

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

BIRMINGHAM CITY COUNCIL

LICENSING AND PUBLIC PROTECTION COMMITTEE

WEDNESDAY, 13 DECEMBER 2017 AT 10:00 HOURS
IN COMMITTEE ROOMS 3 & 4, COUNCIL HOUSE, VICTORIA
SQUARE, BIRMINGHAM, B1 1BB

A G E N D A

1 NOTICE OF RECORDING/WEBCAST

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

2 APOLOGIES

To receive any apologies.

3 - 16

3 MINUTES

To confirm and sign the Minutes of the meeting held on 15 November 2017

17 - 62

4 CONTROL OF SEX ESTABLISHMENTS SEXUAL ENTERTAINMENT
VENUE SCARLETS, 34 HORSE FAIR, BIRMINGHAM, B1 1DA

REPORT OF THE ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

63 - 72

5 CONDITIONS OF LICENCE FOR HACKNEY CARRIAGE VEHICLES

REPORT OF THE ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

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6 FRANKFURT CHRISTMAS MARKET

REPORT OF THE ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

<u>77 - 80</u>	7	<u>NON ATTENDANCE OF DRIVERS AT SUB COMMITTEES</u>	REPORT OF THE ACTING DIRECTOR OF REGULATION AND ENFORCEMENT
<u>81 - 84</u>	8	<u>OUTCOME OF APPEALS AGAINST SUB COMMITTEE DECISIONS TAKING DURING OCTOBER 2017</u>	REPORT OF THE ACTING DIRECTOR OF REGULATION AND ENFORCEMENT
<u>85 - 90</u>	9	<u>FIXED PENALTY NOTICES ISSUED OCTOBER 2017</u>	REPORT OF THE ACTING DIRECTOR OF REGULATION AND ENFORCEMENT
<u>91 - 118</u>	10	<u>PROSECUTIONS AND CAUTIONS OCTOBER 2017</u>	REPORT OF THE ACTING DIRECTOR OF REGULATION AND ENFORCEMENT
	11	<u>ACTION TAKEN BY THE CHIEF OFFICER IN CONSULTATION WITH THE CHAIR OF LPPC</u>	Report of the Acting Director of Regulation and Enforcement
<u>119 - 120</u>	12	<u>SCHEDULE OF OUTSTANDING MINUTES</u>	To consider the schedule of outstanding Minutes.
	13	<u>OTHER URGENT BUSINESS</u>	To consider any items of business by reason of special circumstances (to be specified) that in the opinion of the Chairman are matters of urgency.
	14	<u>AUTHORITY TO CHAIRMAN AND OFFICERS</u>	Chairman to move:- 'In an urgent situation between meetings, the Chairman jointly with the relevant Chief Officer has authority to act on behalf of the Committee'.

BIRMINGHAM CITY COUNCIL

LICENSING AND PUBLIC PROTECTION COMMITTEE 15 NOVEMBER 2017

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

PRESENT: - Councillor Barbara Dring in the Chair;

Councillors Alex Buchanan, Bob Beauchamp, Ian Cruise, Liz Clements, Lynda Clinton, Basharat Dad, Des Flood, Carol Griffiths, Nagina Kauser, Chaman Lal and Mike Leddy.

NOTICE OF RECORDING/WEBCAST

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

APOLOGIES

- 930 Apologies were received from Councillors Nawaz Ali, Changese Khan and Rob Sealey.

MINUTES

- 931 The Minutes of the meeting held on 23 October 2017, having been previously circulated were confirmed as a correct record and signed by the Chairman.
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**BIRMINGHAM CITY COUNCIL ACT 1990 ESTABLISHMENTS FOR
MASSAGE AND/OR SPECIAL TREATMENTS HARMONY 88, 1ST FLOOR,
LADYWELL HOUSE, 20 HURST STREET, BIRMINGHAM, B5 4BN**

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

(See Document No. 1)

The following people were in attendance for the hearing:

On behalf of the Applicant

Mr Xialong Zhang – Co-owner
Mr Chingway Zhang – Co-owner

Those making Representations

Ms Sarah Hemsall – Licensing Enforcement Officer

David Kennedy, Senior Licensing Officer made introductory comments relating to the report

Mr Xialong Chang and Mr Chingway Zhang made the comments in support of the application and in response to questions from Councillors;-

1. That they were new directors of the company since October 2016.
2. With regard to the daily register they kept customer records as in previous years recording the name, age and name for each customer.
3. The therapists' names had been recorded with their Chinese surnames but had been changed to English following the visit of the Licensing Enforcement officer on 15 August 2017.
4. Some clients' names had been put as 'XXX' because they refused to provide their details and got offended if these were insisted upon.
5. That with regard to the history of the premises – the previous owners had been family friends who had moved to Scotland – they had then taken the business and employees.
6. Regarding the search by the Licensing Enforcement on ukpunting – they were confused and shocked by this and it had nothing to do with their business. Furthermore, they did not have an employee called Julia.
7. There were notices in each treatment room stating 'no sex services'.
8. There was a new business upstairs in the premises which could be the cause of the confusion.

9. This was a professional massage business with lots of Chinese customers and was famous within the Chinese community throughout the West Midlands.
10. That they were both present most of the time taking calls for appointments and always refused any calls regarding sexual services – both on the phone and at the front door.
11. That the premises were only used for ‘proper massages’ and nothing else.
12. That all therapists’ names had been recorded in English since the visit by the Licensing Enforcement Officer.
13. That they employed 1 full time and 2 part-time staff.
14. That they had seen the pictures and review on the ukpunting site but they were not from their premises or their website. They had not asked for these to be removed.
15. That when they had received the letter from licensing regarding the review they had questioned all the staff and double checked their appointment information.
16. They understood that prostitution was illegal.
17. Those customers who requested sexual services would be refused and removed from the premises.
18. That their website was 88.harmony.co.uk.
19. That some customers, usually Muslim women refused to provide their details and they could not force them to provide the information.
20. That under Condition 24 of their licence they had to keep a daily register of all staff administering treatments with their start and finish times and the appointments allocated to them – there was not need to keep customer times.
21. The premises were part of a 3 floor building with only the 1st and 2nd floors occupied – their business was on the 1st floor, with a new business on the 2nd Floor which they thought offered massage but were unsure.
22. That the men who had turned up at the premises while the licensing enforcement officer was there had come to the wrong business – they wanted the business on the 2nd floor.
23. That in addition to the appointments book they had kept a diary customer name, type of treatment and name of therapist so they could pay employees correctly.

24. That they were not selling sex services at the premises.

Mr Sarah Hempsall made the following comments on behalf of licensing enforcement and in response to questions from Councillors:-

1. Following receipt of an application to renew the applicants' licence she had visited Harmony 88 to conduct an inspection to check for compliance with the licence conditions attached to a massage and special treatment licence.
2. On arrival at the premises she had met Mr Xialong Zhang – this was the first application received from him – the previous licence had been issued to Zhenwei Huang.
3. The following issues were identified:
 - a. The daily register was not being completed fully, in that therapists names were not being recorded as detailed within the application form, they were using “nick names”;
 - b. A large number of clients were male and there was an “XXX” in place of names, no contact details and appointments not booked in advance;
 - c. It was evident from CCTV that a number of men had come to the door of the premises and were turned away by the therapist who was present, apparently as a result of her (the Licensing Enforcement's) presence;
4. In her opinion, as an Enforcement Officer of many years, the operation of the business did not appear to be what was expected of a legitimate massage establishment;
5. On return to the office, following the inspection she had searched the internet and found a review from an Adult Website which was specifically designed to be a prostitute review forum and included a review relating to the premises.
6. That she objected to the renewal of the licence as she believed that the licence holder would be unable to comply with Condition 12 of the Massage and Special Treatments licence regarding the premises not being used for illegal or immoral purposes.
7. That the issue of the therapists' names not being completed correctly flagged up concerns that the business was not being conducted properly.
8. That the fact that the internet search had brought up links with Harmony 88 on a prostitution review forum made her think that as well as genuine massage services the premises also offered other extra services.
9. That there were 2 businesses on the premises Harmony 88 and 1 other business upstairs – which was not registered. She was unaware any links between the 2 businesses.

10. That she had been unable to hear what had been said to the men who were turned away while she was at the premises.

11. That Harmony 88 had a genuine website offering massage services.

In summing up, Ms Hempsall stressed that while she believed the premises offered a genuine massage service the owners' conduct regarding record keeping and the possibility that the business offered extras had led her to bring the case before Licensing and Public Protection Committee for review.

In summing up, Mr Xialong Zhang emphasised that the premises had no links with the business upstairs but it had caused them many problems with customers turning up wrongly at their premises wanting the business upstairs – especially as there was only one entrance to both premises. He stressed strongly that they did not provide extra services and would refuse customers who asked for them.

At 1117 hours the Committee adjourned and the Chairman requested that all present, with the exception of the Members, the Committee Lawyer, the Committee Manager and Camera Operator withdraw from the meeting.

After an adjournment, all parties were recalled to the meeting at 1147 hours and the decision of the Committee to refuse the application was announced with the everyone being advised that they would receive the full decision and reasons as set out below in due course:-

932

RESOLVED:-

That the application by Harmony 88 Limited for the renewal of a licence to use the premises as an Establishment for Massage and/or Special Treatments pursuant to the Birmingham City Council Act 1990, in respect of:

Harmony 88, 1st Floor, Ladywell House, 20 Hurst Street, Birmingham, B5 4BN

BE REFUSED on the grounds that the Committee are satisfied on the balance of probabilities that the establishment has been or is being improperly conducted pursuant to Section 4(2) (d) of the Birmingham City Council Act 1990, based on the representations made by Licensing Enforcement, Birmingham City Council and after carefully considering the representations made by both the representatives of the Applicant company.

The Committee were presented with evidence at Appendix 2 of the Report from the Licensing Enforcement Officer of Birmingham City Council setting out her concerns about the way the premises currently operate following an inspection of the premises to check for compliance with the Conditions attached to a massage and special treatment licence. As a result of the inspection the following matters were identified:

- 1) The daily register was not being completed fully, in that therapists names were not being recorded as detailed within the application form, they were using "nick names";

- 2) A large number of clients were male and there was an “XXX” in place of names, no contact details and appointments not booked in advance;
- 3) It was evident from CCTV a number of men come to the door of the premises and were turned away by the therapist who was present, apparently as a result of their [Licensing Enforcement’s] presence;
- 4) In the opinion of the Licensing Enforcement Officer, the operation of the business did not appear to be what is expected of a legitimate massage establishment;
- 5) Finally, the Committee were presented with evidence in the form of from an Adult Website which was specifically designed to be a prostitute review forum.

The Review in question referenced what the Applicant’s representatives accepted was their current genuine website address (<http://www.harmony88.co.uk/>) and according the description of the premises, the applicants business address for example the reviewer states “*Rang the bell, buzzed in immediately, **up one flight of stairs,***” which suggests he only visited the first floor. This was not accepted by the Applicant’s representatives who were convinced that the actual premises to which the Review referred was another business which was located within the same building.

The Committee carefully considered the Applicants response and representations to the matters raised in the Enforcement Officer’s Report. This was set out in writing and formed part of the Committee Report at Appendix 3. In addition to this, the Applicant’s representatives also stated that another business located within the same building, was in fact the business to which the Adult Website Forum review related and not their own business.

The Committee were reassured by most of what the applicants had stated, particularly that they would frequently decline approaches by patrons who wished to pay for sexual services, when mistaking their business for the other business which was run from the same building.

However, the Committee were unable to depart from the view expressed by the Enforcement Officer that although it was her belief that you could get a genuine massage at the premises, it would also appear that some patrons were able to pay for sex acts, based on the Review posted on the Adult Website.

Furthermore, when asked if the applicants had taken any action to disassociate themselves from the Adult Website in question, or ask for the Review to be removed, (particularly bearing in mind this referenced their legitimate business website address and its physical location within the building) the response provided was that no such action had been requested or taken, which countered what the Applicant’s representatives had asserted during the course of their representations.

The Committee were not provided with any explanation as to why this was the case, and were of the view that any properly conducted establishment would have taken strenuous action against the Website in question. The Applicant's inaction in this regard, was a matter of serious concern, and damaged their credibility in claiming to run a legitimate business which did not engage in the sale of sexual services. This weighed heavily on the minds of many of the Members of the Committee when deciding whether to renew the Licence or not.

In reaching this decision, the Committee has given due consideration to the provisions of the Birmingham City Council Act 1990, the application, the written representations received and the submissions made at the hearing by the Applicant company's representatives, and those making representations.

All parties are reminded that under the provisions contained within Section 7 of the Birmingham City Council Act 1990, there is the Right of Appeal against the decision of the Licensing Authority to the Magistrates' Court, such an appeal to be made within twenty-one days of the date of notification of the decision in writing.

**LICENSING AND PUBLIC PROTECTION COMMITTEE BUDGET
MONITORING 2017/18 (MONTH 06)**

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

(See Document No. 2)

Parmjeet Jassal, Head of City Finance, made introductory comments relating to the report stating that 51% of the net budget had been spent at the end of Month 6 and the Savings programme for 2017/18 was on target.

She advised Members that income related pressures on Pest Control had been managed by part funding by Environmental Health.

Mark Croxford, Head of Environmental Health responded to concerns from the Chair regarding possible job losses and redundancies in Environ Health due to covering the pest control pressures, advising her that savings had been made through vacancies being unfilled.

The Chair put the recommendations to the meeting and it was unanimously agreed:-

933

RESOLVED:-

- i) To note the latest Revenue budget position at the end of September 2017 (Month 6) and Forecast Outturn as detailed in Appendix 1 of the report.

- ii) To note the position with regard to the Savings Programme for 2017/18 as detailed in Appendix 2 of the report.
- iii) To note the expenditure on grant funded programmes in Appendix 3 of the report.
- iv) To note the position on reserves and balances as detailed in appendix 5 of the report.

PROPOSED STRATEGY FOR VENUES OPERATING AS SHISHA PREMISES IN BIRMINGHAM

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

(See Document No. 3)

Janet Bradley, Operations Manager Environmental Health, made introductory comments relating to the report and responded appropriately to comments and questions from Members of the Committee.

During the debate Members gave consideration to the need for educating and engaging with the public regarding the dangers of shisha smoking, engaging with community health professionals and the health service to spread the message.

Members were advised by Ms Bradley that the public consultation process would be undertaken following the committee meeting through BeHeard.

The Chair put the recommendations to the meeting and it was unanimously agreed:-

934

RESOLVED:-

- i) That subject to any proposed amendments made by members of the Committee; officers are instructed to undertake a wider consultation with key stakeholders on the adoption of the attached draft Strategy. A public consultation will be then undertaken for a period of not less than 8 weeks.
- ii) That officers present the outcome of the consultation at a future meeting of Committee, with their recommendations on a finalised Strategy for this Committee's approval.
- iii) That the Chair of Licensing and Public Protection Committee, writes to the Parliamentary Under Secretary of state for Public Health and Primary Care urging the Government to bring in a licensing regime for Shisha premises.

UPDATE REPORT ON UNAUTHORISED ENCAMPMENTS

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

(See Document No. 4)

Mark Croxford, Head of Environmental Health made introductory comments relating to the report and responded appropriately to comments and questions from Members of the Committee relating to: the number of people illegally camped on or living on City Council land, the members of the working group, the need for a bigger transit site than those proposed in the Birmingham Development Plan (BDP); the update of the BDP in line with the needs assessment; the need to provide a transit site for the GRT community, the management of the proposed sites; the need for a regional rather than local solution and the safeguarding of children living on transit sites.

The Chair put the recommendations to the meeting and it was unanimously agreed:-

935

RESOLVED:-

- i) That the report be noted and Outstanding Minute No. 882 (ii) be discharged.
- ii) That Committee agree to a further report being brought in 3 months to update on the various work items contained within this report.

ENFORCEMENT POLICY REVIEW REGULATION AND ENFORCEMENT

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

(See Document No. 5)

Tony Quigley, Head of Illegal Money Lending Team, made introductory comments relating to the report and advised members of the changes that had been made to the policy to ensure that any offenders were clear about the implications of non-compliance with any enforcement action.

The Chair put the recommendation to the meeting and it was unanimously agreed:-

936

RESOLVED:-

That Committee agree the Enforcement Policy which is attached at Appendix 1 of the report.

OUTCOME OF APPEALS AGAINST SUB COMMITTEE DECISIONS TAKEN DURING SEPTEMBER 2017

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

(See Document No. 6)

Chris Neville, Head of Licensing, made introductory comments relating to the report and highlighted some of the cases therein.

937

RESOLVED:-

That the report be noted

FIXED PENALTY NOTICES ISSUED SEPTEMBER 2017

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

(See Document No. 7)

Mark Croxford, Head of Environmental Health made introductory comments relating to the report and highlighted some of the cases therein.

938

RESOLVED:-

That the report be noted

PROSECUTIONS AND CAUTIONS – SEPTEMBER 2017

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

(See Document No. 8)

Alison Harwood, the Acting Director of Regulation and Enforcement made introductory comments relating to the report and made reference to some of the prosecutions and cautions therein.

Councillor Flood requested an update on the concerns he had raised at the October LPPC meeting relating to littering offences in the City centre due to promotion companies giving out freebies and similarly with flyers. Cllr Flood was advised that Ms Harwood had contacted the City Centre manager and would provide Councillor Flood with a written report. Similarly, Chris Neville stated that he would provide the Councillor with a full written explanation report regarding the distribution of flyers across the City Centre.

939

RESOLVED:-

That the report be noted

ACTION TAKEN BY THE CHAIR OF THE LICENSING AND PUBLIC PROTECTION COMMITTEE: OCTOBER 2017

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

(See Document No. 9)

Chris Neville, Head of Licensing, made introductory comments relating to the report and informed the Committee of:

- i) The chair's authority sought for immediate revocation of a hackney carriage driver's licence, alleged to have touched a female passenger in an inappropriate manner.
- ii) Work currently being undertaken across issues arising from cross border working and discussions surrounding streamlining the different sets of driver conditions across the authorities and driver application processes. This had resulted in a letter by the Chair to the minister of State for Transport legislation and Maritime highlighting concerns about the Deregulation Act 2015 on the ability of local authorities to ensure public safety.

940

RESOLVED:-

That the report be noted

SCHEDULE OF OUTSTANDING MINUTES

The following schedule of Outstanding Minutes was submitted:-

(See Document No. 9)

The Acting Director of Regulation and Enforcement updated the dates for which reports would be forthcoming in relation to various Outstanding Minutes and it was -

941

RESOLVED:-

That Outstanding Minute No.882 (ii) be discharged and all other Outstanding Minutes be continued.

OTHER URGENT BUSINESS

942

i) Hybrid Vehicles Engine Size

Councillor Clinton requested that applications from drivers with Hybrid Vehicles be deferred from appearing before Sub-Committees until a decision had been made by the working party regarding acceptable Hybrid engine sizes and be advised of any exceptions to the rule.

ii) **Birmingham Act 1990**

Councillor Flood queried whether there were intentions to review the Birmingham 1990 Act for Massage and Special Treatments and was advised by Mr Neville that he had asked a licensing manager to review this act to determine whether there was a need for it or whether it now duplicate legislation which had not been in place when it was implemented. Additionally, it may be decided by the LPPC Committee to delegate this to Sub-Committee rather than cases being brought forward to the main committee. A report would be brought to committee regarding the options available.

iii) **References from Councillors and Members of Parliament for Taxi Drivers**

Councillor Flood advised the Committee that at his last Sub-Committee meeting they had received a reference for a driver from an MP. Cllr Flood asked if the Committee could agree, as they had regarding Councillors, that no references would be accepted for drivers from either Councillors or MPs – particularly if the applicant later proved to have a criminal record.

The Councillor further requested information from licensing regarding taxi driver applicants who had received references from Councillors or MPs over the previous 2 years.

Chris Neville advised Councillor Flood that the request to not accept references from MPs could be agreed as a recommendation within a report to Committee. The previous report to Committee had recommended no references from any member of the LPPC for driver applicants with a further recommendation that **no Councillors** would provide a reference for drivers – however this was still waiting for approval from full Council – and he agreed to chase this up.

With regard to the number of references provided to driver applicants by Councillors and MPs this could potentially be done but would be a difficult process as it would need to be done manually, but could be carried out if necessary. Councillor Flood asked for this to be done and Mr Neville agreed to provide the required information.

AUTHORITY TO CHAIR AND OFFICERS

943

RESOLVED:-

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

The meeting ended at 1335 hours.

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CHAIRMAN

BIRMINGHAM CITY COUNCIL

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

13 DECEMBER 2017
NECHELLS

**CONTROL OF SEX ESTABLISHMENTS - SEXUAL ENTERTAINMENT VENUE,
SCARLETS, 34 HORSE FAIR, BIRMINGHAM B1 1DA**

1. Summary

- 1.1 Birmingham City Council's Sexual Entertainment Venue Policy became effective from 1st November 2014.
- 1.2 An application has been received for the renewal of the Sexual Entertainment Venue (SEV) Licence granted to Michelle Monaghan in respect of premises known as Scarlets. 34 Horse Fair, Birmingham B1 1DA.
- 1.3 At the time of writing this report there are 6 SEV licences granted to premises within Birmingham 5 of which, including this premises, are located within the area bounded by the ring road (A4540).
- 1.4 As stated in Birmingham City Council's SEV Policy the Council considers that the part of the City which falls within the ring road (A4540) is an area which is appropriate to have an upper limit guide on the number of SEV's the appropriate upper limit being eight.

2. Recommendation

- 2.1 That Committee consider and determine the application for the renewal of the Sexual Entertainment Venue licence in respect of Scarlets, 34 Horse Fair, Birmingham B1 1DA having considered the objection received and having regard to the options contained in paragraph 6.1 of the report.

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

Originating Officer: David Kennedy, Principal Licensing Officer

3. Background

- 3.1 An application has been received from Michelle Monaghan to renew the Sexual Entertainment Venue Licence granted to her in respect of the premises known as Scarlets, 34 Horse Fair, Birmingham B1 1DA. A copy of the application is attached at Appendix 1.
- 3.2 The applicant has confirmed that the external scheme of the premises remains unchanged as to that approved by the Licensing Committee on 21st September 2011. A copy of which is attached at Appendix 2.
- 3.3 The proposed hours of operation remain unchanged being 21.00 hours to 06.00 hours Monday to Sunday.
- 3.4 The nature of the entertainment as described on the application form is lap dancing, pole dancing, private dancing in booths and adult cabaret and similar adult performances. The applicant has confirmed the relevant entertainment involves full nudity.
- 3.5 The applicant has submitted amended club rules. A copy of which is attached at Appendix 3.
- 3.6 A plan of the premises detailing where the Sexual Entertainment will take place is also part of the application procedure. A copy of which is attached at Appendix 4.

4. Consultation

- 4.1 The applicant was required to advertise the application in a local newspaper, post a notice outside of the premises for a period of 21 days and serve a copy of the application to the Chief Officer of Police.
- 4.2 In addition upon receipt of an application the Licensing Section consults with the relevant Local Policing Unit, the Licensing Enforcement Team and also notifies the appropriate Ward Councillors.
- 4.3 A representative of the Licensing Enforcement Team has confirmed that they have no objections to the renewal of the SEV licence.
- 4.4 West Midlands Police have not responded to the consultation.
- 4.5 An objection has been received from a member of the public. A copy of which is attached at Appendix 5.
- 4.6 A copy of the Council approved standard conditions for Sexual Entertainment Venue licences are contained within the current Sexual Entertainment Venue policy a copy of which is attached at Appendix 6.
- 4.7 Location plans, including a plan showing the proximity of the other existing licensed Sexual Entertainment Venues to the premises, are attached as Appendix 7.

4.8 All parties have been invited to attend the hearing.

5. Matters for Consideration

5.1 When considering an application for the renewal of a licence, the Committee should have regard to any observations submitted to it by the Chief Officer of Police and any objections that the Licensing Authority has received from anyone else within 28 days of the date of the application.

5.2 Subject to any new information produced at the hearing it does not appear that any of the mandatory grounds of refusal apply to the application currently due for consideration. For example, a licence shall not be granted to a person who is under the age of 18 or who has had a previous application for the same premises refused within the last 12 months.

5.3 The only discretionary grounds upon which the Council may refuse an application are those grounds specified in Schedule 3 paragraph 12(3) of the Local Government (Miscellaneous Provisions) Act 1982 as amended:

- a) that the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or any other reason;
- b) that if the licence were to be granted, renewed or transferred the business to which it relates would be managed by, or carried on for the benefit of a person, other than the applicant, who would be refused the grant of such a licence if he made the application himself;
- c) that the number of sex establishments, or of sex establishments of a particular kind, in the relevant locality at the time the application is made is equal to or exceeds the number which the authority consider is appropriate for that locality;
- d) that the grant or renewal of the licence would be inappropriate, having regard:
 - (i) to the character of the relevant locality; or
 - (ii) to the use to which any premises in the vicinity are put; or
 - (iii) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

6. Options Available

6.1 The Committee may:

6.1.1 Grant the application as it stands in which case the licence will be renewed subject to the Council approved Standard Conditions.

6.1.2 Grant the application as it stands subject to the Council approved Standard Conditions unless they have been expressly excluded or

varied and/or other Specific Conditions or restrictions that the Committee deem reasonable, necessary proportionate and justifiable.

6.1.3 Refuse the application on one or more of the grounds as outlined in paragraph 5.3 above.

7. Right of Appeal

7.1 An applicant has a right of appeal to the Magistrates Court against decisions to refuse to grant, renew, vary or transfer a licence, the imposition of conditions or the revocation of an existing licence.

7.2 It should be noted that although no right of appeal lies against a decision made on the discretionary grounds set out in paragraphs 5.3(c & d) above, the applicant could challenge a refusal on the aforementioned grounds by way of a judicial review.

8. Implications for Resources

8.1 A fee of £3,841 is payable for renewal of a Sexual Entertainment Venue licence, if the application is subsequently refused then 50% of the fee will be refundable.

8.2 In the event of an appeal hearing, the Magistrates power to award costs derives from Section 64 of the Magistrates Courts Act 1980 which entitles them to make such order as they think just and reasonable.

9. Implications for Policy Priorities

9.1 The application that is the subject of this report should be considered in accordance with the published Birmingham City Council Sexual Entertainment Venue Policy.

10. Public Sector Equality Duty

10.1 No specific implications have been identified.

ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: Nil

SEX ENT 1.5

Fair Processing Statement – Any personal data held by Birmingham City Council in relation to your application for a Licence to use a premises, vehicle, vessel or stall as a Sexual Entertainment Venue, will be held in full compliance with the legal obligations as set out in the Data Protection Act 1998. This is in accordance with the Council's Privacy Policy; a copy is available on the Council's website: www.birmingham.gov.uk/privacy. To protect the public fund we may also use the information you have provided on this form to prevent and detect fraud. We may share this information for the same purposes with other Council Departments and organisations for example, other councils and the police.

BIRMINGHAM CITY COUNCIL

SCHEDULE 3 OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

Application for a Licence to use any Premises, Vehicle, Vessel or Stall as a
Sexual Entertainment Venue

All questions must be answered, save where otherwise stated. If relevant questions are not answered, the application will be deemed incomplete and will be returned to the applicant.

Section 1**Application details:**

Is this licence for the: Grant ☐ Renewal ☒ Transfer ☐

Is the application made by: an individual ☒ a partnership or other unincorporated body ☐
a company or other corporate body ☐

REGULATION & ENFORCEMENT
LICENSING SECTION
DATE RECEIVED

14 SEP 2017

REF NO

INITIALS

Section 2**Answer only if Applicant is an individual**

What is the full name of the individual? MICHELLE MONAGHAN

Permanent Residential Address.....

Any former names

Date of Birth Place of Birth.....

Date Became Resident in the UK or E.U Member State

National Insurance Number or E.U Member State Equivalent.....

Telephone Number (during normal office hours)

Email Address.....

Name and address to which correspondence to be sent (if different from above)

AS ABOVE

Has the applicant a financial interest in the business which is the subject of this application?

Yes ☒ No ☐ If "yes" to what extent MARRIED TO DIRECTOR OF
TRADING COMPANY

Is the whole business owned by the applicant?

Yes ☐ No ☒

Section 3***Answer only if the Applicant is an unincorporated body or a partnership***

Full Name of Applicant

What are the names of the applicant's partners? Please complete the table below:

Name (in full): Mr/Mrs/Miss/Other	Date of Birth	Address of permanent residence Throughout six months immediately preceding this application	Date became resident of United Kingdom or other E.U member state

Are there persons responsible for the management of the Applicant other than the partners? If so state their names.

.....

.....

.....

Please confirm if the whole of the business is owned by the applicant? Yes ☐ No ☐

Section 4.***Answer only where the applicant is a company or other corporate body***

What is the name of the Applicant?.....

Has the Applicant previously been known by any other name and if so what name?
.....If the Applicant is a company, what type of company is it (e.g., public or private, limited by share or guarantee, etc.)?
.....

What is the registered number of the Applicant.....

What is the registered office address?
.....

In which country is the company incorporated?

What is the date of incorporation of the company?

Please complete the table in respect of each of the Directors, the Company Secretary or other persons responsible for the management of the body.

Name (in full): Mr/Mrs/Miss/Other	Date of Birth	Address of permanent residence throughout six months immediately preceding this application	Date became resident of United Kingdom or other E.U member State

SEX ENT 1.5

Does the Applicant use any other trading names? If so, please state the trading name(s).

OPP IDAN INNS LTD (CO NO: 09574694)

What is the Applicant's trading address?

34, HORSEFAIR, BIRMINGHAM, B1 1DA.

Please confirm if the whole of the business is owned by the applicant? Yes ☐ No ☒

Section 5**All Applicants**

Please give details of the person (if any) who is to be responsible for the management of the premises in the absence of the licence holder:

First Name STACEY Surname MCMAHON

Former Name (if any)

National Insurance Number or E.U Member State Equivalent.

Permanent Address:

Date of Birth: Place of Birth:

Has any person named at any place in this application been associated in any way with any other application for a licence for a sex establishment? Yes ☒ No ☐

If "yes" give full details. APPLICANT ALSO GRANTED SEX
LICENSE AT 'CYCLONE CLUB' 192 BROAD ST.

Section 6**Premises details:**

Is this application in respect of: Premises ☒ Vehicle ☐ Vessel ☐ Stall ☐

Is the premises, vehicle, vessel or stall in use for sexual entertainment at the date of this application? Yes ☒ No ☐

If the answer is yes, state the name and address of the person or body currently operating the business.....

OPPIDAN INNS LTD, 34 HORSEFAIR, B1 1DA.

What is full address of the premises for which a licence is sought?

34 HORSEFAIR, BIRMINGHAM, B1 1DA.

If the application is in respect of a vehicle, vessel or stall, please state where it is to be used as a sexual entertainment venue.....

Under what name is, or will the premises be known? SCARLETS

Is the whole of the premises to be used under the licence? Yes ☐ No ☒

If no, please state:

a) which part of the premises is to be used for the purposes of the licence

GROUND FLOOR ONLY

b) the use to which the remainder of the premises are to be put

ADMINISTRATION & ACCOMMODATION

c) the names of those responsible for the management of the remainder of the premises

MICHELLE MONAGHAN

If the Applicant's interest in the premises is a leasehold one, please state:

a) Head-lease ☒ Sub-lease ☐

b) the name and address of the landlord and of the superior landlord where applicable

STENTON GATE INVESTMENTS

43 TEMPLE ROW, BIRMINGHAM, B2 5LS

c) the length of the unexpired term 3 YEAR ROLLING LEASE -
REVIEW OCTOBER 2018.

Section 7.**Proposed operation times and activities**

Give the times it is proposed to operate the Premises for the purpose of this Licence;

Day	Start	Finish	State any seasonal variations or non standard timings where you intend to use the Premises, which are different to those listed in the column on the left.
Monday	21.00	06.00	
Tuesday	21.00	06.00	
Wednesday	21.00	06.00	
Thursday	21.00	06.00	
Friday	21.00	06.00	
Saturday	21.00	06.00	
Sunday	21.00	06.00	

NONE.

Please give full details of the nature of the relevant entertainment e.g. lap-dancing, pole-dancing, stage strip show etc

lap dancing, Pole dancing,
private dancing in booths
adult cabaret and similar
adult performances

Please confirm if the relevant entertainment involves full nudity ☒ Yes ☐ No

Section 8.**If the application is for the Transfer of a Premises Licence**

Name of current Premises Licence Holder

.....

Please give the reason/s for the transfer application

.....
.....
.....

Section 9.

Has the Applicant or any persons named in this form been convicted of a criminal offence whether in the UK or elsewhere? Yes ☐ No ☒

If so, please give details of unspent convictions below:

Convictions:

Forenames	Surname	Former Name (if any)	Court	Date	Offence	Penalty or Sentence

Has the Applicant or any persons named in this form been cautioned whether in the UK or elsewhere? Yes ☐ No ☒

If so, please give details below:

Cautions:

Forenames	Surname	Former Name (if any)	Offence	Date of Caution	Where caution administered

SEX ENT 1.5

Has any person or the corporate or unincorporated body referred to in this application: -

Been disqualified from holding a licence for a sex establishment?	NO
Been refused the grant / renewal / transfer of a licence for a sex establishment?	LIES.
Been the holder of a sex establishment licence when that licence has been revoked?	NO.
Been associated in any way with any other application for a sex establishment licence?	LIES.
If 'Yes' to any of the above please provide details:	
<p>RENEWAL APPLICATION MADE IN SEPTEMBER 2016 WAS REFUSED BY COMMITTEE. APPEAL AT MAGISTRATES, LICENSE GRANTED.</p> <p>MICHELLE MONAGHAN ALSO HOLDS SEX LICENSE AT 'THE CYCLONE CLUB' - 1912 BROAD ST, B15 1AY.</p>	

Is there any information in this application which you would **not** wish to be seen by members of the public?

Yes ☐ No ☒

If yes, state which information and the reasons why you would **not** wish it to be seen

ADDRESS OF APPLICANT - THIS IS MY HOME ADDRESS THAT I DO NOT WISH TO BE SEEN BY MEMBERS OF PUBLIC.

Is there any further information which the Applicant would wish the Council to take into account when considering this application?

REASONS FOR REFUSAL IN SEPTEMBER 2016 (BUSINESS RATES) HAVE NOW BEEN RESOLVED AND PAID UP TO DATE.

(If necessary, please continue on a separate sheet)

SEX ENT 1.5

Please read the checklist below and tick to confirm you have enclosed all of the required information/documents;

I have made or enclosed payment of the fee ☒

Please check the following link for details of the cost of your application:-
<http://www.birmingham.gov.uk/licensingfeesandcharges>

I have enclosed a plan showing the interior layout of the premises and where relevant entertainment will take place for consideration by the Licensing Authority ☒

I have enclosed a copy of the "club rules". Such club rules must contain the required conduct of performers which shall include for example, no sex acts, no giving or taking phone numbers (including exchange of business cards). ☒

I have enclosed a scheme showing the exterior design for consideration by the Licensing Authority ☒

I understand and agree that I must send a copy of my completed application to the Chief Officer of Police no later than seven days after the date of the application. I also understand that I must produce evidence of due service of the Notice of Application upon the Chief Officer of Police as required by paragraph 10(14) of the Third Schedule of the Local Government (Miscellaneous Provisions) Act 1982. ☒

I understand that I must now advertise my application on or near the Premises for 21 days starting with the date of the application. ☒

I understand that I must advertise the application in a local newspaper within seven days after the date of the application and that a copy of the notice of application which has been published must be given to the Licensing Authority in accordance with paragraph 10 (8) of the Third Schedule of the Local Government (Miscellaneous Provisions) Act 1982. ☒

DECLARATION: I declare that the details in this application are true to the best of my knowledge and belief and acknowledge that if there are any omissions or incorrect statements of a serious nature this may result in the application being refused. I further declare that I have read and agree to abide by the conditions of Licence for a Sexual Entertainment Venue made by Birmingham City Council in accordance with Section 2 Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 should my application be granted.

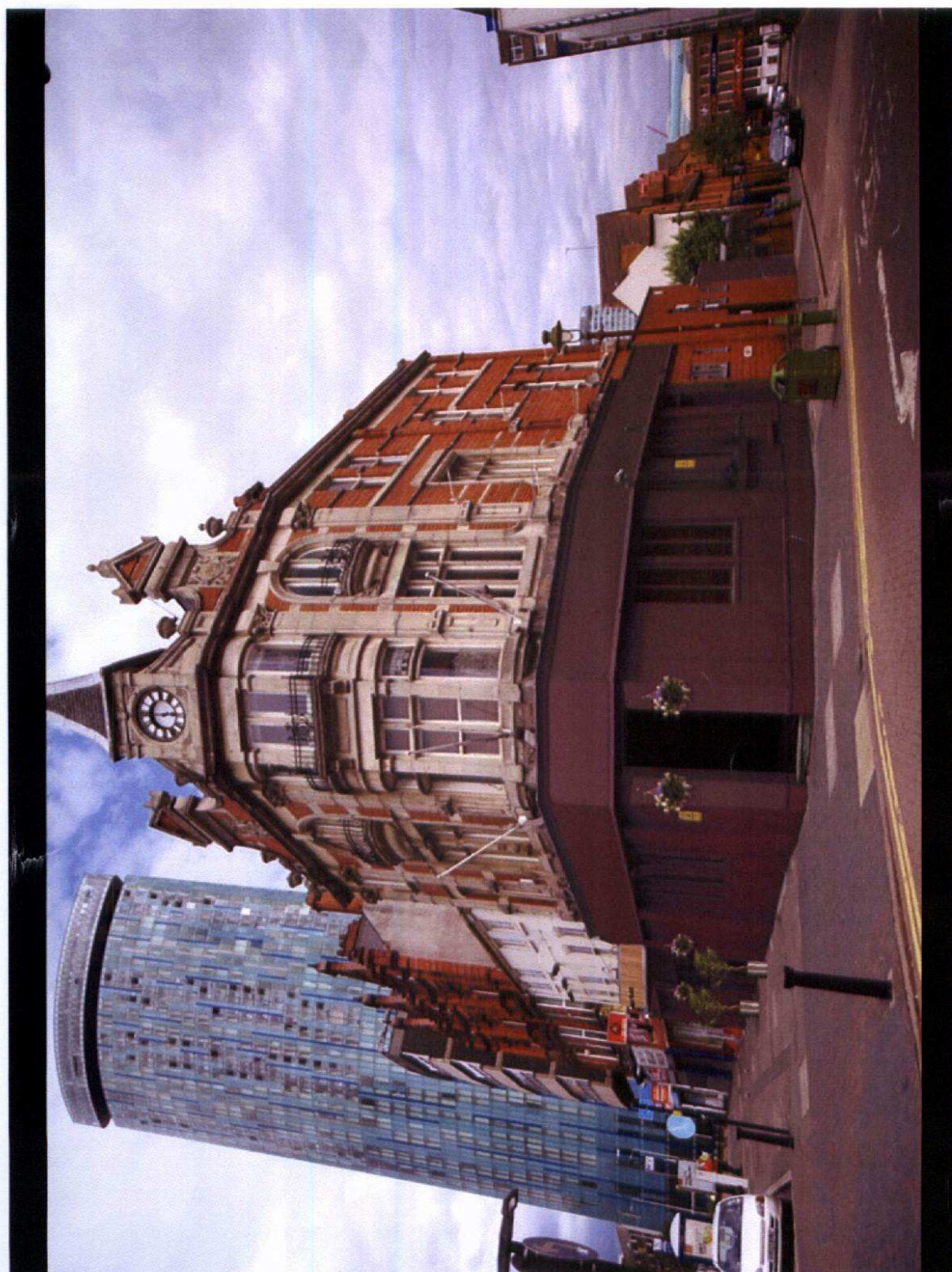
APPLICANTS ARE INFORMED THAT ANY PERSON WHO, IN CONNECTION WITH AN APPLICATION FOR THE GRANT, RENEWAL OR TRANSFER OF A LICENCE, MAKES A FALSE STATEMENT WHICH HE KNOWS TO BE FALSE IN ANY MATERIAL RESPECT OR WHICH HE DOES NOT BELIEVE TO BE TRUE, IS GUILTY OF AN OFFENCE AND LIABLE, ON SUMMARY CONVICTION, TO A FINE NOT EXCEEDING £20,000.

Signature

Name of Signatory MICHELLE MONAGHAN

Designation of Signatory APPLICANT

Date 14/9/17







Scarlets

RULES AND REGULATIONS FOR SELF EMPLOYED DANCERS

- All Dancers are required to arrive at the Venue at least 10 minutes prior to their shift time so they are ready to be on the floor on time. Any dancer arriving late will be fined £10 for each half an hour.
- If you are unable to attend a booked shift, you must inform the house Manager with as much notice as possible. No notice will result in a £40 fine when you arrive for your next shift.
- Dancers house fee is payable at the beginning of their shift.
- Drugs are not permitted on the Premises! Any dancer found in possession of drugs will be asked to leave with no refund of house fee.
- Dancers are permitted to wear long or short dresses. However, all dancers are required to maintain a moderate level of decorum and personal hygiene must be maintained throughout the night. Dancers may not drink from bottles and the chewing of chewing gum must be done discreetly.
- Dancers may bring in snacks to eat during their shift; this must be consumed in designated areas: dressing room, rest room, etc.
- Mobile phones may only be used in the dressing room or Bathroom.
- Dances are at least £20 each and must last for 3 minutes.
- No heels are allowed on the furniture. Repetitive warnings will result in a fine.
- Each dancer is required to dance on the pole at LEAST once a shift, you must report to DJ to choose your songs.
- Under no circumstances is prostitution allowed. Under no circumstances are dancers allowed to let customers touch. Failure to comply will result in dancer being asked to leave.
- Dancers are responsible for all their belongings and the club take no responsibility for lost or stolen items.
- Any Dancer found stealing for the club, or other Dancers, will be asked to leave with no refund of House Fee.
- Dancers must not argue or insult with each other, or Customers. Any disputes with a customer must be reported to your Manager, and any disputes with fellow workers must be discussed in the changing room and not in front of Customers.
- All Dancers are responsible for their own tax, accounts, health cover and other necessary work insurance/documents. Any incidents on the Premises must be reported immediately to your Manager so details can be entered into an incident log.

I hereby agree to all of the above conditions and fines and agree to abide by them. I agree that I am Self Employed and am responsible for my own income tax and national Insurance. I will not hold the club, Proprietors or Management responsible for any loss or accident sustained by me.
I have been advised and accept there are CCTV cameras throughout the Venue.

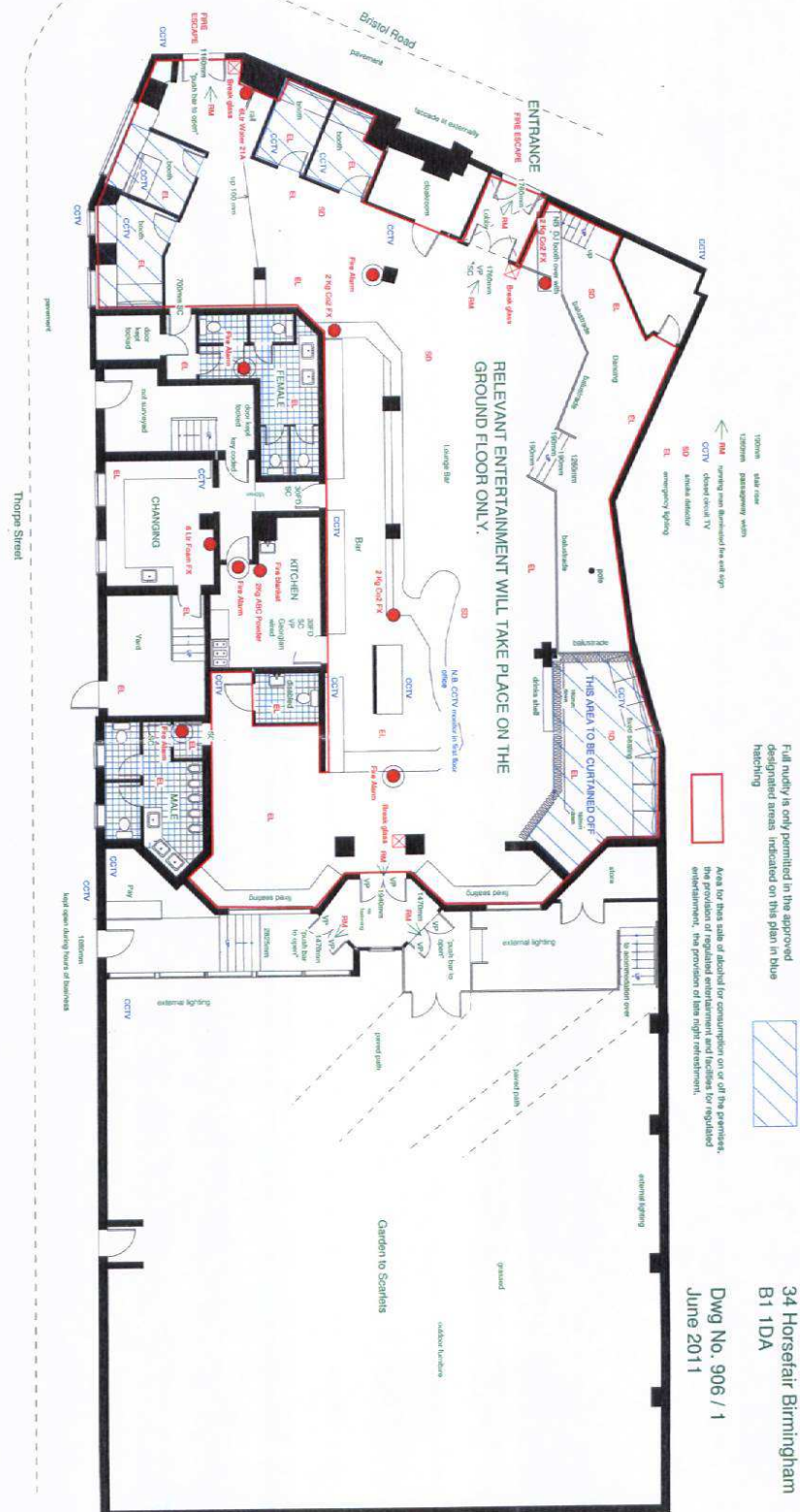
I understand this is a legal contract between me and The Scarlet's Club.

Full Name..... Dancer Name.....
Signature..... Manager Signature..... Date.....

Scarlets

The following rules are to be adhered to at all times:

- There is to be no touching of the dancers at all.
- There is to be no propositioning to the dancers at all.
- Please remain seated during your dance.
- Please remain fully clothed at all times.
- Please do not attempt to dance with the girls.
- Improper or offensive behaviour **WILL NOT** be tolerated by staff, girls, or other customers.
- No illegal substances tolerated on the premises.



From:
Sent: 16 September 2017 22:19
To: Licensing
Subject: OBJECTION Scarlets, 34 horsefair, Birmingham,B18DA

Dear sir / Madam

I would like to lodge my objection to the application for a license for a sexual entertainment venue at the property known as Scarlets, 34 Horsefair, Birmingham, B1 1DA.

My grounds for objection are:

The grant of the licence would be inappropriate, having regard to the character of the locality.

The premises are opposite the prestigious Birmingham Royal Ballet and the Birmingham Hippodrome both which attract great prestige for Birmingham and especially this particular locality of Birmingham.

The premises are at the top of the street which is ultimately the entrance street which the hugely popular bullring shopping centre is situated.

The premises are within sight of the beautiful seven story granite pagoda and surrounding gardens and would detract from the impressive beauty of the area to any visitor.

The premises are opposite an area which is having extensive building work to improve the area and I believe make domestic housing in the flats being built.

The premises is opposite the O2 venue.

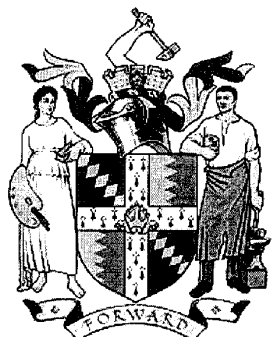
There are already enough of these types of businesses in Birmingham and any more will only add to bringing more criminality to the area and as a recent police report into others of these premises in the area it is clear that these types of venue are not only seedy but are not run in a good way and this is evidenced by the applicant previously having to be taken to court over matters relating to payment of a music license relating to other premises, this is a person who is not of good character.

The area in question attracts visitors from all over the United Kingdom and indeed tourists from all over the world, to grant a license for a sexual establishment here would send an awful signal to all these visitors about Birmingham and the people of Birmingham is and are somehow seedy and not the world renowned city and people they actually are.

As such I would urge the councillors to use their good sense and turn down this application which could spell the beginning of the end for this lovely area of Birmingham enjoyed by so many, both locals, visitors and tourist from all over the world.

I would urge the councillors not to let Birmingham down.

Regards



BIRMINGHAM CITY COUNCIL SEXUAL ENTERTAINMENT VENUE POLICY

EFFECTIVE FROM 1st November 2014

Licensing Service at Crystal Court,
Aston Cross Business Village
50 Rocky Lane,
Aston,
Birmingham, B6 5RQ

OR alternatively by email to: licensing@birmingham.gov.uk

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1. **Introduction**

- 1.1 Birmingham City Council ("the Council") is able to regulate sex establishments through Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 ("the 1982 Act"), in particular sex shops and sex cinemas.
- 1.2 On 6 April 2010 the Policing and Crime Act 2009 ("the 2009 Act") came into force and amended Schedule 3 of the 1982 Act. Sexual Entertainment Venues ("SEVs") were added as a category of sex establishments to enable local authorities to regulate those premises which provide lap dancing, pole dancing, table dancing, strip shows, peep shows and live sex shows and other similar entertainment.
- 1.3 The Council resolved on 12 October 2010 to adopt the new amendments to gain regulatory control of SEVs with effect from 3 January 2011. Consequently, this SEV policy applies to the whole of Birmingham.
- 1.4 The adoption of Schedule 3 allows the Council to prescribe standard conditions and fees for the grant, variation, renewal and transfer of SEV licences and the appropriate number of premises to be licensed in a relevant locality, which may be nil.
- 1.5 The aim of this policy is to provide guidance for prospective applicants, existing licence holders, those who may wish to object to an application and members of the Licensing and Public Protection Committee when making a determination on an application. This policy will be reviewed regularly and revised where necessary.
- 1.6 Each application will be dealt with on its own merits
- 1.7 Consideration will be given to the provisions of the Human Rights Act 1998, the Provision of Services Regulations 2009 and the Home Office guidance issued in March 2010 entitled "Sexual Entertainment Venues – Guidance for England and Wales" when considering applications for SEVs.
- 1.8 The Council does not take a moral stance in adopting this policy. The Council recognises that Parliament has made it lawful to operate sex establishments and that such businesses are a legitimate part of the retail and leisure industries. It is the Council's role as a Licensing Authority to regulate such premises in accordance with the law.

2. **Sexual Entertainment Venues**

- 2.1 An SEV is defined in the 2009 Act as "any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer".
- 2.2 The meaning of 'relevant entertainment' is "any live performance or live display of nudity which is of such a nature that, ignoring financial gain it must

reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of an audience (whether by verbal or other means)". An audience can consist of just one person.

- 2.3 This definitions would apply to the following forms of entertainment [as they are commonly known]; lap dancing; pole dancing; table dancing; strip shows; peep shows and live sex shows. This list is not exhaustive and should only be treated as indicative. The decision to licence premises as sexual entertainment venues shall depend on the content of the relevant entertainment rather than the name given to it.
- 2.4 The 2009 Act provides exemptions from the definition of SEVs as follows:
- Sex shops and sex cinemas (which are separately defined in Schedule 3 to the 1982 Act).
 - Premises which provide relevant entertainment on an infrequent basis. These are detailed as premises where:
 - (a) no relevant entertainment has been provided on more than 11 occasions within a 12 month period;
 - (b) no such occasion has begun within a period of one month beginning with the end of the previous occasion; and
 - (c) no such occasion has lasted longer than 24 hours.
 - Other premises or types of performances or displays exempted by an order of the Secretary of State.
 - Private dwellings to which the public are not admitted
- 2.5 Premises which provide regulated entertainment on an infrequent basis will continue to be regulated under the 2003 Act insofar as they are providing regulated entertainment under that Act either by virtue of a premises licence or club premises certificate or a temporary events notice issued under that Act.
- 2.6 In practice this means that the vast majority of lap dancing clubs and similar venues will require both a SEV licence for the provision of relevant entertainment and a premises licence or club premises certificate for the sale of alcohol or provisions of other types of regulated entertainment not covered by the definition of relevant entertainment.
- 2.7 Live music or the playing of recorded music which is integral to the provision of relevant entertainment such as lap dancing for which a SEV licence is required is specifically excluded from the definition of regulated entertainment in the 2003 Act. Therefore, a SEV will not require a premises licence or club premises certificate just because it plays recorded music for a performer to dance to.

3. **Waivers**

- 3.1 Schedule 3 of the 1982 Act makes provision for the Council to grant a waiver from the requirement to hold a sex establishment licence in any case where it

considers that to require a licence would be unreasonable or inappropriate. A waiver may be for such a period as the Council thinks fit. Applications for waivers will be considered in exceptional circumstances.

- 3.2 The Council may at any time give a person who would require a licence but for a waiver, notice that the waiver is to terminate on a date not less than 28 days from the date the notice is given.

4. **Making an Application**

- 4.1 The 1982 Act provides a maximum licence period of one year. The authority may grant a shorter licence if it thinks fit. A shorter period may be granted for example where a licensee wants a licence for a limited period for a trade exhibition or a show.
- 4.2 An application for the **grant, variation, renewal or transfer** of a licence must be made in writing to the Licensing Authority together with the application fee in accordance with the requirements set out below.
- 4.3 There are three separate notice requirements:
1. The applicant must, within seven days after the date of the application, publish an advertisement in a local newspaper circulating in the local authority's area. A suggested form of advertisement is available on request from the Licensing Section.
 2. Where the application is in respect of premises the applicant must display a notice of the application on or near the premises where it can be conveniently read by the public. The notice must be displayed for 21 days starting with the date of application. Again a suggested form of notice is available on request.
 3. The applicant must send a copy of the application to the Chief Officer of Police no later than seven days after the date of the application. Where the application is made electronically it is for the Local Authority itself to send the copy within seven days of receipt of the application.
- 4.4 The application form can be used for grant, variation, transfer and renewal applications. Applicants must provide their name, address, age (where the applicant is an individual), the premises address and the proposed licensed name of the premises.
- 4.5 Applicants must, at the time of submission of a new grant or variation application, provide a scheme showing the exterior design for consideration by the Licensing Authority before the premises are opened for business in order to ensure that exterior design of the premises complies with the Standard Conditions of Licence.

- 4.6 In addition applicants must, at the time of submission of a new grant or variation application, provide a plan showing the interior layout of the premises and where relevant entertainment will take place for consideration by the Licensing Authority.
- 4.7 Applicants for SEVs must also submit a copy of their "club rules" and customer code of conduct. Such club rules must contain the required conduct of performers.
- 4.8 Such club rules will form part of the conditions of licence (if granted) and may be subject to amendment by the Licensing Authority prior to approval.
- 4.9 Applicants must provide evidence to the satisfaction of the Licensing Service of the registration for, and payment of business rates for the premises in question at the time of application.
- 4.9 Officers of the Licensing Service may, as part of the application process, visit the relevant locality of the premises to establish and report on whether there are any characteristics of the locality which may require consideration by the Licensing and Public Protection Committee.
- 4.10 Officers of the Licensing Service may also consult with colleagues from other Departments such as Planning
- 4.11 With regards to online application tacit authorisation does not apply to applications for SEV licences. This means the applicant must wait for the Licensing Authority to determine the application before they can operate a SEV.

5. **Fees**

- 5.1 The 1982 Act permits the authority to set a reasonable fee. Fees for Sex Establishments are reviewed annually by the Licensing and Public Protection Committee and set at a level appropriate to recover the costs of carrying out the licensing function under that Act namely: administration (including any hearings or appeals), inspection and compliance.
- 5.2 The above process is also applicable to the function of licensing SEVs and the appropriate fees for applications can be found on the Council's website at: www.birmingham.gov.uk/licensingfeesandcharges.
- 5.3 Application fees must be paid in full at the time of submission of the application.

6. **Making Objections to Applications**

- 6.1 The 1982 Act permits a wide range of persons to raise objections about the **grant, renewal, variation or transfer** of a SEV licence. Objectors can include residents, resident associations, trade associations, businesses, Councillors (providing they do not sit on the Licensing and Public Protection Committee),

regulatory agencies such as Planning and Environmental Health, or MPs. The Police are a statutory consultee for all applications.

- 6.2 Objections must be made in writing (email is acceptable) no later than 28 days after the date of the application to the Licensing Authority and should include the following:
- the name and address of the person or organisation making the objection;
 - the premises to which the objection relates;
 - the proximity of the premises to the person making the objection, a sketch map or plan may be helpful to show this.
- 6.3 Objectors should limit their objection to matters which are relevant to the statutory grounds for refusal as set out in the 1982 Act. The relevant grounds for objection are:
- That the applicant is unsuitable to hold an SEV Licence;
 - That the SEV, if granted would be carried on for the benefit of person/s who would be refused an SEV licence if they had applied themselves;
 - That the layout, character or condition of the premises are inappropriate for the proposed SEV;
 - That the use of the premises as an SEV would be inappropriate due to the use of premises in the vicinity;
 - That the use of the premises as an SEV would be inappropriate due to the character of the relevant locality; and/or
 - That the number of sex establishments or sex establishments of a particular type is inappropriate in the relevant locality.

Any objections received by the Licensing Authority which do not relate to the grounds set out in the 1982 Act will be rejected by the Licensing Service.

- 6.4 The courts have consistently stated that moral objections are inadmissible in such applications and will therefore be rejected.
- 6.5 Objections will be considered by the Licensing and Public Protection Committee determining the application. The applicant will be informed of any objections received in respect of their application and the objection(s) will become public documents. (However, objector's personal details such as name, address and telephone number will be removed.) A copy of the hearing procedure will be sent to the applicant and any objectors prior to the hearing.

7. Determination of an Application

- 7.1 **All applications for the grant of a SEV licence will be determined by the Licensing and Public Protection Committee.** Valid objections to any application will be considered by the Licensing Committee or delegated to a Licensing Sub Committee at the hearing to consider the application.

Applicants and objectors will be given an equal opportunity to state their case in accordance with the Licensing and Public Protection Committee's procedure for hearings, which is available from the Licensing Service.

- 7.2 The 1982 Act provides five mandatory grounds and four discretionary grounds for refusal of a SEV licence. Each application for a SEV will be decided upon its own merits and the Licensing Authority will give clear reasons for its decisions. Any decision to refuse a licence **MUST** be relevant to one or more of the following grounds:

7.3 Mandatory grounds for refusal

Specific mandatory grounds for refusal of a licence are set out in paragraph 12(1) (a to e) of Schedule 3 in the 1982 Act. A licence cannot be granted:

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

7.4 Discretionary grounds for refusal

The only discretionary grounds upon which the Council may refuse an application for the grant or renewal of a licence on one or more of the grounds specified in Schedule 3 paragraph 12(3) are that:

- (a) the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reasons;
- (b) if the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he/she made the application himself/herself;
- (c) the number of sex establishments, or of sex establishments of a particular kind, in the relevant locality at the time the application is made is equal to or exceeds the number which the authority consider is appropriate for the locality;
- (d) the grant or renewal of the licence would be inappropriate, having regard:
 - (i) to the character of the relevant locality; or
 - (ii) to the use to which any premises in the vicinity are put; or
 - (iii) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

8. Suitability of an Applicant

8.1 In respect of 7.4(a) and (b) above with regard to the suitability of an applicant to hold a licence, the criteria for Members to consider include, but are not limited to:

- that the operator is honest
- that the operator is qualified by experience to run the type of sex establishment in question
- that the operator understands the general conditions
- that the operator is proposing a management structure which delivers compliance with the operating conditions e.g. through managerial competence, presence, a credible management structure, enforcement of rules internally, a viable business plan and policies for welfare of performers
- that the operator can be relied upon to act in the best interests of performers e.g. in how they are remunerated, the facilities they enjoy, how they are protected and how and by whom their physical and psychological welfare is monitored
- that the operator can be relied upon to protect the public e.g. transparent charging, freedom from solicitation
- that the operator can show a track record of management of compliant premises, or that he/she will employ individuals who have such a track record.
- Compliance with other regulatory and taxation schemes

9. Suitability of Premises

9.1 The Council would expect that when an application for an SEV licence at permanent commercial property is made, that the applicant will be able to demonstrate that the layout, character and/or condition of the premises is appropriate to the relevant entertainment proposed at the premises.

9.2 The Council would expect that when an application for an SEV licence at permanent commercial property is made, that property should have the appropriate planning consent.

10. Use of Premises in the Vicinity

10.1 In considering the grant, renewal or variation of the licence would be inappropriate to the use which any premises in the vicinity are put, the Licensing Authority shall consider, among other considerations:

- (a) the fact that the premises are sited in a residential area;
- (b) the premises are sited near shops used by or directed to families or children, or no frontages frequently passed by the same;
- (c) the premises are sited near properties which are sensitive for religious purposes e.g. synagogues, churches, mosques, temples;
- (d) the premises are sited near premises or areas which are sensitive because they are frequented by children, young persons or families, including but not limited to educational establishments, leisure facilities

- such as parks, libraries or swimming pools, markets and covered markets;
- (e) the premises are sited near places and or buildings of historical/cultural interest, tourist attractions.
- (f) the premises are sited near civic buildings

11. Character of the Relevant Locality

11.1 With reference to paragraph 8.4(d) 'relevant locality' for the purposes of paragraph 12 of Schedule 3 of the Act means:

- (i) in relation to the premises, the locality where they are situated, and
- (ii) in relation to a vehicle, vessel or stall, any locality where it is desired to use it as a Sexual Entertainment Venue.

11.2 In considering if the grant, renewal or variation of the licence would be inappropriate, having regard to the character of the relevant locality or to the use of which any premises in the vicinity are put, the Licensing Authority shall consider, among other considerations, whether the grant of the application would be inappropriate, having regard to:

- (a) the fact that the premises are sited in a residential area;
- (b) the premises are sited near shops used by or directed to families or children, or no frontages frequently passed by the same;
- (c) the premises are sited near properties which are sensitive for religious purposes e.g. synagogues, churches, mosques, temples;
- (d) the premises are sited near premises or areas which are sensitive because they are frequented by children, young persons or families, including but not limited to educational establishments, leisure facilities such as parks, libraries or swimming pools, markets and covered markets;
- (e) the premises are sited near places and or buildings of historical/cultural interest, tourist attractions.
- (f) the premises are sited near civic buildings

11.3 The Council will consider relevant locality on a case by case basis taking into account the particular circumstances of each case. However, the Council will not seek to define locality as the whole of the Council's administrative area or an entire town.

12. Appropriate Number of Sexual Entertainment Venues

12.1 As set out within paragraph 7.4(c) above, paragraph 12 of Schedule 3 provides that a Local Authority may refuse an application if it is satisfied that the number of sex establishments or sex establishments of a particular kind in the relevant locality at the time the application is made is equal to or exceeds the number which the authority consider is appropriate for that locality. The Council is able to determine that the appropriate number for a locality is nil.

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

12.3 The Council considers that the City Centre, being that part of the City which falls within the ring road (A4540) is an area in which it is appropriate to have an upper limit guide on the number of SEVs within it. The Council considers the appropriate upper limit for this area is eight.

13. **Conditions**

13.1 When issuing an SEV licence the Licensing Authority is permitted to issue it on such terms and conditions and subject to restrictions as specified at the time the licence is issued either in the form of conditions specific to the individual or standard conditions applicable to all SEVs.

13.2 The Council has decided to produce regulations prescribing standard conditions and these shall apply to every licence granted, varied, renewed or transferred by the authority unless they have been expressly excluded or varied. These regulations are attached to this policy at Annex A.

13.3 It is an offence to operate an SEV without a licence or contravene a condition of the licence. The maximum penalty upon conviction is £20,000

14. **Renewal Applications**

14.1 Provided an application for renewal has been accepted by the Licensing Service prior to the date of expiry, the licence shall be deemed to remain in force until such time as the renewal is determined by the Council, or the application is withdrawn.

14.2 The statutory requirements for advertising and giving notice, are the same as those applying to initial grants, which are dealt with at paragraphs 5-13. Renewal applications will be dealt with by way of delegated authority to officers, unless there are any objections or other matters of concern, in which case, the application will be heard by the Committee.

15. **Revocation of a Sexual Entertainment Venue Licence**

15.1 A licence can be revoked by the Council at any time on any one of the grounds set out in 7.3(a - e) or any one of the grounds set out in 7.4(a and b) of the policy.

15.2 The Council will not revoke a licence without the licence holder being given an opportunity to appear before the Licensing and Public Protection Committee and be heard.

15.3 Where a licence is revoked, the Council shall give the licensee a statement in writing of reasons for its decision within seven days of the request being

made. Where a licence is revoked its holder will be disqualified from holding or obtaining a licence in the area of the Local Authority for a period of 12 months from the date of revocation.

- 15.4 When the authority revokes a licence, the decision does not take effect until the time for bringing an appeal has expired and if an appeal is brought until the determination or abandonment of that appeal.

16. Cancellation of a Sexual Entertainment Venue Licence

- 16.1 The Council may at the written request of the licence holder cancel the licence.

- 16.2 If a licence holder dies then the licence will be deemed to have been granted to the licence holder's personal representatives and will remain in force for three months from the date of the licence holder's death and will then expire.

- 16.3 The Council can, however, on the application of the licence holder's personal representatives extend the three month period if the Council is satisfied that an extension is necessary for the purpose of winding up the late licence holder's estate. The Council will only do so where there are no circumstances that make such an extension undesirable.

17. Variation of a Sexual Entertainment Venue Licence

- 17.1 A licence holder may at any time apply to vary a term, condition or restriction of a licence or apply to change the location of a licensed vessel. The statutory requirements for advertising, giving notice, consideration by the Council, hearings and the giving of the reasons are the same as those applying to initial grants, which are dealt with at paragraphs 5-12. On receiving such an application, the Council can either:

- (a) make the variation as requested;
- (b) make such variations as it thinks fit;
- (c) refuse the application.

- 17.2 The applicant will be given an opportunity to attend a Licensing and Public Protection Committee before a decision is made to make a variation other than that being applied for or to refuse the application.

- 17.3 Where the Council imposes some other term, condition or restriction other than one sought in the variation application, the decision does not take effect until the time for bringing an appeal has expired and if an appeal is brought until the determination or abandonment of that appeal.

18. Right to Appeal a Decision

- 18.1 The decisions against which a right of appeal lies are refusals for the grants, renewals, variations or transfers, the imposition of conditions and also revocation.
- 18.2 Appeals must be made to the Magistrates Court within 21 days, starting from the date the applicant is notified of the Licensing Authority's decision.
- 18.3 It is important to note that appeals only lie against the mandatory refusals on the basis that the mandatory ground does not apply to the applicant/licence holder. Further, no appeal lies against the Licensing Authority's decision made on the discretionary grounds set out at paragraphs 7.4(c and d), namely:
- that it is inappropriate to grant or renew a licence on the grounds of the character of the locality or the number of premises in it; or
 - the use of premises in the vicinity or the layout, character or condition of the premises.
- 18.4 The only discretionary grounds against which an appeal lies are those in paragraph 7.4(a and b) relating to the suitability of the applicant, the manager and/or the beneficiary of the operation.

ANNEX A

BIRMINGHAM CITY COUNCIL

STANDARD CONDITIONS FOR SEXUAL ENTERTAINMENT VENUES (SEV)

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

- (i) "The Council" shall mean the Birmingham City Council and all enquiries concerning these Regulations and its conditions shall be directed to Licensing Section, Crystal Court, Aston Cross Business Village, 50 Rocky Lane, Aston, Birmingham, B6 5RQ. 0121 303 9896. licensing@birmingham.gov.uk
- (ii) These conditions apply to all premises licensed as a "sexual entertainment venue" as defined by the said 1982 Act that is to say terms, conditions and restrictions on or subject to which licences under Schedule 3 of the 1982 Act are in general to be granted, renewed, varied or transferred.
- (iii) "Sexual Entertainment Venue" ('SEV') means any premises at which relevant entertainment is provided before a live audience, directly or indirectly for the financial gain of the organiser or the entertainer.
- (iv) "Premises" includes any vessel, vehicle or stall but does not include any private dwelling to which the public is not admitted.
- (v) 'Relevant Entertainment' means any live performance or any live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of

sexually stimulating any member of the audience (whether by verbal or other means).

- (vi) The Council may at any time waive, modify or vary these conditions or impose additional special conditions in any particular case.
- (vii) If the Licensee wishes any of the terms of the licence to be varied an application must be made to the Council.
- (viii) In the event of a conflict between the prescribed conditions and special conditions contained in a SEV licence the special conditions shall prevail.

OPENING HOURS

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

WINDOW, FASCIA BOARD ADVERTISEMENT AND DISPLAYS

- 2. Save for the entrance lobby, the interior of the premises shall not be visible to passers-by and to that intent the licensee shall ensure the area of the premises in which relevant entertainment is offered shall not be capable of being seen from outside the premises.
- 3. The windows, doors, fascia board, walls and all external parts of the premises including the roof shall not contain any form of writing, sign or display save for:
 - (a) The address of the premises.
 - (b) The licensed name of the premises.
 - (c) A notice stating the opening hours of the establishment.
 - (d) In the case of a licence granted to a body corporate:

- (i) If the premises name is not the same as the full name of the body corporate then such corporate name and;
 - (ii) If the premises are also the body's registered office for the purposes of the Companies Acts then an indication in a form acceptable to the company that such is the case.
- 4. The lettering used in respect of such permitted items shall be of such colour and style as may be approved by the Council.
- 5. The licensee shall not permit the display outside of the premises of photographs or other images, which indicate or suggest that relevant entertainment takes place in the premises.

LICENSED NAME

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

EXHIBITION OF LICENCE

- 8.
 - a) A copy of the licence (two pages) shall be suitably framed and exhibited in a position that can easily be read by all persons entering the premises.
 - b) The conditions of licence and all such documents listed as Appendices to said licence shall be retained in a clean and legible condition and immediately available for inspection by anyone who so requests.

9. The licensee shall retain a copy of a form signed by each employee and performer confirming that they have read and understood the licence and conditions. The copy shall be retained for a period of six months after they cease work at the premises. A copy of the licence and conditions shall be given to each performer.

RESPONSIBILITY OF THE LICENSEE

10. The licensee or a responsible person over 18 years of age nominated by them in writing for the purpose of managing the SEV in their absence shall be in charge of and upon the premises during the whole time they are open to the public.
11. The written nomination referred to in condition 10 above shall be maintained in a daily register, kept on the premises and made continuously available for inspection by an officer authorised by the Council or police officer.
12. The person in charge shall not be engaged in any duties that will prevent them from exercising general supervision and they shall be assisted as necessary by suitable adult persons to ensure adequate supervision.
13. The licensee must ensure that there is a current insurance policy in force to cover the performers whilst the premises are open and that a copy is displayed in areas where all staff have access.

EMPLOYEES AND MANAGEMENT STAFF

14. The licensee shall keep and maintain at the licensed premises a written record of the names, addresses, and copies of photographic proof of age documents of all persons employed or performers permitted to operate within the licensed premises whether upon a full or part time basis and shall, upon request by an authorised officer of the Council or police officer, make such

records available for inspection to them. (see Conditions regarding Door Supervisors)

15. Condition 14 does not relate to persons engaged to carry out repairs or provide services from external companies to the premises, however, such persons must be aged 18 years and over if the premises are open for the purpose of providing sexual entertainment.
16. The licensee shall ensure that all persons employed or permitted to work within the licensed premises hold the appropriate rights to work and shall keep copies of any documentation used to verify the details of these rights where necessary.
17. The licensee shall maintain a register of the names, addresses and dates of birth of such person or persons (whether employees or otherwise connected with the business) who have authority to manage the premises in the licensee's absence.
18. Where the licensee is a body corporate or an unincorporated body any change of director, company secretary or other person responsible for the management of the body is to be notified to the Licensing Authority

CHANGE OF LOCATION AND ALTERATIONS TO PREMISES

19. Where the licensed premises is a vessel or stall, the licensee shall not move the licensed vessel or stall from the location specified in the licence unless a variation application is submitted for the Council's determination giving not less than 28 days notice. n.b. this requirement shall not apply to a vessel or stall which habitually operates from a fixed location but which is regularly moved (whether under its own propulsion or otherwise) from another place such location as is specified in the licence.
20. Alterations or additions, either internal or external and whether permanent or temporary, to the structures, lighting or layout of the premises as shown on

the plan, including any change in the permitted signs on display shall not be made except with the prior approval of the Council.

CLUB RULES

21. Any club rules imposed on the performers shall be displayed in a prominent position within the premises for all employees to have easy access whilst at work.
22. A copy of the club rules shall be provided to performers engaged by the premises by means of a written contract signed by the recipient. Copies of the same must be retained on the premises and produced to an authorised officer of the Council or police officer on request.

FEES

23. Receipts or records of payments received should be provided to performers where "house fees" are charged or when any fines are issued.

PERFORMANCES

24. No person under the age of 18 shall be permitted to be on the licensed premises when sexual entertainment is provided. A notice shall be clearly displayed at the entrance to the premises in a prominent position stating that "No person under 18 will be admitted when sexual entertainment is being provided" so that it can be easily read by persons entering the premises.
25. Each area where relevant entertainment is conducted shall be supervised and/or contain a panic alarm for the safety of performers.
26. A customer code of conduct shall be prominently displayed in each area to which the public are admitted.
27. Performers shall be aged not less than 18 years.

28. Full nudity is only permitted in the approved designated areas, as stipulated or shown on the approved plan attached to the licence. In all other public areas within the premises the performers and employees must at all times wear at least a G string (female) and or pouch (male) covering the genitalia
29. During all performances (including performances usually termed 'private dances') there must not be any deliberate contact, by the performer, with any patron or person within the audience except:
 - a). Leading a patron by the hand to and from a chair or private room or designated dance area.
 - b). Simple handshake greeting at the beginning and/or end of the performance.
 - c). A customary ("peck on the cheek") kiss at the end of the performance.
 - d). the placing of monetary notes or dance vouchers into the hand or garter worn by the performer.
30. No performances shall include any sex act involving any other persons or objects (or involve any form of auto-erotic stimulation).
31. A price list shall be displayed in a prominent position giving the price and the duration of any 'private dances'.
32. Any person employed to supervise or attend to the exterior or entrance area of the premises must, at all times be suitably and sensibly dressed so as not to indicate or suggest the nature of the relevant entertainment taking place at the premises.
33. No fastening or lock of any description shall be fitted upon any booth or cubicle or other area within the premises except as shown on the plan; within the toilets, within the performers' dressing rooms and/or staff areas.

34. At all times during a performance, performers shall have unrestricted access to a dressing room.
35. Patrons or members of the audience shall not take photographs or record digital images of performers within the premises via a camera or mobile phones

DOOR SUPERVISORS

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

CCTV

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

- 41. A member of staff who is fully trained in the use of the CCTV system shall be on duty at all times when the premises are open until the premises are clear of customers.
- 42. The premises will provide copies of any recordings upon request by a police officer or an authorised officer of the Council within 24 hours of the request.

TOUTING FOR BUSINESS AWAY FROM THE PREMISES.

- 43. The licensee shall not allow the use of vehicles including limousines for the promotion of the relevant entertainment.
- 44. The collection of patrons and or potential clients is not permitted unless the vehicle is licensed in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1976.
- 45. The licensee shall not permit any person whilst on a public thoroughfare to encourage any other person to visit the SEV premises by any means.
- 46. The licensee shall endeavour to ensure any marketing communications associated with the SEV or relevant entertainment shall comply with the code of practice as issued by the Advertising Standards Authority.

ADMISSION OF AUTHORISED OFFICERS

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

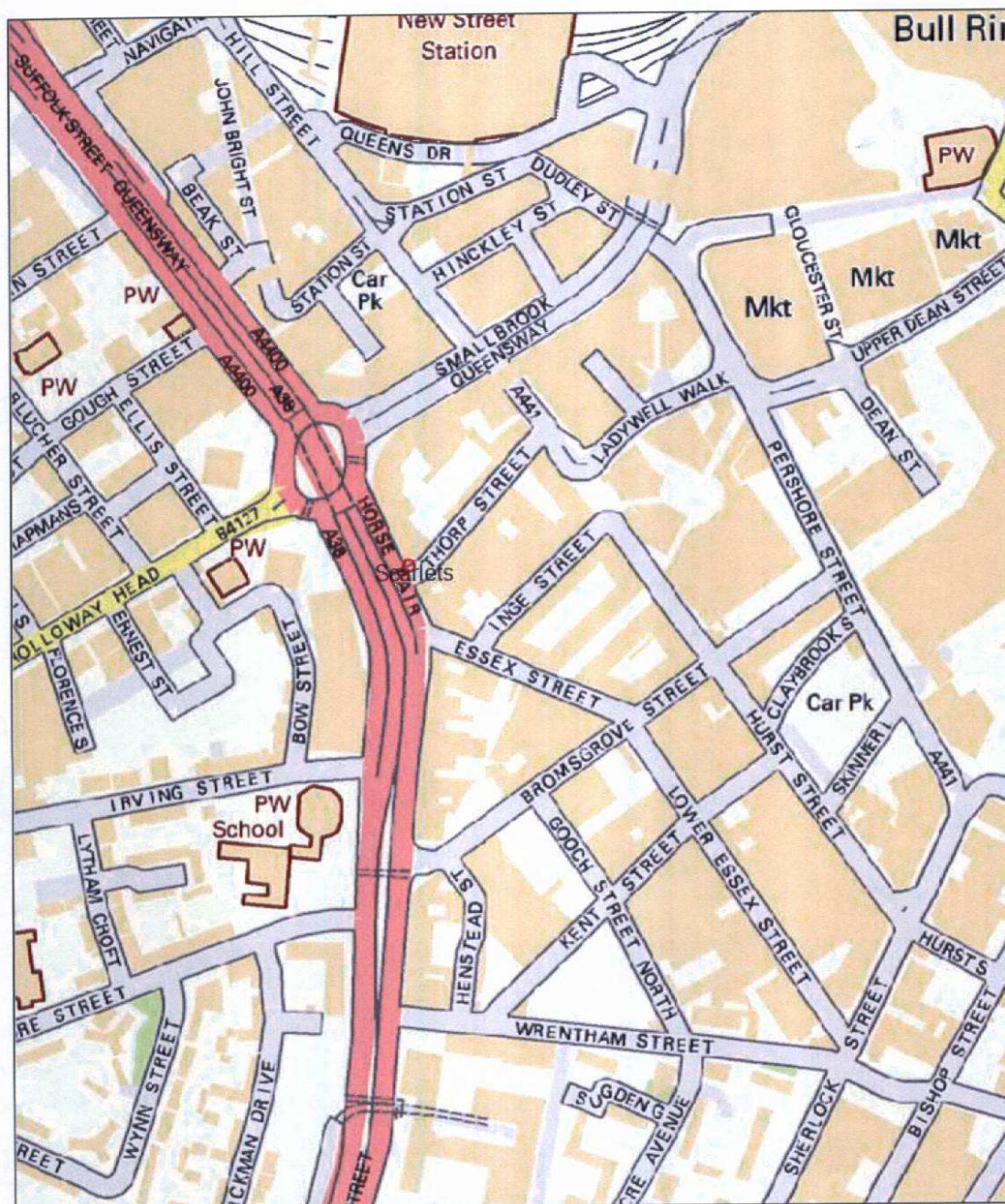
ANNEX B

SCHEME OF DELEGATION OF DECISION-MAKING AND FUNCTIONS

The Licensing and Public Protection Committee is responsible for making licensing decisions with Sub-Committees and officers having delegated powers to make some decisions. The table below describes how licensing decisions will be made. This scheme of delegations will be subject to regular review

Nothing within this scheme of delegations shall prevent matters being referred to a higher level where appropriate. E.g. officers may refer matters to a sub committee, or a sub-committee may refer a matter to full committee.

Matter to be dealt with:	Decision to be made by:		
	Full Committee	Sub-Committee	Officers (Senior Licensing Officer or above)
Application for grant or transfer	All cases		
Application for renewal or variation	If relevant objection made		If no relevant objection made
Minor variation application	If relevant objection made		If no relevant objection made
Revocation of Licence	All cases		
Cancellation of Licence			All cases
Make/amend regulations prescribing standard conditions, terms and restrictions	All cases		
Setting of fees	All cases		
Waiver	All cases		
To make and amend policy relating to the licensing of sex establishments	All cases		
To enforce the provisions of Part II and Schedule 3 of the Local Government Miscellaneous Provisions Ac 1982			All cases



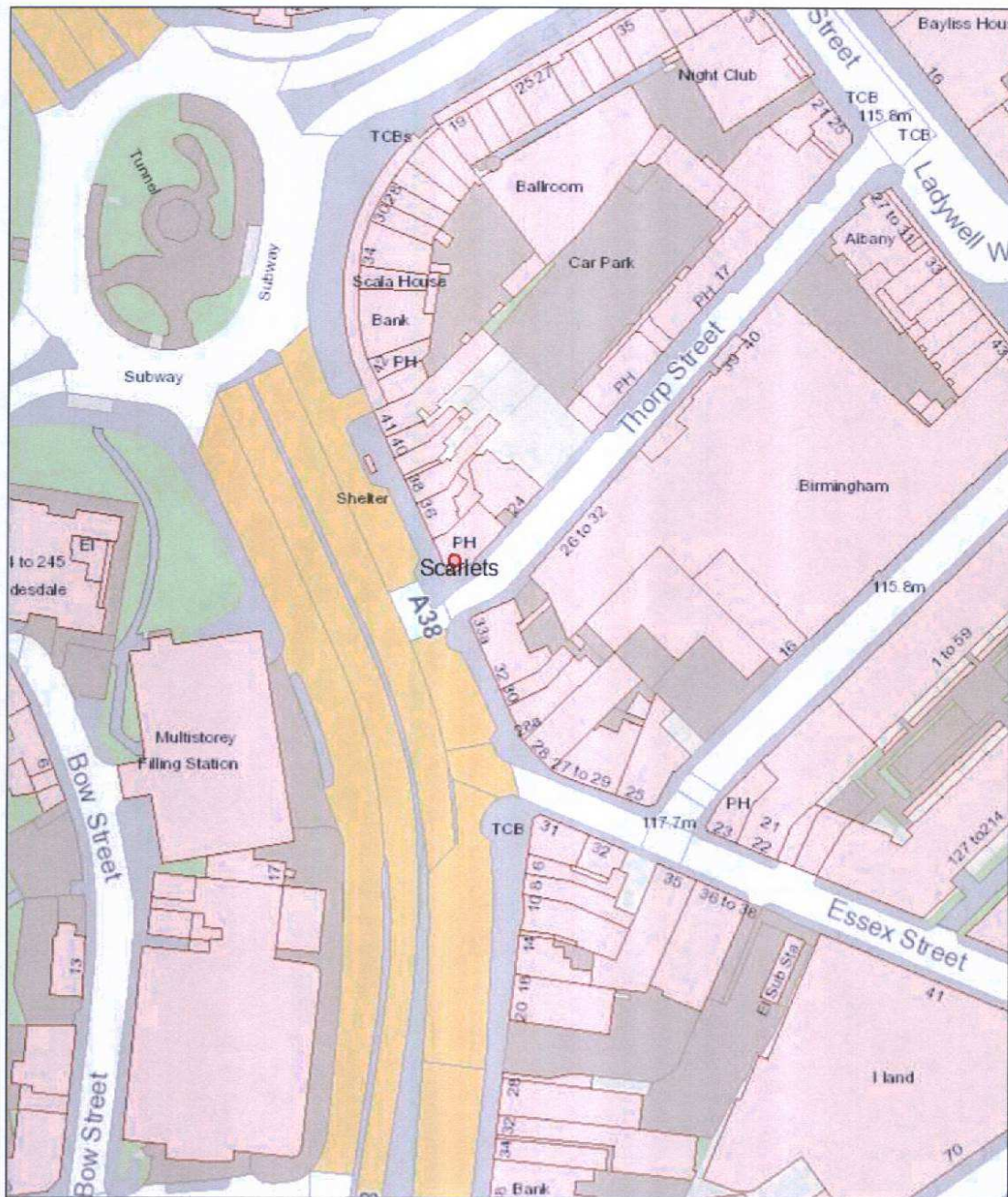
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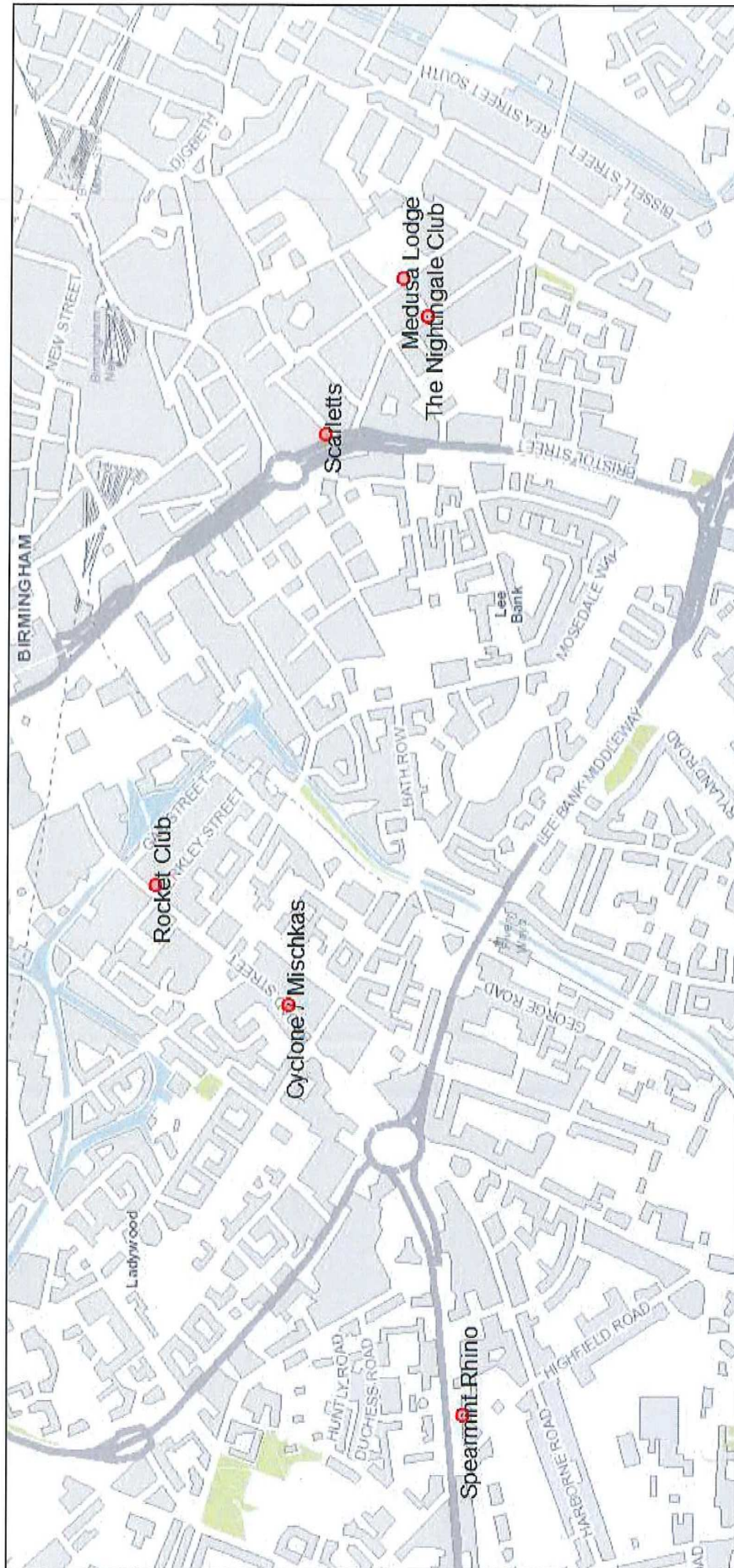
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BIRMINGHAM CITY COUNCIL

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

13 DECEMBER 2017
ALL WARDS

CONDITIONS OF LICENCE FOR HACKNEY CARRIAGE VEHICLES

1. **Summary**

- 1.1 Following reports to this Committee most recently in April regarding changes to conditions for private hire operators, vehicles and drivers this report proposes the introduction of a new set of conditions to be attached to the licences issued in respect of hackney carriage vehicles as on the attached appendix.
- 1.2 The current conditions relating to this type of license have been reviewed, amended and updated in an attempt to clarify certain issues, introduce new initiatives, procedures and remove what are already legal duties.
- 1.3 This bring these conditions up to date and the wording in line with the conditions specifically relating to private hire vehicles to ensure consistency across both trades.

2. **Recommendations**

- 2.1 That the Committee consider the proposed updated conditions for hackney carriage vehicles and following any necessary amendments agree to full consultation with the trade.
- 2.2 A final version with comments from the trade be brought back to Committee for ratification and to agree an implementation date.

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Telephone: 0121 303 6111
Email: chris.neville@birmingham.gov.uk

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

3. Background

- 3.1 A report to this Committee in January 2016 regarding the Implications of the Casey Report on Child Sexual Exploitation in Rotherham set out an action plan “...to improve our systems and to minimise the risk...”
- 3.2 This review of conditions for Drivers and Vehicles completes part of that action plan.
- 3.3 This review of Hackney Carriage Vehicle conditions also brings those conditions in line with those of the private hire trade which have recently been approved by Committee.

4 Conditions

- 4.1 Sections 47 of the Local Government (Miscellaneous Provisions) Act 1976, which relate to the issue of licenses for hackney carriage vehicles states:

“A district council may attach to the grant of a licence of a hackney carriage under the Act of 1847 such conditions as the district council may consider reasonably necessary “.

- 4.2 The purpose of attaching conditions to these licences is to be able to regulate a large variety of matters relating to the way proprietors and drivers conduct themselves and the use of their vehicles. Conditions can prescribe the ways in which activities are conducted, the sort of documentation proprietors and drivers must maintain and how vehicles are to display their plates and signage.
- 4.3 The conditions are used to deal with issues that require regulating and are drafted to stipulate the exact manner in which activities are to be undertaken. Failing to comply with conditions may result in enforcement action being taken. This may include referral to a Licensing Sub Committee for them to consider whether the licensee is “fit and proper” and if not whether their licence should be suspended or revoked. For example, a complaint from members of the public about a drivers’ behaviour.
- 4.4 The current conditions for hackney carriage vehicles were last reviewed and/or amended on the 15/09/2010, with an additional amendment in February 2015 to account for the changes to the Equalities Act.
- 4.5 Since the current set of conditions were introduced we have moved office as Condition 1 referred specifically to our old office address.
- 4.6 The current conditions contain policy details, such as the type of vehicle that can be licensed. These have been removed from the proposed conditions as if it is the policy of the City Council not to approve a certain type of vehicle as a Hackney Carriage there is no need for it to also be a condition of licence.

- 4.7 The Licensing Enforcement Team deal with numerous complaints about the activities of licensees and undertake various exercises throughout the year including the stop checking of vehicles and drivers and the inspection of records and documentation retained at operator's bases. These conditions are used to measure the licensee's compliance and deal with such complaints.

5. Issue of Conditions of Licence

- 5.1 Conditions of licence can only be issued upon the grant of a licence. Thus following the proposed consultation and any subsequent amendments to the proposed conditions; if approved they will be issued on the grant or renewal of licence applications following the implementation of the proposed policy on vehicle signage.
- 5.2 This will mean that we will be enforcing two sets of conditions for up to 12 months following the proposed introduction of new conditions.
- 5.3 Any individual aggrieved by the conditions of licence may make an application for exemption from them and attend a hearing before a Licensing Sub Committee. Alternatively, they can appeal to a Magistrates Court within 21 days of the service of the licence upon them.

6. Summary of Key Changes

- 6.1 The most significant change to the proposed conditions is around the testing of the taxi meter.
- 6.2 This would normally involve each vehicle owner being written to, a site that can accommodate 300 vehicle a day being sourced, an approved tester being available for the week and between 3-4 licensing enforcement officers on site all day every day.
- 6.3 This involves the use of a great deal of resources from the licensing service which could be better used elsewhere; it also allows the vehicle owners to obtain their own meter test certificate, from any approved tester, at any time in the 12 months before their licence is due for renewal rather than be restricted to a random week each year.
- 6.4 The following points highlight the key changes from the original conditions to the final draft of the proposed conditions. The list does not include every minor variation to wording.
- Changes to the way the meter test is carried out.
 - Duplication of policy removed.
 - Legal obligations removed.

7. Consultation

- 7.1 This initial draft of the proposed conditions will be consulted on with the trade and the wider public by way of a survey on the Birmingham Be Heard website.
- 7.2 Details of the consultation will be published on the City Councils website and sent out to various potentially interested parties via social media.
- 7.3 Account has also been taken of the Licensing Enforcement team's views and the need to protect the safety of the public.

8. Implications for Resources

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

9. Implications for Policy Priorities

- 9.1 The contents of this report are consistent with the Regulation and Enforcement Mission Statement - locally accountable and responsive fair regulation for all – achieving a safe, healthy, clean, green and fair trading city for residents, business and visitors.

10. Implications for Equality and Diversity

- 10.1 No specific implications have been identified.

ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: Current Hackney Carriage vehicle conditions

HACKNEY CARRIAGE VEHICLE CONDITIONS OF LICENCE

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

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

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

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

CONDITIONS

No front seat passengers are permitted to travel in any Hackney Carriage Vehicle.

DETAILS TO BE REPORTED

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

2. If any of your vehicle's identity plates are lost or stolen you must report the loss or theft in writing to the Licensing Office within **3 days**.

DOCUMENTATION TO BE MAINTAINED FOR VEHICLE & DRIVER(S)

3. Only a licensed hackney Carriage driver can drive a licensed Hackney Carriage vehicle. If you propose to allow someone else to drive your vehicle at any time, before doing so you must obtain from the driver the following documents:

- a) A copy of their current Birmingham City Council Hackney Carriage Driver's Licence, and
- b) A copy of their insurance documentation covering them to use the vehicle for the purpose of public hire.

You must ensure that the driver's Hackney Carriage Driver's Licence and insurance remain current for the duration of the period they have your vehicle.

4. You must retain the above documents for a period of 12 months following their expiry and these documents must be available for inspection at any time to an authorised officer. If you let the vehicle to a driver you must ensure that the driver's licence is deposited with you first. The vehicle cannot ply for hire in Birmingham unless it is driven by a Birmingham licensed Hackney Carriage Driver.
5. If the driver(s) details change at any time from the details notified at the time of application, in addition to the preceding condition, you must notify the Licensing Section, in writing within 7 days and forward a copy of the revised insurance documentation at the same time.
6. You must ensure that there is a current certificate or policy of insurance in force for the vehicle throughout the duration of the licence, whether it is being driven or not at the time.
7. If there are exceptional reasons which prevent you from maintaining or ensuring continuous insurance cover, for whatever reason, throughout the duration of the licence you must attend and notify the Licensing Office, in writing, within 72 hours following the insurance cover expiring or lapsing. At the same time you must return the vehicle identification plates as the vehicle will be liable to suspension until insurance cover is produced.

LOST PROPERTY

8. You must immediately after the termination of any hiring, or as soon as practicable thereafter, carefully search the private hire vehicle for any property which may have been accidentally left therein.
9. Any property accidentally left in a Hackney Carriage Vehicle must be handed in to the nearest West Midlands Police Station as soon as possible, and, in any event, within 3 days of the property being found.

VEHICLE IDENTIFICATION PLATES & SIGNAGE

10. The vehicle identification plate issued to you remains the property of the Council and must not be sold or transferred separately from the Hackney Carriage.
11. Should your Hackney Carriage Vehicle Licence expire, you must return the vehicle identification plate to the Licensing Office within 7 days.
12. The rear identity plate must be fitted externally on the rear of the vehicle in such a place and manner to ensure that all of the information displayed on the identity plate is clearly visible at all times.
13. The rear identity plate must be securely attached to the vehicle in such a manner so that it cannot be removed without the use of tools. It must not be affixed using string, tape, magnets, Velcro or any other similar material. If a securing bracket is not used the identity plate must be fixed to the vehicle using bolts, rivets or screws.
14. You must ensure that the vehicle licence number and a copy of the approved fare table are displayed in a prominent position within the vehicle so as to be clearly visible to passengers at all times.

ADVERTISING

15. No advertisement shall be displayed upon the interior or exterior of a Hackney Carriage which contains, promotes or involves drugs, alcoholic drinks, politics, nudity (partial or otherwise) or sex (including articles or products associated with birth control) without the permission of the City Council.
16. No advertisement which has been prohibited by the Advertising Standards Agency shall be displayed upon the exterior or interior of any Hackney Carriage.
17. No advertisement shall be displayed in such a manner so as to contravene the Road Traffic Acts or the Road Vehicle (Construction and Use) Regulations.
18. Any advertisement displayed upon the exterior of a Hackney Carriage shall be located either upon:-
 - a) The whole vehicle (whole livery);
 - b) Each side of the vehicle;
 - c) The rear windscreen provided that an advertisement shall only be displayed upon the rear windscreen if the advertisement is printed upon a transparent screen which does not obscure the driver's view.

NB - Only one advertisement is allowed in any one location on the vehicle. For this purpose, both doors on each side of the vehicle constitute one location.

19. The proprietor shall maintain the advertisement in a clean and tidy condition and shall remove any advertisement, which is damaged, defaced or out-dated.

20. No advertisement shall be displayed within the interior of the vehicle unless it is located upon the underside of the tip-up seat within the vehicle or displayed via an electronic media system with the prior approval of the Licensing Committee.
21. Any advertisement, which, in the absolute discretion of the City Council, is considered to contravene these conditions shall be removed forthwith.

The following condition only relates to licences issued in respect of van derived vehicles e.g. Mercedes Eurocab, Peugeot Euro 7 Taxi and Fiat Eurocab:

22. The licence is granted on condition that the vehicle will not be allowed to carry whole livery advertisements and that the colour of the vehicle must remain black throughout the period of the licence.

TAXIMETERS

23. The taximeter fitted to the vehicle shall be of an approved type, and shall be subject to an annual test to be carried out by a manufacturer approved tester.
24. A current calibration certificate shall be supplied to the City Council on renewal of the Licence plate to demonstrate that it is calibrated to the fare table in force at the time of the test.
25. The seal on the taximeter will not be tampered with at any time.

MAINTENANCE OF VEHICLES

26. The interior of the vehicle shall be kept clean and tidy at all times when in use as a Hackney Carriage Vehicle.
27. The exterior of the vehicle to be clean at all such times, having due regard to the weather conditions on the day.
28. The vehicle and all its fittings and equipment shall at all times when the vehicle is in use or available for hire be kept in an efficient, safe, tidy and clean condition. In particular all data boxes, radios, PDA's or any other equipment installed in the vehicle must be affixed to the vehicle by use of secure fittings so they cannot be easily removed, to prevent injury or harm to the driver or passengers.
29. Once a vehicle has been inspected by one of the Licensing Office's approved MOT stations and a licence has been granted it must be maintained in that form and condition. No change in the specification, design or appearance of the vehicle or addition of any body work accessories shall be made within the duration of the licence without the prior written approval from the Licensing Office.
30. Only tinted and anti-glare windows fitted by the vehicle's manufacturer are acceptable

MISCELLANEOUS

31. A copy of these conditions must be kept in the vehicle at ALL times and shall be made available for inspection on request by an authorised officer of the Licensing Authority or

a Police Constable.

GUIDANCE

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

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

Smoke Free Legislation

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

BIRMINGHAM CITY COUNCIL

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

13 DECEMBER 2017
ALL WARDS

FRANKFURT CHRISTMAS MARKET

1. Summary

- 1.1 To advise the Committee of the involvement by Environmental Health and Trading Standards officers at the Frankfurt Christmas Market, which was inspected on Thursday 16 November 2017.

2. Recommendation

- 2.1 That the report be noted.

Originating Officer: Mark Croxford, Head of Environmental Health

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

Contact Officer: Vir Ahluwalia, Operations Manager Trading Standards
Telephone: 0121 303 9370
E-mail: Vir.Ahluwalia@birmingham.gov.uk

3. Background

- 3.1 As in previous years, the food market stalls offered various traditional German cuisine including frankfurters, schnitzel, hamburgers as well as a range of German breads and pastries many of which are baked on site each day. The food of other nationalities is also catered for from other non-German stalls, but which in more recent years have also tended to support the Christmas event. Owing to the Paradise development work there was no space for the Craft Market stalls to be present this year.
- 3.2 In order to promote safe food hygiene practices and to enforce relevant food legislation at this years event, Environmental Health and Trading Standards officers attended pre-event planning meetings with the organisers and Environmental Health visited and inspected a total of 53 'high risk' food stalls.
- 3.3 Prior to the event opening an information pack, which included a section on the principles of how to ensure food safety, was provided to the event organisers. This was then available for all stall holders making an application to trade at the Frankfurt Market to receive a copy well in advance of it opening.
- 3.4 Trading Standards also provided an advisory information pack to the SAG and event organisers prior to the event. This covered a variety of Consumer Protection legislation such as Weights and Measures, Product Safety and Pricing.
- 3.5 Officers from Environmental Health and Trading Standards also attended and presented information at the stallholders and staff briefing meeting on the evening of Wednesday 15th November 2017 at the Council House.

4. Inspections by Environmental Health and Trading Standards

- 4.1 Environmental Health Officers visited and inspected all 'high risk' food stalls and where necessary provided advice and recommendations to Food Business Operators in order to ensure their stall operations and practices complied with food safety requirements.
- 4.2 Any areas of non compliance that were identified during the process of inspection were dealt with at the time and with strict regard to the risk to health of the attending public.
- 4.3 Traders were issued with pass, improve or fail cards respectively coloured green, yellow and red. Those that received the fail cards are not allowed to trade until they have rectified the problems which led to a fail card being issued.
- 4.4 Trading Standards Officers prioritised stalls selling alcohol and items on sale particularly aimed at younger people. In addition stalls selling items with

product safety implications were also prioritised. All stalls using weighing machines selling loose products had their machines tested this year.

- 4.5 As outlined before owing to the Paradise development there was no space for the Craft Market stalls to be present this year.

5. Specific Issues

- 5.1 Of the 53 food inspections carried out on 16th November at the Frankfurt Market, 33 traders were immediately awarded a green pass card and 15 required minor improvements. Much of this related to improvements to hand washing facilities, pest proofing and a number failed to display any information relating to allergen advice for food on sale. Five traders were issued fail notices. This required them to cease trading; this was due to a lack of Hand Wash Basins on the stalls with two also not having any antibacterial spray and one demonstrating cross contamination issues.
- 5.2 All of the stalls rectified the issues shortly afterwards to allow them to trade. One of the traders was upgraded to an 'improve' as there were still cross contamination issues apparent. All stalls that received an 'improve' were subject to revisits and as of 21st November all traders are up to standard.
- 5.3 Inspections of non-food stalls by Trading Standards Officers found very good general compliance. Those stalls selling alcohol were found to be displaying the correct notices and stallholders were found to have a good working knowledge of all aspects relating to avoiding under-aged sales. A few minor non-compliance issues were dealt with and resolved during inspection. It was noted that there was a high standard of clarity of price indications this year.

6. Outcome

- 6.1 The Food Team will use this data to help ensure mobile traders who attend outdoor events staged in Birmingham continue to comply with the requirements of Food Hygiene and Safety legislation.
- 6.2 Product safety was assured and the city is assured that all traders are aware of their responsibilities to those under age when selling alcohol.

7. Consultation

- 7.1 Consultation was not undertaken directly with stall holders, although significant efforts were made with the event organisers and at the SAG meetings to ensure all relevant information was available prior to the stall holders coming on site.

8. Implications for Resources

- 8.1 There were no additional costs incurred from the Committees approved budget.

9. Implications for Policy Priorities

- 9.1 The contents of this report are consistent with the Regulation and Enforcement Mission Statement - locally accountable and responsive fair regulation for all – achieving a safe, healthy, clean, green and fair trading city for residents, business and visitors.

10. Public Sector Equality Duty

- 10.1 The Frankfurt Christmas Market is an enormously popular annual event that has huge seasonal appeal. It continues to attract large numbers of people from all sections of the community and has acquired both national and international acclaim.

ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: nil

BIRMINGHAM CITY COUNCIL

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

13 DECEMBER 2017

ALL WARDS

NON ATTENDANCE OF DRIVERS AT SUB COMMITTEES

1 Summary

- 1.1 At the meeting of your Committee on 12 April 2017 it was resolved that a report should be presented to consider options for making a charge on drivers who fail to attend appointments to appear before meetings of the Licensing Sub-Committees.
- 1.2 The rationale for the request was to discourage drivers from not attending appointments for hearings, to avoid wasted time and resources associated with non-attendance and where drivers have failed to attend to recover wasted costs associated to the hearing.
- 1.3 The conclusion of this report is that the cost of administering hearings is already included in the licence fee that all drivers pay and, therefore, this would not be permissible.
- 1.4 A proportion of people who appear at Sub-Committees are there to ask for exemptions from standard conditions before making a licence application or to establish whether they would be considered 'fit and proper' for the grant of a licence. In those cases they have not paid a fee because they have not completed an application. Where they fail to attend we do not recover any money from them.
- 1.5 With the introduction of a new IT system in Licensing, scheduled for spring 2018 it will not be possible for these types of application to proceed to a meeting of a Licensing Sub-Committee without the applicant first paying the appropriate fee,

2. Recommendations

- 2.1 That the report be noted.
- 2.2 That outstanding minute no. 846 of 12 April 2017 be discharged.

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

3. Background

3.1 In April 2017 your Committee asked officers to consider options for charging drivers who fail to attend appointments to appear before hearings of the Licensing Sub Committees. The purpose of this request was threefold:

- To encourage drivers to keep their appointments / discourage them from not attending.
- To reduce the amount of wasted time for members and officers when drivers fail to attend appointments.
- To recover the cost associated to convening a hearing with members and officers when drivers do not attend.

4. Fee Recovery

4.1 In order to make a charge for the provision of a service, a local authority must have a statutory power to do so. The power will derive from an Act of Parliament or secondary legislation such as an Order or Regulations. Our ability to charge a fee to license drivers of hackney carriages and private hire vehicles is contained in Section 53(2) of the Local Government (Miscellaneous Provisions) Act 1976:

'53(2) Notwithstanding the provisions of the Act of 1847, a district council may demand and recover for the grant to any person of a licence to drive a hackney carriage, or a private hire vehicle, as the case may be, such a fee as they consider reasonable with a view to recovering the costs of issue and administration and may remit the whole or part of the fee in respect of a private hire vehicle in any case in which they think it appropriate to do so.'

4.2 The above section permits a local authority to charge a fee for the cost of issue and administration of a driver's licence. 'Administration' in this context includes the cost of dealing with matters that arise in the course of a driver's licence which have to be dealt with by Sub-Committees. It should also be noted that the section says that a District Council may 'demand and recover such a fee as they consider reasonable to recover the cost of issue and administration...' The reference to recovering the cost is important, because that is the basis of the principle by which a local authority must set its licence fees for drivers. The fee must be calculated to recover costs.

4.3 Licence fees for drivers are calculated every year. The costs associated to running Sub-Committees are included in the fee calculation for drivers by sharing the total cost of administering Sub-Committees between each licence fee. Consequently the fees that have been set recover the cost of administering our Sub-Committees. To charge another fee for drivers that do not attend their hearing would result in an over-recovery of costs, which is not permitted by Section 53(2) of the Local Government (Miscellaneous Provisions) Act 1976.

- 4.4 Aside from those drivers who appear before Sub-Committees during the lifetime of their licences, the Sub-Committees also deal with applications from people who have not yet applied for a licence and have not paid a licence fee at that stage, but if their application is granted they will generally go on to apply for a licence. If they have failed to attend a Sub-Committee meeting the cost of their non-attendance will be recovered when they make their application. Therefore, there is a minority of people who do not contribute towards the cost of running Sub-Committees because they have applied for an exemption which has been refused. These are typically people with criminal convictions who want to know whether they will be accepted as 'fit and proper' before making a full application, or vehicle proprietors who are seeking exemptions from signage policy.
- 4.5 The Licensing Service is purchasing a new licensing IT system to administer the grant and administration of licences. The new system is expected to be ready by the spring of 2018. It will be an on-line system that will require applicants for a licence to pay an 'application fee' before we will process their application. This would include circumstances where an applicant was asking for an exemption. This system will ensure that a fee is taken from every person who appears before a Sub-Committee in advance. Under the new system, once an applicant has been assessed as suitable for a licence they will be asked for a separate 'licence fee' to cover the balance of the licence cost, which will include compliance.

5. Conclusion

- 5.1 The Local Government (Miscellaneous Provisions) Act 1976 permits district councils to recover the cost of the Licensing Service in respect of hackney carriage and private hire drivers and the cost of administering our sub-committees in Birmingham is recovered through drivers' fees. We cannot charge a supplement for drivers that do not attend because our costs have already been recovered once through the licence fee. A supplementary fee would result in an over-recovery of costs.
- 5.2 To be able to make a charge for non-attendance at Sub-Committees above and beyond basic fee recovery would require statutory authority and there is no statutory authority to enable us to make such a charge. Under Section 93(3) of the Local Government Act 2003 a local authority is under a general duty to ensure that, from one financial year to the next, the income from charges for services does not exceed the cost of provision.
- 5.3 Given the fact that the new licensing IT system is expected to be implemented in approximately five months, officers have considered that it would be disproportionate to develop and implement an interim manual charging system for people applying for exemptions.

6. Consultation

- 6.1 No consultation has been carried out in respect of this report, which is for information only.

7. Implications for Resources

- 7.1 The cost of administering licensing sub committees is recovered through licence fees.

8. Implications for Policy Priorities

- 8.1 The Corporate Charging Policy and Financial Regulations require that fees and charges levied by the Licensing and Public Protection Committee be reviewed on an annual basis to ensure the continued full recovery of costs. The contents of this report are consistent with our Corporate Charging Policy.

9. Public Sector Equality Duty

- 9.1 Under the Duty we must have regard to the need to:
- Eliminate unlawful discrimination, harassment, and victimisation and other conduct prohibited by the Act.
 - Advance equality of opportunity between people who share a protected characteristic and those who do not.
 - Foster good relations between people who share a protected characteristic and those who do not.
- 9.2 The recommendations contained in this report have no impact on any of the Council's duties under the Equality Act 2010.

ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: nil

BIRMINGHAM CITY COUNCIL

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

13 DECEMBER 2017
ALL WARDS

**OUTCOME OF APPEALS AGAINST SUB COMMITTEE DECISIONS
TAKEN DURING OCTOBER 2017**

1. Summary

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

2. Recommendation

- 2.1 That the report be noted.

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

3. Summary of Appeal Hearings for October 2017

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

4. Implications for Resources

- 4.1 The details of costs requested and ordered in each case are set out in the appendix below.
- 4.2 In October 2017 costs have been requested to the sum of £2,234 with reimbursement of £1,934 (86.6%) ordered by the Courts.
- 4.3 For the fiscal year thus far, April 2017 to October 2017, costs associated to appeal hearings have been requested to the sum of £24,472.55 with reimbursement of £20,329.30 (83.1%) ordered by the Courts.

5. Implications for Policy Priorities

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

6. Public Sector Equality Duty

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

7. Consultation

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

ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

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

MAGISTRATES' COURT – PRIVATE HIRE DRIVER'S LICENCE

	Name	Date Case Heard	Result	Costs Requested	Costs Ordered	Comments
1	Zulfiqar Ali	06.10.2017	Dismissed	£300	0	On 26 July 2017, as the result of conviction for offences of plying for hire and using a vehicle while uninsured, Committee considered and resolved that in line with relevant Committee policy, the licence be revoked.
2	Hafeez Ahmed	20.10.2017	Allowed in part	Contra BCC – amount not known		On 22 May 2017, as the result of conviction for refusing to carry a passenger accompanied by an assistance dog, Committee considered and resolved to revoke the licence. The appeal was allowed in part: the Magistrates considered revocation of the licence to be “disproportionate” and substituted revocation by one month’s suspension. Costs were awarded to the appellant, although the amount is not yet known.

MAGISTRATES' COURT – LICENSING ACT 2003

	Name	Date Case Heard	Result	Costs Requested	Costs Ordered	Comments
1	Hamidreza Taghizadeh Sardeh in respect of A G Convenience, 182 Brighton Rd, Balsall Heath, B12 8QN	10.10.2017	Dismissed	£1934	£1934	On 16 May 2017, as the result of an application for a review of the premises licence by Trading Standards Officers and West Midlands Police, large quantities of illicit tobacco and alcohol products having been found within a van parked at the premises and on open sale behind the counter, all of which failed to promote the prevention of crime and disorder, public safety, and the protection of children from harm objectives in the Act, Committee considered and resolved that the premises licence be revoked.

BIRMINGHAM CITY COUNCIL

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

13 DECEMBER 2017
ALL WARDS

FIXED PENALTY NOTICES ISSUED OCTOBER 2017

1. Summary
 - 1.1 The report sets out a breakdown, on a Constituency/Ward basis, of fixed penalty notices issued in the City during the period of October 2017.
2. Recommendation
 - 2.1 That the report be noted.

Contact Officer: Mark Croxford, Head of Environmental Health
Telephone: 0121 303 6350
E-mail: mark.croxford@birmingham.gov.uk

3. Background

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

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

4. Enforcement Considerations and Rationale

- 4.1 The attached appendix shows the wards where FPNs were issued during the month of October 2017.
- 4.2 By identifying both the area where the FPN is issued and the ward/area that the litterer lives this demonstrates that the anti-litter message is being spread right across the city. By and large litter patrols are targeted to the primary and secondary retail areas of the city because there is a high level of footfall and they engage with a full cross section of the population. Targeted areas include locations where there are excessive levels of littering, smoking areas with high levels of cigarette waste that cause blight in the city and areas where there are known problems associated with groups gathering to eat outdoors.
- 4.3 The number of incidences of Fixed Penalty Notices being issued reflects the fact that there is still a problem with littering on our streets. Since the Health Act came into force there has been a decline in street cleanliness associated with cigarette waste. This is reflected not only in these statistics but also in the environmental quality surveys undertaken by Fleet and Waste Management that record cigarette waste being the most prevalent waste upon our streets and identify it in 98% of all samples of street cleanliness.

4.4 One of the difficulties in resolving the problem of cigarette waste being deposited on the street is that the perception of many smokers is that cigarette waste is not litter. A change in the culture and perceptions of these smokers is critical to resolving this problem.

4.5 Anyone who receives a FPN is encouraged to talk to their co-workers, friends and families to promote the anti-litter message.

5. Consultation

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

6. Implications for Resources

6.1 The work identified in this report was undertaken within the resources available to your Committee.

7. Implications for Policy Priorities

7.1 The issue of fixed penalty notices has a direct impact on environmental degradation within the City and the Council's strategic outcome of staying safe in a clean, green city.

8. Public Sector Equality Duty

8.1 The actions identified in this report were taken in accordance with approved enforcement policies which ensure that equalities issues have been addressed.

ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: FPN records

APPENDIX 1
WARDS WHERE FPN's ARE ISSUED

Constituency	Ward	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Total
Edgbaston	Bartley Green	0	0	0	0	1	0	0						1
	Edgbaston	0	0	0	0	3	0	0						3
	Harborne	0	0	0	0	3	1	0						4
	Quinton	0	0	0	0	0	0	0						0
Erdington	Erdington	0	1	0	1	0	0	1						3
	Kingstanding	0	1	0	0	2	0	1						4
	Stockland Green	0	0	2	0	1	0	0						3
	Tyburn	0	1	1	1	0	2	0						5
Hall Green	Hall Green	0	1	0	0	0	0	0						1
	Moseley And Kings Heath	2	0	0	0	0	0	0						2
	Sparkbrook	0	1	1	0	6	0	0						8
	Springfield	0	0	0	0	0	2	1						3
Hodge Hill	Bordesley Green	0	0	0	1	1	0	0						2
	Hodge Hill	0	1	0	0	1	0	0						2
	Shard End	1	4	0	0	0	0	0						5
	Washwood Heath	1	0	0	1	7	15	5						29
Ladywood	Aston	0	2	0	1	1	0	3						7
	Ladywood	459	436	264	358	399	386	578						2,880
	Nechells	5	3	0	0	6	1	1						16
	Soho	5	1	2	13	28	3	3						55
Northfield	Kings Norton	0	0	4	3	0	0	0						7
	Longbridge	0	1	0	0	0	0	0						1
	Northfield	2	0	1	0	0	0	0						3
	Weoley	2	0	0	0	0	0	0						2
Perry Barr	Handsworth Wood	0	0	1	0	0	0	0						1
	Lozells And East Handsworth	0	2	2	0	1	1	0						6
	Oscott	0	1	1	2	0	0	0						4
	Perry Barr	1	0	1	0	0	0	0						2
Selly Oak	Billesley	1	1	0	0	0	0	0						2
	Bournville	0	0	2	0	0	0	1						3
	Brandwood	0	0	0	0	0	0	0						0
	Selly Oak	0	0	1	2	2	0	0						5
Sutton Coldfield	Sutton Four Oaks	0	0	0	0	0	0	2						2
	Sutton New Hall	0	0	0	0	0	0	0						0
	Sutton Trinity	0	0	0	0	0	0	1						1
	Sutton Vesey	0	0	0	0	3	0	1						4
Yardley	Acocks Green	6	6	1	0	2	0	0						15
	Sheldon	0	1	0	0	1	0	0						2
	South Yardley	1	1	3	0	2	0	1						8
	Stechford And Yardley North	1	0	1	0	0	0	0						2
Total		487	465	288	383	470	411	599	0	0	0	0	0	3,103

BIRMINGHAM CITY COUNCIL

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

13 DECEMBER 2017
ALL WARDS

PROSECUTIONS AND CAUTIONS – OCTOBER 2017

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

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3. Results

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

- One Licensing case was finalized resulting in a fine of £400 and prosecution costs of £559. Six penalty points were awarded. 11 simple cautions were administered as set out in Appendix 1.
- 69 Environmental Health cases resulted in fines of £51,773 and a 12 month conditional discharge. Prosecution costs of £23,351 were awarded together with clean-up costs in the sum of £160.50. No simple cautions were administered as set out in Appendix 2.
- One Trading Standards case was finalised resulting in a 12 month community order with 120 hours unpaid work. No Prosecution costs were awarded. One simple caution was administered as set out in Appendix 3.
- Appendix 4 lists cases finalised by district in October 2017 and cases finalised by district April - October 2017.
- Appendix 5 lists the enforcement activity undertaken by the Waste Enforcement Team in April - September 2017.

4. Consultation

4.1 The Enforcement Policy that underpins the work identified in this report is approved by your Committee. The policy reflects the views of the public and business in terms of the regulation duties of the Council. Any enforcement action[s] taken as a result of the contents of this report are subject to that Enforcement Policy.

5. Implications for Resources

5.1 Costs incurred in investigating and preparing prosecutions, including officers' time, the professional fees of expert witnesses etc. are recorded as prosecution costs. Arrangements have been made with the Magistrates Court for any costs awarded to be reimbursed to the City Council. Monies paid in respect of fines are paid to the Treasury.

5.2 For the year April 2017 to October 2017 the following costs have been requested and awarded:

Licensing

£12,259 has been requested with £7,742 being awarded (63%)

Environmental Health

£199,709 has been requested with £166,113 being awarded (83%).

Trading Standards

£73,251 has been requested with £65,036 being awarded (89%).

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

Licensing

£559 has been requested with £559 being awarded. (100%)

Environmental Health

£25,480 has been requested with £23,351 being awarded (92%).

Trading Standards

No costs requested or awarded

6. Implications for Policy Priorities

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

7. Public Sector Equality Duty

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

ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: Nil

	Date Case Heard	Name & Address	Offence details (including Legislation)	Fine/Penalty & Costs	Ward of defendant	Ward - Offence committed
1	26/10/17	Mazhar Iqbal 97 College Road Moseley Birmingham B13 9LR	Town Police Clauses Act 1847 & Road Traffic Act 1988 Pleaded guilty to two offences: one of plying for hire in Hurst Street, Birmingham and one of consequently having invalid insurance.	Total £400 (£160 x plying £240 x no insurance) + 6 penalty points £559 costs (£559 requested)	Springfield	Ladywood

LICENSING SIMPLE CAUTIONS

During the period of October 2017, 11 simple cautions have been administered.

Local Government (Miscellaneous Provisions) Act 1976

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

Section 54(2) One caution was issued for failing to wear the drivers badge in a position and manner as to be plainly and distinctly visible

Section 64(3) Six cautions were issued for waiting on a Hackney Carriage stand without being licensed as Hackney Carriage

Section 48(6) & 64(3) One caution was issued for failing to display a private hire vehicle licence plate and for waiting on a Hackney Carriage stand without being licensed as Hackney Carriage

Byelaw 26 of the Birmingham City Council Hackney Carriage Byelaws 2008 made under section 68 of the Town Police Clauses Act 1847 and section 171 of the Public Health Act 1875 One caution was issued for failing to display a fare table in a position and manner as to be plainly and distinctly visible

WASTE OFFENCES

	Date Case Heard	Name & Address	Offence details (including Legislation)	Fine/Penalty & Costs	Ward of defendant	Ward - Offence committed
1	6/10/17	Booze Burst Ltd 321-323 Fox Hollies Road Acocks Green Birmingham B27 7PS	Environmental Protection Act 1990 Pleaded guilty to three offences; one offence of failing to prevent controlled waste from being deposited near to Tesco, Swan Centre, Birmingham, one of failing to prevent waste from Booze Burst Ltd, 321-323 Fox Hollies Road from being deposited on the pavement outside 317-319 Fox Hollies Road and one offence of failing to comply with a statutory demand requiring written information relating to the transfer of controlled waste from the business within 7 days.	£1,666 x offence 2 No separate penalty for remaining offences £711 costs (£711 requested)	Acocks Green	Acocks Green
2	6/10/17	Dar Makkah International Ltd 23-27 Parliament Street Nechells Birmingham B10 0QJ	Environmental Protection Act 1990 Pleaded guilty to two offences; one offence of failing to ensure that controlled waste was only passed to legitimate persons in that cardboard, plastic and documentation relating to the business was found on the corner of Parliament Street and Herbert Road and one offence of failing to comply with a statutory demand requiring written information relating to the transfer of controlled waste from the business within 7 days.	£2,000 x offence 1 No separate penalty for offence 2 £1,738 costs (£1,738 requested)	Nechells	Nechells

3	6/10/17	William Kennedy 102 Grange Road Kings Heath Birmingham B14 7RR	Environmental Protection Act 1990 Pleaded guilty to one offence of knowingly causing controlled waste, namely one black bag containing green waste, to be deposited from a vehicle onto the front driveway area of a property on Edgcombe Road, Hall Green, Birmingham.	£320 £812 costs (£812 requested)	Moseley & Kings Heath	Hall Green
4	12/10/17	Kuldeep Singh 102 Alfred Road Handsworth Birmingham B21 9NQ	Environmental Protection Act 1990 Pleaded guilty to one offence of depositing controlled waste, namely one black bag, a headboard and a sofa cushion on Sladefield Road, Birmingham.	£300 £621 costs (£621 requested)	Lozells & East Handworth	Washwood Heath
5	18/10/17	Mohammed Abdul Haque 25 Freer Road Birmingham B6 6NE	Environmental Protection Act 1990 Pleaded <u>not guilty</u> to one offence of failing to comply with a statutory demand requiring written information relating to the transfer of controlled waste from Manor Road Tyres, 7-11 Manor Road within 7 days. Found guilty after trial.	12 month conditional discharge £380 costs (£524 requested)	Aston	Aston
6	20/10/17	Steven Kiernan 121 Horrell Road Sheldon Birmingham B26 2PX	Environmental Protection Act 1990 Pleaded guilty to one offence of depositing controlled waste, namely a large amount of tree cuttings, on private land used as an access to the rear of houses in Benedon Road, Birmingham.	£400 £310 costs (£1,069 requested)	Sheldon	Sheldon
7	26/10/17	Daniel Gough 35 Woodvale Road Hall Green Birmingham B28 0PH	Environmental Protection Act 1990 Pleaded guilty to one offence of failing to ensure that waste was transferred to an authorised person, in that waste namely a mattress and 25 black bags containing clothes and documentation, was found deposited in Redditch Road, Kings Norton.	£500 £739 costs (739 requested) £160.50 clean-up costs	Hall Green	Kings Norton

FOOD HYGIENE OFFENCES

	Date Case Heard	Name & Address	Offence details (including Legislation)	Fine/Penalty & Costs	Ward of defendant	Ward - Offence committed
1	26/10/17	Unique Bakers Ltd 113 Electric Avenue Birmingham B6 7EF	Food Safety and Hygiene (England) Regulations 2013 Pleaded guilty to four offences relating to conditions at Royal Bakeries, 113 Electric Avenue, Birmingham. Bakery trays were filthy and heavily burnt, the flooring was in such a poor condition that there was pooling water which was attracting flies, there was no hot water at the premises, large pieces of equipment were dirty and cooked biscuits were stored on dirty fabric chairs.	Total £10,000 (£2,500 x 4) No separate penalty for remaining offences. £627 (£627 requested)	Perry Barr	Perry Barr

PEST OFFENCES

1	16/10/17	Refrose Properties Ltd Oakwood 2B The Avenue Potters Bar Herefordshire EN6 1EB	Prevention of Damage by Pests Act 1949 Pleaded <u>not guilty</u> to one offence of failing to comply with a notice requiring the removal of an accumulation of rubbish, to cut back and remove all overgrowth and eradicate all pests from inside the property and land at 124 Walkers Heath Road, Birmingham within 21days. Found guilty after trial.	£500 £2,225 costs (£3,016 requested)	Out of area	Kings Norton
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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
1	3/10/17	<p>Boxxed Limited 104-108 Floodgate Street Digbeth Birmingham B5 5SR</p> <p>HTF Media Limited Unit F3 The Arch 48-52 Floodgate Street Digbeth Birmingham B5 5SL</p>	<p>Health & Safety at Work etc Act 1974</p> <p>Pleaded guilty to one offence of failing to ensure the safety of persons not in their employment, by allowing them to go onto the flat roof of the two storey property at 104-108 Floodgate Street, Digbeth, Birmingham without any suitable precautions to prevent a fall from an exposed edge or through unprotected skylights.</p> <p>Pleaded guilty to two offences; one offence of failing to ensure that work at height at 104-108 Floodgate Street, Birmingham was properly planned and carried out in a safe manner and one offence of failing to take suitable and sufficient measures to prevent any person falling a distance liable to cause personal injury.</p>	<p>£6,000</p> <p>£1,160 costs (£1,160 requested)</p> <p>£8,000 (£4,000 x 2)</p> <p>£1,088 costs (£1,088 requested)</p>	Nechells	Nechells
2	19/10/17	J Vickerstaff & Co Ltd 27-29 Wholesale Market Pershore Street Birmingham B5 6UB	<p>Health & Safety at Work etc Act 1974</p> <p>Pleaded guilty to one offence of failing to ensure the health and safety of employees at Unit 27-29 Wholesale Fish Market, Pershore Street, Birmingham in that a suitable and sufficient risk assessment was not made in respect of the use of the delivery door hatch, the hatch door handle was broken and one of the bolts did not work.</p>	<p>£10,000</p> <p>£3,225 costs (£3,225 requested)</p>	Nechells	Nechells

LITTERING OFFENCES

	Date Case Heard	Name & Address	Offence details (including Legislation)	Fine/Penalty & Costs	Ward of defendant	Ward - Offence committed
1	6/10/17	Arron Edward D Rees Flat 19 Gadds Drive Rowley Regis West Midlands B65 9LN	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.	£220 £175 costs (£175 requested)	Out of area	Ladywood
2	6/10/17	Ryan Reading 85 Barretts Road Kings Norton Birmingham B38 9HU	Environmental Protection Act 1990 Pleaded guilty to one offence of dropping a cigarette butt on the pavement in Temple Row, Birmingham.	£107 £175 costs (£175 requested)	Kings Norton	Ladywood
3	6/10/17	Luke Williams 106 Worlds End Lane Quinton Birmingham B32 1LA	Environmental Protection Act 1990 Pleaded guilty to one offence of dropping a cigarette butt on the pavement in High Street, Birmingham.	£80 £20 costs (£175 requested)	Quinton	Ladywood
4	6/10/17	Paul Silcock 102 Overgreen Drive Kingshurst Solihull B37 6ES	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.	£220 £175 costs (£175 requested)	Out of area	Ladywood
5	6/10/17	Leah Alleyne 41c Huntly Road London SE25 6QY	Environmental Protection Act 1990 Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in Corporation Street, Birmingham.	£220 £175 costs (£175 requested)	Out of area	Ladywood

6	6/10/17	Aaron Baker 41 St Giles Court Reservoir Road Rowley Regis West Midlands B65 9PE	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Stephenson Street, Birmingham.	£220 £175 costs (£175 requested)	Out of area	Ladywood
7	6/10/17	Florin Adrian Cocione 8 Dunsink Road Aston Birmingham B6 6PL	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in High Street, Birmingham.	£220 £175 costs (£175 requested)	Aston	Ladywood
8	6/10/17	Oliver Kirkman 1 Woodhouse Close Worcester WR5 3FB	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Stephenson Street, Birmingham.	£220 £175 costs (£175 requested)	Out of area	Ladywood
9	6/10/17	George Bogdan Mitan 29 Nine Elms Lane Wolverhampton WV10 9AH	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Stephenson Street, Birmingham.	£220 £175 costs (£175 requested)	Out of area	Ladywood
10	6/10/17	Cosmin Nicolae 339 Stratford Road Sparkbrook Birmingham B11 4JY	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.	£220 £175 costs (£175 requested)	Sparkbrook	Ladywood
11	6/10/17	Pedro Pablo Martinez 242 Short Heath Road Erdington Birmingham B23 6JY	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Smallbrook Queensway, Birmingham.	£220 £175 costs (£175 requested)	Stockland Green	Ladywood

12	6/10/17	Lewis Pan 4 Dollary Drive Edgbaston Birmingham B5 7TD	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.	£220 £175 costs (£175 requested)	Edgbaston	Ladywood
13	6/10/17	Abrar Patel 24 Smethurst Lane Bolton Lancashire BL3 3QE	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Moat Lane, Birmingham.	£220 £175 costs (£175 requested)	Out of area	Ladywood
14	6/10/17	Neil David Waterfield 5 Jubilee Street Kettering NN14 6BJ	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Corporation Street, Birmingham.	£220 £175 costs (£175 requested)	Out of area	Ladywood
15	6/10/17	Joseph Williams 7 Lindon Road Dudley DY1 3HD	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Stephenson Place, Birmingham.	£220 £175 costs (£175 requested)	Out of area	Ladywood
16	12/10/17	Chris Brown 35 Hilton Road Burntwood Staffordshire WS7 1FQ	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Corporation Street, Birmingham.	£220 £175 costs (£175 requested)	Out of area	Ladywood
17	12/10/17	Laurentiu Catalan Mornea 47 Howett Road Coventry CV7 8JN	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.	£220 £175 costs (£175 requested)	Out of area	Ladywood

18	12/10/17	Stuart Kelly 29 Crossman Close Birmingham B37 7NZ	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.	£220 £175 costs (£175 requested)	Out of area	Ladywood
19	12/10/17	Zeng Yi 9 Queen Victoria Road Coventry CV1 3JS	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.	£220 £175 costs (£175 requested)	Out of area	Ladywood
20	20/10/17	Simon Bennett 7 Cedar Close Bayston Hill Shrewsbury SY3 0PD	Environmental Protection Act 1990 Pleaded guilty to one offence of dropping a cigarette butt on the pavement in Smallbrook Queensway, Birmingham.	£80 £175 costs (£175 requested)	Out of area	Ladywood
21	20/10/17	Ninea Stefanescu 460a Stratford Road Sparkhill Birmingham B11 4AE	Environmental Protection Act 1990 Pleaded guilty to one offence of dropping a cigarette butt on the pavement in High Street, Birmingham.	£80 £20 costs (£175 requested)	Springfield	Ladywood
22	20/10/17	Bobu Vaduva 460a Stratford Road Sparkhill Birmingham B11 4AE	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in High Street, Birmingham.	£220 £175 costs (£175 requested)	Springfield	Ladywood
23	20/10/17	Qiang Wang 4 Dollary Drive Edgbaston Birmingham B5 7TD	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.	£220 £175 costs (£175 requested)	Edgbaston	Ladywood

24	20/10/17	Daniel Tocitu 23 Wentworth Mews London E3 4UA	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.	£220 £175 costs (£175 requested)	Out of area	Ladywood
25	20/10/17	Bogdan Tocitu 23 Wentworth Mews London E3 4UA	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.	£220 £175 costs (£175 requested)	Out of area	Ladywood
26	20/10/17	Daniel James Smith 2 Midhill Drive Rowley Regis West Midlands B65 9SD	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Smallbrook Queensway, Birmingham.	£220 £175 costs (£175 requested)	Out of area	Ladywood
27	20/10/17	Daniel Rhodes 3 Neville Street Glascote Tamworth B77 2BA	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.	£220 £175 costs (£175 requested)	Out of area	Ladywood
28	20/10/17	Sergio Constantin Plesca 850 Stratford Road Sparkhill Birmingham B11 4BS	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.	£220 £175 costs (£175 requested)	Springfield	Ladywood
29	20/10/17	Paul Kenny 70 Lyttelton Road Stechford Birmingham B33 8BJ	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Stephenson Street, Birmingham.	£220 £175 costs (£175 requested)	Stechford & Yardley North	Ladywood

30	20/10/17	Henry Jamieson 1 The Orchards Newnham Gloucestershire GL14 1EX	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Stephenson Street, Birmingham.	£220 £175 costs (£175 requested)	Out of area	Ladywood
31	20/10/17	Catalin Ivascu 128 Oak Tree Lane Selly Oak Birmingham B29 6HY	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.	£220 £175 costs (£175 requested)	Selly Oak	Ladywood
32	20/10/17	Leonie Ebanks 15 Holly Mews Eden Park Brownsover Rugby CV21 1TA	Environmental Protection Act 1990 Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in Smallbrook Queensway, Birmingham.	£220 £175 costs (£175 requested)	Out of area	Ladywood
33	20/10/17	Ionut Costin Cosma 128 Oak Tree Lane Selly Oak Birmingham B29 6HY	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.	£220 £175 costs (£175 requested)	Selly Oak	Ladywood
34	20/10/17	Tiberius Buruiana 307 Goldon Hillock Road Sparkbrook Birmingham B11 2QL	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.	£220 £175 costs (£175 requested)	Sparkbrook	Ladywood
35	20/10/17	Cristian Burdulea 4 Roland Road Birmingham B19 1RS	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Temple Row, Birmingham.	£220 £175 costs (£175 requested)	Lozells & East Handsworth	Ladywood

36	20/10/17	John Bosworth 49 Selwyn House Waterson Croft Birmingham B37 6TT	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in High Street, Birmingham.	£220 £175 costs (£175 requested)	Out of area	Ladywood
37	20/10/17	Hasan Alsabaghah Apartment 69 41 Essex Street Birmingham B5 4TR	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.	£220 £175 costs (£175 requested)	Nechells	Ladywood
38	26/10/17	David Urwin 5 Ashgrove Steeton Keighley BD20 6RR	Environmental Protection Act 1990 Pleaded guilty to one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.	£80 £50 costs (£175 requested)	Out of area	Ladywood
39	26/10/17	Lumeng Ye Apartment 2000 The Rotunda 150 New Street Birmingham B2 4PG	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.	£220 £175 costs (£175 requested)	Ladywood	Ladywood
40	26/10/17	Conor Walton 149 Alexander Road Acocks Green Birmingham B27 6ET	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Bull Street, Birmingham.	£220 £175 costs (£175 requested)	Acocks Green	Ladywood
41	26/10/17	Mihal Virvara 10 Deerpark Road Birmingham B20 1DY	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.	£220 £175 costs (£175 requested)	Handsworth Wood	Ladywood

42	26/10/17	Lydia Swanston 60 City View Erdington Birmingham B23 6GP	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Smallbrook Queensway, Birmingham.	£220 £175 costs (£175 requested)	Stockland Green	Ladywood
43	26/10/17	Ahmad Salari 215 Tudor Road Leicester LE3 5JH	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Smallbrook Queensway, Birmingham.	£220 £175 costs (£175 requested)	Out of area	Ladywood
44	26/10/17	Helena Rezmues 112 Sandwell Street Walsall WS1 3EG	Environmental Protection Act 1990 Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in Stephenson Street, Birmingham.	£220 £175 costs (£175 requested)	Out of area	Ladywood
45	26/10/17	Jake Pidgley 39 Langdown Road Hythe Southampton SO45 6EX	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Stephenson Street, Birmingham.	£220 £175 costs (£175 requested)	Out of area	Ladywood
46	26/10/17	Ionut Razvan Neacso 18 Parker Street Warrington WA1 1LT	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Stephenson Street, Birmingham.	£220 £175 costs (£175 requested)	Out of area	Ladywood
47	26/10/17	Dragos Mirea Flat 1050 150 Metro Court High Street West Bromwich B70 6JJ	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Lower Temple Street, Birmingham.	£220 £175 costs (£175 requested)	Out of area	Ladywood

48	26/10/17	Ben Menzies 112 Marissal Road Bristol BS10 7NP	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Stephenson Street, Birmingham.	£220 £175 costs (£175 requested)	Out of area	Ladywood
49	26/10/17	Robert Horvath 105 Saint Pauls Road Smethwick West Midlands B66 1EY	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Lower Temple Street, Birmingham.	£220 £175 costs (£175 requested)	Out of area	Ladywood
50	26/10/17	Scott Higgins 238 Brandwood Park Road Kings Heath Birmingham B14 6QT	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Smallbrook Queensway, Birmingham.	£220 £175 costs (£175 requested)	Brandwood	Ladywood
51	26/10/17	Tony Harris 131 Dean House Tumulus Avenue Newcastle upon Tyne NE6 4UT	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Lower Bull Street, Birmingham.	£220 £175 costs (£175 requested)	Out of area	Ladywood
52	26/10/17	Cassie Garland 8 Flamingo Gardens Erdington Birmingham B23 5AW	Environmental Protection Act 1990 Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in Bull Street, Birmingham.	£220 £175 costs (£175 requested)	Kingstanding	Ladywood
53	26/10/17	Florin Alexandru Fira Flat 1050 150 Metro Court High Street West Bromwich B70 6JJ	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Lower Temple Street, Birmingham.	£220 £175 costs (£175 requested)	Out of area	Ladywood

54	26/10/17	Gina David 366 Harborne Lane Harborne Birmingham B17 0NY	Environmental Protection Act 1990 Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.	£220 £175 costs (£175 requested)	Harborne	Ladywood
55	26/10/17	Costel Ciobotaru 68 Soho Hill Room 510 Lozells Birmingham B19 1AA	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Priory Queensway, Birmingham.	£220 £175 costs (£175 requested)	Lozells & East Handsworth	Ladywood
56	26/10/17	Jessica Beazer 4 Caval Close Apley Telford TF1 6DB	Environmental Protection Act 1990 Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in Smallbrook Queensway, Birmingham.	£220 £175 costs (£175 requested)	Out of area	Ladywood
57	26/10/17	Jamie Bailey 137 Carpenters Road Lozells Birmingham B19 2BB	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Priory Queensway, Birmingham.	£220 £175 costs (£175 requested)	Lozells & East Handsworth	Ladywood
58	26/10/17	Ryan Matthew Wilkes 74 Windmill Avenue Rubery Birmingham B45 9TA	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Bull Street, Birmingham.	£220 £175 costs (£175 requested)	Out of area	Ladywood

ENVIRONMENTAL HEALTH SIMPLE CAUTIONS

No simple cautions were administered during October 2017.

TRADING STANDARDS CASES

APPENDIX 3

	Date Case Heard	Name & Address	Offence details (including Legislation)	Fine/Penalty & Costs	Ward of defendant	Ward - Offence committed
1	3/10/17	Reza Nozmiyeh 29 Paganal Road Weoley Castle Birmingham B29 5TG	<p>Tobacco Products (Manufacture, Presentation and Sale) (Safety) Regulations 2002 and Consumer Protection Act 1987. Licensing Act 2003 Tobacco Products Duty Act 1979 Trade Marks Act 1994</p> <p>Pleaded guilty to four offences; one offence of having in possession for supply at Venus International Off Licence, 247 Dudley Road, Winson Green, Birmingham, 579 packs of cigarette and 32 packs of tobacco consisting of various brands, which did not carry the required warnings. One offence of knowingly allowing the packets of cigarettes and tobacco to be kept at the off licence when they had been imported without payment of duty. One relating to the packets not carrying a compliant duty-paid fiscal mark. One offence of having in possession for supply 49 packets of Mayfair cigarettes which bore a sign identical to or likely to be mistaken for a registered trade mark, namely Mayfair stylised logo, without the consent of the trade mark holder.</p>	<p>12 month community order 120 hours unpaid work</p> <p>No costs due to confiscation order.</p> <p>Confiscation Order made in the sum of £85,726.</p> <p>Default period of 18 months if not paid within 3 months.</p> <p>Forfeiture Order granted for destruction of all cigarettes and tobacco seized.</p>	Bartley Green	Soho

TRADING STANDARDS SIMPLE CAUTIONS

One simple caution was administered during October 2017.

Package Travel, Package Holidays and Package Tours Regulations 1992 & European Communities Act 1972

One caution was issued under the above legislation.

CASES FINALISED BY DISTRICT (PLACE OF OFFENCE) – OCTOBER 2017

<u>WARDS & CONSTITUENCIES FINALIZED BY OFFENCE</u>				
	<u>Licensing</u>	<u>Environmental Health - Non FPNs</u>	<u>Environmental Health - FPNs</u>	<u>Trading Standards</u>
EDGBASTON				
Bartley Green				
Edgbaston				
Harborne				
Quinton				
ERDINGTON				
Erdington				
Kingstanding				
Stockland Green				
Tyburn				
HALL GREEN				
Hall Green		1		
Moseley & Kings Heath				
Sparkbrook				
Springfield				
HODGE HILL				
Hodge Hill				
Washwood Heath		1		
Bordseley Green				
Shard End				
LADYWOOD				
Aston		1		
Ladywood	1		58	
Nechells		3		
Soho				1

NORTHFIELD				
Kings Norton		2		
Longbridge				
Northfield				
Weoley				
PERRY BARR				
Lozells & East Handsworth				
Handsworth Wood				
Oscott				
Perry Barr		1		
SELLY OAK				
Billesley				
Bournville				
Brandwood				
Selly Oak				
SUTTON COLDFIELD				
Sutton Four Oaks				
Sutton New Hall				
Sutton Trinity				
Sutton Vesey				
YARDLEY				
Acocks Green		1		
Sheldon		1		
South Yardley				
Stechford & North Yardley				
TOTAL	1	11	58	1

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

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

NORTHFIELD				
Kings Norton			1	
Longbridge				
Northfield				
Weoley				
PERRY BARR				
Lozells & East Handsworth		1	3	
Handsworth Wood			1	
Oscott				
Perry Barr		1		
SELLY OAK				
Billesley				
Bournville				
Brandwood			1	
Selly Oak			2	
SUTTON COLDFIELD				
Sutton Four Oaks				
Sutton New Hall				
Sutton Trinity				
Sutton Vesey				
YARDLEY				
Acocks Green		1	1	
Sheldon		1		
South Yardley				
Stechford & North Yardley			1	
OUT OF AREA		1	33	
TOTAL	1	11	58	1

CASES FINALISED BY DISTRICT (PLACE OF OFFENCE) – OCTOBER 2017

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	0	0	1	0	0	0	0	0	0	0	0	1
Environmental Health (FPNs) Not paid and prosecuted	0	0	0	0	58	0	0	0	0	0	0	58
Environmental Health (non FPNs)	0	0	1	1	4	2	1	0	0	2	0	11
Trading Standards	0	0	0	0	1	0	0	0	0	0	0	1

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

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	0	0	1	0	0	0	0	0	0	0	0	1
Environmental Health (FPNs) Not paid and prosecuted	4	3	5	0	3	1	4	3	0	2	33	58
Environmental Health (non FPNs)	0	0	2	0	4	0	2	0	0	2	1	11
Trading Standards	1	0	0	0	0	0	0	0	0	0	0	1

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

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	1	0	3	0	10	2	0	1	1	2	0	20
Environmental Health (FPNs) Not paid and prosecuted	2	0	2	0	354	1	0	5	0	0	0	364
Environmental Health (non FPNs)	0	8	8	7	36	5	13	3	1	11	0	92
Trading Standards	1	0	2	1	5	0	0	0	0	2	0	11

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

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	1	0	5	6	2	1	1	0	0	0	4	20
Environmental Health (FPNs) Not paid and prosecuted	15	14	15	21	41	11	25	25	6	7	184	364
Environmental Health (non FPNs)	3	8	8	10	22	2	11	4	3	11	10	92
Trading Standards	1	0	2	0	5	0	0	0	0	1	2	11

WASTE ENFORCEMENT UNIT – ENFORCEMENT ACTIVITY
APRIL 2017 – MARCH 2018

	Apr-17	May-17	Jun-17	Jul-17	Aug-17	Sep-17	Total 2017/2018
Waste Investigation Outcomes							
Investigations into commercial waste disposal suspected offences and offences	23	35	83	101	88	43	373
<u>Section 34 Environmental Protection Act</u> demand notices issued: (trade waste statutory information demands)	20	32	75	85	75	37	324
<u>Section 34 Environmental Protection Act</u> fixed penalty notices issued to businesses (£300)	11	13	25	29	89	28	195
<u>Section 87 Environmental Protection Act.</u> Fixed Penalty notices issued for commercial and residential litter offences (£80)	5	0	5	0	3	0	13
<u>Section 33 Environmental Protection Act</u> fixed penalty notices issued for fly tipping (£400)	4	9	7	1	6	2	29
Prosecutions							
Number of prosecution files submitted to legal services (number produced quarterly)			15			19	34

BIRMINGHAM CITY COUNCIL

LICENSING AND PUBLIC PROTECTION COMMITTEE

15 NOVEMBER 2017

SCHEDULE OF OUTSTANDING MINUTES

MINUTE NO./DATE	SUBJECT MATTER	COMMENTS
846 12/04/2017	<u>Non-attendance of Drivers at Sub-Committees</u> – The Acting Service Director of Regulation and Enforcement be requested to report on the options for charging drivers for non attendance.	See Agenda Item No.7
866 (ii) 21/06/2017	<u>'Brexit'</u> – That the Acting Director of Regulation and Enforcement report on how 'Brexit' may affect the Committees work, especially around legislation that is currently European legislation and may have no effect after 'Brexit'.	Report due in December 2017
916 (iii) 23/10/2017	<u>Emissions Policy beyond 31 December 2019</u> The Acting Service Director of Regulation and Enforcement be requested to prepare a report for this committee to consider a medium to long-term emissions policy in respect of hackney carriage and private hire vehicles beyond 31st December 2019.	Report due in March 2018
916 (iv) 23/10/2017	<u>Absolute Age Policy in respect of Hackney Carriage and Private Hire Vehicles.</u> The Acting Service Director of Regulation and Enforcement be requested to prepare a report for this Committee at the earliest opportunity to consider an absolute age policy in respect of hackney carriage and private hire vehicles.	Report due in March 2018
920 23/10/2017	<u>Card Payments in Hackney Carriage Vehicles</u> The Acting Service Director of Regulation and Enforcement be requested to instruct officers to consult with the wider trade to establish the level of support for all Birmingham Licensed hackney carriages to be equipped to take credit card payments; amongst other drivers and trade organisations and report back to this Committee	Report due in February 2018
934 (ii) 15/11/2017	<u>Update Report on Proposed Strategy for Venues Operating as Shisha premises in Birmingham</u> The Acting Service Director of Regulation and Enforcement be requested to instruct officers to undertake a wider consultation with key stakeholders on the adoption of the proposed strategy. Officers to	

	present the outcome of the consultation at a future meeting of Committee, with their recommendations on a finalised Strategy for the Committee's approval.	
935 (ii) 15/11/2017	<u>Update Report On Unauthorised Encampments</u> – The Acting Service Director of Regulation and Enforcement be requested to report further in three months' time to update on the various work items contained within this report.	Report due in February 2018
942 (ii) 15/11/2017	<u>Revision of Birmingham City Council Act 1990 Establishments for Massage and/or Special Treatments</u> The Acting Service Director of Regulation and Enforcement be requested to provide a report for Committee reviewing the need for the Birmingham City Council Act 1990 and options including delegation of hearings to Licensing Sub-Committees.	
942 (iii)	<u>References from Councillors and MPs for Taxi Drivers</u> The Acting Service Director of Regulation and Enforcement be requested to provide a report for Committee with a recommendation that no references for driver applicants would be accepted from Members of Parliament.	