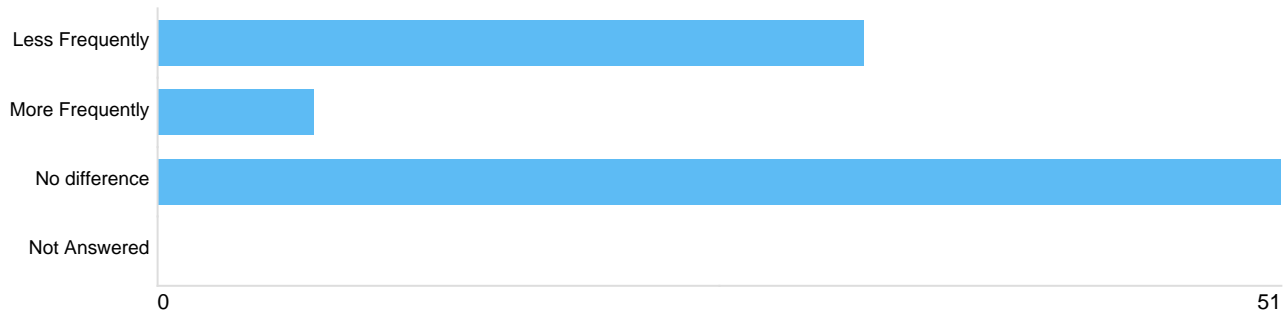
##### Objections



Option	Total	Percent
Yes	81	90.00%
No	9	10.00%
Not Answered	0	0%

#### Question 6: Do you feel that you have been approached less frequently by face to face fundraisers since 1st July?

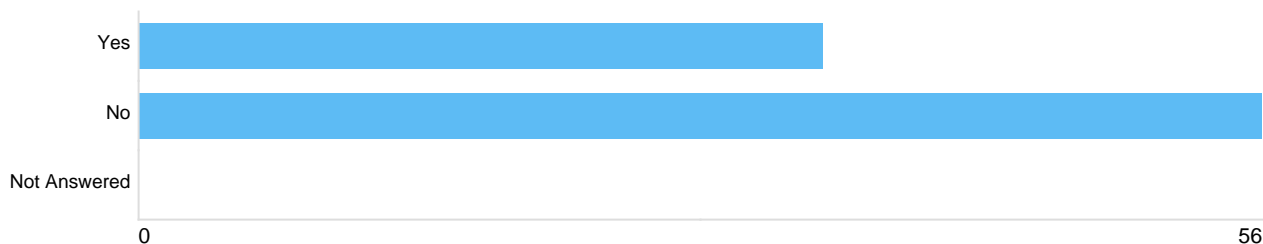
##### Have they noticed the difference?



Option	Total	Percent
Less Frequently	32	35.56%
More Frequently	7	7.78%
No difference	51	56.67%
Not Answered	0	0%

**Question 7: Have you noticed a reduction in the number of fundraisers in the city centre since 1st July 2016?**

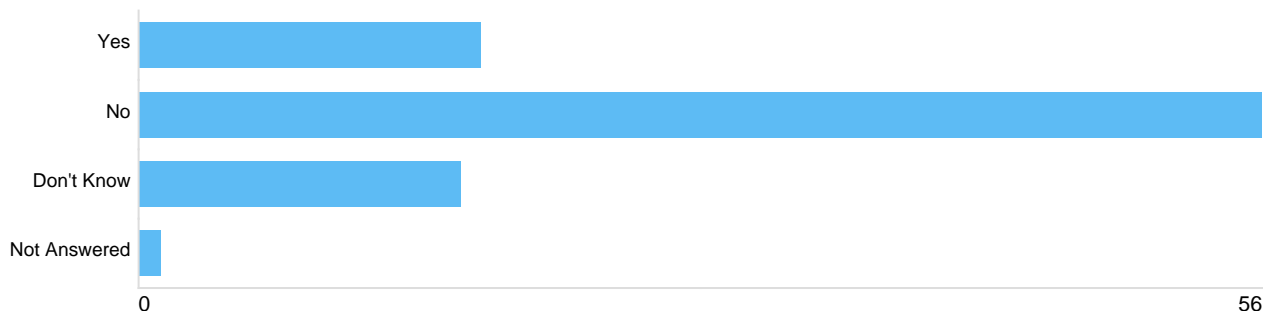
*Reduction in number*



Option	Total	Percent
Yes	34	37.78%
No	56	62.22%
Not Answered	0	0%

**Question 8: Have you noticed an improvement in the behaviour of fundraisers since 1st July 2016 (e.g. have you noticed fundraisers become less forceful in the way that they approach the public)?**

*Improvement in behaviour*



Option	Total	Percent
Yes	17	18.89%
No	56	62.22%
Don't Know	16	17.78%
Not Answered	1	1.11%

**Question 9: Are you happy with the level of fundraising that takes place on the city centre's streets since 1st July 2016? Should there be more, less or the same?**

*How much going forward*



Option	Total	Percent
More	1	1.11%
Less	75	83.33%
The same	13	14.44%
Not Answered	1	1.11%

# Site Management Agreement

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Between PFRA and Birmingham City Council

## Purpose

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The purpose and spirit of this voluntary Site Management Agreement (SMA) is to facilitate responsible face-to-face fundraising in Birmingham City centre and provide a balance between the duty of charities and not-for-profit organisations to fundraise and the rights of the public to go about their business without the impression of undue inconvenience. For the avoidance of doubt, this document does not constitute a legal contract.

This agreement was approved by Birmingham City Council's Licensing & Public Protection Committee on 20<sup>th</sup> April 2016. The duration of this agreement will be for 3 months from 1<sup>st</sup> July 2016 with an option to extend it on a monthly basis by mutual agreement.

The Licensing & Public Protection Committee will re-evaluate the effectiveness of the agreement after 3 months and consider whether to reduce the terms of the agreement to limit the number of zones in the city centre to 2, covering a maximum of 2 days per week with no more than 4 fundraisers per zone.

During the course of the agreement, Birmingham City Council will conduct a consultation with retail businesses (through the relevant Business Improvement Districts) in the affected areas and with the general public, to help inform the Licensing & Public Protection Committee's decision when the agreement is reconsidered.

Once this agreement is in place it should minimise the administration for the council, providing just one channel for information and support regarding face-to-face fundraisers, as nominated 'gatekeepers' only have to deal with one organisation, the PFRA, instead of dealing with each individual charity and fundraising organisation separately.

## Statement of Conformity

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All fundraisers will abide at all times by the relevant elements of the Institute of Fundraising's [Code of Fundraising Practice](#), and the PFRA's [Rule Book](#), or face the appropriate penalties.

If local authority officers note fundraisers contravening the PFRA's Rule Book or any local clause within the SMA, they will inform the PFRA's Head of Standards by contacting them on 020 7401 8452, providing details of the incident.

## Access Details

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### 1.1 Sites, team sizes, positioning, and frequency

Sites may be used as follows, as shown in the maps at Appendix 1:

#### **New Street**

##### **Zone 1:**

Location: Pedestrianised area of New Street between High Street and Corporation Street.

Capacity: maximum of 4 branded/working fundraisers (to be spread out along the length of the site)

Positioning: fundraisers should spread out within their assigned areas.



Frequency: Mondays and Fridays

### **Cherry Street/Union Street**

Location: Pedestrianised area of Cherry Street/Union Street between High Street and Temple Row.

Capacity: maximum of 4 branded/working fundraisers (to be spread out along the length of the site)

Positioning: fundraisers should spread out within their assigned areas.

Frequency: Mondays, Wednesdays and Fridays

### **Colmore Row**

Location: Colmore Row between Bull Street and Newhall Street.

Capacity: maximum of 4 branded/working fundraisers (to be spread out along the length of the site)

Positioning: fundraisers should spread out within their assigned areas.

Frequency: Mondays, Wednesdays and Fridays

### **New Street**

#### **Zone 2:**

Location: Pedestrianised area of New Street between Corporation Street and Victoria Square.

Capacity: maximum of 4 branded/working fundraisers (to be spread out along the length of the site)

Positioning: fundraisers should spread out within their assigned areas.

Frequency: Tuesdays and Thursdays

### **High Street**

Location: Pedestrianised area of High Street between 84 High Street (Phones4U) and Carrs Lane.

Capacity: maximum of 4 branded/working fundraisers (to be spread out along the length of the site).

Positioning: fundraisers should spread out within their assigned areas.

Frequency: Tuesdays and Thursdays

## **Corporation Street**

Location: Area between Bull Street and Fore Street.

Capacity: maximum of 4 branded/working fundraisers (to be spread out along the length of the site).

Positioning: fundraisers should spread out within their assigned areas.

Frequency: Tuesdays and Thursdays

## **Bull Street (relief site only)**

**This is an alternative pitch when another pitch has become untenable for an extended period, please note the PFRA must submit a written request for use of this site with a weeks' notice period. This will be authorised by Birmingham City Council and is not to be used unless written consent has been provided to do so.**

Location: Area between Dale End and Corporation Street.

Capacity: maximum of 4 branded/working fundraisers with a branded/non-fundraising team leader allowed.

Positioning:

Frequency: Monday to Friday (days in use to reflect those of the site being replaced).

Where fundraisers are found to be working outside of the agreed locations, they must comply with requests made by Local Authority Officials and reposition themselves correctly or as directed on-site.

Only one charity will be present on any one site on any one day.

Fundraising will only be permitted between the hours of 9am and 7pm, unless otherwise specified.

Any exclusion dates (e.g specific event days) are to be announced by the Council to the PFRA to be booked into the PFRA's diary management system, giving a minimum of 4 weeks' notice to the PFRA from date of diary delivery.

## **1.2 Other Conditions**

Fundraisers should be positioned in such a way as to offer an adequate 'comfort zone' to those users of the public highway who do not wish to engage. In furtherance of this, it is desirable that a minimum footway channel of 1 metre be maintained between fundraisers and the kerb / shop frontage where it is reasonable to do so.

Fundraisers should maintain a reasonable distance (of approximately 3 metres) apart from one another and any other legitimate street activities (e.g. street traders, Big Issue sellers, buskers, newspaper stands, promotional activities and market researching).

## Information Required

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### 1.3 Nominated Gatekeeper

The nominated gatekeeper for Birmingham City Council is Mahendra Chauhan, the City Centre Operations Manager and his contact details are:

Tel: 0121 675 3612

[Mahendra.chauhan@birmingham.gov.uk](mailto:Mahendra.chauhan@birmingham.gov.uk)

In his absence all enquiries should be made to Christopher Neville, Head of Licensing, and his contact details are:

Tel: 0121 675 2495

[Chris.neville@birmingham.gov.uk](mailto:Chris.neville@birmingham.gov.uk)

### 1.4 Required Information

The PFRA will maintain and manage the diary schedule. Diary/Schedule information will include: contact details for the agency (if applicable); and charity being fundraised for.

Copies of the diary are to be made available to:

Name: Mahendra Chauhan

Address:

Place Directorate

Manor House

40 Moat Lane

Birmingham

B5 5BD

Email: [Mahendra.chauhan@birmingham.gov.uk](mailto:Mahendra.chauhan@birmingham.gov.uk)

Phone number: 0121 675 3612

Name: Christopher Neville

Address:

Place Directorate

Manor House

40 Moat Lane

Birmingham

B5 5BD

Email [chris.neville@birmingham.gov.uk](mailto:chris.neville@birmingham.gov.uk)

Phone number: 0121 675 2495

These contact details shall be updated as and when necessary.

### 1.5 Transition and continuity

Should the nominated gatekeeper move on or responsibilities otherwise change, the gatekeeper will inform his/her successor of the detail of this agreement, the relationship with the PFRA, arrangements for the regulation of face-to-face fundraising, and provide the PFRA with contact details for the successor.

## Complaint Management

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PFRA will respond to and seek to resolve all complaints received, and issue penalties according to its rules. The Council will provide real time notification of any complaints it wishes to be resolved immediately and provide sufficient detail for any retrospective complaints to be investigated. Where the collection agencies or the charities themselves receive complaints it is expected that they will provide information to the PFRA including information about the identity of any individual collector who is subject of a complaint and of the action taken (if any).

Members of the public are encouraged to direct complaints about charity fundraising to the Fundraising Standards Board ([FRSB](https://www.frsb.org.uk)).

## Working Together

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Birmingham City Council agree to work with the PFRA to raise awareness regarding this site management scheme, including explaining what face-to-face fundraising is, the PFRA, the Code of Fundraising Practice, and facts about Direct Debit.

The PFRA monitors member organisations, through a programme of random spot-checks, responding to complaints, and other mechanisms, to ensure fundraisers' adherence to the Code of Fundraising Practice, PFRA Rules, and Site Management Agreements. The PFRA can give appropriate penalties or sanctions to those not abiding by the rules.

This SMA will be reviewed 3 months after it is signed. All amendments will be agreed in writing before becoming effective. Either party can withdraw from this agreement, giving 1 months' notice in writing.

Depending on when this agreement is signed, in relation to the PFRA's bidding/allocation cycle, there will be a lead-time of up to 8 weeks before the agreement can be fully implemented.

Signed For and On Behalf Of PFRA:

---

Peter Hills-Jones, PFRA Chief Executive

Date:

Signed For and On Behalf Of Birmingham  
City Council:

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Christopher Neville, Head of  
Licensing

Date:

## Appendix 1 - Maps

Maps showing the areas and days where fundraising is to be permitted.

### Sites by days of the week:

#### Monday

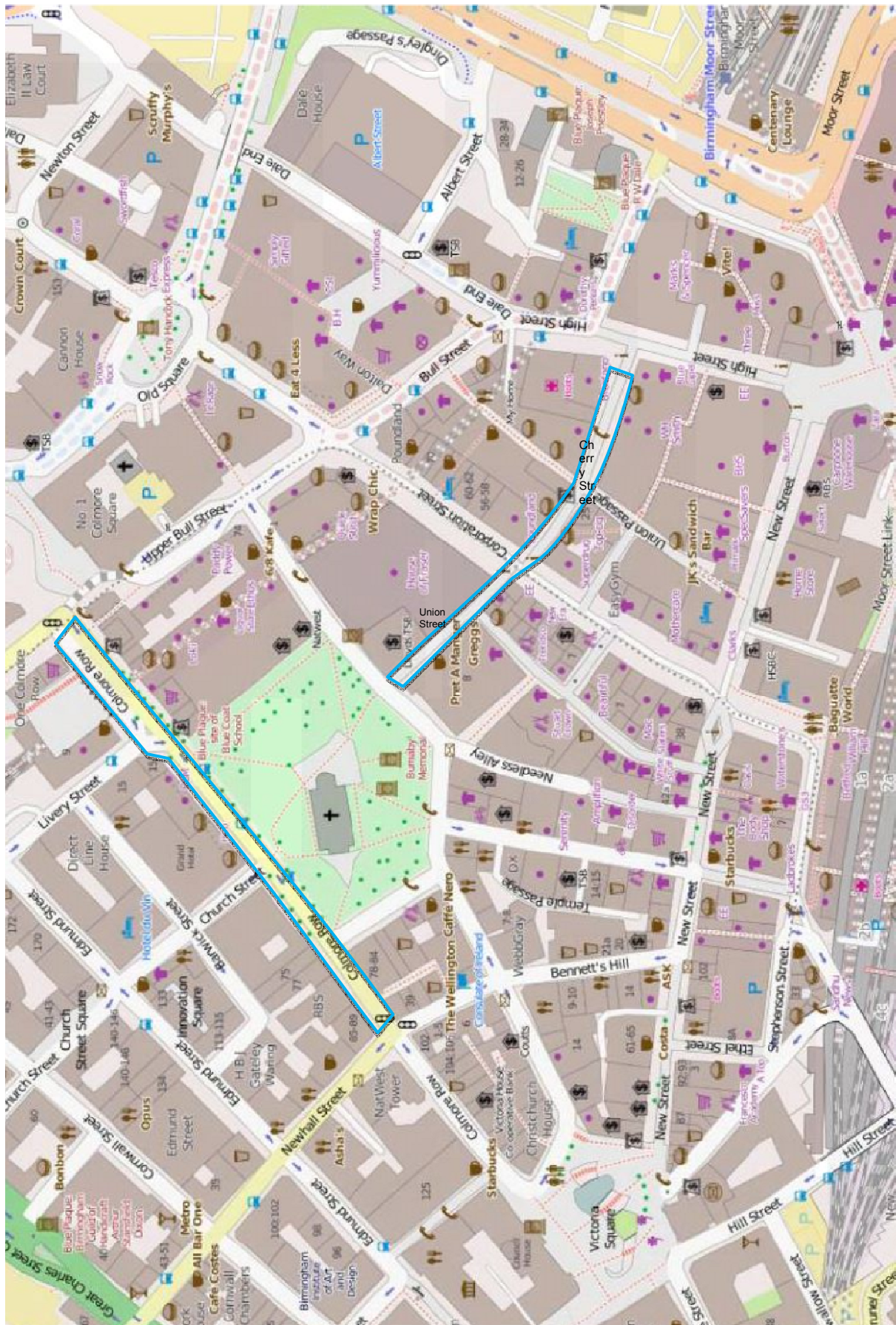








## Wednesdays





Thursdays





## Fridays



## Appendix 2 - Direct Debit Guarantee

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### Know your rights - The Direct Debit Guarantee

Direct Debit is one of the safest ways of making charitable donations. Organisations using the Direct Debit Scheme go through a careful vetting process before they're authorised, and are closely monitored by the banking industry. The efficiency and security of the Scheme is monitored and protected by your own bank or building society.

The Direct Debit Scheme applies to all Direct Debits. It protects you in the rare event that anything goes wrong.

### The Direct Debit Guarantee

- The Guarantee is offered by all banks and building societies that accept instructions to pay Direct Debits.
- If there are any changes to the amount, date or frequency of your Direct Debit the organisation will notify you (normally 10 working days) in advance of your account being debited or as otherwise agreed. If you request the organisation to collect a payment, confirmation of the amount and date will be given to you at the time of the request.
- If an error is made in the payment of your Direct Debit, by the organisation or your bank or building society, you are entitled to a full and immediate refund of the amount paid from your bank or building society.
  - If you receive a refund you are not entitled to, you must pay it back when the organisation asks you to.
- You can cancel a Direct Debit at any time by simply contacting your bank or building society. Written confirmation may be required. Please also notify the organisation.

**BIRMINGHAM CITY COUNCIL**

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

**12 April 2017**  
**ALL WARDS**

**ACTIONS TAKEN BY THE CHAIR OF THE LICENSING  
& PUBLIC PROTECTION COMMITTEE:**  
**March-April 2017**

1. Summary
  - 1.1 This report advises the Committee of actions taken by the Chair under authority from the Licensing & Public Protection Committee, together with 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 6103  
E-mail: [chris.neville@birmingham.gov.uk](mailto: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 March and April 2017

- 4.1 On 9 March 2017 authority was sought to revoke with immediate effect the private hire driver's licence held by driver reference 21674. On 9 March 2017 information was received that driver 21674 had tested positive for opiates in the mandatory drug test whilst in custody, having been arrested on 1 March 2017 when a search warrant was executed at his home address under the Misuse of Drugs Act. A caution was authorised by the Senior Officer on duty and driver 21674 accepted a caution for possession of a Class A drug.
- 4.2 The interests of public safety being considered paramount, an authorisation of the Director of Regulation and Enforcement, acting in consultation with the Chair, was obtained and on 10 March 2017 notice was delivered to driver 21674's home address advising that his private hire driver's licence was revoked with immediate effect, in accordance with Section 52 of the Road Safety Act 2006 and Section 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976. Driver 21674's private hire driver badge and vehicle identification plates were returned to the Licensing Section.
- 4.3 On 9 March 2017 authority was sought to revoke with immediate effect the private hire driver's licence held by driver reference 19475. On 8 March 2017 information was received from driver 19475's wife that he "was on remand". Clarification was sought: on 21 October 2016 driver 19475 was remanded into custody at West London Magistrates, having been arrested at Terminal 3 Heathrow Airport with a large quantity of Methamphetamine in his luggage. Driver 19475 is on remand in custody awaiting trial at Isleworth Crown Court, on a date to be fixed. This information had not previously been brought to the attention of the Licensing Section.
- 4.4 The interests of public safety being considered paramount, an authorisation of the Director of Regulation and Enforcement, acting in consultation with the Chair, was obtained and on 13 March 2017 notice was delivered to driver 19475's home address advising that his private hire driver's licence was revoked with immediate effect, in accordance with Section 52 of the Road Safety Act 2006 and Section 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976. Driver 19475's private hire driver badge was returned to the Licensing Section.

- 4.5 On 31 March 2017 authority was sought to revoke with immediate effect the private hire driver's licence held by driver reference 2385. On 31 March 2017 information was received that driver 2385 had been arrested on 15 March 2017 when a quantity of Class A drugs was found in the passenger footwell of his licensed private hire vehicle. He is under investigation by West Midlands Police for allegations of possession of controlled drugs with intent to supply. Driver 2385 has been failed to return to the Police on 13 April 2017.
- 4.6 The interests of public safety being considered paramount, an authorisation of the Director of Regulation and Enforcement, acting in consultation with the Chair, was obtained and on 3 April 2017 notice was delivered to driver 2385's home address advising that his private hire driver's licence was revoked with immediate effect, in accordance with Section 52 of the Road Safety Act 2006 and Section 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976. Driver 2385's private hire driver badge and vehicle identification plates were returned to the Licensing Section.
5. Implications for Resources
- 5.1 No specific implications have been identified; however, drivers retain the right to appeal through a Magistrates' Court, which may result in the imposition of costs either to or against the City Council.
6. Implications for Policy Priorities
- 6.1 The contents of the report contribute to the City Council's published policy priority of improving the standards of licensed vehicles, people and premises in the City.
7. Implications for Equality and Diversity
- 7.1 The actions identified in this report were taken in accordance with the Regulatory Services enforcement policy, which ensures that equality issues have been addressed.

## **DIRECTOR OF REGULATION AND ENFORCEMENT**



**BIRMINGHAM CITY COUNCIL**

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

**12 APRIL 2017**  
**ALL WARDS**

**PROSECUTIONS AND CAUTIONS – FEBRUARY 2017**

1. Summary
  - 1.1 This report summarises the outcome of legal proceedings taken by Regulation and Enforcement during the month of February 2017.
2. Recommendation
  - 2.1 That the report be noted.

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

### 3. Results

3.1 During the month of February 2017 the following cases were heard at Birmingham Magistrates Court, unless otherwise stated:

- Two Licensing cases resulted in fines of £745. Prosecution costs of £681 were awarded with a total of 30 penalty points and a driving disqualification for 2 years. Four simple cautions were administered as set out in Appendix 1.
- Thirty-one Environmental Health cases resulted in fines of £9,275 and prosecution costs of £6,489 were awarded. Two simple cautions were administered as set out in Appendix 2.
- There were no Trading Standards cases finalized in January 2017 and no simple cautions were administered as set out in Appendix 3.
- Appendix 4 lists cases finalised by district in February 2017 and cases finalised by district April-February 2017.
- Appendix 5 lists the enforcement activity undertaken by the Waste Enforcement Team from April 2016-January 2017.

### 4. Consultation

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

### 5. Implications for Resources

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

5.2 For the year April 2016 to February 2017 the following costs have been requested and awarded:

#### Licensing

£24,691 has been requested with £17,833 being awarded (72%)

#### Environmental Health

£225,803 has been requested with £192,117 being awarded (85%).

#### Trading Standards

£56,840 has been requested with £27,534 being awarded (48%).



- 5.3 For the month of February 2017 the following costs have been requested and awarded and received:

Licensing

£681 has been requested with £681 being awarded (100%) and £964 received.

Environmental Health

£7,797 has been requested with £6,489 being awarded (83%) and £18,497 received.

Trading Standards

No costs have been requested and £320 has been received.

6. Implications for Policy Priorities

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

7. Public Sector Equality Duty

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

**DIRECTOR OF REGULATION AND ENFORCEMENT**

Background Papers: Nil

	Name & Address	Date Case Heard	Legislation	Fine/Penalty	Costs	Offence details
1	Asif Mahmood 152 Willes Road Winson Green Birmingham B18 4PX	2/2/17	Equalities Act 2010	£85	£250  (£250 requested)	Pleaded guilty to one offence of being the driver of a taxi which had been hired by a disabled person accompanied by an assistance dog, for a booking from Queen Alexandra College, Court Oak Road, Birmingham to New Street Station, and refusing to carry the disabled person's dog.
2	Mohammed Aslam 200 Wright Road Alum Rock Birmingham B8 1PD	24/2/17	Road Traffic Act 1988 Local Government (Miscellaneous Provisions) Act 1976	£660 (1 <sup>st</sup> no insurance offence)  + Total of 30 penalty points  + Disqualified from driving for 2 years  No separate penalty x remaining offences	£431  (£431 requested)	Pleaded guilty to five offences: four of using a black London taxi in Birmingham city Centre between 6th and 18th May 2016 without valid insurance and one offence of failing to produce a copy of the insurance certificate for the vehicle when requested to do so by an authorized officer

### LICENSING SIMPLE CAUTIONS

During the period of February 2017, four simple cautions have been administered.

#### Local Government (Miscellaneous Provisions) Act 1976

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

#### 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

**Licensing Act 2003 Section 136(1)(a)** One caution was issued for carrying on a licensable activity otherwise than in accordance with an authorisation

**ENVIRONMENTAL HEALTH CASES****FOOD HYGIENE OFFENCES**

	<b>Name &amp; Address</b>	<b>Date Case Heard</b>	<b>Legislation</b>	<b>Fine/Penalty</b>	<b>Costs</b>	<b>Offence details</b>
1	Javed Iqbal 168 Lea Village Birmingham B33 9SL          Bilal Aziz 95 Prince Albert Street Birmingham B9 5AH	2/2/17	Food Safety and Hygiene (England) Regulations 2013	Total £4,400  Iqbal - £350 x 6 (offences 1-6)  £50 x 2 (offences 7-8)   Aziz - £350 x 6 (offences 1-6)  £50 x 2 (offences 7-8)	£1,584  (£792 each)  (£1584 requested)	Each owner pleaded guilty to eight offences: six relating to the condition of Lifestyle Express, 194 St Vincent Street West, Birmingham, there was evidence of mouse activity throughout the premises allowing contamination of food, surfaces and equipment and there were holes and gaps in the structure of the premises allowing the ingress of mice. Chocolates and boxes of sweets had been gnawed by mice and the external waste bin was full and could not be closed. Piles of loose waste on the ground at the rear of the premises were identified as belonging to the business. Two offences related to cooked ham and bacon being found on display for sale past their use by dates.

**WASTE OFFENCES**

1	Wayne Paul Dixon 82 Hernefield Road Birmingham B34 6PN	2/2/17	Environmental Protection Act 1990	Total £200  (£100 x 2)	£300  (£983 requested)	Pleaded guilty to two offences of failing to depositing controlled waste, namely tree branches, grass debris and soil on a public space located at the rear of 82 Hernefield Road, Birmingham.
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## **ANIMAL WELFARE OFFENCES**

	<b>Name &amp; Address</b>	<b>Date Case Heard</b>	<b>Legislation</b>	<b>Fine/Penalty</b>	<b>Costs</b>	<b>Offence details</b>
1	Michelle White 89 Grillscroft Road Shard End Birmingham B33 9PN	2/2/17	Dogs on Leads Order 2014 made under the Clean Neighbourhoods and Environment Act 2005	£220	£255  (£255 requested)	Pleaded guilty to one offence of being in charge of a dog and failing to ensure that the dog was kept on a lead on the footpath adjoining a public road on North Roundhay, Shard End, Birmingham.
2	Ricardo Thomas 48 Bayston Road Kings Heath Birmingham B14 5AN	2/2/17	The Fouling of Land by Dogs Order 2014 made under the Clean Neighbourhoods and Environment Act 2005	£330	£250  (£250 requested)	Pleaded guilty to one offence of being in charge of a dog who defecated in the Longmeadow playing area in Longmeadow Crescent, Shard End, Birmingham and failing to remove the faeces.

## **LITTERING OFFENCES**

	<b>Name &amp; Address</b>	<b>Date Case Heard</b>	<b>Legislation</b>	<b>Fine/Penalty</b>	<b>Costs</b>	<b>Offence details</b>
1	Ken Bong 78 Norfolk Road Wolverhampton WV3 0JA	2/2/17	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 Smallbrook Queensway, Birmingham.

2	Jake Holdcroft 64 Moorfields Stafford ST16 1NQ	2/2/17	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.
3	Ellen Lloyd Flat 73 2 Bagot Street Birmingham B4 7AX	2/2/17	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 New Street, Birmingham.
4	Brandon Reintjes 40a Knights Avenue Wolverhampton WV6 9QA	2/2/17	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 New Street, Birmingham.
5	Andrew Wright 9 Boden Street Manchester M34 2BD	2/2/17	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 New Street, Birmingham.
6	Robert Burrows 20 Banbury Road Altringham WA14 5BD	2/2/17	Environmental Protection Act 1990	£95	£100  (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement in Smallbrook Queensway, Birmingham.

7	Shi Ming Yang 122 Clay Lane Coventry CV2 4LT	2/2/17	Environmental Protection Act 1990	£145	£50  (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.
8	Stephanie Westbrook 6 Dinchope Drive Telford TF3 2ES	2/2/17	Environmental Protection Act 1990	£105	£100  (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.
9	Joshua Collins 100 Orchard Road Erdington Birmingham B24 9JD	2/2/17	Environmental Protection Act 1990	£80	£100  (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.
10	Jade Fryer 251 Brandwood Park Road Birmingham B14 6QR	10/2/17	Environmental Protection Act 1990	£40	£85  (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement in High Street, Kings Heath, Birmingham.
11	Chivonne Henry 127 All Saints Road Wolverhampton WV2 1EJ	10/2/17	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 New Street, Birmingham.

12	Benjamin Howells 77 Hansby Drive Liverpool L24 9LW	10/2/17	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.
13	Dwaine Jones 89 Gibbons Hill Road Dudley DY3 1QB	10/2/17	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 New Street, Birmingham.
14	Simon Murphy 25 Tanhouse Avenue Great Barr Birmingham B43 5AB	10/2/17	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 New Street, Birmingham.
15	Michael Francis Mullan 21 St Matthews Street Burton-On-Trent DE14 3DT	10/2/17	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 Street, Birmingham.
16	Paul Bird 10 Kenneth Close Liverpool L30 3SL	10/2/17	Environmental Protection Act 1990	£145	£175  (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement in Stephenson Street, Birmingham.

17	Adar Hassan Kudir 56 Weston Street Walsall WS1 4ET	10/2/17	Environmental Protection Act 1990	£115	£175  (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.
18	Kayleigh Box 74 Dickens Road Wolverhampton WV10 8SD	24/2/17	Environmental Protection Act 1990	£120	£175  (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in Bull Street, Birmingham.
19	Lauren Frew 44 Binswood Avenue Leamington Spa CV32 5SG	24/2/17	Environmental Protection Act 1990	£120	£175  (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in Smallbrook Queensway, Birmingham.
20	Christian Ghile 76 Saint Georges Road London E10 5RQ	24/2/17	Environmental Protection Act 1990	£120	£175  (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Stephenson Street, Birmingham.
21	David Gunter 26 Selborne Road Birmingham B20 2DW	24/2/17	Environmental Protection Act 1990	Total £240  (£120 x 2)	£175  (£175 requested)	Found guilty in his absence of two offences of dropping cigarette butts on the pavement in New Street, Birmingham on two separate occasions.



22	Tofiq Nazari 47 Roderick Road Birmingham B11 1UE	24/2/17	Environmental Protection Act 1990	£120	£175  (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in High Street, Birmingham.
23	Kerry Rowe 18 Shawbrook Grove Birmingham B14 4RG	24/2/17	Environmental Protection Act 1990	£120	£175  (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in Edgbaston Street, Birmingham.
24	Alisha Rose-Ann Swords 105 Coulthwaite Way Rugeley WS15 1SG	24/2/17	Environmental Protection Act 1990	£120	£175  (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in Smallbrook Queensway, Birmingham.
25	Andrew Butterworth 55 Crowswood Drive Stalybridge SK15 3RJ	24/2/17	Environmental Protection Act 1990	£80	£145  (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.
26	Neel Patel Flat 9 Linnet House Skylark Avenue Greenhithe DA9 9TT	24/2/17	Environmental Protection Act 1990	£80	£175  (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement in Smallbrook Queensway, Birmingham.

27	Eve Wale 44 Ashton Road Birmingham B25 8NZ	24/2/17	Environmental Protection Act 1990	£80	£20  (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement in Corporation Street, Birmingham.
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#### **ENVIRONMENTAL HEALTH SIMPLE CAUTIONS**

Two simple cautions were administered during February 2017.

#### **Food Safety and Hygiene (England) Regulations 2013**

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

**TRADING STANDARDS**

No Trading Standards cases were finalized during February 2017.

**TRADING STANDARDS SIMPLE CAUTIONS**

No simple cautions were administered during February 2017.

**CASES FINALISED BY DISTRICT (PLACE OF OFFENCE) – FEBRUARY 2017**

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	1	0	0	0	1	0	0	0	0	0	0	<b>2</b>
Environmental Health (FPNs) Not paid and prosecuted	0	0	1	0	26	0	0	0	0	0	0	<b>27</b>
Environmental Health (non FPNs)	0	0	0	3	1	0	0	0	0	0	0	<b>4</b>
Trading Standards	0	0	0	0	0	0	0	0	0	0	0	<b>0</b>

**CASES FINALISED BY DISTRICT (DEFENDANT'S HOME ADDRESS/REGISTERED OFFICE) – FEBRUARY 2017**

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	0	0	1	0	1	0	0	0	0	0	0	<b>2</b>
Environmental Health (FPNs) Not paid and prosecuted	0	1	1	0	1	0	1	2	0	1	20	<b>27</b>
Environmental Health (non FPNs)	0	0	0	3	0	0	0	1	0	0	0	<b>4</b>
Trading Standards	0	0	0	0	0	0	0	0	0	0	0	<b>0</b>

### **CASES FINALISED BY DISTRICT (PLACE OF OFFENCE) – APRIL-FEBRUARY 2017**

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	4	3	4	0	25	0	0	1	0	0	0	<b>37</b>
Environmental Health (FPNs) Not paid and prosecuted	0	3	2	1	485	0	0	0	0	0	0	<b>491</b>
Environmental Health (non FPNs)	3	8	16	14	33	6	12	10	2	4	0	<b>108</b>
Trading Standards	1	2	0	0	6	0	0	0	1	2	1	<b>13</b>

### **CASES FINALISED BY DISTRICT (DEFENDANT'S HOME ADDRESS/REGISTERED OFFICE) – APRIL-FEBRUARY 2017**

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	2	0	10	4	6	0	8	0	0	1	6	<b>37</b>
Environmental Health (FPNs) Not paid and prosecuted	24	35	25	19	54	25	21	11	3	19	255	<b>491</b>
Environmental Health (non FPNs)	1	4	10	13	25	5	10	11	1	7	21	<b>108</b>
Trading Standards	1	3	0	0	2	0	0	0	1	1	5	<b>13</b>

**WASTE ENFORCEMENT UNIT – ENFORCEMENT ACTIVITY**  
**APRIL 2016 – JANUARY 2017**

	Apr-16	May-16	Jun-16	Jul-16	Aug-16	Sep-16	Oct-16	Nov-16	Dec-16	Jan-17	Total 2016/2017
Waste Investigation Outcomes											
Investigations into commercial waste disposal suspected offences and offences	22	44	69	62	66	96	38	63	28	72	560
<u>Section 34 Environmental Protection Act</u> demand notices issued: (trade waste statutory information demands)	14	95	64	53	25	71	24	50	25	37	458
<u>Section 34 Environmental Protection Act</u> fixed penalty notices issued to businesses (£300)	7	2	15	34	26	14	4	29	13	16	160
<u>Section 87 Environmental Protection Act.</u> Fixed Penalty notices issued for commercial and residential litter offences (£80)	4	13	10	11	8	7	10	6	0	2	71
<u>Section 33 Environmental Protection Act</u> fixed penalty notices issued for fly tipping (£400)									11	11	22
Prosecutions											
Number of prosecution files submitted to legal services (number produced quarterly)			11			17			17	45	







**BIRMINGHAM CITY COUNCIL**

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

**12 APRIL 2017**  
**ALL WARDS**

**FIXED PENALTY NOTICES ISSUED FEBRUARY 2017**

1. Summary
  - 1.1 The report sets out a breakdown, on a Constituency/Ward basis, of fixed penalty notices issued in the City during the period February 2017.
2. Recommendation
  - 2.1 That the report be noted.

Contact Officer: Mark Croxford, Head of Environmental Health  
Telephone: 0121 303 6350  
E-mail: [mark.croxford@birmingham.gov.uk](mailto:mark.croxford@birmingham.gov.uk)

### 3. Background

3.1 The issuing of fixed penalty notices [FPN] by officers from Regulation and Enforcement is one of the means by which the problems of environmental degradation such as littering and dog fouling are being tackled within the City.

3.2 The yearly total numbers of fixed penalty notices issued are indicated below.

<u>Month</u>	<u>Fixed Penalty Notices Issued</u>
April 2004 – Mar 2005	382
April 2005 – Mar 2006	209
April 2006 – Mar 2007	650
April 2007 – Mar 2008	682
April 2008 – Mar 2009	1,147
April 2009 – Mar 2010	1,043
April 2010 – Mar 2011	827
April 2011 – Mar 2012	2,053
April 2012 – Mar 2013	1,763
April 2013 – Mar 2014	1,984
April 2014 – Mar 2015	4,985
April 2015 – Mar 2016	5,855

### 4. Enforcement Considerations and Rationale

4.1 The attached appendix shows the wards where FPNs were issued during the month of February 2017.

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

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

4.4 One of the difficulties in resolving the problem of cigarette waste being deposited on the street is that the perception of many smokers is that cigarette waste is not litter. A change in the culture and perceptions of these smokers is critical to resolving this problem.

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

## 5. Consultation

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

## 6. Implications for Resources

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

## 7. Implications for Policy Priorities

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

## 8. Public Sector Equality Duty

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

# **ACTING DIRECTOR OF REGULATION AND ENFORCEMENT**

Background Papers: FPN records



APPENDIX 1  
Wards where FPN's are issued

Constituency	Ward	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Total
Edgbaston	Bartley Green	0	0	0	0	0	0	0	0	0	0	0	0	0
	Edgbaston	0	0	1	0	0	0	0	0	0	0	0	0	1
	Harborne	0	0	0	0	0	0	0	0	9	1	1	0	11
	Quinton	1	0	0	0	0	0	1	0	0	0	0	0	2
Erdington	Erdington	0	1	2	2	0	0	1	1	13	0	0	0	20
	Kingstanding	0	1	0	0	1	1	0	0	0	0	1	0	4
	Stockland Green	0	1	0	2	0	0	0	0	1	0	0	0	4
	Tyburn	0	1	0	1	0	0	0	0	0	1	2	0	5
Hall Green	Hall Green	0	0	0	2	2	0	0	0	0	0	0	0	4
	Moseley And Kings Heath	4	0	0	0	1	1	0	1	14	2	5	0	28
	Sparkbrook	0	0	5	0	0	1	0	2	2	0	2	0	12
	Springfield	0	1	1	1	13	0	0	0	0	0	0	0	16
Hodge Hill	Bordesley Green	0	1	2	0	1	0	0	0	0	0	1	0	5
	Hodge Hill	0	1	0	3	0	1	2	0	0	0	0	0	7
	Shard End	2	0	2	1	1	1	0	0	0	0	0	0	7
	Washwood Heath	0	1	0	9	1	4	1	8	0	2	2	0	28
Ladywood	Aston	0	2	1	3	0	0	0	2	1	0	0	0	9
	Ladywood	480	438	525	456	427	578	538	551	233	506	543	0	5,275
	Nechells	10	16	16	21	8	2	1	5	3	4	2	0	88
	Soho	1	7	1	1	2	2	1	4	1	6	1	0	27
Northfield	Kings Norton	0	0	0	0	1	0	0	1	1	3	0	0	6
	Longbridge	0	0	0	0	0	0	0	1	0	0	0	0	1
	Northfield	1	1	0	0	0	0	1	1	9	0	0	0	13
	Weoley	0	0	0	0	0	0	0	2	3	1	0	0	6
Perry Barr	Handsworth Wood	0	2	1	0	0	0	0	1	0	0	1	0	5
	Lozells And East Handsworth	0	0	1	5	4	4	0	6	0	2	0	0	22
	Oscott	0	0	0	0	0	0	0	0	1	0	0	0	1
	Perry Barr	1	0	0	0	0	0	1	1	4	0	0	1	8
Selly Oak	Billesley	2	0	1	0	0	0	0	0	0	0	0	0	3
	Bournville	2	0	1	0	0	1	0	0	8	2	0	0	14
	Brandwood	2	1	0	0	0	0	0	1	0	0	0	0	4
	Selly Oak	0	0	0	0	1	0	0	0	0	2	2	0	5
Sutton Coldfield	Sutton Four Oaks	0	0	0	1	0	0	0	0	1	0	1	0	3
	Sutton New Hall	0	0	0	1	1	0	1	0	0	1	0	0	4
	Sutton Trinity	0	2	0	0	0	0	0	0	0	1	0	0	3
	Sutton Vesey	0	0	0	0	0	0	0	9	1	0	0	0	10
Yardley	Acocks Green	1	0	0	0	1	0	1	0	0	2	0	0	5
	Sheldon	0	0	3	0	1	0	2	0	4	1	0	0	11
	South Yardley	0	0	1	1	1	1	2	0	4	2	0	0	12
	Stechford And Yardley North	2	1	1	0	2	0	0	1	0	0	1	0	8
Total		509	478	565	510	469	599	552	601	309	539	566	0	5,697



**BIRMINGHAM CITY COUNCIL**

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

**12 April 2017**  
**ALL WARDS**

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

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

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3. Summary of Appeal Hearings for February 2017

	Magistrates'	Crown
Total	4	
Allowed		
Dismissed	3	
Appeal lodged at Crown		n/a
Upheld in part		
Withdrawn pre-Court	1	

4. Implications for Resources

- 4.1 The details of costs requested and ordered in each case are set out in the appendix below.
- 4.2 In February 2017 costs have been requested to the sum of £2170.45 with reimbursement of £1695.45 (78.1%) ordered by the Courts.
- 4.3 For the fiscal year thus far, April 2016 to February 2017, costs associated to appeal hearings have been requested to the sum of £26158.27 with reimbursement of £25158.27 (96.2%) 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.

**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	Qurban Hussain	24.02.2017	Dismissed	£1570.45	£1195.45	On 5 October 2016, as the result of a complaint regarding the driver's behaviour and standard of driving, during which the complainant received injuries, Committee considered and resolved to suspend the licence for a period of two months. Mr Hussain had originally stated he would appeal to Crown Court; he has now confirmed he will not.
2	Tamiz Uddin Younus	20.02.2017	Dismissed	£300.00	£300.00	On 28 November 2016, as the result of a number of relevant convictions recorded against the applicant's name, Committee considered and resolved to refuse the grant of a licence.
3	Bahadur Singh	24.02.2017	Dismissed	£300.00	£200.00	On 13 December 2016, as the result of numerous motoring convictions recorded against the applicant's name, which had previously resulted in the revocation of a licence, Committee considered and resolved to refuse the grant of a licence.
4	Sabir Hussain	n/a	Withdrawn pre-Court	n/a	n/a	On 9 December 2016, as the result of the driver having been disqualified from driving, the licence was suspended under delegated authority by the Principal Licensing Officer. The appeal was withdrawn following appearance before the Sub Committee in February 2017, when a differing period of suspension was imposed.



**BIRMINGHAM CITY COUNCIL**

**LICENSING AND PUBLIC PROTECTION COMMITTEE**

**12 APRIL 2017**

**SCHEDULE OF OUTSTANDING MINUTES**

<b>MINUTE NO./DATE</b>	<b>SUBJECT MATTER</b>	<b>COMMENTS</b>
648 20/04/2016	<b><u>Conditions of Licence for Private Hire Operators, Drivers and Vehicles</u></b> – A comprehensive report on this to be submitted to Committee	See item on the agenda
651 (iii) 20/04/2016	<b><u>Proposals for Vehicle Emission Standards for Hackney Carriage and Private Hire Vehicles</u></b> – That officers engage with the neighbouring West Midlands Licensing Authorities to discuss proposals for a regional emissions standard for hackney carriages and private hire vehicles.	Date to be agreed
720 (iii) 14/09/2016	<b><u>Implications of the Casey Report for Licensing</u></b> – The Acting Service Director of Regulation and Enforcement be requested to report on the outstanding actions in respect of the Casey report.	See item on the agenda
811(ii) 15/02/2017	<b><u>Update Report On Unauthorised Encampments</u></b> – The Acting Service Director of Regulation and Enforcement be requested to report further in three months' time to update on the various work items contained within this report.	Report for June 2017

