

BIRMINGHAM CITY COUNCIL

LICENSING AND PUBLIC PROTECTION COMMITTEE

WEDNESDAY, 19 JANUARY 2022 AT 10:30 HOURS
IN BMI MAIN HALL, 9 MARGARET STREET, BIRMINGHAM, B3 3BS

A G E N D A

1 NOTICE OF RECORDING/WEBCAST

The Chair to advise/meeting to note that this meeting will be webcast for live or subsequent broadcast via the Council's meeting You Tube site (www.youtube.com/channel/UCT2kT7ZRPFCXq6_5dnVnYlw) and that members of the press/public may record and take photographs except where there are confidential or exempt items.

2 DECLARATIONS OF INTERESTS

Members are reminded that they must declare all relevant pecuniary and non pecuniary interests arising from any business to be discussed at this meeting. If a disclosable pecuniary interest is declared a Member must not speak or take part in that agenda item. Any declarations will be recorded in the minutes of the meeting.

3 APOLOGIES

To receive any apologies.

3 - 8

4 MINUTES

To confirm and sign the Minutes of the meeting held on 10 November, 2021.

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5 HACKNEY CARRIAGE AND PRIVATE HIRE DELEGATIONS UPDATE

The report of the Interim Assistant Director of Regulation & Enforcement

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6 STATEMENT OF GAMBLING PRINCIPLES POST-CONSULTATION REPORT

The report of the Interim Assistant Director of Regulation & Enforcement

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- 7 **REGULATION & ENFORCEMENT ACTIVITY REPORT – OCTOBER/NOVEMBER/DECEMBER 2021**
- The report of the Interim Assistant Director of Regulation & Enforcement
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- 8 **PROSECUTIONS AND CAUTIONS – SEPTEMBER/OCTOBER/NOVEMBER 2021**
- The report of the Interim Assistant Director of Regulation & Enforcement
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- 9 **CHAIRS AUTHORITY REPORT – NOVEMBER AND DECEMBER 2021**
- The report of the Interim Assistant Director of Regulation & Enforcement
- 10 **DATE AND TIME OF NEXT MEETING**
- To note the date and time of the next meeting.
- 11 **OTHER URGENT BUSINESS**
- To consider any items of business by reason of special circumstances (to be specified) that in the opinion of the Chair are matters of urgency.
- 12 **AUTHORITY TO CHAIR AND OFFICERS**
- Chair to move:-
- 'In an urgent situation between meetings, the Chair jointly with the relevant Chief Officer has authority to act on behalf of the Committee'.

BIRMINGHAM CITY COUNCIL

**LICENSING AND
PUBLIC PROTECTION
COMMITTEE
10 NOVEMBER, 2021**

**MINUTES OF A MEETING OF THE LICENSING
AND PUBLIC PROTECTION COMMITTEE HELD
ON WEDNESDAY, 10 NOVEMBER, 2021 AT
1030 HOURS AT BMI, MAIN HALL, MARGARET
STREET, BIRMINGHAM**

PRESENT: - Councillor Phil Davis in the Chair;

Councillors Alex Aitken, Bob Beauchamp, Nicky Brennan,
Adam Higgs, Diane Donaldson, Nagina Kauser, Mike Leddy,
Simon Morrall, Mike Sharpe and Mike Ward.

.....
NOTICE OF RECORDING/WEBCAST

- 1410 The Chair advised that the meeting would be webcast for live and subsequent broadcast via the Council's internet site (www.civico.net/birmingham) and that members' of the press/public may record and take photographs except where there were confidential or exempt items.

DECLARATIONS OF INTEREST

- 1411 Members were reminded that they must declare all relevant pecuniary and non pecuniary interests relating to any items of business to be discussed at the meeting. If a pecuniary interest was declared a Member must not speak or take part in that agenda item. Any declarations would be recorded in the minutes of the meeting.

APOLOGIES

- 1412 An apology was received from Councillor Mary Locke for non-attendance.

APPOINTMENT OF COMMITTEE MEMBER

- 1413 To note the appointment by the City Council on 2 November, 2021 of Councillor Mike Ward to serve on the Licensing and Public Protection Committee for the remainder of the Municipal year.

MINUTES

- 1414 The public minutes of the meeting held on 8 September, 2021, having been previously circulated were confirmed and signed by the Chair.
-

The business of the meeting and all discussions in relation to individual reports are available for public inspection via the web-stream.

HACKNEY CARRIAGE & PRIVATE HIRE DELEGATIONS UPDATE REPORT

The following Report of the Interim Assistant Director for Regulation and Enforcement was submitted:-

(See document no. 1)

Sajeela Nasser made introductory comments relating to the report, Councillor Adam Higgs queried whether comparative information from other Local Authorities was available. Following a suggestion from the Chairman it was:-

- 1415 **RESOLVED:-**

- I) That the Committee confirms the delegations to February 2022 and requests a report be brought to Licensing and Public Protection Committee providing comparative information from other Local Authorities to enable a decision to be made on extending the delegations to officers
 - II) That the Committee postpones consideration of the continuation of the measures detailed in Paragraph 6 to this report regarding renewal of Hackney carriage and private hire licences to February 2022.
-

STREET TRADING – FEES AND CHARGES REPORT

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

(See document no. 2)

Sajeela Nasser made introductory comments relating to the report during which she indicated that the introduction of the new fee for renewal supported the presumption of renewal and regular inspections. Details of the proposed fees were detailed in Appendix 1. The fees will be reviewed in a year's time. Following a further brief discussion it was

1416 **RESOLVED:-**

- i) That the changes to the Street Trading Service fees and charges as detailed in Appendix 1 be approved to take effect from 1 December, 2021 for all applications for the year 2022/23. .
- ii) That the new renewal application fee detailed in Paragraph 4.6 and Appendix 1 be approved to take effect from 1 December 2021 for all applications for the year 2022/23,

**LICENSING AND PUBLIC PROTECTION FINANCIAL MONITORING 2021/22
– QUARTER 2**

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

(See document no. 3)

David Jones made introductory comments relating to the report giving a summary of the report. In response to a query from Councillor Leddy, it was agreed that a written break down of Covid 19 pressures should be prepared. It was confirmed that there were a number of cases of fraud related to Covid 19. A number of people had been charged and investigations were ongoing. There will be a report back to the Committee in due course. In response to the Chairman taxi drivers were returning to the trade however there were other factors eg the age of drivers affecting their decision to return.

1417 **RESOLVED:-**

That the Licensing and Public Protection Committee

- i) Note the latest Revenue budget position at the end of September 2021 (Quarter 2) including Forecast Outturn £0.323m and COVID-19 response implications as detailed in Appendix 1.
- ii) Note the analysis of ring-fenced Licensing expenditure and income set out in Appendix 2
- iii) Note the analysis of ring-fenced grant funded services as set out in Appendix 3
- iv) Note the position on reserves and balances, as detailed in Appendix 4.

BEGGING AT TRAFFIC LIGHTS (COMMUNITY SAFETY)

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

(See document no. 4)

Pamela Powis, Senior Service Manager, Community Safety gave a summary of the report. During the discussion that ensued Councillor Mike Sharpe commented about people begging at Bristol Road and knocking on windows of vehicles. He felt that Modern Day Slavery was a factor. Councillor Simon Morrall stated that the issue should be looked into. Councillor Mike Leddy spoke about begging at One Stop, Perry Barr and at Snow Hill, City Centre. Action needed to be taken corporately and he hoped that something would be in place before the Commonwealth Games. He also suggested that the Cabinet Member and Senior Officers attend a Committee meeting.

Pamela Powis undertook to take the issues back to the partners on the task group. Modern Slavery was monitored with partners who took appropriate action. She undertook to take the comments made back to West Midlands Police. The Chairman undertook to raise the issue with the Cabinet Member. Following some further discussion it was

1418 **RESOLVED:-**

That the report be noted.

UNAUTHORISED ENCAMPMENTS UPDATE REPORT – NOVEMBER 2021

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

(See document no. 5)

Mark Croxford and Guy Chaundy made introductory comments relating to the report. Councillors spoke about the transit sites in their individual Wards. It was reported that the site on Proctor Street had been cleared. The officers undertook to ensure that the repairs had been completed and to make enquiries about the site at Aston Brook Street.

Councillor Mike Leddy placed on record his thanks to Mark Croxford and enforcement officers for their work on this difficult task and building up a good relationships with both the Community and Councillors. Councillor Adam Higgs informed that he had written to the Cabinet Member and Darren Share regarding a review of all parks to see where defences could be improved.

1419 **RESOLVED:-**

That the report be noted.

REGULATION & ENFORCEMENT ACTIVITY REPORT – JULY/AUGUST/SEPTEMBER 2021 (QUARTER 2)

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

(See document no. 6)

Paul Lankester, Interim Assistant Director, Regulation and Enforcement and Mark Croxford made introductory comments relating to the report. There was a demand on the Food Enforcement Service however it was early days. An update on the recovery programme will be provided. The Committee noted the highly commendable behaviour of staff in an emergency with a member of staff.

1420 **RESOLVED:-**

That the report be noted.

PROSECUTIONS AND CAUTIONS – JULY/AUGUST 2021

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

(See document no. 7)

Paul Lankester, Interim Assistant Director, Regulation and made introductory comments relating to the report noting the pressure on the legal team and colleagues owing to delays.

1421 **RESOLVED:-**

That the report be noted.

CHAIRS AUTHORITY REPORT – OCTOBER 2021

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

(See document no. 8)

1422 **RESOLVED:-**

That the report be noted.

DATE AND TIME OF NEXT MEETING

1423 The date of the next formal meeting to be held on 19 January, 2022 at 1030 hours was noted.

OTHER URGENT BUSINESS

1424 There was no other urgent business.

AUTHORITY TO CHAIR AND OFFICERS

1425 **RESOLVED:-**

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

EXCLUSION OF THE PUBLIC

1426 **RESOLVED:-**

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

Agenda Item etc.

Relevant Paragraph of Exempt
Information Under Revised
Schedule 12A of the Local
Government Act 1972

3

1427 The private minutes of the meeting held on 8 September, 2021, having been previously circulated were confirmed and signed by the Chair.

The meeting ended at 1144 hours.

.....
CHAIRMAN

BIRMINGHAM CITY COUNCIL

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

**19 JANUARY 2022
ALL WARDS**

HACKNEY CARRIAGE AND PRIVATE HIRE DELEGATIONS UPDATE

1. Summary

- 1.1 In November 2021 a report was brought to your Committee concerning certain measures implemented in direct response to the COVID-19 pandemic.
- 1.2 These measures included a request to continue with the concessions regarding late renewal of licences, and also sought the continuance of the delegation to senior officers, matters usually reserved to licensing sub-committees.
- 1.3 A further report (this report) was requested to be brought to a later Committee including additional information.

2. Recommendations

- 2.1 That the Committee considers the hackney carriage and private hire delegations and determines to either:
 - a) Confirm the delegation as standard, subject to annual reporting with all other delegations. Or
 - b) Cease the delegation and return the matters to the sub-committee meetings held 'in-person' from April 2022.

and

- 2.2 That the Committee agree the cessation of the measures detailed in Paragraph 6 to this report regarding renewal of hackney carriage and private hire licences.

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

3. Background

- 3.1 In April 2021 a report was brought to your Committee concerning certain measures implemented in direct response to the COVID-19 pandemic.
- 3.2 These measures included a request to continue with the concessions regarding late renewal of licences, and also sought the continuance of the delegation to senior officers, matters usually reserved to licensing sub-committees.
- 3.3 Approval was given for both matters, with a request that a further report (this report) be brought back to a later Committee.

4. Licensing and Public Protection Committee

- 4.1 The licensing function of the City Council is disposed of through the processes and procedures of the Licensing and Public Protection Committee, sub-committees and officers by virtue of the Local Government Acts and other relevant statutory provisions.
- 4.2 The Court of Appeal stated in the “Hope and Glory” case (2011) that the licensing function of the licensing authority is an administrative function, by contrast with the function of the magistrates, which is a judicial function. The Court of Appeal said this:

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

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

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

5. Delegated matters

- 5.1 In order to allow matters to be dealt with expediently and in a covid-secure manner, matters which would ordinarily have been referred to a sub-committee were delegated to an officer ‘panel’ process. The process has been in operation for over 18 months now and has been found to be an effective method to deal with matters for consideration. Reports are still produced, and questions

are put to applicants/ subjects who have an opportunity to respond. Legal advice is still sought and provided.

- 5.2 The process being used for these matters has been challenged by way of appeal against decisions to the Magistrates' Court without success. Magistrates have found, on multiple occasions, that the appellant had been given appropriate opportunity to respond to the matters under consideration. There has been no significant increase in the number of appeals against decisions compared to those determined by sub-committees.
- 5.3 This delegated process has proved to be an effective way of dealing with these matters – and has eliminated the inefficiencies suffered by the previous arrangements. In the past, the sub committees were beset with issues of timing – with matters either overrunning, or time lost due to non-attendance.
- 5.4 It is proposed these delegations should continue.
It is a matter for Members to decide if you wish this delegation to remain temporary, with a further review report brought to your Committee in future, or if they wish the delegation to become standard, to be reviewed annually as part of the yearly policies Procedures and Delegations report.
- 5.5 Unlike sub committees convened to address Licensing Act 2003 or Gambling Act 2005 matters, those convened to hear 'driver' cases would be required to be held in person not remotely. If members are minded to cease the delegation of sub-committee matters, a 3 month lead in time would be required, in order to make the necessary adjustments, and arrangements.
- 5.6 In November 2021 Members requested officers seek information concerning the delegated arrangements in neighbouring authorities. Few responses were received. A schedule of these is attached at Appendix A.
- 5.7 It is difficult to compare meaningfully with other licensing authorities, particularly those close by, as there are many variables affecting each area differently, such as size, structure (i.e. District, Metropolitan or Unitary), and population/demographics..
- 5.8 Some authorities continued to hold sub committee hearings via TEAMS, or similar – dealing with single cases in each session. It is worth noting that, according to the Department for Transport annual data set¹, of those who responded, Birmingham is the 'busiest' authority by far – in terms of volume of licences, with three times more licences than the next. This information has been included in the table of results in Appendix A for context.

¹ [Taxis, private hire vehicles and their drivers \(TAXI\) - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

6. Licence renewals.

6.1 The following measures had also been agreed, and were proposed to continue until April 2022:

6.1.1 *Where a driver or vehicle licence due for renewal during this period of imposed restrictions ('lockdown') expires, the licence holder will, once the lockdown has ended, be permitted to apply for a 'late renewal'. Once the lockdown is over, and trade begins to recover, licence holders will then be able to submit an application to, to all intents and purposes, resurrect their previous licence without undertaking additional tests. They WILL still be required to fulfil any suitability requirements as to MOT's, medicals and DBS checks where appropriate. such a transaction would be carried out at the standard renewal fee and will not be required to be put before a committee for determination.*

6.1.2 *Where a hackney carriage vehicle licence expires as a result of the circumstances detailed above, the licence holder will be permitted to 'renew' the licence unimpeded by the moratorium. There will be no effective increase in the number of vehicles in operation, and so the moratorium should not be applied in these circumstances.*

6.2 Having considered the length of time which has elapsed since the easing of the national lockdown, and the frequency of any associated requests falling significantly, it is proposed these arrangements can now lapse.

7. Consultation

7.1 Officers of the neighbouring West Midlands Authorities were contacted to ascertain their delegated powers.

7.2 Any new policies or significant amendments to existing policies are subject to a consultation process where appropriate.

8. Implications for Resources

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

8.2 The measures introduced in response to the Covid-19 pandemic have resulted in different ways of working, particularly in terms of sub-committees. This has led to more flexibility, greater efficiencies, and reductions in officer travelling time and meeting room requirements.

8.3 Reverting to committee-led decisions will require members to attend in-person meetings, with the associated administrative and logistical implications, such as room availability and appropriate Covid risk assessments.

- 8.4 In the past year, over 140 matters usually referred to a sub committee have been considered by the officer panel. Members will undoubtedly be aware of the significant issues experienced in securing Member availability for the 85 licensing sub committees which were heard via Teams. Returning the decisions to a face to face (as required by law) sub committee could effectively double the number of sub committees required to be scheduled. With the Council House renovations and the need to maintain social distancing and covid safety measures, there will be other significant logistical implications.
- 8.4 The changes to the Hackney Carriage and private hire sub-committees have resulted in greater efficiency as the previous arrangements had been beset with delays and scheduling difficulties predominantly caused by non-attendance of applicants. They have also ensured the safety of the officers, members and attendees of the hearings by enabling the process to be carried out remotely.
9. Implications for Policy Priorities
- 9.1 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.
10. Public Sector Equality Duty
- 10.1 This report seeks to update members on an existing arrangement. It does not seek to introduce any changes which would impact upon the protected characteristics.

INTERIM ASSISTANT DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers:

Birmingham City Council Constitution

Department For Transport Statistical data set: Taxis, private hire vehicles and their drivers (TAXI) [Taxis, private hire vehicles and their drivers \(TAXI\) - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/datasets/taxis-private-hire-vehicles-and-their-drivers-taxi)

APPENDIX A

Local Authority	Policy Matters	Conviction matters	Requests to deviate from standard conditions	Complaint matters	Failed inspections	Immediate suspension/revocation	comments	Total driver licences issued (DfT statistics Mar21)
Birmingham								6382
Dudley	Committee	Committee	Committee	Committee	Senior Officer	Senior Officer	Held LSC's via TEAMS. Now in person	1529
Warwick DC	Committee	Committee	Committee	Senior Officer				389
Telford & Wrekin	Committee	Senior Officer	Committee			Senior Officer		280
Solihull	Committee						Some matters delegated to senior officers/Director	2086
Shropshire	Committee	Senior Officer	Senior Officer	Senior Officer	Senior Officer	Senior Officer		1059
Sandwell	Committee					Senior Officer	Held LSC's via TEAMS. Now in person	1347
Coventry	Committee						Held LSC's via TEAMS. Now in person	1169

BIRMINGHAM CITY COUNCIL

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

19 JANUARY 2022
ALL WARDS

STATEMENT OF GAMBLING PRINCIPLES POST-CONSULTATION REPORT

1. Summary

- 1.1 The City Council as the Licensing Authority is required to determine and publish its Statement of Gambling Principles at least every three years, and keep it under review and make such revisions to it at such times, as it considers appropriate.
- 1.2 This is a requirement of the Gambling Act 2005 ('The Act').
- 1.3 The purpose of this report is both to inform the Licensing and Public Protection Committee of the outcome of the public consultation and to seek approval for the revised policy document at Appendix 2.
- 1.4 In order to take effect in March 2022 the amended policy and scheme of delegation must be approved by City Council at its meeting on 1st February 2022.

2. Recommendation

- 2.1 That the Committee endorses the Post Consultation Draft Statement of Gambling Principles and recommends the draft document at Appendix 2 to full City Council.

Contact Officer: Shawn Woodcock, Licensing Operations Manager
Telephone: 0121 303 9922
E-mail: shawn.woodcock@birmingham.gov.uk

3. Background

- 3.1 The Gambling Act 2005 requires the City Council as the Licensing Authority to determine and publish its Statement of Gambling Principles at least every three years, to keep it under review and make such revisions to it, as it considers appropriate. The current Statement of Gambling Principles has been in effect since February 2019 and must, therefore, be reviewed, determined and published before January 2022.
- 3.2 Officers are working on a local area profile for the City however; it would not have been possible to complete this work in time to meet the Committee process deadlines. The Local Area Profile will be produced as detailed in Part C 1(xi) of the Statement of Principles.
- 3.3 A draft Policy was circulated to stakeholders, including (but not limited to) the list of statutory Consultees, being:
- The Chief Officer of Police.
 - One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area.
 - One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005.
- 3.4 The public consultation was for four weeks, from 19th November - 17th December with two submissions received. These submissions are attached at Appendix 1.
- 3.5 As there were very few and only minor amendments to the current Policy it was suggested, by the Gambling Commission, that a shorter than normal consultation period would be sufficient.

4. Matters for Consideration

- 4.1 Amendments to the Policy have been proposed, in particular introducing the need for local risk assessments to be completed; a local area profile for the City to be produced and the introduction of the Betwatch scheme as well as updating contact details for Responsible Authorities. Alterations to the document are highlighted within the text.
- 4.2 **Local Risk Assessment** - Since 6 April 2016, it has been a requirement of the Gambling Commission's Licence Conditions and Codes of Practice (LCCP), under Section 10, for licensees to assess the local risks to the licensing objectives posed by the provision of gambling facilities at their premises and have policies, procedures and control measures to mitigate those risks.
- 4.3 The local risk assessment should show how vulnerable people, including people with gambling dependencies, are protected.

- 4.4 **Local Area Profile** - Each locality has its own character and challenges. In order to assist applicants, where there is an issue in a local area which impacts on how the applicant should complete their risk assessment, the Council will publish a local area profile in due course. This is expected to be in the first quarter of 2022.
- 4.5 It must also be noted that we cannot control the number of gambling premises in an area simply because we believe there are too many but should rather refer to the licensing objectives. The Local Risk Assessment combined with the Local Area Profile will assist this.
5. Consultation
- 5.1 Consultation was carried out by a variety of means, including through direct mail, the Birmingham City Council website, Be Heard, and email.
- 5.2 In total two responses were received, one via direct email and one via the BeHeard consultation hub.
- 5.3 Detailed responses to the consultation and the action we have taken as a result of that consultation are attached at appendix 1.
6. Implications for Resources
- 6.1 The cost of devising and maintaining a Statement of Gambling Principles is included within the existing Licence fee structure.
7. Implications for Policy Priorities
- 7.1 The 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+.
8. Public Sector Equality Duty
- 8.1 The Government carried out an equality impact assessment of the legislation which found that no unintended or disproportionate impact is likely. It is not anticipated any amendments to be made as a result of this review would require an Equality Impact Assessment.
- 8.2 Section 349 of the Gambling Act 2005 requires the Licensing Authority to publish a Statement of Gambling Principles. The Act also specifies those who must be consulted on the Policy and subsequent Policy reviews. These are listed at 3.3 above.

INTERIM ASSISTANT DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: Nil

APPENDIX 1 – Consultation responses and what we have done

Respondent	Response	Our response
HM Revenue and Customs	<p>As one of the responsible authorities quoted in your appendices can I ask you to amend our postal contact address to:-</p> <p>HM Revenue and Customs Excise Processing Teams BX9 1GL United Kingdom</p> <p>Our contact telephone number is now 0300 322 7072 Option 7.</p> <p>Our email address remain the same, NRUBetting&Gaming@hmrc.gsi.gov.uk</p>	The contact address has been amended
Clockfair Ltd T/A Broadway Casino	I think there should be more direct engagement with Casino operators so the people reviewing the statement of principles understands the concerns that should be considered especially around black market activities.	Officers have reached out to the respondent in order to establish how better to engage with Casino Operators.

BIRMINGHAM CITY COUNCIL

STATEMENT OF PRINCIPLES

GAMBLING ACT 2005



This Statement of Licensing Principles was approved by Birmingham City Council on XXXXX and is to be Effective from YYYYY.

BIRMINGHAM CITY COUNCIL STATEMENT OF PRINCIPLES Gambling Act 2005

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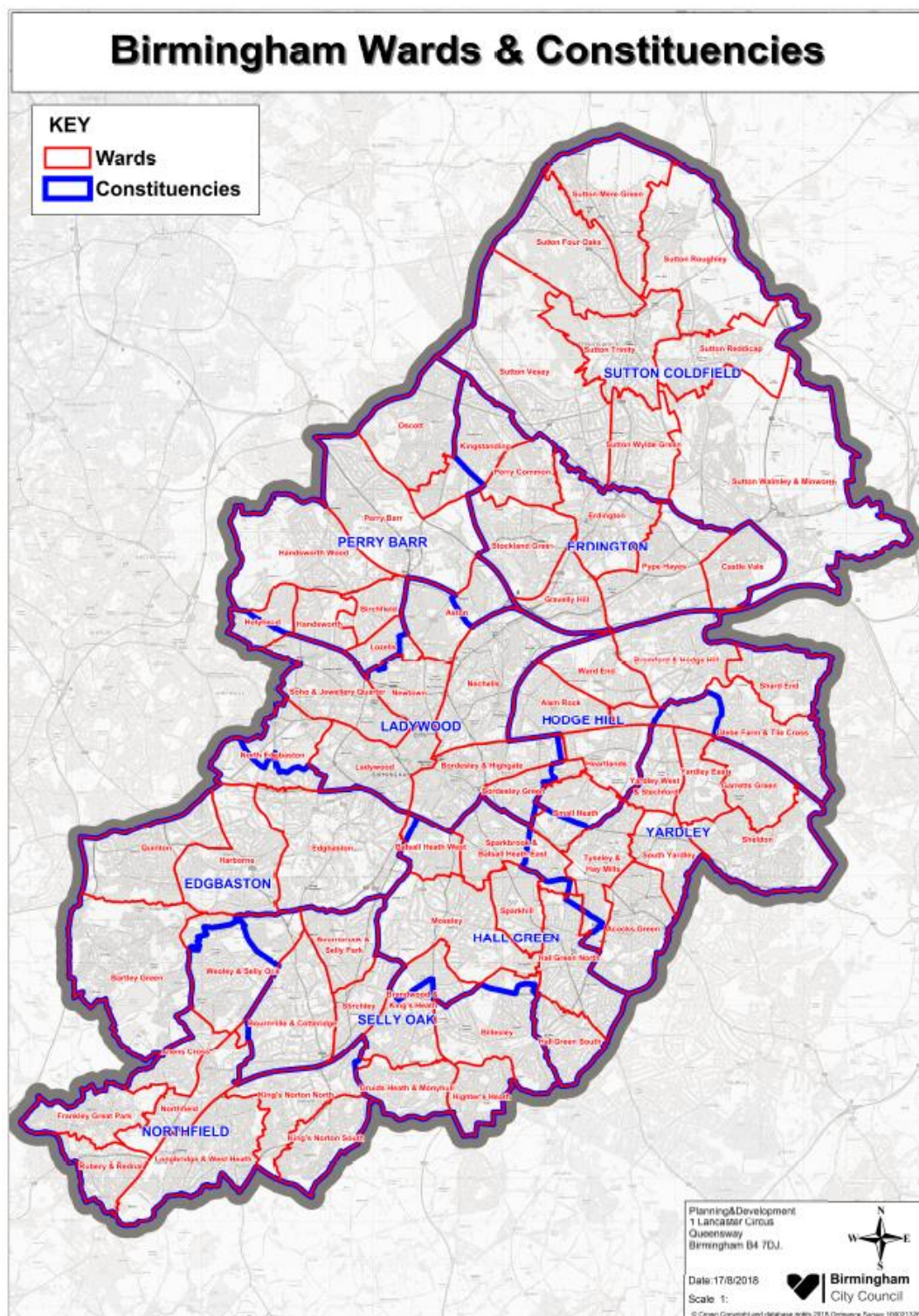
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*This Statement of Licensing Principles was approved by **Birmingham City Council** on XXXXX and is to be Effective **from** YYYYYY.*

PART A

1. Introduction

Birmingham is the largest city in the United Kingdom after London, with a multi-cultural population of 1,073, 045 (2011 Census). The area covered by the Council is shown in the map below.



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

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

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

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

List of persons this authority consulted:

Gambling Commission.
West Midlands Police.
Child Protection, Performance and Partnership, Birmingham Children’s Trust
HM Revenue and Customs.
Premises Licence Holders.
Bodies representing holders of Premises Licences and Permits.
Trade Associations.
Licensing Solicitors.
Birmingham Safe Bet Alliance
Elected Members.
Gam Care.
Responsible Authorities.
Public notification on City Council Website.
Director of Public Health

Our consultation took place between **Dates to be added**

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

The policy was approved at a meeting of the Full City Council on XXXXX and was published via our website on. Copies will be placed in the public library of the City. This Policy is effective from YYYY.

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

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

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

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

2. Declaration

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

3. Responsible Authorities

Any responsible authority may make representations.

'Responsible Authority' is defined as:

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

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

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

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

4. Interested parties

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

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

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

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

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

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

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

In implementing this Policy the Licensing Authority will have regard to the provisions

of the Human Rights Act 1998.

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

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

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

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

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

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

5. Exchange of Information

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

The principle that this licensing authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 2018 will not be contravened. The licensing authority will also have regard to any Guidance issued by the

Gambling Commission on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

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

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

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

6. Enforcement

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

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

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

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

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

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

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

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

The Licensing Authority already has developed working protocols such as:

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

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

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

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

7. Licensing Authority Functions

Licensing authorities are required under the Act to:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing *Premises Licences*
- Issue *Provisional Statements*
- Regulate *members' clubs* and *miners' welfare institutes* who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- Issue *Club Machine Permits* to *Commercial Clubs*
- Grant permits for the use of certain lower stake gaming machines at *unlicensed Family Entertainment Centres*
- Receive notifications from alcohol licensed premises (under the Licensing Act

- 2003) for the use of two or fewer gaming machines
- Issue *Licensed Premises Gaming Machine Permits* for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines
- Register *small society lotteries* below prescribed thresholds
- Issue *Prize Gaming Permits*
- Receive and Endorse *Temporary Use Notices*
- Receive *Occasional Use Notices*
- Provide information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange')
- Maintain registers of the permits and licences that are issued under these functions

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

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

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

8. Equality

The Council recognises the right to freedom of speech and would not intervene in this matter, when discharging its licensing functions, unless to do so would be appropriate to promote one or all of the licensing objectives. Holders of premises licences should be aware of the potential for some organisations to have an influence on or advocate illegal activity that would be in direct contradiction of the spirit of the licensing objectives.

The Council may, following representations from responsible authorities or other persons and based on evidence, seek to prohibit certain types of meetings or gatherings at licensed premises by attaching conditions in order to promote the licensing objectives, in particular the prevention of crime and disorder and the promotion of public safety.

The Equality Act 2010

The council is committed to: seeking to eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010; advancing equality of opportunity between people who share a protected characteristic and those who do not; and, fostering good relations between people who share a protected characteristic and those who do not.

It is recommended that licensees and applicants make themselves familiar with the requirements of this Act for the access and provision of services for persons within the protected groups identified by the legislation. The Act makes it unlawful to

discriminate against anyone because of:

- Age
- Being or becoming a transsexual person
- Being married or in a civil partnership
- Being pregnant or on maternity leave
- Disability
- Race including colour, nationality, ethnic or national origin
- Religion, belief or lack of religion/belief
- Sex
- Sexual orientation.

In order to promote equality, and to fulfil its statutory duties under the Equality Act 2010, the council asks that applicants aim to achieve inclusive access to their venues and events. For example, discrimination will be experienced if access to the venue is denied due to lack of a ramp or if the venue does not provide means for someone to book a ticket who cannot speak. Further guidance is available at <https://www.gov.uk/guidance/equality-act-2010-guidance>

Public Sector Equality Duty

As stated above, The Equality Act 2010 also requires the Licensing Authority to have due regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act.
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Birmingham City Council is committed to fulfilling this obligation thoroughly. Each application will be considered with this in mind.

Some examples of good practice in this regard are as follows:

- An unambiguous, transparent admittance policy. Setting out rules concerning dress policy etc is perfectly acceptable, but policies must not set entry requirements based on race, attractiveness etc.
- Training for all staff on equalities and inclusivity, including recognising their own unconscious bias
- A clear complaints procedure which explains how a person can make a complaint, and how the management will act upon it.

The Council cannot enforce the Act but those who experience discrimination may take legal action following a complaints procedure. Where complaints are received by the council, we advise the complainant of their rights under the Equality Act.

PART B

PROMOTION OF THE LICENSING OBJECTIVES UNDER THE GAMBLING ACT 2005

The Licensing Objectives

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

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

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

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

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

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

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

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

Ensuring that gambling is conducted in a fair and open way

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

Protecting children and other vulnerable persons from being harmed or exploited by gambling

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

This licensing authority is also aware of the Gambling Commission Codes of Practice as regards this licensing objective, in relation to specific premises.

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

PART C

PREMISES LICENCES: CONSIDERATION OF APPLICATIONS

1. General Principles

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

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

(i) Decision-making:

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

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

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

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

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

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

Applicants should also be aware that the Gambling Commission has issued Codes of Practice for each interest area for which they must have regard. The Council will also have regard to these Codes of Practice.

(ii) Definition of “premises”:

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

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

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

- The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore, premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating.
- Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not “drift” into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.
- Customers should be able to participate in the activity named on the premises licence.

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

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

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

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

Casinos

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

Adult Gaming Centre

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

Betting Shops

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

Tracks

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

Bingo Premises

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

Family Entertainment Centre

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

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

(iii) Premises “ready for gambling”:

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

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

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

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

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

(iv) Location:

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

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

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

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

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

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

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

(v) Planning:

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

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

(vi) Duplication with other regulatory regimes:

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

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

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

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

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

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

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

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

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

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

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

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

premises licences which are:

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

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

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

(ix) Betwatch - There are a number of established Bet-Watch schemes across the City and the licensing Authority expects operators to attend and support their local scheme **where one has been created to share information and discuss issues around individuals committing criminal / antisocial behaviour within and around gambling premises.**

(x) Local Risk Assessment - Since 6 April 2016, it has been a requirement of the Gambling Commission's Licence Conditions and Codes of Practice (LCCP), under Section 10, for licensees to assess the local risks to the licensing objectives posed by the provision of gambling facilities at their premises and have policies, procedures and control measures to mitigate those risks. In making risk assessments, licensees must take into account relevant matters identified in this policy.

The LCCP goes on to say licensees must review (and update as necessary) their local risk assessments:

- to take account of significant changes in local circumstance, including those identified in this policy;
- when there are significant changes at a licensee's premises that may affect their mitigation of local risks;
- when applying for a variation of a premises licence; and
- in any case, undertake a local risk assessment when applying for a new premises licence.

The Council will expect the local risk assessment to consider as a minimum:

- whether the premises is in an area of deprivation;

- whether the premises is in an area subject to high levels of crime and/or disorder;
- the demographics of the area in relation to vulnerable groups;
- the location of services for children such as schools, playgrounds, toy shops, leisure centres and other areas where children will gather;
- significant presence of young children, both residents and visitors;
- high unemployment area;
- nearby homeless hostels;
- nearby gambling, alcohol, drug or mental health support facility;
- the area has a high number of rough sleepers/homeless people;
- the area has a specific ethnic population;
- pawn broker/pay day loan businesses in the vicinity;
- other gambling premises in the vicinity.

Information around these groups will be available in the Local Area Profile (LAP)

In any case, the local risk assessment should show how vulnerable people, including people with gambling dependencies, are protected.

Other matters that the assessment may include:

- The training of staff in brief intervention when customers show signs of excessive gambling, the ability of staff to offer brief intervention and how the manning of premises affects this.
- Details as to the location and coverage of working CCTV cameras, and how the system will be monitored.
- The layout of the premises so that staff have an unobstructed view of persons using the premises.
- The number of staff that will be available on the premises at any one time. If at any time that number is one, confirm the supervisory and monitoring arrangements when that person is absent from the licensed area or distracted from supervising the premises and observing those persons using the premises.
- Arrangements for monitoring and dealing with under age persons and vulnerable persons, which may include dedicated and trained personnel, leaflets, posters, self-exclusion schemes, window displays and advertisements not to entice passers-by, etc.
- The provision of signage and documents relating to games rules, gambling care providers and other relevant information be provided in both English and the other prominent first language for that locality.
- Where the application is for a betting premises licence, other than in respect of a track, the location and extent of any part of the premises which will be used to provide facilities for gambling in reliance on the licence.

Such information may be used to inform the decision the Council makes about whether to grant the licence, to grant the licence with special conditions or to refuse the application.

This policy does not preclude any application being made and each application will

be decided on its merits, with the onus being upon the applicant to show how the concerns can be overcome.

Local Risk Assessments must be kept on the individual premises and made available for inspection when requested by an authorised officer.

(xi) Local Area Profile - Each locality has its own character and challenges. In order to assist applicants, where there is an issue in a local area which impacts on how the applicant should complete their risk assessment, the Council will publish a local area profile.

Once available the local area profile should be given careful consideration when making an application. Applicants may be asked to attend a meeting with licensing officers to discuss the profiles, appropriate measures to mitigate risk in the area and how they might be relevant to their application. The local area profile will be presented to any subsequent licensing sub-committee when they determine an application that has received representations.

The Council recognises that it cannot insist on applicants using the local area profile when completing their risk assessments. However, an applicant who decides to disregard the profile may face additional representations and the expense of a hearing as a result.

2. Adult Gaming Centres

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

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

- proof of age scheme;
- CCTV;
- supervision of entrances/machine areas;
- location of entrance;
- physical security measures on the premises;
- physical separation of areas;
- self-exclusion schemes;
- notices and signage displayed externally stating access to the premises is restricted to persons 18 years of age and over;
- notices displayed internally stating use of gaming machines is restricted to persons 18 years of age and over;
- notice specifying opening hours;
- members of staff appropriately trained;
- reporting of any suspicious activity on the premises;

- display of posters and information leaflets for organisations set up to assist people wishing to seek help and advice regarding gambling related issues such as GamCare.

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

3. (Licensed) Family Entertainment Centres:

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

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

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

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

4. Casinos

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

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

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

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

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

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

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

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

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

number/nature/circumstances of betting machines an operator wants to offer.

5. Bingo premises

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

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

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

- proof of age scheme;
- CCTV;
- physical security measures on the premises;
- supervision of entrances/machines;
- physical separation of gambling areas where category C or above gaming machines are made available for use;
- supervision of age restricted areas of the premises;
- self-exclusion schemes;
- clear notices and signage externally and internally regarding age restrictions and restricted areas;
- members of staff appropriately trained;
- a notice specifying opening hours;
- reporting of any suspicious activity on the premises;
- policy and procedures regarding the employment of young persons (aged 16 and 17 where applicable);
- display of posters and information leaflets for organisations set up to assist people wishing to seek help and advice regarding gambling related issues such as GamCare.

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

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

Where category C or above machines are made available in premises to which

children and young persons are admitted the premises licence holder must ensure that:

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

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

6. Betting premises

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

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

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

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

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

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

- proof of age scheme;
- CCTV;
- physical security measures on the premises;
- supervision of entrances/machines;
- self-exclusion schemes;

- clear notices and signage externally regarding age restriction;
- notice specifying opening hours;
- members of staff appropriately trained;
- reporting of any suspicious activity on the premises;
- display of posters and information leaflets for organisations set up to assist people wishing to seek help and advice regarding gambling related issues such as GamCare.

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

7. Tracks

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

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

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

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

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

- proof of age scheme;
- CCTV;
- supervision of entrances/machines;
- physical security measures on the premises;
- physical separation of areas for category C and above gaming machines;
- self-exclusion schemes;
- clear notices and signage around the premises regarding age restricted areas;
- notice specifying opening hours;
- members of staff appropriately trained;
- reporting of any suspicious activity on the premises;

- display of posters and information leaflets for organisations set up to assist people wishing to seek help and advice regarding gambling related issues such as GamCare.

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

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

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

Applications and plans

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

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

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

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

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

8. Vessels and Vehicles

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

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

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

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

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

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

9. Travelling Fairs

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

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

It is noted that the 27-day statutory maximum for the land being used as a fair applies on a per calendar year basis, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs

occupying the land. This licensing authority will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

10. Provisional Statements

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

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

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

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

In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission (except in the case of a track) and they do not have to have a right to occupy the premises in respect of which their provisional application is made.

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

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

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

- which could not have been raised by objectors at the provisional statement stage;
- which in the authority's opinion reflect a change in the operator's circumstances; or
- where the premises has not been constructed in accordance with the plan

submitted with the application. This must be a substantial change to the plan and this licensing authority notes that it can discuss any concerns it has with the applicant before making a decision.

11. Reviews:

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

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

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

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

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

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

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

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

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

- (a) add, remove or amend a licence condition imposed by the licensing authority;
- (b) exclude a default condition imposed by the Secretary of State (e.g. opening

- hours) or remove or amend such an exclusion;
- (c) suspend the premises licence for a period not exceeding three months; and
- (d) revoke the premises licence.

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

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

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

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

PART D

PERMITS / TEMPORARY & OCCASIONAL USE NOTICE

1. Permits

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

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

The Licensing Authority when considering an application for a permit will consult closely with the Chief of Police and Child Protection, Performance And Partnership, Birmingham Children's Trust.

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

Where a premises does not hold a premises licence but wishes to provide gaming machines, it may apply to the licensing authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use; it should also be noted that only Category D gaming machines are allowed in UFEC's.

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

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

Licensing authorities might wish to consider asking applicants to demonstrate:

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
- that the applicant has no relevant convictions (those that are set out in

- Schedule 7 of the Act); and
- that staff are trained to have a full understanding of the maximum stakes and prizes.

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

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

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

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

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

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

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

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

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

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

Permit: For 3 or more machines

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

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

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

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

licensed premises under this Act.

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

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

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

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

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

4. Prize Gaming Permits

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

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

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

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

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

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

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

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

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

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

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

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

5. Club Gaming and Club Machines Permits

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

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

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

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

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

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

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

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

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

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

6. Temporary Use Notices

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

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

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

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

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

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

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

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

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

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

(See appendix 2 for relevant addresses.)

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

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

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

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

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

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

7. Occasional Use Notices

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

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

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

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

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

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

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

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

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

8. Registration of Small Society Lotteries

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

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

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

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

Further guidance about the processes and procedures under the Gambling Act 2005 can be obtained from the Licensing Service
e-mail: licensing@birmingham.gov.uk
website: www.birmingham.gov.uk/licensing

APPENDIX 1

DELEGATION OF FUNCTIONS REGARDING THE GAMBLING ACT 2005

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

Decision to attach/exclude a premises licence condition			X	
To administer and carry out all other functions not specifically mentioned in the delegation to the Licensing & Public Protection Committee, which are capable of being delegated to an officer as provided in the Gambling Act 2005 and any regulations made under that Act, together with any related functions				X

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

Birmingham City Council General Licensing Regulation & Enforcement P.O. Box 17831 BIRMINGHAM B2 2HJ licensing@birmingham.gov.uk	Gambling Commission Victoria Square House Victoria Square BIRMINGHAM B2 4BP Tel: 0121 230 6500 licensing@gamblingcommission.gov.uk
Birmingham City Council Environmental Health Pollution Team P.O. Box 16977 BIRMINGHAM B2 2AE pollution.team@birmingham.gov.uk	HM Revenue and Customs Excise Processing Teams BX9 1GL United Kingdom Tel: 0300 322 7072 option 7 nrubetting&gaming@hmrc.gsi.gov.uk
Birmingham Licensing Department West Midlands Police Lloyd House 2 Colmore Circus Queensway BIRMINGHAM B4 6AT bw_licensing@west-midlands.pnn.police.uk	West Midlands Fire Service Headquarters 99 Vauxhall Road BIRMINGHAM B7 4HW firesafety.admin@wmfs.net
Birmingham City Council Planning Control Division P.O. Box 28 1 Lancaster Circus Queensway BIRMINGHAM B1 1TU PlanningandRegenerationEnquiries@birmingham.gov.uk	Safeguarding Children & Licensing Birmingham Children's Trust 1 Lancaster Circus Ground Floor, Zone 02 PO Box 16895 BIRMINGHAM B2 2LD licensing@birminghamchildrenstrust.co.uk
In respect of a vessel	
Environment Agency Midlands Regional Office 550 Streetsbrook Road SOLIHULL B91 1QU Tel: 0870 850 6506	Canal & River Trust Peel's Wharf Lichfield Street Fazeley TAMWORTH B78 3QZ Tel: 01827 252000

BIRMINGHAM CITY COUNCIL

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

19 JANUARY 2022
ALL WARDS

**REGULATION & ENFORCEMENT ACTIVITY REPORT
OCTOBER/NOVEMBER/DECEMBER (QUARTER 3) 2021**

1. Summary
 - 1.1 Birmingham City Council's Regulation and Enforcement Division covers a range of statutory functions including enforcement activities.
 - 1.2 The purpose of this report is to provide the Committee with information as to the scale and type of activities that have been ongoing in the current financial year. This period covers the months of October, November and December 2021.
2. Recommendation
 - 2.1 That the content of the report be noted.

Contact Officer: Paul Lankester, Interim Assistant Director Regulation & Enforcement
Telephone: 0121 675 2495
E-mail: paul.lankester@birmingham.gov.uk

3.0 Background

- 3.1 The range of functions exercised by officers on behalf of the City Council are varied and occur across all parts of the city. The overview of activities in October, November and December 2021 is set out in the Appendix to this report.

4. Consultation

- 4.1 No public consultation has taken place, as this is an information report.

5. Implications for Resources

- 5.1 None

6. Implications for Policy Priorities

- 6.1 None

7. Public Sector Equality Duty

- 7.1 No further equality issues have been identified, as all enforcement activities are carried in accordance with the adopted enforcement policy, which was the subject of an equalities impact assessment.

INTERIM ASSISTANT DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: Nil

REGULATION & ENFORCEMENT ACTIVITY REPORT **OCTOBER, NOVEMBER & DECEMBER 2021**

Introduction

The way the Council enforces its regulatory activities under the terms of the relevant legislation has altered significantly since the Covid 19 pandemic. Changes have been made to comply with national guidance and the introduction of new legislation. This report provides a snapshot of enforcement activity for the services in Regulation and Enforcement since 1 October to 31 December 2021. While services are seeking to enter the recovery phase, many services are reliant on changes to Government legislation and guidance.

Detailed Action

The table below sets out the activities undertaken in Quarter 3 (October, November and December 2021)

Environmental Health and Trading Standards

Activity	Env. Health				Trading Standards			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Prosecution agreed*	22	199	400		1	1	6	
Simple Cautions	0	5	1		0	1	1	
Statutory Notices served	77	111	62		1	0	0	
Coronavirus Enforcement	9	0	0		0	0	0	
Requests for Assistance Received	12,463	12,253	8,832		1,393	1,338	988	
Requests for Assistance closed	10,886	8,364	5,863		1,385	1,207	952	

Environmental Health

	Q1		Q2		Q3		Q4	Year Total
Work type	RFA Total	PI Target met	RFA Total	PI Target met	RFA Total	PI Target met	RFA Total	RFA Total
H&S Accidents	91	100%	113	100%	138	100%		
Dogs	537	100%	581	99.5%	607	99.7%		
Infectious Disease	187	98.4%	228	98.3%	211	97.6%		
Pest Control	4811	89.2%	4,801	81.4%	3,569	81.5%		
Request for Assistance	6837	79.5%	6,530	80.2%	4,307	90.3%		
Total	12,463	85.5%	12,253	82.1%	8,832	87.7%		

Analysis of Requests for Assistance (RFA)

The analysis of the types of activity in Environmental Health is shown above.

The Environmental Health team also respond to consultation requests from Planning Management covering a wide range of large scale and major developments. The number of applications (QTY) and the percentage responded to in time (%) is shown in the following table. The number of major schemes are also shown (these are included in the QTY and % for the Planning Consultations).

Work Type	Q1		Q2		Q3		Q4	
	QTY	%	QTY	%	QTY	%	QTY	%
Planning Consultations	758	99%	849	89%	838	94%		
Major Schemes	123		120		96			

Licensing

Activity in the Licensing Service has increased of late and the service is close to returning to 'business as usual', though lockdown restrictions do impact on this extensively. Activity in Licensing Sub Committees did increase following the opening of the hospitality sector.

140 matters have been finalised through the delegated process, which would have ordinarily come before the sub-committee, 29 of which were finalised in December /January.

During quarter two of 2021/22 five Summary / Expedited Review applications were submitted by West Midlands Police under section 53A of the Licensing Act 2003 as amended by the Violent Crime Reduction Act 2006 which related to the following premises:

- Casey Joes Public House & Restaurant, 1293 – 1295 Warwick Road, Olton, Birmingham, B27 6PU
- Pavo Birmingham (Formerly Latin Pavo Bar and Restaurant), 88 – 90 Vittoria Street, Jewellery Quarter, Birmingham, B1 3PA
- Bambu, 1st Floor Kotwall House, Wrotesley Street, Birmingham, B5 4RT
- Simply Local, Unit 8 Norfolk House, 84 – 86 Smallbrook Queensway, Birmingham, B5 4EG
- The Rocket Club, 258 Broad Street, Birmingham, B1 2HF

Activity	Licensing							
	HCPH*				General			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Prosecution agreed								
Simple Cautions								
Licence applications	650	656	641		544	639	699	
Licence sub-committees	n/a	n/a	n/a		38	47	48	
Of which were reviews:	n/a	n/a	n/a					
Interim steps					0	7	2	
Expedited					0	2	4	
Standard					4	10	3	
Licence renewals	1384	1064	1413		23	15	16	
Requests for Actions Received	477	479	434		110	102	74	
Requests for Actions closed	406	376	454		83	78	75	

Analysis of RFAs

The breakdown of types of Requests for Assistance in Licensing is shown below.

	Q1		Q2		Q3		Q4	
	Received	Closed	Received	Closed	Received	Closed	Received	Closed
Total	587	489	581	454	508	529		
Hackney Carriage	68	59	63	54	77	74		
Private Hire	409	347	416	322	357	380		
Licensing Act 2003	96	76	100	70	61	66		
Gambling Act 2005	0	1	0	0	1	1		
Scrap Metal Dealers	10	3	2	6	3	5		
Sexual Entertainment Venues	0	0	0	0	2	1		
Massage & Special Treatments	0	1	0	0	2	1		
Charitable Street Collections	2	0	0	1	2	1		
Street Trading	1	1	0	1	2	0		
Skin Piercers	1	1	0	0	1	0		

Scrap Metal Dealers

There are currently 63 licences issued in Birmingham under the Scrap Metal Dealers Act 2013. The breakdown of licences issued is as follows:

Type of Licence	Number of active licences
Scrap Metal Site Licences	32
Scrap Metal Collector Licences	31

There have been the following actions taken with regards to Scrap Metal Site licences:

Type of Enforcement	Apr 2021	May 2021	Jun 2021	Jul 2021	Aug 2021	Sep 2021	Oct 2021	Nov 2021	Dec 2021
Complaints	1	0	0	0	0	0	0	0	0
Inspections	2	2	1	0	0	2	1	0	0

Nb. This section is included for completeness, but enforcement of scrap metal dealer licensing is the responsibility of the Cabinet.

Trading Standards

Trading Standards received 988 requests for Assistance in the third quarter. These again are across a broad range of issues, from car trade, building work, product safety, scams, supply of illicit tobacco and alcohol as well as underage sales and other consumer frauds. Some of the jobs require direct intervention whilst others are logged for intel purposes. The table below shows just a selection of the 37 categories of jobs received.

	Q1	Q2	Q3	Q4	Year Total
Work type	RFA	RFA	RFA		
Consumer Fraud	209	186	91		
Age Restricted Sales	37	41	23		
Product Safety	50	56	64		
Counterfeit Goods	79	67	52		
Car Sales	108	81	63		
Advice and Assistance	435	399	333		

In addition to dealing with the above requests for assistance other activities of note during the last quarter include:

- On 16 October 2021 an underage sales exercise in five premises was undertaken with a 15-year-old volunteer- one underage alcohol sale resulted.
- On 27 October 2021 test purchases in five premises were carried out with underage police cadet volunteers. Two premises sold to underage volunteers, one alcohol sale and one tobacco sale. The businesses who sold to the underage volunteers are pending licence reviews for the licensed premises.
- On 30 November 2021 TS officers with WM Police carried out test purchases of knives, 12 premises were visited and 10 retailers sold these, including an assortment of carving knives, meat cleavers and a combat/survival style knife. The retailers were reminded about challenge 25.
- Officers visited the city centre several times in respect of peddlers, and have seized quantities of counterfeit perfumes, unsafe toys and balloons.
- Mohammed Tariq, Trading Standards Officer, was awarded the Chartered Trading Standards Institute TSI Hero award in recognition of his work regarding intellectual property and consumer protection.

Proceeds of Crime

Payment has been received from a defendant convicted of a fraudulently taking money from consumers for non-existent flight tickets. This money is being forwarded to the victims, who were witnesses in the case.

Notable Convictions and Outcomes:

Just Clear It Ltd & Hasan Beha Hasan (Co-defendants)

The company had put out placards across the city not only advertising their services but also falsely claiming to be associated with Birmingham City Council. Despite receiving warnings some signs were still not removed. Mr Hasan pleaded guilty and was fined £800 and costs of £2,672.25 were awarded. The Magistrates firmly reminded Mr Hasan that he needs prior written permission to use logos on advertisements and he should not be fixing placards on street furniture in the future

Pricemark Motors

On 15 November 2021 in Birmingham Magistrates Court Pricemark Motors UK Ltd and its director, Mr Shivam Chudasama, were convicted of selling an unroadworthy vehicle, a VW Polo, to a consumer. The director of the company was found guilty of offences for supplying an unroadworthy vehicle to a consumer. The sentence for the defendant director was a £1,000 fine: a compensation order in favour of the victim in the sum of £8,721.34 and costs in favour of Birmingham City Council in the sum of £11,364.75 were awarded. A victim surcharge of £100 applies.

BCC v W Mamadsi

On 29 November 2021 in Birmingham Magistrates Court, Walee Mamadsi pleaded guilty to offences for possessing illegal tobacco, seized by City Council officers during inspections on 20 September 2020 and 12 March 2021 at the premises of Zahir Supermarket, Bordesley Green, Birmingham B9 5NS. The court imposed a fine of £400 costs of £1,250, victim surcharge of £40, with an order to pay within 14 days.

Licence Review Maxi Food 6 Wood End Road Birmingham

The licence review was brought about due to a complaint received in October 2021, alleging that the business was “selling illegal tobacco and alcohol every day, children from the local school buy these items”. On 11 October 2021 in a joint operation with West Midlands Police, City Council officers went to the premises to give advice and to warn about the implications of selling illicit alcohol and tobacco, particularly to persons under the age of 18. Whilst in the shop illicit tobacco and alcohol was found.

A Review of a Premises Licence was made under the Licensing Act 2003, in respect of Maxi Food. This was considered by Licensing Sub-Committee on Tuesday 30 November 2021 and it was decided: -

- that the Licence be revoked
- Mr Farhad Mohammed Razaye be removed as Designated Premises Supervisor

England Illegal Money Lending Team (IMLT)

During quarter 3 (October-December 14/12/2021), the England Illegal Money Lending Team (IMLT) received 91 reports of illegal money lending, leading to 46 new investigations and 73 new illegal money lenders being identified.

The team executed 6 warrants across Local Authorities within England, with seven people arrested and 17 victims provided direct or indirect support from the team.

OCTOBER

- Op Pinball, Liverpool – One arrested and questioned

NOVEMBER

- Op Animation, Leeds – Two arrested
- Op Zither, Watford – One arrested and charged

DECEMBER

- Op Accrue, Bedfordshire – One arrested and released under investigation (RUI)
- Op Victual, Merseyside – One arrested and cautioned
- Op Humberston, Northampton – One arrested and questioned

The IMLT continued to assist with the investigation into fraudulent Covid business grants as part of Operation Sander.

Irene Murunge, 51, of Koban Court, Watford Way, Barnet, was sentenced at Harrow Crown Court on November 8. She was convicted on September 13 after a jury found her guilty of a single offence of unlawfully engaging in money lending between 1 April 2014 and 20 February 2018. Her 18-month sentence was suspended for two years and she was ordered to complete 200 hours of community work.

Registration Service

Death Registrations

The service is processing death registrations in line with the Coronavirus Act and the direction of the General Register Office (GRO). In late March 2020 a new process for registering was enacted and the service implemented this and honed the processes to improve performance. The table below shows the level of death registrations for April to 13 Dec 2021 compared to the period April - December in 2020-21.

Deaths	2020/21	2021/22	% change
April 2021	2260	811	-64.12
May	982	812	-17.31
June	767	772	+0.67
July	800	826	+ 3.25
August	714	877	+22.83
September	804	979	+21.77
October	904	869	-3.87
November	1132	1109	-2.00
December	1134	1012	-12
Year to date	9497	8067	-15.1%

Birth Registrations

The Government reintroduced the registration of births in June 2020, with an optional alternative procedure, both procedures require face to face meetings. For operational reasons the service followed the standard process and was fully operational from mid-June. As of 13 December 2021 there were 2741 outstanding birth registrations, of which 511 were over the statutory 42 days registration period. The table below shows the level of birth registrations for April 2021 through to 13 December 2021 compared to the same period in 2020-21.

Birth Registrations	2020/21	2021/22
April 2021	5	1959
May	16	1650
June	543	1832
July	2820	1402
August	2048	1405
September	2375	1732
October	2464	1579
November	2542	1958
December	1950	1308
Running Total	14,763	14,825

Ceremonies

Following the first national lockdown in 2020, the Government announced ceremonies could recommence in Covid 19 secure venues from July 2020. In line with national guidance the Register Office implemented measures to recommence ceremonies from 4 July 2020. Registrar General Licence Marriages were permitted to take place during the lockdown. During April – May 2021 citizenship ceremonies continued to be delivered by a combination of socially distance ceremonies and virtual ceremonies. The Service resumed the holding a citizenship ceremonies at the Register Office from June 2021. The tables below show the level of ceremonies and notices from April 2021 to 13 December 2021 compared to the April to December period in 2020-21.

Ceremonies	2020/21	2021/22
April 2021	0	103
May	0	131
June	3	172
July	52	210
August	71	193
September	425	373
October	123	192
November	12	171
December	42	113
Running Total	728	1,658

Notice of Marriage and Civil Partnership	2020/21	2021/22
April 2021	0	644
May	2	603
June	141	684
July	405	700
August	368	585
September	373	425
October	478	499
November	518	465
December	168	511
Running Total	2,453	5,116

Citizenship Ceremonies	2020/21	2021/22
April 2021	0	397
May	0	387
June	0	531
July	156	424
August	246	434
September	170	267
October	214	293
November	203	381
December	338	67 to 13 Dec
Running Total	1327	3181

Paul Lankester
Interim Assistant Director Regulation and Enforcement

BIRMINGHAM CITY COUNCIL

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

19 JANUARY 2022
ALL WARDS

PROSECUTIONS & CAUTIONS – SEPTEMBER, OCTOBER & NOVEMBER 2021

1. Summary
 - 1.1 This report summarises the outcome of legal proceedings taken by Regulation and Enforcement during the months of September, October and November 2021.
2. Recommendation
 - 2.1 That the report be noted.

Contact Officer: Paul Lankester
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City Operations Directorate
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E-Mail: **Paul.Lankester@birmingham.gov.uk**

3. Results

3.1 During the months of September, October and November 2021, the following cases were heard at Birmingham Magistrates Court, unless otherwise stated:

- 195 Environmental Health cases were finalised resulting in fines of £93,146. An 18 month suspended prison sentence, with 15 days rehabilitation activity and a four month curfew, and a 12 month community order were also imposed. Prosecution costs of £42,977 were awarded. Four simple cautions were administered as set out in Appendix 1.
- Two Licensing cases were finalised resulting in fines of £380. Prosecution costs of £800 were awarded. Three simple cautions were administered as set out in Appendix 2.
- One Trading Standards case was finalised resulting in a fine of £1,000. Prosecution costs of £11,364 were awarded. No simple cautions were administered as set out in Appendix 3.
- 15 Waste Enforcement cases were finalised resulting in fines of £6,781. Prosecution costs of £10,090 were awarded. No simple cautions were administered as set out in Appendix 4.
- Appendix 5 lists cases finalised by district in April to November 2021.
- Appendix 6 lists the enforcement activity undertaken by the Waste Enforcement Team from April 2021 to November 2021.
- Appendix 7 lists Penalty Charge Notices issued by Parking Enforcement specifically for individuals parking on Taxi Ranks across the City from April to November 2021. Please note this does not include other parking tickets issued anywhere else in the City.

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 2021 to November 2021 the following costs have been requested and awarded:

Environmental Health (including Waste Enforcement cases)

£384,874 has been requested with £350,888 being awarded (91%)

Licensing

£6,097 has been requested with £2,535 being awarded (42%)

Trading Standards

£47,320 has been requested with £17,898 being awarded (38%)

- 5.3 For the months of September, October and November 2021 the following costs have been requested and awarded:

Environmental Health (including Waste Enforcement cases)

£64,216 has been requested with £53,067 being awarded (83%)

Licensing

£3,194 has been requested with £800 being awarded (25%)

Trading Standards

£11,364 has been requested with £11,364 being awarded (100%)

- 5.4 The following income has been received so far from the courts in 2021/22.

Licensing

£2,593 has been received.

Environmental Health

£46,586 has been received including Waste Enforcement cases.

Trading Standards

£2,592 has been received.

(Total £51,771).

- 5.5 This will not directly correlate to the values awarded in the same time period as individual cases are often cleared in instalments with the associated fines and court costs taking precedence over the settling of BCC legal costs. Therefore, income received may relate to cases from the previous financial year or earlier.

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.

INTERIM ASSISTANT DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: Nil

ENVIRONMENTAL HEALTH CASES

FOOD HYGIENE OFFENCES

	Date Case Heard	Name & Address	Offence details (including Legislation)	Fine/Penalty & Costs	Ward of defendant	Ward - Offence committed
1	14/10/21	Yassers Fish and Chips Ltd 133 Tame Road Birmingham B6 7DG	<p>Food Safety and Hygiene (England) Regulations 2013.</p> <p>Pleaded guilty to eight offences relating to conditions at Yasser's, 56 Showell Green Lane, Birmingham. Rat droppings were found in the kitchen and at the bottom of the salad chiller in the servery. There was a lack of adequate drainage facility for the kitchen sinks and the potato rumbler. Waste water pipes were discharging directly onto the floor in the chipping area. The premises were not kept clean or maintained in good repair. There was dirty pipework, floors, walls, a hand wash sink, fridges, a freezer, food containers and equipment. There was a lack of ceiling between parts of the servery and food preparation area and at the back of the kitchen. There was mould growth on the chipping area wall. The kitchen windowsill was in disrepair. Wall and floor surfaces were not maintained or easy to clean. The kitchen chipping area walls were in significant disrepair with missing tiles and exposed brickwork and plaster. Floors in the chipping area and kitchen were in disrepair with areas of exposed concrete and damaged tiles. There were two unlidded containers holding solidified fat in the rear alley.</p>	<p>£10,000</p> <p>£2,000 costs (£2,041 requested)</p>	Aston	Sparkhill

2	18/10/21	Muzz Enterprises Ltd 253 Alcester Road South Birmingham B14 6DT	Food Safety and Hygiene (England) Regulations 2013. Food Safety Act 1990 The Food Information Regulations 2014 Pleaded guilty to 16 offences over three separate dates relating to conditions at Kafe Karachi, 127–129 Ladypool Road, Birmingham. The premises were in a dirty condition, floors, sinks, shelving and preparation tables were dirty. Cooked chicken was in an open colander in the sink and cooked food was in open bowls in the kitchen. Food was stored on the floor of the freezer. Chopping boards were heavily scored and showed evidence of mould. There were no procedures based on HACCP. They failed to comply with a Hygiene Improvement Notice requiring accurate allergen information to be provided. Cooked food was kept below 63°C. The cooker, fridge and planetary mixer were dirty. Paint was flaking on the ceiling in the downstairs kitchen and doors to the display chillers were cracked. Food storage bins were dirty and food in the cold room was uncovered.	£4,000 £1,286 costs (£1,286 requested)	Billesley	Sparkbrook & Balsall Heath East
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3	18/10/21	Ya Sha Ali Ltd 61-63 Raddlebarn Road Birmingham B29 6HQ	<p>Food Safety Act 1990 Food Safety and Hygiene (England) Regulations 2013 Food Information Regulations 2014</p> <p>Found guilty in their absence of 18 offences relating to conditions at Ya Sha Ali Kitchen, 61 – 63 Raddlebarn Road, Birmingham on two separate dates. The company failed to comply with an Improvement Notice requiring allergen information for food produced and sold at the premises to be provided. The premises were not kept clean and food was not protected against contamination, food was stored in carrier bags and bin liners in the freezer and food was stored on the floor in the cold room. Washbasins used for cleaning hands were not provided with hot and cold running water and the sink in the kitchen only had a supply of lukewarm water. Drainage was inadequate as there was water pooling around the drain of the wooden constructed store area. Chopping boards were heavily scored and dirty. There were no permanent procedures based on HACCP. The company failed to comply with four further Improvement Notices requiring permanent procedures based on HACCP to be implemented, adequate facilities to be put in place for cleaning equipment and utensils, a sufficient number of designated hand wash basins to be provided to the kitchen and front serving area with a supply of hot and cold running water, soap and a means of drying hands and the premises and equipment to be kept clean and maintained in sound condition. During the second inspection, the premises were still not clean, food was still stored in carrier bags and bin liners in the freezer and there was an open tray of mushrooms in the cold store. The dough roller was dirty.</p>	<p>£16,000</p> <p>£1,787 costs (£1,787 requested)</p>	Bournbrook & Selly Park	Bournbrook & Selly Park
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4	29/11/21	Rai Birmingham Ltd 83 Brentwood Court Lowther Road Prestwich Manchester M25 9PX	Food Safety and Hygiene (England) Regulations 2013 Found guilty in their absence of two offences relating to conditions at Pirlo's Dessert Lounge, 6 Coventry Street, Birmingham. There were mouse droppings on the floor and adjoining walls in the kitchen. Mouse droppings were found on food storage shelves close to food preparation areas in the rear kitchen. There were possible ingress points along floor and wall junctions and inadequate measures to control pests. The premises were not kept clean, there was an accumulation of mouse droppings, grease, dirt and food debris throughout the premises on floors, walls and surfaces close to where food was being prepared.	£8,500 £1,259 costs (£1,259 requested)	Out of area	Bordesley & Highgate
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HEALTH & SAFETY OFFENCES

	Date Case Heard	Name & Address	Offence details (including Legislation)	Fine/Penalty & Costs	Ward of defendant	Ward - Offence committed
5	16/9/21	Shazad Butt Birmingham	Health and Safety at Work etc. Act 1974. Pleaded guilty to one offence of failing to ensure, that people not in his employment at Pams Love & Roses, 314 Coventry Road were not exposed to risks to their health and safety, in that he failed to ensure the safe operation and use of the hatch to the basement in the floor of the customer shop and address the associated risks of any person falling into the basement when the hatch was open. This resulted in a customer falling into the basement and suffering a dislocated shoulder.	£1,333 £3,552 costs (£3,552 requested)	Sparkhill	Bordesley Green

6	13/10/21	Hong Keen (Midlands) Ltd Unit 129 Bullring Indoor Market Edgbaston Street Birmingham B5 4RQ	Provision and Use of Work Equipment Regulations 1998 Health & Safety at Work etc Act 1974 Pleaded guilty to one offence of failing to ensure that work equipment, namely a Firmar bandsaw, at Hong Keen, Unit 129 Bullring Indoor Market, Edgbaston Street, Birmingham was used only for operations for which, and under conditions for which, it was suitable, in that it was used by an employee to cut meat with the guard to the bandsaw tied up with an elastic band thereby exposing the employee to the risk of coming into contact with the unguarded moving saw blade of the bandsaw.	£13,500 £3,500 costs (£3,500 requested)	Bordesley & Highgate	Bordesley & Highgate
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NOISE NUISANCE

	Date Case Heard	Name & Address	Offence details (including Legislation)	Fine/Penalty & Costs	Ward of defendant	Ward - Offence committed
7	29/11/21	Farah Ali 14 Ransom Road Erdington Birmingham B23 7DX	Environmental Protection Act 1990 Pleaded guilty to seven offences of failing to comply with a requirement imposed by an Abatement Notice, on seven separate dates, in respect of a noise nuisance being caused by a barking dog at 14 Ransom Road, Birmingham.	£600 £1,608 costs (£1,608 requested)	Stockland Green	Stockland Green

LITTERING OFFENCES – NON-SINGLE JUSTICE PROCEDURE

8	14/10/21	Kane Carney Northampton	Environmental Protection Act 1990 Pleaded guilty to one offence of dropping litter, namely a cigarette, outside New Street station on Smallbrook Queensway, Birmingham.	£40 £90 costs (£175 requested)	Out of area	Ladywood
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LITTERING OFFENCES – SINGLE JUSTICE PROCEDURE

Date Cases Heard	Total Number of Cases	Total Fines imposed	Total Costs awarded	Total Costs requested
14/9/21	26	£5,240	£4,450	£4,550
28/9/21	29	£6,306	£2,465	£5,075
12/10/21	44	£9,065	£6,145	£7,700
26/10/21	6	£1,320	£510	£1,050
9/11/21	30	£6,390	£5,250	£5,250
23/11/21	52	£10,852	£9,075	£9,100

	Date Case Heard	Name	Fine/Penalty & Costs	Ward of defendant
9	14/9/21	Salman Ali Solihull Proved in absence	£220 £175 costs (£175 requested)	Out of area
10	14/9/21	Karolina Bielska Smethwick Proved in absence	£220 £175 costs (£175 requested)	Out of area
11	14/9/21	Helen Chan Birmingham Proved in absence	£220 £175 costs (£175 requested)	Bordesley & Highgate

12	14/9/21	Marius Lucian Cojocaru Banbury Proved in absence	£220 £175 costs (£175 requested)	Out of area
13	14/9/21	Charmaine Doig Lockerbie Proved in absence	£220 £175 costs (£175 requested)	Out of area
14	14/9/21	Patrick Garby Birmingham Proved in absence	£220 £175 costs (£175 requested)	North Edgbaston
15	14/9/21	Demetri Greenfield Spalding Guilty plea	£100 £75 costs (£175 requested)	Out of area
16	14/9/21	Dario Hack Birmingham Proved in absence	£220 £175 costs (£175 requested)	Harborne
17	14/9/21	Isaiah Harbinson Belfast Proved in absence	£220 £175 costs (£175 requested)	Out of area
18	14/9/21	Nicole Harrison Manchester Proved in absence	£220 £175 costs (£175 requested)	Out of area
19	14/9/21	Aaron Higham Birmingham Proved in absence	£220 £175 costs (£175 requested)	Sparkbrook & Balsall Heath East

20	14/9/21	Joshua Hughes Telford Proved in absence	£220 £175 costs (£175 requested)	Out of area
21	14/9/21	Alli Ihimid Walsall Proved in absence	£220 £175 costs (£175 requested)	Out of area
22	14/9/21	Marius Constantin Matei Glasgow Guilty plea	£40 £175 costs (£175 requested)	Out of area
23	14/9/21	Jamie Miller Birmingham Proved in absence	£220 £175 costs (£175 requested)	Highters Heath
24	14/9/21	James Newmin Wolverhampton Proved in absence	£220 £175 costs (£175 requested)	Out of area
25	14/9/21	Carmen Nicolae Birmingham Proved in absence	£220 £175 costs (£175 requested)	Alum Rock
26	14/9/21	Lia Roberts Birmingham Proved in absence	£220 £175 costs (£175 requested)	Birchfield
27	14/9/21	Birim Shuti Barking Proved in absence	£220 £175 costs (£175 requested)	Out of area

28	14/9/21	Mark Smyth Birmingham Proved in absence	£220 £175 costs (£175 requested)	Heartlands
29	14/9/21	Katie Spencer Birmingham Proved in absence	£220 £175 costs (£175 requested)	Harborne
30	14/9/21	Rachel Verrisford Derby Proved in absence	£220 £175 costs (£175 requested)	Out of area
31	14/9/21	Scott Wall Coventry Proved in absence	£220 £175 costs (£175 requested)	Out of area
32	14/9/21	Jamie Way Stoke-on-Trent Proved in absence	£220 £175 costs (£175 requested)	Out of area
33	14/9/21	Jason Williams Milton Keynes Guilty plea	£40 £175 costs (£175 requested)	Out of area
34	14/9/21	Hannah Wilson Northampton Proved in absence	£220 £175 costs (£175 requested)	Out of area
35	28/9/21	Abdulmajeed Ali Alalyani Birmingham Proved in absence	£220 £85 costs (£175 requested)	Ladywood

36	28/9/21	Zeinub Aldhfeiry Birmingham Proved in absence	£220 £85 costs (£175 requested)	Ladywood
37	28/9/21	Qais Ali Birmingham Proved in absence	£220 £85 costs (£175 requested)	North Edgbaston
38	28/9/21	Gergo Balda Birmingham Proved in absence	£220 £85 costs (£175 requested)	Erdington
39	28/9/21	Peter Boylan Isle of Wight Proved in absence	£220 £85 costs (£175 requested)	Out of area
40	28/9/21	Nicholas Brook Huddersfield Proved in absence	£220 £85 costs (£175 requested)	Out of area
41	28/9/21	Terry Burrows Stockport Proved in absence	£220 £85 costs (£175 requested)	Out of area
42	28/9/21	Mohammed Dehiba Birmingham Proved in absence	£220 £85 costs (£175 requested)	Balsall Heath West
43	28/9/21	Jennine Frances Duffy Birmingham Proved in absence	£220 £85 costs (£175 requested)	Sheldon

44	28/9/21	Perry Essex Redditch Proved in absence	£220 £85 costs (£175 requested)	Out of area
45	28/9/21	Harry Thomas Glenister Leighton Buzzard Proved in absence	£220 £85 costs (£175 requested)	Out of area
46	28/9/21	Stuart Haworth Birmingham Proved in absence	£220 £85 costs (£175 requested)	Moseley
47	28/9/21	Ahmad Hiwa Brierley Hill Proved in absence	£220 £85 costs (£175 requested)	Out of area
48	28/9/21	Deborah Jarvis Leicester Proved in absence	£220 £85 costs (£175 requested)	Out of area
49	28/9/21	Muhammad Kassama Birmingham Proved in absence	£220 £85 costs (£175 requested)	Handsworth Wood
50	28/9/21	Jay Kelso Birmingham Proved in absence	£220 £85 costs (£175 requested)	Ladywood
51	28/9/21	Robert Knights Nuneaton Proved in absence	£220 £85 costs (£175 requested)	Out of area

52	28/9/21	Leon Benjamin Letts Smethwick Proved in absence	£220 £85 costs (£175 requested)	Out of area
53	28/9/21	Charlotte Margri Birmingham Proved in absence	£220 £85 costs (£175 requested)	Hall Green North
54	28/9/21	Stefan Marinescu Leicester Proved in absence	£220 £85 costs (£175 requested)	Out of area
55	28/9/21	Cristian Marius Birmingham Proved in absence	£220 £85 costs (£175 requested)	Stockland Green
56	28/9/21	Numan Minhas Birmingham Guilty plea	£146 £85 costs (£175 requested)	Sparkbrook & Balsall Heath East
57	28/9/21	Sydney Poolton Mitcham Proved in absence	£220 £85 costs (£175 requested)	Out of area
58	28/9/21	Mami Raja Coventry Proved in absence	£220 £85 costs (£175 requested)	Out of area
59	28/9/21	Natasha Rigby Shrewsbury Proved in absence	£220 £85 costs (£175 requested)	Out of area

60	28/9/21	Vlisda Szlieou Birmingham Proved in absence	£220 £85 costs (£175 requested)	Handsworth Wood
61	28/9/21	Serena White Cardiff Proved in absence	£220 £85 costs (£175 requested)	Out of area
62	28/9/21	Mark William Whitfield Ballymoney Proved in absence	£220 £85 costs (£175 requested)	Out of area
63	28/9/21	Jordan Williams Birmingham Proved in absence	£220 £85 costs (£175 requested)	Glebe Farm & Tile Cross
64	12/10/21	Mohammed Ali Coventry Proved in absence	£220 £150 costs (£175 requested)	Out of area
65	12/10/21	Antoinette Ambler Nottingham Proved in absence	£220 £150 costs (£175 requested)	Out of area
66	12/10/21	Mark Barrows Birmingham Proved in absence	£220 £150 costs (£175 requested)	Sparkhill
67	12/10/21	Florin Birta Birmingham	£220 £150 costs (£175 requested)	Alum Rock

68	12/10/21	Amanda Jane Butler Derby Proved in absence	£220 £150 costs (£175 requested)	Out of area
69	12/10/21	Man Chi Birmingham Proved in absence	£220 £150 costs (£175 requested)	Soho & Jewellery Quarter
70	12/10/21	Florin Chirazil Birmingham Proved in absence	£220 £150 costs (£175 requested)	Aston
71	12/10/21	Jodie Clark Birmingham Proved in absence	£220 £150 costs (£175 requested)	Erdington
72	12/10/21	Christian Cleary Chelmsley Wood Proved in absence	£220 £150 costs (£175 requested)	Out of area
73	12/10/21	Kylie Coates Telford Proved in absence	£220 £150 costs (£175 requested)	Out of area
74	12/10/21	Charles Cramer Birmingham Proved in absence	£220 £150 costs (£175 requested)	Stockland Green
75	12/10/21	Demetri Cuscito Birmingham Proved in absence	£220 £150 costs (£175 requested)	Soho & Jewellery Quarter

76	12/10/21	Michael David Leamington Spa Guilty plea	£40 £85 costs (£175 requested)	Out of area
77	12/10/21	Christopher Davis Shrewsbury Proved in absence	£220 £150 costs (£175 requested)	Out of area
78	12/10/21	Kim Evans Manchester Proved in absence	£220 £150 costs (£175 requested)	Out of area
79	12/10/21	Robina Evans Birmingham Proved in absence	£220 £150 costs (£175 requested)	Soho & Jewellery Quarter
80	12/10/21	Julieanna Gallagher Rubery Proved in absence	£220 £150 costs (£175 requested)	Out of area
81	12/10/21	Peter Robert Green Worcester Proved in absence	£220 £150 costs (£175 requested)	Out of area
82	12/10/21	Pawell Grzeskowiak Oxford Proved in absence	£220 £150 costs (£175 requested)	Out of area
83	12/10/21	Daniel Hadland Birmingham Proved in absence	£220 £150 costs (£175 requested)	Nechells

84	12/10/21	Phillip Hassan Hussain Wolverhampton Proved in absence	£220 £150 costs (£175 requested)	Out of area
85	12/10/21	Julia Hutchinson Bromley Proved in absence	£220 £150 costs (£175 requested)	Out of area
86	12/10/21	Natasha Jones Manchester Proved in absence	£220 £150 costs (£175 requested)	Out of area
87	12/10/21	Lawand Kakemad Folkestone Proved in absence	£220 £150 costs (£175 requested)	Out of area
88	12/10/21	Karl Latchford Stafford Proved in absence	£220 £150 costs (£175 requested)	Out of area
89	12/10/21	Tom Martisius Leicester Proved in absence	£220 £150 costs (£175 requested)	Out of area
90	12/10/21	Peter Maynard Birmingham Proved in absence	£220 £150 costs (£175 requested)	Aston
91	12/10/21	Patrick Mayo Crawley Proved in absence	£220 £150 costs (£175 requested)	Out of area

92	12/10/21	Chloe Louise McLaughlin Birmingham Proved in absence	£220 £150 costs (£175 requested)	South Yardley
93	12/10/21	Danny Milne Seaton Proved in absence	£220 £150 costs (£175 requested)	Out of area
94	12/10/21	Cheval Murrain Birmingham Proved in absence	£220 £150 costs (£175 requested)	Stockland Green
95	12/10/21	Hung Nguyen Bromley Proved in absence	£220 £150 costs (£175 requested)	Out of area
96	12/10/21	Tyler Robinson Shrewsbury Proved in absence	£330 £150 costs (£175 requested)	Out of area
97	12/10/21	Yvonne Rockett Birmingham Proved in absence	£220 £150 costs (£175 requested)	Glebe Farm & Tile Cross
98	12/10/21	Yaoyu Shi Birmingham Proved in absence	£220 £150 costs (£175 requested)	Ladywood
99	12/10/21	David Peter Smith Swadlincote Proved in absence	£220 £150 costs (£175 requested)	Out of area

100	12/10/21	Gordon Sterling London Proved in absence	£220 £150 costs (£175 requested)	Out of area
101	12/10/21	Liam Stevenson Ashbourne Proved in absence	£220 £150 costs (£175 requested)	Out of area
102	12/10/21	Keary Thomas Birmingham Proved in absence	£220 £150 costs (£175 requested)	Rubery & Rednal
103	12/10/21	Mark Thompson Worcester Guilty plea	£109 £85 costs (£175 requested)	Out of area
104	12/10/21	Laura Tyson Birkenhead Proved in absence	£220 £150 costs (£175 requested)	Out of area
105	12/10/21	Kieran Wood Derby Proved in absence	£220 £150 costs (£175 requested)	Out of area
106	12/10/21	Anne Marie Wright Solihull Proved in absence	£220 £150 costs (£175 requested)	Out of area
107	12/10/21	Daniel Zhang Birmingham Proved in absence	£220 £150 costs (£175 requested)	Bordesley & Highgate

108	26/10/21	Thomas Barton Stafford Proved in absence	£220 £85 costs (£175 requested)	Out of area
109	26/10/21	Maria Ann Foxall Birmingham Proved in absence	£220 £85 costs (£175 requested)	Allens Cross
110	26/10/21	Lewis Gethen Coventry Proved in absence	£220 £85 costs (£175 requested)	Out of area
111	26/10/21	Alyisha Florence Hine Warrington Proved in absence	£220 £85 costs (£175 requested)	Out of area
112	26/10/21	Barbara Lakosne Birmingham Proved in absence	£220 £85 costs (£175 requested)	Handsworth
113	26/10/21	Karl Scott London Proved in absence	£220 £85 costs (£175 requested)	Out of area
114	9/11/21	Joanne Karen Baineaves Kirriemuir Proved in absence	£220 £175 costs (£175 requested)	Out of area
115	9/11/21	Charles Barlow London Guilty plea	£150 £175 costs (£175 requested)	Out of area

116	9/11/21	Ellis Barnes Smethwick Proved in absence	£220 £175 costs (£175 requested)	Out of area
117	9/11/21	Katita Burtea Smethwick Proved in absence	£220 £175 costs (£175 requested)	Out of area
118	9/11/21	Andrew Case Warwick Proved in absence	£220 £175 costs (£175 requested)	Out of area
119	9/11/21	Sean Davis Harrogate Proved in absence	£220 £175 costs (£175 requested)	Out of area
120	9/11/21	John Doody Birmingham Proved in absence	£220 £175 costs (£175 requested)	Yardley East
121	9/11/21	Amanda Franks Birmingham Proved in absence	£220 £175 Costs (£175 requested)	Weoley & Selly Oak
122	9/11/21	Raeed Garden Derby Proved in absence	£220 £175 costs (£175 requested)	Out of area

123	9/11/21	Aamir Hussain London Proved in absence	£220 £175 costs (£175 requested)	Out of area
124	9/11/21	Thomas Keenan Bilston Proved in absence	£220 £175 costs (£175 requested)	Out of area
125	9/11/21	Thodri Kristaq Birmingham Proved in absence	£220 £175 costs (£175 requested)	Tyseley & Hay Mills
126	9/11/21	Vaduva Laurentiu Redditch Proved in absence	£220 £175 costs (£175 requested)	Out of area
127	9/11/21	Louise Leham Leeds Proved in absence	£200 £175 costs (£175 requested)	Out of area
128	9/11/21	Naresh Mahay Wolverhampton Proved in absence	£220 £175 costs (£175 requested)	Out of area
129	9/11/21	Sarvana Mohanraj Midhurst Proved in absence	£220 £175 costs (£175 requested)	Out of area

130	9/11/21	Alexander Joseph Murray Leicester Proved in absence	£220 £175 costs (£175 requested)	Out of area
131	9/11/21	Claudia Nicola Birmingham Proved in absence	£220 £175 costs (£175 requested)	Perry Barr
132	9/11/21	Emma Jayne Parker Derby Proved in absence	£220 £175 costs (£175 requested)	Out of area
133	9/11/21	Amber Phelps Llandrindod Guilty plea	£150 £175 costs (£175 requested)	Out of area
134	9/11/21	Alexandre Rosa Priesen Reis Wokingham Guilty plea	£150 £175 costs (£175 requested)	Out of area
135	9/11/21	Jack Richardson Devon Proved in absence	£220 £175 costs (£175 requested)	Out of area
136	9/11/21	Marcin Skupinski Bradford Proved in absence	£220 £175 costs (£175 requested)	Out of area

137	9/11/21	Paul Smedley Birmingham Proved in absence	£220 £175 costs (£175 requested)	Rubery & Rednal
138	9/11/21	Dean Smith Milton Keynes Proved in absence	£220 £175 costs (£175 requested)	Out of area
139	9/11/21	Pavel Sura Oxford Proved in absence	£220 £175 costs (£175 requested)	Out of area
140	9/11/21	Traian Tatarasuna Leicester Proved in absence	£220 £175 costs (£175 requested)	Out of area
141	9/11/21	Joanna Venables Edinburgh Proved in absence	£220 £175 costs (£175 requested)	Out of area
142	9/11/21	Suzanne Walton Birmingham Proved in absence	£220 £175 costs (£175 requested)	Weoley & Selly Oak
143	9/11/21	Yun Zhao London Proved in absence	£220 £175 costs (£175 requested)	Out of area
144	23/11/21	Haden Bacciochi Birmingham Proved in absence	£220 £175 costs (£175 requested)	Tyseley & Hay Mills

145	23/11/21	Yassar Bashir Hounslow Proved in absence	£220 £175 costs (£175 requested)	Out of area
146	23/11/21	Bruce Bishop Hereford Proved in absence	£220 £175 costs (£175 requested)	Out of area
147	23/11/21	Liberty Bodycot Leicester Proved in absence	£220 £175 costs (£175 requested)	Out of area
148	23/11/21	Liam Cook Gloucester Proved in absence	£200 £175 costs (£175 requested)	Out of area
149	23/11/21	Billie Daniels Birmingham Proved in absence	£200 £175 costs (£175 requested)	North Edgbaston
150	23/11/21	Thomas Dibble Birmingham Proved in absence	£220 £175 costs (£175 requested)	Weoley & Selly Oak
151	23/11/21	Rebecca Duggan Birmingham Guilty plea	£40 £150 costs (£175 requested)	Stockland Green
152	23/11/21	Viktorija Gabalaite Birmingham Proved in absence	£220 £175 costs (£175 requested)	Erdington

153	23/11/21	Danielle Gibson Birmingham Proved in absence	£220 £175 costs (£175 requested)	Kings Norton North
154	23/11/21	Donna Glide Birmingham Proved in absence	£220 £175 costs (£175 requested)	Lozells
155	23/11/21	Richard Edward Gullick Wednesbury Proved in absence	£220 £175 costs (£175 requested)	Out of area
156	23/11/21	Jonathan Gumbley Birmingham Proved in absence	£220 £175 costs (£175 requested)	Bordesley & Highgate
157	23/11/21	Atlanta Gurdin Solihull Proved in absence	£200 £175 costs (£175 requested)	Out of area
158	23/11/21	Linda Hanslow Birmingham Proved In absence	£220 £175 costs (£175 requested)	Brandwood & Kings Heath
159	23/11/21	Christina Hartszti Smethwick Proved in absence	£220 £175 costs (£175 requested)	Out of area
160	23/11/21	Philip Anthony Hillier Warwick Proved in absence	£220 £175 costs (£175 requested)	Out of area

161	23/11/21	Kirsty Hirrell Nottingham Proved in absence	£220 £175 costs (£175 requested)	Out of area
162	23/11/21	Leah Hyland Meriden Proved in absence	£220 £175 costs (£175 requested)	Out of area
163	23/11/21	Kim Jones Liverpool Proved in absence	£220 £175 costs (£175 requested)	Out of area
164	23/11/21	Louise Jones Birmingham Proved in absence	£220 £175 costs (£175 requested)	Weoley & Selly Oak
165	23/11/21	Sadique Kabiree Birmingham Proved in absence	£220 £175 costs (£175 requested)	Small Heath
166	23/11/21	Betty Kibrom Birmingham Proved in absence	£220 £175 costs (£175 requested)	Harborne
167	23/11/21	Emily Lattimer Birmingham Proved in absence	£220 £175 costs (£175 requested)	Allens Cross

168	23/11/21	Charlotte Lewis Wolverhampton Proved in absence	£220 £175 costs (£175 requested)	Out of area
169	23/11/21	Lashur Liu London Proved in absence	£220 £175 costs (£175 requested)	Out of area
170	23/11/21	George Maren Birmingham Proved in absence	£220 £175 costs (£175 requested)	Edgbaston
171	23/11/21	Michael McInerney Wednesbury Proved in absence	£220 £175 costs (£175 requested)	Out of area
172	23/11/21	Laura McKenna Glasgow Proved in absence	£220 £175 costs (£175 requested)	Out of area
173	23/11/21	Sinead McKenna Birmingham Proved in absence	£220 £175 costs (£175 requested)	Birchfield
174	23/11/21	Chantal Miller Birmingham Proved in absence	£220 £175 costs (£175 requested)	Bordesley & Highgate
175	23/11/21	Tin Nhan Moi Walsall Proved in absence	£220 £175 costs (£175 requested)	Out of area

176	23/11/21	Adam Reece Orgel London Guilty plea	£40 £175 costs (£175 requested)	Out of area
177	23/11/21	Ellie Pendrey Birmingham Proved in absence	£220 £175 costs (£175 requested)	Quinton
178	23/11/21	Michael Perri Birmingham Proved in absence	£220 £175 costs (£175 requested)	South Yardley
179	23/11/21	Emily Pike Wales Proved in absence	£220 £175 costs (£175 requested)	Out of area
180	23/11/21	Elena Alina Precupeti Birmingham Proved in absence	£220 £175 costs (£175 requested)	Stirchley
181	23/11/21	Solomon Price Nottingham Proved in absence	£220 £175 costs (£175 requested)	Out of area
182	23/11/21	Yi Qin York Proved in absence	£220 £175 costs (£175 requested)	Out of area

183	23/11/21	Mihai Serban Birmingham Proved in absence	£220 £175 costs (£175 requested)	Highters Heath
184	23/11/21	Bep Sharma London Proved in absence	£220 £175 costs (£175 requested)	Out of area
185	23/11/21	Rebecca Sigsworth Bedworth Guilty plea	£66 £175 costs (£175 requested)	Out of area
186	23/11/21	Joseph Samuel Smith Bicester Proved in absence	£220 £175 costs (£175 requested)	Out of area
187	23/11/21	Steven Spencer Smethwick Proved in absence	£220 £175 costs (£175 requested)	Out of area
188	23/11/21	Lauren Tonks Rowley Regis Proved in absence	£220 £175 costs (£175 requested)	Out of area
189	23/11/21	Paige Tronson Birmingham Proved in absence	£220 £175 costs (£175 requested)	Glebe Farm & Tile Cross
190	23/11/21	Hayley Weyer Birmingham Proved in absence	£220 £175 costs (£175 requested)	Bournbrook & Selly Park

191	23/11/21	Scot Williamson Thornton-Cleveleys Proved in absence	£220 £175 costs (£175 requested)	Out of area
192	23/11/21	David Wilson Birmingham Proved in absence	£220 £175 costs (£175 requested)	Sparkhill
193	23/11/21	Ronald Wilson Droitwich Proved in absence	£220 £175 costs (£175 requested)	Out of area
194	23/11/321	Mostufa Yusuf Birmingham Proved in absence	£220 £175 costs (£175 requested)	Lozells
195	23/11/21	Xing Zheng Stafford Guilty plea	£146 £175 costs (£175 requested)	Out of area

ENVIRONMENTAL HEALTH SIMPLE CAUTIONS

Four simple cautions were administered during September, October and November 2021.

Food Information Regulations 2014

One caution was issued for failing to make available information relating to ingredients likely to cause food allergies and intolerances

Food Safety and Hygiene (England) Regulations 2013

Three cautions were issued for failing to comply with Food Hygiene Regulations

LICENSING CASES

	Date Case Heard	Name & Address	Offence details (including Legislation)	Fine/Penalty & Costs	Ward of defendant	Ward - Offence committed
196	11/11/21	Sohail Ahmed Taj Birmingham	Equality Act 2010 Pleaded guilty to one offence of failing to carry out a booking at Beeches Road, Birmingham, which had been accepted by his operator and the reason for the failure was that the customer was accompanied by an assistance dog.	£80 £100 (£1,159 requested)	Lozells	Oscott
197	22/11/21	James Dainty Derby	Local Government (Miscellaneous Provisions) Act 1982 Pleaded <u>not guilty</u> to two offences of engaging in street trading on High Street, Birmingham, on two occasions when not authorised to do so. Found guilty after trial.	£300 – offence 1 No separate penalty on second offence £700 (£2,035 requested)	Out of area	Ladywood

LICENSING SIMPLE CAUTIONS

13 simple cautions were administered during September, October and November 2021.

Local Government (Miscellaneous Provisions) Act 1976

Section 46 One caution was issued for permitting a vehicle to be used within the controlled district of Birmingham as a private hire vehicle without a current licence.

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

Section 57 One caution was issued for failing to disclose change of address details on an application form

Section 64(3) One caution was issued for waiting on a Hackney Carriage stand without being licensed as a Hackney Carriage.

APPENDIX 3**TRADING STANDARDS CASES**

	Date Case Heard	Name & Address	Offence details (including Legislation)	Fine/Penalty & Costs	Ward of defendant	Ward - Offence committed
198	15/11/21	Shivam Hintendra Chudasama Birmingham Pricemark Motors UK Ltd 14 Sherwood Close Birmingham B28 0JU	Road Traffic Act 1988 Company, Limited Liability Partnership and Business (Names & Trading Disclosures) Regs 2015 Both defendants pleaded <u>not guilty</u> to one offence of supplying a Volkswagen Polo motor vehicle from Pricemark Motors, 78a Wharfdale Road, Birmingha in an unroadworthy condition and the company pleaded guilty to one further offence of providing a receipt which did not disclose the company name Found guilty following trial	Chudasama £1,000 fine No separate penalty for company £11,364 costs (£11,364 requested)	Hall Green South	Tyseley & Hay Mills

TRADING STANDARDS SIMPLE CAUTIONS

No simple cautions were administered during September, October and November 2021.

WASTE ENFORCEMENT CASES

	Date Case Heard	Name & Address	Offence details (including Legislation)	Fine/Penalty & Costs	Ward of defendant	Ward - Offence committed
199	16/9/21	Mohammed Harun Birmingham	Environmental Protection Act 1990 Pleaded guilty to three offences; two offences of depositing controlled waste, namely a large quantity of loose plastic sheeting, carpet cuttings, black bin bags and tree cuttings, from a motor vehicle on Baker Street, Small Heath, Birmingham on two separate occasions and one offence of failing to comply with a notice requiring details of the driver and person in control of the vehicle on the dates of offence.	£1,200 £753 costs (£753 requested)	Rubery & Rednal	Bordesley Green
200	16/9/21	Mahmood Khan Birmingham	Environmental Protection Act 1990 Pleaded guilty to one offence of depositing controlled waste, namely used laminate flooring, from a motor vehicle on Cranby Street, Birmingham.	£300 £1,078 costs (£1,078 requested)	Bromford & Hodge Hill	Alum Rock
201	23/9/21	Terence Victor Mason Birmingham	Environmental Protection Act 1990 Pleaded guilty to one offence of depositing controlled waste, namely a settee, a bed base and numerous broken wooden boards, in Aston Park, Trinity Road, Birmingham.	£120 £85 costs (£334 requested)	Aston	Aston

202	23/9/21	Sadakat Mohammed Birmingham	Environmental Protection Act 1990 Pleaded guilty to one offence of failing to comply with a notice requiring written information to be provided as to how the business at Simple Housing Solutions, 59 Marsh Hill, Birmingham disposes of its waste.	£384 £185 costs (£630 requested)	Stockland Green	Stockland Green
203	30/9/21	Christopher Cavanagh Birmingham	Environmental Protection Act 1990 Pleaded guilty to one offence of depositing controlled waste, namely a settee, a bed base and numerous broken wooden boards, in Aston Park, Trinity Road, Birmingham.	£142 £85 costs (£334 requested) £80 towards clean up costs	Aston	Aston
204	4/10/21	Sarah Badar Birmingham	Environmental Protection Act 1990 Road Traffic Act 1988 Pleaded guilty to two offences; one offence of depositing controlled waste, namely black bags containing carpet and vinyl flooring, from a motor vehicle onto land at the rear of Hob Moor Road, Yardley, Birmingham and one offence of driving without valid insurance.	£300 fine – offence 1 No separate financial penalty for offence 2 + 6 penalty points £1,515 costs (£1,515 requested)	Heartlands	Yardley West & Stechford
205	7/10/21	Everton Clarke Birmingham	Environmental Protection Act 1990 Pleaded guilty to two offences; one offence of knowingly causing controlled waste, namely six bags of asbestos, to be deposited from a motor vehicle on land on All Saints Road, Hockley, Birmingham and one offence of failing to respond to a Statutory Demand for Information.	18 months prison sentence suspended for 18 months 15 days rehabilitation activity 4 month electronically monitored curfew £600 costs (£1,382 requested)	Nechells	Soho & Jewellery Quarter

206	14/10/21	Ahsan Mahmood Birmingham	Environmental Protection Act 1990 Pleaded guilty to one offence of depositing controlled waste, namely a fridge, small tables, a stool, two sofas, broken wood, a bed base and mattress, on Baker Street, Small Heath, Birmingham.	12 month community order with 100 hours community service £1,000 costs (£1,901 requested)	South Yardley	Bordesley Green
207	14/10/21	Ian Mahon Walsall	Environmental Protection Act 1990 Pleaded guilty to one offence of depositing controlled waste, namely several large blue/green plastic sacks containing rubbish, planks of wood and broken furniture, from a vehicle on land outside Dovey Tower, Duddeston Manor Road, Birmingham.	£435 fine £500 costs (£983 requested)	Out of area	Nechells
208	14/10/21	Ifeanyi Jude Mobi Birmingham	Environmental Protection Act 1990 Pleaded guilty to two offences occurring on two separate dates; the first offence of depositing controlled waste, namely a large box and large pieces of cardboard from a vehicle onto Abberley Street, Winson Green, Birmingham. The second offence of depositing controlled waste, namely a sofa/seat, a washing machine, a large sheet of glass, a glass panelled door and other items, from a motor vehicle onto Brickfield Road, Yardley, Birmingham.	£200 No separate penalty for offence 2 £500 costs (£1,614 requested)	Balsall Heath West	Tyseley & Hay Mills
209	14/10/21	Constantin-Nicusor Radu Smethwick	Environmental Protection Act 1990 Pleaded guilty to one offence of knowingly causing controlled waste, namely black bags of household waste, to be deposited from a vehicle onto Abberley Street, Winson Green, Birmingham.	£500 £500 costs (£1,191 requested)	Out of area	Soho & Jewellery Quarter

210	15/10/21	Kulvir Singh Dhaliwal Coventry	Environmental Protection Act 1990 Pleaded <u>not guilty</u> to two offences of depositing or knowingly causing controlled waste, namely black bags of waste, to be deposited from a vehicle onto Hollybank Road, Kings Heath, Birmingham. Found guilty in his absence after trial of the knowingly causing offence and found not guilty of the alternative offence of depositing waste.	£1,760 £2,047 costs (£2,047 requested)	Out of area	Billesley
211	15/11/21	Michael Orzechowski Birmingham	Environmental Protection Act 1990 Pleaded guilty to two offences; one offence of depositing controlled waste, namely bags of general and building waste, from a vehicle on land at Saltley Cottages, Tyburn Road, Birmingham and one offence of failing to comply with a statutory demand requiring information as to the person in control of the vehicle on the date of offence.	£320 £742 costs (£742 requested)	Erdington	Gravelly Hill
212	17/11/21	Elena Nicolae Birmingham	Environmental Protection Act 1990 Pleaded guilty to five offences of depositing controlled waste on five separate occasions, namely black bins bags, wooden boards, a wooden table and chairs and a trampoline base on Tame Road, Birmingham.	£1,000 (£200 x 5) £400 costs (£510 costs)	Aston	Aston
213	25/11/21	Craig Neville Hastings-Spaine Birmingham	Environmental Protection Act 1990 Pleaded guilty to two offences; one offence of depositing controlled waste, namely timber, broken furniture and other building waste, from a vehicle on land at Allens Croft Road, Kings Heath and one offence of failing to comply with a statutory demand requiring information as to the person in control of the vehicle on the date of offence.	£120 £100 costs (£1,269 requested)	Stirchley	Kings Heath

WASTE ENFORCEMENT SIMPLE CAUTIONS

No simple cautions were administered during September, October and November 2021.

CASES FINALISED BY DISTRICT (PLACE OF OFFENCE) – APRIL-NOVEMBER 2021

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	0	0	0	0	4	0	1	0	0	0	0	5
Environmental Health (FPNs) Not paid and prosecuted	0	0	0	0	385	0	0	0	0	0	0	385
Environmental Health (including WEU)	1	5	6	5	21	2	4	5	3	5	0	57
Trading Standards	0	0	2	0	0	0	0	0	0	2	0	4

CASES FINALISED BY DISTRICT (DEFENDANT'S HOME ADDRESS/REGISTERED OFFICE) APRIL-NOVEMBER 2021

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	0	0	0	1	0	0	1	0	0	0	3	5
Environmental Health (FPNs) Not paid and prosecuted	10	12	17	19	37	11	21	11	1	15	231	385
Environmental Health (including WEU)	0	8	4	6	12	2	6	4	2	4	9	57
Trading Standards	0	0	2	0	1	0	0	0	0	0	1	4

WASTE ENFORCEMENT UNIT – ENFORCEMENT ACTIVITY

Waste Investigation Outcomes													
	Apr-21	May-21	Jun-21	Jul-21	Aug-21	Sep-21	Oct-21	Nov-21	Dec-21	Jan-22	Feb-22	Mar-22	Total
Duty of care inspections into the waste disposal arrangements of commercial premises	19	55	23	29	35	61	231	30					483
Section 34 Environmental Protection Act demand notices issued:(trade waste statutory information demands)	19	33	17	29	17	46	186	18					365
Section 34 Environmental Protection Act Fixed Penalty Notices issued to businesses (£300)	1	0	3	0	0	0	3	3					10
Section 87 Environmental Protection Act Fixed Penalty notices issued for commercial and residential litter offences(£80)	0	0	0	0	0	0	0	0					0
Section 33 Environmental Protection Act Fixed penalty notices issued for fly tipping (£400)	4	5	6	5	6	3	7	13					49
Prosecutions													
Number of prosecution files submitted to legal services, (number produced quarterly.	2	10	6	5	3	3	1	1					31

APPENDIX 7

Monthly Parking Pcns Issued in Taxi Ranks	Processing
April 2021	103
May 2021	154
June 2021	142
July 2021	106
August 2021	114
September 2021	114
October 2021	206
November 2021	274
December 2021	
January 2022	
February 2022	
March 2022	
TOTAL	1213

BIRMINGHAM CITY COUNCIL

**REPORT OF THE INTERIM ASSISTANT DIRECTOR OF
REGULATION AND ENFORCEMENT
TO THE LICENSING & PUBLIC PROTECTION COMMITTEE**

19 JANUARY 2022
ALL WARDS

**ACTION TAKEN BY THE CHAIR OF THE LICENSING
& PUBLIC PROTECTION COMMITTEE:
NOVEMBER AND DECEMBER 2021**

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

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3. Background Information

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

4. Summary of Action Taken for November and December 2021

4.1

Date	Reference	Reason	Action
3/11/21	15453	Information from West Midlands Police to the effect that the driver had been arrested for an allegation of driving whilst under the influence of drugs.	Immediate Suspension
10/11/21	3723	Information from West Midlands Police to the effect that the driver was being investigated for an allegation of possession of controlled drugs with intent to supply.	Immediate Suspension
15/11/21	3339	Information from West Midlands Police to the effect that the driver had been filmed causing damage to another vehicle and making threats of violence, it had also been noted that several other complaints of violent behaviour had been made.	Immediate Suspension
26/11/21	3719	Information from West Midlands Police to the effect that the driver had entrapped passengers in his vehicle and been abusive toward them following a dispute over the method of payment.	Immediate Suspension
20/12/21	2618	Information from West Midlands Police that the driver had been accused of a serious sexual assault on a passenger.	Immediate Suspension

5. Implications for Resources

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

6. Implications for Policy Priorities

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

7. Implications for Equality and Diversity

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

INTERIM ASSISTANT DIRECTOR OF REGULATION AND ENFORCEMENT

