

**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, 13 SEPTEMBER 2017 AT 10:00 HOURS**  
**IN COMMITTEE ROOM 6, COUNCIL HOUSE, VICTORIA SQUARE,**  
**BIRMINGHAM, B1 1BB**

**A G E N D A**

**1 NOTICE OF RECORDING/WEBCAST**

The Chairman to advise/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.

**5 - 12**

**3 MINUTES**

- i) To confirm and sign the Minutes of the meeting held on 12 July 2017.
- ii) To note the public section of the Minutes of the meeting held on 14 July 2017.

**13 - 60**

**4 SEX ESTABLISHMENT POLICY**

REPORT OF THE ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

**61 - 72**

**5 LICENSING AND PUBLIC PROTECTION - BUDGET MONITORING 2017/18 (MONTH 04)**

ACTING SERVICE DIRECTOR REGULATION AND ENFORCEMENT  
AND INTERIM CHIEF FINANCIAL OFFICER

**73 - 86**

**6 USING THE PROCEEDS OF CRIME TO FURTHER PROTECT CITIZENS AND SUPPORT COMMUNITIES**

REPORT OF THE ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

- 87 - 96**      7      **REPORT ON THE RESULTS OF A PUBLIC CONSULTATION ON PROPOSALS TO INTRODUCE FIVE PUBLIC SPACE PROTECTION ORDERS**
- REPORT OF THE ACTING DIRECTOR OF REGULATION AND ENFORCEMENT
- 97 - 126**      8      **PROSECUTIONS AND CAUTIONS JUNE 2017**
- REPORT OF THE ACTING DIRECTOR OF REGULATION AND ENFORCEMENT
- 127 - 132**      9      **OUTCOME OF APPEALS AGAINST SUB COMMITTEE DECISIONS TAKEN DURING JUNE AND JULY 2017**
- REPORT OF THE ACTING DIRECTOR OF REGULATION AND ENFORCEMENT
- 133 - 138**      10      **FIXED PENALTY NOTICES ISSUED JULY 2017**
- REPORT OF THE ACTING DIRECTOR OF REGULATION AND ENFORCEMENT
- 139 - 142**      11      **ACTION TAKEN BY THE CHAIR OF THE LICENSING AND PUBLIC PROTECTION COMMITTEE DURING AUGUST 2017**
- REPORT OF THE ACTING DIRECTOR OF REGULATION AND ENFORCEMENT
- 143 - 144**      12      **SCHEDULE OF OUTSTANDING MINUTES**
- To consider the schedule of Outstanding Minutes.
- 13      **OTHER URGENT BUSINESS**
- 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.
- 14      **AUTHORITY TO CHAIRMAN AND OFFICERS**
- 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'.
- 15      **EXCLUSION OF THE PUBLIC**
- That in view of the nature of the business to be transacted which includes exempt information of the category indicated the public be now excluded from the meeting:-
- Minutes - Exempt Paragraphs 3 and 4

## **PRIVATE AGENDA**

16 **MINUTES**

To note the private section of the Minutes of the meeting held on 14 July 2017 and confirm and sign the minutes as a whole.





## **BIRMINGHAM CITY COUNCIL**

<b>LICENSING AND PUBLIC PROTECTION COMMITTEE 12 JULY 2017</b>
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**MINUTES OF A MEETING OF THE LICENSING  
AND PUBLIC PROTECTION COMMITTEE HELD  
ON WEDNESDAY 12 JULY 2017 AT 1000  
HOURS IN COMMITTEE ROOMS 3 AND 4,  
COUNCIL HOUSE, BIRMINGHAM**

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

Councillors Nawaz Ali, Bob Beauchamp, Alex Buchanan, Liz Clements, Lynda Clinton, Ian Cruise, Carole Griffiths, Nagina Kauser, Chaman Lal, Mike Leddy and Rob Sealey.

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**NOTICE OF RECORDING/WEBCAST**

- 875 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 except where there were confidential or exempt items.

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**APOLOGIES**

- 876 Apologies were received from Councillors Basharat Dad and Des Flood.

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**MINUTES**

- 877 The Minutes of the meeting held on 21 June 2017, having been previously circulated were confirmed as a correct record and signed by the Chairman.

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**LICENSING AND PUBLIC PROTECTION BUDGET MONITORING 2017/18  
(MONTH 2)**

The following report of the Acting Service Director of Regulation and Enforcement Assistant and the Interim Chief Financial Officer was submitted:-

(See Document No. 1)

Parmjeet Jassal, Finance, made introductory comments relating to the report and responded to detailed questions from Members relating to the current overspend and the problems created when spending targets had been previously attached to ring fenced budgets. The Acting Director of Regulation and Enforcement responded to further questions relating to the coroner's service and it was noted that it was anticipated that a balanced budget would be achieved at year end. Other questions relating to Proceeds of Crime Act and income target for Environmental Services were responded to by appropriate officers.

At 1025 the Councillor Barbara Dring withdrew from the room and Councillor Alex Buchanan assumed the Chair.

At 1028 hours Councillor Barbara Dring returned to the meeting and assumed the Chair.

COUNCILLOR BARBARA DRING IN THE CHAIR.

Responding to a further comment from Councillor Liz Clements relating to Proceeds of Crime Act, Chris Neville, Head of Licensing, whilst most of the money recovered was reinvested in further Trading Services investigations of a similar nature there was an element that could be used for community purposes and this was not advertised. He added that the Chair had asked him to report to a future meeting of the Committee on how the money could be spent in the future.

878

**RESOLVED:-**

- (i) That the latest revenue budget position at the end of May 2017 (Month 2) and forecast outturn as detailed in Appendix 1 be noted;
- (ii) that the position with regard to the Savings Programme for 2017/18 as detailed in Appendix 2 be noted;
- (iii) that the expenditure on grant funded and proceeds of crime programmes in Appendix 3 be noted;
- (iv) that the position on Capital projects, as detailed in Appendix 4 be noted; and
- (v) that the position on reserves and balances, as detailed in Appendix 5 be noted.

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**LICENSING AUTHORITY POLICIES, PROCEDURES AND DELEGATIONS**

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

(See Document No. 2)

Chris Neville, Head of Licensing, made introductory comments relating to the report and, in response to a comment from Councillor Ian Cruise relating to the need for a section on the use of social media and tablets in meetings, undertook to look in that.

879

**RESOLVED:-**

- (i) That the policies approved by City Council be noted:
  - Relating to the Gambling Act 2005 and approved in 2016;
  - Regarding Sexual Entertainment Venues and approved in 2014;
  - Relating to the Licensing Act 2003 and approved in 2015.
- (ii) that the Hackney Carriage and Private Hire Policy (including delegations) at Appendix 1 be approved; and
- (iii) that the General Licensing Policy (including delegations) at Appendix 2 be approved

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**PROPOSAL TO INTRODUCE QUALITY RATING SYSTEM FOR PRIVATE HIRE OPERATORS**

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

(See Document No. 3)

Chris Neville, Head of Licensing, made introductory comments relating to the report and responded to questions and comments from Members.

During the debate particular reference was made to out of town operators and the regulation of the use of child seats.

At 1055 hours the meeting was adjourned.

At 1100 hours the meeting was reconvened.

880

**RESOLVED:-**

That the proposed Quality Rating Scheme for private hire operators be approved in principle and officers carry out a final consultation with the trade, with responses to that consultation to be reported to Committee in September with a view to implement the scheme from October 2017.

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**ACCESS FOR WHEELCHAIR USERS TO TAXIS AND PRIVATE HIRE VEHICLES**

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

(See Document No. 4)

Chris Arundel, Principal Licensing Officer, made introductory comments relating to the report and responded to comments and questions from Members during which he circulated around the table a diagram indicating the measurements of a standard wheelchair.

(See Document No. 5)

881

**RESOLVED:-**

That the report be noted.

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**UPDATE REPORT ON UNAUTHORISED ENCAMPMENTS**

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

(See Document No. 6)

Mark Croxford, Head of Environmental Health, made introductory comments relating to the report and responded appropriately to comments and questions from Members of the Committee. During the debate Members expressed particular concern at the state that land was left in after use as an unauthorised encampment. In addition they were concerned that steps would be taken to prevent the proposed transit sites did not get taken over by one family as had happened at Tameside Drive.

882

**RESOLVED:-**

- (i) That the be noted and Outstanding Minute No. 811(ii) be discharged; and
  - (ii) that the Acting Director of Regulation and Enforcement be requested to bring a further report to Committee in 3 months to update on the various work items contained within the report.
- 

**HOUSE OF LORDS SELECT COMMITTEE ON LICENSING ACT 2003**

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

(See Document No. 7)

## **Licensing and Public Protection Committee – 12 July 2017**

Chris Neville, Head of Licensing, made introductory comments relating to the report and responded appropriately to comments and questions from Members of the Committee.

883

### **RESOLVED:-**

- (i) That report be noted; and
  - (ii) that a letter be sent to the appropriate Government Minister(s) on behalf of the Committee, asking that the Government allows Licensing Act 2003 at the earliest opportunity.
- 

### **OUTCOME OF APPEALS AGAINST SUB COMMITTEE DECISIONS: TAKEN DURING MAY 2017**

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

(See Document No. 8)

Chris Neville, Head of Licensing, made introductory comments relating to the report and responded appropriately to comments and questions from Members of the Committee.

884

### **RESOLVED:-**

That the report be noted

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### **FIXED PENALTY NOTICES ISSUED MAY AND JUNE 2017**

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

(See Document No. 9)

885

### **RESOLVED:-**

That the report be noted

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### **PROSECUTIONS AND CAUTIONS – MAY 2017**

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

(See Document No. 10)

886

### **RESOLVED:-**

That the report be noted

**SCHEDULE OF OUTSTANDING MINUTES**

The following schedule of Outstanding Minutes was submitted:-

(See Document No. 11)

Officers updated the dates for which reports would be forthcoming in relation to various Outstanding Minutes and it was -

887

**RESOLVED:-**

That Outstanding Minute Nos. 811 (ii) be discharged and all other Outstanding Minutes be noted.

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**OTHER URGENT BUSINESS**

There were no items of Other Urgent Business.

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**AUTHORITY TO CHAIRMAN AND OFFICERS**

888

**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 meeting ended at 1241 hours.

.....  
CHAIRMAN

## **BIRMINGHAM CITY COUNCIL**

<b>LICENSING AND PUBLIC PROTECTION COMMITTEE 14 JULY 2017</b>
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### **MINUTES OF A MEETING OF THE LICENSING AND PUBLIC PROTECTION COMMITTEE HELD ON FRIDAY 14 JULY 2017 AT 1030 HOURS IN COMMITTEE ROOMS 3 AND 4, COUNCIL HOUSE, BIRMINGHAM**

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

Councillors Nawaz Ali, Bob Beauchamp, Alex Buchanan, Liz Clements, Lynda Clinton, Ian Cruise, Des Flood, Carole Griffith, Changese Khan, Chaman Lal and Mike Leddy.

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### **NOTICE OF RECORDING/WEBCAST**

889 The Chair advised that the meeting that members of the press/public may record and take photographs except where there were confidential or exempt items.

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### **APOLOGIES**

890 Apologies were received from Councillors Basharat Dad, Nagina Kauser and Rob Sealey.

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### **OTHER URGENT BUSINESS**

891 There were no matters of urgent business.

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### **AUTHORITY TO CHAIRMAN AND OFFICERS**

892 **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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**EXCLUSION OF THE PUBLIC**

893

**RESOLVED:-**

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

Minutes Exempt paragraphs 1,2,3 and 7



## **BIRMINGHAM CITY COUNCIL**

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

**13 SEPTEMBER 2017**  
**ALL WARDS**

### **SEX ESTABLISHMENTS POLICY**

#### **1. Summary**

- 1.1 In 1982 Birmingham City Council resolved to adopt Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, which concerns the regulation of Sex Establishments (namely Sex Shops and Sex Cinemas).
- 1.2 In 2010 Birmingham City Council resolved to adopt Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by Section 27 of the Policing and Crime Act 2009 so that the provisions for the control of sexual entertainment venues would apply to the whole of Birmingham.
- 1.3 The current Sexual Entertainment Venue (SEV) Policy has been in effect since 2014 and is required by that policy to be regularly reviewed.
- 1.4 In June 2017 officers commenced the Primary Consultation process, seeking comments on a proposal to integrate all Sex Establishments into one overarching policy, and inviting comments in general on the existing licence regime, including conditions.
- 1.5 The purpose of this report is to inform the Committee of both the results of this consultation and subsequent suggested amendments to the policy.

#### **2. Recommendations**

- 2.1 That the proposed policy for licensing sex establishments, including associated conditions and scheme of delegations, be considered by the Committee and that any agreed amendments be incorporated therein.
- 2.2 That the agreed new policy will be subject to public consultation, with the results reported back to a future Committee.

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

### 3. Background

- 3.1 In 1982 Birmingham City Council resolved to adopt Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, which concerns the regulation of Sex Establishments (namely Sex Shops and Sex Cinemas).
- 3.2 In 2010 Birmingham City Council resolved to adopt Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by Section 27 of the Policing and Crime Act 2009 so that the provisions for the control of sexual entertainment venues would apply to the whole of Birmingham.
- 3.3 The current version of the Sexual Entertainment Venue (SEV) Policy has been in effect since 2014 and it is a requirement of that policy to be regularly reviewed.
- 3.4 The majority of the Sexual Entertainment Venue Policy consists of procedural matters regarding the application stage and other matters which may arise through the term of the licence, e.g. variation, revocation, renewal etc. These matters are applicable to all types of Sex Establishment.
- 3.5 There are currently eight SEV licences in operation across the City, seven of which are situated within the ring road (A4540). (Two licences have been revoked by your Committee but, at the time of writing this report, are still within the appeal period)
- 3.6 A map indicating the location of all current Sex Establishments is attached at Appendix 1.
- 3.7 Members are invited to consider the proposed Sex Establishments Policy attached at Appendix 2.
- 3.8 Independent legal advice was sought from Counsel in the preparation of this report, and for guidance on the proposed revisions to the Policy.

### 4. Amendments arising from the Consultation

- 4.1 The following matters arising from the consultation have been incorporated into the revised Policy document:
  - Integration of all Sex Establishments into a single overarching Policy.
  - More detailed explanation of revocation procedure.
  - Introduction of an SEV Operating Manual requirement - to incorporate:
  - Codes Of Conduct For Customers and Performers (including minimum requirements for what the Rules should address).
  - Welfare Policy ( to include performers/patrons).
  - Plan (including location of CCTV cameras).
  - Price List requirements (Location and font size).
  - Clearer definition of what constitutes Sexual Entertainment (inc Burlesque).

- Removal of the 'cap' on numbers (see Paragraph 5).
  - Removal of standard restrictions on opening hours /days for Sex Shops and Cinemas – replaced with proposals upon application (consistent with SEV policy).
  - Clarification of 'Touting' section to cover all promotion activities.
  - Clarification of fees ( Application and licence).
  - Removal of requirement for applicant to demonstrate compliance with business rates – placing the onus on Business Rates or other agencies to object if they feel it appropriate.
- 4.2 Officers have also had regard to the circumstances surrounding the revocation of two SEV licences within the City. There were a number of issues relating to the enforceability of some conditions and the clarity of some of the requirements. These areas have been tightened, however, it must be noted that where issues involved allegations of organised crime and or people trafficking and slavery – these are issues which, whilst abhorrent – do not sit within the remit of this licence regime. They must be dealt with, first and foremost, by the appropriate enforcement agency, which will then be in a position to raise concerns with the Licensing Authority for consideration of licence revocation where appropriate.
- 4.3 There were a number of responses calling for the inclusion of controls to prevent modern day slavery. Modern Slavery involves people being trafficked into or around the UK and being forced to illegally work against their will.
- 4.4 This is a complicated area, which is difficult to address appropriately through policy or conditions. Modern Day Slavery is a crime, and as such must be addressed through the Criminal Justice System. The same principles apply to organised crime.
- 4.5 A request was received from Trading Standards to consider imposing an age restriction of 21 on customers at Sexual Entertainment Venues. Such a restriction could constitute discrimination on grounds of age, and officers were unable to ascertain any persuasive reason to impose such a restriction.
- 4.6 A request has been received from a number of SEV licence holders to be permitted to advertise their business by way of business cards displaying the logo of the business.
- 4.7 Should Members be minded to concede to this proposal, the following condition is suggested for consideration as an addendum to Condition 66:  
 66: *"The licensee shall not permit any person whilst on a public thoroughfare to solicit any other person to visit the SEV premises by any means.*  
 66A: *Save for the distribution of business cards – the format, design and distribution of which must be approved in advance by the Licensing Authority (.ie. applicant must specify how they intend to distribute their promotional material.) The approval of such material does NOT supersede any restrictions on the distribution of free literature within the City.*

4.8 Any confirmed breaches of the approved form/content or method of distribution would be considered a breach of condition.

## 5. Cap on Number of Premises

5.1 In March 2010, the Home Office produced Guidance for local authorities carrying out their functions under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended). A link to this guidance can be found at [bit.ly/HomeOfficeSEVGuidance](http://bit.ly/HomeOfficeSEVGuidance)

5.2 In September 2013 Leeds City Council revised its SEV Policy to limit the number of SEV premises in the City to four. Of the six premises who applied to renew their licences, Leeds Licensing Committee refused to renew two existing premises on the grounds they were close to buildings with 'sensitive uses', with a third being granted a limited renewal until June 2014.

5.3 The two premises refused renewal applied for a Judicial Review. The decision was published at the end of March 2014. In the case of *Bean Leisure Trading A Ltd, R (On the Application Of) v Leeds City Council* [2014] the High Court rejected the challenge from the two premises and found that Leeds' decisions to refuse the two applications were rational and proportionate and in accordance with its published policy.

5.4 Previously Members have expressed a desire to impose limits in various areas of the City. However, it is important to note, there is no requirement for a cap or limit to be expressly stated in any Policy document before a decision can be made with regard to the number of SEVs in a relevant locality.

5.5 Every application for a Sexual Entertainment Venue Licence must be considered on its own merits, having regard for the specific circumstances of the premises and its relevant locality at the time the application is determined by the local authority.

5.6 In the case of *R v Peterborough City Council, ex parte Quietlynn* (1987) 85 LGR 249 the Court of Appeal held, the relevant locality of a premises is a question of fact which must be determined by the facts of an individual application at the time the application is determined by the local authority.

5.7 In *Quietlynn*, the Court also determined that the entire administrative area of an authority was too large to be considered as a 'relevant locality' for the purposes of the Act.

5.8 The current policy sets a limit of eight SEV licences within the ring road (A4540). At the time of writing this report, there were eight licences legally in effect within that specified area. However, two have been revoked by the Committee, and, should no appeal be lodged, the number will reduce to 6. The existence of the specified number risks the perception of there being a 'target number'.

- 5.9 Whilst it is acknowledged that Members, and indeed a number of respondents to the consultation expressed a desire to either maintain or reduce such a limit, this must be considered with caution. Every case must be considered on its own merits, and no application could be rejected purely on the grounds that a cap exists.
- 5.10 If there were no specific cap on the number of premises of a particular type, this would in no way prohibit Members from determining that the number of sex establishments in a particular locality is inappropriate.
- 5.11 It is, therefore, proposed that the limit set within the existing policy be removed.

## 6. Consultation and Responses

- 6.1 The current Policy was subject to consultation with stakeholders before being implemented in 2014. A revised version of Conditions was introduced with effect from 1<sup>st</sup> February 2012 following consultation with existing licence holders.
- 6.2 The consultation for this latest review began on 22 June 2017 and closed on 26 July 2017(midnight). We advertised the consultation through the Licensing Twitter account and wrote to the following people and organisations to tell them that the consultation was taking place:
- Existing Licence Holders
  - Licensing Committee ( LPPC)
  - Other elected Members
  - Licensing Officers
  - Police ( Licensing and PPU/Sex crimes)
  - Trading Standards
  - Environmental Health
  - Children's services
  - Fire Service
  - WMAS
  - Public Health
  - Planning
  - Revenues (Business Rates)
  - Business Improvement Districts (11)
  - Trade Associations
  - Charity /Interest Groups – e.g. Umbrella , SAFE, HGL
  - Institute of Licensing
- 6.3 A copy of the letter is attached at Appendix.3.
- 6.4 Licensing officers asked West Midlands Police to produce an analysis of crime statistics for violent and sexual offences that have taken place in close proximity to Sex Establishments or that were linked to Sex Establishments

over a 12 month period. This is attached at Appendix 6 and does not support the allegations that premises of this kind 'attract crime'.

- 6.5 Appendix 4 is a table containing suggestions or proposals made by respondents. The table only includes those responses which propose or challenge policies or conditions, rather than those generally acknowledging the consultation.
- 6.6 Commentary addressing any points of law or other matters arising from people's written views has been included in Appendix 4 where appropriate.

## 7. Implications for Resources

- 7.1 The cost of devising and maintaining this Policy is included within the existing Licence fee structure.
- 7.2 The cost of the consultation exercise and Counsel's advice have been met by utilising existing resources.

## 8. Implications for Policy Priorities

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

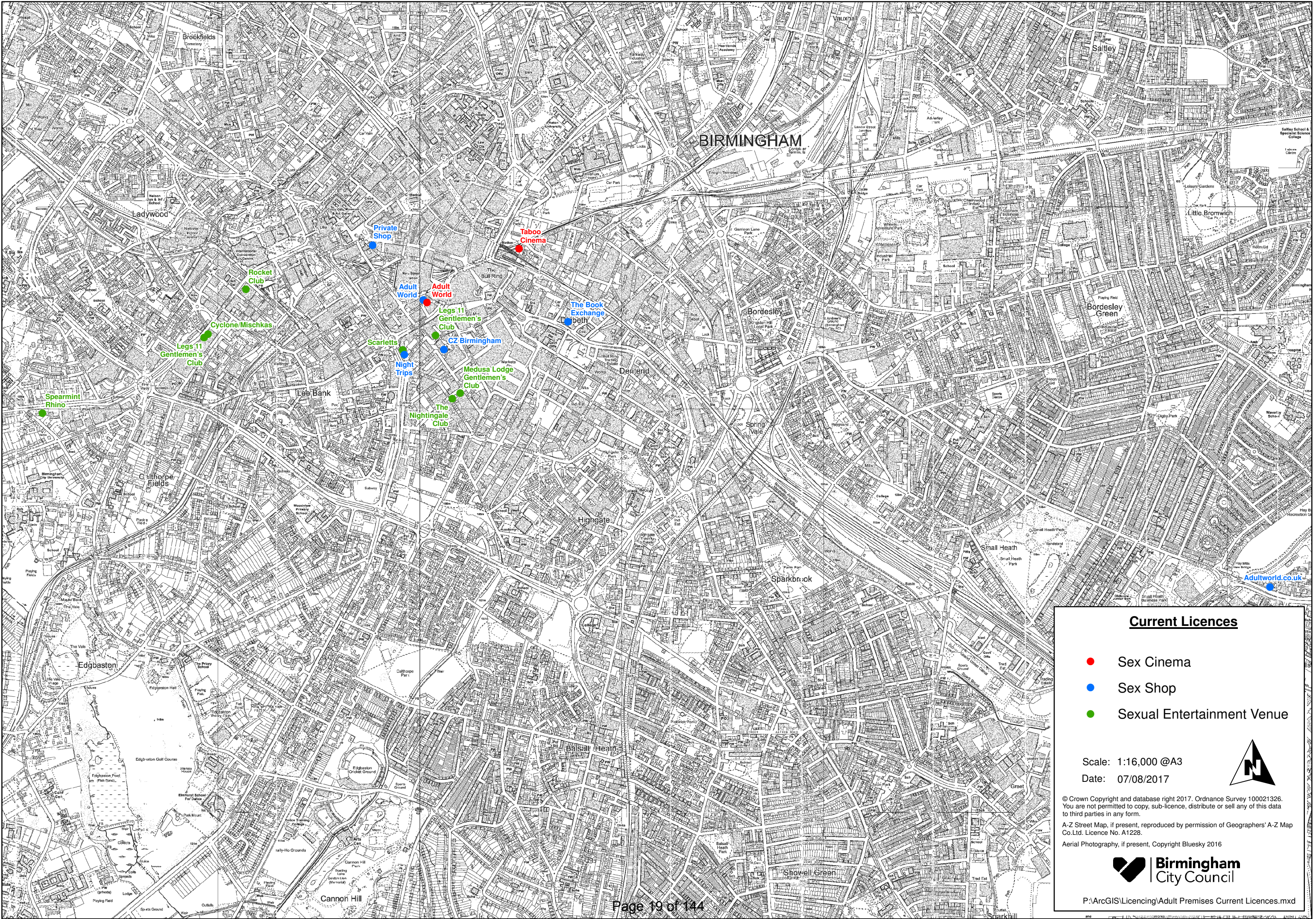
## 9. Public Sector Equality Duty

- 9.1 The benefit of an agreed Policy is to ensure a consistent approach in respect of all aspects relating to the application process and in the operation of licences when granted.
- 9.2 The Government carried out an equality impact assessment of the legislation which found that no unintended or disproportionate impact is likely. It is not anticipated any amendments to be made as a result of this review would require an Equality Impact Assessment.

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

Background Papers: Nil





**Current Licences**

- Sex Cinema
- Sex Shop
- Sexual Entertainment Venue

Scale: 1:16,000 @A3  
Date: 07/08/2017



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### Birmingham City Council

### Sex Establishments Policy 2017 - Draft

#### Introduction

- 1 The Birmingham City Council Sex Establishments Policy (“the Policy”) identifies the City Council’s approach to the regulation of Sex Establishments and the processes to be followed relating to applications for licences of this kind.
- 2 A Sex Establishment is a:
  - Sex Shop
  - Sex Cinema
  - Sexual Entertainment Venue ( SEV)
- 3 The Policy seeks to provide guidance for prospective applicants, existing licence holders, those who may wish to object to an application and members of the Licensing and Public Protection Committee when making a determination on an application. This policy will be reviewed regularly and revised where necessary.
- 4 Birmingham City Council (“the Council”) does not take a moral stance in adopting this policy. The Council recognises that Parliament has made it lawful to operate sex establishments and that such businesses are a legitimate part of the retail and leisure industries. It is the Council’s role as a Licensing Authority to regulate such premises in accordance with the law.
- 5 The previous Policy related only to Sexual Entertainment Venues, despite the similarity of requirements and conditions relating to the three types of Sex Establishment. As part of the most recent review it was decided a single Sex Establishment Policy should be introduced to encompass the three areas.

#### Legal Background

- 6 Birmingham City Council is able to regulate sex establishments through Schedule 3 of the **Local Government (Miscellaneous Provisions) Act 1982** (“the 1982 Act”) as amended.
- 7 Provisions relating to Sex Shops and Sex Cinemas were adopted in 1983, with the Sexual Entertainment provisions being adopted in 2010, following amendment by the **Policing and Crime Act 2009**.
- 8 The adoption of Schedule 3 allows the Council to prescribe standard conditions and fees for the grant, variation, renewal and transfer of Sex Establishment licences and the appropriate number of premises to be licensed in a relevant locality, which may be nil.
- 9 Consideration will be given to the provisions of the **Human Rights Act 1998**, the **Provision of Services Regulations 2009** and the Home Office guidance issued in March 2010 entitled “Sexual Entertainment Venues – Guidance for England and Wales” when considering applications for SEVs.

- 10 With regards to online application tacit authorisation does not apply to-applications for Sex Establishment Licences. This means the applicant must wait for the Licensing Authority to determine the application before they can operate a Sex Establishment.
- 11 The **Crime and Disorder Act 1988** places a duty on the Local Authority to do all that it reasonable can in order to prevent crime and disorder in the area.
- 12 **Each application will be dealt with on its own merits.**

### **Consultation**

- 13 The Council has consulted with stakeholders throughout the process of devising its policy documents. Those consulted include:

- Existing Licence Holders (received hard copy documents)
- Licensing Committee ( LPPC)
- Other elected Members
- Licensing Officers
- Police ( Licensing and PPU/Sex crimes)
- Trading Standards
- Environmental Health
- Children's services
- Fire Service
- WMAS
- Public Health
- Planning
- Revenues (Business Rates)
- Business Improvement Districts (11)
- Trade Associations
- Charity /Interest Groups – e.g. Umbrella , SAFE, HGL
- Institute of Licensing

The consultation for this latest review began via email on 22 June 2017 and closed on 26 July 2017(midnight). Fifteen Responses were received.

This is the first draft of the new Sex Establishments Policy.

**Definitions:**

**‘Sex Shop’** means any premises, vehicle, vessel or stall used for a business which consists to a significant degree of selling, hiring, exchanging, lending, displaying or demonstrating—

- (a) sex articles; or
- (b) other things intended for use in connection with, or for the purpose of stimulating or encouraging—
  - (i) sexual activity; or
  - (ii) acts of force or restraint which are associated with sexual activity.

**‘Sex Articles’** means anything made for use in connection with, or for the purpose of stimulating or encouraging sexual activity; or acts of force or restraint which are associated with sexual activity;

any article containing or embodying matter to be read or looked at or anything intended to be used, either alone or as one of a set, for the reproduction or manufacture of any such article; and to any recording of vision or sound which is concerned primarily with the portrayal of, or primarily deals with or relates to, or is intended to stimulate or encourage, sexual activity or acts of force or restraint which are associated with sexual activity; or is concerned primarily with the portrayal of, or primarily deals with or relates to, genital organs, or urinary or excretory functions.

**‘Sex Cinema’** means any premises, vehicle, vessel or stall used to a significant degree for the exhibition of moving pictures, by whatever means produced, which:

- are concerned primarily with the portrayal of, or primarily deal with or relate to, or are intended to stimulate or encourage sexual activity; or acts of force or restraint which are associated with sexual activity;
- or are concerned primarily with the portrayal of, or primarily deal with or relate to, genital organs or urinary or excretory functions.

A sex cinema does not include a dwelling house to which the public is not admitted.

**‘Sexual Entertainment Venue’** means any premises at which relevant entertainment is provided before a live audience, directly or indirectly for the financial gain of the organiser or the entertainer.

**The ‘organiser’** means any person who is responsible for the organisation or management of the relevant entertainment or the premises at which the relevant entertainment is provided. The ‘organiser’ must be someone who is in a position of responsibility over the provision of the relevant entertainment and should not be interpreted to mean a member of staff who is merely employed to work during the provision of relevant entertainment.

**‘Premises’** includes any vessel, vehicle or stall but does not include any private dwelling to which the public is not admitted.

**‘Relevant Entertainment’** means any live performance or any live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means). An audience can consist of just one person.

This definition would apply to the following forms of entertainment [as they are commonly known]: lap dancing; pole dancing; table dancing; strip shows; peep shows and live sex shows. This list is not exhaustive and should only be treated as indicative. The decision to licence premises as sexual entertainment venues shall depend on the content of the relevant entertainment rather than the name given to it.

**‘Burlesque’** This Policy may apply to some forms of burlesque performances. A decision on whether or not the entertainment provided is relevant entertainment for the purposes of the Act shall depend on the content of the entertainment and not the name it is given. Therefore, any decision as to whether entertainment is relevant entertainment will be made on a case by case basis.

**‘Performer’** means a person performing the relevant entertainment and could also be referred to as a **‘dancer’**.

In this document **‘The Licensing Authority’**, **‘the Council’**, **‘The Licensing and Public Protection Committee’** and **‘The Licensing Committee’** have the same meaning.

## **WAIVERS**

- 14 Schedule 3 of the 1982 Act makes provision for the Council to grant a waiver from the requirement to hold a sex establishment licence in any case where it considers that to require a licence would be unreasonable or inappropriate. A waiver may be for such a period as the Council thinks fit. Applications for waivers will be considered in exceptional circumstances.
- 15 The Council may at any time give a person who would require a licence but for a waiver, notice that the waiver is to terminate on a date not less than 28 days from the date the notice is given.

## **Making an Application**

- 16 The 1982 Act provides a maximum licence period of one year. The authority may grant a shorter licence if it thinks fit. A shorter period may be granted for example where a licensee wants a licence for a limited period for a trade exhibition or a show.
- 17 An application for the grant, variation, renewal or transfer of a licence must be made in writing to the Licensing Authority together with the application fee in accordance with the requirements set out below.
- 18 There are three separate notice requirements:
  - The applicant must, within seven days after the date of the application, publish an advertisement in a local newspaper circulating in the local authority’s area. A suggested form of advertisement is attached to the Application Form
  - Where the application is in respect of premises the applicant must display a notice of the application on or near the premises where it can be conveniently read by the public. The notice must be displayed for 21 days starting with the date of application. Again a suggested form of notice is attached to the Application Form.
  - The applicant must send a copy of the application to the Chief Officer of Police no later than seven days after the date of the application. Where the application is made electronically it is for the Local Authority itself to send the copy within seven days of receipt of the application.

- 19 The application form can be used for grant, variation, transfer and renewal applications. Applicants must provide their name, address, age (where the applicant is an individual), the premises address and the proposed licensed name of the premises.
- 20 Applicants must, at the time of submission of a new grant or variation application, provide a scheme showing the exterior design for consideration by the Licensing Authority before the premises are opened for business in order to ensure that exterior design of the premises complies with the Standard Conditions of Licence.
- 21 In addition applicants must, at the time of submission of a new grant or variation application, provide a plan showing the interior layout of the premises and where relevant entertainment will take place for consideration by the Licensing Authority.
- 22 There is no facility within the Act for a 'minor variation'. Any changes to the Licence or premises must be dealt with by variation/transfer etc.
- 23 Applicants for SEX ESTABLISHMENTS must submit a copy of their Operating Manual at the time of application for a Grant/Renewal. This is a working document. Its aim is to ensure relevant information is readily accessible in a single location.
- 24 The Operating Manual is to include (as a minimum):
- Copy of Sex Establishment Licence (once granted)
  - Customer Code of Conduct
  - Performer Code Of Conduct
  - Performer Welfare Policy
  - Disciplinary Policy
  - Plans of interior layout
  - An Incident Log ( or details of where the Log can be found)
- 25 Such documents will form part of the conditions of licence (if granted) and may be subject to amendment by the Licensing Authority prior to approval. It would be useful to include a copy of any Premises Licence /other Authorisation where applicable – such as TENs /GA05.
- 26 Officers of the Licensing Service may, as part of the application process, visit the relevant locality of the premises to establish and report on whether there are any characteristics of the locality which may require consideration by the Licensing and Public Protection Committee.
- 27 Officers of the Licensing Service may also consult with colleagues from other parts of the Council or other agencies (such as Planning, Immigration etc).
- 28 With regards to online application tacit authorisation does not apply to applications for Sex Establishment Licences. This means the applicant must wait for the Licensing Authority to determine the application before they can operate a Sex Establishment.

#### **Fees**

- 29 The 1982 Act permits the authority to set a reasonable fee. Fees for Sex Establishments are reviewed annually by the Licensing and Public Protection Committee and set at a level

appropriate to recover the costs of carrying out the licensing function under that Act namely: administration (including any hearings or appeals), inspection and compliance.

- 30 Fees are split into two amounts; An Application Fee and a Licence Fee. The Application fee covers the cost of the administration and processing of the application itself, whereas the licence fee covers the cost of ongoing administration of the licence.
- 31 Application fees must be paid in full at the time of submission of the application.
- 32 Licence Fees become due once the application to Grant/Renew the Licence has been determined.
- 33 A Licence will not be issued without payment of the Licence fee.

### **Making Objections to Applications**

- 34 The 1982 Act permits a wide range of persons to raise objections about the **grant, renewal, variation or transfer** of a Sex Establishment Licence. Objectors can include residents, resident associations, trade associations, businesses, Councillors (providing they do not sit on the Licensing and Public Protection Committee), regulatory agencies such as Planning and Environmental Health, or MPs. The Police are a statutory consultee for all applications.
- 35 Objections must be made in writing (email is acceptable) no later than 28 days after the date of the application to the Licensing Authority and should include the following:
- the name and address of the person or organisation making the objection;
  - the premises to which the objection relates;
  - the proximity of the premises to the person making the objection, a sketch map or plan may be helpful to show this.
- 36 Objectors should limit their objection to matters which are relevant to the statutory grounds for refusal as set out in the 1982 Act. The relevant grounds for objection are:
- That the applicant is unsuitable to hold a Sex Establishment Licence;
  - That the Sex Establishment, if granted would be carried on for the benefit of person/s who would be refused a Sex Establishment licence if they had applied themselves;
  - That the layout, character or condition of the premises are inappropriate for the proposed Sex Establishment;
  - That the use of the premises as a Sex Establishment would be inappropriate due to the use of premises in the vicinity;
  - That the use of the premises as a Sex Establishment would be inappropriate due to the character of the relevant locality; and/or
  - That the number of sex establishments or sex establishments of a particular type is inappropriate in the relevant locality.
- 37 Any objections received by the Licensing Authority which do not relate to the grounds set out in the 1982 Act will be rejected by the Licensing Service.
- 38 The courts have consistently stated that moral objections are inadmissible in such applications. Objections of this kind will therefore be rejected.

- 39 Objections will be considered by the Licensing and Public Protection Committee determining the application.
- 40 The applicant will be informed of any objections received in respect of their application and the objection(s) will become public documents. (However, objector's personal details such as name, address and telephone number will be removed.)
- 41 A copy of the hearing procedure will be sent to the applicant and any objectors prior to the hearing.

#### **Determination of an Application**

- 42 All applications for the grant of a Sex Establishment Licence will be determined by the Licensing and Public Protection Committee.
- 43 Valid objections to any application will be considered by the Licensing Committee or delegated to a Licensing Sub Committee at the hearing to consider the application.
- 44 Applicants and objectors will be given an equal opportunity to state their case in accordance with the Licensing and Public Protection Committee's procedure for hearings.
- 45 The 1982 Act provides five mandatory grounds and four discretionary grounds for refusal of a SEV licence. Each application for a SEV will be decided upon its own merits and the Licensing Authority will give clear reasons for its decisions. Any decision to refuse a licence **MUST** be relevant to one or more of the following grounds:

#### **Mandatory grounds for refusal**

- 46 Specific mandatory grounds for refusal of a licence are set out in paragraph 12(1) (a to e) of Schedule 3 in the 1982 Act.  
A licence cannot be granted:
- (a) to any person under the age of 18 years;
  - (b) to any person who is for the time being disqualified due to the person having had a previous licence revoked in the area of the appropriate authority within the last 12 months;
  - (c) to any person, other than a body corporate, who is not resident in an EEA State or was not so resident throughout the period of six months immediately preceding the date when the application was made; or
  - (d) to a body corporate which is not incorporated in an EEA State; or
  - (e) to any person who has, within a period of 12 months immediately preceding that date when the application was made, been refused that grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal.

#### **Discretionary grounds for refusal**

- 47 The only discretionary grounds upon which the Council may refuse an application for the grant or renewal of a licence on one or more of the grounds specified in Schedule 3 paragraph 12(3) are that:
- (a) the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reasons;
  - (b) if the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than

- the applicant, who would be refused the grant, renewal or transfer of such a licence if he/she made the application himself/herself;
- (c) the number of sex establishments, or of sex establishments of a particular kind, in the relevant locality at the time the application is made is equal to or exceeds the number which the authority consider is appropriate for the locality;
  - (d) the grant or renewal of the licence would be inappropriate, having regard:
    - (i) to the character of the relevant locality; or
    - (ii) to the use to which any premises in the vicinity are put; or
    - (iii) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

### **Suitability of an Applicant**

48 In respect of 47(a) and (b) above with regard to the suitability of an applicant to hold a licence, the criteria for Members to consider include, but are not limited to:

- that the operator is honest
- that the operator is qualified by experience to run the type of sex establishment in question
- that the operator understands the general conditions
- that the operator is proposing a management structure which delivers compliance with the operating conditions e.g. through managerial competence, presence, a credible management structure, enforcement of rules internally, a viable business plan and policies for welfare of performers
- that the operator can be relied upon to act in the best interests of performers e.g. in how they are remunerated, the facilities they enjoy, how they are protected and how and by whom their physical and psychological welfare is monitored (SEV)
- that the operator can be relied upon to protect the public e.g. transparent charging, freedom from solicitation
- that the operator can show a track record of management of compliant premises, or that he/she will employ individuals who have such a track record.
- Compliance with other regulatory and taxation schemes.
- That the operator is not insolvent,
- In relation to limited companies, that the operator is not a dormant/non-trading company.

49 Concerns of this nature regarding suitability of applicants may be identified through a number of means. This may be through the application itself, through visiting the premises, by an objector to the grant/renewal of the licence, or may arise during the course of the licence period.

### **Suitability of Premises**

- 50 The Council would expect that when an application for a Sex Establishment Licence at permanent commercial property is made, that the applicant will be able to demonstrate that the layout, character and/or condition of the premises is appropriate to the relevant entertainment proposed at the premises.
- 51 The Council would expect that when an application for a Sex Establishment Licence at permanent commercial property is made, that property should have the appropriate planning consent.



### **Use of Premises in the Vicinity**

- 52 In considering whether the grant, renewal or variation of the licence would be inappropriate to the use of any premises in the vicinity, the Licensing Authority shall consider, among other considerations:
- (a) the fact that the premises are sited in a residential area;
  - (b) the premises are sited near shops used by or directed to families or children, or no frontages frequently passed by the same;
  - (c) the premises are sited near properties which are sensitive for religious purposes e.g. synagogues, churches, mosques, temples;
  - (d) the premises are sited near premises or areas which are sensitive because they are frequented by children, young persons or families, including but not limited to educational establishments, leisure facilities such as parks, libraries or swimming pools, markets and covered markets;
  - (e) the premises are sited near places and or buildings of historical/cultural interest, tourist attractions.
  - (f) the premises are sited near civic buildings

### **Character of the Relevant Locality**

- 53 With reference to paragraph 52 'relevant locality' for the purposes of paragraph 12 of Schedule 3 of the Act means:
- (i) in relation to the premises, the locality where they are situated, and
  - (ii) in relation to a vehicle, vessel or stall, any locality where it is desired to use it as a Sex Establishment.
- 54 In considering if the grant, renewal or variation of the licence would be inappropriate, having regard to the character of the relevant locality or to the use of which any premises in the vicinity are put, the Licensing Authority shall consider, among other considerations, whether the grant of the application would be inappropriate, having regard to:
- (a) the fact that the premises are sited in a residential area;
  - (b) the premises are sited near shops used by or directed to families or children, or no frontages frequently passed by the same;
  - (c) the premises are sited near properties which are sensitive for religious purposes e.g. synagogues, churches, mosques, temples;
  - (d) the premises are sited near premises or areas which are sensitive because they are frequented by children, young persons or families, including but not limited to educational establishments, leisure facilities such as parks, libraries or swimming pools, markets and covered markets;
  - (e) the premises are sited near places and or buildings of historical/cultural interest, tourist attractions.
  - (f) the premises are sited near civic buildings
- 55 The Council will consider relevant locality on a case by case basis taking into account the particular circumstances of each case. However, the Council will not seek to define locality as the whole of the Council's administrative area or an entire town.

### **Appropriate Number of Sex Establishments**

- 56 As set out within paragraph 47(c) above, paragraph 12 of Schedule 3 provides that a Local Authority may refuse an application if it is satisfied that the number of sex establishments or sex establishments of a particular kind in the relevant locality at the time the application is

made is equal to or exceeds the number which the authority consider is appropriate for that locality. The Council is able to determine that the appropriate number for a locality is nil.

- 57 The Council may choose to set an upper limit guide on the number of establishments which it considers appropriate in any area within the Council's administrative control. Each application MUST in any event be considered on its merits at the time the application is determined by the local authority.

#### **Conditions**

- 58 When issuing a Sex Establishment Licence the Licensing Authority is permitted to issue it on such terms and conditions and subject to restrictions as specified at the time the licence is issued either in the form of conditions specific to the individual or standard conditions applicable to all Sex Establishments.
- 59 The Council has decided to produce regulations prescribing standard conditions and these shall apply to every licence granted, varied, renewed or transferred by the authority unless they have been expressly excluded or varied. These regulations are attached to this policy at Appendix A.
- 60 It is an offence to operate a Sex Establishment without a licence or contravene a condition of the licence. The maximum penalty upon conviction is an unlimited fine

#### **Renewal Applications**

- 61 Provided an application for renewal has been accepted by the Licensing Service prior to the date of expiry, the licence shall be deemed to remain in force until such time as the renewal is determined by the Council, or the application is withdrawn.
- 62 The statutory requirements for advertising and giving notice are the same as those applying to initial grants, which are dealt with at paragraphs 18-23. Renewal applications will be dealt with by way of delegated authority to officers, unless there are any objections or other matters of concern, in which case, the application will be heard by the Committee.

#### **Revocation of a Sex Establishment Licence**

- 63 A licence can be revoked by the Council at any time on any one of the grounds set out in paragraph 46(a - e) or any one of the grounds set out in paragraph 47(a and b) of the policy.
- 64 The Council will not revoke a licence without the licence holder being given an opportunity to appear before the Licensing and Public Protection Committee and be heard.
- 65 The licence holder will be notified, in writing of the hearing and provided with a copy of the report.
- 66 Where a licence is revoked, the Council shall give the licensee a statement in writing of reasons for its decision within seven days of the decision being made. Where a licence is revoked its holder will be disqualified from holding or obtaining a licence in the area of the Local Authority for a period of 12 months from the date of revocation.
- 67 When the authority revokes a licence, the decision does not take effect until the time for bringing an appeal has expired and if an appeal is brought until the determination or abandonment of that appeal.

- 68 Where an appeal is abandoned, the Licensing Authority may seek to recover reasonable costs incurred in preparing to defend such an appeal.

#### **Cancellation of a Sex Establishment Licence**

- 69 The Licensing Authority may at the written request of the licence holder cancel the licence.
- 70 If a licence holder dies then the licence will be deemed to have been granted to the licence holder's personal representatives and will remain in force for three months from the date of the licence holder's death and will then expire.
- 71 The Licensing Authority can, however, on the application of the licence holder's personal representatives extend the three month period if the Licensing Authority is satisfied that an extension is necessary for the purpose of winding up the late licence holder's estate. The Authority will only do so where there are no circumstances that make such an extension undesirable.

#### **Variation of a Sex Establishment Licence**

- 72 A licence holder may at any time apply to vary a term, condition or restriction of a licence or apply to change the location of a licensed vessel. The statutory requirements for advertising, giving notice, consideration by the Licensing Authority, hearings and the giving of the reasons are the same as those applying to initial grants, which are dealt with at paragraphs 18-23. On receiving such an application, the Licensing Authority can either:
- (a) make the variation as requested;
  - (b) make such variations as it thinks fit;
  - (c) refuse the application.
- 73 The applicant will be given an opportunity to attend a Licensing and Public Protection Committee before a decision is made to make a variation other than that being applied for or to refuse the application.
- 74 Where the Council imposes some other term, condition or restriction other than one sought in the variation application, the decision does not take effect until the time for bringing an appeal has expired and if an appeal is brought until the determination or abandonment of that appeal.
- 75 Where an appeal is abandoned, the Licensing Authority may seek to recover reasonable costs incurred in preparing to defend such an appeal.

#### **Right to Appeal a Decision**

- 76 The decisions against which a right of appeal lies are refusals for the grants, renewals, variations or transfers, the imposition of conditions and also revocation.
- 77 Appeals must be made to the Magistrates Court within 21 days, starting from the date the applicant is notified of the Licensing Authority's decision.
- 78 It is important to note that appeals only lie against the mandatory refusals on the basis that the mandatory ground does not apply to the applicant/licence holder. Further, no appeal lies against the Licensing Authority's decision made on the discretionary grounds set out at paragraphs 47(c and d), namely:

- that it is inappropriate to grant or renew a licence on the grounds of the character of the locality or the number of premises in it; or
- the use of premises in the vicinity or the layout, character or condition of the premises.

79 The only discretionary grounds against which an appeal lies are those in paragraph 47(a and b) relating to the suitability of the applicant, the manager and/or the beneficiary of the operation.

**BIRMINGHAM CITY COUNCIL**

**STANDARD CONDITIONS FOR SEX ESTABLISHMENT LICENCES (SELS)**

These regulations are made under paragraph 13(1) of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (the “1982 Act”) as amended by the Policing and Crime Act 2009 (the “2009 Act”) to prescribe conditions. In these Regulations, except when the context otherwise requires, the following expressions shall have the following meanings:

- (i) “The Council” shall mean Birmingham City Council and all enquiries concerning these Regulations and its conditions shall be directed to, [licensing@birmingham.gov.uk](mailto:licensing@birmingham.gov.uk)

**Regulation and Enforcement**                      0121 3039896  
**Licensing Section**  
P.O. Box 17013  
Birmingham  
B6 9ES

- (ii) These conditions apply to all premises licensed as a “Sex Establishment” as defined by the said 1982 Act that is to say terms, conditions and restrictions on or subject to which licences under Schedule 3 of the 1982 Act are in general to be granted, renewed, varied or transferred. Certain conditions relate only to a particular type of licence as indicated within the document.
- (iii) The Council may at any time waive, modify or vary these conditions or impose additional special conditions in any particular case.
- (iv) If the Licensee wishes any of the terms of the licence to be varied an application must be made to the Council.
- (v) In the event of a conflict between the prescribed conditions and any special conditions contained in a licence the special conditions shall prevail.

## CONDITIONS APPLICABLE TO ALL SEX ESTABLISHMENTS:

### OPENING HOURS

1. The licensed premises shall not be open or used for the purposes for which the licence is granted except between the hours prescribed within the licence or those hours of operation determined by the Licensing and Public Protection Committee.

### WINDOW, FASCIA BOARD ADVERTISEMENT AND DISPLAYS

2. Save for the entrance lobby, the interior of the premises shall not be visible to passers-by and to that intent the licensee shall ensure the area of the premises in which relevant entertainment is offered shall not be capable of being seen from outside the premises.
3. The windows, doors, fascia board, walls and all external parts of the premises including the roof shall not contain any form of writing, sign or display save for:
  - (a) The address of the premises.
  - (b) The licensed name of the premises.
  - (c) A notice stating the opening hours of the establishment.
  - (d) In the case of a licence granted to a body corporate:
    - (i) If the premises name is not the same as the full name of the body corporate then such corporate name and;
    - (ii) If the premises are also the body's registered office for the purposes of the Companies Acts then an indication in a form acceptable to the company that such is the case.
  - (e) In the case of a SEX SHOP: The wording "**PRIVATE SHOP**" or "**ADULT SHOP**" but no other indication as to the nature of the business carried on at the licensed premises.
  - (f) In the case of a SEX CINEMA: The wording "**ADULT CINEMA**" but no other indication as to the nature of the business carried on at the licensed premises.
  - (g) IN the case of both SEX SHOPS and SEX CINEMAS: The form of warning notice required to be displayed by virtue of the provisions of Section 1 (6) of the Indecent Displays (Control) Act 1981

4. The lettering used in respect of such permitted items shall be of such colour and style as may be approved by the Council.
5. The licensee shall not permit the display outside of the premises of photographs or other images, which indicate or suggest that relevant entertainment takes place in the premises.
6. No person under the age of 18 shall be permitted to be on the licensed premises when the Sex Establishment Licence is being used. A notice to that effect shall be clearly displayed at the entrance to the premises in a prominent position so that it can be easily read by persons entering the premises.

#### **LICENSED NAME**

7. At the time of granting the licence in respect of the premises the Council will authorise a name referred to as "The Licensed Name" by which it is intended that the premises shall be known and the licensee shall ensure that the premises are known solely by that name and by no other, save as provided for by the paragraph below.
8. To change the licensed name, an application shall be made to the Council not less than 28 days prior to the proposed change and the Council shall have an absolute and unfettered discretion to allow or refuse such change.

#### **EXHIBITION OF LICENCE**

9.
  - a) A copy of the licence (two pages) shall be suitably framed and exhibited in a position that can easily be read by all persons entering the premises.
  - b) The conditions of licence and all such documents listed as Appendices to said licence shall be retained in a clean and legible condition and immediately available for inspection by anyone who so requests.
10. The licensee shall retain a copy of a form signed by each employee confirming that they have read and understood the licence and conditions. The copy shall be retained for a period of six months after they cease work at the premises. A copy of the licence and conditions shall be given to each employee. This requirement also applies to performers at SEV premises, who may not be classed as employees.

#### **RESPONSIBILITY OF THE LICENSEE**

11. The licensee or a responsible person over 18 years of age nominated by them in writing for the purpose of managing the Sex Establishment in their absence shall be in charge of and available on the premises during the whole time they are open to the public.

12. The written nomination referred to in condition 11 above shall be maintained in a daily register, kept on the premises and made continuously available for inspection by an officer authorised by the Council or police officer.
13. The person in charge shall not be engaged in any duties that will prevent them from exercising general supervision and they shall be assisted as necessary by suitable adult persons to ensure adequate supervision.

#### **ADMISSION OF AUTHORISED OFFICERS**

14. Officers of the Council, Police, and other authorised agencies who are furnished with authorities (which will be produced on request) shall be admitted immediately to all parts of the premises at all reasonable times and at any time the premises are open for business.

#### **EMPLOYEES AND MANAGEMENT STAFF**

15. The licensee shall keep and maintain at the licensed premises a written record of the names, addresses, and copies of photographic proof of age documents of all persons employed or performers permitted to operate within the licensed premises whether upon a full or part time basis and shall, upon request by an authorised officer of the Council or police officer, make such records available for inspection to them. (see Conditions regarding Door Supervisors)
16. Condition 15 does not relate to persons engaged to carry out repairs or provide services from external companies to the premises, however, such persons must be aged 18 years and over if the premises are open for the purpose of providing sexual entertainment.
17. The licensee shall ensure that all persons employed or permitted to work within the licensed premises hold the appropriate rights to work in the UK and shall keep copies of any documentation used to verify the details of these rights where necessary.
18. The licensee shall maintain a register of the names, addresses and dates of birth of such person or persons (whether employees or otherwise connected with the business) who have authority to manage the premises in the licensee's absence.
19. Where the licensee is a body corporate or an unincorporated body any change of director, company secretary or other person responsible for the management of the body is to be notified to the Licensing Authority within 14 days.
20. No person under the age of 18 shall be employed to work at, or, in the case of a self-employed person, allowed to work in the premises in any capacity.

#### **CHANGE OF LOCATION AND ALTERATIONS TO PREMISES**



21. Where the licensed premises is a vessel or stall, the licensee shall not move the licensed vessel or stall from the location specified in the licence unless a variation application is submitted for the Council's determination giving not less than 28 days' notice. n.b. this requirement shall not apply to a vessel or stall which habitually operates from a fixed location but which is regularly moved (whether under its own propulsion or otherwise) from another location as is specified in the licence.
22. Alterations or additions, either internal or external and whether permanent or temporary, to the structures, lighting or layout of the premises as shown on the plan, including any change in the permitted signs on display shall not be made except with the prior approval of the Council.

**CONDITIONS SPECIFIC TO SEXUAL ENTERTAINMENT VENUES:**

23. No fastening or lock of any description shall be fitted upon any booth or cubicle or other area within the premises except; within the toilets, within the performers' dressing rooms and/or staff areas.
24. Performers shall have unrestricted access to a dressing room at all times during a performance.
25. Each area where relevant entertainment is conducted shall be supervised and/or contain a panic alarm for the safety of performers. (to be indicated on the plan)
26. Any person employed to supervise or attend to the exterior or entrance area of the premises must, at all times be suitably and sensibly dressed so as not to indicate or suggest the nature of the relevant entertainment taking place at the premises.

**REQUIREMENT FOR A CODE OF CONDUCT FOR PERFORMERS:**

27. There shall be a Code of Conduct for Performers in place (to be submitted as part of the application or renewal process).
28. The Code of Conduct will include as a MINIMUM STANDARD, those matters listed at Annexe A to these Conditions.
29. No Change may be made to the Code of Conduct for Performers without the prior written consent of the Licensing Authority.
30. The Licensee shall ensure all performers and staff (including Door Supervisors and management) are provided with a copy of the Code of Conduct for Performers and that they sign to confirm they have read and understood its content, and the requirement to comply.
31. The original signed acknowledgements are to be retained within the Operating Manual.

32. The Licence Holder, premises management and staff (including door staff) are responsible for ensuring compliance with the Code of Conduct for Performers.
33. A Copy of the Code of Conduct for Performers shall be prominently displayed in each area of the premises to which the public have access, including the toilet areas, and also in the performers' changing/dressing room and staff rooms.

**REQUIREMENT FOR CODE OF CONDUCT FOR CUSTOMERS:**

34. There shall be a Code of Conduct for Customers in place (to be submitted as part of the application or renewal process).
35. The Code of Conduct will include as a MINIMUM STANDARD, those matters listed at Annexe B to these Conditions.
36. No Change may be made to the Code of Conduct for Customers without the prior written consent of the Licensing Authority.
37. The Licensee shall ensure all performers and staff (including Door Supervisors and management) are provided with a copy of the Code of Conduct for Customers and that they sign to confirm they have read and understood its content, and the requirement to comply.
38. The original signed acknowledgements are to be retained within the Operating Manual.
39. The Licence Holder, premises management and staff (including door staff) are responsible for ensuring compliance with the Code of Conduct for Customers
40. The Code of Conduct for Customers must be displayed in prominent locations throughout the premises, including at the entrance.
41. The Licence Holder, premises management, performers and staff (including door staff) are responsible for ensuring compliance with the Code of Conduct for Customers.
42. Where a Customer breaches the Code of Conduct, this must be recorded in the Incident Log.
43. Customers repeatedly breaching the Code of Conduct shall be ejected from the premises. This is to be recorded in the Incident Log.
44. A Copy of the Code of Conduct for Customers shall be prominently displayed in each area of the premises to which the public have access, including the toilet areas, and also in the performers' changing/dressing room and staff rooms.

**REQUIREMENT FOR A DISCIPLINARY PROCEDURE:**

45. There shall be a disciplinary procedure in place to address breaches of the Code of Conduct for Performers. This procedure is to be in writing and must be communicated to all performers and staff, who must be provided with a copy.

46. The Licensee shall ensure all performers and staff (including management) are provided with a copy of the Disciplinary Procedure and that they sign to confirm they have read and understood its content, and the requirement to comply.
47. The original signed acknowledgements are to be retained within the Operating Manual.

#### **REQUIREMENT FOR A WELFARE POLICY**

48. There shall be a Welfare Policy in place to safeguard the welfare of Performers. This Policy is to be in writing and must be communicated to all performers and staff, who must be provided with a copy.
49. The Licensee shall ensure all performers and staff (including management) are provided with a copy of the Welfare Policy and that they sign to confirm they have read and understood its content, and the requirement to comply.
50. The original signed acknowledgements are to be retained within the Operating Manual.
51. The Welfare Policy will include as a MINIMUM STANDARD, those matters listed at Annexe C to these Conditions

#### **FEES**

52. Receipts or records of payments received must be provided to performers where “house fees” are charged.

#### **PRICE LIST**

53. A price list shall be displayed in a prominent position in each room or area of the premises to which the customers have access. The Price list should include drinks as well as giving the price and the duration of any ‘dances’.
54. The Price List shall use a minimum font size of 16pt Arial or similar.
55. A Price List must be available at any location where a customer enters into a transaction – i.e. using a hand-held payment device such as chip and pin. (to be identified on the plan)

#### **CCTV**

56. CCTV shall be installed in each room within the premises where the public has access save for the toilet and staff only areas. All cameras shall continuously record whilst the premises are open to the public and recordings shall be kept available for a minimum of twenty-eight days.

57. CCTV cameras will be installed in such a manner as to ensure all dances/performances, and payment transactions are clearly shown.
58. A member of staff who is fully trained in the use of the CCTV system shall be on duty at all times when the premises are open until the premises are clear of customers.
59. The premises will provide copies of any recordings upon request by a police officer or an authorised officer of the Council within 24 hours of the request.

#### **DOOR SUPERVISORS**

60. The licensee shall ensure all door supervisors employed or contracted to work on the premises are suitably licensed by The Security Industry Authority or appropriate agency.
61. The licensee shall maintain profiles for all door staff that are, or have been, working at the premises in the last six months. The profile is to contain proof of identity (copy of passport /photo driving licence) and proof of address dated within the last six months (bank statement /utility bill). Separate proof of address is not necessary when the proof of identity is a photo driving licence. All profiles are to be made immediately available to Authorised Officers upon request.
62. An adequate number of licensed door supervisors, based on a risk assessment undertaken by the licensee, shall be on duty on the premises whilst relevant entertainment takes place.
63. At least one door supervisor shall be on duty at the premises at all times when the relevant entertainment takes place

#### **ADVERTISING AND PROMOTION OF THE BUSINESS AWAY FROM THE PREMISES.**

64. The licensee shall not allow the use of vehicles including limousines for the promotion of the relevant entertainment.
65. The collection of patrons and or potential clients is not permitted unless the provisions of the Local Government (Miscellaneous Provisions) Act 1976 are complied with.
66. The licensee shall not permit any person whilst on a public thoroughfare to solicit any other person to visit the SEV premises by any means.
67. The licensee shall endeavour to ensure any marketing communications associated with the SEV or relevant entertainment shall comply with the code of practice as issued by the Advertising Standards Authority.



## **ANNEX A**

### **CODE OF CONDUCT FOR PERFORMERS**

- a. Full nudity is only permitted in the approved designated areas, as stipulated or shown on the approved plan attached to the licence. In all other public areas within the premises the performers and employees must at all times wear at least a G string (female) and or pouch (male) covering the genitalia
- b. During all performances (including performances usually termed 'private dances') there must not be any deliberate contact, by the performer, with any patron or person within the audience except:
  - 1). Leading a patron by the hand to and from a chair or private room or designated dance area.
  - 2). Simple handshake greeting at the beginning and/or end of the performance.
  - 3). the placing of monetary notes or dance vouchers into the hand or garter worn by the performer.
- c. If a customer attempts to touch or speak to a performer inappropriately, the performer shall stop the performance and advise the customer of the rules of the Code of Conduct. If the customer persists in inappropriate behaviour, the performer shall stop the performance and inform premises management immediately.
- d. If a customer engages in acts of masturbation or other sexual behaviour, the performer shall cease the performance immediately and inform the premises management.
- e. Performers may not intentionally touch the genitals, anus or breasts of another performer, nor knowingly permit another performer to touch their genitals, anus or breasts.
- f. Performers may not perform any act which simulates masturbation, oral sex or sexual intercourse, including the insertion of any object, including their own finger, in to the anus or vagina.
- g. Performers shall not perform if under the influence of alcohol or drugs.
- h. Performers shall use the dressing room facilities provided for their exclusive use to change for their performance.
- i. Performers shall only use the smoking area provided specifically for their use.
- j. Performers shall only use the sanitary facilities specifically provided for their use.

- k. Performers shall not leave the premises or otherwise be visible outside the premises, including for smoking breaks, unless dressed in suitable attire, e.g. outerwear consisting of coat or top and skirt or trousers so lingerie or other performance costume is not visible.
- l. All performers shall comply with this Code of Conduct. Any failure to adhere to the Code of Conduct shall render the performer subject to the house Disciplinary Rules, a copy of which has been provided to each performer.

## **ANNEX B**

### **CODE OF CONDUCT FOR CUSTOMERS**

**The Code of Conduct for Customers must include the following points as a minimum:**

- a. Patrons or members of the audience shall not take photographs or record digital images of performers within the premises via a camera or mobile phones.
- b. Customers may not touch performers during a performance.
- c. Customers will remain respectful and will not make lewd or offensive remarks to performers.
- d. Customers may not harass or intimidate performers.
- e. Customers may not ask performers to perform any sexual favour.
- f. Customers may not perform acts of masturbation or indulge in other sexual behaviour.
- g. Any customer failing to adhere to the Customers Code of Conduct will be ejected from the premises.

## **ANNEX C**

### **WELFARE POLICY**

**The Welfare Policy must contain the following points as a minimum:**

- a. A designated dressing room area shall be provided for performers' exclusive use. Such dressing room shall be secured so as not to be accessible to members of the public and shall be sufficient to enable performers to change privately.



- b. Performers shall be provided with their own sanitary facilities separate from those used by customers.
- c. Where necessary, a secure external area shall be provided for staff to smoke without coming into contact with customers.
- d. Any performer concerned about the behaviour of a customer shall report the incident immediately to the Duty Manager who shall take immediate action to resolve the matter.
- e. Staff members must constantly supervise the behaviour of customers at the premises and shall intervene where any customer is breaching the Code of Conduct for Customers or is otherwise causing alarm or distress to a performer.
- f. Any customer behaving inappropriately will be ejected from the venue.
- g. Performers shall be provided with free drinking water.





By registered post

I

22<sup>nd</sup> June 2017

Dear Licence Holder,

**Licensing of Sex Establishments: Birmingham City Council Policy Review**

I am writing to you as someone who may wish to participate in the review of the above policy.

Sex Establishments are regulated by the Local Government (Miscellaneous Provisions) Act 1982 as amended by Section 27 of the Policing and Crime Act 2009, and include Sexual Entertainment Venues (SEV's), Sex Shops and Sex Cinemas.

This legislation allows the Council to set conditions and fees for the grant, variation, renewal and transfer of Sex Establishment licences and the number of premises to be licensed in an area.

The current Sexual Entertainment Venue Policy is required to be regularly reviewed. On 21<sup>st</sup> June 2017 a report was presented to the Licensing and Public Protection Committee concerning the review of our existing Policy and associated Conditions. The purpose of the report is to commence the review process and invite comment from members of the Licensing and Public Protection Committee and other interested parties which will then be considered when revising the document.

It is proposed to integrate all Sex Establishments into a single policy document, which incorporates separate standard conditions for the different types of premises. We would like to know your thoughts on this.

The consultation extends to the Standard Conditions associated with each type of Sex Establishment, as well as the policy document itself.

Before any amendments can be made to the policy, it is necessary for consultation to take place.

Attached are the existing Sexual Entertainment Venue Policy (including conditions) as well as the Standard Conditions for Sex Shops and Sex Cinemas. A copy of the Committee Report is also included for information purposes.



I would be grateful if you would read through the attached documents and let me have your comments about areas which you feel require attention. This could be conditions which you feel are poorly worded or inappropriate, or areas which you feel are not addressed at all.

Regulation and Enforcement  
Licensing Section  
P.O. Box 17013  
Birmingham  
B6 9ES

General Licensing  
Telephone: 0121 303 9896  
Facsimile: 0121 303 9982  
Email: [licensing@birmingham.gov.uk](mailto:licensing@birmingham.gov.uk)  
Web: [www.birmingham.gov.uk/licensing](http://www.birmingham.gov.uk/licensing)

THE PLACE DIRECTORATE



## Extending the Game City-Centered

THE OFFICE OF THE ATTORNEY GENERAL HAS CALLED FOR JOINTLY HELD MEETINGS OF THE  
MEMBERS OF THE GOVERNMENT TO DISCUSS THE PROGRESS OF THE GOVERNMENT AND THE  
COURTESY OF THE GOVERNMENT TO DISCUSS THE PROGRESS OF THE GOVERNMENT.

Other possible improvements to this research include increasing number of groups, allowing waiting for 15 min between each condition.

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U.S. Pass 1524X

Order@univcam.ac.uk

DOI: 10.1002/for

[www.fishbase.org](http://www.fishbase.org) and [www.fishbase.org](http://www.fishbase.org) for more information.

\*The above article first appeared in *Fieldwork in Communication* 6:1 (Spring 1975) 10-15.

[illegible]

It is not our intention to replace any of the services that you already use. We will continue to work with our partners to provide you with the best possible experience. We will also continue to work with our partners to provide you with the best possible experience.

**DATE: 12/01/2014**

## DEPTHS FOR DEPTHS

PLASMA-SPRAYED POLYMERIZATION

## APPENDIX 4

### Responses and Comments

	Comment	Response	Reference
Supt Mat Shaer	Thank-you for sight of the consultation documents. I have reviewed them and find generally they appear fully appropriate. My feedback is suggested only to generate some reflection and is not in any way the official position of the West Midlands Police.		
	1. Could the SEV have reference to the granting/renewal of all licences being alive to the potential for exploitation or modern day slavery?	Agreed –	Report – Paragraph 4
	2. Could the SEV have reference to the licensees having to have well-being plans for their entertainment staff so that these can be inspected as part of the licensing granting/renewal?	Agreed	Welfare Policy
	3. Could/should there be guidance on the club rules that are mentioned? There would then be an opportunity to influence the clubs around key issues of concern to BCC?	Agreed	Operating Manual Codes of Conduct
	4. The opening times permitted by policy in regard to sex shops, are they regulated by statute? Otherwise they seem a little restrictive particularly with regard to evening opening?	Agreed	Regularised: Applicant to state hours on application
Cllr Gareth Moore	Thanks for including me in the consultation. I have no objections to all the Sex Establishments being covered by one policy and agree it would be a sensible way forward. I do think the cap on the number of lap dancing clubs should remain though as part of the policy, with maybe the number reduced to take into account closures.		Report – Paragraph 5
	We need to be tougher with enforcement and inspect more frequently to check that this sort of criminal activity is not taking place. I understand that there has been new legislation on modern slavery which came into force after the last renewal of the SEV policy, which I assume will be incorporated.		Report- Paragraph 4
	Greater enforcement should also apply to touting, which I think should be strengthened in the new policy		

resident of Birmingham City Centre and also serve as Secretary to the Birmingham City Centre Neighbourhood Forum	As a resident of the Birmingham City Centre (Centenary Plaza, Holliday Street) I would state that the existing 'SEV' establishments in the Westside Bid Area (Broad Street), generates a general impression which could easily lend itself to crime and disorder.	Shopfronts are strictly controlled by the Policy. They are relatively plain. It is unclear how this can cause the issues alleged.	
	Thus the operators of these establishments do give the impression of not being fit and proper persons to run a licensed venue, it is our understanding, as residents, that SEV's do not readily pay their bills to the city Council, their local business improvement district and their music licenses and have to be brought to task before making such payments.	These matters are already addressed by the Policy	
	Should it not be policy, for those with both influence and control over a SEV, to possess a strong positive credit history and those people/investors making representations on behalf of a SEV (and indeed those involved in running a SEV) should be able to demonstrate strong fiscal compliance in all their dealings (both personal and corporate).	Solvency of Licence holder/applicant and status of the Company are now included.	Policy (para48)
	Premises which are subject to firearm/serious attacks, claims of slavery or people trafficking, should immediately have their licenses suspended whilst the police investigate further, so as to assure the public/residents and the licensing committee that those premises are indeed fit for use.	If this indeed were the case, immediate sanctions are available under the LA 2003 or ASBCPA.	
	As a resident local to the Broad Street area, I urge Birmingham City Council to keep a 'cap' on SEV establishments in the area and should a licence be removed, for any reason, that the 'cap' be reduced to reflect this.		Report – Paragraph 5
Chris Neville Head of Licensing	include a definition of burlesque and whether we class it as sexual entertainment.		Within definitions.
resident of Sheepcote Street in the vicinity of Broad Street	Since the last policy review on these kinds of establishments, over 10 years ago, there have been material changes in the larger Broad Street area. As relates to the SEV policy there are two major factors.:	Policy was last reviewed 3 years ago.	

	There has been a huge growth in the numbers of residences built near Broad Street. This growth has moved increasingly closer to the street itself. The Jupiter development now extends to within 200m of the street. The two towers of Left Bank, currently under construction at the junction of Sheepcote Street with Broad Street, the planned Moda development opposite, and the Broadway Residencies at Five Ways are huge individual residential developments actually on the street. Thus, the Broad Street area has become more and more a residential area, and therefore increasingly inimical to the type of activity linked with SEVs.	Issues of locality and use are already addressed within the policy.	
	The existing SEV establishments in the Broad Street area have a sleazy appearance, thereby diminishing the impact of the rest of entertainment district.	The premises have always been required to have plain frontages, which could not be described as 'sleazy'	
	They have also spawned numerous stories of undesirable and possibly criminal activities, just as we residents feared they would. Although the only prosecutions we know of have related to establishments outside the immediate Broad Street area, the propensity of SEVs to attract such negative activities is nevertheless increased.	We know of no such prosecutions. Ref: Police crime data	
Westside BID	1. <b>Protection of staff</b> – With recent pertinent events reported in the media, and to some extent examined by the Licensing Committee, questions have been raised as to the protection of staff: Principally, there is suspicion that staff may be victims of illegal activity e.g. slavery Staff at one venue were potentially at risk after a firearm was discharged at a licensed premise	No evidence to suggest staff are at greater risk at Sex Establishments than any other premises type. No intelligence to suggest any firearms incident was linked to a Licensed premises (albeit, the frontage was damaged by the bullet – therefore leading to the crime record against the premises)	
	In the case of slavery, perhaps it could be considered that a licensing scheme for dancers/performers be undertaken to replicate the pioneering scheme for door staff. To ensure the protection of staff from criminal activity, there should be more supervision over the people who are in control or have influence over	Performer profiles are already required	Welfare Policy

	licensed premises.		
	<b>2. Protection of customers</b> – With the firearms incident, as it applies to staff, it would also apply to customers showing a further need to ensure those who have control or influence over premises are of the right character.	Again, No intelligence to suggest any firearms incident was linked to a Licensed premises (see above)	
	<b>3. Willingness and sobriety of customers when making significant financial exchanges</b> – Consideration needs to be given to customers making significant financial exchanges. Capturing the exchanges on CCTV is practiced by a venue in our area and is a welcomed practice that should be spread as a licensing condition. The use of CCTV should clearly capture the individual making payment, the venue in which they are making the payment and the member of staff responsible for processing the payment.	CCTV already required covering all areas.	All transactions must be on CCTV  Condition 56
	This should perhaps relate to any and all payments over £100. In consideration of the £100 rule, any payment broken up into smaller payments to avoid this rule should be considered a breach of licensing conditions (e.g. a payment of £300 broken into 3 separate payments of £100).	This appears to imply that payments under £100 need not be covered by CCTV –	All transactions must be on CCTV  Condition 56
	<b>4. Transparency of price lists with lists of typical spends and other expected costs such as champagne in the VIP room</b> – Price lists should be located at the entrance of all areas of the club where expenditures are incurred (e.g. bar, VIP room and dance area).	Price list requirements strengthened including addition of minimum font size etc	Conditions 52-54
	<b>5. Published door prices</b> – These must be reflective of reality and not designed to be a marketing benefit for the club. If e.g. door price is £10, all customers must pay £10. Discounts designed on a promotional basis should be ruled out.	Entrance Price to be displayed already – as for prohibition on discounts -It is unclear what this hopes to achieve. It is common practice in many other kinds of licensed premises	
	<b>6. More control over touts</b> – Historically, the department has shown little or no ability to control touts, which has led to complaints from hoteliers, whose guests include families and have received SEV flyers in the early evening. This also relates to massage parlours, where again the department seems unable to control and enforce on an ongoing basis.	Restrictions on promoting have been further clarified. Good evidence is required. Massage Parlours are not relevant in relation to this	Conditions 64-67



		consultation.	
	<b>9. External signage</b> – All external signage needs to be approved by the Licensing Committee.	This has always been a requirement	Condition 20
	Additionally, making the renewal of licence less frequent, perhaps every 2 years, could lead to more investment and higher quality premises	This would lead to LESS scrutiny. Licence terms are statutory maximum.	
	Finally, a report on SEVs could be submitted by an independent organisation such as a Business Improvement District or the Chamber of Commerce to committee and thereby to members, to offer a fully independent view of officers' actions over the last 12 months. This is following the recommendations of the "Government Review of Business Improvement Districts" of November 2014.	Noted	
West Midlands Police	The policy itself we do not feel in general needs to be revised, it is the interpretation and execution of the Policy by such premises that is key. The learning from the recent operation has concluded that the Policy is not deficient as it is impossible to set Policy for the alleged activities that were taking place at these premises, and it also showed that the execution of the policy by the premises was weak		
	There has been increased comparison recently between the Licensing Act 2003 and the SEV legislation, and indeed there is some natural cross pollination. With this in mind it may be prudent to include within the Policy a requirement for each premises to have a current and up to date Operations manual. This could be on the basis of objectives, such as safety for girls, customers, vulnerability for dancers and customers, duty of care for all, policies on pricing, advertising, reviewing actions of dancers, risk assessments for all these and anything else that could be affected within the premises, please note this is not an exhaustive list.	Agreed	Condition 23-24
	Clearly if a premises is engaging in serious criminal activity then there are powers for the Police to utilise, it would also be prudent to include what the process is for reviewing SEV license if there are breaches, and the reasons when it would be expected for a licence to be reviewed, such as those offences listed in Section 182 guidance under section 11.27.	Agreed	To follow
	If the enforcement aspect could be further enhanced to the point that if any premises that has an SEV is subject to an expedited review application under		

	section 53(a) of the Licensing Act 2003, then it is expected that in most circumstances a review of the SEV licence would follow, and the time line for this”		
Peter Adkins – On behalf of : Medusa, Scarlets, Cyclone/Mishkas, and others	General : There is no procedure for making minor variations (eg to plans) – although there does seem to be a fee scale for this. A procedure would be helpful to avoid the need for a full variation – it could save committee time.	There is no provision in law for a Minor Variation	
	General : Trading Standards letter to Michelle Monahan of Mischkas / Cyclone of 3 May (copy attached) in which they say they are looking at a no under 21 condition on all venues. It was queried whether this was legal / enforceable. What is the statutory grounds for an age restriction?	There is no evidence to support such a request. To restrict entry in this way would be unlawful.	
	General : Fee levels – these are reducing but how are they calculated ?	This can be addressed separately to the consultation although some clarification has been included	
	Condition 43 onwards : Advertising / Touting was very much under discussion as a hot issue. The old Conditions used to permit this if the applicants obtained prior approval from Advertising Standards Authority – this was removed a couple of years ago. There are already restrictions on advertising on the front of buildings, why cannot licence holders use similar logos on cards / fliers and hand them out in the vicinity of their localities in the same way as other venues etc?	Previous policy stated prior permission from the Committee would be required (not ASA). However, as Committee did not approve any of the requests it was felt more appropriate to remove the suggestion that permission could be sought. This in no way restricts an applicant or licence holder from seeking the removal or amendment of any condition at grant or renewal.	Conditions 64-67
	Para 4.9 Policy – evidence regarding paying business rates – in the light of recent decisions we would ask whether this is lawful?	The requirement to evidence this has been removed,	Policy- Paragraph 48

		however, the Committee reserves the right to take such matters into account should they be raised as an objection.	
	Para 5 Policy – fees – what is the refund policy (especially if part of fee relates to enforcement).	Hopefully this is clearer now. As the fees are separated into Application Fee and Licence Fee, there will be no need for refunds.	Policy- Paragraph 29-33
	Para 6.2 / 6.5 Policy – Objectors – whilst these may remain anonymous it was felt that applicants should be told the proximity of the premises to the person making the objection.	This is not unreasonable – although the objector has an absolute right to remain anonymous if they choose. Each case must be considered individually.	
	Para 7 Policy - There is no provision for hearings to come on within any set time. Where there are objections to a renewal these can often be head many months after the renewal date –can we look at hearings being held within 84 days?	Agreed. We will implement a timescale.	
	Para 8.1 Policy – how do Licensing intend to determine such issues as the viability of a business plan (is this irrelevant?) etc – also as regards the last bullet point ‘ compliance with other regulatory and taxation schemes’ we would repeat comment 5 above.	As with the business rates – the Policy has been amended to reflect that these may be issues which are identified through inspection or raised through objection which the Committee may choose to take into account.	Policy- Paragraph 48
	Para 15 Policy – revocations – there is no notice period specified for hearing. The recent Legs 11 hearing was set within 7 days. It is felt that there should be a minimum notice period of 21-28 days	The notice period and hearing windows etc will be clarified in hearing procedures to be published on the website..	
chair of the City	Since the last policy review on Sexual Entertainment Venues, over 10 years ago,	Policy was last reviewed 3	

Centre Residents' Forum	there have been material changes in the larger Broad Street area. As relates to the SEV policy there are three major factors:	years ago.	
	1. There has been a huge growth in the number of residences built in the vicinity of Broad Street and therefore the balance of the area has changed.	Issues of locality and use are already addressed within the policy.	
	2. The existing SEV establishments in the Broad Street area have a poor appearance, thereby diminishing the impact of the rest of the entertainment district.	See previous response	
	3. The operators allow an impression of not being fit and proper persons to run a licensed venue. It also appears their actions too have been demonstrative of not being fit and proper. They have spawned numerous stories of undesirable and possibly criminal activities, just as we residents feared they would. Although the only prosecutions we know of have related to establishments outside the immediate Broad Street area, the propensity of SEVs to attract such negative activities is nevertheless increased	We know of no such prosecutions. Ref: Police crime data	
	Therefore, it should be policy to consider <ul style="list-style-type: none"> <li>☐ the balance of property usage in an area.</li> <li>☐ that those with influence and control over a SEV have a strong positive, credit history. Investors and any one in a position to make representations on behalf of a SEV and involved with the running of SEVs should be able to demonstrate strong fiscal compliance, in all their dealings, both personal and corporate. Not to do so, in respect of statutory bodies, should be considered as grounds for refusing or removing a licence.</li> </ul>	Issues of locality and use are already addressed within the policy. Suitability of applicants is clarified to include solvency.	
	As residents, local to the Broad Street area, we urge Birmingham City Council to refuse to licence new SEVs in the area, and to refuse to renew existing licences when they become due.	Any decision must be taken in accordance with the provisions of the Legislation and must be capable of justification in those terms.	

**Birmingham Sexual Entertainment Venues (SEV): Sexual and Violent Offences, August 16 – July 17**

This document has been written following a request from Licensing for information about violent and sexual offences (separately) that have taken place in close proximity to and/or that are linked to sexual entertainment venues (SEVs) within the city.

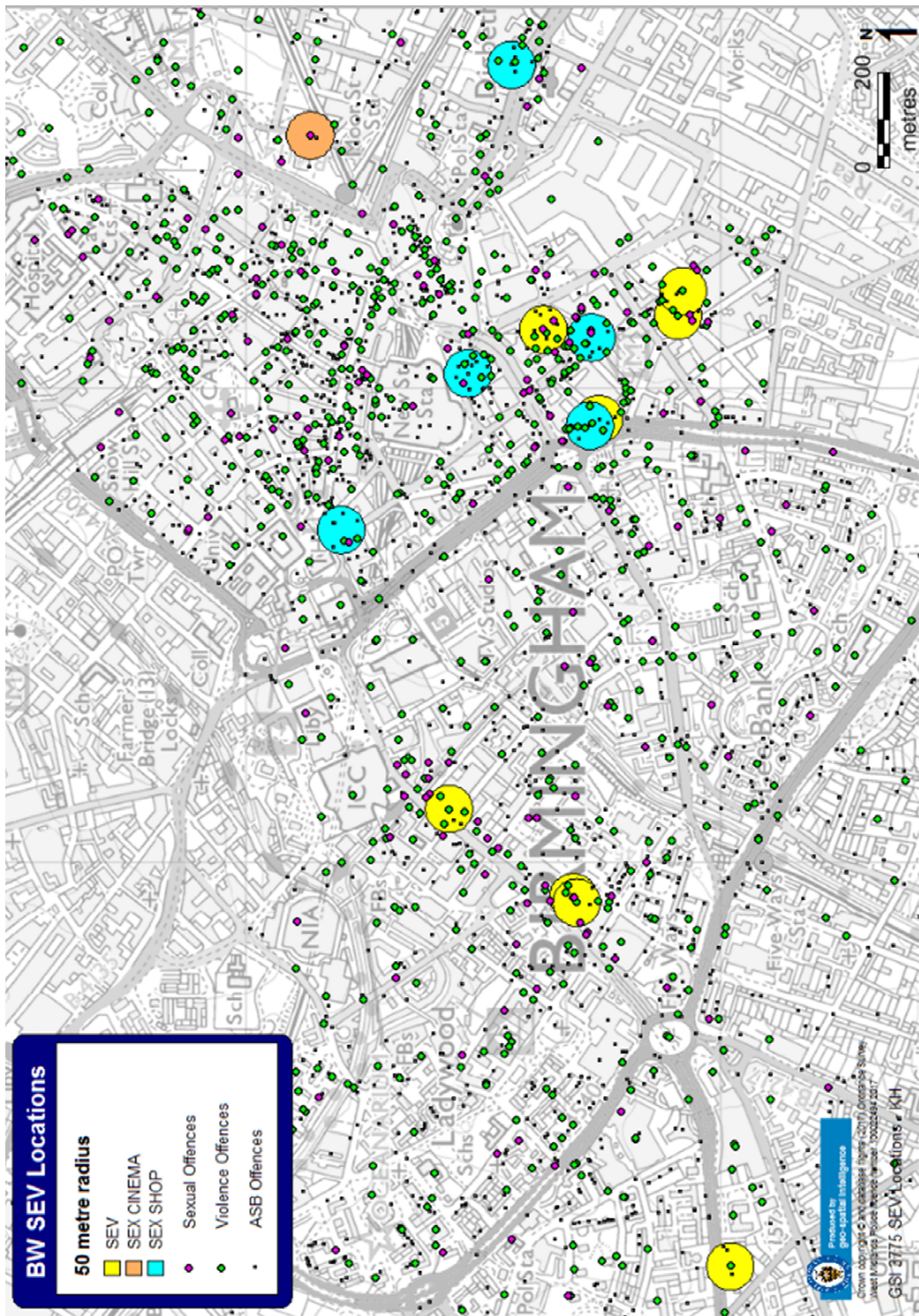
This document provides an overview of offences that have been recorded by West Midlands Police (WMP) between 01/08/2016 - 31/07/2017. It does not seek to explain reasons why offences may have taken place, suggest tactics to reduce offending, or state/imply culpability of persons or premises.

The table below lists all violent and sexual offences within 50m of the 15 SEVs in Birmingham for the 12 month period identified, indicating where the offence directly attributable<sup>1</sup> to the venue. A summary of these figures, including hotspots and SEV locations is provided on the following page. Where an offence type does not appear in the list below this is due to there being no record of that offence type within the parameters that were searched for

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<sup>1</sup> Offence has taken place within the venue or involves members of staff

	Attributable to SEV	Within 50m of SEV
<b>Offence</b>		
ATTEMPT RAPE MALE 16 OR OVER	0	1
RAPE OF FEMALE 16 OR OVER	0	6
SEXUAL ACTIVITY WITH MALE U16 - OFFENDER U18	0	1
SEXUAL ASSAULT ON A FEMALE 13 OR OVER	0	11
<b>Sexual Total</b>	<b>0</b>	<b>19</b>
AFFRAY	0	1
ASSAULT OCCASION ABH	9	104
ASSAULT ON A CONSTABLE	0	6
ASSAULT W/INT TO ROB-PERSONAL PROPERTY	0	2
ATTEMPT TO CAUSE GBH W/I TO DO GBH	0	2
ATTEMPTED ROBBERY-PERSONAL PROPERTY	0	1
CAUSE GBH WITH INTENT	2	13
CAUSE INT HARASSMENT/ALARM/DISTRESS	0	9
COMMON ASSAULT	1	34
FEAR/PROVOCATION OF VIOLENCE	0	9
HARASSMENT	0	2
HAVE ARTICLE BLADE/SHARP POINT PUBLIC PLACE	1	2
HAVE OFFENSIVE WEAPON IN PUBLIC	0	3
INFLECTING GBH WITHOUT INTENT	1	24
MALICIOUS WOUNDING	6	41
POLICE - MALICIOUS WOUNDING	0	1
POLICE - S.47 ASSAULT OCCASIONING ACTUAL BODILY HARM	0	2
POSSESS F/ARM W/I CAUSE FEAR VIOLENCE	0	3
POSSESS FIREARM WITH INTENT TO ENDANGER LIFE	1	1
RACIALLY/RELIGIOUSLY AGGRAVATED COMMON ASSAULT	0	1
RACIALLY/RELIGIOUSLY AGGRAVATED FEAR/PROVOCATION OF VIOLENCE (S4)	0	1
RACIALLY/RELIGIOUSLY AGGRAVATED HARASSMENT,ALARM OR DISTRESS S5	0	1
RACIALLY/RELIGIOUSLY AGGRAVATED INTENTIONAL HARASSMENT,ALARM OR DISTRESS	0	3
RACIALLY/RELIGIOUSLY AGGRAVATED S47 ASSAULT AND MALICIOUS WOUNDING	0	3
ROBBERY-BUSINESS PROPERTY	0	1
ROBBERY-PERSONAL PROPERTY	0	35
THREATEN PERSON WITH A BLADE/SHARPLY POINTED ARTICLE IN A PUBLIC PLACE	0	2
THREATS TO KILL	0	1
<b>Violence Total</b>	<b>21</b>	<b>308</b>
<b>ASB Total</b>		<b>1133</b>
<b>GRAND TOTAL</b>	<b>21</b>	<b>1460</b>









<b>Report to:</b>	<b>LICENSING AND PUBLIC PROTECTION COMMITTEE</b>	
<b>Report of:</b>	<b>ACTING SERVICE DIRECTOR REGULATION AND ENFORCEMENT AND INTERIM CHIEF FINANCIAL OFFICER</b>	
<b>Date of Decision:</b>	<b>13 SEPTEMBER 2017</b>	
<b>SUBJECT:</b>	<b>LICENSING AND PUBLIC PROTECTION – BUDGET MONITORING 2017/18 (MONTH 04)</b>	

<b>1. Purpose of Report:</b>
<p>1.1 This report sets out the position on the Licensing and Public Protection Committee's Revenue and Capital Budgets at the end of July 2017 (Month 4) and the forecast position for the year end. It highlights any issues that have arisen and informs the Licensing and Public Protection Committee of any action being taken to contain spending within the approved cash limits.</p> <p>1.2 The report also details the latest performance within the Licensing and Public Protection Committee including progress against the approved Savings Programme for 2017/18.</p> <p>1.3 The report is in line with the current City Council established financial monitoring framework to ensure that expenditure is managed within cash limits.</p>

<b>2. Decision(s) Recommended:</b>
<p>The Licensing and Public Protection Committee is requested to :</p> <p>2.1 Note the latest Revenue budget position at the end of July 2017 (Month 4) and Forecast Outturn as detailed in Appendix 1.</p> <p>2.2 Note the position with regard to the Savings Programme for 2017/18 as detailed in Appendix 2.</p> <p>2.3 Note the expenditure on grant funded and proceeds of crime funded programmes in Appendix 3.</p> <p>2.4 Note the position on Capital projects, as detailed in Appendix 4.</p> <p>2.5 Note the position on reserves and balances, as detailed in Appendix 5.</p>

<b>Lead Contact Officer(s):</b>	<b>Sukvinder Kalsi, Assistant Director of Finance</b>
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<div data-bbox="102 152 399 197" data-label="Section-Header"> <h3>3. Consultation</h3> </div> <div data-bbox="102 228 309 273" data-label="Section-Header"> <h4>3.1 <u>Internal</u></h4> </div> <div data-bbox="197 300 1495 416" data-label="Text"> <p>The financial position on the revenue and capital budget is reported on a monthly basis to the Management Team and the Acting Service Director of Regulation and Enforcement is briefed on the major financial issues, as required in line with the Council's framework.</p> </div> <div data-bbox="102 445 322 490" data-label="Section-Header"> <h4>3.2 <u>External</u></h4> </div> <div data-bbox="197 517 1495 602" data-label="Text"> <p>There are no additional issues beyond consultations carried out as part of the budget setting process for 2017/18.</p> </div>
<div data-bbox="102 707 504 752" data-label="Section-Header"> <h3>4. Compliance Issues:</h3> </div> <div data-bbox="102 781 1350 866" data-label="Section-Header"> <h4>4.1 <u>Are the recommended decisions consistent with the Council's policies, plans and strategies?</u></h4> </div> <div data-bbox="197 891 1495 976" data-label="Text"> <p>The budget is integrated within the Council's Financial Plan 2017+, and resource allocation is directed towards policy priorities.</p> </div> <div data-bbox="102 1003 1331 1088" data-label="Section-Header"> <h4>4.2 <u>Financial Implications (Will decisions be carried out within existing finances and Resources?)</u></h4> </div> <div data-bbox="197 1113 1495 1198" data-label="Text"> <p>The Licensing and Public Protection Budget Monitoring 2017/18 (Month 4) report provides details of monitoring of service delivery within available resources.</p> </div> <div data-bbox="102 1225 461 1270" data-label="Section-Header"> <h4>4.3 <u>Legal Implications</u></h4> </div> <div data-bbox="197 1294 1495 1563" data-label="Text"> <p>Section 151 of the 1972 Local Government Act requires the Interim Chief Financial Officer (as the responsible officer) to ensure proper administration of the City Council's financial affairs. Budgetary control, which includes the regular monitoring of and reporting on budgets, is an essential requirement placed on directorates and members of Corporate Management Team by the City Council in discharging the statutory responsibility. This report meets the City Council's requirements on budgetary control for the specified area of the City Council's Directorate activities.</p> </div> <div data-bbox="102 1590 592 1635" data-label="Section-Header"> <h4>4.4 <u>Public Sector Equality Duty</u></h4> </div> <div data-bbox="197 1659 1495 1821" data-label="Text"> <p>There are no additional specific Equality Duty or Equality Analysis issues beyond any already assessed and detailed in the budget setting process and monitoring issues that have arisen in the year to date. Any specific assessments will be made by the Directorates in the management of their services.</p> </div>

## 5. Relevant Background/Chronology of Key Events:

### Revenue Budget 2017/18

- 5.1 The City Council approved the overall budget on 28 February 2017. The Licensing and Public Protection Committee noted the original net revenue budget allocation of £7.553m (as detailed in Appendix 1) on 15 March 2017.
- 5.2 There have been no changes to the Committee's budget since the previous report at Month 2. The major changes are summarised in the table below.

	£'m
<b>Original Budget 2017/18 Reported to LPPC 15 March 2017</b>	<b>7.553</b>
Allocation of Trade Union Facility	(0.016)
<b>Current Approved Net Revenue Budget for Month 4</b>	<b>7.537</b>

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

### Revenue – Financial Review and Year End Projections

- 5.5 The total expenditure at Month 4 (end of July 2017) is £2.720m, which represents 36% of the annual net budget.
- 5.6 A year end pressure of £0.684m is being forecast, this has been reduced from £1.352m in the previous report). The reduction is due to base budgets pressures being offset by significant mitigations offset by a worsening forecast for Pest Control.
- 5.7 The budgets continue to be managed rigorously and any changes will be reported in future reports.
- 5.8 The table below sets out a high level summary of the projected year end overspend by service (full details in Appendix 1) and how this is comprised of over the savings programme and base budget pressures.

<b>Forecast Year End Variations – Month 4</b>			
<b>Budget Head</b>	<b>Savings Programme £'m</b>	<b>Base Budget (underspend) / Pressures £'m</b>	<b>Total (underspend) / Pressures £'m</b>
Environmental Health	0.000	(0.300)	(0.300)
Pest Control	0.000	0.600	0.600
Registrars	0.000	0.000	0.000
Mortuary and Coroners	0.000	0.384	0.384
Trading Standards	0.000	0.000	0.000
Licensing	0.000	0.000	0.000
<b>TOTAL</b>	<b>0.000</b>	<b>0.684</b>	<b>0.684</b>

5.9 The key components of the projection include:

- **Environmental Health (£0.300m underspend) and Pest Control (£0.600m)** – Pest Control continues to experience income related pressure from contracts on clearance and the withdrawal of the sewer baiting contract. The two services are managed jointly and savings are being managed within Environmental Health to help part-fund this.
- **Registration Service (balanced)** – plans to increase weekend services and focus on improving performance against General Register Office (GRO) measurements are not being pursued at this moment.
- **Mortuary & Coroners (£0.384m pressure)** – estimated pressure from 1974 Bombings Inquest is now expected to be funded through Central Government. However there remains an estimated pressure of £0.384m from autopsies, transport of bodies due to the increase volume of referrals and post mortems required by this service.
- **Licensing (balanced)** – additional progress is expected on recovery of licence fee income which means this service should be self-sufficient.

### **Savings Programme**

5.10 The Committee's Savings Programme is £0.032m for 2017/18, shown in Appendix 2.

5.11 In addition, unachieved savings of £0.014m have been brought forward from 2016/17 relating to the Commercial model for Business Support.

5.12 Therefore the total savings programme for 2017/18 is £0.046m.

5.13 An assessment at Month 4 has concluded that this target will be fully delivered in 2017/18.

5.14 The continued rigorous management action and financial control of officers is required to ensure that the programme will be achieved.

### **Mitigations and Management Actions 2017/18**

5.15 Managers within Regulatory Services are involved in a number of actions this financial year to mitigate budget pressures for current and future financial years.

5.16 Pest Control

- Contracts continue to be sought to clear waste land and Council Housing land to make good the £0.600m forecast pressure on income.

5.17 Registration Service

- A business case for increased weekend services and greater focus on improving performance against General Register Office (GRO) measurements. At this moment it is not proposed that we pursue this.

## 5.18 Mortuary and Coroners

- Pressures relating to the 1974 Inquest are expected to be met by specific Government Funding. However, other pressures remain significant (£0.384m) and will continue to cause a major ongoing pressure on Committee resources which will mean compensating reductions in other service budgets will be required.

## 5.19 Licensing

- Pressure relating to Entertainment and General Licensing has being reviewed. The Licensing service will also focus attention on recovery of licence fee income.

### **Capital**

5.20 The Capital programme (Mortuary and Coroners) for essential health and safety works in the mortuary and will be funded through prudential borrowing of £0.024m per annum.

5.21 The programme was originally planned to commence in 2016/17, but has been rescheduled to start by late summer 2017/18. Details are shown on Appendix 4.

## **6. Grant Funded Programmes**

6.1 Within Regulatory Services, there are two grant funded programmes: Illegal Money Lending and Scambusters.

6.2 Expenditure and income for each programme is shown in Appendix 3, summarised below.

### **Illegal Money Lending**

6.3 The Illegal Money Lending Team (IMLT) England investigates and takes action against Illegal Money Lending or “Loan Shark” perpetrators across the whole of England.

6.4 The project is funded through specific grant from National Trading Standards Board, with the allocation of £3.605m in 2017/18.

6.5 The expenditure at the end of July 2017 was £0.903m (25%).

6.6 It is anticipated that the programme will fully spend the grant allocated.

### **Scambusters**

6.7 The Scambusters team investigates and takes action against fraudsters operating across council boundaries in the central region.

6.8 Funding is expected to be similar to previous years, however confirmation is still awaited.

6.9 The expenditure at the end of July 2017 was £0.078m.

<b>7. Proceeds of Crime Act</b>
7.1 Regulatory Services secures funding through the Proceeds of Crime Act 2002 in response to financial investigations undertaken post sentencing by the courts.
7.2 This is strictly ring-fenced for expenditure on community and crime prevention projects

<b>8. Balances and Reserves:</b>
8.1 The balances and reserves at Month 4 are shown in Appendix 5.
8.2 The balances at the start of the year (1 April 2017) totalled £1.837m, all of which are specific ring-fenced resources.

<b>9. Evaluation of Alternative Option(s):</b>
9.1 During the year ahead the financial position will continue to be closely monitored and options identified to resolve budgetary pressures as necessary, and to meet new and emerging pressures

<b>10. Reasons for Decision(s):</b>
10.1 The Report informs the Licensing and Public Protection Committee of the Revenue and Capital Budget for 2017/18 and the forecast outturn at Month 4.
10.2 The latest position in respect of the Licensing and Public Protection Committee's use of reserves, Savings Programme and risks are also identified.

<b>Signatures</b>
Alison Harwood Acting Service Director Regulation and Enforcement .....
Michael O'Donnell Interim Chief Financial Officer .....
Date .....

<b>List of Background Documents used to Compile this Report:</b>
Licensing & Public Protection - Revenue and Capital Budget 2017/18 – 15 March 2017
Licensing & Public Protection – Budget Monitoring 2017/18 (Month 02) - 12 July 2017

<b>List of Appendices accompanying this Report (if any):</b>
1. Appendix 1 - Financial Performance Statement Month 2 and Provisional Outturn
2. Appendix 2 - Savings Programme Performance 2017/18 Month 2
3. Appendix 3 - Summary of IMLT, Scambusters and PoCA
4. Appendix 4 - Capital Programme 2017/18 Month 2
5. Appendix 5 - Balances and Reserves at Month 2
<b>Report Version</b> 3.0 <b>Dated</b> 11 August 2017

## Licensing and Public Protection Committee - 2017/18 Month 4 (July)

## Revenue Expenditure

## Service Areas

Budget 16Mar2016	Service Areas	Budget 16Jan2017	Movement (Dec-Jan)	Current Budget	Actuals	Forecast Year End	Savings Programme at Risk	Pressures
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
£'000		£'000	£'000	£'000	£'000	£'000	£'000	£'000
4,047	Environmental Health	4,047	(16)	4,031	1,263	(300)	0	(300)
4	Pest Control	4	0	4	278	600	0	600
878	Registrars	878	0	878	365	0	0	0
1,196	Mortuary and Coroners	1,196	0	1,196	645	384	0	384
1,453	Trading Standards	1,453	0	1,453	503	0	0	0
(8)	Licensing	(8)	0	(8)	(97)	0	0	0
7,570	Net Expenditure - Regulatory	7,570	(16)	7,554	2,957	684	0	684
(91)	Highways Regulatory	(91)	0	(91)	(260)	0	0	0
74	Access and Development	74	0	74	23	0	0	0
(17)	Net Expenditure - Highways	(17)	0	(17)	(237)	0	0	0
7,553	LPPC - Net Expenditure	7,553	(16)	7,537	2,720	684	0	684

## Subjective Headings

Budget 15Mar2017	Subjective Categories	Budget 01Apr2017	Movement (Apr-May)	Current Budget	Actuals	Forecast Year End	Savings Programme at Risk	Pressures
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
£'000		£'000	£'000	£'000	£'000	£'000	£'000	£'000
10,803	Employees	10,980	145	11,125	3,706	0	0	0
978	Premises	978	0	978	337	0	0	0
200	Transport and Moveable Plant	200	0	200	70	0	0	0
3,494	Supplies and Service	3,300	(145)	3,155	720	84	0	84
208	Capital Financing	208	0	208	69	0	0	0
443	Recharge Expenditure	443	0	443	2	0	0	0
16,126	Gross Expenditure	16,109	0	16,109	4,904	84	0	84
(3,613)	Fees & Charges / Reserves	(3,542)	0	(3,542)	(1,090)	600	0	600
(4)	Rents etc	(4)	0	(4)	(1)	0	0	0
(3,778)	Misc Income / Depreciation	(3,848)	0	(3,848)	(1,012)	0	0	0
(1,178)	Recharge Income and Interest	(1,178)	0	(1,178)	(81)	0	0	0
(8,573)	Income	(8,572)	0	(8,572)	(2,184)	600	0	600
7,553	Net Expenditure	7,537	0	7,537	2,720	684	0	684

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

## Licensing and Public Protection Committee - 2017/18 Month 4 (July)

### Savings Programme and Tracker

	Total Programme 2017/18	Progress against specific Savings with Actions Required					TOTAL
		Actions in place to fully achieve Savings (in line with Policy Decision)	Actions in place to fully achieve Savings (new Policy Decision required)	Actions in place to Achieve savings in year only	Actions in place but some risk to delivery	Savings not deliverable	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
	£'000	£'000	£'000		£'000	£'000	£'000
Environmental Health	(10)	(10)	0	0	0	0	(10)
Licensing and Enforcement	(12)	(12)	0	0	0	0	(12)
Mortuary and Coroners	0	0	0	0	0	0	0
Pest Control	0	0	0	0	0	0	0
Registrars	0	0	0	0	0	0	0
Trading Standards	(10)	(10)	0	0	0	0	(10)
<u>Savings Programme 2016/17 Brought Forward</u>							
EGJ7 Commercial Model for Business Support	(14)	(14)	0	0	0	0	(14)
Regulatory Services	(46)	(46)	0	0	0	0	(46)
Highways Services	0	0	0	0	0	0	0
<b>Total Savings Programme</b>	<b>(46)</b>	<b>(46)</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>(46)</b>



## Licensing and Public Protection Committee - 2017/18 Month 4 (July)

## Grant Funded Programmes

Service Areas	Grant Allocation 2017/18	Actuals Year to Date	Forecast Year End Variance
(1)	(2)	(3)	(4)
<b><u>Illegal Money Lending Team (IMLT) England</u></b>	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>
Employees	2,543	806	0
Premises	62	6	0
Transport and moveab	241	33	0
Supplies and Service	617	53	0
Capital Financing	15	5	0
Recharge Expenditure	142	0	0
<b>Gross Expenditure</b>	<b>3,620</b>	<b>903</b>	<b>0</b>
Grants	(3,605)	(797)	0
Fees and Charges	0	0	0
Asset Revenue Manage	(15)	(5)	0
<b>Income</b>	<b>(3,620)</b>	<b>(802)</b>	<b>0</b>
<b>Net Expenditure</b>	<b>0</b>	<b>101</b>	<b>0</b>
<b><u>Scambusters</u></b>			
Employees	0	71	0
Premises	0	0	0
Transport and moveab	0	0	0
Supplies and Service	0	7	0
Recharge Expenditure	0	0	0
<b>Gross Expenditure</b>	<b>0</b>	<b>78</b>	<b>0</b>
Grant Income (NTSB)	0	0	0
<b>Income</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Net Expenditure</b>	<b>0</b>	<b>78</b>	<b>0</b>

## Licensing and Public Protection Committee - 2017/18 Month 4 (July)

## Capital Programme

Service Areas	Allocation 2017/18	Actuals Year to Date	Year End Variance
(1)	(2)	(3)	(4)
	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>
Mortuary Floor and Ventillation*	368	1	(367)
Capital Expenditure	368	1	(367)

\* Capital Budget relating to Mortuary Floor and Ventilation has been transferred from 2016/17  
(as reported to LPPC 18 January 2017)

## Licensing and Public Protection Committee - 2017/18 Month 4 (July)

### Balances and Reserves

Reserves and Balances (1)	Licensing		Grants		PoCA		Total Ringfenced Reserves (8)	General Balances (9)	Total Reserves and Balances (10)
	Entertain - ment Licensing (2)	Hackney Carriage and Private Hire (3)	Illegal Money Lending Team (4)	Scam - busters Team (5)	PoCA Trading Standards (6)	PoCA Illegal Money Lending (7)			
	£'000	£'000	£'000	£'000	£'000	£'000		£'000	£'000
<b>Reserves and Balances 01 April 2017</b>	<b>0</b>	<b>(639)</b>	<b>(279)</b>	<b>0</b>	<b>(443)</b>	<b>(476)</b>	<b>(1,837)</b>	<b>0</b>	<b>(1,837)</b>
<b>Transactions (to)/from Balances in 2017/18</b>									
Appropriations to Reserves in year	0	0	0	0	0	0	0	0	0
Appropriations from Reserves in year	0	0	0	0	0	0	0	0	0
<b>Net Movements 2017/18</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Estimated Reserves 31 March 2018</b>	<b>0</b>	<b>(639)</b>	<b>(279)</b>	<b>0</b>	<b>(443)</b>	<b>(476)</b>	<b>(1,837)</b>	<b>0</b>	<b>(1,837)</b>



**BIRMINGHAM CITY COUNCIL**

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

**13 SEPTEMBER 2017**  
**ALL WARDS**

**USING THE PROCEEDS OF CRIME TO FURTHER PROTECT CITIZENS  
AND SUPPORT COMMUNITIES**

1. Summary
  - 1.1 To advise Committee of how the Trading Standards Service pursue and obtain proceeds of crime through their investigations.
  - 1.2 To share information about how proceeds of crime obtained through Trading Standards investigations has been used.
  - 1.3 To inform Committee on how the Trading Standards Service will use proceeds of crime in the future.
2. Recommendations
  - 2.1 That the report be noted.
  - 2.2 That Committee approves the proposed method for spending money derived from proceeds of crime cases in the future, as outlined in paragraph 7 of this report.

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### 3. Background

- 3.1 The Proceeds of Crime Act 2002 (c.29) (POCA) provides for the confiscation or civil recovery of the proceeds from crime and contains the principal money laundering legislation in the UK.
- 3.2 The Proceeds of Crime Act deters and discourages criminal behaviour and crime motivated by greed, as money is the motivating factor of all organised crime.
- 3.3 Just as legitimate businesses need funding to stay afloat, so do organised criminals. Without cash flow, deals cannot be made and people cannot be paid. For both these reasons, many organised criminals fear attacks on their finances and lifestyle more than prison.
- 3.4 Confiscation is an essential tool that Trading Standards use to deprive offenders of the proceeds of their criminal conduct; to deter the commission of further offences; and to reduce the profits available to fund further criminal enterprises.
- 3.5 Trading Standards carry out financial investigations in appropriate cases. A court can only make a Confiscation Order if, following conviction of an offence:
- the defendant pleaded guilty or was convicted at the Crown Court; or
  - the defendant was committed to the Crown Court with a view to a confiscation order being considered, under Section 70 POCA 2002.

The first bullet point means that summary only offences cannot be considered. The second bullet point determines whether the defendant had a 'criminal lifestyle' as defined in Section 75(1) POCA 2002 and benefitted from his particular lifestyle. The standard of proof is on the balance of probabilities.

- 3.6 Trading Standards employs 2 Accredited Financial Investigators and the Head of Service is a Senior Authorised Officer for the purposes of POCA. It is important to note that the ability of our Financial Investigators to recover assets depends on the ability of Trading Standards to achieve convictions in respect of serious indictable offences. Often these offences relate to counterfeiting.
- 3.7 There are 2 ways that the proceeds of crime can be reclaimed:
- Via Confiscation Orders made by the courts. The court will calculate the benefit accrued by the defendant through his criminal activity and the 'available amount', defined under Section 9(1) POCA 2002. An Order of the Court becomes payable immediately unless the Court allows a period of time, which can be up to six months. Extensions can be requested by the defendant. Failure to pay will result in a prison sentence which is attached to the Order at the time it is made. The fact

that the defendant might serve a prison sentence for non-payment does not discharge the Order.

- Secondly, Accredited Financial Advisers can seize £1,000 or more cash on the spot if they have reason to think someone might have acquired it through illegal activity. No criminal conviction is required.

#### 4. Asset Recovery Incentivisation Scheme (ARIS)

- 4.1 ARIS is operated and monitored by the Home Office Organised Financial Crime Unit. ARIS incentivises all law enforcement agencies. The Scheme is a mechanism for returning to law enforcement agencies, a proportion of the assets they recover. The objective of the incentive scheme is to provide law enforcement agencies with incentives to boost asset recovery as a contribution to reducing crime and delivering justice by giving them a direct stake in the proceeds they generate from that work.
- 4.2 Although primarily aimed at driving up asset recovery performance, the money returned is not ring-fenced and can be used for a number of purposes in the context of reducing harm; including community project funding
- 4.3 The Home Office retains 50% of assets recovered from Confiscation Orders. The remaining 50% is shared as follows:
  - Investigation (Local Authority) – 18.75%;
  - Prosecution (Local Authority) – 18.75%; and
  - Enforcement (Her Majesty's Court Service) – 12.5%.

Where the prosecutor and investigator are the same organisation (as is normally the case when Trading Standards conducts a case), we are entitled to receive 37.5% of the total amount.

#### 5. POCA Balances

- 5.1 The table below shows the POCA income and expenditure for Trading Standards over the last 3 full years and part 2017/2018.

	Opening Balance	Expenditure	Income	Closing Balance
	£	£	£	£
2014/2015	(286,446)	133,606	(130,552)	(283,393)
2015/2016	(283,393)	178,263	(232,653)	(337,783)
2016/2017	(337,783)	158,705	(262,902)	(441,980)
2017/2018 (Apr/Jul)	(441,980)	56,642	(56,314)	(441,652)

## 5.2 POCA is dependent on:

- the investigations carried out by Trading Standards;
- the amount of criminal benefit by the defendants;
- the confiscation orders awarded by the court; and
- the payment of those confiscation orders.

This means that there is no guaranteed income from POCA and hence decisions relating to how much is available to spend can only be made on a yearly basis. This also drives the need to maintain a specific earmarked balance at any given time to enable the salaries of the AFIs to be guaranteed (£100,000 a year for 2 staff including on costs).

## 6. Permitted Uses of POCA Funds

6.1 Money obtained under POCA should primarily be re-invested into further investigations of a similar nature, which is why we use the money to support the employment of our Financial Investigators, however, it is possible to use the money for 'community purposes', especially where those purposes have the effect of reducing crime or harm. Our two Financial Investigators were originally from the Trading Standards service and hence we have supported both their development and our own potential to maximize asset recovery by having AFI's who understand the work of Trading Standards.

6.2 Trading Standards has historically used POCA money to support the professional development of its officers and to purchase items or services that have helped to maintain the ability of the service to conduct investigations into serious criminal offences. Examples of that use are:

- Improving security at the trading standards exhibits store.
- Expanding the trading standards exhibits store.
- Purchasing specific software that enables serious organised crime groups to be mapped.
- Providing vulnerable and intimidated witness training to officers.
- Providing investigation training to officers to improve and maintain competencies.
- Purchase of licences for the corporate intelligence data warehouse across the council.
- Purchasing pool vehicles that will be used in investigations and surveillance.
- Purchase of leaflets and materials to support anti scams work.

## 7. Future Use of Trading Standards Proceeds of Crime

7.1 As mentioned in paragraphs 4.2 and 6.1 it is possible for POCA to be used for community purpose although a balance must be struck between that and the need to reinvest some of the money into further criminal investigations.



- 7.2 In order to use money for community purposes it is important to ensure that money is spent appropriately, legally and that it is auditable. The cost of the administration required to manage what might be relatively small amounts can outweigh the benefit, which has tended to discourage money being used for these purposes. However, in order to be able to make POCA funds more widely accessible for the greater good of local communities it is proposed to use an already existing structure within the Council to facilitate and manage the way in which money can be used.
- 7.3 The Neighbourhood Development and Support Unit in the Place Directorate provides the following services: voluntary and community sector support; community and neighbourhood governance; investment in neighbourhoods and communities (including administering grants); internal support and coordination (including whole council approach to grant funding); and training and development. It is, therefore, familiar with deciding on the merits of grant applications, awarding funds to community groups and most importantly ensuring that money is accounted for and spent in accordance with the terms of the award. This ability to audit expenditure is important to ensure that money is not wasted.
- 7.4 Trading Standards propose providing POCA funds to the Neighbourhood Development Support Unit for voluntary organisations and community groups to make bids for. The criteria for making applications for these funds will reflect those of the Local Innovation Fund shown in appendix 1.
- 7.5 The Birmingham Community Safety Partnership (BCSP) has four partnership aims. These are: continuous scoping and partnership development; deterrence and prevention; supporting the vulnerable; and crime and the community. These aims are delivered at a local level by the 4 (north, south, east and west) Local Community Safety Partnerships (LCSPs) who bring together partners from Birmingham City Council, West Midlands Police, West Midlands Fire Service, NHS etc. to identify action plans for the locality. They also currently administer a community grant fund of £60,000 for each locality. This grant aid will cease to be administered by the LCSPs in 2018/2019 as all grant funding will be allocated centrally from the West Midlands Police and Crime Commissioners office from April 2018.
- 7.6 Officers believe that these Local Community Safety Partnerships are equally as equipped as the Neighbourhood Development Support Unit to make POCA awards given their proximity to local communities. The criteria used in allocation of the POCA funds would reflect the priorities of the BCSP. The priorities for 2017/2018 are shown in appendix 2 and 2a, however, these may change in 2018/2019 after the BCSP Strategic Assessment is completed later in this financial year.
- 7.7 If Members agreed to the framework for awarding money outlined above, officers propose to allocate the following amounts for each organisation to make available for the remainder of this year and 2018/2019.

	<b>2017/2018</b>	<b>2018/2019</b>
Neighbourhood Development & Support Unit	£10,000	£20,000
Local Community Safety Partnerships	Nil	4 x £10,000 <b>Total £40,000</b>

7.8 Further reports would be presented to Committee detailing the use of POCA monies in 2017/2018 and 2018/2019.

## 8. Consultation

8.1 There is no statutory requirement to consult associated with the use of POCA. However, the Council must make an annual return to the Home Office confirm how it has used POCA monies. This return may then be subject to audit.

## 9. Implications for Resources

9.1 The use of POCA monies support the employment of the 2 Trading Standards AFIs.

9.2 It is recommended that a financial reserve of at least £200,000 needs to be maintained at any given time to enable the salaries of the AFIs to be guaranteed (£100,000 a year for 2 staff including on costs). This provides 2 years' certainty that we can continue to carry out financial investigations.

## 10. Implications for Policy Priorities

10.1 The work carried out by the Trading Standards AFI's make a significant contribution to recovering assets from criminals gained as a consequence of their crimes. Their work supports the Regulation and Enforcement Mission Statement: Locally accountable and responsive fair regulation for all - achieving a safe, clean, green and fair trading city for residents, business and visitors. The investigation of offences under POCA 2002 is consistent with the Enforcement Policy approved by this Committee for Regulation and Enforcement.

## 11. Public Sector Equality Duty

11.1 By adhering to our Enforcement Policy for the investigation and prosecution of criminal offences we ensure that the recovery of proceeds of crime is undertaken with appropriate regard to Equalities legislation and the duties placed upon the Local Authority.

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

Background Papers: nil

### **LOCAL INNOVATION FUND – CORE CRITERIA AND GUIDANCE**

#### **MUSTS**

1. Improving collaboration is a key aim of the Fund. Therefore ward councillors **MUST** work with residents and known constituted community groups to prepare proposals.
2. **Key Priorities of Every Place Matters and Better Deal for Neighbourhoods** with emphasis on local innovation – doing things differently from an asset based approach i.e. enabling different people to do different things in different ways to make better places to live.
3. Local Innovation Fund must be used with a local neighbourhood take on at least one of the overarching council vision themes and priorities as well as must meeting at least one of the LIF basket of priorities below.
4. Overarching **Council Vision**

**For LIF this vision means we will prioritise a Better Deal for Neighbourhoods and Every Place Matters along with strengthening communities with 4 additional priorities**

- Supporting **citizens’ independence and well-being**
- **New approaches to investment** e.g. time banking, different ways of managing public assets
- Supporting **Active Citizenship** and communities stepping up to the challenge and encourage and stimulate innovative asset based approaches in neighbourhoods
- **Clean Streets**
- **Improving local centres**

Adding value to the overriding city wide priorities

- **Children** – A great city to grow up in
  - **Jobs and Skills** – A great city to succeed in
  - **Housing** – A great city to live in
  - **Health** – A great city to lead a healthy and active life
5. These priorities and innovative ways forward may already be outlined in Neighbourhood Challenges, Community Plans, Ward Plans and local needs profiles and are ready to go.
  6. It is vital that local ward councillors continue to develop their local leadership role and that ward meetings / forums are used for talking and listening with local citizens and community groups in developing collaborative local proposals of innovation for action.
  7. LIF is to invest and experiment in new, innovative and catalytic approaches at the local level – LIF is not a replacement for lost revenue budgets or core funding.
  8. Accountability – Discussions with active citizens and community groups at Ward Meetings with all 3 Ward Councillors needing to be engaged in the process and agree to the proposals taken forward to Cabinet Committee – Local Leadership for approval.

### **BIRMINGHAM COMMUNITY SAFETY PARTNERSHIP (BCSP) PRIORITIES 2016/18**

#### **Continuous Scoping and Partnership Development**

- Developing Partner Links
- Horizon Scanning & Tension Monitoring
- CSP Governance Consolidation
- Developing Corporate Memory
- City to Local Links

#### **Deterrence and Prevention**

- Reducing Youth Offending
- Supporting Integrated Offender Management (IOM)
- Reducing Gang Violence
- Protecting Young People from Violence
- Domestic Abuse (DA) Perpetrator Management

#### **Supporting the Vulnerable**

- Cohesive Multi-Cultural Birmingham
- Multiple and Complex Needs (MCN)
- Vulnerabilities in Young People
- Domestic Abuse
- Hidden Crime (Elder Abuse, Modern Slavery)

#### **Crime and the Community**

- Victim Support
- Violence in Public
- Reducing Scale and Impact of Anti-Social Behaviour
- Building Trust with Business
- Business Environment
- Community Engagement
- Counter-Terrorism

## **Local Innovation Fund – Core Criteria and Guidance**

### **MUSTS**

1. **Improving collaboration is a key aim of the Fund. Therefore ward councillors MUST work with residents and known constituted community groups to prepare proposals.**
2. **Key Priorities of Every Place Matters and Better Deal for Neighbourhoods with emphasis on local innovation – doing things differently from an asset based approach i.e. enabling different people to do different things in different ways to make better places to live.**
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## **Birmingham Community Safety Partnership (BCSP) Priorities 2016/18**

### **Continuous Scoping and Partnership Development**

- Developing Partner Links
- Horizon Scanning & Tension Monitoring
- CSP Governance Consolidation
- Developing Corporate Memory
- City to Local Links

### **Deterrence and Prevention**

- Reducing Youth Offending
- Supporting Integrated Offender Management (IOM)
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### **Supporting the Vulnerable**

- Cohesive Multi-Cultural Birmingham
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### **Crime and the Community**

- Victim Support
- Violence in Public
- Reducing Scale and Impact of Anti-Social Behaviour
- Building Trust with Business
- Business Environment
- Community Engagement
- Counter-Terrorism





## Continuous Scoping and Partnership Development

Outputs Identified: 12

## Deterrence and Prevention

Outputs Identified: 24

## Supporting the Vulnerable

Outputs Identified: 33

## Crime and the Community

Outputs Identified: 32

<h3>Developing Partner Links</h3> <p>Three of four BCSP priorities are shared with the four main linked boards in the city.</p> <table border="1"><thead><tr><th>Priority</th><th>Count</th></tr></thead><tbody><tr><td>Health &amp; Wellbeing</td><td>4</td></tr><tr><td>Substantive Adults</td><td>3</td></tr><tr><td>Safeguarding Children</td><td>3</td></tr><tr><td>Early Help &amp; Safeguarding</td><td>3</td></tr></tbody></table>	Priority	Count	Health & Wellbeing	4	Substantive Adults	3	Safeguarding Children	3	Early Help & Safeguarding	3	<h3>Horizon Scanning &amp; Tension Monitoring</h3> <p>The CSP will monitor issues and tensions. It will prepare itself for the future.</p> <p>Feel Safe (Day) 95%</p>	<h3>CSP Governance Consolidation</h3> <p>The CSP will clarify its governance and processes to enable effective commissioning and accountability.</p>	<h3>Developing Corporate Memory</h3> <p>The CSP will retain learning from processes and experiences and will build on relationships.</p>	<h3>City to Local Links</h3> <p>Better collaboration between the four Local Community Safety Partnerships (LCSPs) and the CSP will enable better delivery of city and local priorities.</p>																														
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<h3>Reducing Youth Offending</h3> <p>Addressing vulnerabilities of those on the cusp of offending, and preventing reoffending.</p> <table border="1"><thead><tr><th>Location</th><th>YOT Sentences per 1,000 population</th></tr></thead><tbody><tr><td>Birmingham</td><td>8.3</td></tr><tr><td>England &amp; Wales</td><td>7.8</td></tr></tbody></table>	Location	YOT Sentences per 1,000 population	Birmingham	8.3	England & Wales	7.8	<h3>Supporting Integrated Offender Management (IOM)</h3> <p>The CSP will support local IOM delivery.</p> <table border="1"><thead><tr><th>Location</th><th>Offenders who Re-offend</th></tr></thead><tbody><tr><td>Staffordshire &amp; West Midlands</td><td>33.5%</td></tr><tr><td>England &amp; Wales</td><td>25.4%</td></tr></tbody></table>	Location	Offenders who Re-offend	Staffordshire & West Midlands	33.5%	England & Wales	25.4%	<h3>Reducing Gang Violence</h3> <p>The CSP will help maintain control over gangs, guns and knives.</p> <table border="1"><thead><tr><th>Location</th><th>Weapons Possession per 1,000 population</th></tr></thead><tbody><tr><td>Birmingham</td><td>0.14</td></tr><tr><td>Core Cities Average</td><td>0.17</td></tr></tbody></table>	Location	Weapons Possession per 1,000 population	Birmingham	0.14	Core Cities Average	0.17	<h3>Protecting Young People from Violence</h3> <p>The CSP will help reduce the threat of knives and violence in the young.</p> <table border="1"><thead><tr><th>Year</th><th>% of Children 'seen someone beaten up'</th></tr></thead><tbody><tr><td>2013/14</td><td>17%</td></tr><tr><td>2014/15</td><td>31%</td></tr></tbody></table>	Year	% of Children 'seen someone beaten up'	2013/14	17%	2014/15	31%	<h3>Domestic Abuse (DA) Perpetrator Management</h3> <p>The CSP will address the perpetrators of DA.</p> <table border="1"><thead><tr><th>Category</th><th>Percentage</th></tr></thead><tbody><tr><td>Unrecorded DA Cases</td><td>84%</td></tr><tr><td>Recorded DA Cases</td><td>16%</td></tr></tbody></table>	Category	Percentage	Unrecorded DA Cases	84%	Recorded DA Cases	16%										
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<h3>Cohesive Multi-Cultural Birmingham</h3> <p>Cultural differences in the causes and effects of crime. A focus on Racial and Religious Hate Crime.</p> <p>Birmingham is home to over <b>187</b> nationalities.</p>	<h3>Multiple and Complex Needs (MCN)</h3> <p>Collaboration with subject matter experts to better help people with MCN. A focus on ASB linked to Mental Health.</p> <p>Est. number of people with MCN in Birmingham: <b>1,200+</b></p>	<h3>Vulnerabilities in Young People</h3> <p>A focus on New Psycho-Active Substances and Online Grooming.</p> <table border="1"><thead><tr><th>Location</th><th>Population under 30 years old</th></tr></thead><tbody><tr><td>Birmingham</td><td>45.7%</td></tr><tr><td>UK</td><td>39.4%</td></tr></tbody></table>	Location	Population under 30 years old	Birmingham	45.7%	UK	39.4%	<h3>Domestic Abuse (DA)</h3> <p>Committing to the Birmingham Domestic Abuse Prevention Strategy. Commissioning Domestic Homicide Reviews.</p> <p>21,489 DA Police Reports</p>	<h3>Hidden Crime</h3> <p>Elder Abuse (EA), Modern Slavery (MS)</p> <p>The CSP will help tackle EA and MS.</p> <p>90 Modern Slavery Victims identified in WM in Q1 2016 (16% of UK)</p> <p><b>8.6%</b> of all older people experience abuse.</p>																																		
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<h3>Victim Support</h3> <p>The CSP will align with suitable victim's services</p>	<h3>Violence in Public</h3> <p>Focusing on violence linked to weapons, alcohol.</p> <table border="1"><thead><tr><th>Location</th><th>A&amp;E Assault Admissions Rate per 100,000</th></tr></thead><tbody><tr><td>Birmingham</td><td>59</td></tr><tr><td>England &amp; Wales</td><td>57</td></tr><tr><td>Scotland</td><td>51</td></tr><tr><td>Northern Ireland</td><td>43</td></tr><tr><td>London</td><td>31</td></tr><tr><td>South East</td><td>17</td></tr></tbody></table>	Location	A&E Assault Admissions Rate per 100,000	Birmingham	59	England & Wales	57	Scotland	51	Northern Ireland	43	London	31	South East	17	<h3>Reducing Scale and impact of ASB</h3> <p>Focusing on Neighbours, Environment, Substance Abuse, and Young People.</p> <table border="1"><thead><tr><th>Category</th><th>% Satisfied with VMP Service</th></tr></thead><tbody><tr><td>ASB</td><td>50%</td></tr><tr><td>Substance Abuse</td><td>75%</td></tr></tbody></table>	Category	% Satisfied with VMP Service	ASB	50%	Substance Abuse	75%	<h3>Building Trust with Business</h3> <p>Tackling cyber-crime and shoplifting.</p> <table border="1"><thead><tr><th>Category</th><th>Percentage</th></tr></thead><tbody><tr><td>Experienced</td><td>32.5%</td></tr><tr><td>Not Reported</td><td>32.5%</td></tr><tr><td>Reported</td><td>32.5%</td></tr><tr><td>Reported</td><td>32.5%</td></tr></tbody></table>	Category	Percentage	Experienced	32.5%	Not Reported	32.5%	Reported	32.5%	Reported	32.5%	<h3>Business Environment</h3> <p>The city's street population &amp; road accidents</p> <table border="1"><thead><tr><th>Category</th><th>Percentage</th></tr></thead><tbody><tr><td>Experienced</td><td>32.5%</td></tr><tr><td>Not Reported</td><td>32.5%</td></tr><tr><td>Reported</td><td>32.5%</td></tr><tr><td>Reported</td><td>32.5%</td></tr></tbody></table>	Category	Percentage	Experienced	32.5%	Not Reported	32.5%	Reported	32.5%	Reported	32.5%
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<h3>Community Engagement</h3> <p>Develop community capacity to problem solve and empower citizens.</p>	<h3>Counter-Terrorism</h3> <p>The CSP will ensure its constituents are well placed to contribute to the local and national counter-terrorism strategy.</p>																																											



**BIRMINGHAM CITY COUNCIL**

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

**13 SEPTEMBER 2017**  
**ALL WARDS**

**REPORT ON THE RESULTS OF A PUBLIC CONSULTATION ON PROPOSALS  
TO INTRODUCE FIVE PUBLIC SPACE PROTECTION ORDERS**

1. Summary

- 1.1 To provide results and details of the consultation conducted in order to introduce five Public Space Protection Orders, which will replicate and replace the five current Dog Control Orders currently in force.
- 1.2 In general there are few negative comments for the proposed Public Space Protection Orders, however, the consultation on the Dogs (Specified Maximum) has attracted a sizable number of negative comments. This relates to the maximum number of dogs any one person can walk at a time.
- 1.3 The report requests Committee to consider whether Environmental Health should pursue the declaration of the five Public Space Protection Orders and to consider whether or not Committee wish to review the maximum number of dogs any one person may walk.

2. Recommendations

- 2.1 That Committee requires the Head of Environmental Health to pursue the declaration of five Public Space Protection Orders to replace the Dog Control Orders that lapse in October 2017.
- 2.2 That the Committee sets the Public Space Protection Orders that relates to the maximum number of dogs that can be walked by one person is set at four.
- 2.3 That Committee notes that the penalty for a breach of the new Public Space Protection Orders will be £100.

Contact Officer: Vikki Allwood, Senior Animal Health and Welfare Officer  
Telephone: 0121 303 9918  
E-mail: [vikki.allwood@birmingham.gov.uk](mailto:vikki.allwood@birmingham.gov.uk)

### 3. Background

- 3.1 On 1 March 2014, Birmingham introduced five Dog Control Orders (DCOs), made under the Clean Neighbourhoods and Environment Act 2005. They relate to:
- Fouling of land by dogs and the requirement for dog faeces to be removed.
  - The keeping of dogs on leads.
  - Dogs to be put on a lead when directed to do so.
  - The exclusion of dogs from specified land.
  - The number of dogs which a person may take onto land.
- 3.2 The DCOs received considerable media attention at the time of coming into force, with coverage on local television, radio and newspapers. The Dog Warden/Enforcement Officers continue to promote the Orders through signage, the distribution of posters, leaflets, flyers, the use of display boards and also through speaking to dog owners during educational and enforcement patrols.
- 3.3 The DCOs have been widely enforced across the city and have proved to be invaluable in dealing with the minority of irresponsible dog owners who fail to control or clean up after their pets. The issue of dogs being let out to stray on the streets was an area of particular concern and previously there were no legislative provisions to tackle the problem. Offences under DCOs are dealt with by the issue of £80 Fixed Penalty Notices (FPNs).
- 3.4 All DCOs will cease to be in effect in October 2017, due to changes imposed by the Anti-Social Behaviour Crime and Policing Act 2014. All DCOs in place must be replaced by Public Space Protection Orders (PSPOs) and a public consultation must be undertaken for the controls to remain in place.
- 3.5 PSPOs in relation to dog control issues must be reasonable and proportionate and balance the needs of dogs, dog owners and non-dog owners alike. In particular local authorities are encouraged to keep dog exclusion zones to a minimum. The proposed orders are in line with this advice and are not overly restrictive. As DCOs there has been little complaint about their declaration and operation, responsible dog owners are not affected by them, although some people caught offending have made representations to officers.

### 4. Consultation

- 4.1 A public consultation was carried out between June 26<sup>th</sup> 2017 and August 7<sup>th</sup> 2017. Stakeholders were contacted directly; the consultation ran on the Birmingham Be Heard website, information was disseminated to numerous internal and external organisations and public sector equality representatives and the Dog Warden/Enforcement Officers conducted surveys in parks across the city. Information was also widely disseminated via social media and our website.

- 4.2 A total of 313 responses were received and the results of the consultation are summarised in Appendix 1. There was clear support for the proposals to retain the current provisions in five PSPOs. The most contentious area was proposals for The Dogs (Specified Maximum) Order, which proposes to restrict the number of dogs a person can take onto land to a maximum of four dogs. This applies to land which is open to the air and to which the public are entitled or permitted to have access.
- 4.3 Some commercial dog walkers have complained that the restriction to four dogs compromises their business activity. Even so, there was a clear majority in support that the restriction should remain in place and many respondents (70) were of the view that this number should actually be reduced. There were suggestions that more than four dogs could be permitted providing additional restrictions were in place e.g. dogs on leads at all times. The number of dog walking businesses will always be exceeded by the general public and, therefore, this specific matter has been brought to the attention of the Committee.
- 4.4 Guidance as provided by the Department for Food and Rural Affairs, advises that the maximum numbers of dogs taken onto land should not exceed six dogs. The Licensing and Public Protection Committee determined in 2013 that the number of dogs taken onto open land in Birmingham should be set at no more than four dogs. The previous consultation carried out to introduce the DCOs supported this and the Order was made accordingly. It would seem that most local authorities have set the maximum number at four dogs.
- 4.5 Your Dog Wardens believe that four dogs is appropriate, in that trying to observe and control four dogs can be challenging, but increasing the number to five or six will inevitably lead to problems of fouling which is not removed as it has not been observed.
- 4.6 Your officers, therefore, recommend that no changes are made to the provisions contained in the proposed PSPOs (Appendices 2 (1-5)), and that they replicate the current DCOs that they replace. The retention of exemptions in place for all assistance dogs will be maintained.
- 4.7 Although part of the consultation the statutory minimum fine for any offences under the PSPO is £100. The consultation has included this increase, however, it is not possible to declare the PSPOs and not increase the fine. The consultation resulted in 88% in favour of this change with 9% against and 3% unsure.

## 5. Implications for Resources

- 5.1 No specific implications have been identified.

6. Implications for Policy Priorities

- 6.1 The issues involved in dealing with stray dogs, uncontrolled dogs and dog fouling in public places are consistent with the City Council's policy priorities associated with helping to create a cleaner, greener, safer city and dealing with anti-social behaviour.

7. Public Sector Equality Duty

- 7.1 Dog Control Orders provide exemptions for registered blind people, deaf people and for other people with disabilities who make use of trained assistance dogs.

**ACTING DIRECTOR OF REGULATION AND ENFORCEMENT**

Background papers: Nil

## APPENDIX 1

Proposed Order	Supportive	Non-supportive	No comment/unsure	Total
Fouling of Land by Dogs Order	311 (99%)	2 (1%)	0 (0%)	313
Dogs on Lead Order	299 (96%)	8 (3%)	6 (2%)	313
Dogs on Lead by Direction Order	295 (94%)	14 (4%)	4 (1%)	313
Dogs Exclusion Order	288 (92%)	16 (5%)	9 (3%)	313
Dogs (Specified maximum) Order	265 (85%)	34 (11%)	14 (4%)	313
Proposal to Increase Fine*	275 (88%)	28 (9%)	10 (3%)	313

\*The fine is set at the statutory minimum and is in line with all other PSPO fines. This fine will be reported at next fees and charges report in 2018.

**Please be advised that under the Anti-social Behaviour, Crime and Policing Act 2014  
Birmingham City Council proposes to make the following**

**Public Space Protection Order:-**

**The Fouling of Land by Dogs Order 2017**

1. This order comes into force on XXXXXXXXXXXXX
2. This order applies to the land specified in the schedule.

**Offence**

3. (1) If a dog defecates at any time on land to which this Order applies and a person who is in charge of the dog at that time fails to remove the faeces from the land forthwith, that person shall be guilty of an offence unless-
  - (a) he has reasonable excuse for failing to do so; or
  - (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his doing so.
- (2) Nothing in this article applies to a person who-
  - (a) is registered as a blind person in a register compiled under section 29 of the national assistance Act 1948; or
  - (b) has a disability which affects his mobility, manual dexterity, physical co-ordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon which he relies for assistance.
- (3) For the purpose of this article-
  - (a) a person who habitually has a dog in his possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog;
  - (b) placing the faeces in a receptacle on the land which is provided for the purpose, or for the disposal of waste, shall be a sufficient removal from the land;
  - (c) being unaware of the defecation (whether by reason of not being in the vicinity or otherwise), or not having a device for or other suitable means of removing the faeces shall not be a reasonable excuse for failing to remove the faeces;
  - (d) each of the following is a "prescribed charity"-
    - (i) Dogs for the Disabled (registered charity number 700454);
    - (ii) Support Dogs (registered charity number 1088281);
    - (iii) Canine Partners for Independence (registered charity number 803680).

**Penalty**

4. A person who is guilty of an offence under article 3 shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

**SCHEDULE**

This Order applies to all land in the administrative area of Birmingham City Council that is open to the air and to which the public are entitled or permitted to have access (with or Without payment). For the purpose of this schedule, any land which is covered is to be treated as land which is "open to the air" if it is open to the air on at least one side.



**Please be advised that under the Anti-social Behaviour, Crime and Policing Act 2014  
Birmingham City Council proposes to make the following**

**Public Space Protection Order:-**

**The Dogs on Leads Order 2017**

1. This order comes into force on XXXXXXXXXXXXXXX
2. This order applies to the land specified in the schedule.

**Offence**

3. (1) A person in charge of a dog shall be guilty of an offence if, at any time, on any land to which this order applies he does not keep the dog on a lead, unless-
  - (a) he has reasonable excuse for failing to do so; or
  - (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.
- (2) For the purpose of this article a person who habitually has a dog in his possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog.

**Penalty**

4. A person who is guilty of an offence under article 3 shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

**Please be advised that under the Anti-social Behaviour, Crime and Policing Act 2014  
Birmingham City Council proposes to make the following**

**Public Space Protection Order:-**

**The Dogs on Leads by Direction Order 2017**

**Birmingham City Council (in this Order called “the Authority”)**

1. This order comes into force on XXXXXXXXXXXXXXXX
2. This order applies to the land specified in the schedule.
3. In this Order “an authorised officer of the Authority” means an employee of the Authority who is authorised in writing by the Authority for the purpose of giving directions under this Order.

**Offence**

4. (1) A person in charge of a dog shall be guilty of an offence if, at any time, on any land to which the Order applies, he does not comply with the direction given him by an authorised officer of the Authority to put and keep the dog on a lead, unless-
  - (a) he has reasonable excuse for failing to do so; or
  - (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.
- (2) For the purpose of this article-
  - (a) a person who habitually has a dog in his possession shall be taken to be in charge of the dog; at any time unless at that time some other person is in charge of the dog.
  - (b) an authorised officer of the Authority may only give a direction under this order to put and keep a dog on a lead if such restraint is reasonably necessary to prevent a nuisance or behaviour by the dog likely to cause annoyance or disturbance to any other person [on any land to which the order applies] or the worrying or disturbance of any animal or bird.

**Penalty**

5. A person who is guilty of an offence under article 4 shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

**SCHEDULE**

This Order applies to all land in the administrative area of Birmingham City Council that is open to the air and to which the public are entitled or permitted to have access (with or Without payment). For the purpose of this schedule, any land which is covered is to be treated as land which is “open to the air” if it is open to the air on at least one side.

**Please be advised that under the Anti-social Behaviour, Crime and Policing Act 2014  
Birmingham City Council proposes to make the following**

**Public Space Protection Order:-**

**The Dogs Exclusion Order 2017**

2. This order applies to the land specified in the schedule.

**Offence**

3. (1) A person in charge of a dog shall be guilty of an offence if, at any time, he takes the dog onto, or permits the dog to enter or to remain on, any land to which this Order applies unless-
- (a) he has reasonable excuse for failing to do so; or
  - (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his doing so.
- (2) Nothing in this article applies to a person who-
- (a) is registered as a blind person in a register compiled under section 29 of the national assistance Act 1948; or
  - (b) is deaf, in respect of a dog trained by hearing Dogs for Deaf people (registered charity number 293358) and upon which he relies for assistance; or
  - (c) has a disability which affects his mobility, manual dexterity, physical co-ordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon which he relies for assistance.
- (3) For the purpose of this article-
- (a) a person who habitually has a dog in his possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog; and
  - (b) each of the following is a "prescribed charity"-
    - (i) Dogs for the Disabled (registered charity number 700454);
    - (ii) Support Dogs (registered charity number 1088281);
    - (iii) Canine Partners for Independence (registered charity number 803680).

**Penalty**

4. A person who is guilty of an offence under article 3 shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

**SCHEDULE**

This Order applies to the following areas within the administrative area of Birmingham City Council.

1. Any clearly demarcated children's play area; and
2. "School land" meaning land that is used for Education as defined by the Education act 1996, and land that is identified by the Academies Act 2010.

**Please be advised that under the Anti-social Behaviour, Crime and Policing Act 2014  
Birmingham City Council proposes to make the following**

**Public Space Protection Order:-**

**The Dogs (Specified Maximum) Order 2017**

1. This order comes into force on XXXXXXXXXXXXXXXX
2. This order applies to the land specified in the schedule.
3. On land to which this Order applies, the maximum number of dogs which a person may take onto land is four.

**Offence**

4. (1) A person in charge of more than one dog shall be guilty of an offence if, at any time, he takes onto any land in respect of which this order applies more than the maximum number of dogs specified in article 3 of this order, unless-
  - (a) he has reasonable excuse for failing to do so; or
  - (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his doing so.
- (2) For the purpose of this article a person who habitually has a dog in his possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog.

**Penalty**

5. A person who is guilty of an offence under article 4 shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

**SCHEDULE**

This Order applies to all land in the administrative area of Birmingham City Council that is open to the air and to which the public are entitled or permitted to have access (with or Without payment). For the purpose of this schedule, any land which is covered is to be treated as land which is "open to the air" if it is open to the air on at least one side.

**BIRMINGHAM CITY COUNCIL**

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

**13 SEPTEMBER 2017**  
**ALL WARDS**

**PROSECUTIONS AND CAUTIONS – JUNE 2017**

1. Summary
  - 1.1 This report summarises the outcome of legal proceedings taken by Regulation and Enforcement during the month of June 2017.
2. Recommendation
  - 2.1 That the report be noted.

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

### 3. Results

#### 3.1 During the month of June 2017 the following cases were heard at Birmingham Magistrates Court, unless otherwise stated:

- Three Licensing cases resulted in fines of £1,080. Prosecution costs of £1,703 were awarded with a total of 13 penalty points. 16 simple cautions were administered as set out in Appendix 1.
- 70 Environmental Health cases resulted in fines of £64,432 and two Community Orders with a total of 140 hours unpaid work. Prosecution costs of £36,988 were awarded. Two simple cautions were administered as set out in Appendix 2.
- One Trading Standards case was finalised resulting in a fine of £2,500 and prosecution costs in the sum of £7,000. A Confiscation Order was made in the sum of £93,167. No simple cautions were administered as set out in Appendix 3.
- Appendix 4 lists cases finalised by district in June 2017 and cases finalised by district April - June 2017.
- Appendix 5 lists the enforcement activity undertaken by the Waste Enforcement Team in April - June 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 2017 to June 2017 the following costs have been requested and awarded:

##### Licensing

£6,991 has been requested with £4,311 being awarded (62%).

##### Environmental Health

£101,997 has been requested with £84,863 being awarded (83%).

##### Trading Standards

£18,322 has been requested with £16,776 being awarded (91%).

- 5.3 For the month of June 2017 the following costs have been requested and awarded:

Licensing

£1,703 has been requested with £1,703 being awarded (100%).

Environmental Health

£48,163 has been requested with £35,654 being awarded (74%).

Trading Standards

£9,261 has been requested with £7,000 being awarded (75%).

6. Implications for Policy Priorities

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

7. Public Sector Equality Duty

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

**ACTING DIRECTOR OF REGULATION AND ENFORCEMENT**

Background Papers: Nil

## LICENSING CASES

## APPENDIX 1

	Date Case Heard	Name & Address	Offence details (including Legislation)	Fine/Penalty & Costs	Ward of defendant	Ward - Offence committed
1	12/6/17	Shahedul Islam 359 Golden Hillock Road Sparkbrook Birmingham B11 2QL	Equalities Act 2010  Pleaded <u>not guilty</u> to one offence of failing to carry out a booking, accepted by the operator, because the disabled customer was accompanied by an assistance dog.  Found guilty in his absence.	£660  £686 costs (£686 requested)	Sparkbrook	Ladywood
2	16/6/17	Simon Negash 86 Mulliner Street Foleshill Coventry CV6 5EU	Town Police Clauses Act 1847 & Road Traffic Act 1988.  Pleaded guilty to two offences: one of plying for hire in Ladywell Walk, Birmingham and one of consequently having invalid insurance.	£300 x No Insurance  + 6 penalty points  No separate penalty for plying  £452 costs (£452 requested)	Out of area	Ladywood
3	22/6/17	Raja Rashid Majeed Khan 42 Roland Road Lozells Birmingham B19 1RS	Town Police Clauses Act 1847 & Road Traffic Act 1988.  Pleaded guilty to two offences: one of plying for hire in Ladywell Walk, Birmingham and one of consequently having invalid insurance.	£120 x No Insurance  + 7 penalty points  No separate penalty for plying  £565 costs (£565 costs awarded)	Lozells & East Handsworth	Ladywood



## **LICENSING SIMPLE CAUTIONS**

During the period of June 2017, 16 simple cautions have been administered.

### **Local Government (Miscellaneous Provisions) Act 1976**

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

**Section 54(2)** Four 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** Four cautions were issued for failing to wear or display a hackney carriage driver's badge and failing to produce a copy of the Birmingham City Council byelaws when requested

**FOOD HYGIENE OFFENCES**

	Date Case Heard	Name & Address	Offence details (including Legislation)	Fine/Penalty & Costs	Ward of defendant	Ward - Offence committed
1	8/6/17	Dixy Chicken (Soho Road) Ltd 283 Soho Road Birmingham B21 9SA	Food Safety and Hygiene (England) Regulations 2013  Pleaded guilty to seven offences relating to conditions at Dixy Chicken, 283 Soho Road. There was evidence of mice activity throughout the premises. Floors and shelving were dirty and littered with mouse droppings. There were dirty and greasy filters in the ventilation canopy above a fryer. There were gaps around pipe work, beneath a skirting board and around a door which could permit access to pests. Both sides of a chopping board were heavily scored and unable to be effectively cleaned. There was a full, uncovered waste bin at the foot of the salad table and two unlidded, full, waste oil barrels in the rear yard.	Total £840 (£120 x 7)  £1,300 costs (£2,170 requested)	Soho	Soho
2	8/6/17	Hassan Dini 82 Martineau Tower Uxbridge Street Birmingham B19 3UL	Food Safety and Hygiene (England) Regulations 2013 Pleaded guilty to four offences relating to conditions at Nine Mini Market, 116 Great Hampton Row, Aston, Birmingham. Mouse droppings were found throughout the premises and three dead mice found on a sticky board under shelving. There were holes and cracks in the structure of the premises, allowing access to pests. Packets of dried okra, which had been gnawed by mice, were being offered for sale.	Total £1,200 (£300 x 4)  £500 costs (£791 requested)	Aston	Aston

3	8/6/17	Edries Ahmad 18 Romulus Close Birmingham B20 2AR	Food Safety and Hygiene (England) Regulations 2013  Pleaded guilty to four offences relating to poor conditions found at Dastan Fresh Nan, 468 Dudley Road, Birmingham. Mouse droppings were found on shelving, within boxes storing food and underneath a mixer in the kitchen. Rat droppings were found on and underneath shelving. Packaging for cake bars and dates had been gnawed and a bag of rice had been gnawed and taped back together.	Total £480 (£160 x 3)  £775 costs (£775 requested)	Handsworth Wood	Soho
4	8/6/17	Philpotts Ltd 146-156 Sarehole Road Hall Green Birmingham B28 8DT	Food Safety and Hygiene (England) Regulations 2013  Pleaded <u>not guilty</u> to three offences relating to conditions at Philpotts, 34 Bennetts Hill, Birmingham. There was evidence of mice activity throughout the premises and a mouse was seen running around the serving area. Mouse droppings were found on the floor, shelves and food packaging. There were holes in the chill display and in the ceiling leading to loft space. The premises was not kept clean, there was build-up of dirt on floor/wall junctions and pipework throughout the premises and under shelving.  Found guilty after trial.	Total £35,000  (£12,000 x 2 £11,000 x 1)  £15,892 costs (£15,892 requested)	Hall Green	Ladywood

5	16/6/17	Chung Ying Central Ltd Unit 1 17 Thorp Street Birmingham B5 4AT	Food Safety and Hygiene (England) Regulations 2013 Pleaded guilty to two offences relating to conditions at Chung Ying Central, 126 Colmore Row, Birmingham. There were no adequate procedures in place to control pests in that live and dead cockroaches were found throughout the premises. The premises was not kept clean.	Total £2,000  (£1,000 x 2)  £790 costs (£790 requested)	Nechells	Ladywood
6	21/6/17	Zafar Hussain 328 Baldwins Lane Birmingham B28 0RD	Food Safety and Hygiene (England) Regulations 2013 Pleaded <u>not guilty</u> to 18 offences relating to the conditions at Shabab, 163-165 Ladypool Road on four separate occasions. The premises were not kept clean or maintained in good condition and raw ingredients were not stored in appropriate conditions. There were no procedures in place based on the HACCP principles and food handlers were not wearing clean and protective clothing. No wash basin was provided for cleaning hands and hygienic hand drying. Adequate provisions were not provided for the storage and disposal of waste, rubbish and numerous tins of waste oil were being stored in the rear yard. Three of the offences related to the failure to comply with hygiene improvement notices requiring a documented food safety management system to be implemented, food to be protected from contamination and the premises and equipment to be kept in a clean condition Found guilty after trial.	Total £8,640 (£480 x 18)  £2,000 costs (£6,183 requested)	Hall Green	Sparkbrook

7	22/6/17	Continent Foods Ltd Unit 19 Small Heath Trading Estate Armoury Road Birmingham B11 2RJ	Food Safety and Hygiene (England) Regulations 2013  Pleaded guilty to two offences relating to conditions at Continent Foods Ltd, Unit 19 Small Heath Trading Estate, Armoury Road, Birmingham, rat droppings were found throughout the premises. Food was not protected against contamination in that bags of gnawed food were found.	£1,000 x offence 1  No separate penalty for remaining offence  £650 costs (£650 requested)	South Yardley	Sparkbrook
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### **WASTE OFFENCES**

	<b>Date Case Heard</b>	<b>Name &amp; Address</b>	<b>Offence details (including Legislation)</b>	<b>Fine/Penalty &amp; Costs</b>	<b>Ward of defendant</b>	<b>Ward - Offence committed</b>
1	8/6/17	Sarah Phipps 9 Burdons Close Birmingham B34 6ET	Environment Act 1995  Found guilty in her absence of one offence of failing to provide information requested in a statutory demand for information in connection with the illegal depositing of a fridge/freezer on the public highway at the side of 9 Burdon's Close, Birmingham	£550  £470 costs (£470 requested)	Shard End	Shard End
2	8/6/17	Ion-Alexandru Barbu- Dragu 42 Compton Road Birmingham B20 3QG	Environmental Protection Act 1990  Pleaded guilty to one offence of knowingly causing controlled waste, namely a fridge freezer, TVs, pallets and other household items, to be deposited from a motor vehicle on land at the rear of Churchill Parade, 161-211 Birchfield Road, Birmingham.	£480  £500 costs (£740 requested)	Lozells & East Handsworth	Aston

3	12/6/17	Paul Taylor 4 Cromwell Street Dudley DY2 7HA	Environmental Protection Act 1990  Pleaded guilty to one offence of being in control of a vehicle which was used to deposit controlled waste, namely office furniture and documentation from Citysave Credit Union Ltd, at the Castle Vale Stadium site off Farnborough Road, Birmingham.	£650  £1,500 costs (£3,915 requested)	Out of area	Tyburn
4	14/6/17	Susan Cattell 40 St Athon Croft Birmingham B35 7LS	Environmental Protection Act 1990  Pleaded guilty to two offences; one offence of failing to prevent controlled waste from Extensions by Sue, 1089a Chester Road, Birmingham being deposited in the vicinity of 1089 Chester Road and one of failing to provide written information as to how waste from the business was being disposed of to an authorized officer within 7 days	£1,000 x offence 1  No separate penalty for remaining offences.  £630 costs (£860 requested)	Tyburn	Tyburn
5	22/6/17	Kashif Khan 4 Central Grove Acocks Green Birmingham B27 7BY	Environmental Protection Act 1990  Pleaded guilty to one offence of depositing an accumulation of controlled waste, including a mattress, wood and a large number of miscellaneous items, on land opposite Unit 4, Tyseley Estate, Seeleys Road, Birmingham.	£646  £1,676 costs (£1,676 requested)	Acocks Green	South Yardley
6	22/6/17	Aston & Bradley Insurance Services Ltd 51 Station Road Erdington Birmingham B23 6UE	Environmental Protection Act 1990 Pleaded guilty to one offence of causing controlled waste, namely one black bag of waste relating to Aston & Bradley Insurance Services Ltd, 51 Station Road, Erdington, Birmingham, to be deposited on land in Station Road, Erdington, Birmingham.	£120  £539 costs (£539 requested)  £160.50 clean-up costs	Erdington	Erdington

7	22/6/17	Adam Khan 24 Stoneyford Grove Birmingham B14 4BU	Environmental Protection Act 1990  Pleaded guilty to one offence of depositing a large amount of controlled waste, including a plastic outdoor storage box, chairs, wood and metal, on Priory Road, Aston, Birmingham.	£2,031  £816 costs (£816 requested)  £160 clean-up costs	Billesley	Nechells
8	30/6/17	Marian-Alin Focanescu 42 Compton Road Birmingham B20 3QG	Environmental Protection Act 1990 Theft Act 1968  Pleaded guilty to two offences; one of knowingly causing controlled waste, namely a fridge freezer, TVs, pallets and other household items, to be deposited from a motor vehicle on land at the rear of Churchill Parade, 161-211 Birchfield Road, Birmingham and one of stealing approximately 410 plastic crates belonging to Marks and Spencer PLC from Marks and Spencer Simply Food, London Road, Woodley, Reading.	Community Order x 12 months 80 hours of unpaid work  £1,000 costs (£1,410 requested)	Lozells & East Handsworth	Aston

#### **ANIMAL WELFARE OFFENCES**

	<b>Date Case Heard</b>	<b>Name &amp; Address</b>	<b>Offence details (including Legislation)</b>	<b>Fine/Penalty &amp; Costs</b>	<b>Ward of defendant</b>	<b>Ward - Offence committed</b>
1	8/6/17	Shafique Choudhury 7 Perry Villa Drive Perry Barr Birmingham B42 2LG	Fouling of Land by Dogs Order 2014 made under The Clean Neighbourhoods and Environment Act 2005 Found guilty in his absence of one offence of being a person in charge of a dog which defecated on land at Perry Park, Church Road, Birmingham and failing to remove the faeces.	£220  £250 costs (£250 requested)	Perry Barr	Perry Barr

2	22/6/17	Joanne Curley 25 Thornley Grove Birmingham B76 9RH	Fouling of Land by Dogs Order 2014 made under The Clean Neighbourhoods and Environment Act 2005  Pleaded guilty to one offence of being a person in charge of a dog which defecated in New Street, Birmingham and failing to remove the faeces.	£80  £175 costs (£175 requested)	Sutton New Hall	Ladywood
3	30/6/17	Mohammed Khan 1 Nuttall Grove Handsworth Birmingham B21 0HZ	Animal Welfare Act 2006  Found guilty in his absence of one offence of being a person responsible for a Rottweiler type dog and failing to take steps to ensure the needs of the animal were met. The dog was underweight, living in squalid conditions and had a wound to his tail.	12 month community order with 60 hours of unpaid work.  £150 costs (£961 requested)	Soho	Soho

### **LITTERING OFFENCES**

	<b>Date Case Heard</b>	<b>Name &amp; Address</b>	<b>Offence details (including Legislation)</b>	<b>Fine/Penalty &amp; Costs</b>	<b>Ward of defendant</b>	<b>Ward - Offence committed</b>
1	2/6/17	Samiya Wedderburn 166 Linden Road Birmingham B30 1NS	Environmental Protection Act 1990  Pleaded guilty to one offence of dropping a cigarette butt on the pavement in Smallbrook Queensway, Birmingham.	£100  £175 costs (£175 requested)	Bournville	Ladywood
2	2/6/17	Angela Wilkins 93 Warwards Lane Birmingham B29 7RA	Environmental Protection Act 1990  Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.	£220  £175 costs (£175 requested)	Selly Oak	Ladywood



3	2/6/17	Lesley Waters 6 Moor Park Road Northfield Birmingham B31 4HB	Environmental Protection Act 1990  Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.	£220  £175 costs (£175 requested)	Northfield	Ladywood
4	2/6/17	Medhi Tounsi 12 Ray Walk London N7 7RD	Environmental Protection Act 1990  Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Stephenson Street, Birmingham.	£220  £175 costs (£175 requested)	Out of area	Ladywood
5	2/6/17	Babar Sheikh 48 Third Avenue Birmingham B9 5RJ	Environmental Protection Act 1990  Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.	£220  £175 costs (£175 requested)	Bordesley Green	Ladywood
6	2/6/17	Paul Alexander Raymond Rose Cottage Oswestry SY10 7EU	Environmental Protection Act 1990  Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Stephenson Street, Birmingham.	£220  £175 costs (£175 requested)	Out of area	Ladywood
7	2/6/17	Alexandru Nicolae 100 Minstead Road Birmingham B24 8PX	Environmental Protection Act 1990  Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.	£220  £175 costs (£175 requested)	Tyburn	Ladywood
8	2/6/17	Gary Browne 6 Moor Park Road Northfield Birmingham B31 4HB	Environmental Protection Act 1990  Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.	£120  £175 costs (£175 requested)	Northfield	Ladywood

9	8/6/17	Derek Tong Apartment 14 38 Rylan Street Birmingham B16 8DD	Environmental Protection Act 1990  Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Smallbrook Queensway, Birmingham.	£220  £175 costs (£175 requested)	Ladywood	Ladywood
10	8/6/17	Ian Robinson 32 Phoenix Court West Drive Birmingham B5 7RT	Environmental Protection Act 1990  Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Smallbrook Queensway, Birmingham.	£220  £175 costs (£175 requested)	Edgbaston	Ladywood
11	8/6/17	Anthony Masih Mattu 8 Owen Road Wolverhampton WV3 0HP	Environmental Protection Act 1990  Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Smallbrook Queensway, Birmingham.	£220  £175 costs (£175 requested)	Out of area	Ladywood
12	8/6/17	Romulus Miah 91 Perrot Street Birmingham B18 4LZ	Environmental Protection Act 1990  Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Temple Street, Birmingham.	£220  £175 costs (£175 requested)	Soho	Ladywood
13	8/6/17	Syed Rahman 114 Leominster Road Birmingham B11 3BJ	Environmental Protection Act 1990  Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Navigation Street, Birmingham.	£220  £175 costs (£175 requested)	Springfield	Ladywood
14	8/6/17	Josh Davis Room 1 90 Queensland Road Handsworth Birmingham B21 0QJ	Environmental Protection Act 1990  Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Bull Street, Birmingham.	£220  £175 costs (£175 requested)	Soho	Ladywood

15	8/6/17	Lo Fend 39 Birmingham Road Great Barr Birmingham B43 6NX	Environmental Protection Act 1990  Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.	£220  £175 costs (£175 requested)	Out of area	Ladywood
16	8/6/17	Lee Freeman 60 Mallaby Close Shirley Solihull B90 2PW	Environmental Protection Act 1990  Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.	£220  £175 costs (£175 requested)	Out of area	Ladywood
17	8/6/17	Joshua Jones 97 Holly Road Handsworth Birmingham B20 2BX	Environmental Protection Act 1990  Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in High Street, Birmingham.	£220  £175 costs (£175 requested)	Lozells & East Handsworth	Ladywood
18	8/6/17	Lee Knibbs 28 Lea House Road Birmingham B30 2DD	Environmental Protection Act 1990  Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Stephenson Street, Birmingham.	£220  £175 costs (£175 requested)	Bournville	Ladywood
19	8/6/17	Kiran Najib 65 Holte Road Birmingham B6 6RS	Environmental Protection Act 1990  Pleaded guilty to one offence of dropping a cigarette butt on the pavement in Navigation Street, Birmingham.	£40  £175 costs (£175 requested)	Perry Barr	Ladywood
20	8/6/17	Wayne Patterson 129 Warren Farm Road Birmingham B44 0PU	Environmental Protection Act 1990  Pleaded guilty to one offence of dropping a cigarette butt on the pavement in High Street, Birmingham.	£50  No costs awarded (£175 requested)	Kingstanding	Ladywood

21	8/6/17	Christopher Williams 3 Kenilworth Mews Kenilworth Street Leamington Spa CV32 4QT	Environmental Protection Act 1990  Pleaded guilty to one offence of dropping a cigarette butt on the pavement in High Street, Birmingham.	£50  No costs awarded (£175 requested)	Out of area	Ladywood
22	8/6/17	Umairah Afsar 21 Buckland End Birmingham B34 6LB	Environmental Protection Act 1990  Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Stephenson Street, Birmingham.	£220  £175 costs (£175 requested)	Hodge Hill	Ladywood
23	8/6/17	Shafeen Akhtar 9 Tarrant Grove Birmingham B32 2NW	Environmental Protection Act 1990  Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in Smallbrook Queensway, Birmingham.	£220  £175 costs (£175 requested)	Quinton	Ladywood
24	8/6/17	Mohammed Alenzi Apartment 105 Orion Building 90 Navigation Street Birmingham B5 4AB	Environmental Protection Act 1990  Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.	£220  £175 costs (£175 requested)	Ladywood	Ladywood
25	8/6/17	Wojciech Banasik Flat 3 2 Alexander Road Acocks Green Birmingham B27 6HE	Environmental Protection Act 1990  Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.	£220  £175 costs (£175 requested)	Acocks Green	Ladywood
26	8/6/17	Bradlee Bayliss 115 Woodbury Road Halesowen West Midlands B62 9AW	Environmental Protection Act 1990  Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Stephenson Street, Birmingham.	£220  £175 costs (£175 requested)	Out of area	Ladywood

27	8/6/17	Danut Paun 17 Kingsley Road Smethwick Birmingham B66 4SN	Environmental Protection Act 1990  Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Priory Queensway, Birmingham.	£220  £175 costs (£175 requested)	Out of area	Ladywood
28	8/6/17	Jenna Busch 7a Taverners Crescent Derby DE23 6XT	Environmental Protection Act 1990  Pleaded guilty to one offence of dropping a cigarette butt on the pavement in Smallbrook Queensway, Birmingham.	£50  No costs awarded (£175 requested)	Out of area	Ladywood
29	8/6/17	William Murphy 31 Long Leasow Selly Oak Birmingham B29 4LT	Environmental Protection Act 1990  Pleaded guilty to one offence of dropping a cigarette butt on the pavement in Priory Queensway, Birmingham.	£85  £175 costs (£175 requested)	Weoley	Ladywood
30	8/6/17	Gurupreet Rait 145 Turner Street West Bromwich B70 9HZ	Environmental Protection Act 1990  Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Stephenson Street, Birmingham.	£220  £175 costs (£175 requested)	Out of area	Ladywood
31	8/6/17	Cameron Rueben Ricardo Whelan 42 Peel Street Birmingham B18 7DT	Environmental Protection Act 1990  Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in St Philips Place, Birmingham.	£220  £175 costs (£175 requested)	Soho	Ladywood
32	8/6/17	Connor Ward 133 Algar Avenue Malvern Worcester WR14 2HA	Environmental Protection Act 1990  Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in High Street, Birmingham.	£220  £175 costs (£175 requested)	Out of area	Ladywood

33	8/6/17	Sarah Woods 9 East Dales Milton Keynes MK13 7PJ	Environmental Protection Act 1990  Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Smallbrook Queensway, Birmingham.	£220  £175 costs (£175 requested)	Out of area	Ladywood
34	22/6/17	Sunny Ali 6 The Hollies Montague Road Smethwick B66 4PE	Environmental Protection Act 1990  Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Stephenson Street, Birmingham.	£220  £175 costs (£175 requested)	Out of area	Ladywood
35	22/6/17	Keith Mitchell 23 Third Avenue Wolverhampton WV10 9PH	Environmental Protection Act 1990  Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Stephenson Street, Birmingham.	£220  £175 costs (£175 requested)	Out of area	Ladywood
36	22/6/17	Mohammed Najeeb 15 Dunlop Avenue Nottingham NG7 2BW	Environmental Protection Act 1990  Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Stephenson Street, Birmingham.	£220  £175 costs (£175 requested)	Out of area	Ladywood
37	22/6/17	Bradley Parsonage 290a Lichfield Road Sutton Coldfield B74 2UG	Environmental Protection Act 1990  Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.	£220  £175 costs (£175 requested)	Sutton Four Oaks	Ladywood
38	22/6/17	Grant Slaney 82 Grange Drive Glen Parva Leicester LE2 9PG	Environmental Protection Act 1990  Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.	£220  £175 costs (£175 requested)	Out of area	Ladywood

39	22/6/17	Callum Wykes 83a Harcourt Drive Sutton Coldfield B74 4LN	Environmental Protection Act 1990  Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.	£220  £175 costs (£175 requested)	Sutton Four Oaks	Ladywood
40	22/6/17	Ben Cooper Hollydale House Dennfield Drive Walsall WS6 7JX	Environmental Protection Act 1990  Pleaded guilty to one offence of dropping a cigarette butt on the pavement in Smallbrook Queensway, Birmingham.	£50  No costs awarded (£175 requested)	Out of area	Ladywood
41	22/6/17	Kerry Louise Devey 34 Greenslade Grove Hednesford Cannock WS12 1QR	Environmental Protection Act 1990  Pleaded guilty to one offence of dropping a cigarette butt on the pavement in Smallbrook Queensway, Birmingham.	£80  £175 costs (£175 requested)	Out of area	Ladywood
42	30/6/17	Lee Mitchell Phipps 25 Heynesfield Road Birmingham B33 0AG	Environmental Protection Act 1990  Pleaded guilty to one offence of dropping a cigarette butt on the pavement in Smallbrook Queensway, Birmingham.	Conditional Discharge x 6 months  £50 costs (£175 requested)	Shard End	Ladywood
43	30/6/17	Joe Burbeck 75 Church Road Malvern WR14 1NQ	Environmental Protection Act 1990  Pleaded guilty to one offence of dropping a cigarette butt on the pavement in Stephenson Street, Birmingham.	£35  £85 costs (£175 requested)	Out of area	Ladywood
44	30/6/17	Lisa Marie Inman 75 Copthorne Road Kingstanding Birmingham B44 9NU	Environmental Protection Act 1990  Pleaded guilty to one offence of dropping a cigarette butt on the pavement in High Street, Birmingham.	£35  £85 costs (£175 requested)	Oscott	Ladywood

45	30/6/17	Thomas Gallagher 37 Clevedon Square Cheltenham GL51 8BN	Environmental Protection Act 1990  Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Smallbrook Queensway, Birmingham.	£220  £85 costs (£175 requested)	Out of area	Ladywood
46	30/6/17	Mehrunnisha Patel 11 Abbots Close Leicester LE5 1EH	Environmental Protection Act 1990  Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in Smallbrook Queensway, Birmingham.	£220  £85 costs (£175 requested)	Out of area	Ladywood
47	30/6/17	Melissa Shepherd 37 Kendals Close Radlett WD7 8NQ	Environmental Protection Act 1990  Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in Smallbrook Queensway, Birmingham.	£220  £85 costs (£175 requested)	Out of area	Ladywood
48	30/6/17	Tony Ngujen Van 124 Teddington Grove Perry Barr Birmingham B42 1RQ	Environmental Protection Act 1990  Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Edgbaston Street, Birmingham.	£220  £85 costs (£175 requested)	Perry Barr	Ladywood
49	30/6/17	Mohammed Meshrer Ali Alewezi 105 Orion Building 90 Navigation Street Birmingham B5 4AB	Environmental Protection Act 1990  Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Temple Street, Birmingham.	£220  £85 costs (£175 requested)	Ladywood	Ladywood
50	30/6/17	Abdulrahman Atiah Abdulrahman Alzahrar 1805 Rotunda Building Worcester Street Birmingham B2 4BB	Environmental Protection Act 1990  Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Station Street, Birmingham.	£220  £85 costs (£175 requested)	Ladywood	Ladywood



51	30/6/17	Wenjie Chen Apartment 54 140 Bath Row Birmingham B15 1NQ	Environmental Protection Act 1990  Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Hill Street, Birmingham.	£220  £85 costs (£175 requested)	Ladywood	Ladywood
52	30/6/17	David Vincent Farr 13 Baton Turn Burton on Trent DE13 8EA	Environmental Protection Act 1990  Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.	£220  £85 costs (£175 requested)	Out of area	Ladywood

#### **ENVIRONMENTAL HEALTH SIMPLE CAUTIONS**

One simple caution was administered during June 2017.

#### **Food Safety and Hygiene (England) Regulations 2013**

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

**TRADING STANDARDS****APPENDIX 3**

	<b>Date Case Heard</b>	<b>Name &amp; Address</b>	<b>Offence details (including Legislation)</b>	<b>Fine/Penalty &amp; Costs</b>	<b>Ward of defendant</b>	<b>Ward - Offence committed</b>
1	26/6/17 Birmingham Crown Court	Tarlochan Singh Khurana 52 Vanbrough Crescent Northolt UB5 5JW	<p>Tobacco Products (Manufacture, Presentation and Sale) (Safety) Regulations 2002 Licensing Act 2003 Trade Marks Act 1994 Consumer Protection from Unfair Trading Regulations 2008</p> <p>Pleaded guilty to six offences; two of possessing 59 packs of cigarettes and nine packs of hand rolling tobacco at Stechford Food &amp; Wine, 207 Station Road Stechford, Birmingham which did not show the pictorial health warnings on the packaging and which had been imported without the payment of duty; three offences relating to the possession of goods, namely five packets of Mayfair cigarettes, 13 bottles of Glens Vodka and four bottles of Smirnoff Vodka, for the purpose of supply, which bore registered trademarks without the consent of the trade mark proprietors and one of possessing for supply four bottles of Famous Grouse Whisky which had tampered custom stamps and as such were not valid for sale in the UK</p>	<p>Total £2,500  (£500 x 4 £250 x 2)</p> <p>£7,000 costs (£9,261 requested)</p> <p>Forfeiture of seized counterfeit and illicit goods granted</p> <p>Confiscation order in the sum of £93,167</p>	Out of area	Stechford & Yardley North

## **TRADING STANDARDS SIMPLE CAUTIONS**

No simple cautions were administered during June 2017.

**CASES FINALISED BY DISTRICT (PLACE OF OFFENCE) – JUNE 2017**

<b><u>WARDS &amp; CONSTITUENCIES FINALIZED BY OFFENCE</u></b>				
	<b><u>Licensing</u></b>	<b><u>Environmental Health - Non FPNs</u></b>	<b><u>Environmental Health - FPNs</u></b>	<b><u>Trading Standards</u></b>
<b>EDGBASTON</b>				
Bartley Green				
Edgbaston				
Harborne				
Quinton				
<b>ERDINGTON</b>				
Erdington		1		
Kingstanding				
Stockland Green				
Tyburn		2		
<b>HALL GREEN</b>				
Hall Green				
Moseley & Kings Heath				
Sparkbrook		2		
Springfield				
<b>HODGE HILL</b>				
Hodge Hill				
Washwood Heath				
Bordseley Green				
Shard End		1		
<b>LADYWOOD</b>				
Aston		3		
Ladywood	3	3	52	
Nechells		1		
Soho		3		

<b>NORTHFIELD</b>				
Kings Norton				
Longbridge				
Northfield				
Weoley				
<b>PERRY BARR</b>				
Lozells & East Handsworth				
Handsworth Wood				
Oscott				
Perry Barr		1		
<b>SELLY OAK</b>				
Billesley				
Bournville				
Bradwood				
Selly Oak				
<b>SUTTON COLDFIELD</b>				
Sutton Four Oaks				
Sutton New Hall				
Sutton Trinity				
Sutton Vesey				
<b>YARDLEY</b>				
Acocks Green				
Sheldon				
South Yardley		1		
Stechford & North Yardley				1
<b>TOTAL</b>	3	18	52	1

# CASES FINALISED BY DISTRICT (DEFENDANT'S HOME ADDRESS/REGISTERED OFFICE ) – JUNE 2017

<u>WARDS &amp; CONSTITUENCIES - FINALIZED BY DEFENDANT'S ADDRESS</u>				
	<u>Licensing</u>	<u>Environmental Health - Non FPNs</u>	<u>Environmental Health - FPNs</u>	<u>Trading Standards</u>
<b>EDGBASTON</b>				
Bartley Green				
Edgbaston			1	
Harborne				
Quinton			1	
<b>ERDINGTON</b>				
Erdington		1		
Kingstanding			1	
Stockland Green				
Tyburn		1	1	
<b>HALL GREEN</b>				
Hall Green		2		
Moseley & Kings Heath				
Sparkbrook	1			
Springfield			1	
<b>HODGE HILL</b>				
Hodge Hill			1	
Washwood Heath				
Bordseley Green			1	
Shard End		1	1	
<b>LADYWOOD</b>				
Aston		1		
Ladywood			5	
Nechells		1		
Soho		2	3	

<b>NORTHFIELD</b>				
Kings Norton				
Longbridge				
Northfield			2	
Weoley			1	
<b>PERRY BARR</b>				
Lozells & East Handsworth	1	2	1	
Handsworth Wood		1		
Oscott			1	
Perry Barr		1	2	
<b>SELLY OAK</b>				
Billesley		1		
Bournville			2	
Bradwood				
Selly Oak			1	
<b>SUTTON COLDFIELD</b>				
Sutton Four Oaks			2	
Sutton New Hall		1		
Sutton Trinity				
Sutton Vesey				
<b>YARDLEY</b>				
Acocks Green		1	1	
Sheldon				
South Yardley		1		
Stechford & North Yardley				
<b>OUT OF AREA</b>	1	1	23	1
<b>TOTAL</b>	3	18	52	1

### **CASES FINALISED BY DISTRICT (PLACE OF OFFENCE) – JUNE 2017**

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	0	0	0	0	3	0	0	0	0	0	0	<b>3</b>
Environmental Health (FPNs) Not paid and prosecuted	0	0	0	0	52	0	0	0	0	0	0	<b>52</b>
Environmental Health (non FPNs)	0	3	2	1	10	0	1	0	0	1	0	<b>18</b>
Trading Standards	0	0	0	0	0	0	0	0	0	1	0	<b>1</b>

### **CASES FINALISED BY DISTRICT (DEFENDANT'S HOME ADDRESS/REGISTERED OFFICE) – JUNE 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	0	0	1	0	0	0	1	<b>3</b>
Environmental Health (FPNs) Not paid and prosecuted	2	2	1	3	8	3	4	3	2	1	23	<b>52</b>
Environmental Health (non FPNs)	0	2	2	1	4	0	4	1	1	2	1	<b>18</b>
Trading Standards	0	0	0	0	0	0	0	0	0	0	1	<b>1</b>



**CASES FINALISED BY DISTRICT (PLACE OF OFFENCE) – APRIL - JUNE 2017**

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	1	0	1		5	2	0	0	0	2	0	<b>11</b>
Environmental Health (FPNs) Not paid and prosecuted	0	0	0	0	154	0	0	0	0	0	0	<b>154</b>
Environmental Health (non FPNs)	0	5	3	3	17	2	5	1	0	6	0	<b>42</b>
Trading Standards	0	0	0	0	3	0	0	0	0	2	0	<b>5</b>

**CASES FINALISED BY DISTRICT (DEFENDANT'S HOME ADDRESS/REGISTERED OFFICE) – APRIL - JUNE 2017**

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	1	0	4	2	0	1	1	0	0	0	2	<b>11</b>
Environmental Health (FPNs) Not paid and prosecuted	7	5	3	15	20	6	12	6	2	3	75	<b>154</b>
Environmental Health (non FPNs)	2	3	4	5	10	1	7	1	1	4	4	<b>42</b>
Trading Standards	0	0	0	0	3	0	0	0	0	1	1	<b>5</b>

**WASTE ENFORCEMENT UNIT – ENFORCEMENT ACTIVITY**  
**APRIL 2017 – MARCH 2018**

	Apr-17	May-17	Jun-17	Total 2017/2018
<b>Waste Investigation Outcomes</b>				
Investigations into commercial waste disposal suspected offences and offences	23	35	83	<b>141</b>
<u>Section 34 Environmental Protection Act</u> demand notices issued: (trade waste statutory information demands)	20	32	75	<b>127</b>
<u>Section 34 Environmental Protection Act</u> fixed penalty notices issued to businesses (£300)	11	13	25	<b>49</b>
<u>Section 87 Environmental Protection Act.</u> Fixed Penalty notices issued for commercial and residential litter offences (£80)	5	0	5	<b>10</b>
<u>Section 33 Environmental Protection Act</u> fixed penalty notices issued for fly tipping (£400)	4	9	7	<b>20</b>
<b>Prosecutions</b>				
Number of prosecution files submitted to legal services (number produced quarterly)			15	<b>15</b>

**BIRMINGHAM CITY COUNCIL**

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

**13 SEPTEMBER 2017**  
**ALL WARDS**

**OUTCOME OF APPEALS AGAINST SUB COMMITTEE DECISIONS  
TAKEN DURING JUNE AND JULY 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.

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

3. Summary of Appeal Hearings for June and July 2017

	Magistrates'	Crown
Total	5	2
Allowed	1	
Dismissed	3	1
Appeal lodged at Crown		n/a
Upheld / allowed in part	1	1
Withdrawn pre-Court		

4. Implications for Resources

- 4.1 The details of costs requested and ordered in each case are set out in the appendix below.
- 4.2 In June and July 2017 costs have been requested to the sum of £5,757.35 with reimbursement of £5,038.60 (87.5%) ordered by the Courts.
- 4.3 For the fiscal year thus far, April 2017 to July 2017, costs associated to appeal hearings have been requested to the sum of £15,911.95 with reimbursement of £12,218.20 (76.8%) ordered by the Courts.

5. Implications for Policy Priorities

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

6. Public Sector Equality Duty

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

7. Consultation

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

**ACTING DIRECTOR OF REGULATION AND ENFORCEMENT**

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

**MAGISTRATES' COURT – PRIVATE HIRE DRIVER'S LICENCE**

	Name	Date Case Heard	Result	Costs Requested	Costs Ordered	Comments
1	Zubair Ahmed	14.06.2017	Allowed In part	£300	£200	<p>Mr Ahmed was prosecuted for the offence of refusing to carry a passenger with an assistance dog, but due to the failure of a witness to attend court the Council was forced to offer no evidence and Mr Ahmed was found not guilty. Nevertheless, a Sub Committee considered the facts on 13 February 2017 and resolved to revoke the licence.</p> <p>At appeal the Magistrates found that "Committee had acted in a fit and proper manner and entirely within its jurisdiction and had acted entirely properly in weighing the evidence, and approached it all in a reasonable manner. The decision reached was fair, reasonable and rational: the appellant was not a fit and proper person. However, the Committee was wrong in its assessment of seriousness. The appellant's actions merited more than a warning but less than a revocation. The licence would therefore be suspended for three months."</p>
2	Saleem Abbas Chohan	28.06.2017	Dismissed	£929.15	£929.15	<p>On 27 March 2017, as the result of conviction for driving without due care, namely, driving his licensed vehicle along a pedestrianised area in Birmingham, and concerns expressed regarding his behaviour and attitude, Committee considered and resolved to revoke the licence. The Magistrates were very concerned regarding the careless driving and could find no reason whatsoever to think the Committee's decision was wrong: "Not a momentary lapse; a calculated decision in defiance of the law and common sense." The appellant "Gave very strange evidence which was wrong and confused." His evidence was "inconsistent and unreliable." He was "Difficult to control, outspoken" and seemed to be "rambling and strange."</p>

3	Abdulhadi Zori	03.07.2017	Allowed	Nil (contra BCC)	Nil	<p>On 1 February 2017, a Licensing Sub Committee resolved to refuse the renewal of the driver's licence for a period of six months as the result of the Sub Committee hearing evidence about a complaint from a member of the public regarding an alleged overcharge, which upon investigation proved to be an allegation of plying for hire. The driver had not been prosecuted for the offence because the witnesses would not attend court. The driver also had a previous conviction from 2011 for plying for hire. A prosecution for another offence of plying for hire and overcharging was dropped against the driver in 2015 when the witnesses would not attend court.</p> <p>At appeal Mr Zori's barrister made submissions regarding the fact that none of the complaints had resulted in conviction, and therefore the Sub Committee should have exercised its discretion in his favour and not refused to allow him to renew his licence for 6 months. The Magistrates having retired for some time allowed the appeal.</p>
4	Basil Abdul Karem Mohammed	07.07.2017	Dismissed	£300	£150	<p>On 26 April 2017, as the result of prosecution by Birmingham City Council and conviction in 2014 for two offences of using fraudulent insurance documents, one offence of using a vehicle while uninsured and one offence of driving a licensed vehicle when not being in possession of a licence to do so, all committed whilst licensed as a private hire driver by Sandwell MBC, Committee considered and resolved to refuse the grant of a licence.</p>

**MAGISTRATES' COURT – LICENSING ACT 2003**

	Name	Date Case Heard	Result	Costs Requested	Costs Ordered	Comments
1	Jamaica Expats Association	10.07.2017	Dismissed	£3609.45	£3609.45	On 22 February 2017, as the result of representations received from both responsible authorities and other persons objecting to the grant of a time limited premises licence at Handsworth Park on 5 and 6 August 2017, on grounds that the prevention of crime and disorder, public safety, and protection of children from harm licensing objectives would not be promoted, Committee considered and resolved to refuse the grant of a licence.

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

	Name	Date Case Heard	Result	Costs Requested	Costs Ordered	Comments
1	Gul Zubair	07.07.2017	Allowed In part	Nil	Nil	On 8 November 2016, as the result of conviction for offences of plying for hire and thereby invalidating his insurance, Committee considered and in line with the relevant policy resolved to revoke the licence. The appeal to the Magistrates' Court was dismissed on 3 April 2017. The Crown Court Bench considered that revocation of the licence was excessive and considered suspension of the licence for a period of two months to be more appropriate, and substituted the Committee's decision.

## CROWN COURT – HACKNEY CARRIAGE DRIVER’S LICENCE

	Name	Date Case Heard	Result	Costs Requested	Costs Ordered	Comments
1	Shangara Singh Samra	14.07.2017	Dismissed	£618.75	£150	On 16 January 2017, as the result of four previous convictions for alcohol-related motoring offences, and two previous revocations of hackney carriage driver licences, including one instance of revocation with immediate effect in 2016, Committee considered and resolved to refuse a licence. The appeal to the Magistrates was dismissed on 10 March 2017 was dismissed on grounds that the decision “was not unreasonable or wrong”. HHJ Laird QC “had great sympathy for Mr Samra” but was of the view that the decision of the Licensing Sub Committee and Magistrates was correct, this being the unanimous view of the Bench. In view of the appellant’s financial difficulties the costs order was reduced from the £618.75 requested to £150.



**BIRMINGHAM CITY COUNCIL**

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

**13 SEPTEMBER 2017**  
**ALL WARDS**

**FIXED PENALTY NOTICES ISSUED JULY 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 of July 2017.
2. Recommendation
  - 2.1 That the report be noted.

Contact Officer: Mark Croxford, Head of Environmental Health  
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### 3. Background

- 3.1 The issuing of fixed penalty notices [FPN] by officers from Regulation and Enforcement is one of the means by which the problems of environmental degradation such as littering and dog fouling are being tackled within the City.
- 3.2 The yearly total numbers of fixed penalty notices issued are indicated below.

<u>Month</u>	<u>Fixed Penalty Notices Issued</u>
April 2004 – March 2005	382
April 2005 – March 2006	209
April 2006 – March 2007	650
April 2007 – March 2008	682
April 2008 – March 2009	1,147
April 2009 – March 2010	1,043
April 2010 – March 2011	827
April 2011 – March 2012	2,053
April 2012 – March 2013	1,763
April 2013 – March 2014	1,984
April 2014 – March 2015	4,985
April 2015 – March 2016	5,855
April 2016 – March 2017	6,306

### 4. Enforcement Considerations and Rationale

- 4.1 The attached appendix shows the wards where FPNs were issued during the month of July 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
	Edgbaston	0	0	0	0									0
	Harborne	0	0	0	0									0
	Quinton	0	0	0	0									0
Erdington	Erdington	0	1	0	0									1
	Kingstanding	0	1	0	0									1
	Stockland Green	0	0	2	0									2
	Tyburn	0	1	1	1									3
Hall Green	Hall Green	0	1	0	0									1
	Moseley And Kings Heath	2	0	0	0									2
	Sparkbrook	0	1	1	0									2
	Springfield	0	0	0	0									0
Hodge Hill	Bordesley Green	0	0	0	1									1
	Hodge Hill	0	0	0	0									0
	Shard End	1	4	0	0									5
	Washwood Heath	1	0	0	1									2
Ladywood	Aston	0	2	0	1									3
	Ladywood	459	436	257	360									1,512
	Nechells	5	3	0	0									8
	Soho	5	1	0	13									19
Northfield	Kings Norton	0	0	3	3									6
	Longbridge	0	1	0	0									1
	Northfield	2	0	0	0									2
	Weoley	2	0	0	0									2
Perry Barr	Handsworth Wood	0	0	1	0									1
	Lozells And East Handsworth	0	2	1	0									3
	Oscott	0	2	0	2									4
	Perry Barr	1	0	1	0									2
Selly Oak	Billesley	1	1	0	0									2
	Bournville	0	0	1	0									1
	Brandwood	0	0	0	0									0
	Selly Oak	0	0	1	2									3
Sutton Coldfield	Sutton Four Oaks	0	0	0	0									0
	Sutton New Hall	0	0	0	0									0
	Sutton Trinity	0	0	0	0									0
	Sutton Vesey	0	0	0	0									0
Yardley	Acocks Green	6	6	0	0									12
	Sheldon	0	1	1	0									2
	South Yardley	1	2	0	0									3
	Stechford And Yardley North	1	0	1	0									2
Total		487	466	271	384	0	0	0	0	0	0	0	0	1,608



**BIRMINGHAM CITY COUNCIL**

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

**13 SEPTEMBER 2017**  
**ALL WARDS**

**ACTION TAKEN BY THE CHAIR OF THE LICENSING  
AND PUBLIC PROTECTION COMMITTEE DURING AUGUST 2017**

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

Contact Officer: Chris Neville, Head of Licensing  
Telephone: 0121 303 6111  
E-mail: [chris.neville@birmingham.gov.uk](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 Action Taken for August 2017

- 4.1 On 1 August 2017 authority was sought to revoke with immediate effect the private hire driver's licence held by driver reference 94867. On 1 August 2017 information was received that driver 94867, also licensed by Walsall MBC, had been involved in an incident whereby allegations of a serious sexual nature had been made against him by a fare-paying passenger. Interrogation of driver 94867's record revealed that matters of a similar nature had previously been reported to the Licensing Sub Committee.
- 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 2 August 2017 notice was delivered to driver 94867's home address advising that his private hire driver's licence was revoked with immediate effect, in accordance with Sections 61(1)(b) and 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976. Driver 94867's private hire driver badge was retrieved.
- 4.3 Information has now been received from Walsall MBC that driver 94867's private hire driver's licence issued by that authority has also been revoked.
- 4.4 On 18 August 2017 authority was sought to revoke with immediate effect the private hire driver's licence held by driver reference 89130. On 18 August 2017 information was received that driver 89130 had been involved in an incident whereby allegations of a serious sexual nature had been made against him by a fare-paying passenger.
- 4.5 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 18 August 2017 notice was delivered to driver 89130's home address advising that his private hire driver's licence was revoked with immediate effect, in accordance with Sections 61(1)(b) and 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976. Driver 89130's private hire driver badge and vehicle identification plates were retrieved.

### 5. Implications for Resources

- 5.1 No specific implications have been identified; however, the driver retains 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 action identified in this report was taken in accordance with the Regulatory Services enforcement policy, which ensures that equality issues have been addressed.

**ACTING DIRECTOR OF REGULATION AND ENFORCEMENT**



**BIRMINGHAM CITY COUNCIL**

**LICENSING AND PUBLIC PROTECTION COMMITTEE**

**13 SEPTEMBER 2017**

**SCHEDULE OF OUTSTANDING MINUTES**

<b>MINUTE NO./DATE</b>	<b>SUBJECT MATTER</b>	<b>COMMENTS</b>
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.	Report due in October 2017
846 12/04/2017	<b><u>Non-attendance of Drivers at Sub-Committees</u></b> – The Acting Service Director of Regulation and Enforcement be requested to report on the options for charging drivers for non attendance.	Report due in October 2017
866 (ii) 21/06/2017	<b><u>'Brexit'</u></b> – That the Acting Director of Regulation and Enforcement report on how 'Brexit' may affect the Committees work, especially around legislation that is currently European legislation and may have no effect after 'Brexit'.	Report due in December 2017
882 (ii) 12/07/2017	<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 due in October 2017

