

BIRMINGHAM CITY COUNCIL

MEETING OF THE CITY COUNCIL

TUESDAY, 03 NOVEMBER 2020 AT 14:00 HOURS
IN ON-LINE MEETING, MICROSOFT TEAMS

A G E N D A

1 NOTICE OF RECORDING

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

2 DECLARATIONS OF INTERESTS

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

3 MINUTES

5 - 70

a) To confirm and authorise the signing of the Minutes of the extraordinary meeting of the City Council held on 15 September 2020.

b) To confirm and authorise the signing of the Minutes of the meeting of the City Council held on 15 September 2020.

4 LORD MAYOR'S ANNOUNCEMENTS

(1400-1410)

To receive the Lord Mayor's announcements and such communications as the Lord Mayor may wish to place before the Council.

5 PETITIONS

(10 minutes allocated) (1410-1420)

To receive and deal with petitions in accordance with Council Rules of Procedure (B4.4 E of the Constitution)

As agreed by Council Business Management Committee a schedule of outstanding petitions is available electronically with the published papers for the meeting and can be viewed or downloaded.

6 **EXEMPTION FROM STANDING ORDERS**

Councillor Martin Straker Welds to move an exemption from Standing Orders.

7 **QUESTION TIME**

(Maximum of 80 minutes allocated) (1420-1540)

To deal with oral questions in accordance with Council Rules of Procedure (B4.4 F of the Constitution).

- A. Questions from Members of the Public to any Cabinet Member or Ward Forum Chair (10 minutes)
- B. Questions from any Councillor to a Committee Chair, Lead Member of a Joint Board or Ward Forum Chair (Up to 10 minutes)
- C. Questions from Councillors other than Cabinet Members to a Cabinet Member (Up to 30 minutes)
- D. Questions from Councillors other than Cabinet Member to the Leader or Deputy Leader (Up to 30 minutes)

71 - 100

8 **SCRUTINY INQUIRY: RESPONDING TO OUR CUSTOMERS**

(40 minutes allocated) (1540-1620)

To consider a report of the Co-ordinating Overview and Scrutiny Committee together with an Executive commentary.

Councillor Carl Rice to move the following Recommendation:-

"That the recommendations R01 to R11 be approved, and that the Executive be requested to pursue their implementation."

A 15 minute break will be taken.

101 - 342

9 **STREET TRADING POLICY 2020**

(20 minutes allocated) (1635-1655)

To consider a report of Acting Director of Neighbourhoods.

The Leader, Councillor Ian Ward to move the following Motion:-

"That City Council approves the final version of the Street Trading Policy 2020 and makes the resolution:

1.

RESOLUTION: That all streets within the boundary of Birmingham City Council, excluding those to be designated as prohibited streets and the 51 parks and open spaces (which have no designation), be designated as consent streets for the purposes of street trading in accordance with the powers granted to the Council by Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982, such designation to come into force on Sunday 6 December 2020. Street trading in those streets will be prohibited without the Council's consent from Sunday 6 December 2020. On the same date, the prohibited streets will also be designated as such."

343 - 354

10 **AMENDMENTS TO THE CONSTITUTION**

(20 minutes allocated) (1655-1715)

To consider a report of the Interim City Solicitor.

The Leader, Councillor Ian Ward to move the following Motion:-

"That approval be given to the amendments to the City Council Constitution as attached in Appendix 1 and that the City Solicitor be authorised to implement the changes with effect from 3rd November 2020.2

11 **PROVISIONAL DATE OF NEXT MEETING**

To note that the provisional date of the next meeting of City Council is 1 December 2020.



**EXTRAORDINARY MEETING
OF BIRMINGHAM CITY
COUNCIL 15 SEPTEMBER
2020**

**MINUTES OF THE EXTRAORDINARY MEETING
OF BIRMINGHAM CITY COUNCIL HELD
ON TUESDAY 15 SEPTEMBER 2020 AT
1355 HOURS AS AN ON-LINE MEETING**

PRESENT:- Deputy Lord Mayor (Councillor Yvonne Mosquito) in the Chair.

Councillors

Mohammed Aikhlaq	Adam Higgs	Gareth Moore
Alex Aitken	Mahmood Hussain	John O'Shea
Safia Akhtar	Shabrana Hussain	David Pears
Robert Alden	Mohammed Idrees	Robert Pocock
Baber Baz	Zafar Iqbal	Julien Pritchard
Kate Booth	Ziaul Islam	Hendrina Quinnen
Sir Albert Bore	Kerry Jenkins	Chauhdry Rashid
Nicky Brennan	Julie Johnson	Carl Rice
Marje Bridle	Brigid Jones	Gary Sambrook
Mick Brown	Josh Jones	Kath Scott
Tristan Chatfield	Nagina Kauser	Shafique Shah
Debbie Clancy	Zaheer Khan	Mike Sharpe
Liz Clements	Chaman Lal	Sybil Spence
Maureen Cornish	Mike Leddy	Paul Tilsley
John Cotton	Bruce Lines	Lisa Trickett
Phil Davis	Mary Locke	Ian Ward
Adrian Delaney	Ewan Mackey	Mike Ward
Barbara Dring	Majid Mahmood	Suzanne Webb
Fred Grindrod	Zhor Malik	Ken Wood
Paulette Hamilton	Karen McCarthy	Alex Yip
Kath Hartley	Saddak Miah	Waseem Zaffar

NOTICE OF RECORDING

19371

The Deputy Lord Mayor advised that the meeting would be webcast for live and subsequent broadcasting via the Council's internet site and that members of the Press/Public may record and take photographs except where there are confidential or exempt items.

Extraordinary Meeting of City Council – 15 September 2020

The Deputy Lord Mayor reminded Members that they did not enjoy Parliamentary Privilege in relation to debates in the Chamber and Members should be careful in what they say during all debates that afternoon

The Deputy Lord Mayor requested that Members ensure that their video cameras are switched off and that their microphone is switched off when they are not speaking.

The Deputy Lord Mayor advised Members that If they wished to speak, to indicate in the chat function and wait to be invited to speak and to state their name at the start of every contribution?"

DECLARATIONS OF INTEREST

19372 The Deputy Lord Mayor reminded Members that they must declare all relevant pecuniary and non-pecuniary interests relating to any items of business to be discussed at this meeting

Any declarations would be recorded in the minutes of the meeting.

At this point in the meeting the Deputy Lord Mayor sought any expressions of interest and non were made.

APPOINTMENT TO THE ROLL OF HONORARY ALDERMEN

The following report of the Council Business Management Committee was submitted:-

(See document No 1)

The Leader, Councillor Ian Ward, presented the report and moved the recommendation which was seconded.

There being no debate, the recommendation having been moved and seconded was agreed.

It was therefore-

19373 **RESOLVED:-**

That the City Council confers the Title of Honorary Alderman Posthumous on the late Councillor Keith Linnecor and authorises the Lord Mayor to present the Posthumous Title to late Councillor Linnecor 's family.

The meeting ended at 1358 hours.

**MEETING OF BIRMINGHAM
CITY COUNCIL
15 SEPTEMBER 2020**



**MINUTES OF THE MEETING OF BIRMINGHAM CITY COUNCIL HELD
ON TUESDAY, 15 SEPTEMBER 2020 AT 1400 HOURS AS AN ON-LINE
MEETING**

PRESENT:- Deputy Lord Mayor (Councillor Yvonne Mosquito) in the Chair.

Councillors

Muhammad Afzal	Kath Hartley	Karen McCarthy
Mohammed Aikhlaq	Adam Higgs	Saddak Miah
Alex Aitken	Charlotte Hodiola	Gareth Moore
Safia Akhtar	Penny Holbrook	Simon Morrall
Robert Alden	Jon Hunt	John O'Shea
Olly Armstrong	Mahmood Hussain	David Pears
Gurdial Singh Atwal	Shabrana Hussain	Robert Pocock
Baber Baz	Timothy Huxtable	Julien Pritchard
Bob Beauchamp	Mohammed Idrees	Hendrina Quinnen
Matt Bennett	Zafar Iqbal	Chauhdry Rashid
Kate Booth	Ziaul Islam	Carl Rice
Sir Albert Bore	Morriam Jan	Lou Robson
Nicky Brennan	Kerry Jenkins	Gary Sambrook
Marje Bridle	Meirion Jenkins	Kath Scott
Mick Brown	Julie Johnson	Lucy Seymour-Smith
Tristan Chatfield	Brigid Jones	Shafique Shah
Debbie Clancy	Josh Jones	Mike Sharpe
Liz Clements	Nagina Kauser	Sybil Spence
Maureen Cornish	Mariam Khan	Ron Storer
John Cotton	Zaheer Khan	Sharon Thompson
Phil Davis	Narinder Kaur Kooner	Paul Tilsley
Adrian Delaney	Chaman Lal	Lisa Trickett
Barbara Dring	Mike Leddy	Ian Ward
Peter Fowler	Bruce Lines	Mike Ward
Eddie Freeman	Mary Locke	Suzanne Webb
Fred Grindrod	Ewan Mackey	Ken Wood
Paulette Hamilton	Majid Mahmood	Alex Yip
Roger Harmer	Zhor Malik	Waseem Zaffar

Meeting of City Council – 15 September 2020**NOTICE OF RECORDING**

19374 The Deputy Lord Mayor advised that the meeting would be webcast for live and subsequent broadcasting via the Council's internet site and that members of the Press/Public may record and take photographs except where there are confidential or exempt items.

The Deputy Lord Mayor reminded Members that they did not enjoy Parliamentary Privilege in relation to debates in the Chamber and Members should be careful in what they say during all debates that afternoon

The Deputy Lord Mayor requested that Members ensure that their video cameras are switched off unless called to speak and that their microphone is switched off when they are not speaking.

The Deputy Lord Mayor advised Members that If they wished to speak, to indicate in the chat function and wait to be invited to speak and to state their name at the start of every contribution.

DECLARATIONS OF INTEREST

19375 The Deputy Lord Mayor reminded Members that they must declare all relevant pecuniary and non-pecuniary interests relating to any items of business to be discussed at this meeting

Any declarations would be recorded in the minutes of the meeting.

Councillor Alex Yip indicated that his sister worked for National Express who provided home to school transport.

Councillor Paul Tilsley indicated that he had solar panels on the roof of his home.

MINUTES

It was moved by the Deputy Lord Mayor, seconded and –

19376 **RESOLVED:-**

That the Minutes of the meeting held on 14 July 2020 having been circulated to each Member of the Council, be taken as read and confirmed and signed.

LORD MAYOR'S ANNOUNCEMENTS**Death of Former Councillor James Sweeney**

The Deputy Lord Mayor indicated that her announcement was a sad one in that she had to inform the Chamber of the death of former Councillor James Sweeney who was known as Jim. The Deputy Lord Mayor indicated that Jim

Meeting of City Council – 15 September 2020

served as a Councillor for Longbridge Ward from May 1972 to May 1975 and died on 17 July leaving behind his wife Susi.

The Deputy Lord Mayor indicated that tributes to Jim would be reserved until such time as meetings were able to be held in the Council Chamber and in the meantime she invited all to join her in extending sincere condolences to Jim's wife Susi and all the family.

It was moved by the Deputy Lord Mayor, seconded and:-

19377 **RESOLVED:-**

That this Council places on record its sorrow at the death of former Councillor James Sweeney and its appreciation of his devoted service to the residents of Birmingham. The Council extends its deepest sympathy to members of Jim's family in their sad bereavement.

PETITIONS

Petitions Relating to City Council Functions Presented prior to the Meeting

The following petitions were presented:-

(See document No. 1)

In accordance with the proposals by the persons presenting the petitions, it was moved by the Deputy Lord Mayor, seconded and -

19378 **RESOLVED:-**

That the petitions be received and referred to the relevant Chief Officer to examine and report as appropriate.

Petitions Relating to City Council Functions Presented at the Meeting

The following petitions were presented:-

(See document No. 2)

In accordance with the proposals by the Members presenting the petitions, it was moved by the Deputy Lord Mayor, seconded and -

19379 **RESOLVED:-**

That the petitions be received and referred to the relevant Chief Officer(s) to examine and report as appropriate.

Meeting of City Council – 15 September 2020**Petitions Update**

The following Petitions Update had been made available electronically:-

(See document No. 3)

It was moved by the Deputy Lord Mayor, seconded and -

19380 **RESOLVED:-**

That the Petitions Update be noted and those petitions for which a satisfactory response has been received, be discharged.

EXEMPTION FROM STANDING ORDERS

19381 **RESOLVED:-**

That, pursuant to discussions by Council Business Management Committee, Standing Orders be waived as follows:

- Increase the time for item No. 7 (Question Time) to 80 minutes and allocate the time as follows:-
 - A. Questions from Members of the Public to any Cabinet Member or Ward Forum Chair (10 minutes)
 - B. Questions from any Councillor to a Committee Chair, Lead Member of a Joint Board or Ward Forum Chair (Up to 10 minutes)
 - C. Questions from Councillors other than Cabinet Members to a Cabinet Member (Up to 30 minutes)
 - D. Questions from Councillors other than Cabinet Member to the Leader or Deputy Leader (Up to 30 minutes)
 - Allocate 30 minutes to agenda item 8 (Update on Birmingham City Council's Response to Covid 19)
 - Allocate 40 minutes to agenda item 9 (Route to Zero Interim Report)
 - Allocate 40 minutes to agenda item 10 (Home to School Transport Inquiry)
 - Allocate 10 minutes to agenda item 11 (Annual Report of the Independent Remuneration Panel 2019/20)
 - No Motions be submitted by individual Councillors at the meeting
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Meeting of City Council – 15 September 2020

EXTENTION OF TIME FOR VARIOUS ITEMS AND THE MEETING

Councillor Robert Alden indicated that he understood that there were a number of amendments at the meeting and proposed that the time for various items should be extended as follows:-

Agenda item 9 (Route to Zero Interim Report) increase the time further by 40 minutes.

Agenda item 10 (Home to School Transport Inquiry) increase the time further by 15 minutes.

The meeting be extended by 55 minutes to conclude at 1840 hours

Councillor Jon Hunt seconded the proposal

The Deputy Lord Mayor put the proposal to the vote and by a show of hands was declared to be carried.

It was therefore-

19382 **RESOLVED:-**

- (i) That the time for consideration of Agenda item 9 (Route to Zero Interim Report) be extended by 40 minutes;
- (ii) that the time for consideration of Agenda item 10 (Home to School Transport Inquiry) be extended by 15 minutes; and
- (iii) that the meeting be extended by 55 minutes to conclude at 1840 hours

In reply to a query from Councillor Majid Mahmood, the Deputy Lord Mayor confirmed that the Council as Trustee meeting scheduled at 1745 hours would begin at the conclusion of this meeting

QUESTION TIME

19383 The Council proceeded to consider Oral Questions in accordance with Council Rules of Procedure (B4.4 F of the Constitution).

Details of the questions asked are available for public inspection via the Webcast.

UPDATE ON BIRMINGHAM CITY COUNCIL'S RESPONSE TO COVID-19

The following report of the Cabinet was submitted:-

(See document No 4)

The Leader Councillor Ian Ward presented the report and the recommendation was seconded.

Meeting of City Council – 15 September 2020

A debate ensued during which a number of members paid tribute to the work of staff of the City Council, people in the third sector and people in local communities in helping vulnerable citizens during the Covid 19 pandemic.

The Leader Councillor Ian Ward replied to the debate.

The recommendation having been moved and seconded was agreed.

It was therefore-

19384 **RESOLVED:-**

That the report be noted.

ADJOURNMENT

It was moved by the Lord Mayor, seconded and

17385 **RESOLVED:-**

That the Council be adjourned until 1623 hours on this day.

The Council then adjourned at 1617 hours.

At 1627 hours the Council resumed at the point where the meeting had been adjourned.

ROUTE TO ZERO INTERIM REPORT

The following report of the Acting Director Inclusive Growth was submitted:-

(See document No 5)

Councillor Waseem Zaffar moved the motion which was seconded.

In accordance with Council Rules of Procedure, Councillors Roger Harmer and Julien Pritchard gave notice of the following amendment to the Motion:-

(See document No. 6)

Councillor Roger Harmer moved the amendment which was seconded by Councillor Julien Pritchard.

In accordance with Council Rules of Procedure, Councillors Tristan Chatfield and Sharon Thompson gave notice of the following amendment to the Motion:-

(See document No. 6)

Meeting of City Council – 15 September 2020

Councillor Tristan Chatfield moved the amendment which was seconded by Councillor Sharon Thompson.

In accordance with Council Rules of Procedure, Councillors Robert Alden and Ewan Mackey gave notice of the following amendment to the Motion:-

(See document No. 7)

Councillor Robert Alden moved the amendment which was seconded by Councillor Ewan Mackey.

In accordance with Council Rules of Procedure, Councillors Peter Fowler and Gareth Moore gave notice of the following amendment to the Motion:-

(See document No. 8)

Councillor Peter Fowler moved the amendment which was seconded by Councillor Gareth Moore.

In accordance with Council Rules of Procedure, Councillors Paul Tilsley and Jon Hunt gave notice of the following amendment to the Motion:-

(See document No. 9)

Councillor Paul Tilsley moved the amendment which was seconded by Councillor John Hunt.

A debate ensued.

Councillor Waseem Zaffar replied to the debate.

The first amendment in the names of Councillors Roger Harmer and Julien Pritchard having been moved and seconded was put to the vote and, by the recorded vote set out below, was declared to be lost.

For the amendment (24)

Robert Alden	Jon Hunt	Chauhdry Rashid
Baber Baz	Timothy Huxtable	Gary Sambrook
Debbie Clancy	Morriam Jan	Sybil Spence
Maureen Cornish	Bruce Lines	Ron Storer
Adrian Delaney	Ewan Mackey	Paul Tilsley
Peter Fowler	Gareth Moore	Mike Ward
Roger Harmer	Simon Morrall	Ken Wood
Adam Higgs	David Pears	Alex Yip
Charlotte Hodiwalla	Julien Pritchard	

Meeting of City Council – 15 September 2020

Against the amendment (48)

Muhammad Afzal	Kath Hartley	Majid Mahmood
Mohammed Aikhlaq	Penny Holbrook	Zhor Malik
Alex Aitken	Mahmood Hussain	Karen McCarthy
Safia Akhtar	Shabrana Hussain	Saddak Miah
Kate Booth	Mohammed Idrees	Brett O'Reilly
Sir Albert Bore	Zafar Iqbal	John O'Shea
Nicky Brennan	Ziaul Islam	Robert Pocock
Marje Bridle	Julie Johnson	Hendrina Quinnen
Mick Brown	Brigid Jones	Carl Rice
Tristan Chatfield	Josh Jones	Kath Scott
Liz Clements	Nagina Kauser	Lucy Seymour-Smith
John Cotton	Mariam Khan	Shafique Shah
Phil Davis	Zaheer Khan	Mike Sharpe
Barbara Dring	Narinder Kaur Kooner	Sharon Thompson
Eddie Freeman	Chaman Lal	Ian Ward
Fred Grindrod	Mike Leddy	Waseem Zaffar

Abstentions (5)

Olly Armstrong	Mary Locke	Lisa Trickett
Kerry Jenkins	Lou Robson	

The second amendment in the names of Councillors Tristan Chatfield and Sharon Thompson having been moved and seconded was put to the vote and, by the recorded vote set out below, was declared to be carried.

For the amendment (59)

Muhammad Afzal	Jon Hunt	Saddak Miah
Mohammed Aikhlaq	Mahmood Hussain	Brett O'Reilly
Alex Aitken	Shabrana Hussain	John O'Shea
Safia Akhtar	Mohammed Idrees	Robert Pocock
Olly Armstrong	Zafar Iqbal	Hendrina Quinnen
Kate Booth	Ziaul Islam	Chauhdry Rashid
Sir Albert Bore	Kerry Jenkins	Carl Rice
Nicky Brennan	Julie Johnson	Lou Robson
Marje Bridle	Brigid Jones	Kath Scott
Mick Brown	Josh Jones	Lucy Seymour-Smith
Tristan Chatfield	Nagina Kauser	Shafique Shah
Liz Clements	Mariam Khan	Mike Sharpe
John Cotton	Zaheer Khan	Sybil Spence
Phil Davis	Narinder Kaur Kooner	Paul Tilsley
Barbara Dring	Chaman Lal	Sharon Thompson
Fred Grindrod	Mike Leddy	Lisa Trickett
Roger Harmer	Mary Locke	Mike Ward
Paulette Hamilton	Majid Mahmood	Ian Ward
Kath Hartley	Zhor Malik	Waseem Zaffar
Penny Holbrook	Karen McCarthy	

Meeting of City Council – 15 September 2020

Against the amendment (19)

Robert Alden	Charlotte Hodiola	Simon Morrall
Baber Baz	Morriam Jan	David Pears
Debbie Clancy	Meirion Jenkins	Gary Sambrook
Maureen Cornish	Bruce Lines	Ron Storer
Adrian Delaney	Ewan Mackey	Ken Wood
Peter Fowler	Gareth Moore	Alex Yip
Adam Higgs		

Abstentions (1)

Julien Pritchard

The third amendment in the names of Councillors Robert Alden and Ewan Mackey having been moved and seconded was put to the vote and, by the recorded vote set out below, was declared to be lost.

For the amendment (19)

Robert Alden	Charlotte Hodiola	Simon Morrall
Baber Baz	Morriam Jan	David Pears
Debbie Clancy	Meirion Jenkins	Gary Sambrook
Maureen Cornish	Bruce Lines	Ron Storer
Adrian Delaney	Ewan Mackey	Ken Wood
Peter Fowler	Gareth Moore	Alex Yip
Adam Higgs		

Against the amendment (59)

Muhammad Afzal	Jon Hunt	Saddak Miah
Mohammed Aikhlaq	Mahmood Hussain	Brett O'Reilly
Alex Aitken	Shabrana Hussain	John O'Shea
Safia Akhtar	Mohammed Idrees	Robert Pocock
Olly Armstrong	Zafar Iqbal	Hendrina Quinnen
Kate Booth	Ziaul Islam	Chauhdry Rashid
Sir Albert Bore	Kerry Jenkins	Carl Rice
Nicky Brennan	Julie Johnson	Lou Robson
Marje Bridle	Brigid Jones	Kath Scott
Mick Brown	Josh Jones	Lucy Seymour-Smith
Tristan Chatfield	Nagina Kauser	Shafique Shah
Liz Clements	Mariam Khan	Mike Sharpe
John Cotton	Zaheer Khan	Sybil Spence
Phil Davis	Narinder Kaur Kooner	Paul Tilsley
Barbara Dring	Chaman Lal	Sharon Thompson
Fred Grindrod	Mike Leddy	Lisa Trickett
Roger Harmer	Mary Locke	Mike Ward
Paulette Hamilton	Majid Mahmood	Ian Ward
Kath Hartley	Zhor Malik	Waseem Zaffar
Penny Holbrook	Karen McCarthy	

Meeting of City Council – 15 September 2020

Abstentions (1)

Julien Pritchard

The fourth amendment in the names of Councillors Peter Fowler and Gareth Moore having been moved and seconded was put to the vote and, by the recorded vote set out below, was declared to be lost.

For the amendment (23)

Robert Alden	Charlotte Hodivala	David Pears
Debbie Clancy	Jon Hunt	Julien Pritchard
Maureen Cornish	Timothy Huxtable	Gary Sambrook
Adrian Delaney	Meirion Jenkins	Ron Storer
Eddie Freeman	Bruce Lines	Paul Tilsley
Peter Fowler	Ewan Mackey	Mike Ward
Roger Harmer	Gareth Moore	Alex Yip
Adam Higgs	Simon Morrall	

Against the amendment (54)

Muhammad Afzal	Penny Holbrook	Zhor Malik
Mohammed Aikhlaq	Mahmood Hussain	Karen McCarthy
Alex Aitken	Shabrana Hussain	Saddak Miah
Safia Akhtar	Mohammed Idrees	Brett O'Reilly
Olly Armstrong	Zafar Iqbal	John O'Shea
Kate Booth	Ziaul Islam	Robert Pocock
Sir Albert Bore	Kerry Jenkins	Hendrina Quinnen
Nicky Brennan	Julie Johnson	Chauhdry Rashid
Marje Bridle	Brigid Jones	Carl Rice
Mick Brown	Josh Jones	Lou Robson
Tristan Chatfield	Nagina Kauser	Kath Scott
Liz Clements	Mariam Khan	Lucy Seymour-Smith
John Cotton	Zaheer Khan	Shafique Shah
Phil Davis	Narinder Kaur Kooner	Mike Sharpe
Barbara Dring	Chaman Lal	Sharon Thompson
Fred Grindrod	Mike Leddy	Lisa Trickett
Paulette Hamilton	Mary Locke	Ian Ward
Kath Hartley	Majid Mahmood	Waseem Zaffar

Abstentions (2)

Baber Baz

Morriam Jan

The fifth amendment in the names of Councillors Paul Tilsley and Jon Hunt having been moved and seconded was put to the vote and, by the recorded vote set out below, was declared to be lost.

Meeting of City Council – 15 September 2020

For the amendment (24)

Robert Alden	Charlotte Hodivala	David Pears
Baber Baz	Jon Hunt	Julien Pritchard
Debbie Clancy	Timothy Huxtable	Gary Sambrook
Maureen Cornish	Morriam Jan	Ron Storer
Adrian Delaney	Bruce Lines	Paul Tilsley
Peter Fowler	Ewan Mackey	Mike Ward
Roger Harmer	Gareth Moore	Ken Wood
Adam Higgs	Simon Morrall	Alex Yip

Against the amendment (53)

Muhammad Afzal	Penny Holbrook	Karen McCarthy
Mohammed Aikhlaq	Mahmood Hussain	Saddak Miah
Alex Aitken	Shabrana Hussain	Brett O'Reilly
Safia Akhtar	Mohammed Idrees	John O'Shea
Kate Booth	Zafar Iqbal	Robert Pocock
Sir Albert Bore	Ziaul Islam	Hendrina Quinnen
Nicky Brennan	Julie Johnson	Chauhdry Rashid
Marje Bridle	Brigid Jones	Carl Rice
Mick Brown	Josh Jones	Kath Scott
Tristan Chatfield	Nagina Kauser	Lucy Seymour-Smith
Liz Clements	Mariam Khan	Shafique Shah
John Cotton	Zaheer Khan	Mike Sharpe
Phil Davis	Narinder Kaur Kooner	Sybil Spence
Barbara Dring	Chaman Lal	Sharon Thompson
Eddie Freeman	Mike Leddy	Lisa Trickett
Fred Grindrod	Mary Locke	Ian Ward
Paulette Hamilton	Majid Mahmood	Waseem Zaffar
Kath Hartley	Zhor Malik	

Abstentions (3)

Olly Armstrong	Kerry Jenkins	Lou Robson
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The Motion as amended having been moved and seconded was put to the vote and, by the recorded vote set out below, was declared to be carried.

For the Motion as amended (60)

Muhammad Afzal	Penny Holbrook	Karen McCarthy
Mohammed Aikhlaq	Mahmood Hussain	Saddak Miah
Alex Aitken	Shabrana Hussain	Brett O'Reilly
Safia Akhtar	Mohammed Idrees	John O'Shea
Olly Armstrong	Zafar Iqbal	Robert Pocock
Baber Baz	Ziaul Islam	Julien Pritchard
Kate Booth	Morriam Jan	Hendrina Quinnen
Sir Albert Bore	Kerry Jenkins	Chauhdry Rashid
Nicky Brennan	Julie Johnson	Carl Rice
Marje Bridle	Brigid Jones	Lou Robson
Mick Brown	Josh Jones	Kath Scott
Tristan Chatfield	Nagina Kauser	Lucy Seymour-Smith

Meeting of City Council – 15 September 2020

Liz Clements	Mariam Khan	Shafique Shah
John Cotton	Zaheer Khan	Mike Sharpe
Phil Davis	Narinder Kaur Kooner	Sybil Spence
Barbara Dring	Chaman Lal	Paul Tilsley
Fred Grindrod	Mike Leddy	Sharon Thompson
Roger Harmer	Mary Locke	Lisa Trickett
Paulette Hamilton	Majid Mahmood	Ian Ward
Kath Hartley	Zhor Malik	Waseem Zaffar

Against the motion as amended (1)

Eddie Freeman

Abstentions (15)

Robert Alden	Charlotte Hodivala	David Pears
Debbie Clancy	Timothy Huxtable	Gary Sambrook
Maureen Cornish	Bruce Lines	Ron Storer
Adrian Delaney	Gareth Moore	Ken Wood
Adam Higgs	David Pears	Alex Yip

It was therefore-

19386

RESOLVED:-

1. Council welcomes the progress made since declaring a climate emergency and notes the Council's ambition to achieve a net zero carbon outcome as soon as possible for both its own operations and the City.
2. Approves that the target date for achieving net-zero carbon is set at 2030 for the city council's own operations, with further work to be done on housing and procured goods and services to understand the costs and consequences in these areas.
3. Notes the challenge of achieving the 2030 net zero carbon date for the City as a whole but commits the Council to working with partners and neighbouring local authorities to become the first City Region to become Carbon neutral. The Council's ambition remains to achieve a net zero carbon outcome as soon as possible and a revised date will not be set until these discussions have taken place.
4. Approves that an advisory group to Cabinet is established to oversee the City Council's own progress on achieving net zero carbon.
5. Approves that the City Council endorse the Recommendations for reducing the City Council's own emissions as set out in Table 2 of this report.
6. Notes the content of the Anthesis report and commits the City Council to work with partners to pursue the recommendations where practical and feasible, developing appropriate Action Plans for future Cabinet approval.

Meeting of City Council – 15 September 2020

7. However, this cannot be achieved without significant additional resources, powers, and flexibilities from Government.
8. The impending Local Recovery and English Devolution White Paper and Comprehensive Spending Review provide the opportunity for Government to get serious on Climate and facilitate action across all spheres of government.
9. With our neighbouring authorities and partners, we need to reach a collective understanding and make a shared commitment to working together to become the first City Region to reach net zero carbon.
10. Working from the bottom up with Birmingham's residents and businesses, the council will need to develop, and deliver in partnership, solutions that are just and relevant to people's and businesses' lived experiences.
11. Council welcomes the Executive's commitment for achieving carbon neutral for the Council's operations by 2030 whilst carrying out further work in the coming weeks to determine the contribution the housing and procured goods and services can and must make.
12. The Council therefore commits to:
 - i. Draw upon the recommendations set out within the Anthesis Report and work through the implications for all our key areas of operation, building upon the recommendations for reducing the City Council's own emissions.
 - ii. Facilitate the production of a fully costed action plan to be considered by Council in December 2020 which includes a comprehensive list of resources required from regional and national government to deliver the actions;
 - iii. Bring forward a plan and process for facilitating community and business participation in the determining of policy and priority for work in this area;
 - iv. Join with communities across the city in calling upon the Government to act now and provide the upfront investment and resources required to drive a just transition.
 - v. Require the Executive to introduce as soon as is practically possible a binding policy that all future decision reports shall incorporate a consideration of the impact of that decision on the Council's carbon reduction goals.
13. Notes that an annual report will be taken to Full Council to update on progress on reducing carbon emissions.

HOME TO SCHOOL TRANSPORT INQUIRY

The following report of the Education and Children's Social Care Overview and Scrutiny Committee together with an Executive Commentary was submitted:-

(See document No 10)

Meeting of City Council – 15 September 2020

Councillor Kath Scott in moving the motion indicated that wished to add an addendum to it.

The following addendum was read out

(See document No. 11)

Councillor Kerry Jenkins seconded the motion and addendum.

In accordance with Council Rules of Procedure, Councillors Alex Yip and Peter Fowler gave notice of the following amendment to the Motion:-

(See document No. 12)

Councillor Alex Yip moved the amendment which was seconded by Councillor Peter Fowler.

A debate ensued.

Councillor Kath Scott replied to the debate.

The amendment in the names of Councillors Roger Harmer and Julien Pritchard having been moved and seconded was put to the vote and, by the recorded vote set out below, was declared to be lost.

For the amendment (23)

Robert Alden	Adam Higgs	Simon Morrall
Baber Baz	Charlotte Hodiola	David Pears
Debbie Clancy	Jon Hunt	Gary Sambrook
Maureen Cornish	Timothy Huxtable	Ron Storer
Adrian Delaney	Meirion Jenkins	Paul Tilsley
Eddie Freeman	Bruce Lines	Mike Ward
Peter Fowler	Ewan Mackey	Ken Wood
Roger Harmer	Gareth Moore	

Against the amendment (46)

Muhammad Afzal	Kath Hartley	Zhor Malik
Mohammed Aikhlq	Penny Holbrook	Karen McCarthy
Alex Aitken	Mahmood Hussain	Saddak Miah
Safia Akhtar	Shabrana Hussain	Brett O'Reilly
Kate Booth	Mohammed Idrees	John O'Shea
Sir Albert Bore	Zafar Iqbal	Robert Pocock
Nicky Brennan	Ziaul Islam	Hendrina Quinnen
Marje Bridle	Julie Johnson	Carl Rice
Mick Brown	Brigid Jones	Lucy Seymour-Smith
Tristan Chatfield	Nagina Kauser	Shafique Shah
Liz Clements	Mariam Khan	Mike Sharpe
John Cotton	Zaheer Khan	Sybil Spence
Phil Davis	Narinder Kaur Kooner	Sharon Thompson
Barbara Dring	Chaman Lal	Ian Ward

Meeting of City Council – 15 September 2020

Fred Grindrod
Paulette Hamilton

Mary Locke

Waseem Zaffar

Abstentions (6)

Olly Armstrong
Kerry Jenkins

Julien Pritchard
Lou Robson

Kath Scott
Lisa Trickett

The motion as amended by the addendum having been moved and seconded was put to the vote and, by the recorded vote set out below, was declared to be carried.

For the Motion as amended (69)

Muhammad Afzal
Mohammed Aikhlaq
Alex Aitken
Robert Alden
Olly Armstrong
Baber Baz
Kate Booth
Sir Albert Bore
Nicky Brennan
Marje Bridle
Mick Brown
Tristan Chatfield
Debbie Clancy
Liz Clements
Maureen Cornish
John Cotton
Phil Davis
Adrian Delaney
Peter Fowler
Fred Grindrod
Paulette Hamilton
Roger Harmer
Kath Hartley

Adam Higgs
Charlotte Hodivala
Jon Hunt
Mahmood Hussain
Shabrana Hussain
Timothy Huxtable
Zafar Iqbal
Ziaul Islam
Kerry Jenkins
Julie Johnson
Bridgid Jones
Nagina Kauser
Mariam Khan
Zaheer Khan
Narinder Kaur Kooner
Chaman Lal
Mike Leddy
Bruce Lines
Mary Locke
Ewan Mackey
Zhor Malik
Karen McCarthy
Saddak Miah

Gareth Moore
Simon Morrall
Brett O'Reilly
John O'Shea
David Pears
Robert Pocock
Julien Pritchard
Hendrina Quinnen
Carl Rice
Lou Robson
Kath Scott
Gary Sambrook
Lucy Seymour-Smith
Shafique Shah
Mike Sharpe
Sybil Spence
Ron Storer
Sharon Thompson
Lisa Trickett
Mike Ward
Ian Ward
Ken Wood
Waseem Zaffar

Against the Motion as amended (2)

Eddie Freeman

Paul Tilsley

Abstentions (0)

It was therefore-

19387

RESOLVED:-

That the Executive provide an assessment of progress against the outcomes set out above, and the key areas listed in Section 7 in this report, to the

Meeting of City Council – 15 September 2020

Education & Children's Social Care Overview & Scrutiny Committee in March 2021.

That the Chief Executive at Birmingham City Council:

- a.) Take steps to ensure that immediate changes will be made to the most pressing issues within the Travel Assist service, including [but not limited to] safeguarding of children, cancelled routes, guide changes, bus lateness, and telephone lines going unanswered;
- b.) Commission an external and independent inquiry into the Full Travel Assist Service that fully addresses the concerns laid out by Parents, Carers, Schools and other users of the service as listed in section 7 and listed in paragraph number a.) above, by providing clear recommendations, lines of accountability together with an open and transparent timetable for sustainable improvement;
- c.) Commission an external and independent investigation into the assurances that have been given to Members about the safety of the service and the status of improvements at meetings of Overview and Scrutiny, City Council and Audit Committee since January 2020

The investigations referred to in paragraphs b.) & c.) will report by 1 November 2020.

ANNUAL REPORT OF THE INDEPENDENT REMUNERATION PANEL 201920

The following report of Council Business Management Committee was submitted:-

(See document No 13)

The Leader Councillor Ian Ward moved the motion which was seconded.

In accordance with Council Rules of Procedure, Councillors Jon Hunt and Roger Harmer gave notice of the following amendment to the Motion:-

(See document No. 14)

Councillor Jon Hunt moved the amendment which was seconded by Councillor Roger Harmer.

A debate ensued.

The Leader, Councillor Ian Ward replied to the debate.

The amendment in the names of Councillors Jon Hunt and Roger Harmer having been moved and seconded was put to the vote and, by the recorded vote set out below, was declared to be lost.

Meeting of City Council – 15 September 2020

For the amendment (6)

Baber Baz
Roger Harmer

Jon Hunt
Morriam Jan

Paul Tilsley
Mike Ward

Against the amendment (63)

Muhammad Afzal
Mohammed Aikhlaq
Alex Aitken
Safia Akhtar
Robert Alden
Olly Armstrong
Gurdial Singh Atwal
Kate Booth
Sir Albert Bore
Nicky Brennan
Marje Bridle
Mick Brown
Tristan Chatfield
Liz Clements
Maureen Cornish
John Cotton
Phil Davis
Barbara Dring
Peter Fowler
Eddie Freeman
Fred Grindrod

Paulette Hamilton
Kath Hartley
Adam Higgs
Charlotte Hodiola
Penny Holbrook
Mahmood Hussain
Shabrana Hussain
Mohammed Idrees
Zafar Iqbal
Ziaul Islam
Meirion Jenkins
Julie Johnson
Brigid Jones
Nagina Kauser
Mariam Khan
Zaheer Khan
Narinder Kaur Kooner
Chaman Lal
Mary Locke
Mike Leddy
Ewan Mackey

Zhor Malik
Karen McCarthy
Saddak Miah
Gareth Moore
Brett O'Reilly
John O'Shea
David Pears
Robert Pocock
Hendrina Quinnen
Carl Rice
Kath Scott
Lucy Seymour-Smith
Shafique Shah
Mike Sharpe
Sybil Spence
Sharon Thompson
Lisa Trickett
Ian Ward
Ken Wood
Alex Yip
Waseem Zaffar

Abstentions (4)

Debbie Clancy
Kerry Jenkins

Julien Pritchard

Lou Robson

The motion having been moved and seconded was put to the vote and, by the recorded vote set out below, was declared to be carried.

For the Motion (56)

Safia Akhtar
Robert Alden
Gurdial Singh Atwal
Kate Booth
Sir Albert Bore
Nicky Brennan
Marje Bridle
Mick Brown
Tristan Chatfield
Debbie Clancy
Liz Clements
Maureen Cornish
John Cotton
Phil Davis

Kath Hartley
Adam Higgs
Penny Holbrook
Mahmood Hussain
Shabrana Hussain
Mohammed Idrees
Zafar Iqbal
Ziaul Islam
Meirion Jenkins
Julie Johnson
Brigid Jones
Nagina Kauser
Mariam Khan
Narinder Kaur Kooner

Karen McCarthy
Saddak Miah
Gareth Moore
Brett O'Reilly
John O'Shea
David Pears
Robert Pocock
Hendrina Quinnen
Carl Rice
Lou Robson
Kath Scott
Lucy Seymour-Smith
Shafique Shah
Sharon Thompson

Meeting of City Council – 15 September 2020

Peter Fowler	Chaman Lal	Ian Ward
Eddie Freeman	Mary Locke	Ken Wood
Fred Grindrod	Mike Leddy	Alex Yip
Paulette Hamilton	Ewan Mackey	Waseem Zaffar
Roger Harmer	Zhor Malik	

Against the Motion (5)

Baber Baz	Morriam Jan	Mike Sharpe
Barbara Dring	Julien Pritchard	

Abstentions (10)

Mohammed Aikhlaq	Jon Hunt	Paul Tilsley
Alex Aitken	Kerry Jenkins	Lisa Trickett
Olly Armstrong	Zaheer Khan	Mike Ward
Charlotte Hodivala		

It was therefore-

19388 **RESOLVED:-**

The Recommendations made by the Independent Remuneration Panel on page 4 of its Annual Report be accepted and implemented with effect from 19 May 2020.

PROVISIONAL DATE OF THE NEXT MEETING

19389 The Deputy Lord Mayor asked Members to note that the provisional date of the next meeting of City Council is 3 November 2020.

The meeting ended at 1655 hours.

APPENDIX

Questions and replies in accordance with Council Rules of Procedure B4.4 F of the Constitution:-

WRITTEN QUESTION TO THE LEADER OF THE COUNCIL FROM COUNCILLOR SIMON MORRALL

A1 Land Search Requests

Question:

In the last 12 months what is the average time taken for the council to fully respond to Land Search requests for conveyancing and how many in that time have taken longer than 7 working days?

Answer:

During the 12 months 1st September 2019 to 31st August 2020, a total of 4,446 LLC1 and CON29 searches were processed. The average response time was 3.71 days with 2 taking more than 7 days.

The searches team has also received 950 letter requests in the 12 months 1st September 2019 to 31st August 2020 for additional information regarding highways. The average response time for dealing with these was 18.7 days. Of these 66 were completed in less than 7 days.

The closure of Council offices has resulted in officers receiving a surge in additional search requests under the Environmental Information Regulations (EIR). In normal circumstances these would be undertaken by private search agents at Lancaster Circus utilising publicly available systems. Council officers have to date dealt with 2,363 EIR requests in addition to normal workload. In this context, and that of the Government's stimulation of the housing market, delays have been encountered in processing this significant uplift in requests.

In mitigation, an additional 7 members of staff have now been trained and their duties reprioritised to support the substantive searches team of 2 officers. In addition, a new online service using Microsoft teams has been put in place to allow private search agents to resume their work with officer assistance. Search agents are pleased with the new system and have responded positively to it. Since its introduction they are reporting to be back to normal timescales having dealt with their backlogs for EIR searches.

Further efficiencies including the introduction of e-payments and e-forms are being investigated.

**WRITTEN QUESTION TO THE LEADER OF THE COUNCIL FROM COUNCILLOR
DEBBIE CLANCY****A2 Staff****Question:**

Are staff responsible for carrying out land searches able to fully carry out their jobs from home with at least the same level of promptness as in the office? If not, when did they return to the office?

Answer:

Staff responsible for carrying out land searches are able to fully carry out their roles from home and continue to do so in the context of arrangements put in place to mitigate and control the COVID-19 virus. The searches process involves accessing data intensive systems and mapping, with some slowness experienced by officers due to home internet bandwidth and reliability limitations. The Council has provided 4G dongles to improve performance in this respect.

The closure of Council offices has resulted in officers receiving an additional 2,363 search requests under the Environmental Information Regulations (EIR), that in normal circumstances would be undertaken by private search agents at Lancaster Circus utilising publicly available systems. In this context and that of the Government's stimulation of the housing market, delays have been encountered in processing this significant uplift in requests.

In mitigation, an additional 7 members of staff have now been trained and their duties reprioritised to support the substantive searches team of 2 officers. In addition, a new online service using Microsoft teams has been put in place to allow private search agents to resume their work with officer assistance.

**WRITTEN QUESTION TO THE LEADER OF THE COUNCIL FROM COUNCILLOR
ADAM HIGGS****A3 Average Build Cost****Question:**

What is the average build cost of each property type in the Athletes Village as per current business plan?

Answer:

The gross construction costs before taking account of the grant funding for the PBRS and sale receipts included on the RFBC approved by Cabinet in March 2020 are as set out in the following table:

Plot	Property Type	Number of Units	Estimated cost (£'m)	Cost per unit (£)
1	Apartments	125	31.094	248,752
3/4/5	Family Housing	58	15.000	258,620
6	Extra Care	268	64.848	241,970
7	Apartments	270	65.326	241,948
8	Apartments	217	39.290	181,060
9	Apartments	213	38.774	182,038

**WRITTEN QUESTION TO THE LEADER OF THE COUNCIL FROM COUNCILLOR
DAVID BARRIE**

A4 Projected Sale Cost

Question:

What is the average projected sale cost of each property type in the Athletes Village as per the current disposal strategy?

Answer:

The disposal strategy for the accommodation to be provided at Perry Barr is currently being developed for the Council by Avison Young, taking into account the decision announced on 11 August 2020 that the scheme would no longer be used to accommodate athletes and officials for the 2022 Commonwealth Games. This will provide a robust assessment of the likely disposal proceeds for the overall scheme, that will help to fund construction and site assembly costs alongside the various grants secured to support the regeneration, including £148m from Government and £20m from the Combined Authority.

**WRITTEN QUESTION TO THE LEADER OF THE COUNCIL FROM COUNCILLOR
DEIRDRE ALDEN**

A5 German Market

Question:

What costs will the Council incur should the German Market need to be cancelled this year due to Covid without any notice?

Answer:

The Frankfurt Christmas Market is one of Birmingham's great festive events, attracting millions of people to the city centre – so it is disappointing we won't be hosting the market this year, but I welcome the organiser's decision to put the public's health and safety first. It is not envisaged that there will be any cost to the city council as a result of the organisers decision.

**WRITTEN QUESTION TO THE LEADER OF THE COUNCIL FROM COUNCILLOR
MATT BENNETT**

A6 Maintenance on Council Asset

Question:

Since 2012 can you provide a list of all maintenance carried out on each council asset (non-housing)?

Answer:

The information requested would take too much officer time to access and collate. If there are specific council assets of interest, please advise and officers will look at them on an individual basis.

**WRITTEN QUESTION TO THE LEADER OF THE COUNCIL FROM COUNCILLOR
DAVID PEARS****A7 Local Monuments****Question:**

Will the Leader commit to publishing in full his review into the appropriateness of local monuments and statues on public land and council property for debate at a Council meeting before any statues are removed?"

Answer:

Other than for the standard reasons of development (such as Paradise Circus in the city centre) or dilapidation or if the statue is deemed unsafe, there is currently no intention to remove city council owned statues or monuments.

Officers will however be undertaking a review of the appropriateness of the current interpretation of controversial subjects in the public realm, several of which were identified as part of the Black Lives Matter movement.

Where relevant, these statues and monuments will have a refreshed and updated interpretation as part of a holistic portrait of the subjects concerned. This could include new plaques and the introduction of technology such as QR codes where people can access fuller details of the subject via their mobile device.

**WRITTEN QUESTION TO THE LEADER OF THE COUNCIL FROM COUNCILLOR
ROBERT ALDEN**

A8 Brummie Rule

Question:

Will you commit to investigating the possibility of a ‘Brummie rule’ for jobs with the City Council to ensure better representation at all levels of the organisation of people who live in the city?

Answer:

The council are proud that our workforce is already predominantly ‘Brummies’, with 91% of staff having a Birmingham home postcode.

We have also already committed that new apprentices hired by the council will mainly be Birmingham residents.

On 8th September 2020, the Cabinet approved a report called ‘Everyone’s Battle, Everyone’s Business: Tackling Inequality in Birmingham’ that seeks to address improved representation across all equality characteristics.

**WRITTEN QUESTION TO LEADER OF THE COUNCIL FROM COUNCILLOR
JON HUNT****A9 Athletes Village Decision****Question:**

Could the Leader set out the process by which it was decided that the new village in Perry Barr would no longer be used as an Athletes Village for 2022, setting out his own role in the making of this decision?

Answer:

The Commonwealth Games Federation approved the final decision to switch to a campus village model as a result of the challenges to project delivery caused by the coronavirus pandemic.

This was via their Executive Board on July 31 of this year.

Prior to the pandemic, the delivery plans showed that the project was on track to be delivered in time for the Games, but the Birmingham 2022 Games Partners also had a range of contingency plans available in case any unforeseen events hit the project.

The Birmingham 2022 board, which I sit on, agreed its preference for a campus village solution, if an alternative was ultimately needed.

However as stated above, the authority to approve a final decision rested with the CGF who, based on all of the information available, made their decision on July 31.

The reason the CGF was required to approve this decision is because it was a material change to the Host City Contract

For clarity, I do not sit on the CGF Executive Board.

WRITTEN QUESTION TO LEADER OF THE COUNCIL FROM COUNCILLOR MORRIAM JAN**A10 Perry Barr Regeneration Governance****Question:**

Now that the Perry Barr Regeneration project is being reviewed and is no longer needed for the Commonwealth Games, could the Leader assure Council that meaningful governance structures will be created for the project that involve the Ward Councillors that are affected, ie those of us in Perry Barr, Aston and Birchfield wards, bearing in mind his previous commitments to take action on this in line with good practice developed for other regeneration projects?

Answer:

The delivery of much needed housing and associated transport infrastructure and public realm improvements, remain vital to the future sustainable growth in our City, and is one of the Council's priorities for delivery. This is why I led the discussions with central Government to ensure that all of the funding promised to the city council to deliver this scheme remains committed.

The decision not to use the Perry Barr Residential Scheme, which is just one part of a wider programme of regeneration works in Perry Barr, to accommodate athletes and officials at Games-time means that there is an opportunity to reconsider how that element of the overall programme is delivered, to ensure the best possible outcomes to meet the councils long term requirements. The delivery of the transport infrastructure projects will still be delivered prior to the 2022 Games and will facilitate improved access to and from key venues during the Games in this part of the city as well as providing a legacy.

Officers will continue to ensure there is effective Governance in place for this programme of works and will continue to engage with local councillors on this and future phases of the wider regeneration programme of works as they progress.

**WRITTEN QUESTION TO THE DEPUTY LEADER OF THE COUNCIL FROM
COUNCILLOR GARETH MOORE**

B1 Complaints

Question:

What is the average time taken to resolve a complaint to the Council and what percentage take longer than 10 days?

Answer:

Based on the current financial year performance data (April-2020 to July-2020):

- On average, complaints take 5.51 working days to resolve.
- 18% of complaints take longer than 10 working days to resolve.

**WRITTEN QUESTION TO THE DEPUTY LEADER OF THE COUNCIL FROM
COUNCILLOR RON STORER**

B2 Unresolved Complaints

Question:

What percentage of complaints to the council are escalated from the first stage due to the complainant feeling the matter is unresolved?

Answer:

Based on the current financial year performance data (April-2020 to July-2020):

8.2% of complaints received were escalated from the initial investigation stage to the next stage.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR CHILDREN'S WELLBEING
COUNCILLOR MAUREEN CORNISH****C1 School Support Services****Question:**

Have all school support services (educational psychologists, communication Autism Team etc.) resumed school visits now all schools are fully reopen? If not, why not and how are these important services being delivered instead?

Answer:

For each of the school support service areas risk assessments have been undertaken and school visits are taking place, with many restricting access to one visit per day to minimise the risk of transmission. Although it is important to note that some settings are expressing a preference for ongoing virtual meetings whilst they are settling in the new intake of children. Allowing schools to ensure they are meeting all requirements in the current COVID environment before receiving external visitors so a blended model of support will be ongoing. Larger meetings will continue to be held virtually.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR CHILDREN'S WELLBEING
FROM COUNCILLOR JOHN LINES****C2 Home to School Transport Arrangements****Question:**

By what date did all parents who use home to school transport receive all necessary details of the arrangements and route for the September term?

Answer:

Letters were sent in stages according to school start dates. Schools due to start for 1, 2, 3 September letters were sent by 28 August 2020 either via the postal system which arrived Saturday or via the contractors on 29 August 2020 which were handed out in person by the contractor meet and greet door to door.

Additional letters were sent out on 3 September 2020 with all being sent 5 September 2020.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR CHILDREN'S WELLBEING
FROM COUNCILLOR GARY SAMBROOK**

C3 Home to School Transport Cancellations

Question:

In the first week of school reopening, how many routes on the Home to School Transport were cancelled?

Answer:

In the first 5 days of the new school term (to 8 September) there were just over 120 routes cancelled out of 3000 routes. This equates to an average of 30 routes on any given school day. The cancellation rate is 4% which is not acceptable but we are working in unprecedented times and we have also seen a 25% increase in demand for home to school travel.

This academic term we have an additional 173 routes to cope with school bubbles and to remain in line with government guidelines.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR CHILDREN'S WELLBEING
FROM COUNCILLOR MEIRION JENKINS**

C4 Complaints

Question:

In the first week of school reopening, how many complaints did the council receive about the home to school transport service?

Answer:

We have received 5 formal complaints and 5 formal councillor enquiries since 1st September 2020.

In addition we have received a significant number of emails on a variety of home to school transport related matters that are currently being dealt with by the service.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR CHILDREN'S WELLBEING
FROM COUNCILLOR CHARLOTTE HODIVALA**

C5 Breakdown of Contracts

Question:

At more than one Scrutiny meeting I have asked – and been promised – a breakdown of the contracts for home to school transport detailing what is actually contracted and paid for. Despite promises, this has still not been provided. Can you please provide that detail here along with an explanation of why the executive and officers were unable to respond to legitimate requests from scrutiny that they committed to providing?

Answer:

The below outlines what is covered in the contract in terms of the specifics for this service and the clauses are underpinned by general contractual conditions to ensure all obligations and commitments are clear for both parties.

As an overview, the contracts confirm that the duties of BCC are to arrange transport for children who are in specific circumstances, provide context to the Home to School Service at BCC and they outline the Council's vision to ensure every eligible pupil is able to access safe and efficient services that are reliable and flexible, and are appropriate to their needs. The aim of ensuring pupils arrive at their destination safely, giving them the best possible opportunity to start the day ready to learn, is clear.

The below areas are then covered in detail within the contract service specification, stating exactly what the providers and the Council's obligations are for each area:

1. Legislation

Requirement to comply with specific legislation and guidance (e.g. Department for Education (DfE) Home to School Transport Statutory Guidance July 2016; <https://www.gov.uk/government/publications/home-to-school-travel-and-transport-guidance> and the DfE Transport to education and training for people aged 16 and over <https://www.gov.uk/government/publications/post-16-transport-to-education-and-training>) and the BCC Code of Conduct, along with the requirements relating to Enhanced DBS & Barred List Checks.

2. Communication

Confirmation of how bookings, work scheduling and co-ordinating effective transportation arrangements between the Council and provider will operate.

3. Health & Safety

Requirements detailed specifically including emergency arrangements, accident reporting, needs assessments, safety on board and compliance with school site arrangements.

4. Licensing

Meeting of City Council – 15 September 2020

Requirements in terms of Private Hire, PCV, taxation and documentation.

5. Safeguarding

Detailed requirements covering expected standard, authorised provider employees, DBS, training, accident and incident reporting, emergency procedures and Councils right to audit.

6. Service Performance Standards & Penalty Points

Reliability, codes of conduct, contract performance monitoring eg route checks/school visits and the penalty point system is detailed. For example, the providers must supply evidence of employees, vehicle licenses, daily vehicle check reports, maintenance and MOT reports etc upon request.

7. Satisfaction Surveys, Comments, Compliments & Complaints

Feedback from schools and families is requested to monitor and assess standards. Escalations, policies and the ability to remove particular employee(s) are included.

8. Seating Capacity

Reinforcing vehicle licensing and physical requirements for users.

9. Pick Up & Drop Off Arrangements

Authorised points only must be used. Parent/carers to board child and Provider to ensure child is only handed over to responsible adult.

10. Pupil Guides

Outlines the process of picking up and dropping off the guides

11. Journey Times

This covers recommended journey times, timings for school drop offs/pick ups, delays, cancellations, school closures and breakdowns.

12. Route Work with additional clauses around SEND

Describes who may travel in the vehicles, continuity of staff and how changes are managed, route efficiencies, parent/carers responsibility to accompany child to/from vehicle and how equipment changes will be managed.

13. Vehicle standards, design requirements and equipment

Minimum standards eg MOT specified along with legislative requirements detailed.

14. Additional provisions for transporting children

Requirements on signage, safety specifics such as booster seats/restraints etc, absence reporting specified.

15. Vehicles carrying wheelchair passengers

DoT Guidance specified, driver responsibilities on loading, securing and unloading wheelchair users detailed and specifics on equipment and fittings.

16. Provision for complex needs children and associated risk assessments.

Meeting of City Council – 15 September 2020

Requirement for both parties to jointly risk assessment and create travel plans for complex needs children.

General Contractual Points for note:

- The Home to School Transport Dynamic Purchasing System (DPS) was established on 1 November 2019 and set up for 4 year period from contract award date and has an annual value of approx. £10.5M.
- National Express Accessible Transport Ltd (NEAT) hold a separate contract with BCC owing to collapse of a previous incumbent supplier ATG. This has an annual value of approximately £6.2M
- In total there are 17 commissioned suppliers currently providing transport to BCC covering approximately 190 schools. The list of suppliers is on the next page.
- Over 4000 children are on contracted transport.
- The majority of children are transported in 9-16 seater minibuses. Approximately 800 children are transported in cars/MPVs.
- NEAT are the largest provider transporting approximately 1500 children on 215 minibuses daily (pre-COVID figures).
- All providers are paid on 30 day terms in consideration of the satisfactory performance of their obligations.

There has been a delay in finalising the information to this request.

In response to the challenges that have presented and a drive to improve data and contract management, alongside embedding more effective communication, a procurement activity has been undertaken to commission a new IT system. A preferred provider has now been selected and a contract awarded. There is a mobilisation plan in place to ensure the key milestones are achieved with a view to full implementation across the academic year 2020/21. The new IT system will include a central, secure location for storage of information enabling robust data, contract and communication management. A suite of reports will be available that will allow for responsive, up to date, validated, accurate and timely information to be provided.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR CHILDREN'S WELLBEING
FROM COUNCILLOR ALEX YIP****C6 Breakdown of Contracts****Question:**

On how many occasions in the last 3 years has a child being taken to the wrong school\placement by the Home to School Transport Service?

Answer:

In September 2020, 7 children were taken to the wrong school by a home to school transport provider. A full investigation is underway to understand the reasons why and fully address the issues.

In the previous 3 academic years this has happened on one further occasion.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR CHILDREN'S WELLBEING
FROM COUNCILLOR BOB BEAUCHAMP****C7 SEND Expenditure****Question:**

Please provide a breakdown of expenditure on SEND mediation services in the last academic year by provider and by type (refusal to assess/refusal to issue/content of EHCP).

Answer:

Payments made to SEND mediation services in the last year by provider:

Provider	Amount	Refusal to Assess	Refusal to Issue	Content of EHCP
Kids	£42,077.40	74	29	54
Prime resolution	£2,460.00	2	1	1
Resolution Dynamics Ltd	£75,260.00	61	24	0

**WRITTEN QUESTION TO THE CABINET MEMBER FOR CHILDREN'S WELLBEING
FROM COUNCILLOR ADAM HIGGS****C8 EHCP's****Question:**

The Council has a statutory duty to have reviewed, amended and finalised EHCPs for young people transferring to Post-16 provision this September by 31st March this year. This duty was not affected by the Coronavirus Act. Please tell us how many of these plans should have been issued (in numerical and percentage terms) and how many actually were issued by the deadline?

Answer:

While it is correct to say that, for this particular cohort, the duty to amend and finalise EHCPs by the deadline of 31 March 2020 was not affected by the Coronavirus Act, there were nevertheless significant practical issues resulting from the Covid 19 crisis that affected our ability to comply with the deadline. A major emergency was declared by the Council on 24 March 2020 and all staff were by then complying with the instruction to work from home. This impacted on the ability to print amended EHCPs and issue letters remotely via a temporary mailing service. As a result, while notices of intended decisions were issued in February 2020 in accordance with our usual practice, final EHCPs were not issued until 27 April 2020.

Number of Pupils Transitioning to Post 16 in September 2020	664	
Notice of Intent issued in February 2020	645	97%
Finals issued to Date (All issued on 27 April 2020)	658	99.1%
Finals issued by deadline	0	0%

**WRITTEN QUESTION TO THE CABINET MEMBER FOR CHILDREN'S WELLBEING
FROM COUNCILLOR DAVID BARRIE**

C9 Numbers

Question:

For routes from September 2020, what is the average number of children on each bus in the home to school transport service, and what is the highest number on any one bus?

Answer:

The maximum number of children transport on a single vehicle is 11.

On average the estimated number of children on each bus is six. With the lowest number being one.

The largest vehicles used are 16-seater minibuses.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR CHILDREN'S WELLBEING
FROM COUNCILLOR DAVID PEARS**

C10 Length of Route

Question:

For routes from September 2020 what is the average length of each route in the home to school transport service and what is the longest route (in time)?

Answer:

This information is not currently available. We have contacted operators to ask for this information be provided by the end of this week. This information will then be collated.

It is important to note that the average length of routes this academic year has changed due to new COVID ways of working introduced, which has led to additional routes being put on to maintain safety of school bubbles.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR HEALTH AND SOCIAL CARE
COUNCILLOR PETER FOWLER**

D Action Plan

Question:

Can you publish the action plan for a second wave in the Covid pandemic you referenced at the last Council meeting?

Answer:

There was no mention of an action plan by the Cabinet Member. There is on the City Council's website a copy of the Birmingham Covid-19 Local Outbreak Plan.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR HOMES AND
NEIGHBOURHOODS FROM COUNCILLOR KEN WOOD****E1 Appeals****Question:**

What is the average time taken to review appeals against removal from the housing register and how many cases over the last 3 years have taken longer than 8 weeks?

Answer:

In the 3 years 1/9/17-1/9/20 the team completed 6322 reviews, so in the period in question just over 10% of reviews went over 8 weeks.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR HOMES AND
NEIGHBOURHOODS FROM COUNCILLOR DEBBIE CLANCY****E2 Housing****Question:**

When was the last time council properties in the following roads in Longbridge and West Heath were painted? Edgehill Road, Chirbury Grove (off Edgehill), Fairfax Road, Merrishaw Road, Condoover Road, Broseley Avenue, Clunbury Road, Titterstone Road, Cropredy Road, Clee Road, Sibdon Grove

Answer:

The last painting programme on this estate was in 2005/06, as part of the “Decent Home” initiative. The City Council is experiencing significant pressure on the capital investment programme, the housing division is undertaking a complete review of the programme to identify opportunities for additional investment in the Council Stock over the forthcoming years.

WRITTEN QUESTION TO THE CABINET MEMBER FOR HOMES & NEIGHBOURHOODS COUNCILLOR BABER BAZ**E3 Digital Autopsy Scanner Trial Up-Date****Question:**

Can you provide an update on the Digital Autopsy Scanner trial?

Answer:

Birmingham and Solihull Coroners service have sent 441 cases for CT scans in the period 1 July 19 to 31 July 2020, figures for August 20 are not yet available. 240 scans have identified cause of death and 201 cases have required an invasive post mortem following the CT scan.

Since July 2019 nine scans have been requested by families with three identifying cause of death, (there have been no family requests since the last update at the beginning of July), as well as five requests from the Police with three requiring an invasive post mortem.

The results have not achieved expected levels of diagnosis from CT scans, but this continues to improve, has been steadily improving during the trial period and the CT scan consistently achieves 52% diagnosis of cause of death. The City Council has met its obligations in terms of the numbers (250) for the pilot scheme. The pathologists remain concerned about the reporting, the inability to discuss cases and the 'mechanical' nature of the process. The Senior Coroner met with i-Gen and pathologists to work through these issues to ensure there were improvements in performance. Some operational issues have been addressed over transport of bodies and scheduling of scans by the Interim Assistant Director.

The formal review of the pilot has been delayed due to the pressure of work on the service due to Covid19, but is due to take place in the coming months, so in order to maintain the service an extension of the pilot has been agreed. In this extension a commitment has been given to send 500 bodies in the coming year. This will enable the future service provision to be considered and procured.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR HOMES AND
NEIGHBOURHOODS FROM COUNCILLOR EWAN MACKEY****E4 Drainage Gullies Cemeteries****Question:**

Who is responsible for clearing and cleaning out the drainage gullies on roads within our cemeteries?

Answer:

The Cemetery Operatives are responsible for the clearing and cleaning of the drainage gullies within the city cemeteries. In addition, a roadsweeper is brought in to clean the roadways when required, which is usually more often throughout the Autumn/Winter period or following heavy winds due to the increased leaf fall.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR HOMES AND
NEIGHBOURHOODS FROM COUNCILLOR BRUCE LINES****E5 Maintenance Programme****Question:**

What routine maintenance programme is in place for the clearing and cleaning out the drainage gullies on roads within our cemeteries?

Answer:

Cemetery Operatives regularly sweep the roads and pathways and a roadsweeper is brought in to clean the roadways when required, which is usually more often throughout the autumn/Winter period or following heavy winds due to the increased leaf fall.

Due to minimal leaf fall during the summer period the roadsweeper had not been required for several months.

Due to recent weather changes, the roadsweeper has been attending relevant sites once every two weeks.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR HOMES AND
NEIGHBOURHOODS FROM COUNCILLOR ADAM HIGGS**

E6 Handsworth Cemetery

Question:

On what exact date were the gullies last cleaned/cleared at Handsworth Cemetery last cleaned prior to the recent flooding?

Answer:

The exact date is not recorded but the last time that the gullies were swept was in July 2020.

WRITTEN QUESTION TO THE CABINET MEMBER FOR STREET SCENE AND PARKS FROM COUNCILLOR BOB BEAUCHAMP**F1 Slab and Cab****Question:**

Are all relevant waste employees now fully trained and fully utilising the Slab in the Cab technology or is anyone still working of paper copies of forms?

Answer:

The original 'Slab in the Cab' technology was installed in 2015 and extensive training began in October 2015 until August 2016. All relevant staff were given a briefing, a practical demonstration, a fully comprehensive handbook and later a FAQ sheet.

The current technology is now due to be replaced. Some of the equipment is failing therefore teams are operating with manual documentation where necessary.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR STREET SCENE & PARKS
FROM COUNCILLOR NEIL EUSTACE****F2 Early Binmen****Question:**

Residents have reported some crews starting work as early as 5am or even earlier from the Perry Barr depot. Whilst the industry of the crews is to be applauded, it does inevitably lead to complaints about disturbance at that time of the morning. Could the Cabinet Member explain the benefits of such early starts?

Answer:

During the Covid 19 pandemic it has been necessary to stagger the start times of all the crews to minimise the potential contact within the depot and this has resulted in earlier start times. We decided to start earlier rather than later to ensure that our crews can safely drive around the City whilst causing the minimum amount of disruption.

I agree the teams have been incredibly industrious during the pandemic and maintained our important collection service. I will ask depot managers to reiterate to crews the need to operate as quietly as possible.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR STREET SCENE & PARKS
FROM COUNCILLOR PAUL TILSLEY**

F3 Flytipping

Question:

Could the Cabinet Member provide a report on the number of complaints about flytipping and the number of incidents logged by month for the last two years?

Answer:

Table 1 and 2, below show: (1) the service enquiries recorded in the Council's waste management and regulatory teams databases that reference involvement of or that were categorised at the initial reporting stage as relating to waste/rubbish; and (2) the incidents reportable as 'fly-tipping' under the statutory DEFRA's Waste Data Flow arrangements.

The total number of service enquiries/reports does not equate to the number of reportable incidents, which is due to a number of reasons which includes, but that is not limited to: duplicate enquiries/incidents being reported more than once, by different reporters or on multiple dates or to different council teams; enquiries for which linked records are created in the electronic database for the purpose of assisting with job management; and enquiries where waste/rubbish may not subsequently be identified as the route cause or primary element of a multi-issue referral.

Table 1			
Financial Year	2018-19	2019-20	2020-21
Apr	2447	2579	2173
May	2769	2200	2380
Jun	2825	2006	3369
Jul	2754	2947	3799
Aug	2480	2209	
Sep	2119	2273	
Oct	2203	2223	
Nov	2027	1962	
Dec	1748	1925	
Jan	2310	2277	
Feb	1792	2091	
Mar	2114	1606	
TOTAL	27588	26298	7922

Table 2			
Financial Year	2018-19	2019-20	2020-21
Apr	1631	1843	2001
May	1351	1764	1667
Jun	1473	1441	2106
Jul	1801	2068	
Aug	1619	1756	
Sep	1494	1834	
Oct	1371	1958	

Meeting of City Council – 15 September 2020

Nov	1234	1781	
Dec	1170	1855	
Jan	1520	2190	
Feb	1353	1637	
Mar	1558	1634 *	
TOTAL	17575	21761	5774

* - Includes fly-tipping captured by the service but not reported by residents and is therefore a higher figure than for March in Table 1

**WRITTEN QUESTION TO THE CABINET MEMBER FOR STREET SCENE & PARKS
FROM COUNCILLOR ROGER HARMER****F4 Tip Visits****Question:**

Can the Cabinet Member advise how many visits have been made by residents to each of the Council's Household Recycling Centres, per week, since they re-opened following lockdown. How do these numbers compare with the same weeks last year?

Answer:

Please see the table below, The impact to the Household Waste Recycling Centres has been felt greatly, with the need to ensure that Social Distancing takes place on all sites has led to a significant reduction in the amount of vehicles that can be processed through the sites. This led in the immediate return to very heavy queuing at all sites, with waiting times ranging between 2.5 and 4 hours leading to disruption to local communities and businesses that neighbour the sites. A booking system was introduced to help to ensure that residents could gain access to the sites without severe disruption to their day. Since the introduction of the booking system we have worked closely with our provider to release as many slots as we are able whilst still ensuring the safety of our users. This has led to an increase of around 29% since the launch. We will continue to work with our provider to ensure that where it is possible we will look at all options to further extend the offer to our users as we move forward, The booking system will also allow the flexibility to react to any government changes around Covid requirements should this be necessary.

Week Number	Castle Bromwich *	Perry Barr	Kings Norton	Sutton Coldfield	Tyseley
Week 19 2019	3628	5229	7304	6969	7079
Week 19 2020	0	995	909	756	904
Week 20 2019	4832	7439	9164	9115	9228
Week 20 2020	0	3278	2021	1909	2172
Week 21 2019	4954	7521	9625	9200	9065
Week 21 2020	0	3150	1910	2048	2233
Week 22 2019	4948	7686	9301	9096	9366
Week 22 2020	0	2392	1925	2086	2260
Week 23 2019	3890	5772	7927	7163	7358
Week 23 2020	0	2214	2042	2093	2233
Week 24 2019	3069	4698	6321	6046	6184

Meeting of City Council – 15 September 2020

Week 24 2020	0	2297	1983	2155	2114
Week 25 2019	4367	6518	8843	8508	8461
Week 25 2020	133	2330	1844	1880	1761
Week 26 2019	4600	7095	9121	8708	9221
Week 26 2020	1706	2394	1999	1817	1869
Week 27 2019	5355	7749	10265	9562	10548
Week 27 2020	1684	2333	1967	1835	1895
Week 28 2019	4936	7236	9665	8881	9986
Week 28 2020	1821	2596	2229	2059	2093
Week 29 2019	4994	1359	8777	9863	8564
Week 29 2020	1873	2596	2225	2057	2113
Week 30 2019	5069	1389	8987	10017	8583
Week 30 2020	1916	2551	2282	2090	2163
Week 31 2019	4345	6483	9020	8256	7831
Week 31 2020	1819	2548	2367	2091	2088
Week 32 2019	5130	7065	9511	9734	8991
Week 32 2020	2274	3011	2730	2504	2652
Week 33 2019	4116	5933	8528	8101	7221
Week 33 2020	2223	3045	2682	2437	2501
Week 34 2019	5122	7464	10017	9751	9806
Week 34 2020	2042	2887	2466	2353	2376
Week 35 2019	5031	7266	9800	9420	9313
Week 35 2020	1825	2877	2514	2341	2388

* Castle Bromwich HRC was closed until 18 June 2020 to accommodate urgent works to the highway

**WRITTEN QUESTION TO THE CABINET MEMBER FOR STREET SCENE & PARKS
FROM COUNCILLOR ZAKER CHOUDHRY**

F5 Park Life

Question:

Could the Cabinet Member set out the Council's estimates for use of city parks this year compared with last year?

Answer:

The latest Google GB Covid Mobility reports shows an increase in UK footfall across the UK parks at 67%. There is no individual data for Birmingham but the increase in footfall across the West Midlands is at 93%.

WRITTEN QUESTION TO THE CABINET MEMBER FOR TRANSPORT AND ENVIRONMENT FROM COUNCILLOR DAVID PEARS**G1 Free Bike Schemes****Question:**

What has been the results of the Council's Free Bikes schemes for residents, including how many were given out, how many were subsequently returned for not being used and participation rates in follow up surveys?

Answer:

Delivered as part of the Birmingham Cycle Revolution programme, Big Birmingham Bikes was designed to improve health and wellbeing, social mobility, and access to employment opportunities by encouraging people to cycle more often and reduce short trips being made by car.

Over 7,000 free bikes were given away through the Council's Free Bikes scheme to people living in the most socially deprived parts of the city, alongside provision of cycle training and bike maintenance sessions.

- 81.2% of the bike owners are from the most deprived quintile, compared to 56.8% of Birmingham's population
- 62.2% of bike owners are from BAME backgrounds
- 70% of bike owners are from mosaic groups with the highest inequality

This initiative continues to be delivered by The Active Wellbeing Society (TAWS) as part of their Big Bike Project. They have produced a case study highlighting impact of this initiative to date, including the following results from participant surveys:

- 74% have improved health/fitness from using their free bike
- 73% have increased cycling confidence by using their free bike
- 43% have replaced car journeys of 1 mile or more with cycling
- 18% have met new people through using their new bike

With regards to bikes being returned to the project, TAWS have informed us that on average they get a couple of bikes per month. These bikes are repurposed and then distributed back out into one of their cycle hubs for general use.

Further details on the success of Big Birmingham Bikes and the Birmingham Cycle Revolution programme can be found at www.birmingham.gov.uk/bcrlegacy.

WRITTEN QUESTION TO THE CABINET MEMBER FOR TRANSPORT AND ENVIRONMENT FROM COUNCILLOR DEBBIE CLANCY**G2 Consultation****Question:**

What consultation took place with Emergency Services prior to the installation of the temporary traffic measures such as pop up cycle lanes and pavement widening?

Answer:

The Emergency Active Travel Fund Tranche 1 comprises a range of schemes including pop-up cycle lanes and low traffic neighbourhoods. All scheme designs were shared with contacts at the emergency services (Fire, Police and Ambulance) prior to installation of the schemes. In addition, designs were shared with contacts at NHS Hospital Trusts on, or close to, schemes.

Pavement widening has also taken place in some local centres as part of emergency Covid-19 funding and Reopening High Streets Safely Fund. This additional space in areas of high footfall enables safer social distancing. Schemes were discussed with the Council's Community Safety Team and supported by local policing teams, such as in Erdington.

WRITTEN QUESTION TO THE CABINET MEMBER FOR TRANSPORT AND ENVIRONMENT FROM COUNCILLOR DEIRDRE ALDEN**G3 Risk Assessment****Question:**

What risk assessment took place prior to the installation of the temporary traffic measures such as pop up cycle lanes and pavement widening to assess the suitability of access for emergency vehicles?

Answer:

A number of risk assessments were completed prior to the installation of the temporary traffic measures. These consisted of designer risk assessments, road safety audit reports and dilapidation surveys.

Independent road safety audits were carried out during the development stage, with a further Road Safety Audit to be carried out following implementation on site. Any comments raised will be reviewed and addressed as necessary.

Access for emergency vehicles was considered during the design, and plans were shared with the emergency services for information.

WRITTEN QUESTION TO THE CABINET MEMBER FOR TRANSPORT & ENVIRONMENT FROM COUNCILLOR JON HUNT**G4 Dangerous No Parking Signs****Question:**

Councillors in the Perry Barr Constituency have been told that they can no longer have ‘no parking on the grass’ signs placed in verges under the Local Highway’s budgets for health and safety reasons. Could the Cabinet Member tell me how many times the Council has been successfully sued because of injury or damage caused by a “No Parking on the Grass Verge” sign, setting out the costs of any such action?

Answer:

There are a number of reasons why the signs in question are no longer being replaced, principally because the legislation that these historic “No Parking” signs refer to no longer exists. Therefore, it is not appropriate to reinstate signs that promote restrictions that can no longer be enforced.

There are other issues that need to be considered when replacing or creating signs on our roads including the visual impact on the streetscene and street clutter. The overall objective is to ensure that only signs that are absolutely necessary are placed on the highway as every post adds to clutter, cost and the potential for those items to be a hazard in certain circumstances (e.g. road traffic collisions, obstructions to partially sighted pedestrians, etc.).

So, whilst there have been no identified cases where the Council has been found to be at fault in those circumstances, the practice we have adopted for many years to assess the necessity for each new or replaced sign on the highway (which includes an assessment of any unnecessary risk being created to road users) is correct and aligns with best practice across the country.

With respect to grassed verge parking measures, through the provision of additional local ward funding in recent years, we have sought to look at more practical and effective measures to protect grass verges across the city, such as new Traffic Regulation Orders, double kerbing and the placing of ‘No parking on verges’ stickers on nearby lamp columns.

Therefore, if members wish to consider such measures within their ward, Local Engineering Officers would be pleased to work with the local ward councillors to identify suitable locations for such measures.

WRITTEN QUESTION TO THE CABINET MEMBER FOR TRANSPORT & ENVIRONMENT FROM COUNCILLOR MORRIAM JAN**G5 High Speed Bus Times****Question:**

The roadworks, demolition of Perry Barr flyover and planned traffic lights at Perry Barr will slow down the express X51 service, Bus lanes are being put in at great expense to speed it up again. Can the Cabinet Member confirm whether he believes this is a huge waste of public expenditure so that a bus can run at the same speed as before, if not, setting out in what way the work will improve the X51 service, which provides a high speed service from Walsall, Great Barr and any proposed park and ride on junction 7 of the motorway?

Answer:

The A34 Perry Barr highway works are providing priority for public transport and active modes in line with the draft Birmingham Transport Plan and enabling the significant regeneration of Perry Barr including 1000's of new homes, public realm improvements, and a new rail station.

New bus priority on the A34 through Perry Barr will be delivered through the A34 Perry Barr highway works, as a key part of the wider TfWM A34 Sprint project, which will make all bus journeys more reliable on the A34. As part of the proposals express bus services such as the X51 will be able to use the new bus lanes, and the underpass at the Aston Lane/Birchfield Road, and it is therefore expected that overall journey times from Walsall, Great Barr, and potential park and ride sites along the route will be shorter and more reliable than before.

**WRITTEN QUESTION TO THE CHAIR OF THE PLANNING COMMITTEE FROM
COUNCILLOR PAUL TILSLEY****H1 HMO'S****Question:**

Could the Chair set out how many applications have been made for conversion to HMO under the Article 4 direction that came into force in June, setting out how many have been approved and how many refused?

Answer:

The city-wide Article 4 Direction relating to the change of use from a C3 dwellinghouse to a C4 HMO (3-6 people sharing) came into force on the 8 June 2020.

Since the 8 June, a total of 9 planning applications have been received for a change of use from a C3 dwellinghouse to a C4 HMO. Of these, one has been approved, one was refused, and one was withdrawn by the applicant. The rest are in the process of being considered.

During the 1-year notice period, prior to the Article 4 Direction coming into force, the City Council encouraged landlords and developers of HMOs to self-declare their C4 HMOs.

In total, we received 2,600 declarations before 8 June 2020. Of these, we have accepted 1,547 and rejected 771. For the rest (282) we have requested further evidence about the HMO use and are continuing to receive further evidence documents. The accepted and rejected numbers will therefore change as the processing of the remaining 282 declarations conclude, but this is the snapshot of the figures as they are at today.

**WRITTEN QUESTION TO THE CHAIR OF THE PLANNING COMMITTEE FROM
COUNCILLOR MIKE WARD****H2 Directive****Question:**

Were you consulted about the directive issued on 7th August, shown below?

“Dear Councillors,

As part of an ongoing drive to improve the Councils planning enforcement function, along with the ongoing work to introduce the Councils first Local Enforcement Plan, we have recently been working on a complete re-design of the online complaints procedure which is now finished and went live yesterday.

In order for this to be successful we need your help as all planning enforcement enquires must now follow the process as set out below:

In the first instance, all constituents must now be directed to the online complaints page which can be found at

https://www.birmingham.gov.uk/info/20160/planning_applications/23/planning_enforcement . If you wish to make a complaint on behalf of your constituent please can you also refer to the online form in the first instance.

Significant improvements have been made to the online complaints form to capture more specific detail relating to each enquiry. Furthermore the form has been designed so that links to guidance regarding PD, Advertisements, Listed Buildings and other common issues are now encapsulated within the online form. The intention is for this guidance to evolve as we go along and it is hoped this will improve the efficiency of the enforcement service by reducing the number of non-planning or basic PD enquiries and in turn allow us to concentrate our efforts on more serious breaches of planning control.

To encourage this new approach, wherever possible please can you advise your constituents to make use of the guidance provided in the form before they submit the complaint, as this may save them time filling out the form and will also potentially answer some of the concerns they may have wanted us to investigate.

The most significant change to the process that I need to explain is we no longer accept anonymous complaints. We have taken this decision as a large proportion of anonymous complaints are found to be neighbour disputes and in cases where we do not have a contact to go back to, it is difficult to obtain feedback which hinders evidence gathering and proves problematic for monitoring purposes and case investigation. This change is clearly explained in the online complaints form and generally the only exceptions will be the most serious of allegations, for example damage to a listed building or cutting down protected trees. If anybody questions this change, we should provide reassurance that any details provided will be strictly confidential.

If you have any concerns or require any further information regarding the new complaint form or the process to be followed please do not hesitate to contact me.

Thank you all for your assistance.

James Wagstaff

Meeting of City Council – 15 September 2020***Head of Enforcement & Technical Services”***

Answer:

The decision to introduce the new complaint form was an operational one to improve the enforcement service and as such there was no requirement for me to be consulted. The procedural change was agreed by the Director of Inclusive Growth as part of ongoing service improvements. Concerns have been expressed by various members who have perhaps misunderstood what these changes mean, and I have asked the Head of Enforcement to send out further clarification before Council.



Contents

Preface	2
Summary of Recommendations	3
1 Introduction	5
1.1 Purpose	5
1.2 Methodology	5
2 Key Findings	7
2.1 The Service Areas	7
2.2 Customer Services	7
2.3 Waste Collection	10
2.4 Housing Services	12
2.5 Highways	14
3 Conclusions and Recommendations	16
3.1 Main Themes	16
3.2 A Council-Wide Approach	16
3.3 Resolution and Eliminating Repeat Occurrences	18
3.4 Using What Customers Tell Us to Shape Policy and Investment Decisions	21
3.5 Member Protocol	22
3.6 Progress against Implementation and Motion	23
Appendix 1: Customer Satisfaction	25
Appendix 2: Escalation Process (Waste)	27

Further information regarding this report can be obtained from:

Lead Review Officer: Emma Williamson

emma.williamson@birmingham.gov.uk

Reports that have been submitted to Council can be downloaded from www.birmingham.gov.uk/scrutiny.



Preface

By Cllr Carl Rice, Chair, Co-ordinating O&S Committee

Scrutiny in Birmingham is underpinned by four principles which are set out in our Constitution:

- a) Providing “critical friend” challenge to executive policy-makers and decision-makers;
- b) Enabling the voice and concerns of the public and its communities to be heard;
- c) Is carried out by ‘independent minded members’ who lead and own the scrutiny process;
- d) Driving improvement in public services.

However, sometimes the second of these – the voice of the public – has not been as loud as it should be. This report is unashamedly citizen focussed and whilst we appreciate the challenges faced by City Council Directorates, particularly in recent months, getting our basic services right has to be our top priority.

The Co-ordinating O & S Committee will ensure that the scrutiny process will continue to be the voice of Birmingham citizens who simply want the Council to do what it says it will do – collect our rubbish, repair our streets and maintain our parks and open spaces– on time and to a reasonable standard. This report looks at those areas in some detail and proposes a range of recommendations to better enable the Council to meet the needs of those it serves.

This report is not the end of our inquiry, but the start of a process that puts customer services at the heart of what scrutiny does. We will continue to monitor how key Council services are performing in the future, and report back to Councillors with an analysis on why failures are occurring and crucially, what improvement measures are required.

Councillor Carl Rice
Chair, Co-ordinating Overview and Scrutiny Committee



Summary of Recommendations

Ref	Recommendation	Responsibility	Completion Date
R01	That a Council-wide approach and vision for customer services is agreed and owned by all directorates. This should include an explanation of the consequences of failure to meet the performance standards set out in the approach.	Deputy Leader	May 2021
R02	That a review of all telephone and on-line access is undertaken across the council to understand the customer experience and how it can be improved. This should lead to a consistent platform for telephone and on-line engagement, and standardised performance measures across the Council.	Deputy Leader	May 2021
R03	a) That each customer-facing service area publishes customer data on a regular basis, alongside other performance information, so citizens and Members can see the "end to end" performance. Directorates should be able to demonstrate how this information is used in service improvement.	Deputy Leader	May 2021
R04	That the measure of customer satisfaction is reviewed, to either reflect those who report a "good" experience, or an alternative measure used. Officers should also explore working with the LGA to agree a standard measure of customer satisfaction to allow proper benchmarking across Councils.	Deputy Leader	May 2021
R05	Whilst many employees do a good job in helping residents, Directorates should be supported in making the necessary changes to tackle residual culture and behaviour that does not put the customer first. As there was evidence of this in waste management, the delayed management restructure should be completed urgently.	Deputy Leader Cabinet Member, Street Scene and Parks	May 2021
R06	That an escalation mechanism is built into the revised approach to enquiries and complaints across <u>all</u> council service areas, to include root cause analysis of problems and complaints, with clear management action taken to rectify them. This should include reporting back to members as to the progress of enquiries, so they are not obliged to chase for responses.	Deputy Leader	May 2021



Ref	Recommendation	Responsibility	Completion Date
R07	<p>That information sharing with Members is improved to enable them to answer queries from residents, particularly with regards to waste and highways.</p> <p>In the case of missed waste collections, Ward Councillors should be sent the list collated by the depots at the end of the day of missed roads/ properties to enable them to advise residents accordingly.</p> <p>Members should also receive reports from the contact centre about the enquiries/ complaints in their ward to give visibility on what citizens are raising with the Council.</p>	<p>Deputy Leader</p> <p>Cabinet Member, Street Scene and Parks</p>	May 2021
R08	That each service area reviews what information could be shared on the website in a more timely manner, to assist in reducing calls and complaints to the contact centre.	Deputy Leader	May 2021
R09	That Cabinet and senior leadership must ensure that customer data is used in performance monitoring and to drive policy and investment decisions. A report should be brought to this Committee, setting out how this will be achieved, including a mechanism for ensuring each decision considers the impact on citizen experience.	Deputy Leader	March 2021
R10	<p>That the preferred option for Member enquiries is pursued, subject to the findings set out above; and that a draft of the protocol is brought to the committee for comment and review before it is agreed.</p> <p>Within that, there should be a clear set of options for Members dependent on the type of enquiry.</p>	Deputy Leader	May 2021
R11	<p>Progress towards achievement of these recommendations should be reported to the Co-ordinating Overview and Scrutiny Committee no later than March 2021. Subsequent progress reports will be scheduled by the Committee thereafter, until all recommendations are implemented.</p> <p>In addition, the Co-ordinating O&S Committee will have regular monitoring reports on customer services matters beyond the tracking of this report.</p>	Deputy Leader of the Council	March 2021



1 Introduction

1.1 Purpose

- 1.1.1 Focusing on the things that matter to our citizens should be at the core of council business, but too often this does not appear to be the case when we look at how requests and complaints to the Council are dealt with. The Co-ordinating O&S Committee was aware that work was underway to improve the council's response to citizens and agreed, at its meeting in July 2019, to support that with a piece of work focusing on key service areas. The question members sought to answer was:

How can BCC improve the experience of those using council services?

- 1.1.2 There were initially three key areas to this work:

1. **The call-centre and councillor enquiries:** to understand current performance and identify any areas for improvement;
2. **Service Delivery:** three service areas were identified using data provided by the Customer Services team (including complaints and councillor queries), which could then be explored in detail to get to the root cause of the problem and therefore identify areas for improvement;
3. **Engagement with citizens:** to understand how engagement with citizens is currently carried out, both to inform services but also to encourage participation in decision-making.

- 1.1.3 Following a motion to Full Council earlier that month, a fourth line of enquiry was agreed:

4. **Member enquiries:** to investigate how members' enquiries are responded to with a view to proposing a new protocol for responses to members' enquiries.

- 1.1.4 This report examines the first, second and fourth of these areas; the third will be looked at in the current municipal year.

1.2 Methodology

- 1.2.1 The Committee undertook a series of evidence gathering sessions between October 2019 and January 2020, with a further session in September 2020. Members agreed to focus on three key service areas with the highest level of resident contact: waste collection, housing and highways. They spoke to officers in both the service areas and in the Customer Services team. Members would like to thank all those who contributed for their full and frank participation in these sessions.
- 1.2.2 A draft report was being prepared when the Covid-19 pandemic disrupted business as usual and resources were focused elsewhere. This report therefore describes the findings of the evidence gathering, but also takes stock of what has happened since following additional evidence gathering,



updating the evidence as needed. The recommendations set out in this report therefore take account of what has been learnt during this unprecedented time.



2 Key Findings

2.1 The Service Areas

- 2.1.1 In order to fully understand how citizen enquiries and complaints were being dealt with, and to understand the root causes of problems that members were dealing with through their ward case work on a regular basis, the Committee agreed to focus on three service areas – waste collection, housing and highways. These areas had the highest levels of resident contact with the City Council.
- 2.1.2 An in-depth session was held on each service area, with officers from both the service and the Customer Services team attending. As well as data from the Customer Services team, members submitted case studies to enable them to track the progress of an enquiry, the issues encountered and how they were responded to.
- 2.1.3 The findings from each of these sessions is set out below, and the final chapter draws together the main findings.

2.2 Customer Services

- 2.2.1 The Customer Services team is responsible for developing the Citizen Access Strategy, and for managing the contact centre and BRUM account for on-line contacts. The contact centre receives two million telephone calls and approximately 60,000 emails a year and is therefore the largest touch-point the council has with users of council services. Customer Services is also responsible for the website and online customer service delivery. The website was completely re-built in 2016 and receives 46 millionpage views per annum. The BRUM Account is being phased in to increase the opportunities for citizens to use on-line options if they wish. Not all council services are connected through the Customer Services team.
- 2.2.2 The most recent data on customer satisfaction is attached in Appendix 1. This shows that when customers were asked to rate their overall experience when they contacted the council, just under half said that their experience was “good” between July 2019 and February 2020. For the following four months, the percentage rating their experience as “good” rose to just over a half. Between 25% and 41% rated their experience as “poor”.
- 2.2.3 Members noted that customer “satisfaction” is being reported as a combination of the “good” and “average” scores. People who report that their experience is “average” are not satisfied and therefore should not be included in this measure, or an alternative measure should be used.
- 2.2.4 The Committee also noted that there was no benchmarking information available, partly because councils measure satisfaction in different ways. The Council should work with the LGA to develop standard best practice measures as this is such a vital area of local government performance.



- 2.2.5 Members agreed that the Customer Services team had been doing good work in improving the interface between citizens and services areas and welcomed the development of a Citizen Access Strategy (see paragraphs 2.2.13-2.2.15) which would further improve responses. However, there was still much work to be done.
- 2.2.6 Members saw how moving calls to the **Contact Centre** has seen real improvements in call-handling in those service areas (e.g. Tenancy and Estates Management, Highways – see below).
- 2.2.7 Members also heard about improvements to the **website**, including improvements being made in trialling web chat; introducing self-service appointments for different services (e.g. housing); and launching a new feature whereby residents will be able to pinpoint issues on a map e.g. fly-tipping or potholes.
- 2.2.8 Members also welcomed the introduction of **Resolution Champions**, who act as an intermediary between citizen and service area. These are sometimes physically based with the services, for example in Waste they were based in the depots to work directly with waste officers. They are a very useful conduit between service and customer service team and can drill down into repeated failure.
- 2.2.9 However, whilst these changes were welcomed, and some improvements have been noted, there is still some way to go. There are still issues that Members and customers have to raise repeatedly as well as instances of no or poor responses. Members noted that there was only so much the Customer Services team could do where there were problems in the service itself as they need both the intelligence and the response from the service area to effect change. However, there needs to be a stronger response where services are failing. Members therefore proposed the need for a process for **escalation** of recurring issues to management for action and for greater transparency in data sharing.
- 2.2.10 There is also an issue with communication back to Members where they raise an enquiry, as they are not always informed when a Resolution Champion is involved in a matter where repeated concerns have been raised. Members should be kept informed on the progress so that they are not required to constantly chase for information.

Response to Covid-19 Pandemic

- 2.2.11 The Committee heard at its July 2020 meeting how the Customer Services team and Contact Centre have been heavily involved in responding to the crisis and ensuring that an appropriate level of service was provided to citizens of Birmingham. The contact centre continued to operate a full service as well as set up a new emergency helpline responding to Covid-19 specific enquiries. Key areas of activity included:
- The Covid emergency line: set up on 30 March, it required approximately 30 members of staff to be mobilised, trained and prepared to answer a variety of COVID-19 related calls where citizens have required support on a new emergency line. Most queries to the hub were food related, whether that be via the shielded route or the voluntary sector (The Active Wellbeing



Society (TAWS)) route. Since the emergency line has opened, 10,674 calls have been received into the line with answer rates of 99%, plus 514 submissions to the online form.

- Over 40,000 outbound calls: carried out by the contact centre since March 2020. These included:
 - activity in relation to following up those citizens who registered with central government requiring assistance;
 - activity in relation to those citizens who were shielding but had not registered with central government – validation exercise to check if they did require assistance;
 - ad-hoc follow up activity when central government made us aware of access issues to properties when delivering food parcels.
- Working in partnership with the Fire Service to arrange safe and well checks for 1,494 citizens;
- An outbound exercise to contact small businesses that had not applied for small business grants and more recently an inbound line was mobilised to handle calls enquiring about the discretionary business grant funding.¹

2.2.12 Members noted the speed and efficiency with which the contact centre moved to a home-based operation. It was a major exercise and all involved were congratulated.

Citizen Access Strategy

2.2.13 The **Citizen Access Strategy** sets out all access points into the council and how these are managed and responded to. As the Committee was made aware last year, this is undergoing a refresh to ensure the Council can continue to meet the changing needs of citizens and respond to new technology.

2.2.14 Currently a mapping exercise is underway to look at all 1,700 services provided by the council and understand the customer experience. Some rationalisation may result – there are at least 300 numbers that are live and published outside the contact centre. Members welcomed this approach but noted the need to retain multiple channels.

2.2.15 A number of engagement sessions and workshops took place throughout December 2019 and January 2020 to start the conversation and seek feedback on Councillors and Citizens experiences in all things relating to citizen access. This was paused because of the pandemic and will be restarted once the emergency has lifted.²

Complaints and Member Enquiry Handling Review

2.2.16 In response to complaints, and feedback from the Co-ordinating O&S Committee, the service commissioned an external review of complaints and Member enquiry handling.

¹ Further information is available in a [report](#) to the Co-ordinating O&S Committee on 3rd July 2020

² Ibid.



- 2.2.17 The objective of the review was to be able to provide options to improve the complaints, compliments and comments processes, systems and organisation to maximise citizen satisfaction in a cost effective manner. It also looked at providing options to improve the members portal, member enquiry and councillor complaint enquiry functions that are currently in place across the Council.
- 2.2.18 Workshops were held with each Directorate and Councillors throughout November 2019 and January 2020 and every service area has been encouraged to provide representatives who are involved in the daily complaints processes. Teams were given the opportunity to provide comments and feedback to help shape and influence any recommendations for improvements.
- 2.2.19 The review found that there is a lack of focus on the citizen with no consistent approach, a lot of complaints go unrecorded and the volumes included in reporting do not reflect the true volumes. Duplication often occurs when different teams respond to the same complaint. In addition, failings that result in complaints are not resolved.
- 2.2.20 This was reported to the Co-ordinating O&S Committee in July 2020, and members welcomed the publication of the findings as an open and honest assessment of the current situation.
- 2.2.21 A Steering Group of cross-directorate Senior Managers has evaluated the best option to rescue the Council from this crisis. Their preferred option is to create a virtual complaints teams located within each Directorate (with a small central team providing support). This central team will govern one complaints system and complaints process with standardised complaints teams embedded within each Directorate.³

2.3 Waste Collection

- 2.3.1 At the time of the evidence gathering session in October 2019, the service that received the most complaints and enquiries was waste collection. The contact centre received around 160,000 telephone calls per year regarding waste matters. A year on, that was down to 130,000 calls per year. On-line reports of missed collection have also reduced. The table below sets out a comparison over the last three years (January to August) of calls and missed collections logged.

Table 1: January to August Contact Centre Calls (Waste) and Missed Collection Reports

Year	Calls into Contact Centre	Missed Collections Logged at Contact Centre	Missed Collections Logged Online	Total Missed Logged	% Missed Logged Online
Jan-Aug 2018	111,443	28,824	33,966	62,790	54%
Jan-Aug 2019	126,046	43,707	76,887	146,604	52%
Jan-Aug 2020	72,002	15,032	20,899	35,931	58%

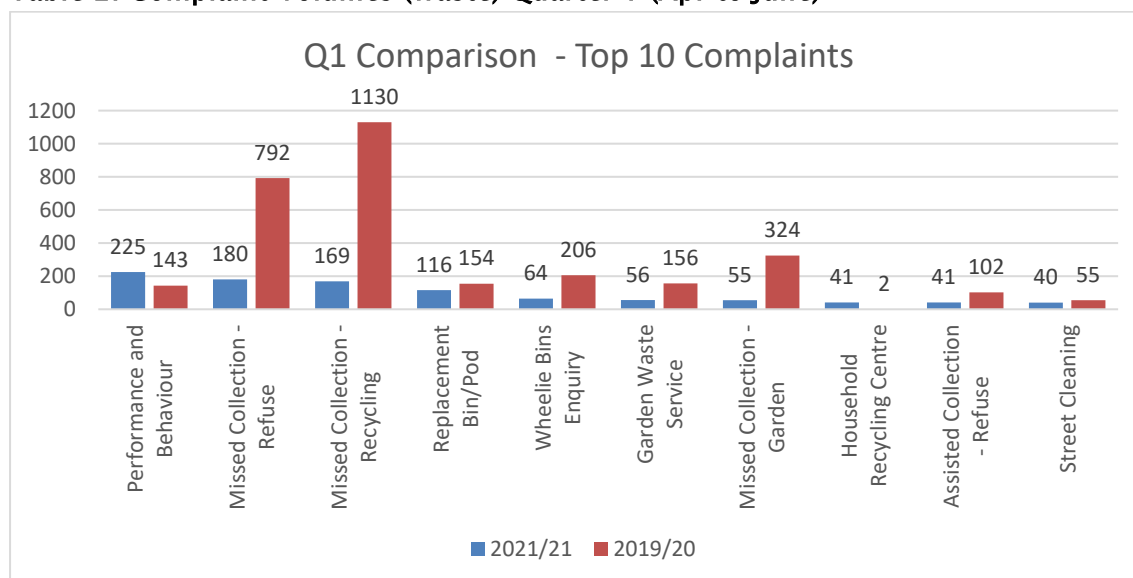
³ Ibid.



2.3.2 At the time of the evidence gathering session (October 2019), complaints were also high (3,165 complaints logged during April – June 2019). A year on, that number had also reduced, to 1,123 complaints logged during Quarter 1 of this year (April – June 2020).

2.3.3 Table 2 below sets out the reasons for complaints in April, May and June 2019.

Table 2: Complaint Volumes (Waste) Quarter 1 (Apr to June)



2.3.4 The reason for the high number of complaints at the time of the evidence gathering largely stemmed from the knock-on effect of the industrial action the previous year. A new working model had been introduced which had an impact on the operation of the service, particularly with regards to the completion of new rounds, which were still bedding in at that time. Staff shortages and vehicle breakdowns were also major issues.

2.3.5 The Customer Services team has been working closely with the Waste service to support improved responses to missed collections to citizens since 2016. Changes included the introduction of Resolution Champions, working in the three largest waste depots: Perry Barr, Lifford and Redfern. This closer working had proved to be a success with staff able to escalate repeat enquires immediately in the depot and provide feedback to the contact centre and citizens on issues in a timelier manner. This meant that there was improved resolution to complaints and access to up to date information for enquiries. The process the Resolution Champions follow when dealing with enquiries from Members is set out in Appendix 2. However, members were still able to give instances of where reports and complaints had not been responded to or where the same properties or streets were being repeatedly missed, causing huge frustration to residents.

2.3.6 Members held a second evidence-gathering session on waste in September 2020 and were told that the situation had much improved, though access issues still caused problems (one illegally parked car, for example, can prevent a waste vehicle getting down a street and collecting the rubbish). Not



only had complaints and missed collections reduced, but trust and confidence were being rebuilt with residents, particularly during the pandemic as staff received support and praise from residents (including thank you messages on bins) for continuing to work through the lock-down.

2.3.7 However, again members reported that whilst the overall picture had improved, there were still areas of persistent failure, including repeated missed collections in the same streets – the same issues as were being reported a year ago. The reasons for that were explored in the September session and the following actions were proposed:

- Completing the delayed management restructure is required urgently, which would give more capacity at that level to take a wider view and think strategically and to problem solve. There is also an urgent need to tackle the residual culture and behaviour that does not put the customer first.
- Continuing to improve communication from depot staff in reporting issues. Some of this has been down to a lack of co-operation from depot staff, and Business Support officers and depot managers are working to improve this position. Alongside this, a problem-solving approach to understanding why repeat problems are happening should be encouraged.
- Communication and reporting will also be improved with the new vehicles, which will have the “slab in the cab” technology integrated. Managers will work with the crews to train them to use these in a phased approach. This technology will give visibility on missed collections and missed assisted collections and will provide more useful data than the current measure of missed collections (which relies on reporting by the resident).
- Tackling longer term issues, including working with the Planning and Regeneration service to ensure that new builds are designed to take into account bin storage and vehicle access.
- Publishing a clearer policy for residents so they are clear about how to present waste and recycling.

2.4 Housing Services

2.4.1 In November 2019, the Committee looked at three areas of the housing service where call volumes were relatively high: tenancy management, housing repairs and housing options.

2.4.2 **Tenancy Management** moved to the contact centre in May 2019, and consequently there was an improvement in call-handling. The first 4 months (June to September 2019) saw 93% of calls being handled (30,881 out of 33,184 calls) compared to 79% (29,742 out of 37,481 calls) in the same period in the previous year. Comparing pre and post transfer abandoned call rates, the team abandoned 5,436 fewer calls in the same four-month period. Overall average time to answer calls has reduced from around four minutes to one minute proving a much-improved citizen experience. Daily service levels are met with only a handful of days falling below the 90% target. These



improvements have continued with every month for the remainder of 2019 and 2020 above 90% in terms of calls answered. Satisfaction levels also increased from 56.6% pre transfer (April 2019) to 67% in July 2020. This has been achieved with fewer staff (41fte vs 33fte) assisted by an improved recruitment position and retention of staff. Resolution Champions have been introduced to deal with tenants' escalations.

2.4.3 **Housing Repairs** saw 2,972 complaints in the 12 months leading up to 31 March 2019. When considered in the context of 242,205 repairs completed in 12 months, those that were justified and partially justified accounted for 0.9% of the repairs carried out. The common causes for complaints were:

- Timescales and delays
- Efficiency of service/ failure to deliver service
- Complaints about policy and/ or procedures
- Service failure
- Poor communication
- Quality/ standard of work carried out.

2.4.4 The contact centre handles calls for this service and received 388,620 telephone calls regarding Housing Repairs in 2018. A large number of these were repeat calls. A proportion of repeat calls is inevitable in a reactive service such as this, and there will be peaks (for example in bad weather). However, the percentage is higher than the national average and work is underway to understand why people are making repeat calls (is it around expectations, standards, behaviours?), involving all services (housing, Customer Services and contractors).

2.4.5 The main issue for this service area was the need for capital investment in the housing stock. For example, leaks are one of the top reasons for calls and so investment in kitchens and bathrooms is a priority. Variations in contractor performance was also a factor.

2.4.6 Resolution Champions were introduced in 2016 and onsite contractor planners are co-located at the contact centre to support escalations.

2.4.7 The onset of the pandemic has not presented any major increase in complaints. As Government has lifted restrictions regarding COVID 19, the service has started to release and complete routine repairs in customers' homes, maintaining social distancing and safe working practices. Contract works officers have returned to business as usual where possible and the following areas are being targeted: disrepair and litigation, void inspections, mutual exchanges, complaints and customer service visits.

2.4.8 The contact centre received 160,811 telephone calls last year relating to **Housing Options**, made up of the following three areas:

- Housing Options



- Homelessness
- Temporary Accommodation

- 2.4.9 The service was facing a significant backlog at the time of the evidence gathering. As of the 21st October 2019 there were 11,725 housing applications awaiting assessment. The assessment time for an application has now reached 27 weeks in comparison to the agreed six-week target. The latest figures (first week in October 2020) showed that there were 16,085 people on the housing register. An average of 400 new applications are received each week and an average of 570 per week are being assessed (or returned to the applicant). Additional officers have been temporarily appointed to reduce the number of assessments outstanding and the waiting time for completion.
- 2.4.10 The main issue for this service area was the shortage of properties, with around 415 to 420 new applications a week, and around 50 properties becoming available each week.
- 2.4.11 The Housing Options service is undergoing a review⁴, recognising that there needs to be more of a focus on prevention – looking at the process to encourage people to come forward before they reach crisis point. The application process also needs to be looked at as people can be locked into properties they have placed bids upon; and there also needs to be provision for people to advocate for more vulnerable applicants.
- 2.4.12 Currently, the Housing Options Centre remains closed to walk in due to Covid-19. The number of people coming through the Housing Options Centre via phone remains steady at around 220-240 per week and around the same as before lockdown.

2.5 Highways

- 2.5.1 Since 2014, the City Council had been in legal dispute with Amey, the main contractor for the Highways service via a Private Finance Initiative (PFI). This had a significant, negative, effect on the service, resulting in a backlog of maintenance which has in turn had a significant effect on complaints and calls. A commercial settlement was reached in June 2019, which included Kier Highways taking over as the sub-contractor that would carry out the maintenance and repair works. This position is expected to continue until at least June 2021, which is the deadline specified for restructuring the project into a replacement long-term PFI contract.
- 2.5.2 A small number of programmed maintenance schemes were commenced towards the end of 2019 and in early 2020. This was the first programmed maintenance on surfacing that had been undertaken since the Autumn of 2017. These schemes were focused on roads and footways that were in particularly poor condition and had been subject to significant numbers of complaints. Work is also underway to look at pavement management and re-surfacing. However, the level of

⁴ Further detail is available in a [report](#) to the Housing and Neighbourhoods O&S Committee on 27th February 2020



investment in this interim period will not complete the level of investment that the council expected under the PFI contract.⁵

- 2.5.3 The impact of this on calls and complaints to the service can be seen in the volumes of calls. In 2018 the contact centre received just under 31,600 telephone calls in relation to the Highways service. At the time of the evidence gathering, the backlog included 30,000 defects and also around 700 dropped kerbs.
- 2.5.4 Resolution Champions were introduced to the Highways service in 2016. The issues they deal with most often are:
- Pavement and road defects;
 - Drainage and flooding on the highway;
 - Highways tree pruning;
 - Disabled bay markings.
- 2.5.5 These are reflected in the issues most often escalated to Ward Councillors, with the addition of road obstructions.
- 2.5.6 Members were keen that lessons were learned from the experience with Amey in terms of customer services. Calls on dropped kerbs, street lighting and access to properties were transferred to the contact centre following concerns about the quality of service received. It was confirmed that customer services interactions could be brought back in-house without affecting the PFI credit, and this should be seriously considered when looking at the long-term contract.

⁵ Further detail is available in a [report](#) to the Sustainability and Transport O&S Committee on 8th July 2020



3 Conclusions and Recommendations

3.1 Main Themes

3.1.1 Though each of the service areas considered had different underlying issues driving complaints, the Committee's investigation revealed clear themes that have implications across all council services. These can be summarised as:

- **A Common City Council Approach:** there is no Council-wide approach to dealing with customers and complaints leading to inconsistent responses, variable recording and poor understanding of the standards expected. A standardised, council-wide approach is needed to eliminate this. And whilst there is a need for some consolidation, there is a need to retain the ability of customers to access services by different routes – the “right channel for the right customer at the right time”. Transparency is also important here – data on customer interactions is not readily available so performance levels are not clear.
- **A Focus on Resolution and Eliminating Repeat Occurrences:** issues not only need to be resolved “end to end” *but also* steps should be taken to ensure those issues are not repeated. The process should include provision for the escalation of matters to senior managers where there are areas of persistent failure.
- **Using What Customers Tell Us to Shape Policy and Investment:** Customer contacts and complaints are not prominent in performance reporting; customer service issues do not feature in investment decisions; and there is no clear council-wide process/strategy to learn from complaints.

3.1.2 Each of these points are discussed in more detail below.

3.2 A Council-Wide Approach

3.2.1 We found that the approach to dealing with customer enquiries and complaints varies across the organisation and, whilst there is a customer service standard on the website, not all departments adhere to this. Members and citizens receive varying levels of service and the culture of responding to enquiries across many parts of the organisation (with notable exceptions) is poor. The external review of complaints and Member enquiry handling supported this finding, noting a lack of focus on the citizen with no consistent approach, a lot of complaints going unrecorded and the volumes included in reporting not reflecting the true volumes.

3.2.2 There are different routes into the Council, and it is not always clear who the customer should be contacting. It should not be for citizens to navigate the complexities of council departments. There should be similar standards and communications clearly set out. The difference between an enquiry and a complaint should also be clear, alongside the route for dealing with each.



- 3.2.3 We heard in our evidence gathering that when services moved to the contact centre, efficiency and satisfaction increased. Such a move may not be appropriate for all services, but directorates should be open to the help and expertise on offer from the Customer Services team. We heard that whilst some service areas did take advantage of this, others have been resistant. The focus here should be the customer, and unfortunately there are still some examples of service areas putting staff preferences over customer requirements. There should be a review of all telephone and on-line access across the council to understand the customer experience and how it can be improved, starting with those areas with the highest call volumes.
- 3.2.4 There should of course be room for different service standards where that is appropriate, and to take account of different types of enquiry, but the response times should be clear, the communication consistent and information shared as appropriate to reduce the need for citizens to provide the same information more than once. There should be a consistent platform for telephone and on-line engagement, and performance measures standardised across the Council.
- 3.2.5 Accessibility is critical. Whilst the current number and variety of ways to contact the council would benefit from some consolidation, we are clear that this is not about moving all interactions on-line but encouraging people to use the right channel for that enquiry. Encouraging those who can to use on-line/self-help channels frees up other channels for those who really need it, and so whilst working to increase digital inclusion is important, this does not mean switching off other options.
- 3.2.6 There were examples of a lack of compliance and resistance in some service areas to using customer data to improve the day to day operation of services. There are cultural changes that are needed to ensure that customers are a driver of improvement and should form part of performance management and inform management appraisals. There should be consequences where there is avoidable poor performance.
- 3.2.7 There should also be greater transparency on customer data so that Members and citizens can see how each service area is performing, and how that data is being used in service improvement.
- 3.2.8 To support this work and promote greater transparency, the measure of customer satisfaction should be reviewed. As noted earlier, customer "satisfaction" is being reported as a combination of the "good" and "average" scores. People who report that their experience is "average" are not satisfied and therefore should not be included in this measure, or an alternative measure should be used. Members would also like to see a standard best practice measure, perhaps through working with the LGA, to enable benchmarking across Councils.



Recommendations

Ref	Recommendation	Responsibility	Completion Date
R01	That a Council-wide approach and vision for customer services is agreed and owned by all directorates. This should include an explanation of the consequences of failure to meet the performance standards set out in the approach.	Deputy Leader	May 2021
R02	That a review of all telephone and on-line access is undertaken across the council to understand the customer experience and how it can be improved. This should lead to a consistent platform for telephone and on-line engagement, and standardised performance measures across the Council.	Deputy Leader	May 2021
R03	b) That each customer-facing service area publishes customer data on a regular basis, alongside other performance information, so citizens and Members can see the "end to end" performance. c) Directorates should be able to demonstrate how this information is used in service improvement.	Deputy Leader	May 2021
R04	That the measure of customer satisfaction is reviewed, to either reflect those who report a "good" experience, or an alternative measure used. Officers should also explore working with the LGA to agree a standard measure of customer satisfaction to allow proper benchmarking across Councils.	Deputy Leader	May 2021
R05	Whilst many employees do a good job in helping residents, Directorates should be supported in making the necessary changes to tackle residual culture and behaviour that does not put the customer first. As there was evidence of this in waste management, the delayed management restructure should be completed urgently.	Deputy Leader Cabinet Member, Street Scene and Parks	May 2021

3.3 Resolution and Eliminating Repeat Occurrences

3.3.1 Members reported two main issues in relation to the resolution of enquiries and complaints. Firstly, there is the issue of some matters not being resolved when reported and members and customers



having to chase up for a response. This in turn leads to multiple reports, increasing the enquiries and complaints to be followed up. The experience of members during the aftermath of the waste collectors' strike was exactly that – that they were constantly reporting repeat issues into the service area – and it is still happening in some areas.

- 3.3.2 Another of the recurring themes of the evidence gathering was that whilst individual matters were eventually resolved (e.g. the report of a missed waste collection resulted in that waste being collected), there were many occasions where the same problem kept occurring (e.g. waste collections being missed in the same streets each week), and that explanations for the problem were not forthcoming.
- 3.3.3 Both issues highlighted the need for a system of escalation – so that the matters that are not being resolved satisfactorily are picked up and actioned routinely. This process should include root cause analysis of what is going wrong and result in management action to rectify the situation. This requires a customer focused, problem solving approach in all service areas and should include clear and comprehensive messages back to Councillors.
- 3.3.4 This “end to end” approach would both solve the problem long term and reduce the number of contacts the Council receives.
- 3.3.5 This escalation process should not only be for those services within the contact centre. Where a service area is seeing repeated failures, the Customer Services team should be able to assist that service area to improve its provision to its customers.

Information Sharing

- 3.3.6 Other ways to reduce unnecessary contact include timely and comprehensive responses to both customers and Members; and having up to date information available on the website. Getting the right information to citizens in a timely manner not only reduces avoidable complaints or requests, it would also contribute to increased satisfaction. Members identified a number of instances where the Council could improve how it communicates with residents and local Councillors. For example, where there are significant disruptions to waste collection rounds, the rounds that will not take place that day could be published on the website, or at least shared with local Councillors, along with an estimated time as to when that collection will take place. During one evidence gathering session we learned that the Assistant Director of Waste receives a record at the end of each day of the specific roads / properties where collections have been missed. Depots should send this to all Ward Councillors at the end of the day as a matter of routine to enable them to advise residents accordingly. Similarly, with regards to Highways; information on maintenance schedules (including when reported problems will be addressed) should be regularly shared with local Members.

Councillor Enquiries and Complaints

- 3.3.7 On the whole, Members were encouraged by the operation and responses of the Councillor enquiry service and felt that this had improved greatly in recent years. However, many Councillors still



experience significant issues, and are obliged to escalate cases where they have not received a satisfactory, or any, reply.

- 3.3.8 Those issues partly relate to variations in service areas – whilst there are notable exceptions, Councillors have experienced numerous failed or unsatisfactory responses to enquiries. Members are also unhappy with the quality of response – the level of detail and clarity. In particular, members complained that when they asked for an explanation as to why an issue had occurred, that was often not given. Furthermore, accepting that the enquiry service is dependent on getting the intelligence and response from the service area, it was felt that more could be done to chase overdue replies.
- 3.3.9 With further improvements, more Councillors should be persuaded to use this, certainly for simpler service enquiries. It was also suggested that Councillors receive reports from the contact centre about the enquiries/ complaints in their ward to give data on what citizens are raising with the Council.
- 3.3.10 It is also helpful to distinguish between types of enquiries and complaint. Some enquiries are simple service requests that can be responded to simply and quickly. However, some cannot be answered immediately, and will need to be referred to officers in the relevant service area, for example policy or strategic questions. For these types of questions, there was a definite preference amongst Councillors to go direct to the relevant senior officer.
- 3.3.11 Further refinement of the enquiry handling approach should therefore be considered to take account of the difference in response (and time it would take) to ensure a quality and timely response to Members.
- 3.3.12 There was also a wider point about the data that local councillors receive to inform their decision-making. Data on performance in some services would be useful at a local level to be shared with local Councillors. For example, data on housing repairs used to be shared with District Committees and scrutinised by local members. This no longer happens and alternative mechanisms for sharing such data should be established to help Members carry out their ward role effectively.



Recommendations

Ref	Recommendation	Responsibility	Completion Date
R06	<p>That an escalation mechanism is built into the revised approach to enquiries and complaints across <u>all</u> council service areas, to include root cause analysis of problems and complaints, with clear management action taken to rectify them.</p> <p>This should include reporting back to members as to the progress of enquiries, so they are not obliged to chase for responses.</p>	Deputy Leader	May 2021
R07	<p>That information sharing with Members is improved to enable them to answer queries from residents, particularly with regards to waste and highways.</p> <p>In the case of missed waste collections, Ward Councillors should be sent the list collated by the depots at the end of the day of missed roads/ properties to enable them to advise residents accordingly.</p> <p>Members should also receive reports from the contact centre about the enquiries/ complaints in their ward to give visibility on what citizens are raising with the Council.</p>	<p>Deputy Leader</p> <p>Cabinet Member, Street Scene and Parks</p>	May 2021
R08	That each service area reviews what information could be shared on the website in a more timely manner, to assist in reducing calls and complaints to the contact centre.	Deputy Leader	May 2021

3.4 Using What Customers Tell Us to Shape Policy and Investment Decisions

- 3.4.1 There needs to be much greater transparency about service performance in relation to customer services matters and the resolution of complaints. This not only allows citizens and Members to hold services to account but would also shape policy and investment decisions. There is currently no council wide process/strategy to learn from complaints and performance monitoring does not currently reflect customer contacts.
- 3.4.2 Policy and investment should follow performance and customer evidence should be used to support decision making and drive improvements. This is not currently happening. In two of the service areas we looked at, historic under-investment was one of the drivers of customer dissatisfaction.



For example, a repeated cause of missed waste collections was breakdowns of collection vehicles. Yet the decision to replace the fleet – now long overdue – was repeatedly delayed.

- 3.4.3 Each decision made should consider the impact on citizen experience and how that will be improved.
- 3.4.4 Citizen engagement in how we design our services and respond to customers is one way to reduce complaints and unnecessary contacts, as well as ensuring we are serving our citizens well. There is some good work in this area – such as in Adult Social Care – and this is an area that the Co-ordinating O&S Committee will return to.

Recommendations

Ref	Recommendation	Responsibility	Completion Date
R09	That Cabinet and senior leadership must ensure that customer data is used in performance monitoring and to drive policy and investment decisions. A report should be brought to this Committee, setting out how this will be achieved, including a mechanism for ensuring each decision considers the impact on citizen experience.	Deputy Leader	March 2021

3.5 Member Protocol

- 3.5.1 The Co-ordinating O&S Committee considered the content of a member protocol at their meeting on 8th November 2019 but waited to make firm recommendations on the matter subject to the outcome of the Complaints, Compliments and Members Enquiries Process Review being undertaken by the Customer services team.
- 3.5.2 The findings of this review were reported to Co-ordinating on 3rd July 2020 and included recognition of the lack of a clear, consistent process for Members of the Council/MPs to follow. The preferred approach set out in that report is to have a central team to govern the system and compliments, complaints and Member Enquiries process with standardised complaints teams embedded within each Directorate. There would be defined routes for each Directorate for Citizens and Members to submit complaints and enquiries (see section 2.2).
- 3.5.3 Members of the Committee, in their deliberations, considered that there were many good arguments for directing enquiries through the BCC enquiries (the current central system for member enquiries), but members will continue to go direct to officers, particularly if they know that going to a particular officer will resolve the issue much more quickly (the Revenues and Benefits service was commended for its swift and comprehensive responses). Members do not believe that there should be a direction for all members to use BCC enquiries (or similar system), but that as the system became more successful, more Members would be encouraged to use it.



- 3.5.4 Members also agreed that there should be a set timescale for responses to member queries though that should depend on the nature of enquiries, with longer timescales for more complex ones. There should be conformity across directorates with a more robust escalation process. It may help to distinguish requests for a service and requests for investigation, for example where an alley way has not been cleaned and ownership/responsibility is disputed. This is a systemic flaw that needs investigation and resolution. Having clear avenues for members depending on the type of enquiry will be critical.
- 3.5.5 With regards to responses, there should be an acknowledgement that the enquiry has been received (some officers are very poor at that) though the real interest is in the resolution of the problem and a higher standard in getting matters resolved. Responses should contain an explanation as to why something went wrong; and be clear and consistent, with the quality of responses checked.
- 3.5.6 Overall, the protocol should be short and not overly prescriptive, but it should explicitly identify where service areas have different standards.
- 3.5.7 The Committee therefore supports the preferred option set out by the Deputy Leader and officers on the 3rd July, subject to the caveats set out above, and asks that the draft protocol is brought to this Committee for comment, ahead of its being finalised.

Ref	Recommendation	Responsibility	Completion Date
R10	That the preferred option for Member enquiries is pursued, subject to the findings set out above; and that a draft of the protocol is brought to the committee for comment and review before it is agreed. Within that, there should be a clear set of options for Members dependent on the type of enquiry.	Deputy Leader	[to be advised by Wendy/Peter]

3.6 Progress against Implementation and Motion

- 3.6.1 The Co-ordinating O&S Committee will retain a keen interest in the on-going development of this work and will have regular updates on the Committee's agenda. Members will work with the Deputy Leader and officers to identify any further opportunities for scrutiny work to support the on-going process. Customer services will remain a regular item on Co-ordinating O&S committee agendas so that members can closely monitor progress in this area.
- 3.6.2 To keep the Committee informed of progress in implementing the recommendations within this report, the Executive is recommended to report back on progress periodically.



Ref	Recommendation	Responsibility	Completion Date
R11	<p>Progress towards achievement of these recommendations should be reported to the Co-ordinating Overview and Scrutiny Committee no later than March 2021. Subsequent progress reports will be scheduled by the Committee thereafter, until all recommendations are implemented.</p> <p>In addition, the Co-ordinating O&S Committee will have regular monitoring reports on customer services matters beyond the tracking of this report.</p>	Deputy Leader of the Council	March 2021



Appendix 1: Customer Satisfaction

How would you rate your overall experience when you contacted the council – Last 12 months

Customer Satisfaction							
	Good		Average		Poor		Total Responses
Mth-Yr	n	%	n	%	n	%	
Jul-19	440	49.5%	150	16.9%	298	33.6%	888
Aug-19	253	45.3%	94	16.8%	211	37.8%	558
Sep-19	360	43.5%	158	19.1%	310	37.4%	828
Oct-19	319	43.0%	129	17.4%	293	39.5%	741
Nov-19	285	47.7%	95	15.9%	218	36.5%	598
Dec-19	204	43.8%	72	15.5%	190	40.8%	466
Jan-20	272	45.0%	107	17.7%	226	37.4%	605
Feb-20	194	48.6%	66	16.5%	139	34.8%	399
Mar-20	539	50.4%	203	19.0%	327	30.6%	1069
Apr-20	376	59.9%	96	15.3%	156	24.8%	628
May-20	264	53.5%	86	17.4%	143	29.0%	493
Jun-20	517	53.8%	164	17.1%	280	29.1%	961

Overall Agent Willingness to Help – Last 12 months

Agent Willingness					
Mth-Yr	Willing	Did What They Could	Unwilling	Total Responses	% Agent Willingness
Jul-19	423	248	149	820	82%
Aug-19	244	141	113	498	77%
Sep-19	354	218	174	746	77%
Oct-19	314	192	159	665	76%
Nov-19	278	136	116	530	78%
Dec-19	195	113	103	411	75%
Jan-20	266	163	113	542	79%
Feb-20	191	93	83	367	77%
Mar-20	478	246	203	927	78%
Apr-20	347	149	74	570	87%
May-20	240	119	87	446	80%
Jun-20	484	221	176	881	80%



Overall satisfaction by service – June 2020

	Customer Satisfaction - June 20						Total Responses
	Good		Average		Poor		
	n	%	n	%	n	%	
Service							
Benefits	48	57.1%	12	14.3%	24	28.6%	84
Elections	2	100.0 %		0.0%		0.0%	2
Environmental Health	11	45.8%	6	25.0%	7	29.2%	24
Highways	12	50.0%	4	16.7%	8	33.3%	24
Housing Options	54	42.2%	26	20.3%	48	37.5%	128
Housing Rents	33	68.8%	10	20.8%	5	10.4%	48
Housing Repairs	129	57.6%	31	13.8%	64	28.6%	224
Neighbourhood Offices	11	55.0%	5	25.0%	4	20.0%	20
Parking	4	50.0%		0.0%	4	50.0%	8
Parks	5	38.5%	2	15.4%	6	46.2%	13
Planning	8	50.0%	4	25.0%	4	25.0%	16
Revenues	125	59.2%	39	18.5%	47	22.3%	211
Tenancy and Estate Management	34	51.5%	10	15.2%	22	33.3%	66
Waste Management	41	44.1%	15	16.1%	37	39.8%	93
Grand Total	517	53.8%	164	17.1%	280	29.1%	961



Appendix 2: Escalation Process (Waste)

Resolution Champion process for dealing with Member escalation regarding Waste

Ref	Activity Name	Designated Role	Activity Details
1.1	Councillor sends email enquiry to Councillor Enquiry Mailbox.	Councillor	<ul style="list-style-type: none"> - Councillors are provided with a dedicated inbox for Cllr Enquiries - The Councillor email address is BCCCouncilorsEnquiry@birmingham.gov.uk
1.2	Resolution Champion opens email.	Resolution Champion	<ul style="list-style-type: none"> - Resolution Champion opens the enquiry to establish the nature of the enquiry. - Before proceeding with logging an enquiry, the Resolution Champion would interrogate the following systems to establish if the enquiry has been logged and if so at what stage it is at and with which officer / depot: <ul style="list-style-type: none"> • Check CRM / CXM Post September 2019 • MAPPS • I- casework • Dropped work spreadsheets from the depots
1.3	Enquiry is already logged	Resolution Champion	<ul style="list-style-type: none"> - Resolution champion will liaise with relevant depot Assistant Service Manager (ASM) or Service Manager (SM) asking for a progress update on outstanding request. - Resolution Champion will send an acknowledgement to the member confirming actions taken. - Enquiry is closed
1.4	New Enquiry	Resolution Champions	<ul style="list-style-type: none"> - Resolution champion will log the enquiry on the relevant systems - Resolution champion will send the details of the enquiry to the relevant depot Assistant Service Manager (ASM) or Service Manager (SM) providing relevant reference number. - Resolution Champion will send confirmation to member confirming their request has been logged and passed to the depot management for action. - Enquiry is closed
1.5	Repeat failure - previously reported	Resolution Champions	<ul style="list-style-type: none"> - Resolution champion will locate previous reference numbers - Resolution champion will escalate to the senior service managers asking for an urgent response - Resolution champion will update member with all actions taken - Resolution champion will regularly continue to monitor this enquiry
1.6	Repeat failure not previously reported	Resolution Champions	<ul style="list-style-type: none"> - Resolution champion will log request - Resolution champion will check dropped work spreadsheets - Resolution champion will escalate to service manager, providing details from the enquiry and dropped work whilst requesting an urgent response - Resolution champion will continue to monitor this enquiry
1.7	Escalation to principal service manager	Resolution Champions	<ul style="list-style-type: none"> - Resolution champion will escalate, providing details of previous failures to Principal Service Manager - Resolution champion will continue to monitor this enquiry

‘Responding to Our Customers’ – Executive Commentary

I would like to thank the Co-Ordinating Overview & Scrutiny Committee, and all those who contributed to this inquiry, for this thorough review of customer service practice in our key service areas. This report is a valuable contribution to our work to improve the Council’s response to citizens, and its recommendations will play an important role in our improvement journey over the next two years.

I agree with the Committee that customer services, and focusing on the things that really matter to our citizens and communities, should be at the core of everything we do as a Council. All too often, however, this has not been the case. As noted within this report, on too many occasions we have focused on the resolution of individual complaints rather than investigating the root causes of issues within services, missing opportunities to improve service delivery and frustrating customers. I believe that customer services, at its best, is not just about passively processing complaints and queries, but about proactively and relentlessly seeking out opportunities to identify problems and improve services. No organisation wants to receive complaints – but when we do, we should treat each one as a valuable opportunity to identify where we are going wrong, and commit to putting things right as quickly as possible.

Over the last year, we have made substantial progress in improving our approach to complaints and queries, and I am pleased to see this acknowledged by the Committee in their inquiry. The consolidation of telephone lines within the Contact Centre, ongoing developments to our website, and the introduction of Resolution Champions within service areas have all helped to improve the customer journey within the Council. However, we know that we need to go much further to become a truly ‘customer-focused’ organisation. This report identifies three main themes for improvement – creating a common Council-wide approach to customer services, focusing on identifying the root causes of issues, and using customer feedback to guide investment – and I am pleased to say that progress is already being made across all of these areas. This includes the investment of over £1.3 million to establish virtual dedicated complaints teams within each directorate, enabling one ‘council-wide’ standardised approach to complaints and queries while maintaining vital local links to services. Alongside this, we are moving forward with a refresh of our Citizens Access Strategy, to be completed by September 2021, and the agreement of a new corporate performance framework that focuses on measuring the things that truly matter to citizens.

When this inquiry first started, no one could have predicated that the Council would soon be facing its biggest challenge in a century – the COVID-19 pandemic. I am grateful to the Committee for extending its evidence gathering processes to include our emergency response to the crisis, and gratified to see the tremendous efforts of our customer services team acknowledged within this report. We know that these are uncertain and worrying times for citizens, with many people accessing our services for the first time, and I am extremely proud of the work carried out by our staff to make sure that help was there for

those who needed it most. Our response to the pandemic demonstrates just what we are capable of when we put citizens first.

I look forward to working together with Members, officers, and the Committee to deliver the recommendations in this report, and ensure that all our customers receive the service that they deserve.

Councillor Brigid Jones

Deputy Leader, Birmingham City Council

Birmingham City Council

City Council

3 November 2020



Subject: Street Trading Policy 2020
Report of: Acting Director of Neighbourhoods
Report author: Sajeela Naseer, Head of Licensing, Markets and Street Trading
 Tel: : 0121 303 6112
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Does the report contain confidential or exempt information? ☐ Yes ☒ No

1 Executive Summary

- 1.1 Birmingham City Council is the Licensing Authority responsible for considering applications for a range of activities that require a street trading consent under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.
- 1.2 This legislation allows the Council to set a policy, conditions and fees for the grant, variation, renewal and revocation of street trading consents or licences.
- 1.3 Birmingham adopted street trading provisions in 1991, which state all public roads are classified as 'consent streets' for the purposes of street trading. No formal Street Trading Policy has ever been adopted.
- 1.4 In order to ensure that street trading in Birmingham reflects the current needs of the city as described in this report, a draft Street Trading Policy 2020 was produced. Consultation on this policy commenced on 16 December 2019 and concluded on 23 February 2020. A further opportunity for the public to comment was given in July 2020 (6-26 July 2020).
- 1.5 The purpose of this report is to inform City Council of the consultation undertaken, Birmingham City Council's response to the issues raised and to provide a final version of the Street Trading Policy 2020 and the required resolution relating to the designation of streets.

2 Motion

- 2.1 That City Council approves the final version of the Street Trading Policy 2020 and makes the resolution:

RESOLUTION: That all streets within the boundary of Birmingham City Council, excluding those to be designated as prohibited streets and the 51 parks and open spaces (which have no designation), be designated as consent streets for the purposes of street trading in accordance with the powers granted to the Council by Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982, such designation to come into force on Sunday 6 December 2020. Street trading in those streets will be prohibited without the Council's consent from Sunday 6 December 2020. On the same date, the prohibited streets will also be designated as such.

3 Background

- 3.1 The legislation that applies to street trading is contained in the Local Government (Miscellaneous Provisions) Act 1982 and the Pedlars Act 1871. Some exceptions are contained in the Police, Factories etcetera (Miscellaneous Provisions) Act 1916 relating to charitable street collections.
- 3.2 The 1982 Act allows local authorities to adopt provisions to control street trading as follows: -
- Prohibited Streets- where no street trading is allowed;
 - Consent Streets- where trading is allowed when a consent is issued;
 - Licensed Streets- whereby trading is allowed from a designated pitch – this is often used for street markets.
- 3.3 There is no statutory appeal against the refusal to issue a consent, but there is a statutory appeal in the event there is a refusal to issue a licence. If the local authority does not apply a designation for street trading, then legislative controls are minimal and generally only cover pedlars and charity issues.
- 3.4 Birmingham adopted the 1982 Act street trading provisions in 1991, and currently all public roads are classified as 'consent streets' for the purposes of street trading. No formal street trading policy has ever been implemented.
- 3.5 The adoption of a proposed street trading policy is an Authority function, and the implementation of the policy is a non-executive function carried out by the Licensing and Public Protection Committee. The Leader has approved the policy direction (which was subject to consultation) that is reflected in the Street Trading Policy 2020.

Key Drivers for Policy Direction

3.6 The city of Birmingham has undergone and will continue to undergo significant changes in years ahead. These changes (listed below) are the key drivers in influencing the policy direction outlined in section 5 of this report.

- Changing infrastructure throughout Birmingham
- Introduction of red routes, metro routes, public squares and pedestrianised areas and hostile vehicle mitigation
- City Centre Public Realm Revitalisation
- Big City Plan
- 2022 Commonwealth Games
- Business Improvement Districts
- Supporting businesses and consumer needs
- Frankfurt Christmas Market

3.7 In addition we believe that to ensure that the administration of the application and renewal process is compliant with the EU Services Directive 2006 and the Provision of Services Regulations 2009 a review was necessary. One of the requirements of this legislation is that any authorisation scheme in respect of the provision of a service within the Directive (which street-trading is) must not be “dissuasive” i.e. of new entrants to the market who wish to provide the service in question.

Why Change is Needed

3.8 The current nature of street trading in Birmingham is based on the city’s infrastructure and layout in 1991 when all streets originally became consent streets.

3.9 This means that current locations and sizes of trading units are not always compatible with the current infrastructure leading to potential issues with nuisance and obstruction of the highway, obstruction of the visibility and entrance to shops, and public safety in terms of clear passage through highly pedestrianised areas.

3.10 This also hinders the capacity of current traders to safely move the trading units daily after trading. This is in turn exacerbating the issues described in section 3.7.2 and is also enabling the visual deterioration of the mobile units in terms maintaining them in good condition. Some units within prime shopping areas have graffiti or are in poor condition but the current consent conditions and renewal process do not enable appropriate action to be taken.

3.11 The nature of the current application and renewal process, including the essentially automatic renewal of existing consents, has resulted in very little change over decades in terms of the consent holders or product offer across the city. While this is not necessarily a problem, the limited number of suitable locations in the city centre means that the authority must be careful that its authorisation process does not prevent and is not dissuasive of new entrants to the market. In addition, innovation and quality of both the trading units and the goods sold on them has been limited. In particular: there is currently no capacity for new applications for consents in the city centre or for match day/football club trading. Continuation of the current

process is therefore likely to be dissuasive to new entrants wishing to enter the market and to incentivising improvements is quality of trading units and goods.

- 3.12 It has therefore been considered that the current process needs to be changed to ensure compliance with the legal requirements described above. The proposed Street Trading Policy 2020 is attached at Appendix A with appendices 1-9 being appendices to the Policy.

Key Policy Issues

- 3.13 The introduction of prohibited streets (red routes and metro routes). All other streets will be consent streets except for the 51 Birmingham City Council Parks and Open Spaces that are not given any designation. See Appendices 1-4.
- 3.14 The introduction of annual and occasional consents.
- 3.15 Introduction of design brief for trading units for annual consents over 12 weeks. The design brief was prepared by planning and includes a maximum unit size (subject to limited discretion where necessary) of 2.3m (width) 4.9m (length) 2.6m (height) and the stipulation of no trading outside the unit or from canopies. Appendix 6
- 3.16 All street trading units to be at least 30m apart except for match day traders.
- 3.17 Public safety, the prevention of crime, disorder and public nuisance, and appropriate consumer protection (including enhancing the retail offer provided by street traders) is at the heart of the considerations to approve, revoke, vary a consent.
- 3.18 The criteria that will be considered at application and renewal seek to prevent nuisance/obstruction of the highway, ensure retail business visibility and will enable Birmingham City Council to ensure the location, size and appearance of trading units are appropriate and quality goods are offered for sale.
- 3.19 The process will enable revocation if consent conditions are not adhered to or for any other reason. There is no statutory appeal against revocation, variation, non-renewal or refusing the application.
- 3.20 However, in relation to first applications under this new policy the Council has introduced an internal appeals process to senior officers against an adverse decision on a consent application. Furthermore, the Council has introduced an internal officer appeal process in relation to revocation. Both appeals mechanisms will trigger a review of the original decision-making process. Whether appeals will be continued for subsequent consent/renewal decisions will be considered by officers during the first 12 months of operation of the policy.
- 3.21 Following resolution of the policy it is proposed that a six-week window should be opened to enable all interested traders to apply for a consent and that those applications should be considered at the same time against the aim of the policy and the consent considerations.
- 3.22 Full implementation is likely to be 1 April 2021 when all new street trading consents have been issued and the traders are in position trading.

4 Options considered and Recommended Proposal

- 4.1 When considering how to provide a framework for street trading in Birmingham the following options were considered:
- Maintain the current application, disciplinary and renewal process
 - Produce a Street Trading Policy
- 4.2 For the reasons outlined in sections 3.6 and 3.7 above the option to maintain the current framework was not considered appropriate. As such a new Street Trading Policy 2020 has been produced and consulted on.

5 Consultation

- 5.1 The formal consultation was launched on 16 December 2019 on BeHeard until 23 February 2019. A link was been placed from Birmingham City Council's website to the BeHeard page. This enabled all stakeholders to comment on the consultation.
- 5.2 All Birmingham City Council Members, current street trading consent holders and BID Managers were written to informing them of the consultation and how to comment. Communication of the consultation has also been made to West Midlands Police, West Midlands Fire Service, Transport for West Midlands.
- 5.3 Reports were presented to both the Licensing and Public Protection Committee, and the Co-ordinating Overview and Scrutiny Committee as part of the consultation process.
- 5.4 Appendix 10 provides data relating to the BeHeard consultation responses received (170 respondents to 16 questions). Appendix 11 shows all the comments received via BeHeard. Appendix 12 shows the feedback from a consultation briefing with street traders, Birmingham Street Traders Association and a representative of the National Market Traders Federation. Appendix 13 shows the consultation submission from the Birmingham Street Traders Association Appendix 14 shows the feedback from both the Licencing and Public Protection Committee and Co-ordinating Overview and Scrutiny Committee. Appendix 15 provides Birmingham City Council's Consultation Analysis and Response to all the submissions/feedback themes received
- 5.5 Internally, extensive consultation work has been carried out by the service area with Legal Services, City Centre Management, Planning and Highways to ensure that the final policy is compliant with all relevant legislation and reflects the corporate views of these divisions in both policy direction and specific conditions in permitting street trading.

Further opportunity to comment

- 5.6 Further to the submissions/feedback received during the formal consultation process the Council published Appendix 15 on both the Street Trading webpage and the "You Said, We Did" BeHeard webpage in relation to the formal consultation. This consultation response gave any interested parties a further 21 days from 6 -26

July 2020 to respond to a specific question: **“Respondents are invited to respond by Sunday 26 July with any alternative proposals that they may wish BCC to consider, which would allow for new entrants to enter the market for city centre and match-day street trading while making fewer or less significant changes to circumstances of current traders.”**

- 5.7 Appendix 16 shows the four responses received. Two were from individual traders, one was from a PhD student in Urban Studies and Planning, and one was from the Birmingham Street Traders Association.
- 5.8 Appendix 17 provides the Council’s response to feedback provided at this stage.
- 5.9 On 17 September 2020 Birmingham City Council placed two previous street trading reviews (2011 and 2018) and the latest version of proposed Street Trading Policy 2020 on the Council’s web pages. On 24 September 2020 the Birmingham Street Traders Association became aware that this had occurred and responded with a statement that they asked to be included within this cabinet report. That statement has been added to the end of appendix 16.

Notice to pass a resolution

- 5.10 On 17 September 2020 the council published in the Birmingham Post its intention to pass the resolution (shown in section 2.1). This notice asked for any representations relating to this resolution to be made to the council by 17 October 2020 (more than 28 days). The council must consider any representations made. No representations were received. A copy of the notice can be found at appendix 20.
- 5.11 On 17 September 2020 the council served a copy of this notice on the Chief Constable of West Midlands Police and the Assistant Director (Highways and Infrastructure) of the Highways Authority by email and letter. The council must consider any representations made. No representations were received.
- 5.12 If the City Council passes the resolution relating to street trading then the council shall publish notice that they have passed such a resolution for two consecutive weeks in a local newspaper circulating in the Birmingham area. The first publication shall not be later than 28 days before the day specified in the resolution for the coming into force of the designation. Such notice will be placed in the Birmingham Post on 5 November 2020.

6 Redaction, addition or amendment following consultation

- 6.1 The main amendments made to the final policy following consultation are set out below.
- 6.2 Amendments have been made to the design brief to make it more flexible. In particular a slightly larger permitted size of units (to meet the size of a standard food trailer), more colour and font variation. Flexibility has also been introduced to consider small modifications to the size of food units for technical operation.

- 6.3 Removal of the proposal for the introduction of a “mobile consent” (with a view to considering and consulting on this element in the future)
- 6.4 51 specific Birmingham City Council parks and open spaces have not been given any designation and will neither be consent streets or prohibited streets. This is because they have byelaws to control trading and are pursuing commercial opportunities related to trading within parks and open spaces.
- 6.5 A limited presumption of renewal will be introduced. Adopting an assessment framework which supports a limited presumption that consents will be renewed without undergoing a competitive process, subject to conditions, for a second 12-month period. This second period will run from March to April and will commence in the year following that in which the original consent was granted.
- 6.6 Clarification of how applications will be considered for streets where there are more applications for annual consents than availability of suitable locations will be introduced.
- 6.7 Clarification of the assessment framework for consent applications and renewals giving all traders the fullest opportunity to ensure they maximise their potential to make a successful application and to provide transparency in the process.
- 6.8 Quarterly payment of consents will be introduced with initial monthly payments during the first 6 months of the policy to support traders in relation to the impact of Covid 19.
- 6.9 Reduction of the proposed six-week window for initial applications to a four-week period has not been pursued as the implementation of this policy will now occur over Christmas 2020 and it is felt that appropriate time should be given to enable applications to be made.
- 6.10 Introduction of the following impact mitigations for traders during the implementation phase of the new policy:
 - An internal appeal process (for a decision-making review) for traders not successful in gaining a consent during the implementation of the new policy;
 - Support to relocate to the Bullring Retail Markets if unsuccessful in gaining a consent during the implementation of the new policy;
 - Detailed feedback on any unsuccessful consent application to enable a better application to be developed in the future or for submission at another location;
 - Face to face discussion with unsuccessful traders to try and identify other suitable locations provided all other criteria are satisfied;
 - Allowing current traders successful under the new policy a three-month period to obtain the approved trading unit (providing their proposed temporary trading unit is of a suitable size and construction for the agreed location).

7 Implementation Timeline

- Formal consultation was between 16 December – 23 February 2020

- Birmingham City Council Consultation Response for 21 days to enable further comment - 6July -26 July 2020
- Council to publish notice of their intention to pass a resolution (to designate streets as shown in app1-4) in a local newspaper (17 September 2020 in the Birmingham Post)
- Serve a copy of that notice on the chief officer for police for the area and on the highway authority (sent by letter and email on 17 September 2020)
- The notice gives until 17 October 2020 for representations concerning the resolution (exceeds 28 days)
- Cabinet report – 13 October 2020
- City Council report – 3 November 2020
- If the City Council passes the resolution relating to street trading then the council shall publish notice that they have passed such a resolution for two consecutive weeks in a local newspaper. Such notice will be placed in the Birmingham Post on 5 November 2020
- Designation of streets to take effect from 6 December 2020
- 7 December 2020– open six-week window for applications with a further two weeks after to consider the applications, and a further two weeks for potential appeals by unsuccessful traders to senior officers.
- Likely end date to application and appeal process – 14 February 2021
- Implementation 1 April 2021.

8 Risk Management

- 8.1 The Street Trading Service has sought legal advice to ensure it is compliant with the consultation process and the contents of the final policy. Advice has been received confirming that compliance.

9 Compliance Issues

- 9.1 How are the recommended decisions consistent with the City Council's priorities, plans and strategies?
- 9.1.1 The proposals within the policy support the delivery of the Council Priority "Birmingham is an entrepreneurial city to learn, work and invest in" as set out in the Birmingham City Council Plan 2018 – 2022.
- 9.1.2 The proposals within the policy are consistent with the objectives of the Big City Plan and the City Centre Public Realm Revitalisation.
- 9.2 Legal Implications
- 9.2.1 The Council's primary statutory rights in relation to street trading are set out in Schedule 4 of the Local Government Miscellaneous Provision Act 1982.
- 9.2.2 In addition to activities authorised expressly under the above legislation, the Council may also do whatever is reasonably incidental to that power. This is given statutory effect in Section 111 (1) Local Government Act 1972 which states:

“Without prejudice to any powers exercisable apart from this section but subject to the provisions of this Act and any other enactment passed before or after this Act, a local authority shall have power to do anything (whether or not involving the expenditure, borrowing or lending of money or the acquisition or disposal of any property or rights) which is calculated to facilitate, or is conducive or incidental to, the discharge of any of their functions.”

9.3 Financial Implications

9.3.1 Street Trading operates a net nil budget on a cost recovery basis with expenditure funded by income collected through consent fees. The cost of administration and compliance activity for street trading consent informs the setting of consent fees. The impact of the policy will inform the setting of consent fees for 2021/22 and include all relevant costs. It should be noted that fees will be charged in two stages, with the initial application fee covering only the costs of the authorisation itself, to comply with the requirements of the EU Services Directive 2006 and Provision of Services Regulations 2009.

9.4 Public Sector Equality Duty

9.4.1 The public sector equality duty (Appendix 18) drives the need for equality assessments (Initial and Full). An initial assessment has been prepared and is attached at Appendix 19.

8 Appendices

- Appendix A Street Trading Policy 2020
- Appendix 1, 2, 3, 4, 5, 6, 7, 8, 9 (appendices to Street Trading Policy 2020)
- Appendix 10 – BeHeard Data
- Appendix 11 – BeHeard Comments
- Appendix 12- Street Trader Meeting Feedback
- Appendix 13 – Birmingham Street Traders Assn. consultation submission
- Appendix 14 – Consultation Feedback for Committees
- Appendix 15 – Birmingham City Council Consultation Analysis and Response
- Appendix 16 – Further comments from external parties
- Appendix 17 – Final BCC response to further comments from external parties
- Appendix 18 – Public Sector Equality Duty
- Appendix 19 – Equality Assessment
- Appendix 20 – Copy of notice of resolution

9 Background Documents

- 9.1 Local Government Miscellaneous Provisions Act 1982
- 9.2 European Convention on Human Rights and Fundamental Freedoms
- 9.3 EU Services Directive 2006 (the Directive)
- 9.4 Provision of Services Regulations 2009 (PSRs).

Birmingham City Council Street Trading Policy

2020

Contents

1	Introduction	3
2	Purpose of this Policy	3
3	Definition of street trading	3
4	Types of street trading	4
5	Street trading in Birmingham	5
6	Why do we have street trading?	6
7	Implementing this Policy	6
8	Key considerations when assessing an application	7
9	Types of street trading consent	10
10	Consent application, renewal and surrender	10
11	Special event and occasional market/fair street trading	10
12	Letting of pitches	11
13	Temporary relocation	11
14	Fees and charges	12
15	Applications	12
16	Insurance	14
17	Food units	14
19	Removal of waste	15
20	Enforcement Actions	15
21	Appeal against revocation	16
21	Refusing applications	16
22	Conditions, complaints and offences	17
23	Definitions	17

1. Introduction

Birmingham City Council is the Licensing Authority responsible for considering applications for a range of activities that require a street trading consent under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 referred to in this policy as “the Act”.

The aim of this Street Trading Policy is to **create a street trading environment which is sensitive to the needs of the public and businesses, provides quality consumer choice and contributes to the character and ambience of the local environment whilst ensuring public safety, and preventing crime, disorder and nuisance.**

Street trading can aid the local economy and contribute to the facilities offered to people who visit, live and work in Birmingham and it supports the Birmingham City Council's priorities:

- Birmingham is an entrepreneurial city to learn, work and invest in
- Birmingham is a great city to live in

This policy will be reviewed in 2021/22 and then formally every five years; however, it will be kept under continuous review and where any significant amendments are considered necessary these will be made by the Authority function of Birmingham City Council after appropriate and relevant consultations have taken place. Minor amendments that do not impact on the aim and objectives of the policy, for example due to changes in legislation, review of design brief etc. will be made in line with current delegation scheme.

An Equality Assessment on this policy has been undertaken.

2. Purpose of Policy

The purpose of this policy sets out the criteria and guidance that Birmingham City Council (hereafter referred to as the Council) will use as the regulatory framework for street trading. This policy will inform applicants and organisers of special events of the parameters by which the Council will make decisions. It will also give prospective traders an early indication as to whether their application is likely to be granted or not. It also provides prospective applicants with details of what is expected of them.

The policy recognises the importance of street trading to the local economy and the character of the area whilst trying to ensure that location and activities do not cause obstruction, nuisance or annoyance.

3. Definition of street trading

Street trading is defined in paragraph 1 of Schedule 4 of the Act as:

‘the selling or exposing or offering for sale of any article (including living thing) in a street’.

The Act defines the term 'street' as including:

'any road, footway, beach or other area to which the public have access without payment; and a service area as defined in section 329 of the Highways Act 1980'.

Streets located on private land are included within the scope of this policy.

The Act in paragraph 1(2) of schedule 4 states that the following types of trade are not street trading:

- *A pedlar trading under the authority of a pedlar's certificate granted under the Pedlar's Act 1871;*
- *Anything done in a market or fair, the right to hold which was acquired by virtue of a grant, enactment or order;*
- *Trading in a trunk road picnic area provided by the secretary of state under section 112 of the Highways Act 1980.*
- *Trading as a news vendor.*
- *Trading carried on at a premises used as a petrol station.*
- *Trading carried on at premises used as a shop or in a street adjoining a shop where the trading carried on is part of the business of the shop.*
- *Selling things, or offering or exposing them for sale as a roundsman.*

4. Types of street

Streets may be designated as either 'prohibited', 'licensed' or 'consent streets' for the purpose of street trading.

Definitions:

Prohibited streets

If a street is designated as a prohibited street then a criminal offence is committed by any person engaging in street trading in that street. There could be a number of reasons for wishing to designate a street as prohibited. For example the street may not be wide enough to facilitate a trader or the council may wish to restrict trading in a particular location. All current red routes and metro routes (and approved extensions) within Birmingham are prohibited streets (Appendix 1 details prohibited red routes and Appendix 2 details prohibited metro routes).

Licensed streets

A licensed street designation is considered appropriate for the more formalised market type of trading in a street where the strict control of a limited amount of space is required. There are no licensed streets within Birmingham.

Consent Streets

Designating a street a consent street enables trading to take place upon it, subject to the trader receiving a consent to trade from the Council. All streets within Birmingham are designated as consent streets with the exception of the prohibited streets.

The Council has decided not to give a street designation to 51 parks and open spaces

within Birmingham as these have been selected as appropriate for mobile catering concessions. The Parks Service has byelaws in place that prevent the display, sale etc. of goods without the agreement of the Council and the means of enforcement of the same, It is considered appropriate to exclude specific parks and open spaces from designation as consent or prohibited streets within the 1982 Act. The list of parks and open spaces excluded can be found at Appendix 3. Maps of the excluded parks and open spaces can be found at Appendix 4.

5. Street trading within Birmingham

Birmingham City Council has designated all streets within Birmingham as consent streets, except all red routes and metro routes which are prohibited and certain Birmingham parks. This policy applies to all street trading which is undertaken within Birmingham.

This policy refers at times to the city centre. This is defined as the area of the city within the A4540 (Inner Ring Road).

Where an applicant wishes to trade on private land, a consent will not be granted by the Council unless the applicant provides written permission from the land owner showing they have permission to trade.

Street trading consents are issued by Birmingham City Council. The consents come under the following classifications:

Annual Street Trading

This is a consent that lasts up to 12 months and enables the trader to trade up to seven days a week at a particular pitch within Birmingham. An Annual Consent will not be granted for periods of less than four weeks.

Occasional Street Trading

This type of Occasional Consent will last for one trading day for a particular pitch in Birmingham. No more than 30 consents will be issued per pitch, per financial year.

Special Event Street Trading

The Birmingham Corporation (Consolidation) Act 1883 gives Birmingham City Council the market rights for any market (five stalls or more) within six and two thirds miles of a market run by Birmingham City Council. At present this is the Bullring Markets and the distance is measured from St. Martins Church, Birmingham City Centre. Therefore, any special events held within this ring-fence will be subject to an application for and the granting of a licence issued by the Markets Service. Street trading consent is not required for licensed markets.

If the special event is for street trading of less than five stalls or outside this ring-fence the organiser of an event will apply to the Council requesting their event to be considered a 'special event' where street trading is taking part at the event. The event organiser will provide full details of each trader attending the event. Consents will be issued by the Council to individual traders on successful application to the council.

6. Why do we have street trading?

Street trading supports the Birmingham City Council's priorities of:

- Birmingham is an entrepreneurial city to learn, work and invest in
- Birmingham is a great city to live

Street trading encourages a vibrant and prosperous economy. It provides valuable employment opportunities for local people as well as a seedbed of entrepreneurship, allowing new entrants to test their business skills and ideas in an environment which has a low start-up costs, minimal overheads and existing customer footfall.

Goods on sale in the street provide convenient access to hot and cold drinks, fresh fruit and vegetables, household goods and other services for local communities, those travelling to work, and the visitors to Birmingham. The designation of both consent and prohibited streets within Birmingham has taken place to support:

- Public safety
- Prevention of crime and disorder
- Prevention of public nuisance
- An enhanced retail offer

7 Implementing this Policy

Upon resolution of this Policy the Council will open a six-week window in which any applicant can apply for a consent for street trading in Birmingham. At the end of this six-week period the Council will consider all applications at the same time against the criteria in this Policy. Consents will be granted to those applicants who best reflect the aim of this policy to:

“create a street trading environment which is sensitive to the needs of the public and businesses, provides quality consumer choice and contributes to the character and ambience of the local environment whilst ensuring public safety, preventing crime, disorder and nuisance”

Application received outside this six-week window will be considered in date order and against the considerations set out in this Policy and its aim.

On any one street where we receive more applications for an annual consent than availability of suitable locations (that comply with the street trading consent considerations) then all applications will be considered on the basis of the highest score awarded through the assessment framework. The application/s with the highest score/s will then be chosen and discussion with the trader/s about a suitable location on that street will follow. If agreement on location cannot be made then the next best applicant will be chosen and the same discussion will be held. The decision on quality of unit and product will be made by jointly Birmingham City Council's planning, highways and street trading teams through a points system. This process will be used in considering applications and renewals in future years.

The assessment framework can be found at Appendix 5.

The implementation date of street trading consents received and approved during the initial six-

week period will be 1 April 2021.

Current traders successful under the new policy a three-month period to obtain the approved trading unit (providing their proposed temporary trading unit is of a suitable size and construction for the agreed location).

8 Key considerations when assessing an application

The following criteria apply to all types of street trading:

Public safety

- The proposed location of the activity should not present a significant risk to the public in terms of highway safety and obstruction.
- All locations will require an officer visit before a consent can be issued.
- Applications in respect of sites that have previously been the subject of refusal due to the unsuitability of the location are unlikely to be accepted.

Prevention of crime and disorder

- The proposed activity should not present a risk of crime and disorder to the public.

Prevention of nuisance

- Activities at the pitch must not cause a nuisance, annoyance or disturbance to neighbouring properties, this includes businesses. Controls must be in place to ensure that nuisance from noise, light, refuse, vermin, fumes, obstruction, littering, and smells does not occur.
- If at any time the City Council receives complaints a nuisance, annoyance or disturbance is occurring, the Council is duty bound to investigate and, if complaints are found to be justified, may decide to take enforcement action, including withdrawal of the consent.

Suitability of the applicant

- Birmingham City Council will consider any unspent the convictions the applicant may have and this information will be requested in the application form.
- When determining whether an applicant is suitable, the Council will consider the reliability of the applicant in paying fees and charges based on previous history.
- An applicant's history of street trading will also be taken into consideration e.g. whether previous street trading consents have been used appropriately and whether the Council's requirements have been met, including deadlines.

Suitability of the trading unit

- The vehicle, trailer or unit (now referred to as a 'unit' within this policy) to be used should be of a high quality design (that complies with the Council's design brief, including size and colour if appropriate –Appendix 6), build, be harmonious with the character of the locality, add to the quality of the street scene and comply with the legal requirements for the activity proposed.
- The design brief will apply to all annual consents that are requested for longer than 12 weeks.

- The design brief gives a maximum size (to accommodate larger food trailers), however applicants are advised to consider the size of trading unit that will be appropriate in the location that they are suggesting.
- The unit shall be of a high quality design, with robust construction and materials that the daily removal will not result in the rapid deterioration in appearance of the unit.
- A high quality design means: material used are of high quality; a design that is reflective of the quality and planning requirements of the facades of the surrounding retail offer; a design that is unique and attractive.
- The quality and appearance of the unit must be maintained at the standard approved in the original consent.
- The design brief will be kept under review and where appropriate will be subject change.
- The unit must meet with all of the consent conditions including removal after trading unless specifically permitted to remain
- The unit will be inspected by an officer from Birmingham City Council prior to consent being issued.
- Goods, ancillary equipment and stock must be contained within the unit.

Power

- City centre units will be powered by electricity through a plug and use process that will be chargeable.
- Diesel generators will be permissible outside the city centre only when no other power source is available. They shall be positioned so as to reduce the length of cabling required to an absolute minimum and to minimise disturbance to local residents or businesses from noise or fumes. Where required, silenced generators or acoustically insulated generators shall be sourced.

Advertising

- Advertising must only relate to goods offered for sale on that pitch.
- Third party advertisements are prohibited.
- It is not permitted to illuminate any advertisement on the outside of the stall kiosk without express consent of the Council.
- The use of 'A' boards or any other display board/structures are prohibited.

Barriers

- Barriers for safety purposes will only be allowed on a consent pitch where they have been specifically included within the unit's consent approval.
- Any barriers proposed should not constitute a nuisance or danger under the Highways Act 1980, would not impede the free flow of pedestrians or traffic and would not restrict the pavement so as to inhibit social distancing.

Hours of trading

Trading hours will be set on the basis of promoting the following purposes:

1. Preventing crime, disorder and antisocial behaviour.
2. Avoiding disturbance due to noise, smell or any other matter the Council considers appropriate.
3. Protecting public safety.
4. Preventing obstruction of the highway.
5. Having regard to location and operating hours of business activity.

Cumulative Impact

The Council will not normally grant consent for a street trading unit within 30 metres of another street trading unit.

Street Trading in relation to football match days and other sporting events may allow trading to be more densely located than 30metre apart.

Selling the right goods

The types of goods allowed to be sold will be considered on a pitch-by-pitch basis and specified on the consent. The quality of goods and innovative approach will be considered.

Quality of goods refers to traders making the proper (and legal) checks to ensure their goods are safe for use or consumption. In addition, the use of recyclable materials in the product or packaging or the reduced use of packaging to minimise plastic or other waste will be improving quality.

Innovative products refers to goods that are not readily available within the High Street market place.

Anyone wanting to have a stall must clearly state the nature of the proposed goods. The goods must not:

- Cause a nuisance, disturbance or annoyance to nearby properties/ people, including cooking smells, smoke, noise, litter and additional cleansing requirements for the Council.
- Cause or contribute to crime and disorder – including the selling of fake or counterfeit goods.
- Have a negative public health impact e.g. vaping products, locality of fast food units near schools, gyms etc.

Site assessment

In determining whether street trading in a particular area is appropriate the council will have regard to:

- Any effect on road safety, either arising from the siting of the pitch or from customers visiting or leaving.
- Any loss of amenity caused by noise, traffic, smell etc.
- Existing traffic orders e.g. waiting restrictions.
- Any potential obstruction of pedestrian, vehicular or disabled access.
- Any obstruction to the safe passage of pedestrians and wheelchair users.
- The safe access and egress of customers and staff from the pitch and immediate vicinity.
- Obstruction of entry to or sight lines to the entrance of retail premises or obstruction of display windows of retail premises.
- Public squares will not be appropriate for annual street trading consents longer than 12 weeks.

Other criteria

- The consent holder will at no time have the exclusive right to trade from the street or any part of it.
- Street trading can take place in the area outlined in the consent and on days and hours detailed in the consent.

- The consent holder may only trade in goods that are outlined on the consent.
- A copy of the consent shall be made immediately available upon request to an authorised officer of the Council or the police.
- Auction sales shall not be permitted as part of the consent.
- All street trading units will be equipped with safe and adequate lighting for the operation during the hours of darkness.
- Evidence of a commercial waste contract must be provided before the consent is issued and on request by a Council officer.

Failure to comply with any of these requirements may result in refusal to issue or renew consents or revocation of an existing consent.

9 Types of Street Trading Consent

Annual Street Trading

An annual consent can last up to 12 months. This consent enables the consent holder to trade up to seven days a week at a particular pitch within the City Council area. Annual street trading consents may run from the 1 April until 31 March the following year. Consents can be applied for part way through the year, but they will only run until 31 March.

Occasional Street Trading

This type of Occasional consent will last for one trading day for a particular pitch in Birmingham. No more than 30 consents will be issued per pitch, per financial year.

10 Consent Application, Renewal and Surrender

Application or Renewal

Applicants must submit a new application or a renewal application for an annual, occasional or mobile consent at least eight weeks before the date they wish to start trading. This is to enable the Council to consult with partner agencies. **Failure to do so may result in a delay in being able to trade.**

Consent holders will be reminded that their consent is due to expire at least eight weeks before the expiry date. This is done to assist the trader, the Council accepts no liability if the trader does not receive the reminder. It is the trader's responsibility to ensure that they have the correct consent and to ensure that they submit their application prior to the expiry of their consent.

Surrendering a consent

Where the trader wishes to surrender a consent they must give the council 21 days written notice. Notice must be sent to marketstalls@birmingham.gov.uk

11 Special event and occasional market/fair street trading

Special Event Street Trading (two or more street trading units)

A 'special event' is where there are two or more street trading consents to be issued to the traders at that event, and where the event is organised by a single person/ organisation

The organiser of the special event that will apply to the Council requesting their event to be considered a 'special event' where street trading is taking part at the event. The event organiser will provide full details of each trader attending the event and inform each trader that they must apply to the Council for an occasional consent. Occasional consents will be issued by the Council to individual traders on their successful application to the Council. All applications must be made 8 weeks prior to the event taking place.

Where an application for a special event is made after street trading consents have already been issued for the same location, the street trading consents will be honoured and the special event organiser will be required to allow for the traders in the location and trading hours as set out in their consent.

Occasional market/fair (five or more street trading units)

The Birmingham Corporation (Consolidation) Act 1883 gives Birmingham City Council the market rights for any market within six and two thirds of a mile from St. Martins Church, Birmingham City Centre (Appendix 7) and or any other market run by Birmingham City Council. Therefore any market or fair including antique fairs, coin, stamp and postcard fairs, book fairs etc. where street trading from five or more units occurs held within this ring-fence will be considered as a market and will be subject to an application for and the granting of a licence issued by the Markets Service. Street trading consent is not required for licensed markets.

The organiser of the fair market or fair must apply to the Markets Service for a licence at least 8 weeks prior to the market or fair taking place.

12. Letting of pitches

Sub-letting pitches

Consent holders are not permitted to sub-let the pitch they are allocated under any circumstances.

Re-letting pitches

Street traders must make full use of their consent. The local authority will assess whether a consent holder has made a full use of their consent. Street traders shall notify the Council in circumstances where, and for whatever reason, they do not intend to make use of their consent, and notification should be made in advance. Consent holders must inform the Council of the date upon which they intend to resume trading. In circumstances where the date is not known, consent holders must give appropriate notice of their intention to resume trading. Where no prior notification has been received and in circumstances where the council is satisfied that the consent holder is not making full use of their consent it may re-let the street trading pitch to another trader. Multiple street trading consents may be granted to different applicants for the same site provided specific trading days/ periods are applied for.

13. Temporary relocation

When a pitch becomes temporarily unsuitable for any reason, the Council will seek to relocate consent holders to an alternative street trading pitch. The Council may identify suitable alternative pitches for the purpose of relocating the displaced street trader.

14. Fees and charges

Birmingham City Council set fees and charges for street trading. Fees and charges are reviewed annually.

Where a consent is surrendered or revoked, the Council will remit or refund, as they consider appropriate, the whole or part of any fee paid for a grant or renewal of the consent subtracting any administration costs or any costs incurred in delivering the street trading service.

Please visit <https://www.birmingham.gov.uk/street-trading> to find out what the current fees and charges are for street trading. Payment will be on receipt of the invoice for the consent. Methods of payment are described on the invoice.

Payment of fees for Annual Consents

Consent fees are published on Birmingham City Council's website. The annual fee is based on a daily fee six days worked per week, 50 weeks of the year. For annual consents the full fee will be paid quarterly in advance of the consent being issued. The consent will run from the 1 April until 31 March the following year. If an applicant makes an application during this period the consent for an will cease on 31 March in the financial year that it was applied for or the length of time the annual consent is requested provided it expires before 31 March in the same financial year.

Payment of fees for Occasional Consents

Occasional fees are published on Birmingham City Council's website. For Occasional consents the applicant will need to pay prior to the consent being granted. The trader will incur the one day fee and then a lower daily fee for any additional days to be added to the same consent. The additional days must be at the same pitch. The additional days must also be within the same financial year as the first day of trading. To take advantage of the additional day fee rate full payment must be made in advance and in one transaction.

15. Applications

All applications will be considered on their individual merits taking into account all relevant matters.

Consents will not normally be granted where:

- Enforcement action is pending or has previously been undertaken against the applicant.
- The holder is currently in arrears with any charges.
- The location is unsuitable

- There is a potential risk to public safety
- The activities are likely to cause a nuisance, disturbance or annoyance to neighbouring properties.
- The applicant is unsuitable.
- An applicant has failed to appropriately use previous consents.
- The unit is unsuitable.
- It may cause or contribute to crime and disorder.

This list is not exhaustive.

Who can apply?

To apply for consent a person must be:-

- An individual or business
- 17 years of age or over
- Legally entitled to live and work in the UK

Making an application

All applications must be made on the Council's prescribed application form. The application must be completed in full with all the required information before it will be considered. Applicants can apply online by visiting <https://www.birmingham.gov.uk/street-trading> If there are any queries relating to this then please call 0121 303 0208.

The application form must be submitted along with the following:

- Administrative fee of 10% of the yearly consent fee (non-refundable)
- Photographic identification (e.g. passport, photo card driving licence)
- A site plan of the proposed trading area or list of proposed streets
- Photographs of the trailer, stall, vehicle proposed for use
- The make and model of any generator to be used (if applicable)
- Gas certificate (if applicable)
- Public Liability Insurance certificate cover for £5,000,000
- Current MOT certificate (if using a vehicle)
- Current Motor insurance (if using a vehicle)
- Proof that the applicant and any assistants are entitled to work in the UK

Upon receipt of the complete application the Street Trading Team will consider the application in line with the key considerations outlined in section 7 of the policy and conduct a consultation as detailed in this section of the policy.

Once the application is complete and has been accepted, the council will either:

- Determine to grant the consent as applied for and attach standard conditions.
- Determine to grant the consent with specific conditions or a variation to the application.
- Determine to refuse the consent.

Where it has been determined to grant the consent before the consent is issued the following must be provided:

- the appropriate fee will be required to be paid
- evidence of a commercial waste contract

Where a consent is refused the council will notify the trader in writing detailing the reason for refusal.

Receipt of application and fees

An application will be treated as being received only when the relevant application and all the necessary supporting evidence has been received and the relevant non-refundable fee 10% administration fee has been paid. The application must be completed in full. Incomplete applications will be rejected. Failure to follow the application process may result in the consent being refused or delayed. Applicants are encouraged to submit their applications in plenty of time of the trading date to ensure that if there are any problems they can be rectified or discussed before they intend to trade.

Consultation

Before a street trading consent is granted the council may decide it is appropriate to consult with various people or groups. The Council will consider relevant representations.

The Council may consult the following people before issuing a consent:

- West Midlands Police
- West Midlands Fire Service
- Highways Division, Birmingham City Council
- Transportation Division Birmingham City Council
- Transport for West Midlands
- Planning Division Birmingham City Council
- City Centre Management, Birmingham City Council
- Business Improvement Districts
- Relevant services at Birmingham City Council e.g. trading standards, environmental health, waste management etc.
- Any other person or body deemed necessary.

Information obtained from these people/ bodies will be considered during the application process and will help determine whether a consent should be granted.

16. Insurance

The council will accept no liability for the street trading activities undertaken by the consent holder(s). Evidence of suitable public liability insurance (minimum value of £5 million) will be required from the applicant covering the period they wish to trade.

The insurance must be maintained throughout the period of the consent and the consent will be revoked should the insurance be cancelled or breached or its sum altered as to provide less than the minimum value.

If the insurance is due for renewal during the period covered by the consent, it is the responsibility of the consent holder to provide the council evidence that public liability insurance is continuous for the period of the consent.

17. Food units

All food businesses must be appropriately registered with their local authority. Certain low risk businesses are exempt from the hygiene rating scheme, so will not require a hygiene rating, however the Council may contact Environmental Health to ensure adequate compliance with food law. Other low risk food businesses (the decision of what is classed as a low risk business will be determined by the Environmental Health Team), may be considered safe to trade whilst awaiting inspection by their local authority or in other circumstances. All other traders that sell or provide food must have a national food hygiene rating of a 4 or 5. Where a rating drops below a 4 or where there is significant food hygiene or food safety breach whilst a consent is in place, consent may be suspended or revoked. Applicants and consent holders should notify Birmingham City Council of any changes to their national food hygiene rating.

18. Removal of waste

Traders shall ensure that they comply with the law in relation to the disposal of waste. All businesses must put in formal arrangements for the collection of waste created by their activities. It is an offence to dispose of trade waste in domestic refuse bins.

19. Enforcement Actions

Where the conditions of the consent are breached and it is deemed appropriate, necessary and proportionate for enforcement action to be taken then the disciplinary process attached at Appendix 8 will apply. The process is:

FIRST OFFENCE

The Consent Holder will be verbally warned on site by an "Authorised Officer" and a formal verbal warning will be issued in writing and placed on the traders file.

SECOND OFFENCE

Should the Consent Holder commit a further breach of the conditions within **six months** of the first offence, a formal written warning will be issued and placed on the traders file.

THIRD OFFENCE

Should a Consent Holder commit a further breach within **twelve months** of the second offence, the Consent Holder will be asked for a written submission relating to the breaches. A senior authorised officer will review the consent with a potential outcome being revocation.

In addition, should a consent holder commit a significant breach of the conditions so as to be considered as serious misconduct or such as to impact significantly on the following:

- **Public Safety**
- **Prevention of crime and disorder**
- **Prevention of public nuisance**

Then immediate suspension of the consent will occur with a view to a review of the consent by a senior authorised officer with a potential outcome being revocation. Written submissions for both the Street Trading Team and the consent holder will be sought prior to a decision being made.

Where circumstances change that leads the Street Trading Team to consider that a consent should be revoked they will write to the trader to inform them of this proposed course of action and the reasons why. They will give 14 days for the trader to provide written evidence why this revocation should not occur. A senior authorised officer will then consider all evidence and make the decision whether to revoke the consent.

Where a consent is revoked the Council will advise the applicant verbally and confirm the reasons for this in writing within 10 working days.

20. Appeal against revocation

There is no statutory right of appeal against an officer's decision to revoke a consent however an appeal may be made to the Head of Licensing within 5 working days of the written revocation. Two other senior authorised officers will consider the appeal.

The appeal process is:

- Panel of two senior officers of Birmingham City Council
- Appeal hearing attended by the Panel, Street Trading Team Representative, Trader (and up to one supporting representative)
- Street Trading Team to submit written report detailing background and reasons for revocation of consent
- Trader to submit written and/or verbal report on why they feel revocation is not appropriate
- Panel to hear evidence and make decision in writing on whether to uphold appeal (with or without conditions) or revoke licence.

21. Refusing applications

The Council may refuse to grant a consent. Where a consent is refused the Council will advise the applicant in writing and notify them of the reason for the refusal. There is no right of appeal against an officer's decision to refuse a consent.

In relation to first applications under this new policy the Council has introduced an internal appeals process to senior officers against an adverse decision on a consent application. This appeal must be made to the Head of Licensing with 5 days of the refusal. If the refusal of a consent application relates to a street where there are more applicants than suitable locations successful applicants will not be informed until after these 5 days have passed. If an appeal is submitted within the 5 days the all applicants will be informed that an appeal has been made and that a Panel of senior officers will review all applications for that street and that the outcome of their decision will be final.

The appeal process is:

- Panel of two senior officers of Birmingham City Council (not connected with making any decision related to street trading)

- Panel to consider the application (and scored assessment framework) that has been refused and all other applications (and assessment frameworks) that were made for the same street
- Panel to defer decision making if further evidence required from officers or trader
- Panel to determine whether decision to refuse was appropriate in the light of information provided and decide which applicants on a given street shall be refused and which will be given a consent.

During the implementation phase of the new policy applicants will be able to access:

- Support to relocate to the Bullring Retail Markets if unsuccessful in gaining a consent during the implementation of the new policy;
- Detailed feedback on any unsuccessful consent application to enable a better application to be developed in the future or for submission at another location;
- Face to face discussion with unsuccessful traders to try and identify other suitable locations provided all other criteria are satisfied;

22. Conditions, complaints and offence

General conditions will be attached to every consent. These are found at Appendix 9. Additional conditions may also be attached relating to the type of the consent given. Failure to comply with conditions may result in enforcement action, revocation of your consent, and refusal to grant further consents on application.

Complaints

Complaints will be fully investigated in accordance with the Council's Complaints Policy and consent holders will be expected to liaise with the Council to resolve them. Substantiated complaints may result in a consent being revoked and refusal to grant further consents on application.

Offences

Decisions regarding enforcement action will be made in accordance with the Council's enforcement policy.

A person commits an offence if they:

- Engage in street trading in a prohibited street.
- Engage in street trading in a consent street without first obtaining authorisation from the council.

Any person guilty of such an offence will be liable, on conviction at a magistrates' court to a fine of up to £1,000.

23. Definitions

Roundsman

A roundsman is a person who followed the round of his/her customers to take orders and deliver the pre-ordered goods of these customers.

News vendor

News vendor is a reference to trading where:

- a) The only articles sold or exposed or offered for sale are newspapers or periodicals; and
- b) They are sold or exposed or offered for sale without a stall or receptacle for them or with a stall or receptacle for them which does not:
 - (i) exceed one metre in length or width or two metres in height;
 - (ii) occupy a ground area exceeding 0.25 square metres; or
 - (iii) stand on the carriageway of a street.

Prohibited Streets- Birmingham City Council Red Routes

A4540 Ring Road Birmingham Red Route

Dartmouth Circus
 A4540 Dartmouth Middleway
 A4540 Lawley Middleway
 Curzon Circus
 A4540 Lawley Middleway
 Garrison Circus
 A4540 Watery Lane Middleway
 Bordesley Circus
 A4540 Bordesley Middleway
 Camp Hill Circus
 A4540 Camp Hill Middleway
 A4540 Highgate Middleway
 Haden Circus
 A4540 Belgrave Middleway
 Belgrave Interchange
 A4540 Lee Bank Middleway
 A4540 Islington Row Middleway
 Five Ways
 A4540 Ladywood Middleway
 Ladywood Circus
 A4540 Ladywood Middleway
 Spring Hill roundabout
 A4540 Icknield Street
 Key Hill Circus
 A4540 Boulton Middleway
 Lucas Circus
 A4540 New John Street West
 A4540 Newtown Middleway
 Dartmouth Circus

A38 Queensway Birmingham Red Route

A38 Bristol Street (entire length, from junction with Lee Bank Middleway to Holloway Circus)
 Holloway Circus
 A38 Suffolk Street Queensway
 Paradise Circus
 A38 Great Charles Street Queensway
 A38 St. Chad's Queensway
 Lancaster Circus

Walsall Road etc. Birmingham Red Route

Includes the B4114 from Lancaster Circus to the junction with the A4540 New John Street West, and from there, continuing as the same road, the A34 to the city boundary with Sandwell at Scott Arms.

B4114 Lancaster Street (Lancaster Circus to Princip Street)

B4114 / A34 Newtown Row (Princip Street to Phillips Street)

A34 High Street (Phillips Street to Lozells Road)

A34 Birchfield Road (Lozells Road to junction with the A453 Aldridge Road)

A34 Walsall Road (junction with the A453 Aldridge Road to the city boundary)

A38 Kingsbury Road Birmingham Red Route

A38 Kingsbury Road from the junction with the Tyburn Road to the Minworth island roundabout.

Tyburn Road Birmingham Red Route

A38 Corporation Street (Lancaster Circus to canal bridge)

Aston Road (canal bridge to Dartmouth Circus)

A5127 Aston Bridge, northbound (Dartmouth Circus to junction with Avenue road, then

Aston Road North to junction with Rocky Lane

A5127 Aston Road North / Aston Road, southbound (Rocky Lane to Dartmouth Circus)

A5127 Lichfield Road (Rocky Lane to Salford Circus)

Salford Circus

A38 Tyburn (Road Salford Circus to junction with Kingsbury Road)

A45 Coventry Road Birmingham Red Route

A45 Small Heath Highway (entire length)

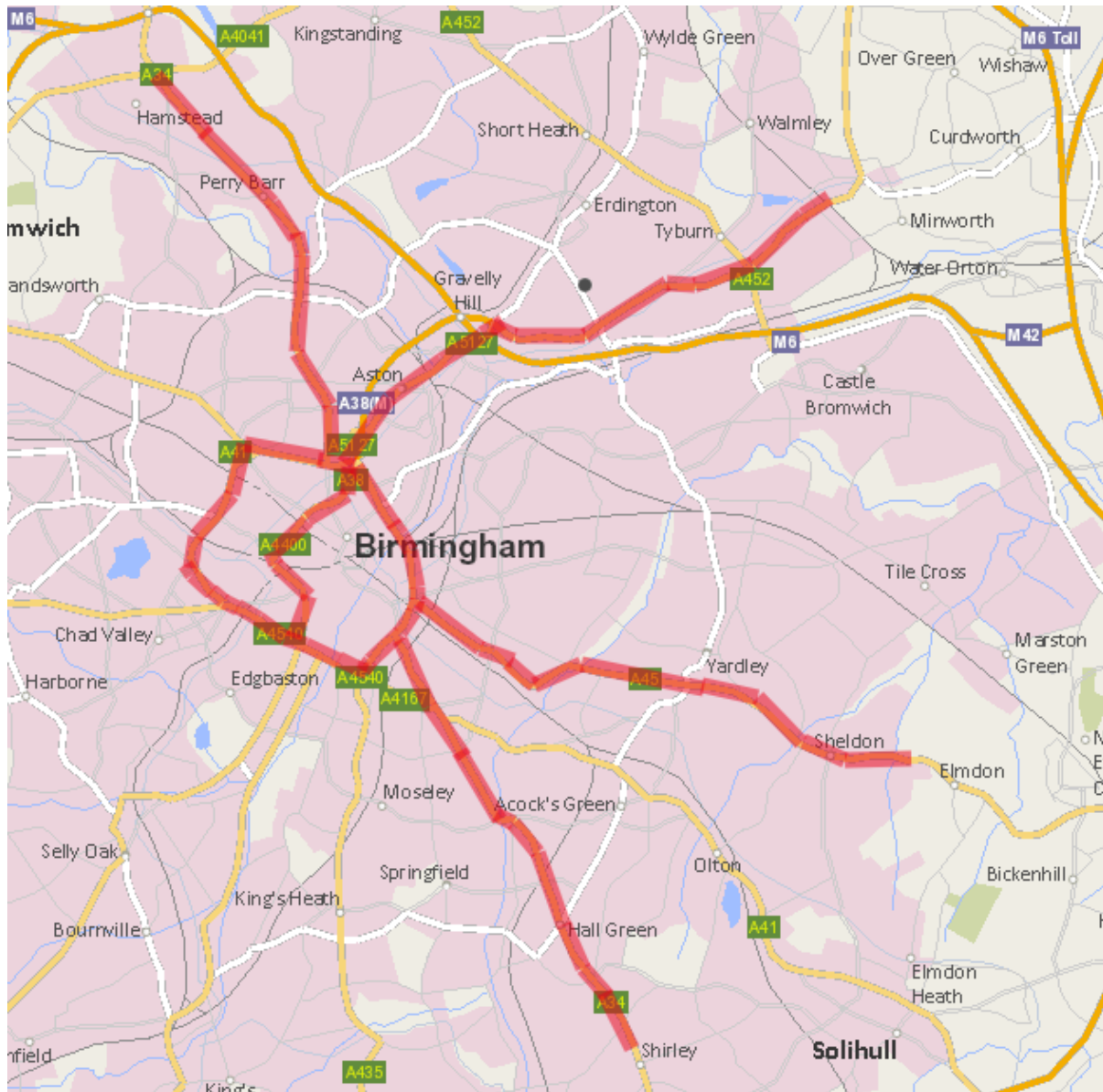
A45 Coventry Road (Heybarnes Circus to the city boundary with Solihull), including the section of the westbound New Coventry Road

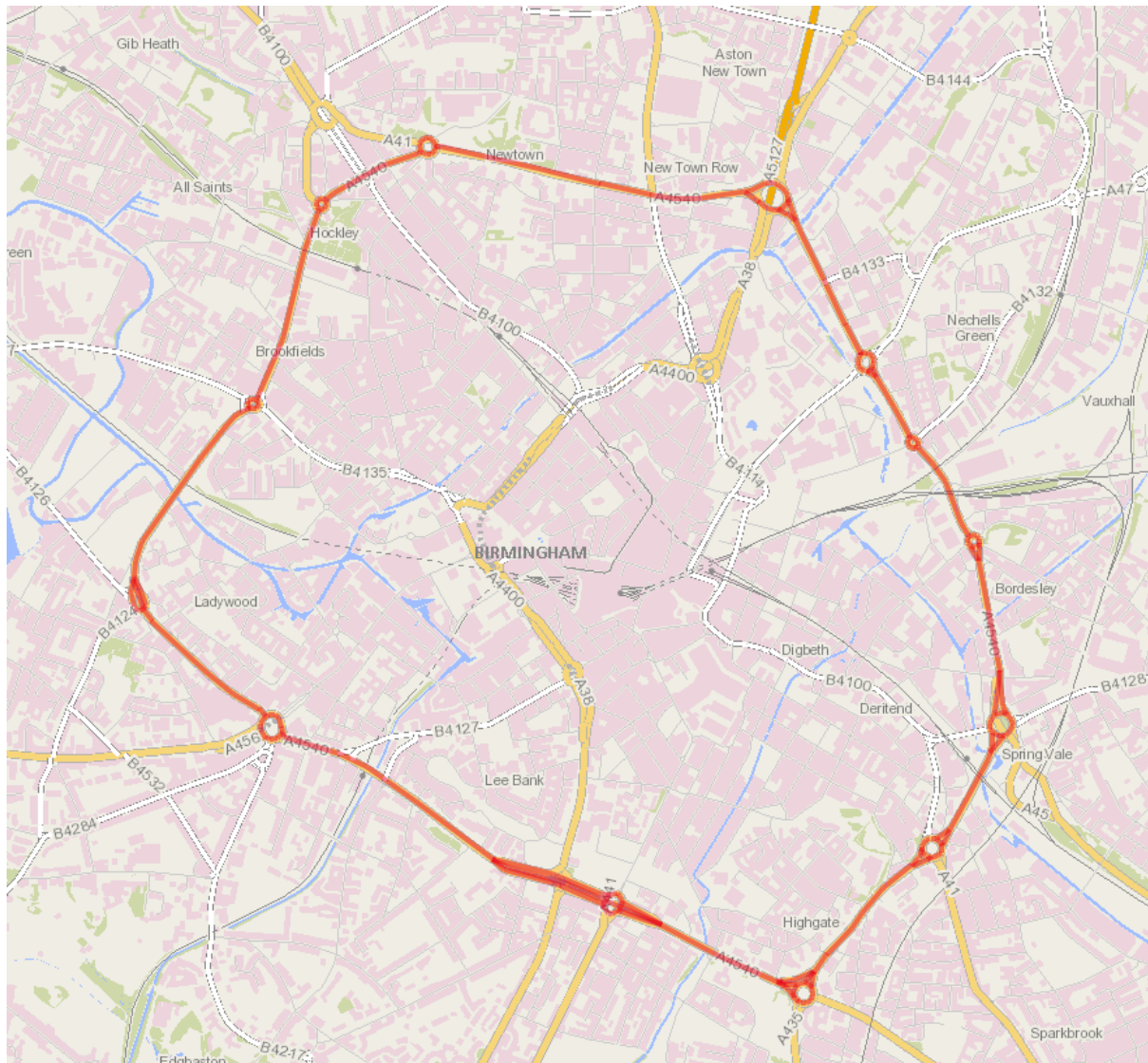
A34 Stratford Road Birmingham Red Route

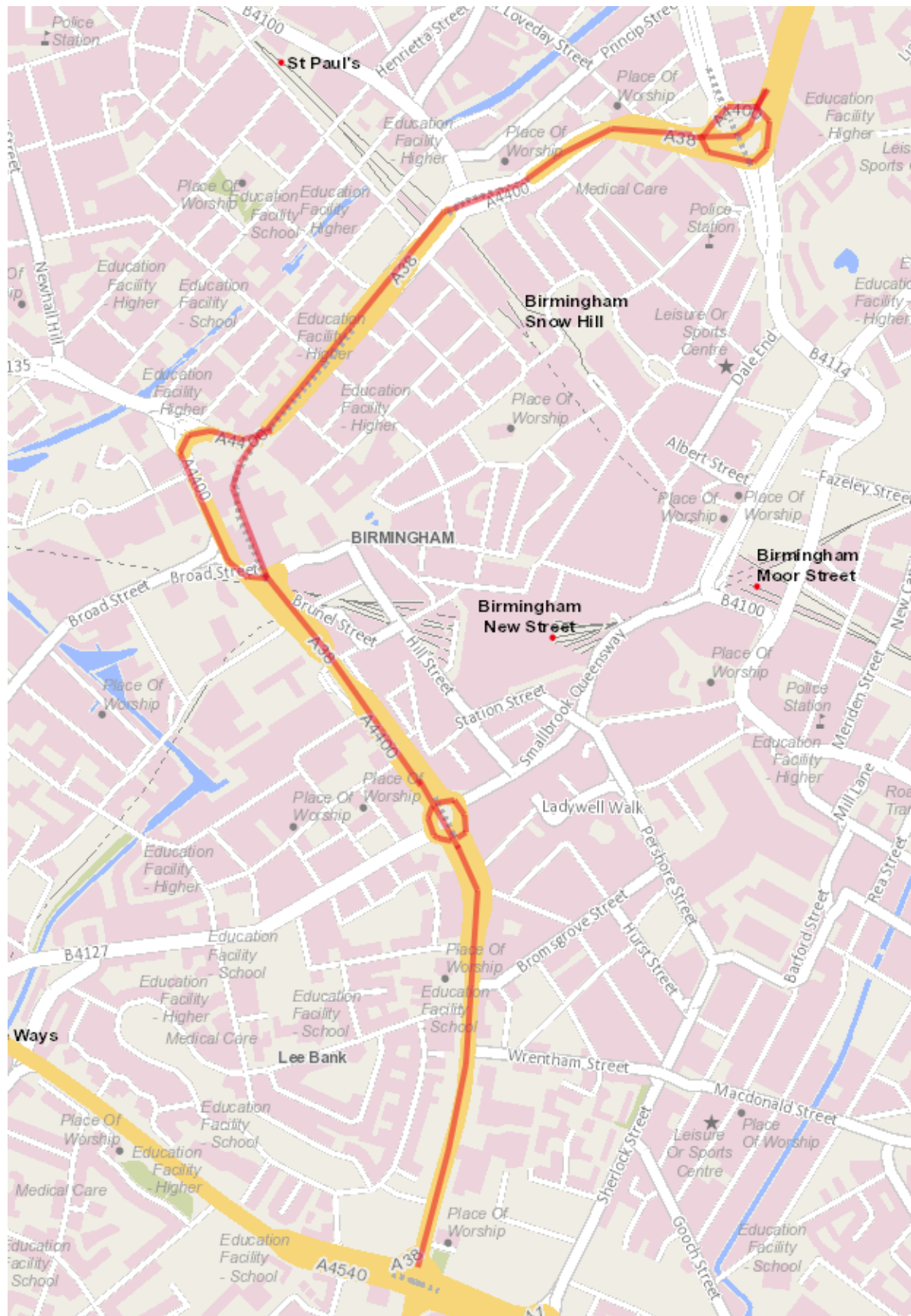
A34 Stratford Road (from Camp Hill Circus to the city boundary with Solihull)

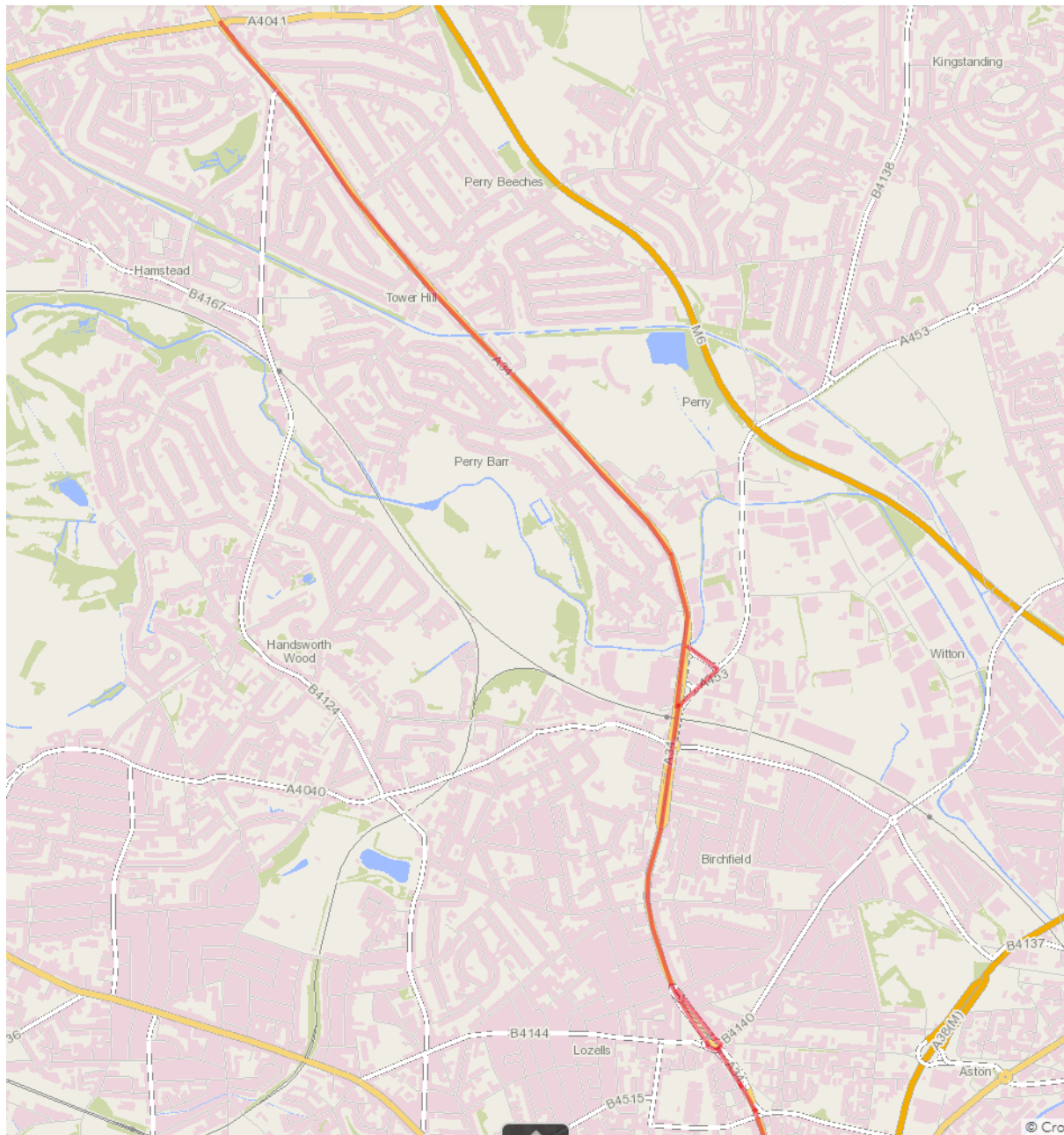
MAPS FOR ILLUSTRATIVE PURPOSES ONLY

Birmingham City Council – Red Route Overview

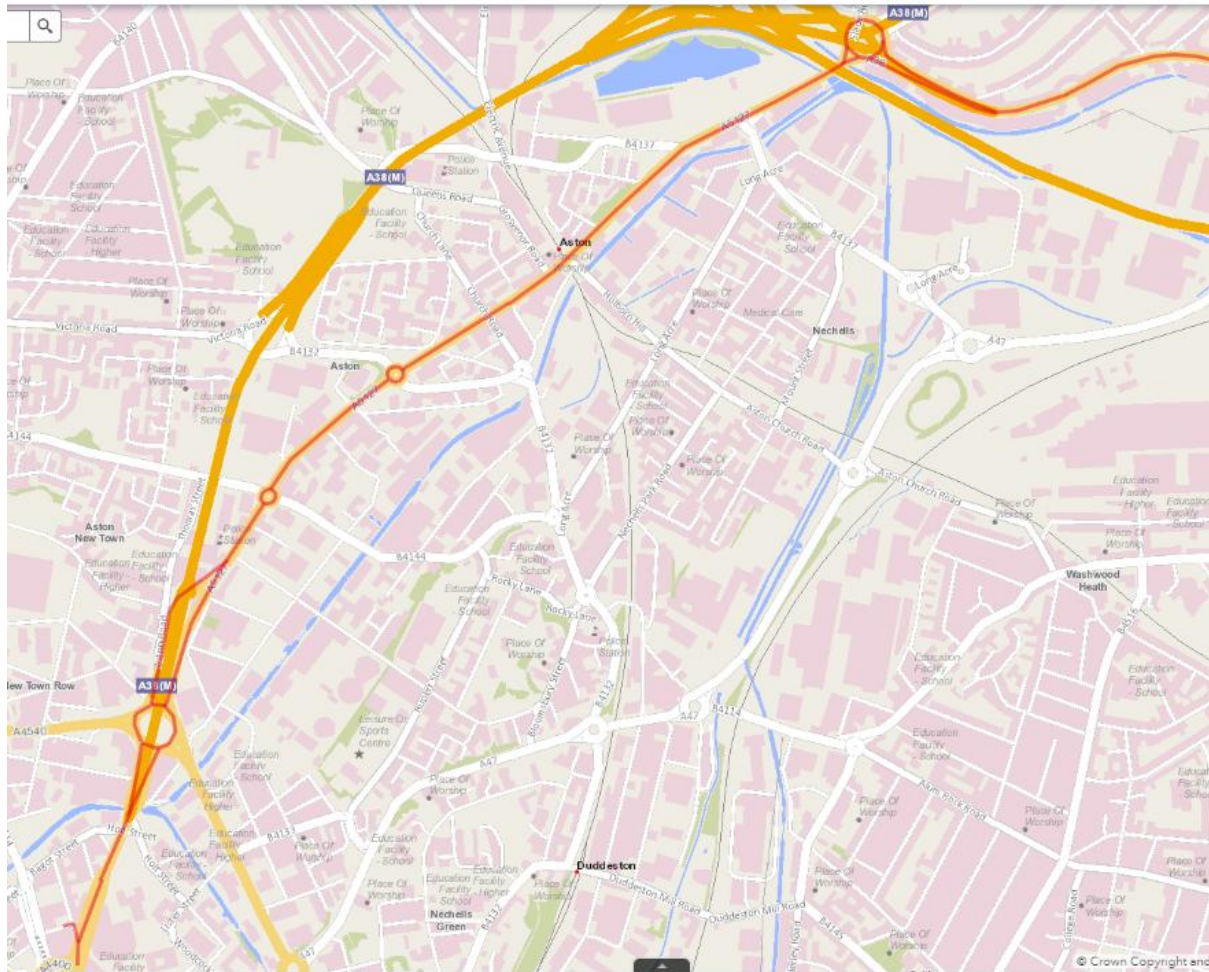


A4540 Ring Road Red Route

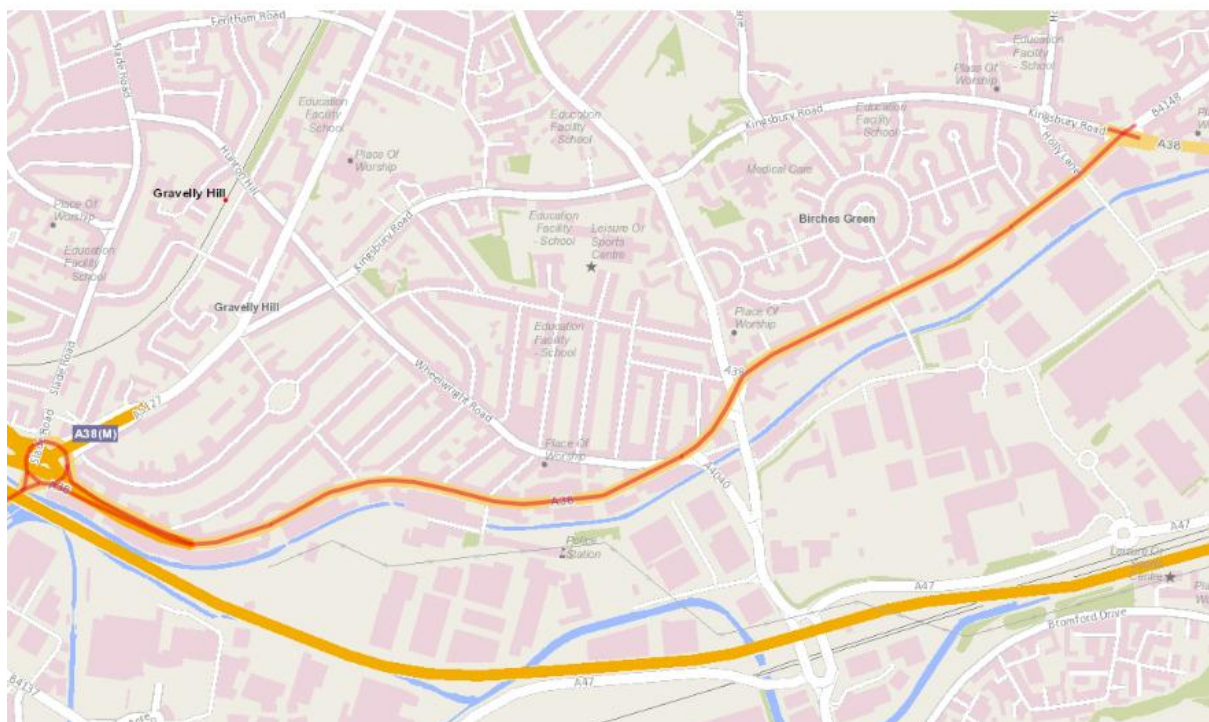
A38 Queensway Red Route

Walsall Road Red Route(Scott Arms junction to Birchfield Road)

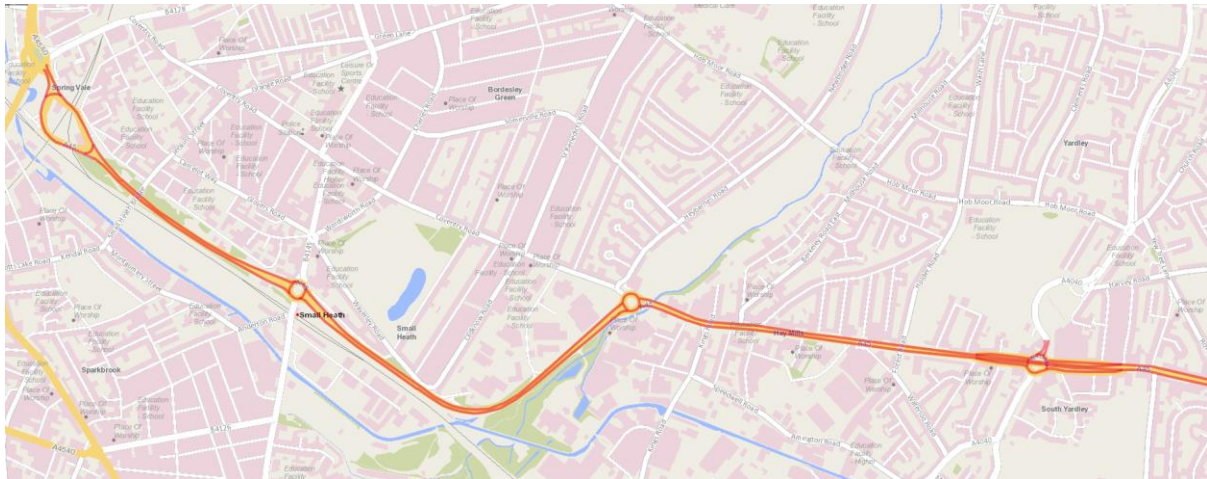
Tyburn Road Red Route (Corporation Street to Bromford Lane junction)



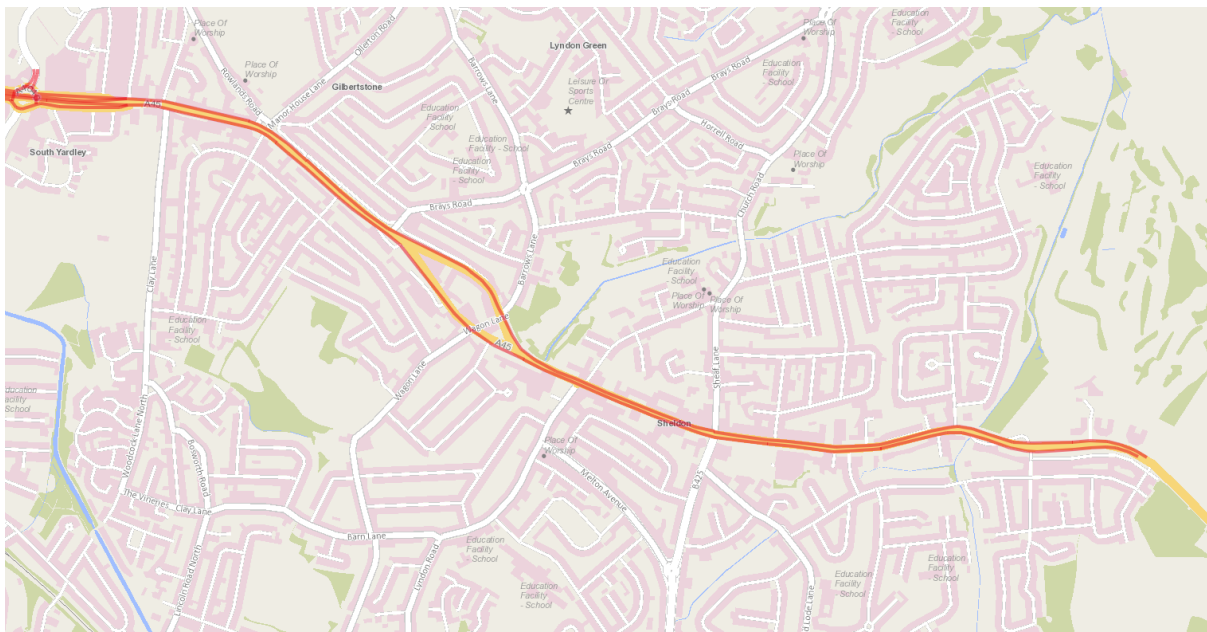
Tyburn Road Red Route (Salford Circus to Kingsbury Road junction)



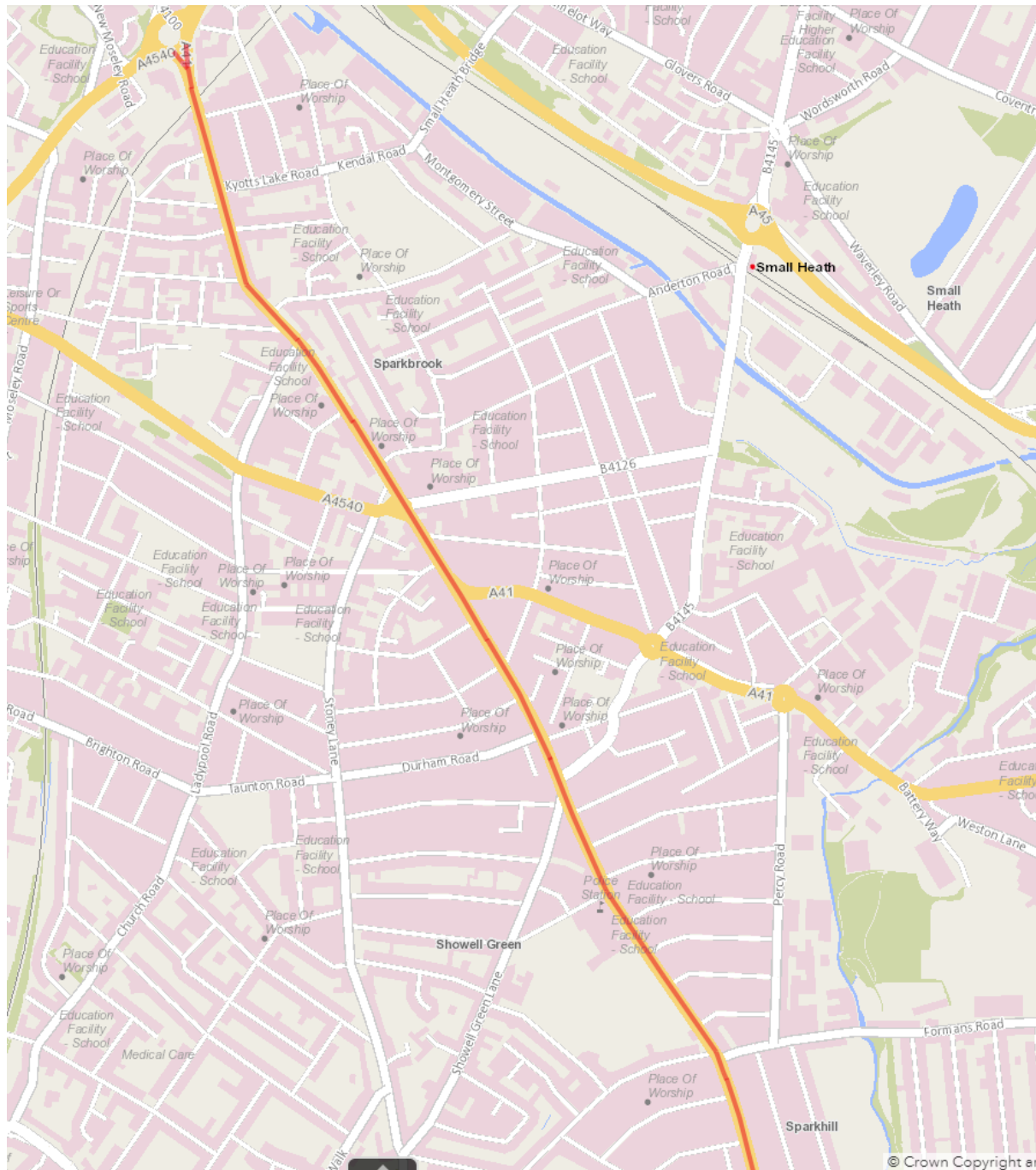
A45 Coventry Road Red Route (Bordesley Circus to Clay Lane)



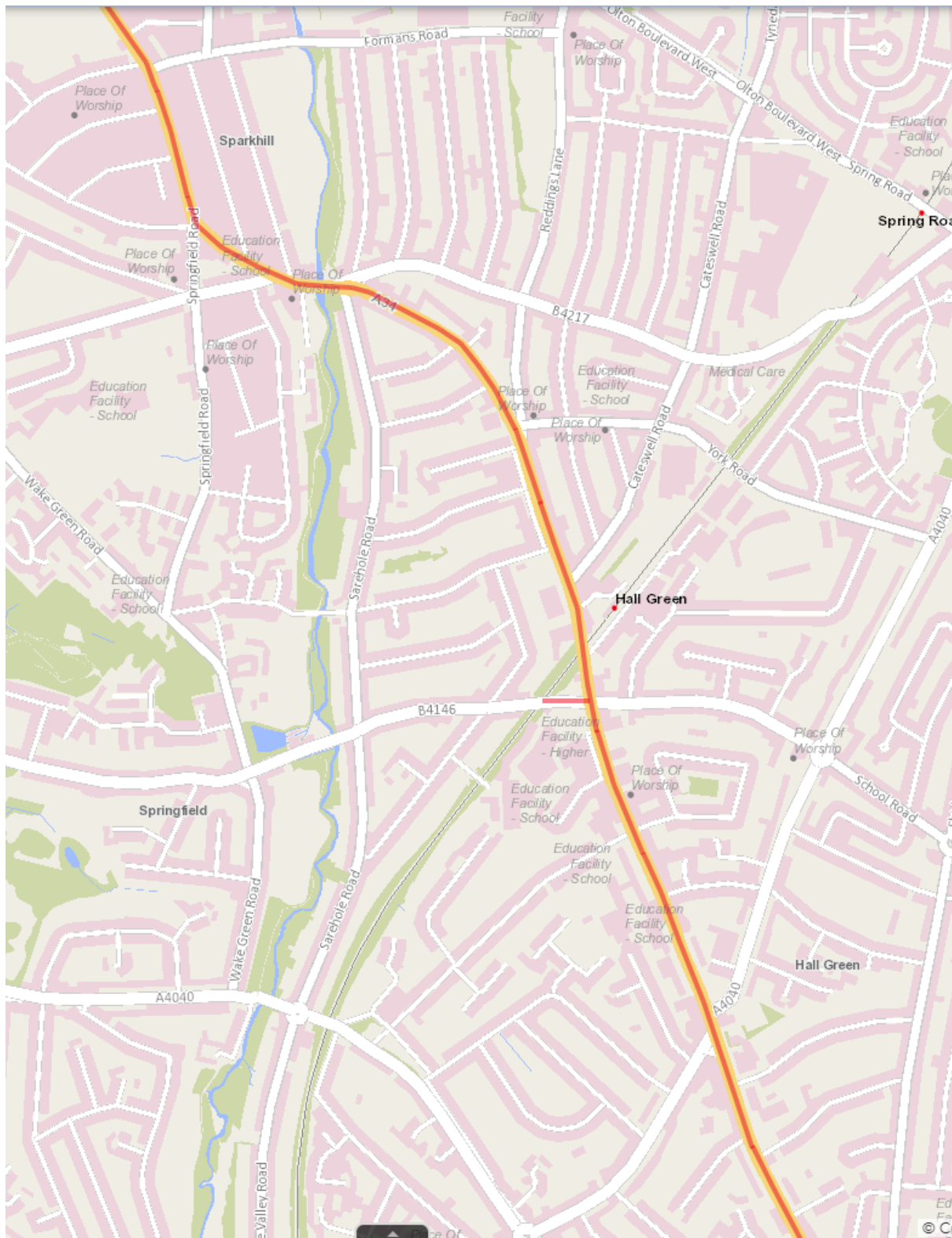
A45 Coventry Road Red Route(Swan Island to Solihull Boundary)



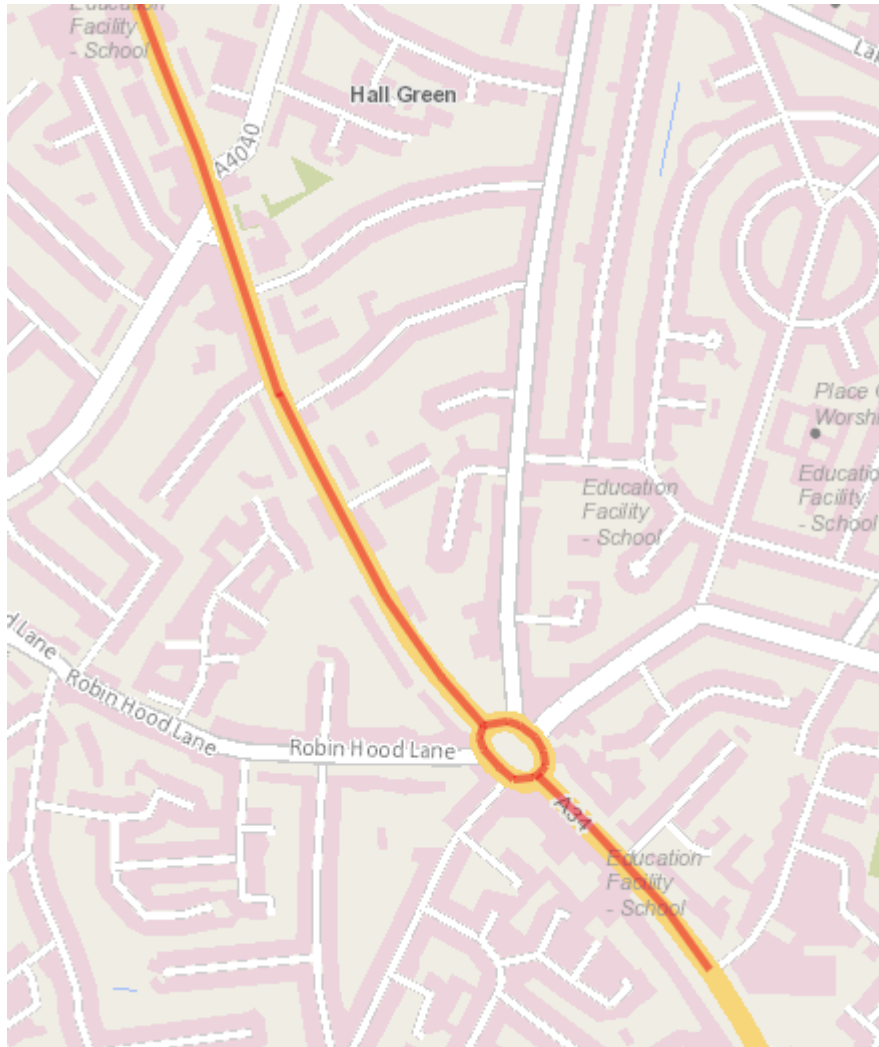
Stratford Road Red Route (Camp Hill Circus to Greswolde Road)



Stratford Road Red Route (Formans Road to Beechcroft Avenue)



Stratford Road Red Route (Fox Hollies Road to Greenhill Way)



Appendix 2

Prohibited Street – Metro Routes**LINE 1 (Wolverhampton to St Paul's Tramstop)**

None

Birmingham City Centre Extension (St Paul's Tramstop to Birmingham Grand Central Tramstop)

Colmore Circus Queensway B4 (portion of street west of Snowhill Train Station)

Bull Street B4 (Colmore Circus Queensway junction to Corporation Street junction)

Corporation Street B4 (Bull Street junction to Stephenson Street junction)

Stephenson Street B2 (Corporation Street junction to 21 Stephenson Street)

Westside extension Centenary Square Extension (Birmingham Grand Central Tramstop to Centenary Square Tramstop)

Stephenson Street B2 (21 Stephenson Street to Pinfold Street)

Pinfold Street B2 (Stephenson Street junction to New Street junction)

New Street B2 (Pinfold Street junction to Paradise Street)

Paradise Street B1 (to Paradise Circus)

Paradise Circus B1 (from Paradise Street to Broad Street)

Westside extension (Edgbaston Extension Centenary Square Tramstop to terminus at 54 Hagley Road)

Broad Street B1 (to Hagley Road)

Hagley Road B16 (A456) (to 115 Hagley Road)

Eastside extension

Bull Street B4 (Corporation Street junction to Dale End junction)

Dale End B4 (Carrs Lane junction to Albert Street junction)

New Meeting Street B4

Moor Street Queensway (Albert Street junction to Carrs Lane junction)

Park Street (Fazeley Street junction to Masshouse Lane junction)

Masshouse Lane (Park Lane junction to 22 Masshouse Lane)

Albert Street B5

Fazeley Street B5 (Queensway junction to Park Street junction)

Fazeley Street B5 (41 Fazeley Street to Benacre Drive junction)

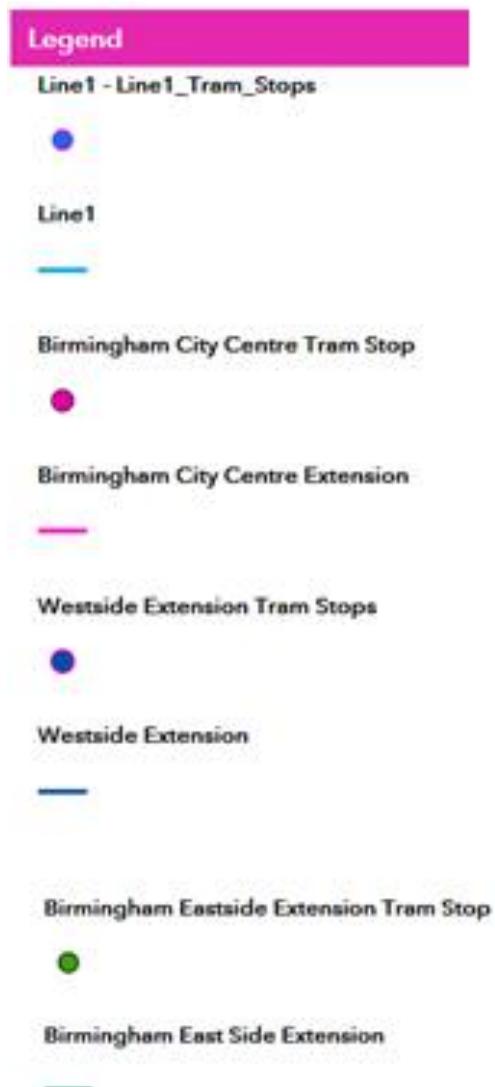
New Bartholomew Street B5 (Fazeley Street junction to 36 New Bartholomew Street)

New Canal Street B5 (Banbury Street junction to Meriden Street)

Meriden Street B5 (to Digbeth B4100 junction)

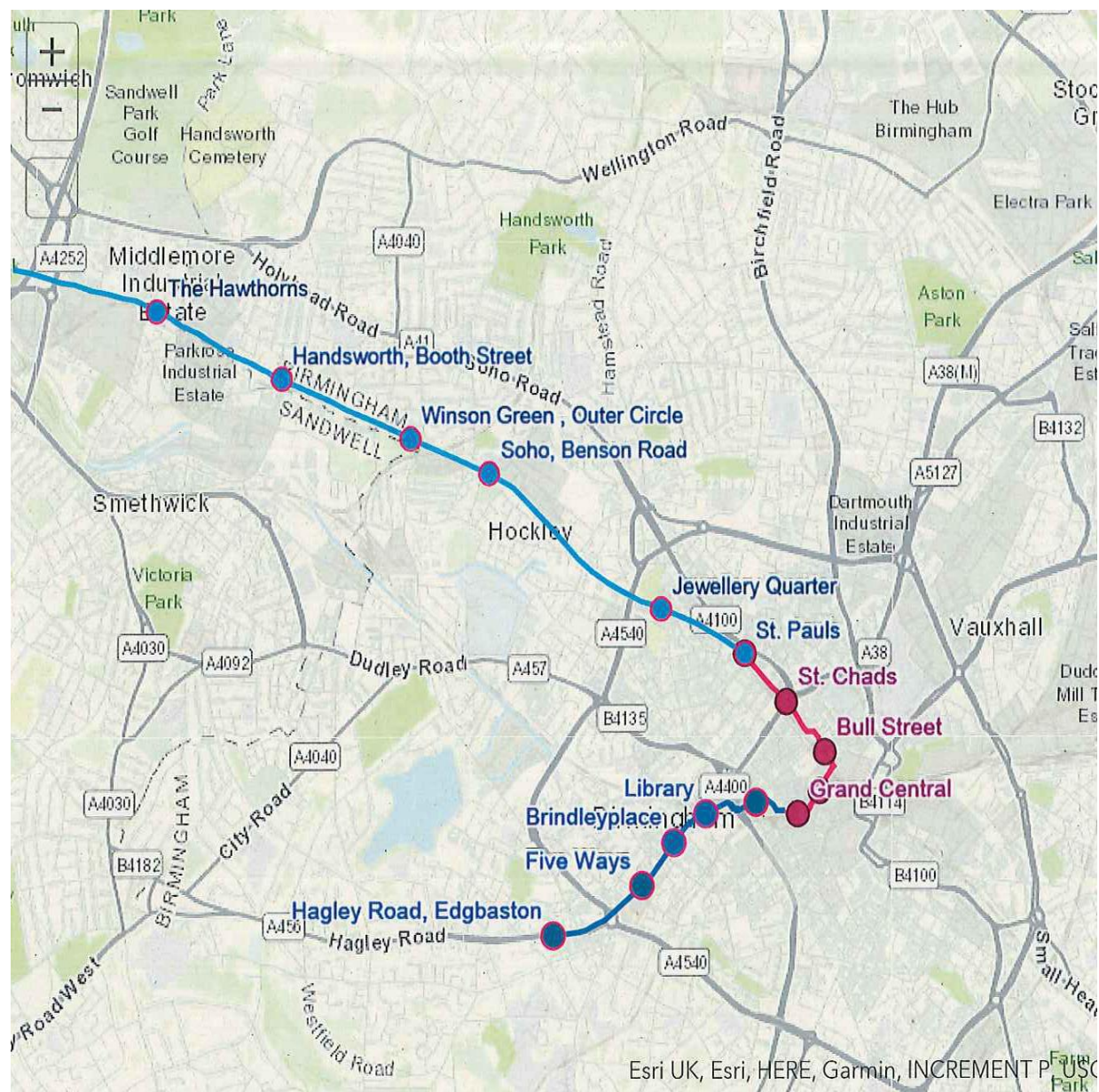
Digbeth B4100 B5 (Alison Street junction to Clyde Street junction)

MAPS FOR ILLUSTRATIVE PURPOSES ONLY

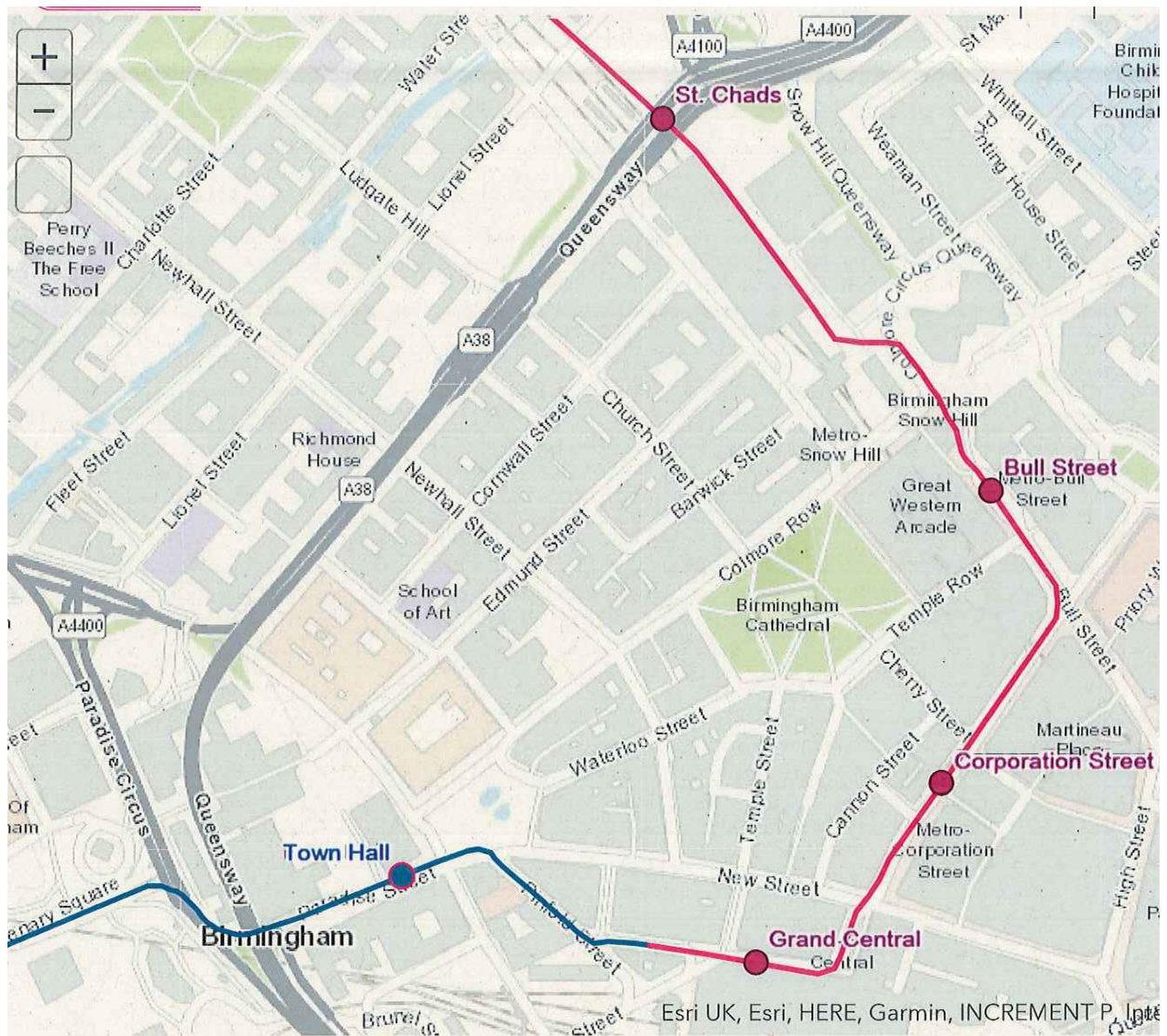


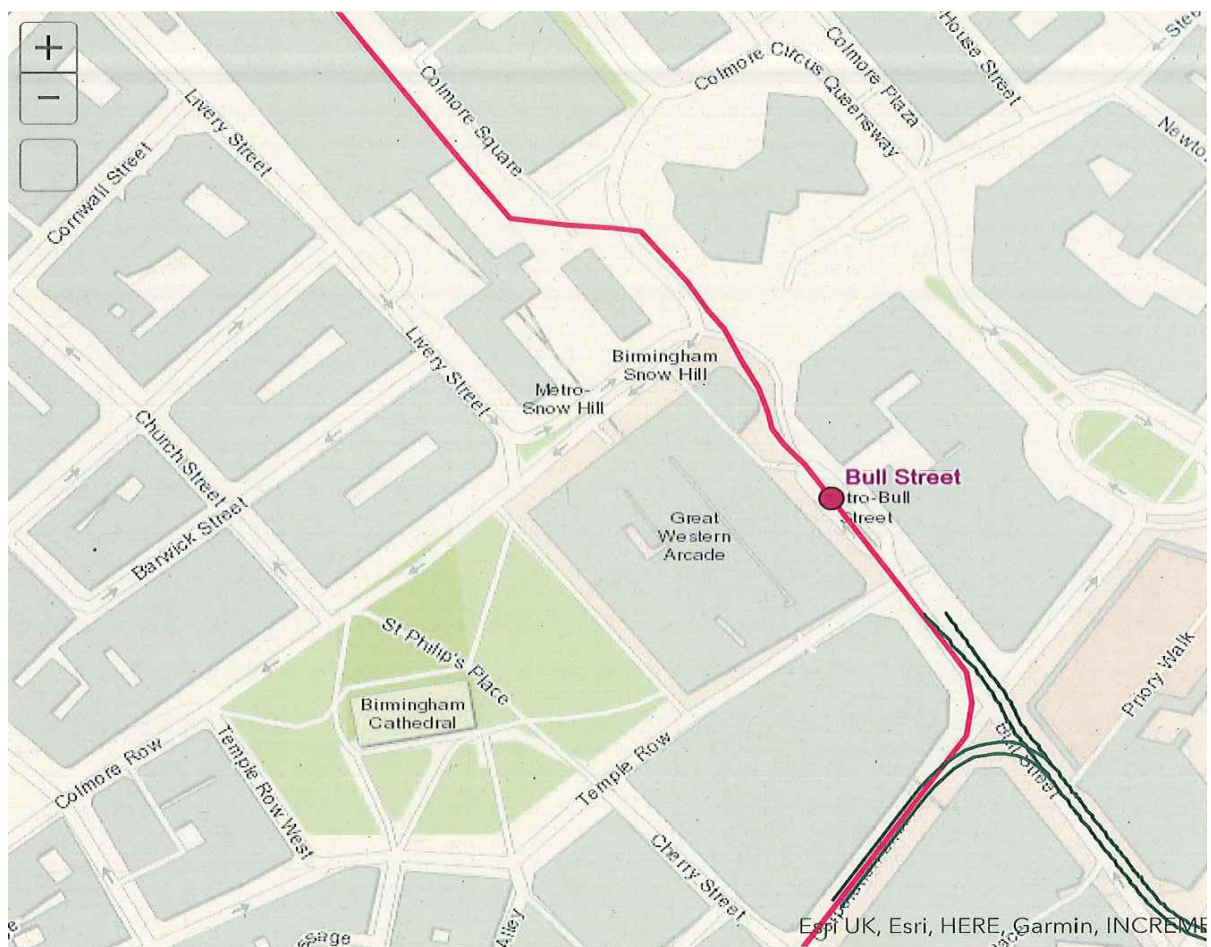
Line 1, Westside Extension (Centenary Square Extension and Edgbaston Extension)

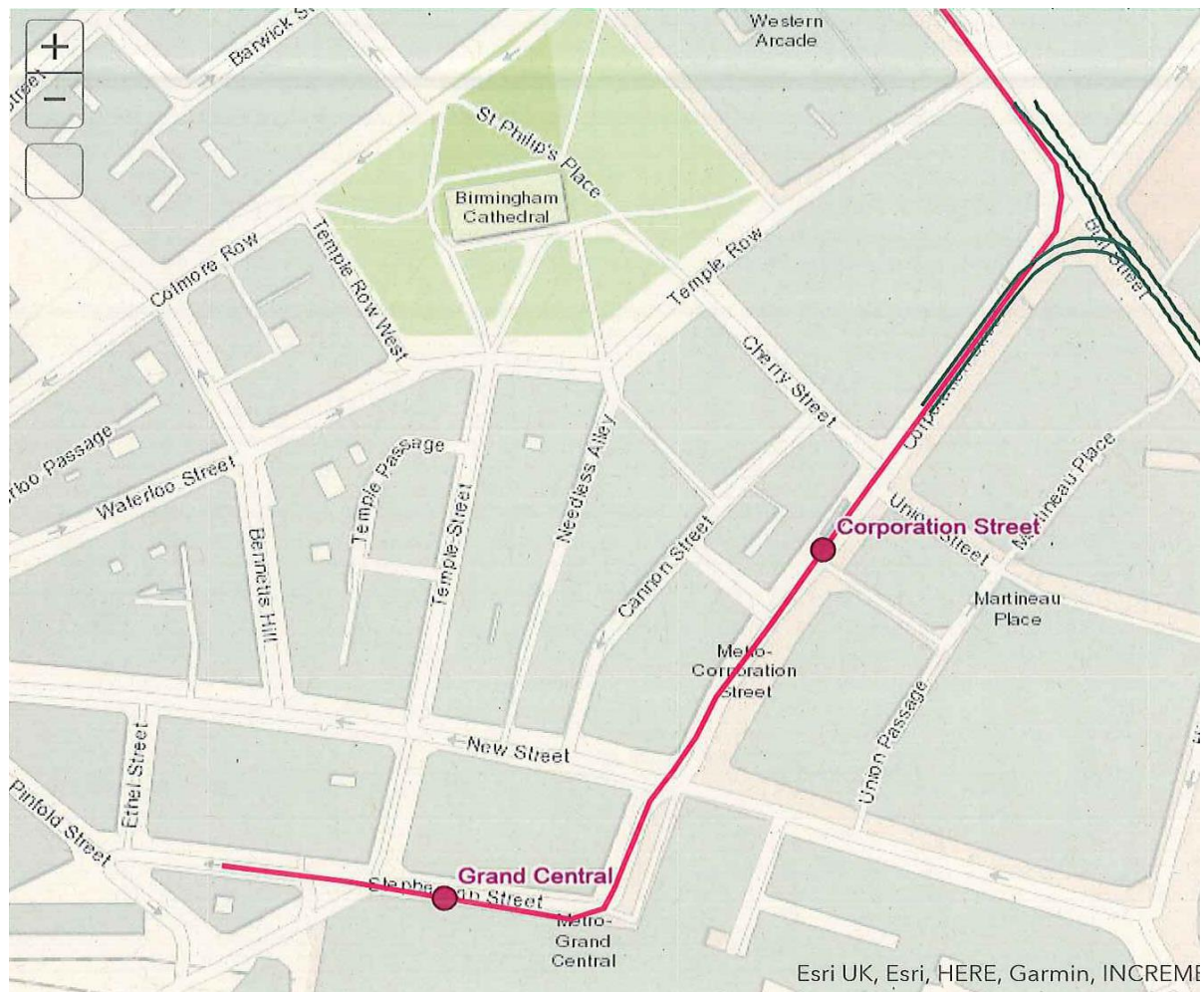
Overview



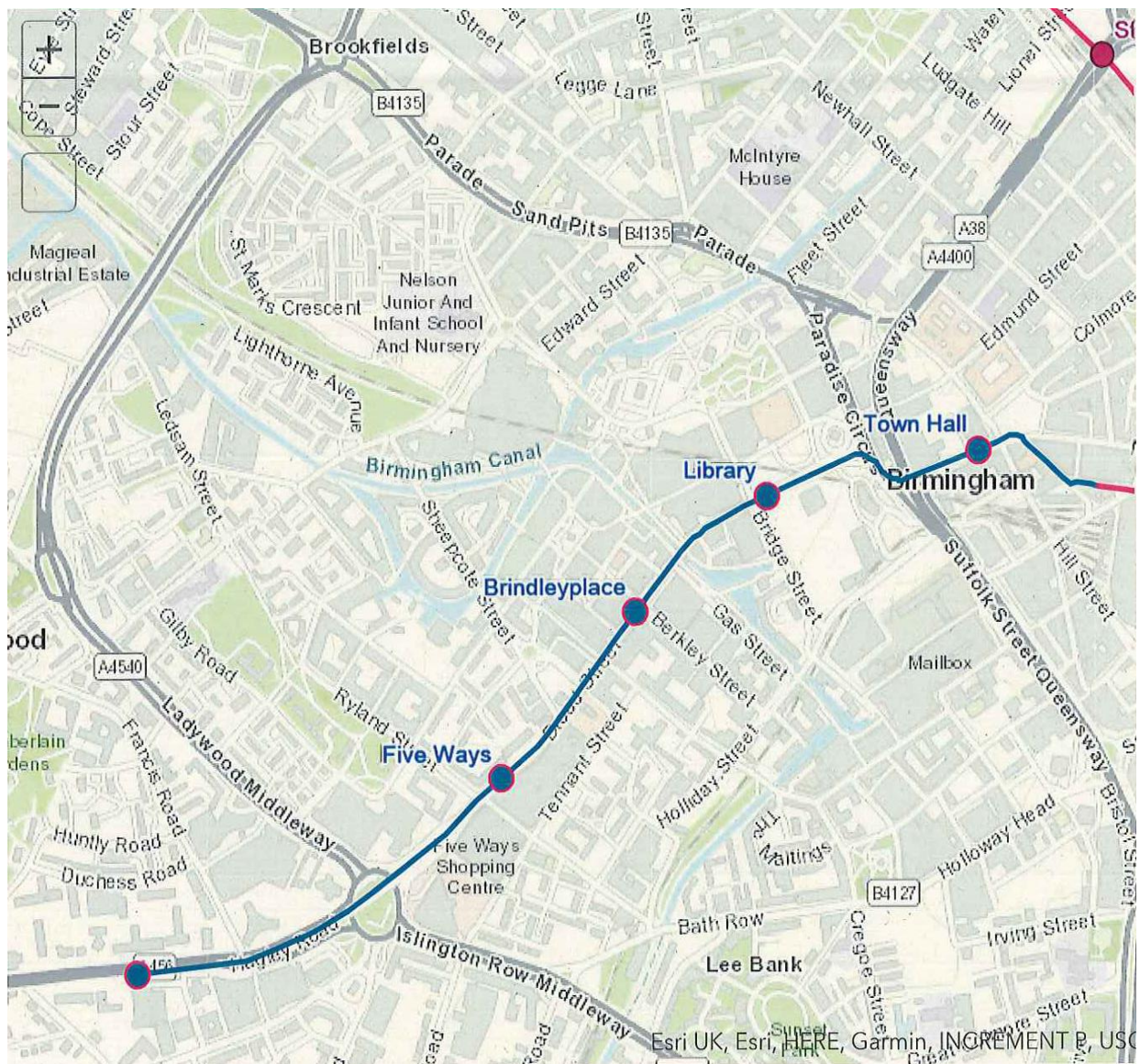
Centenary Square Extension (St. Chads to Grand Central)



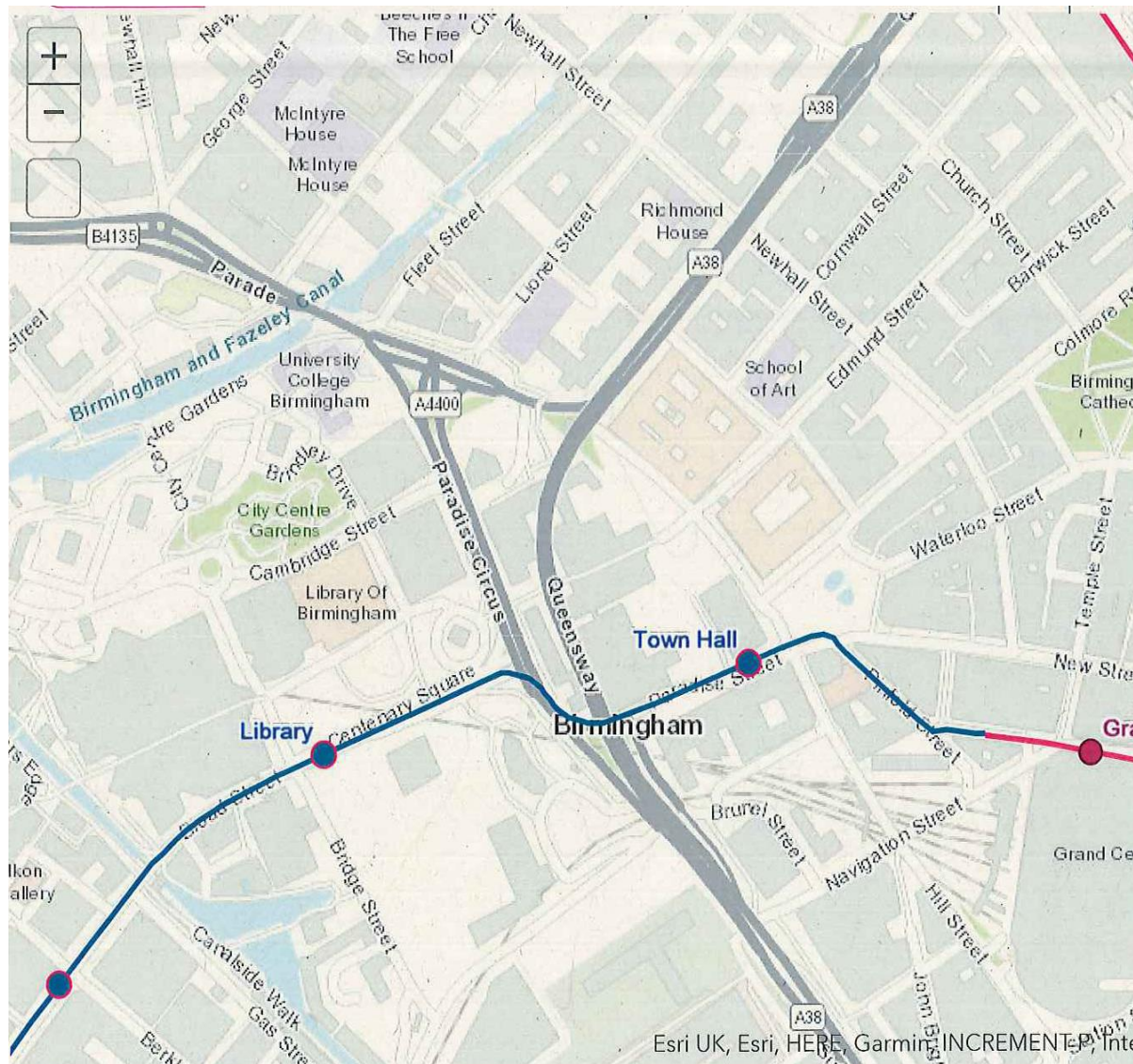
Centenary Square Extension (Colmore Square to Corporation Street)

Centenary Square Extension (Corporation Street to Stephenson Street)

Westside Extension (Edgbaston Extension) Overview



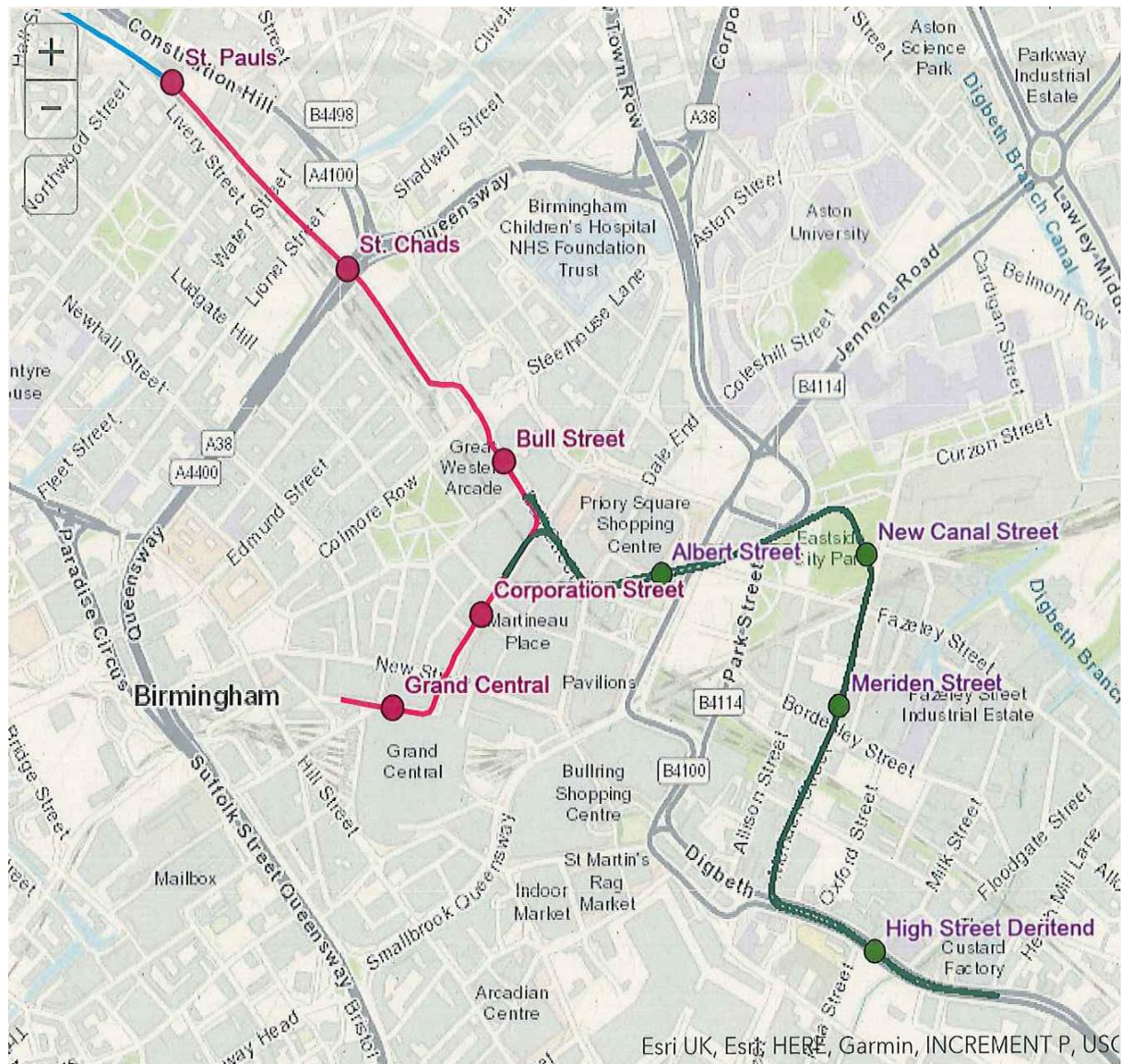
Edgbaston Extension (Pinford Street to Broad Street)



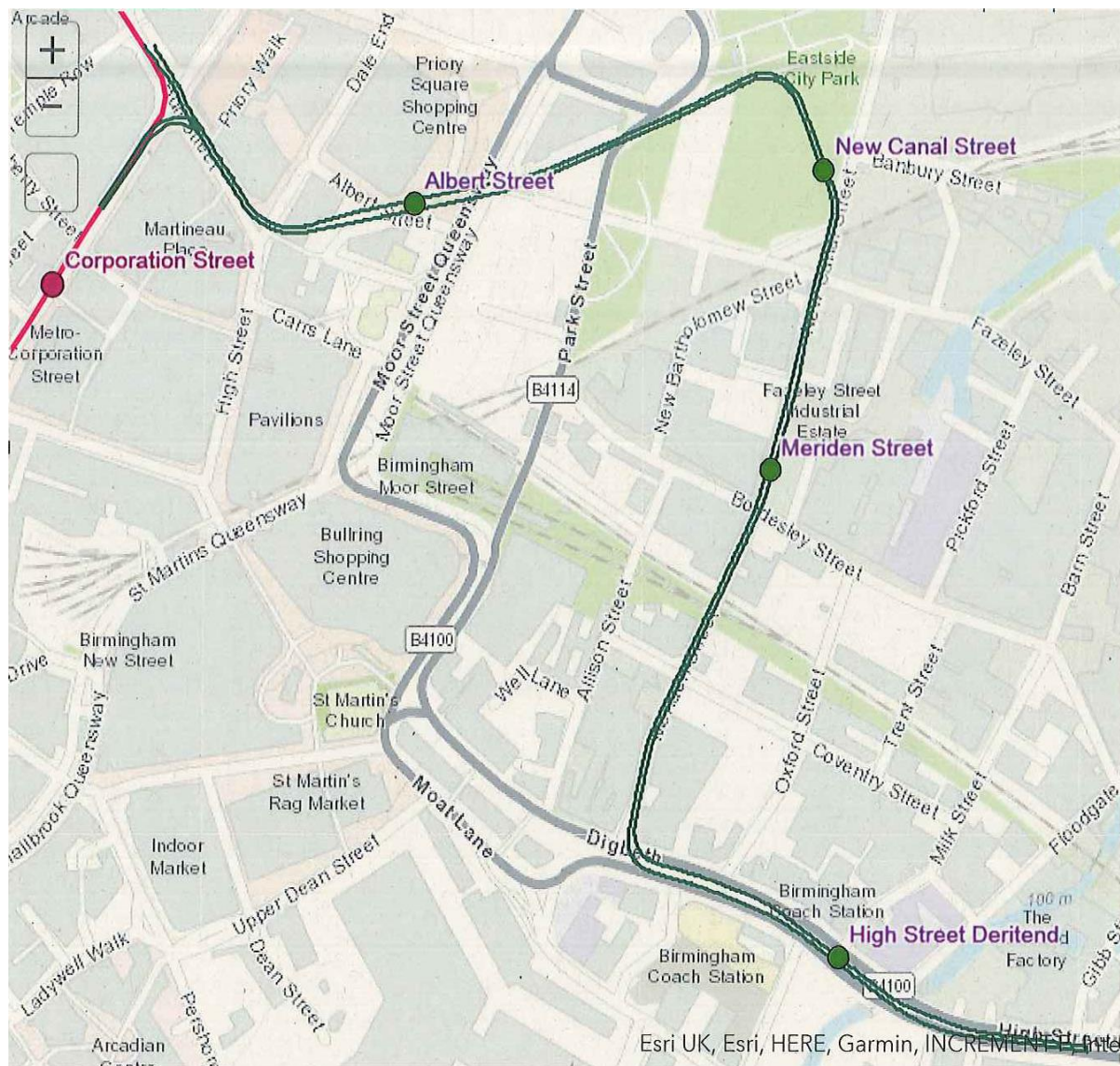
Edgbaston Extension (Broad Street to Hagley Road)



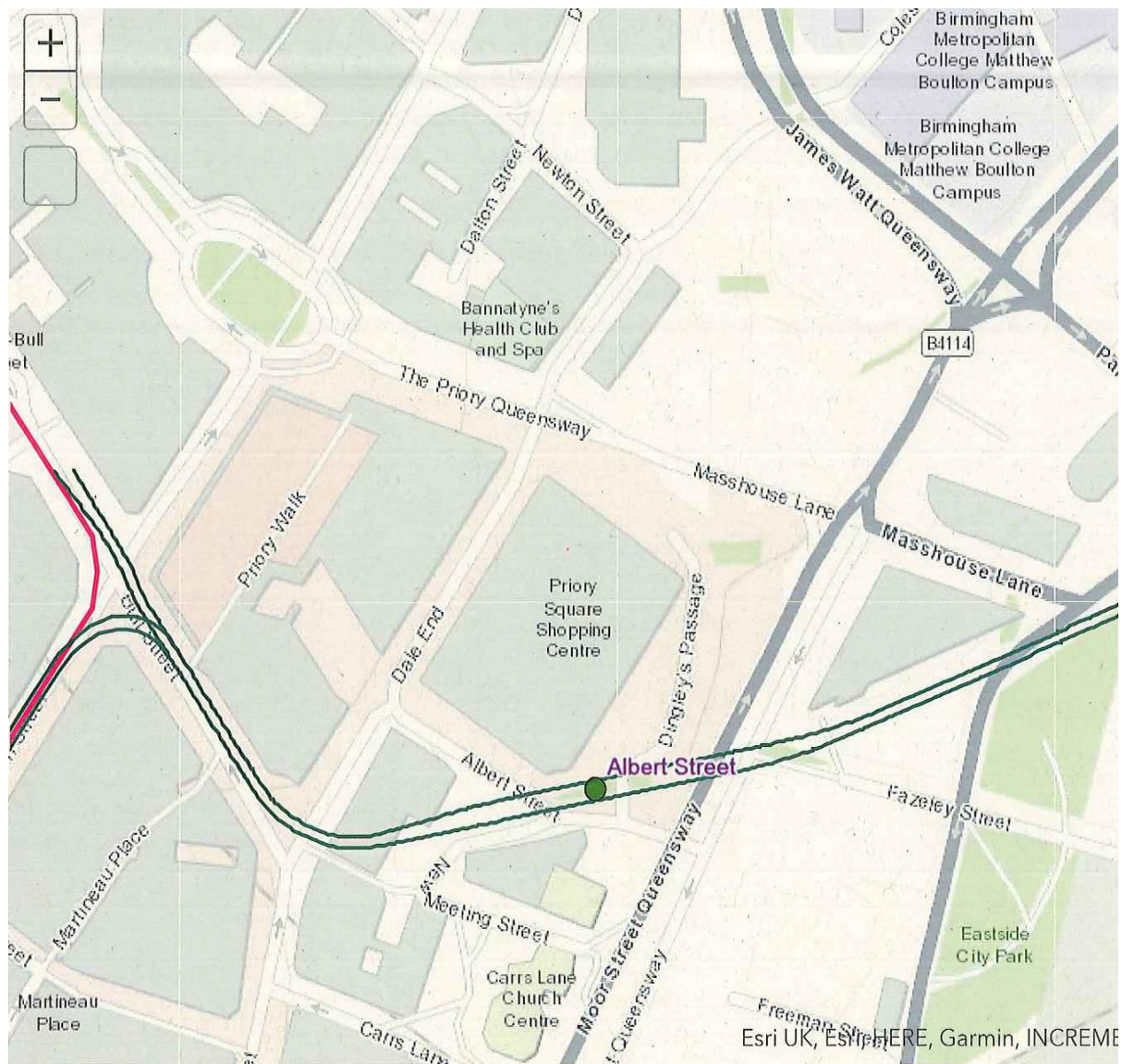
Westside Centenary Square Extension and Eastside Extension Overview



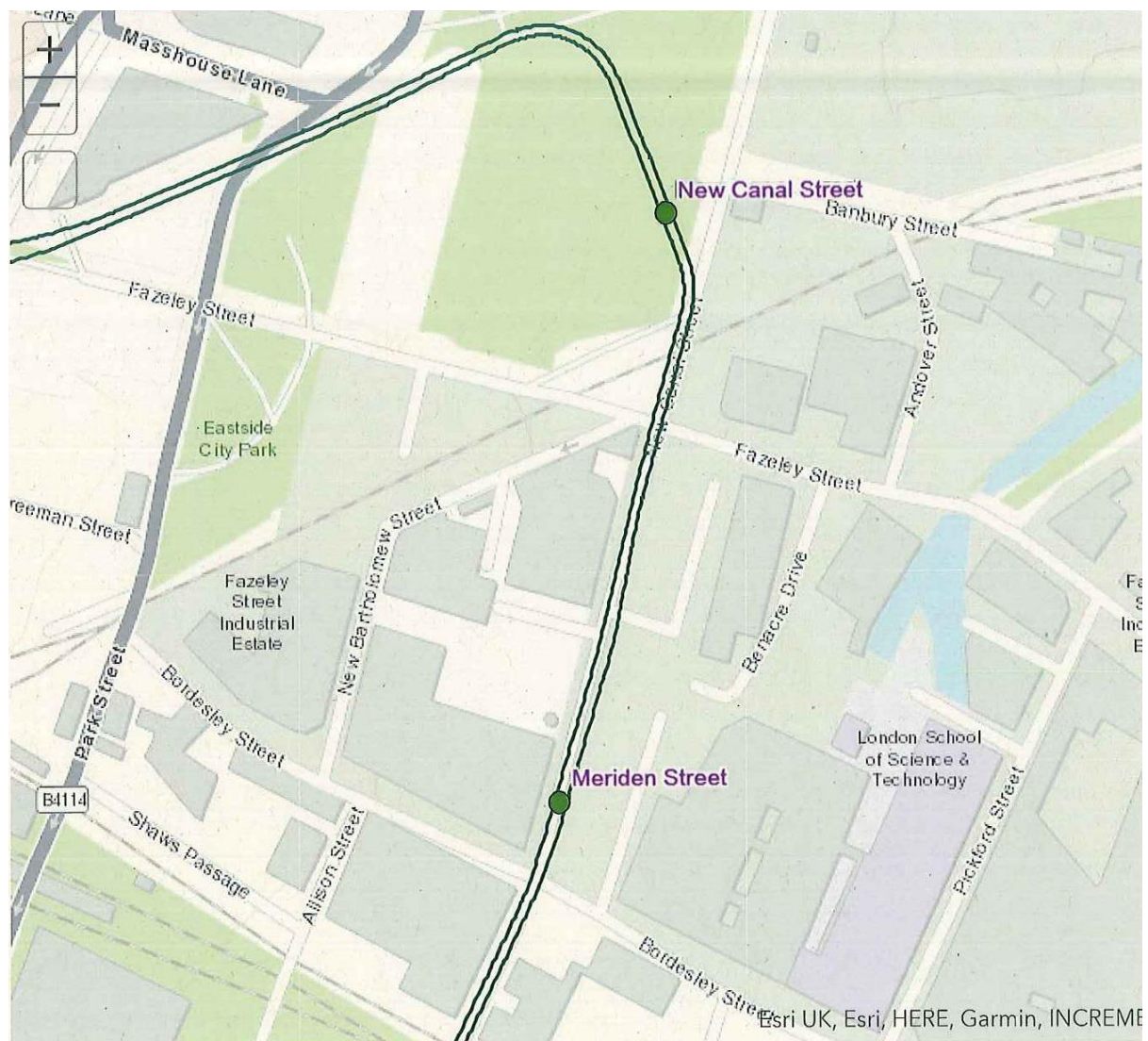
Eastside Extension Overview



Eastside Extension (Bull Street to Fazeley Street and Masshouse Lane)

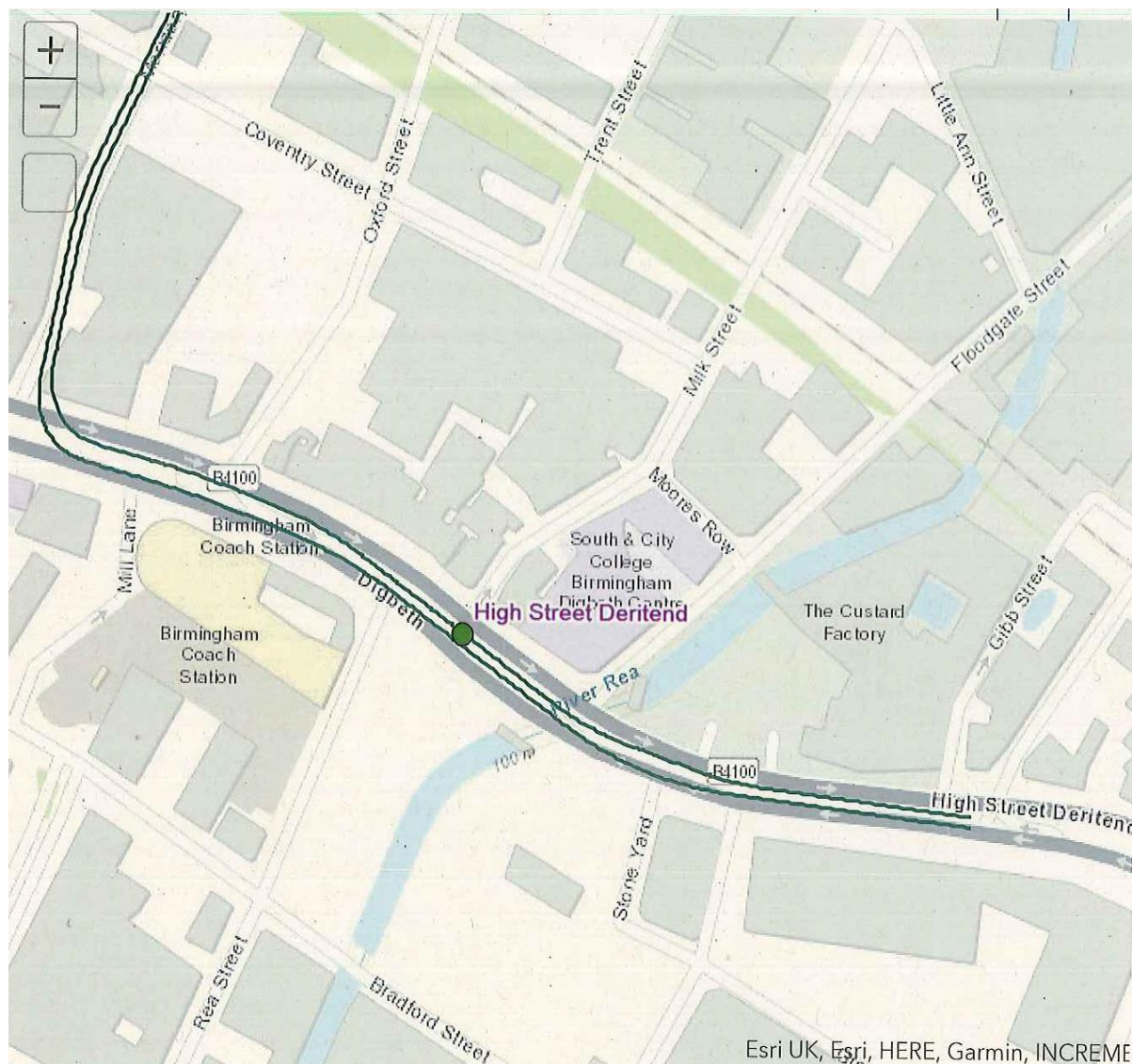


Eastside Extension (City Park to Meriden Street)



Eastside Extension (Meriden Street to Digbeth)

Eastside Extension (Digbeth to High Street, Deritend)



<u>List of Parks</u>	<u>List of Open Spaces</u>
<ul style="list-style-type: none"> • Aston Park • Cannon Hill Park • Bournville Park • Brookvale Park • Calthorpe Park Extension • City Centre Gardens • Cofton Park • Daisy Farm Park • Grove Park • Handsworth Park • Hazelwell Park • Kings Norton Park • Manor Farm Park • Perry Park • Pype Hayes Park • Queens Park • Rectory Park • Rookery Park • Selly Oak Park • Senneleys Park • Small Heath Park • Sparkhill Park • St Thomas Peace Garden • Summerfield Park • Sutton Park/Sutton Park Boldmere Gate • Swanshurst Park • Ward End Park 	<ul style="list-style-type: none"> • Aldridge Road Recreation Ground • Billesley Common • Bleak Hill Recreation Ground • Gilbertstone Recreation Ground • Gressel Lane Playing Fields • Highfield Farm Recreation Ground • Holders Lane Playing Fields • King George V Playing Fields • Kings Norton Playing Fields • Ley Hill Recreation Ground • Lickey Hills Monument Lane • Lyndon Playing Fields • Norman Chamberlain Playing Fields • Oakfields Recreation Ground • Perry Common Recreation Ground • Perry Hall Playing Fields • Sandwell Recreation Ground • Sarehole Mill Recreation Ground • Selly Park Recreation Ground • Valley Parkway • Victoria Common • Wake Green Playing Fields • Walkers Heath Sports Ground • West Heath Recreation Ground

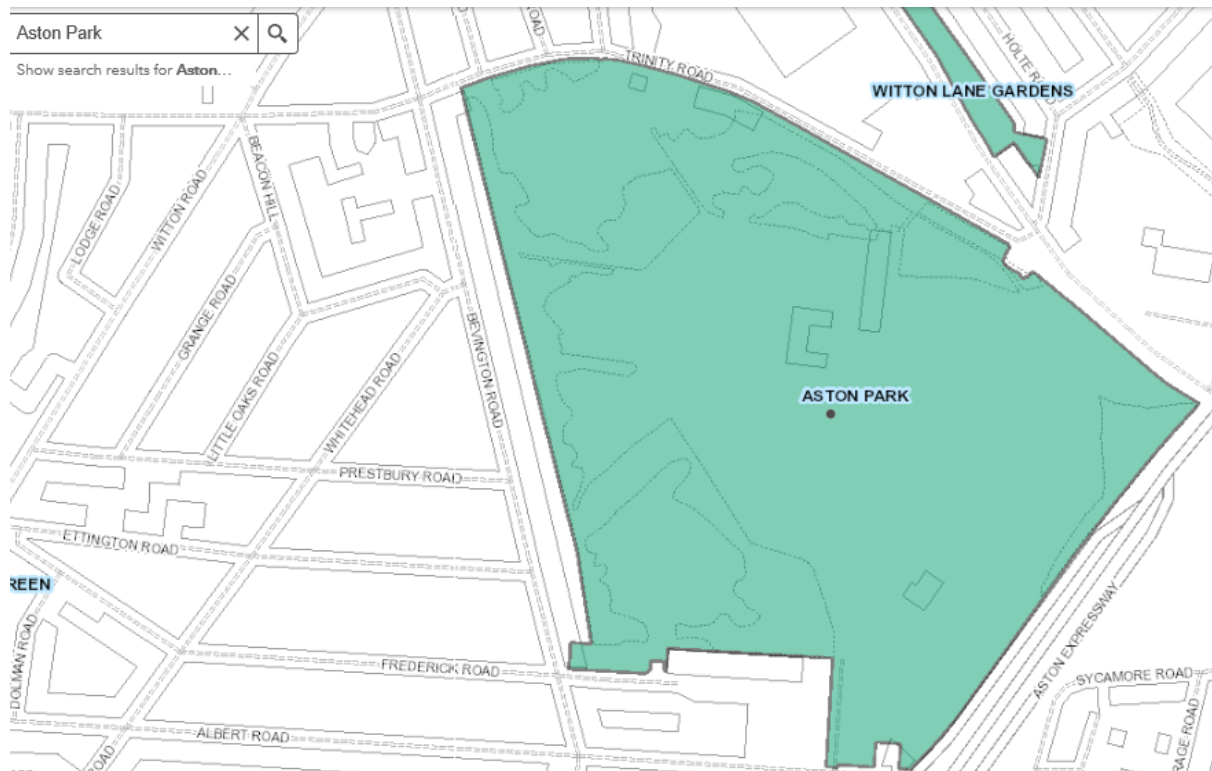
Appendix 4

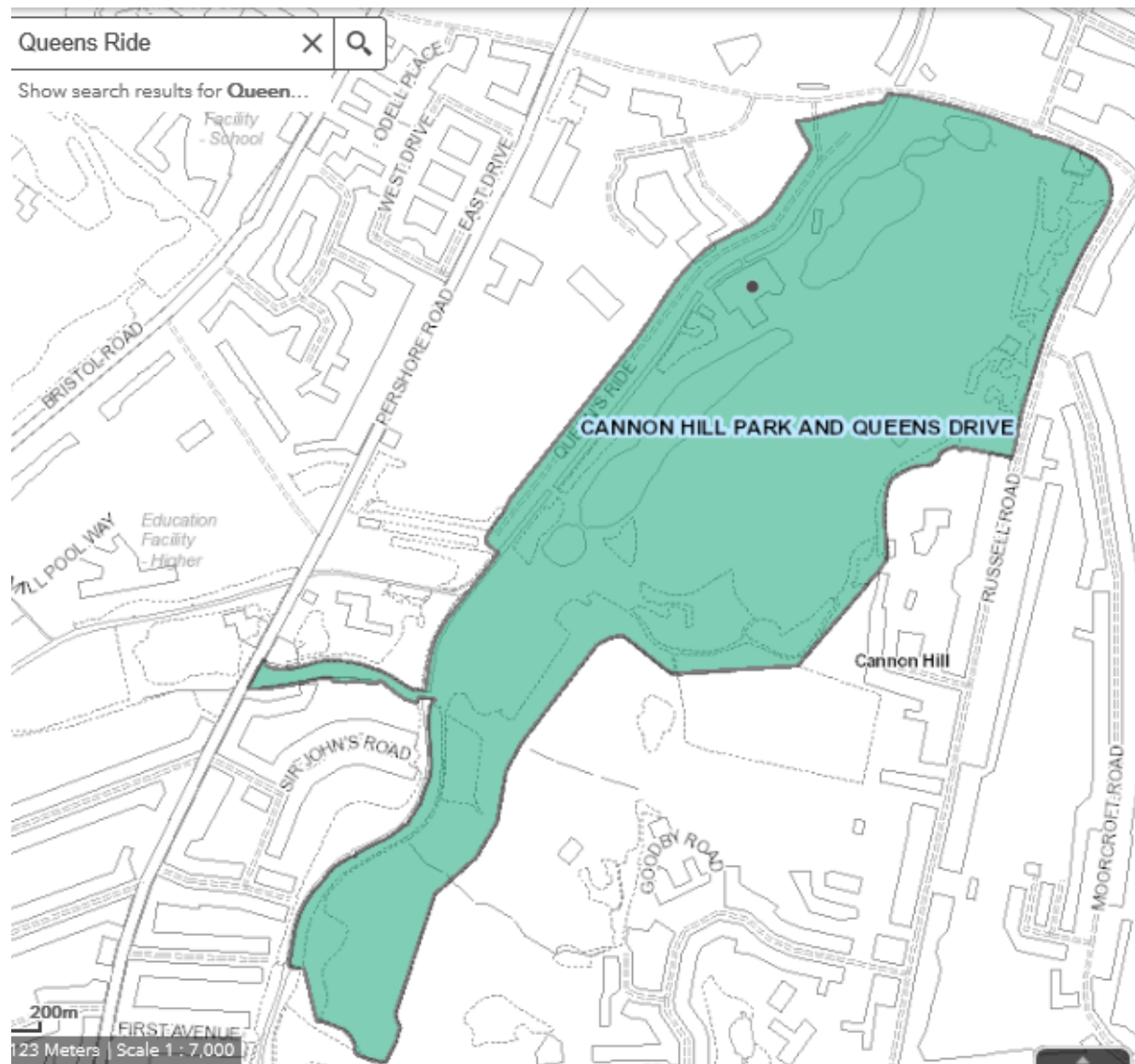
List of Parks and Open Spaces excluded from Street Trading Policy

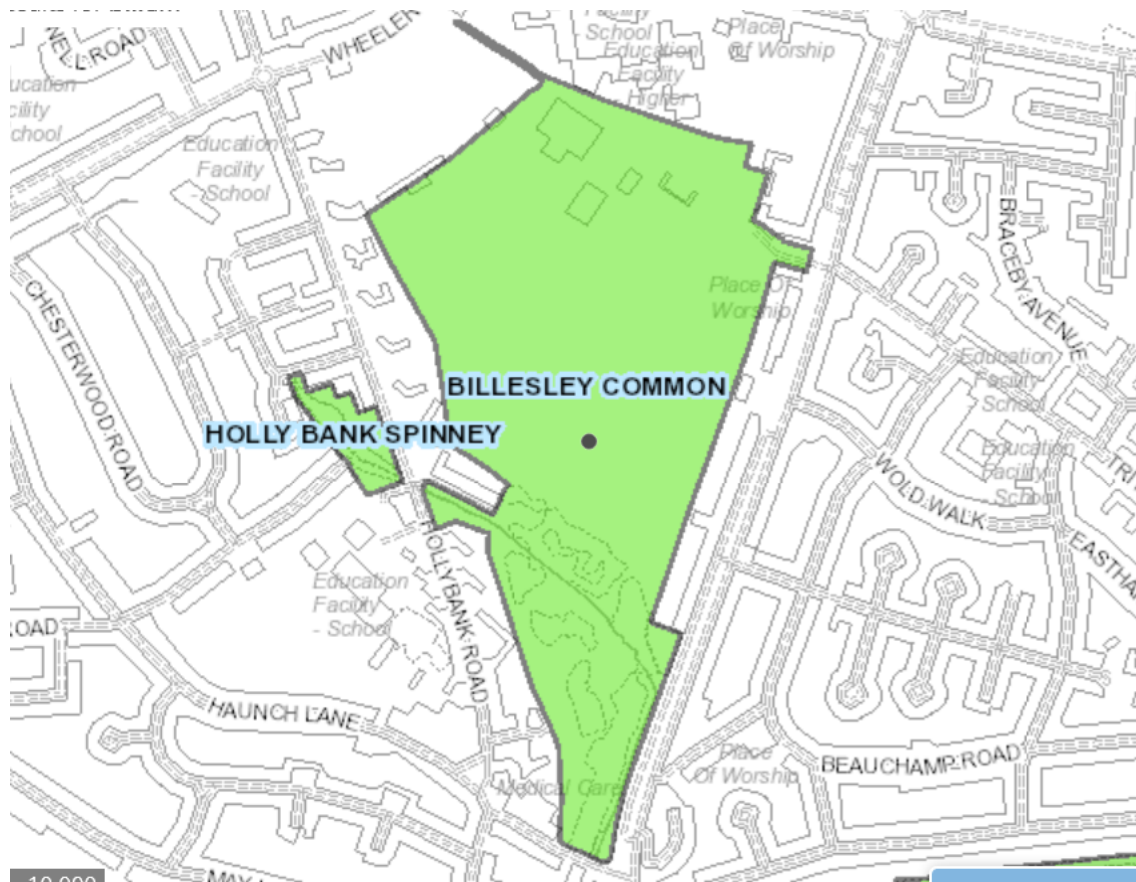
Aldridge Road Recreation Ground



Aston Park – Trinity Road



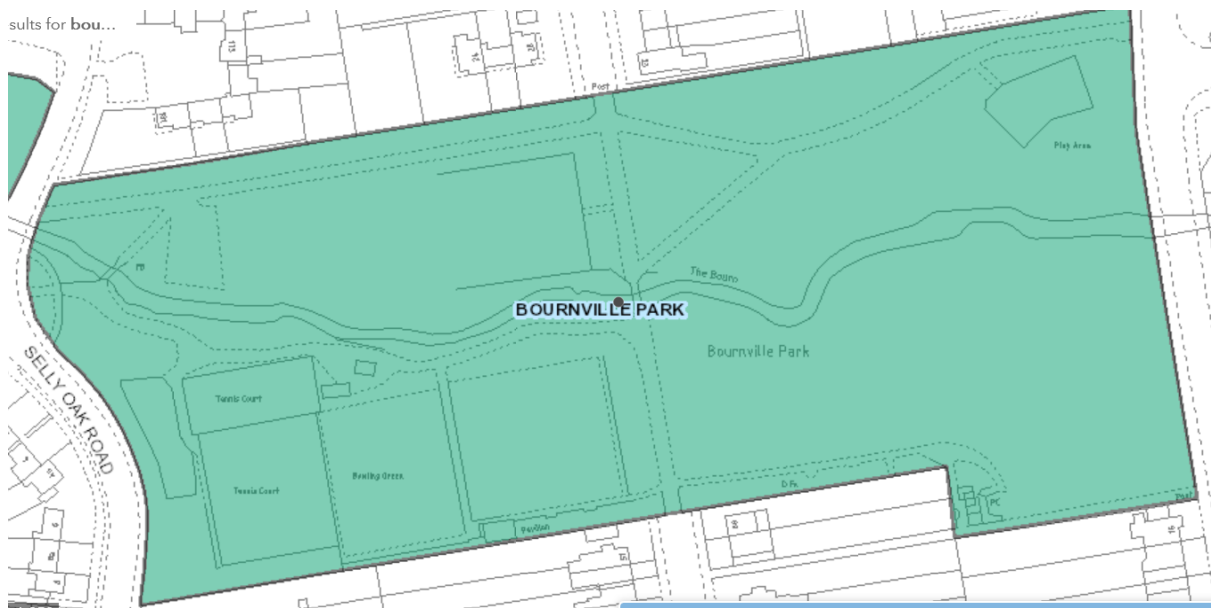
Cannon Hill Park

Billesley Common

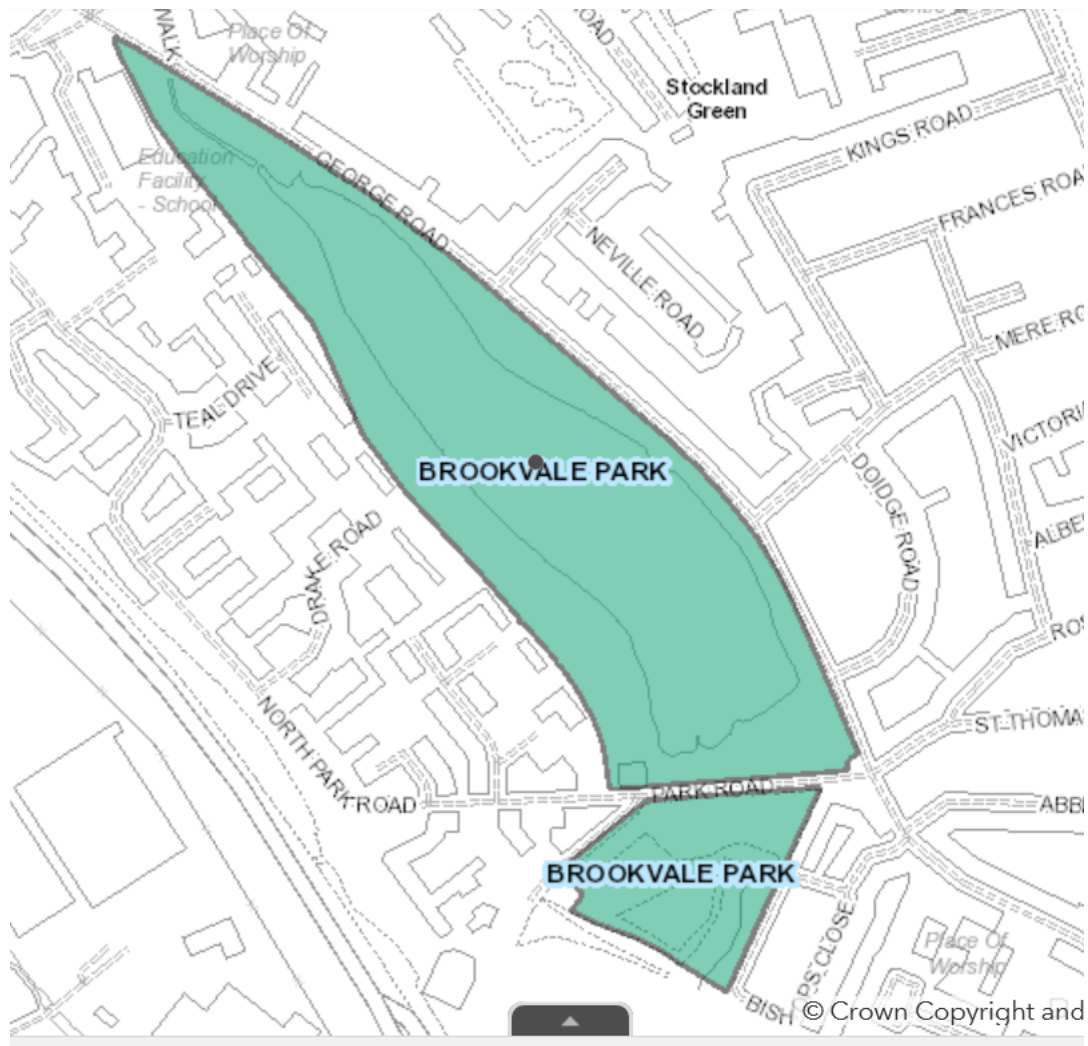
Bleak Hill Recreation Ground



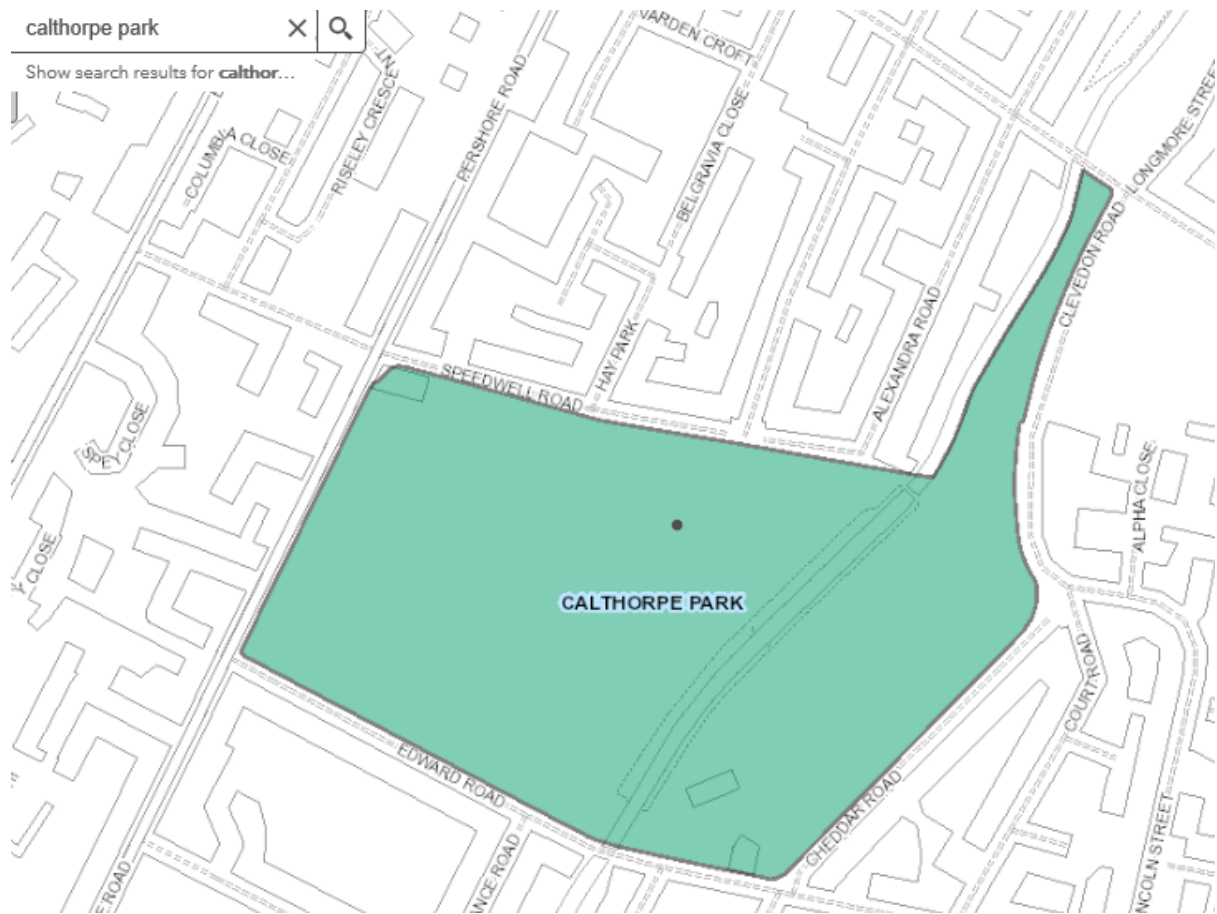
Bournville Park



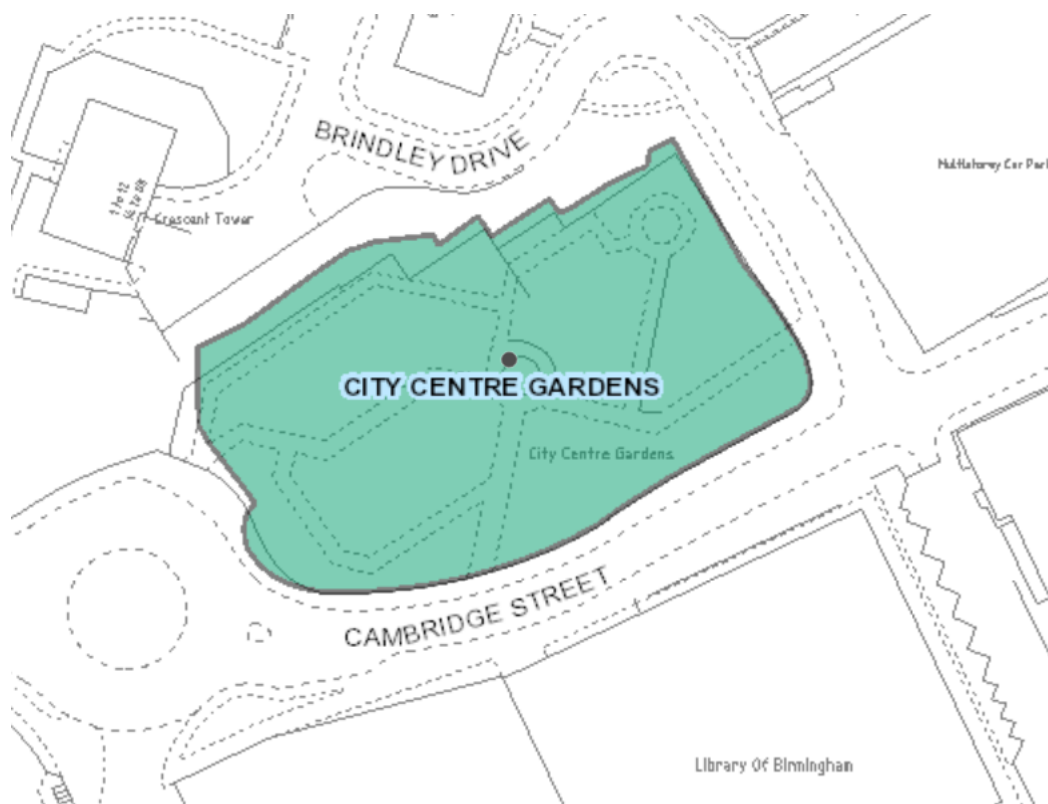
Brookvale Park

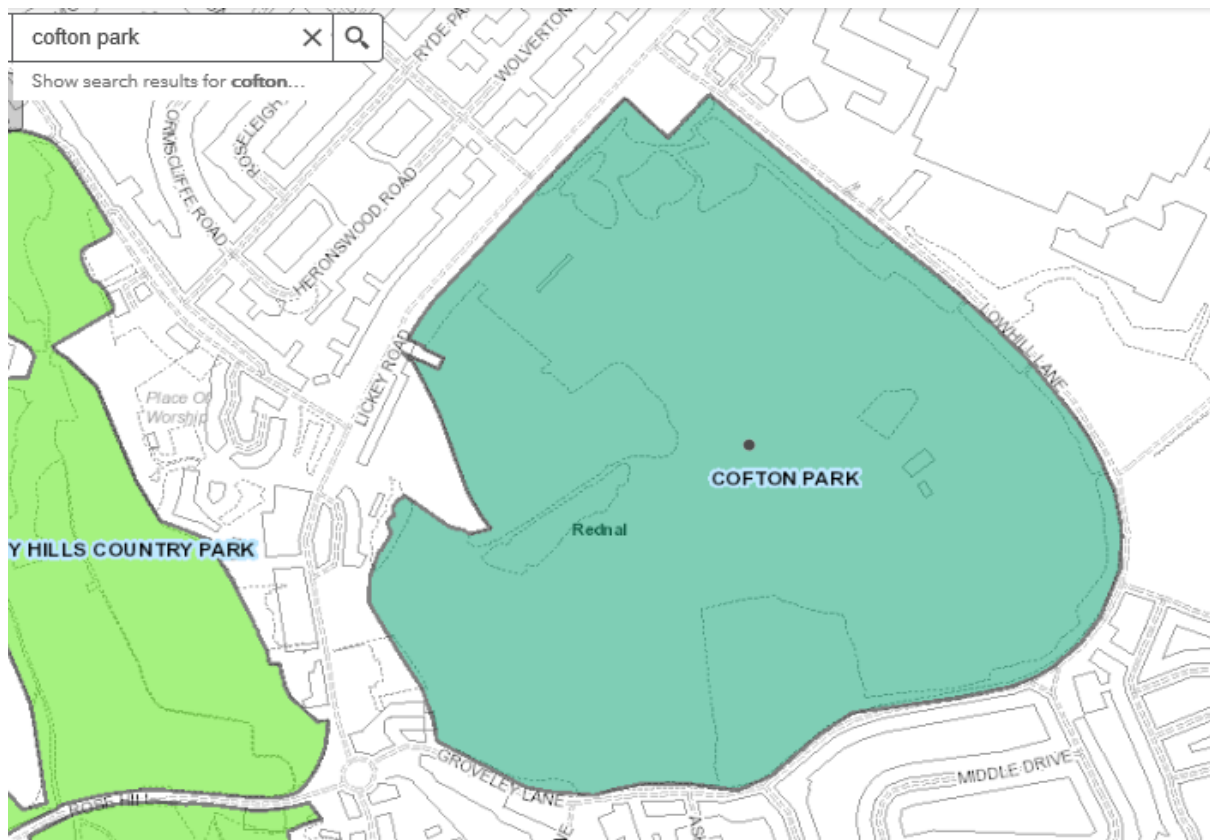


Calthorpe Park Extension



City Centre Gardens



Cofton Park

Daisy Farm Park



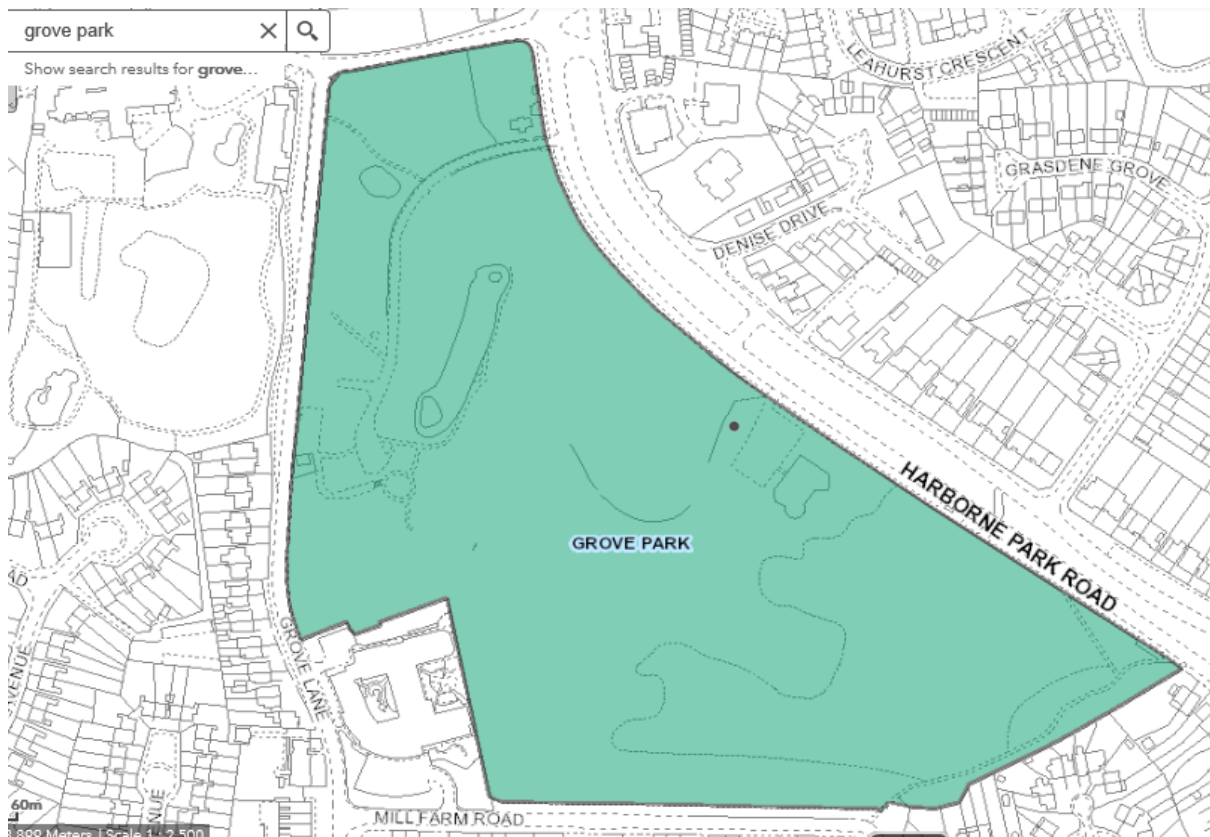
Gilbertstone Recreation Ground



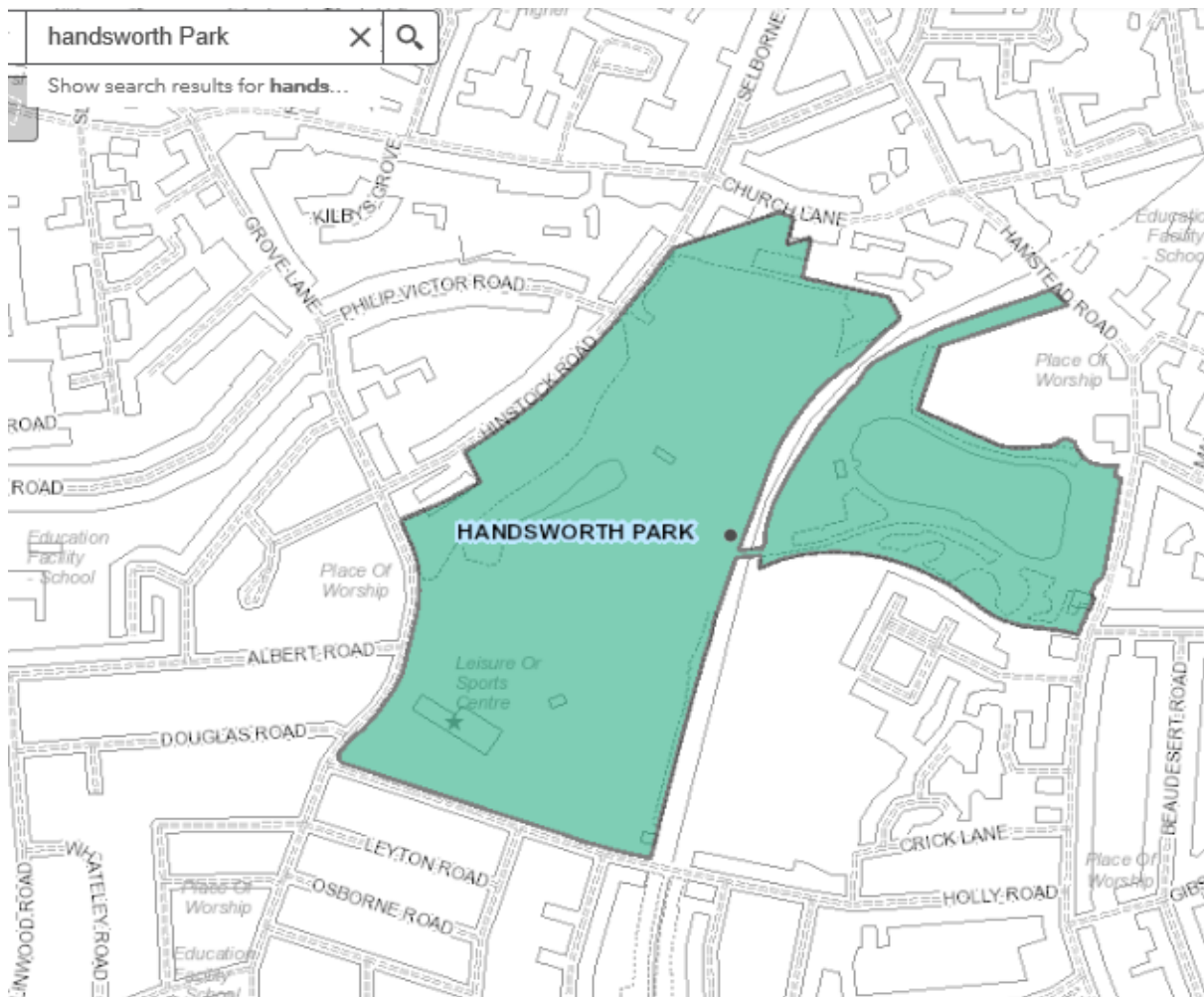
Gressel Lane Playing Fields



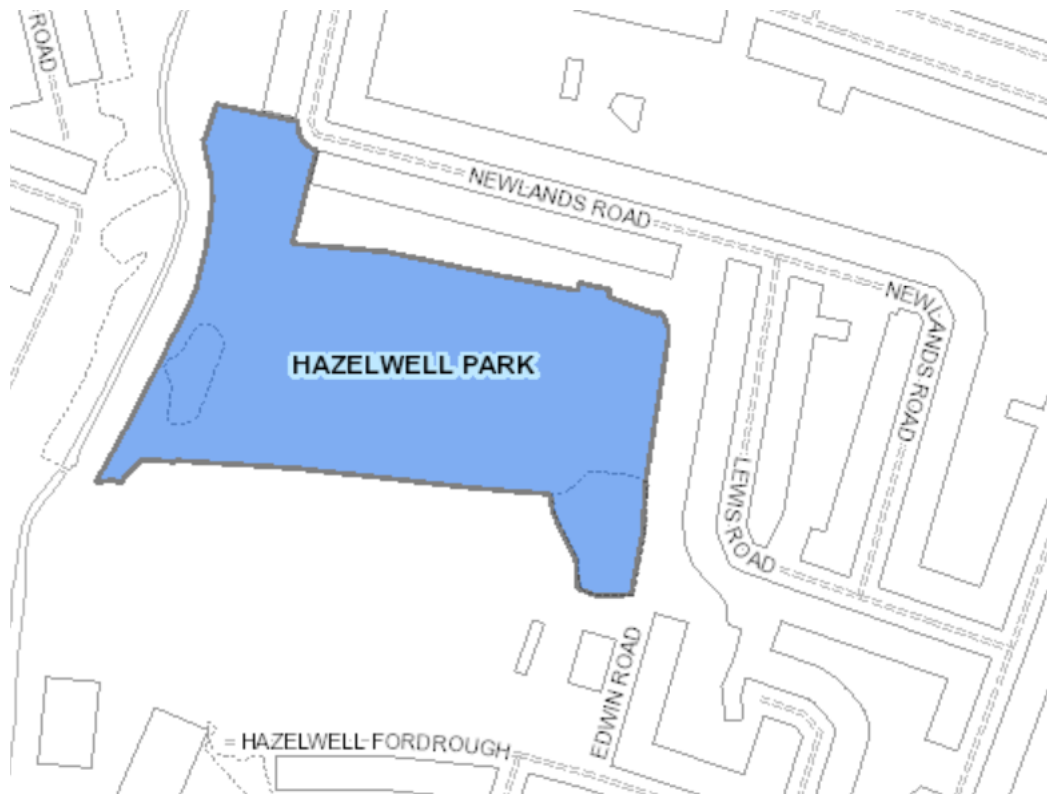
Grove Park



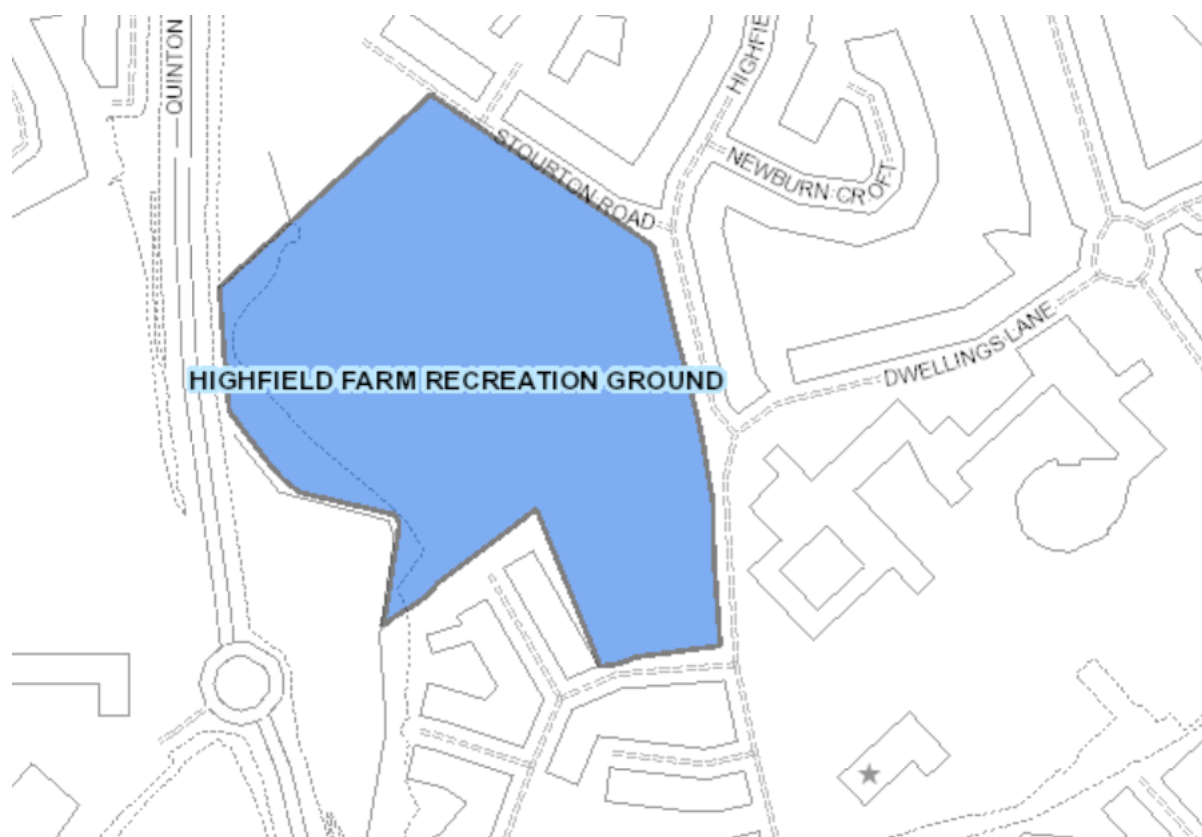
Handsworth Park



Hazelwell Park



Highfield Farm Recreation Ground



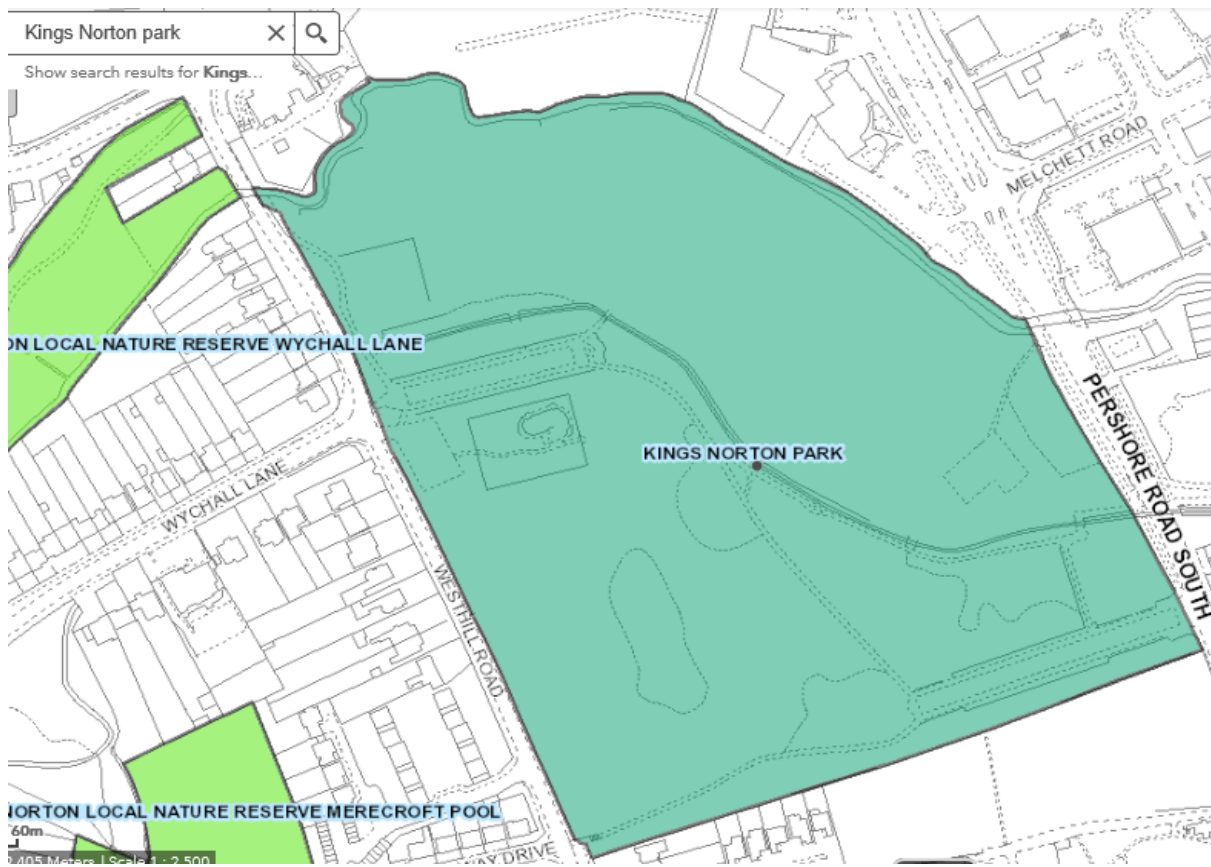
Holders Lane Playing Fields



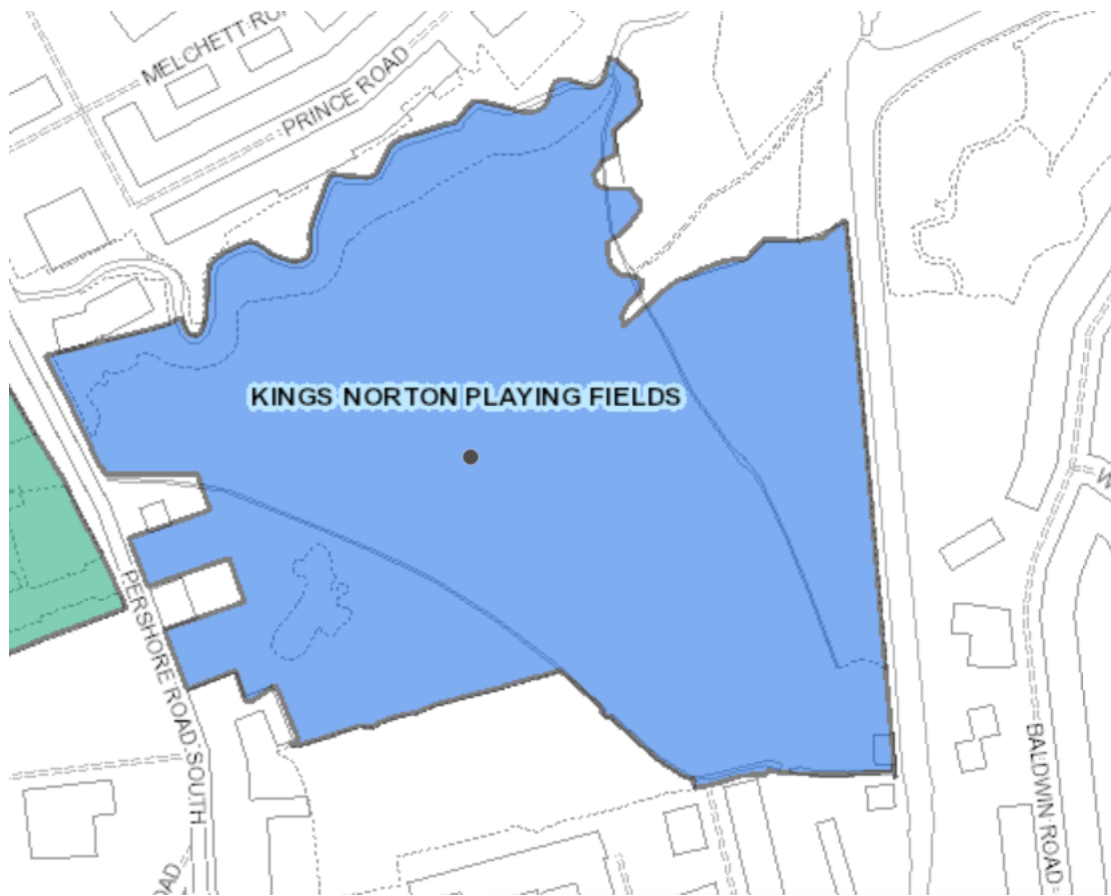
King George V Playing Fields



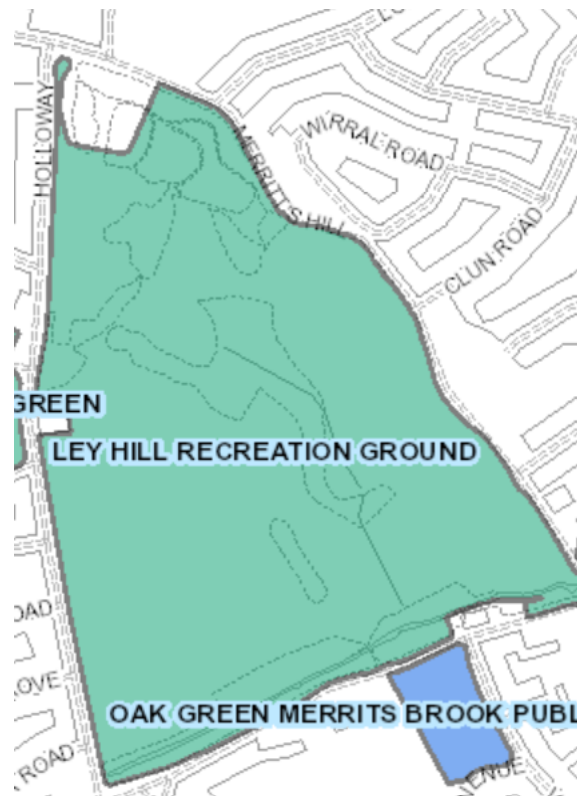
Kings Norton Park

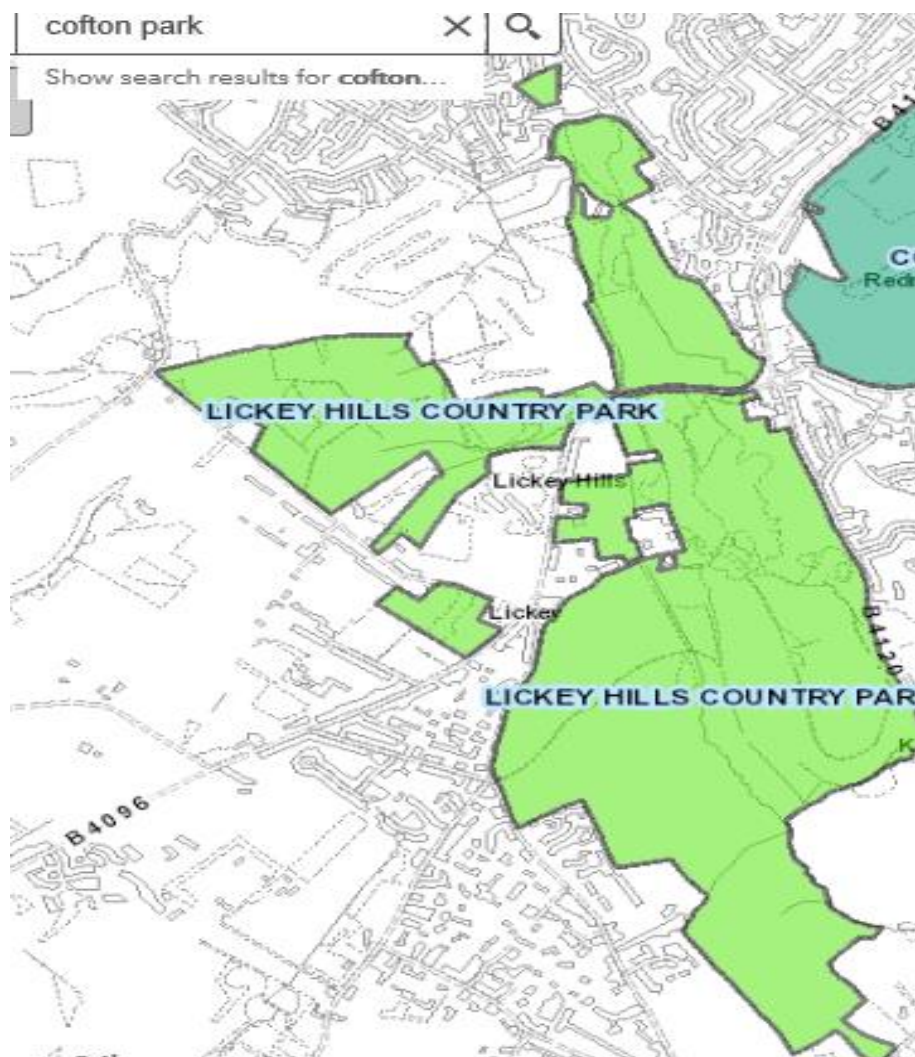


Kings Norton Playing Fields



Ley Hill Recreation Ground

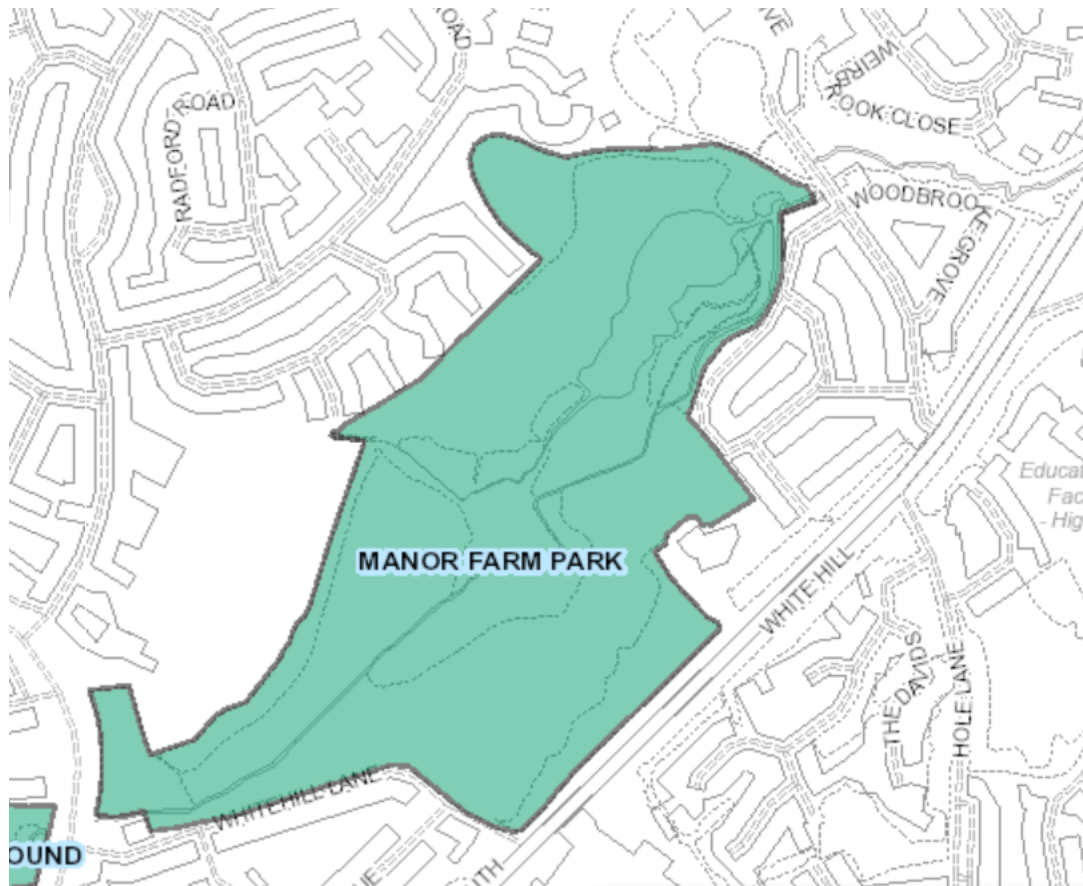


Lickey Hills Monument Lane

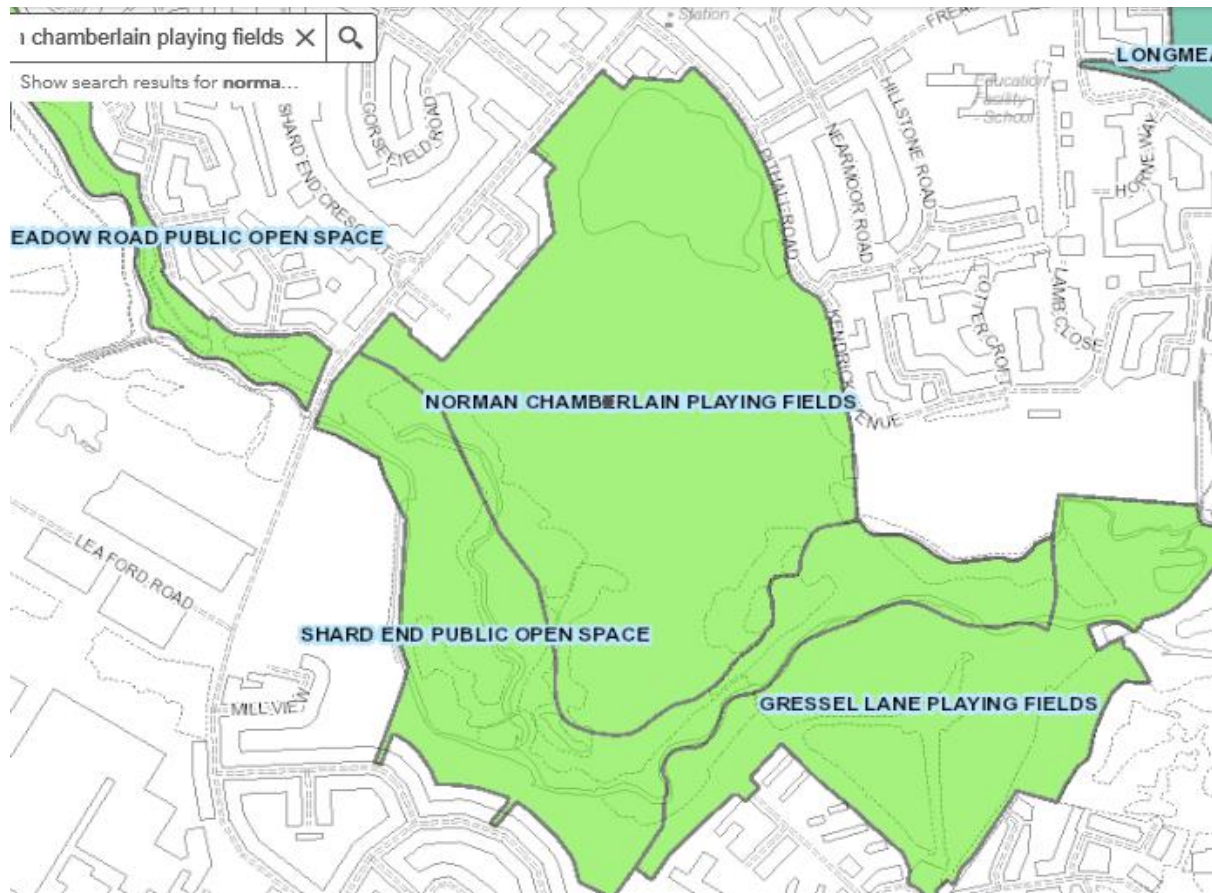
Lyndon Playing Fields



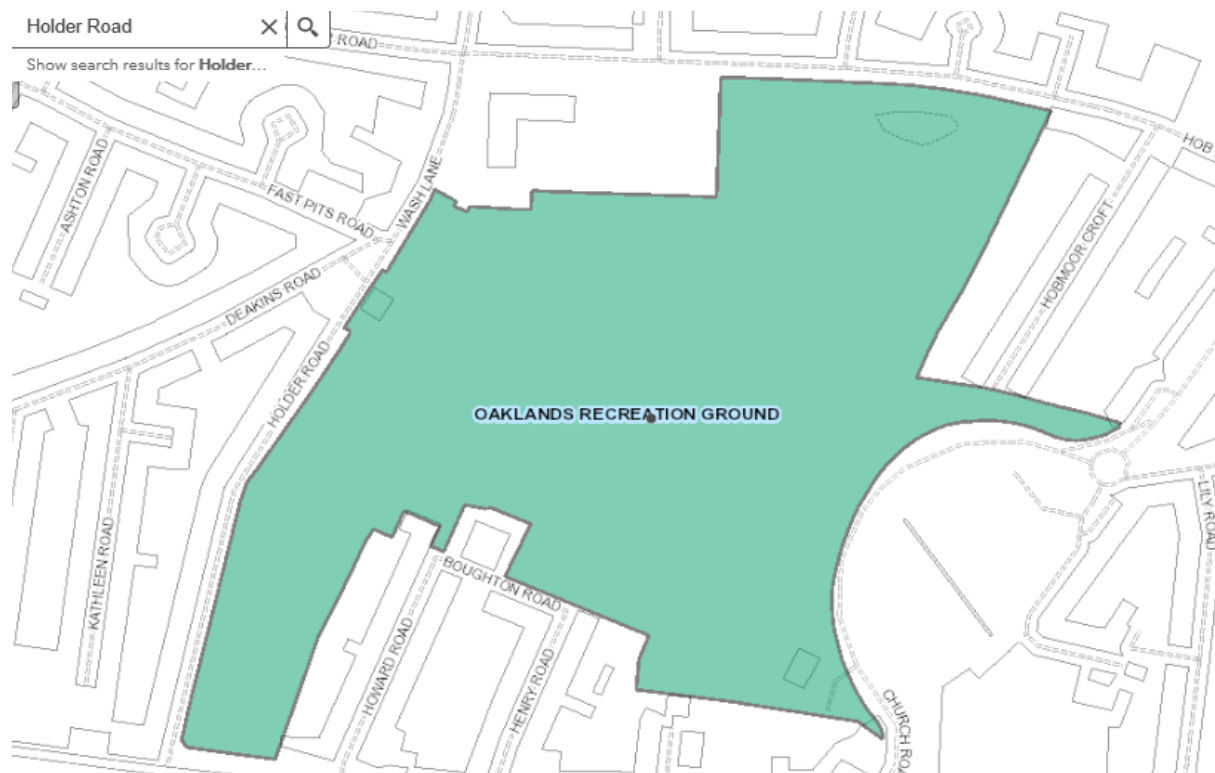
Manor Farm Park



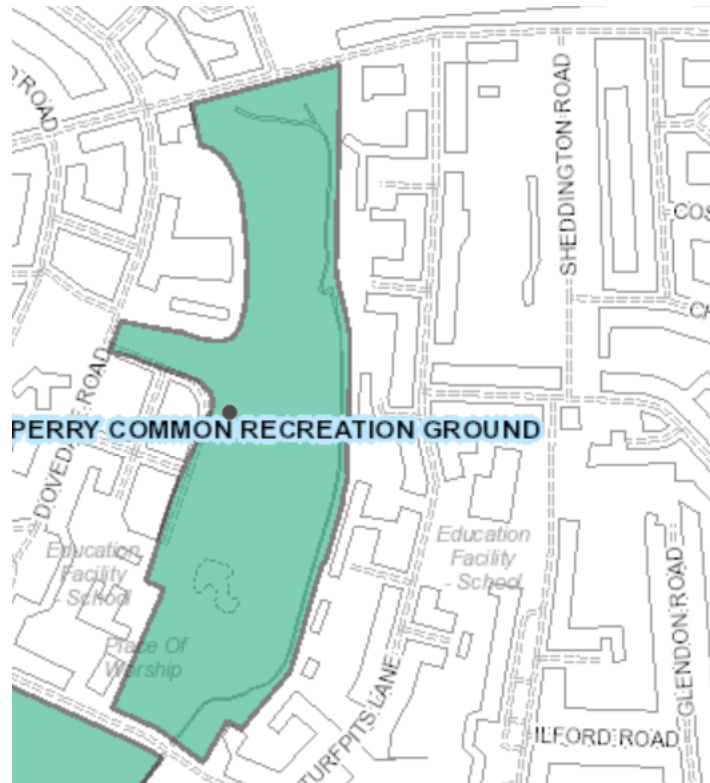
Norman Chamberlain Playing Fields

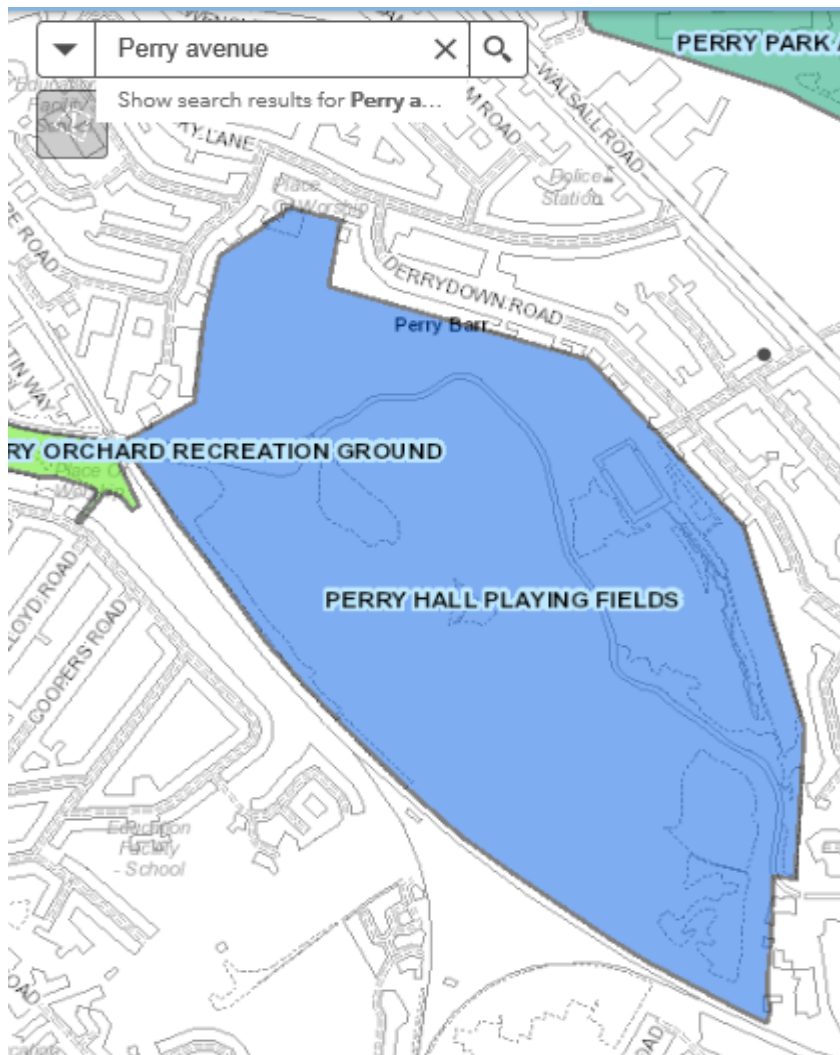


Oakfields Recreation Ground

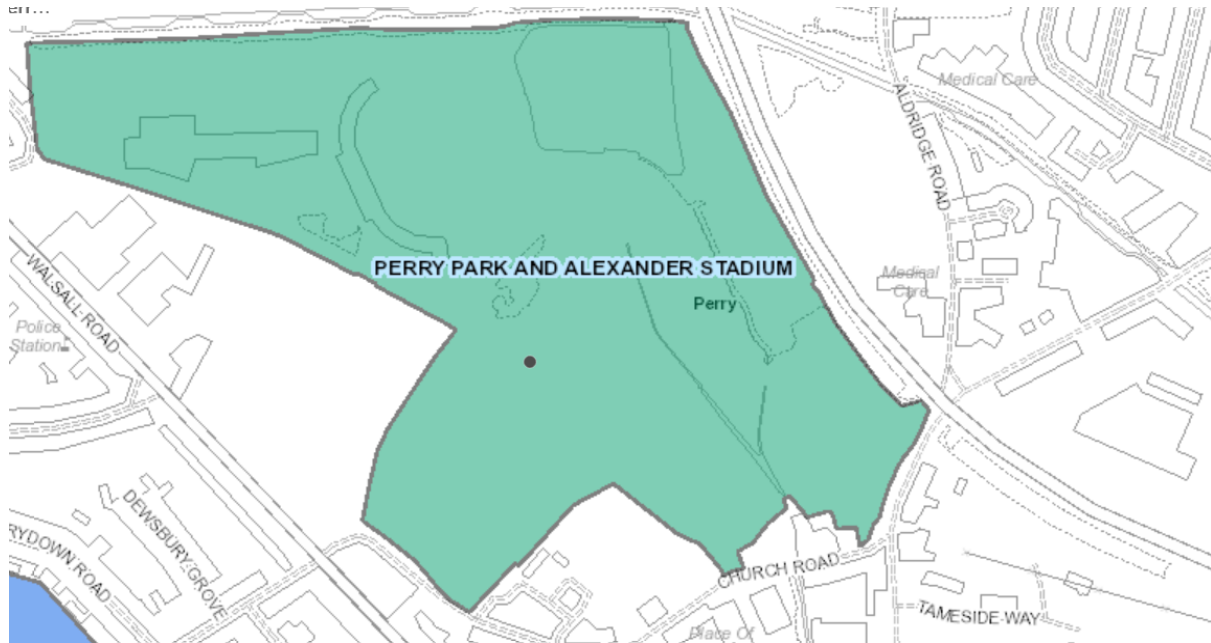


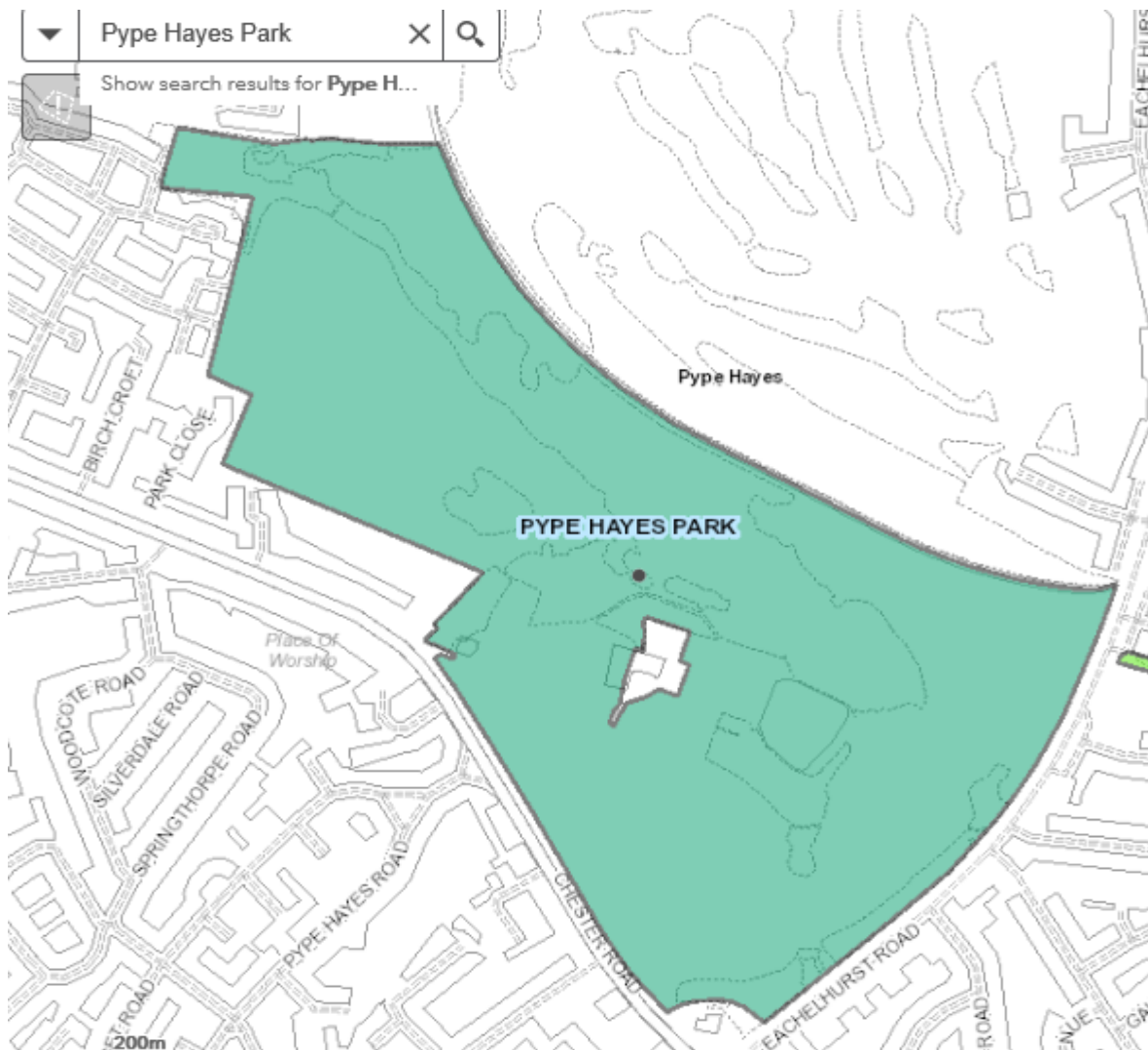
Perry Common Recreation Ground

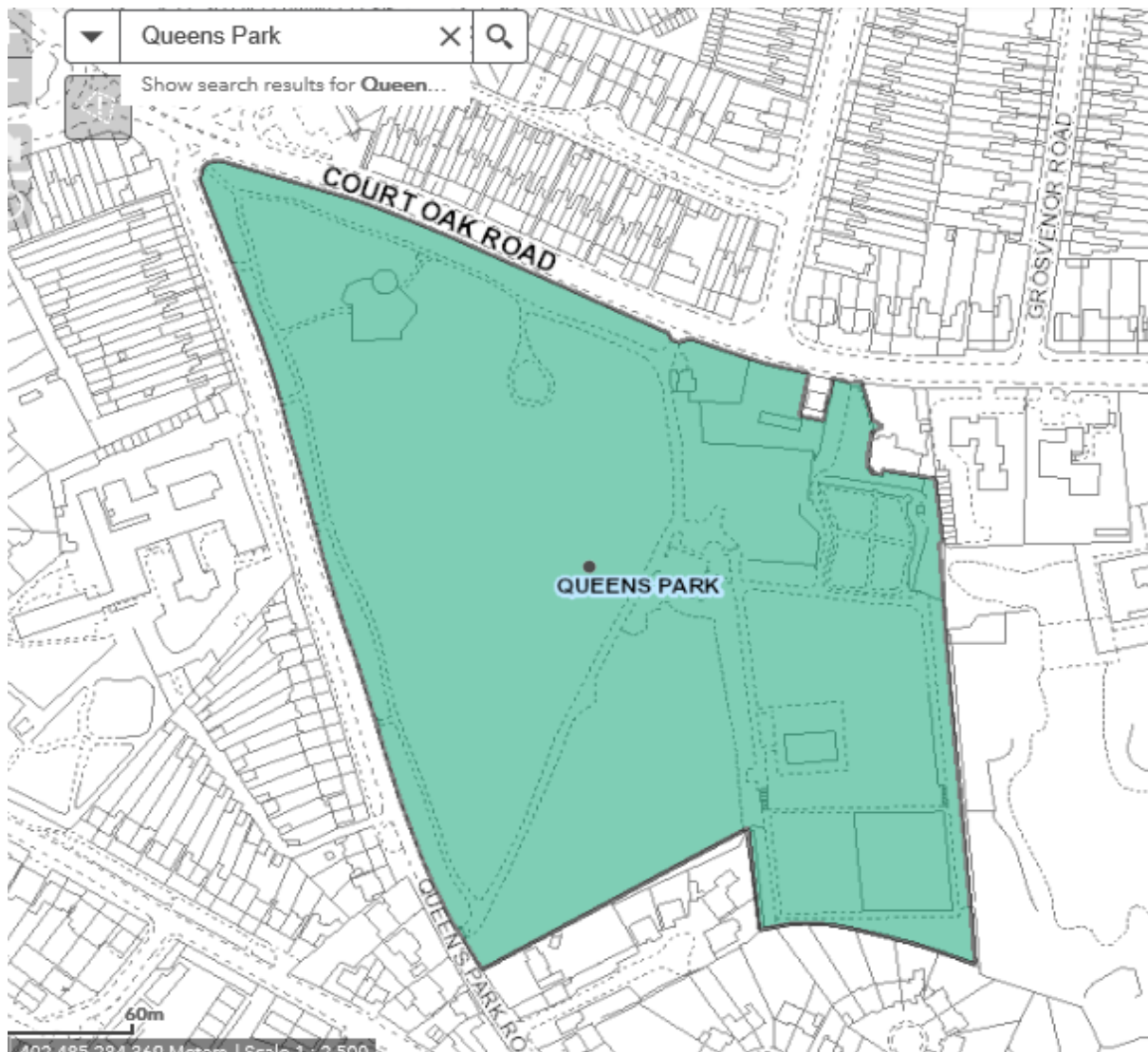


Perry Hall Playing Fields

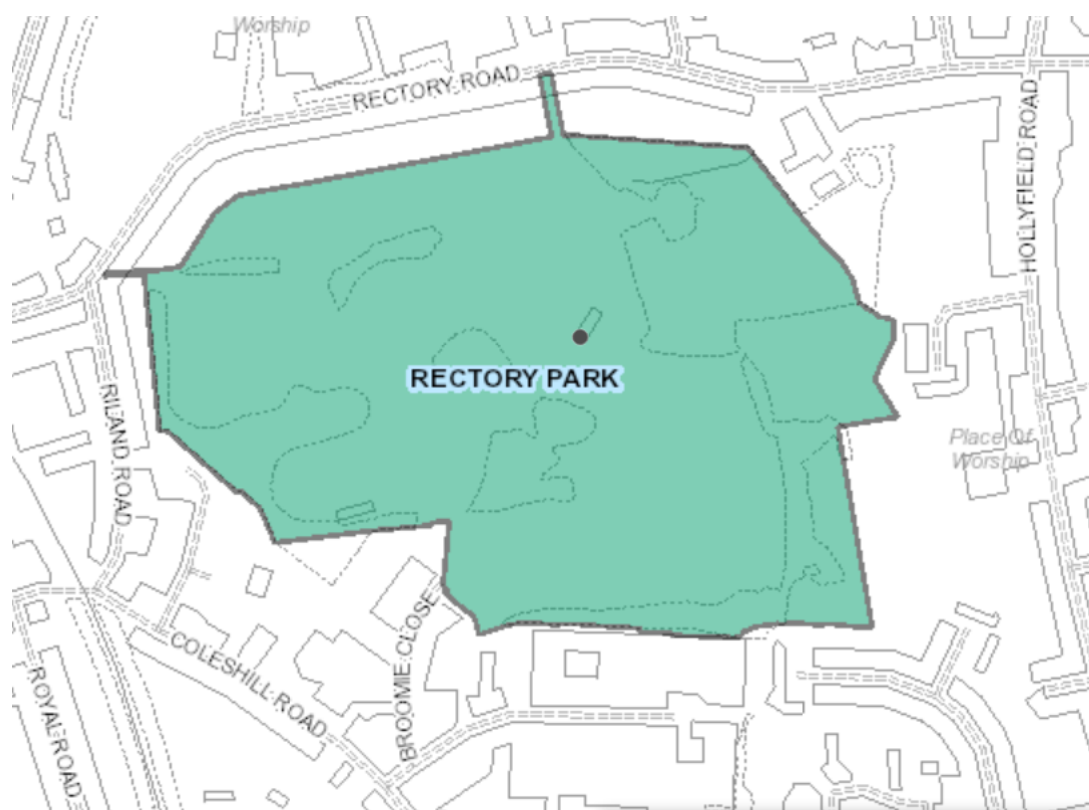
Perry Park



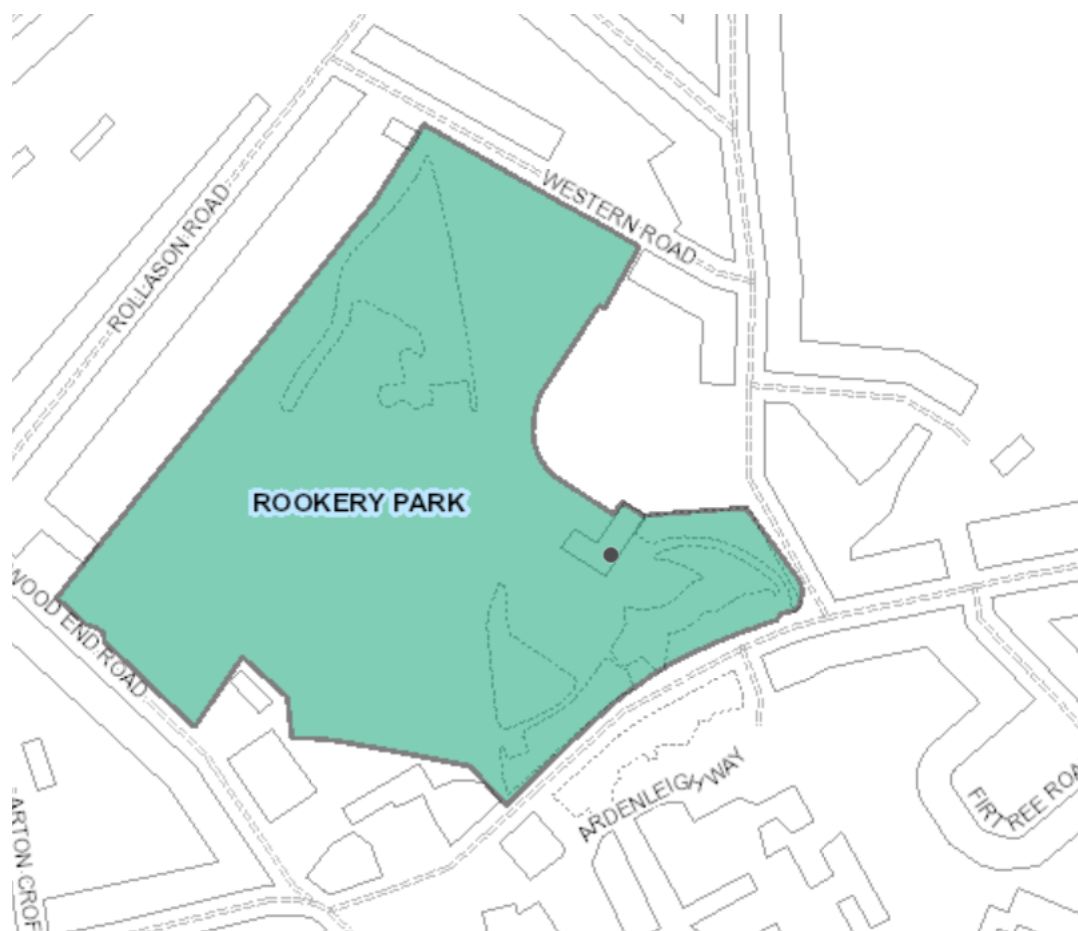
Pype Hayes Park

Queens Park

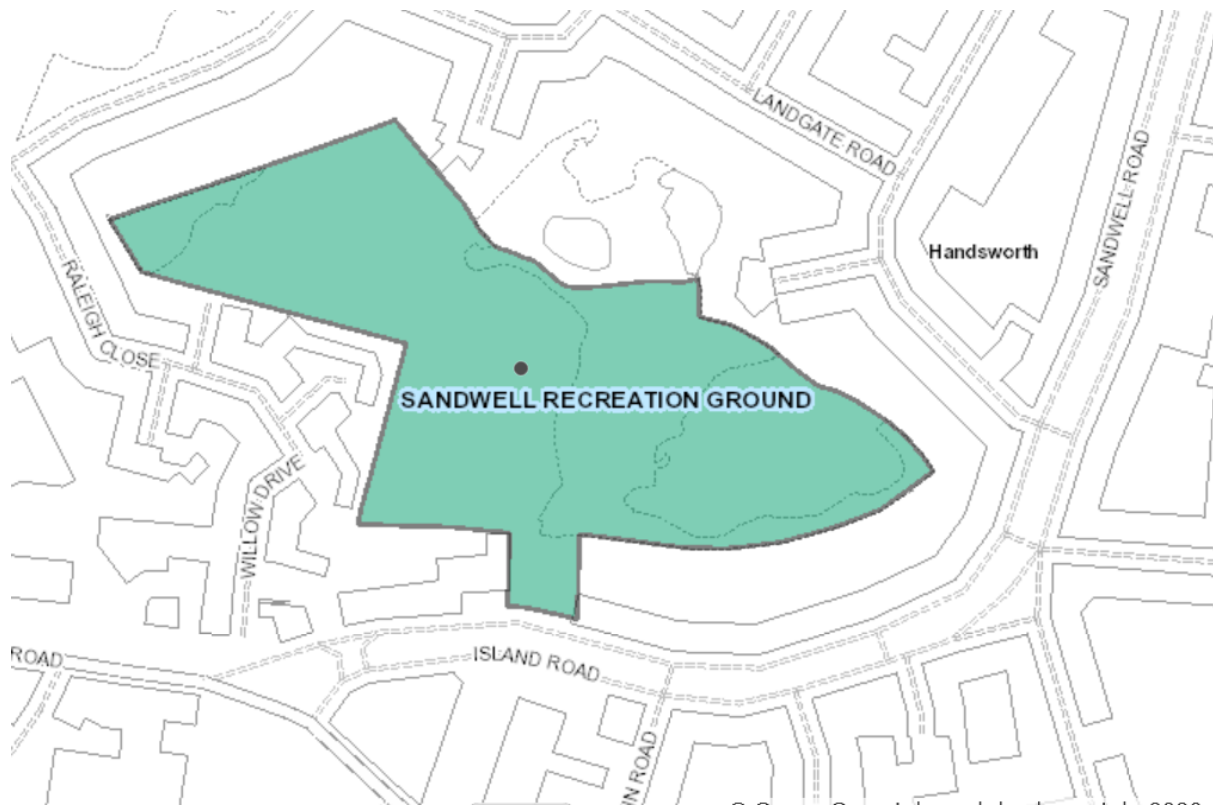
Rectory Park



Rookery Park



Sandwell Recreation Ground



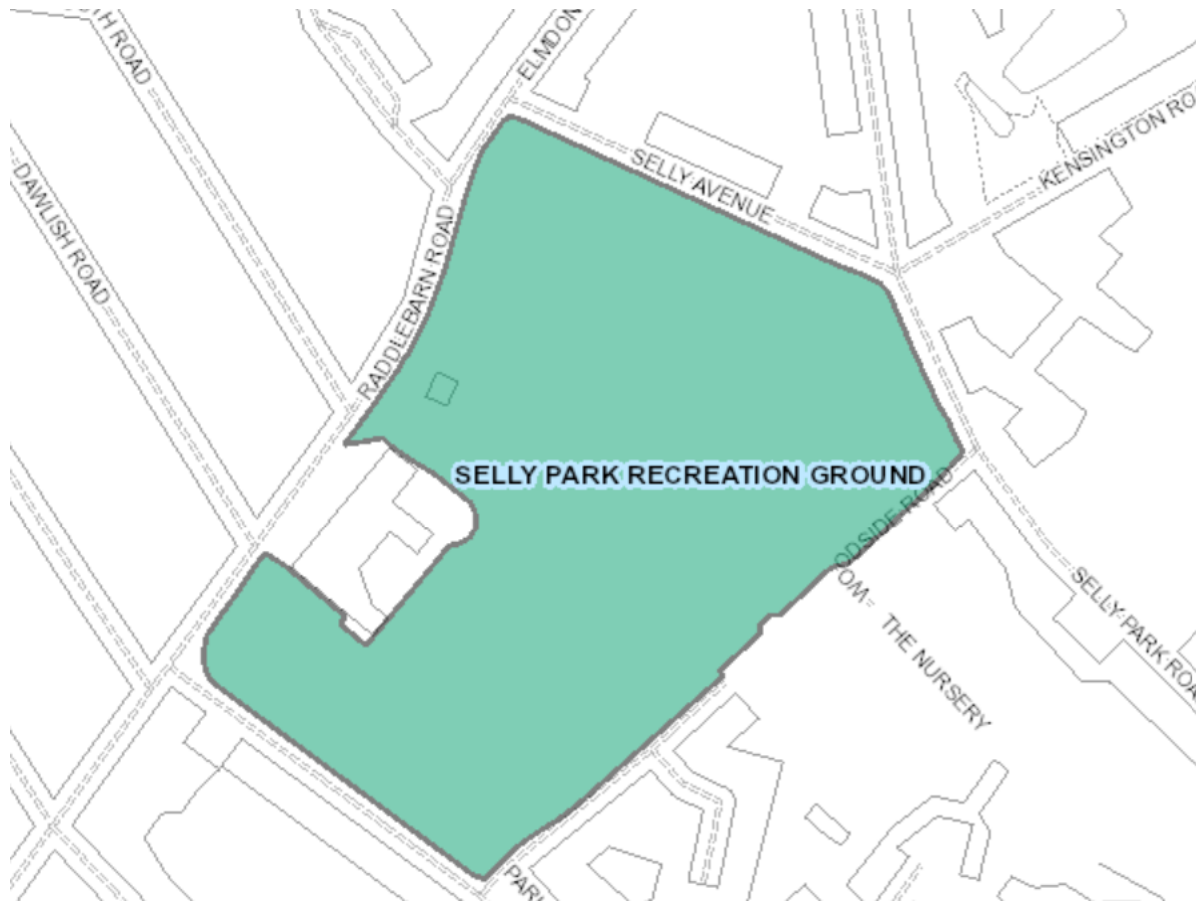
Sarehole Mill Recreation Ground

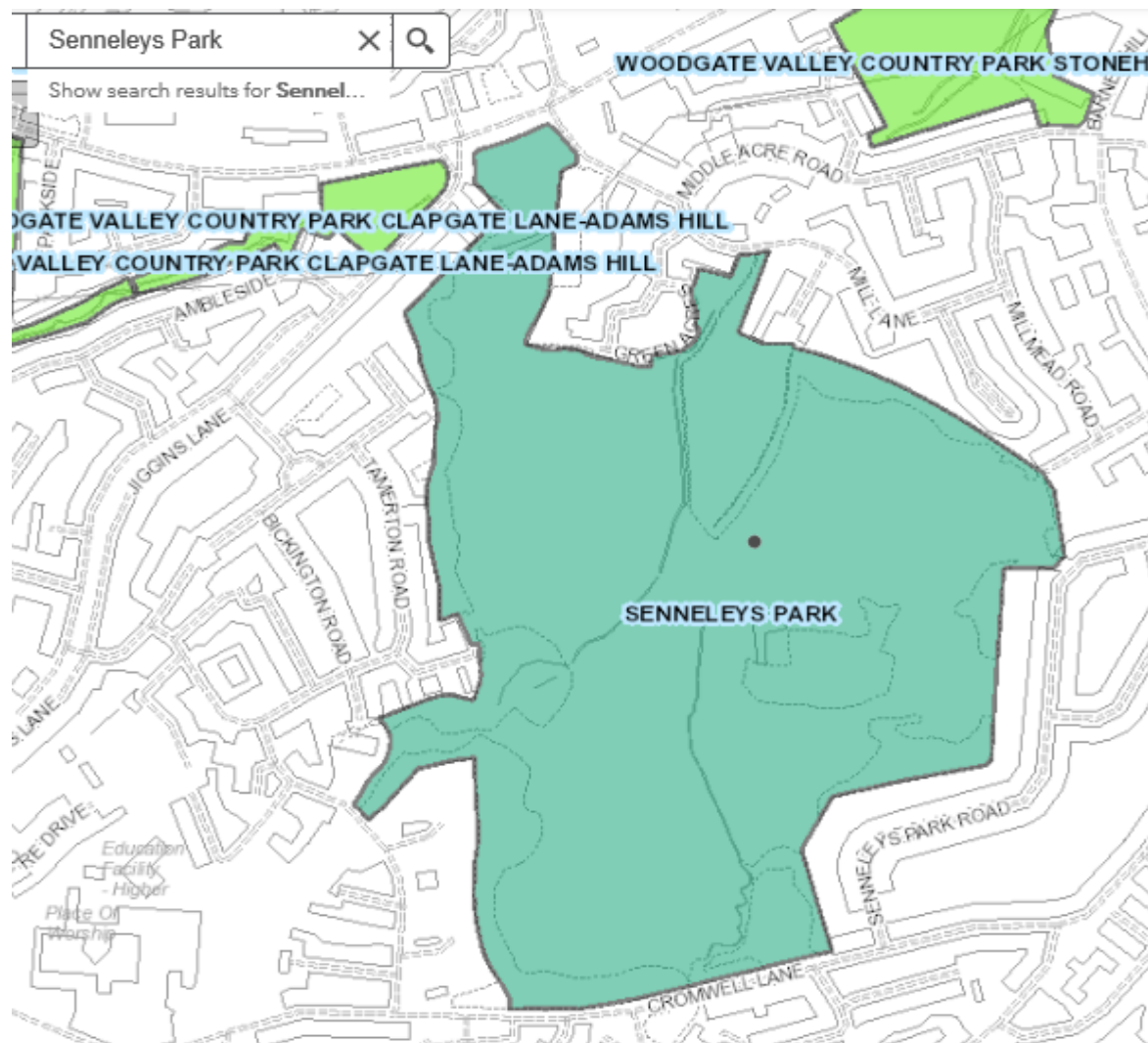


Selly Oak Park

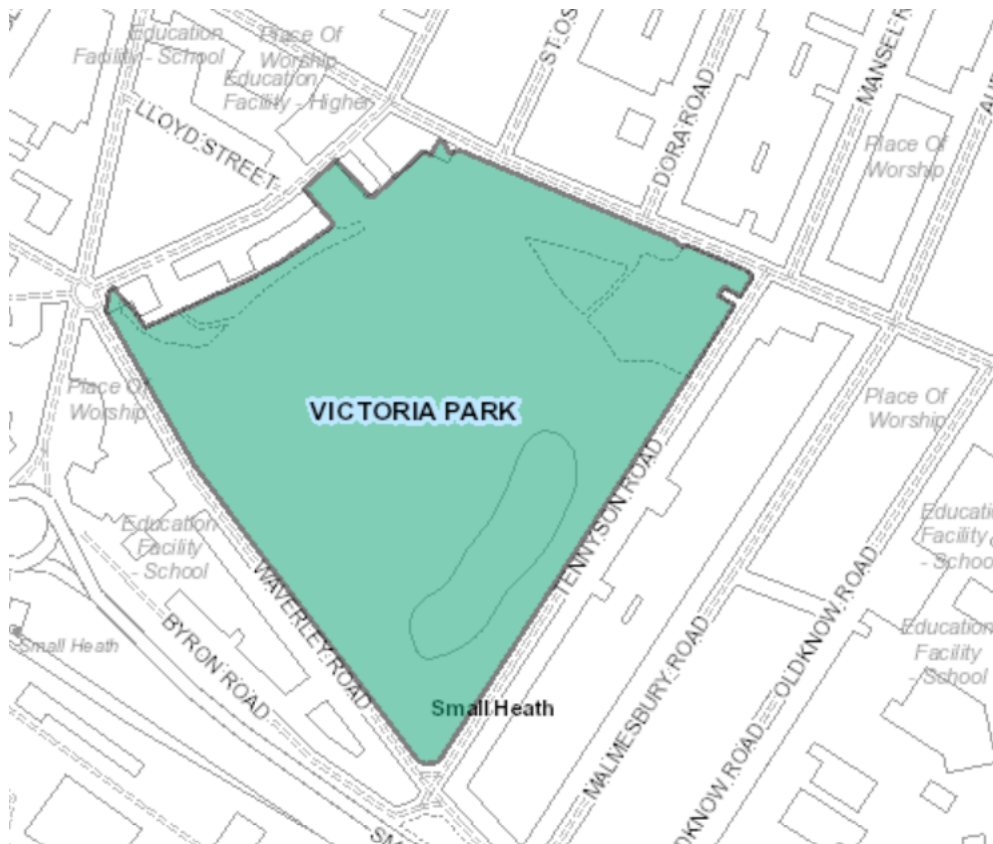


Selly Park Recreation Ground

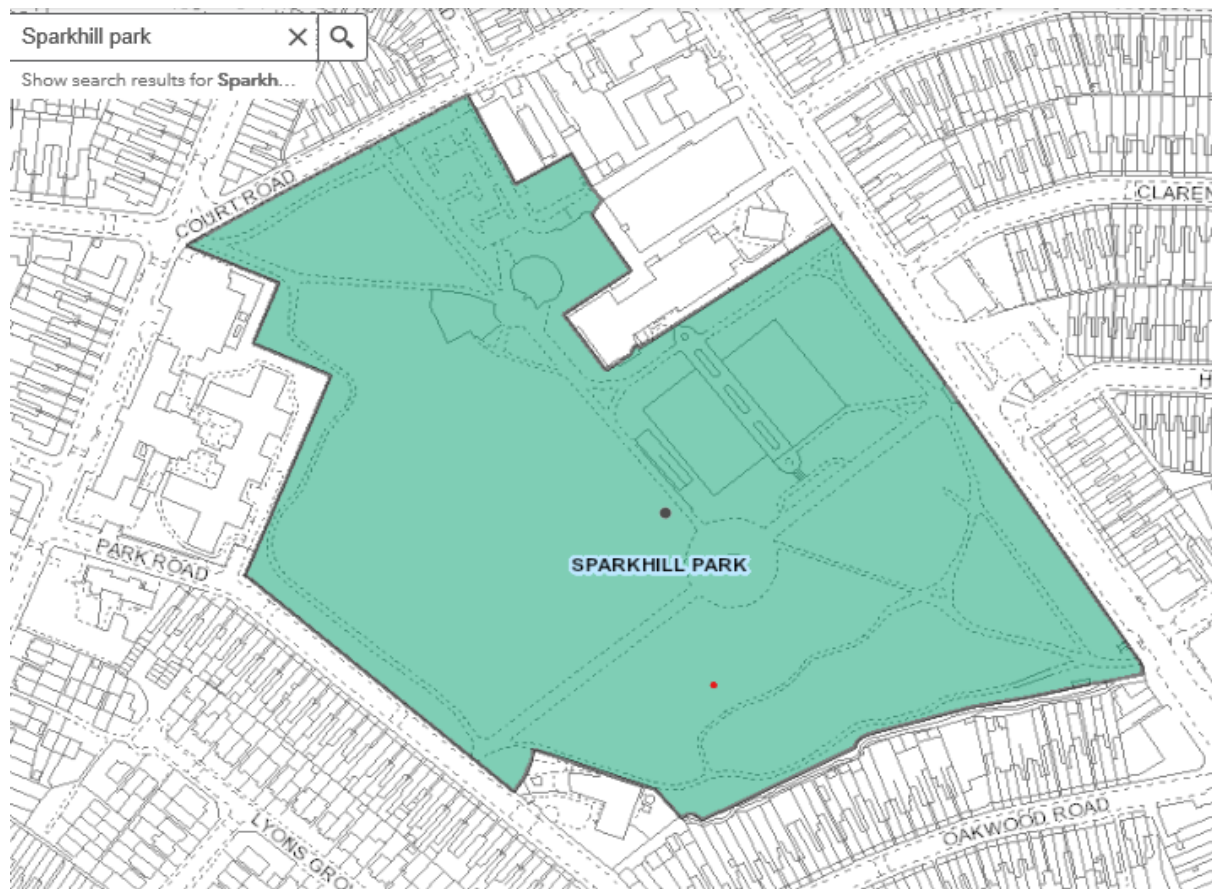


Senneleys Park

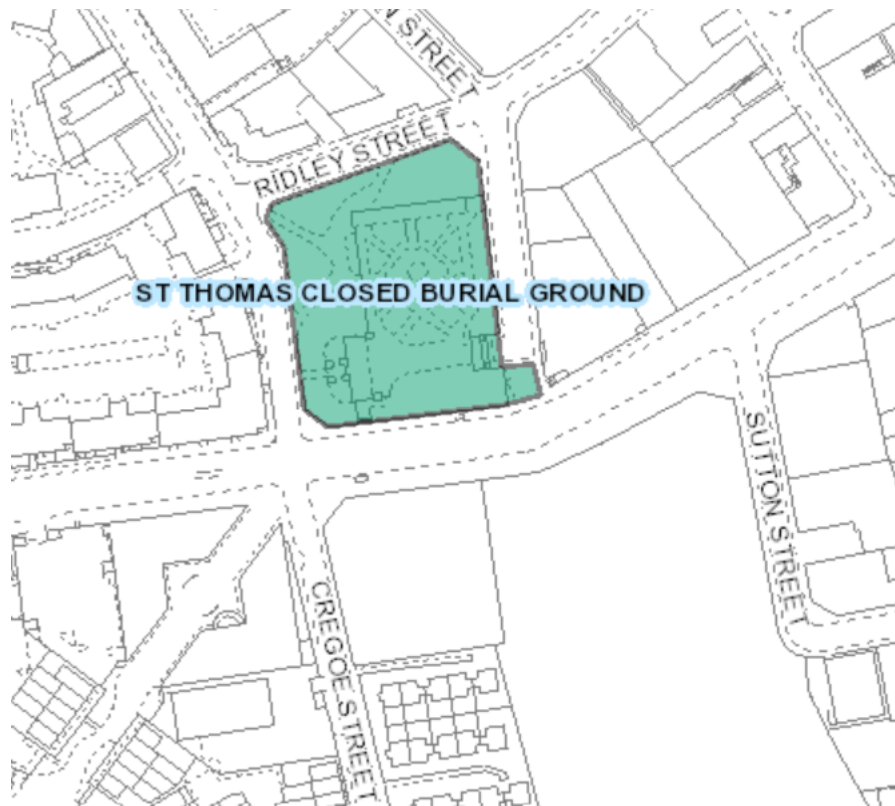
Small Heath Park



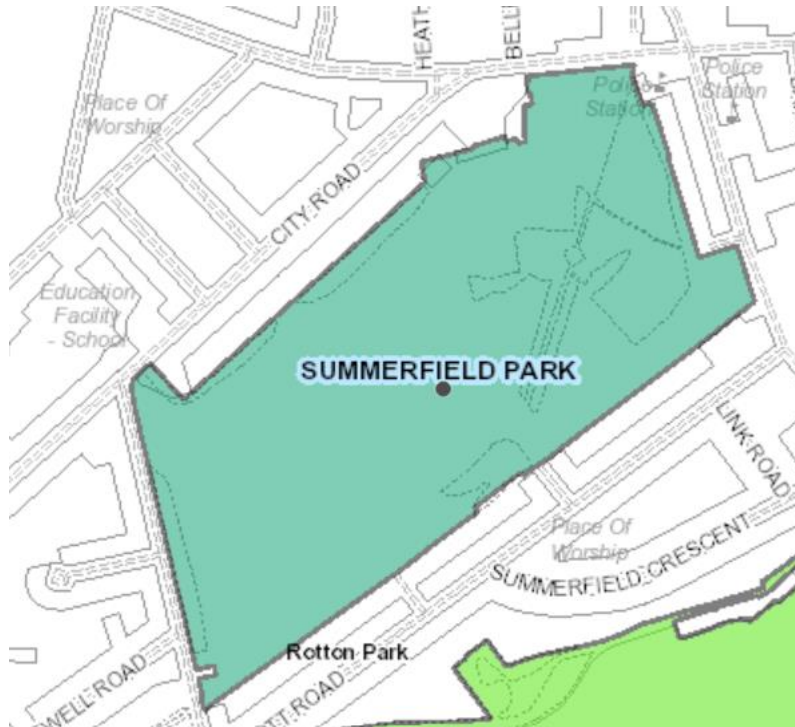
Sparkhill Park

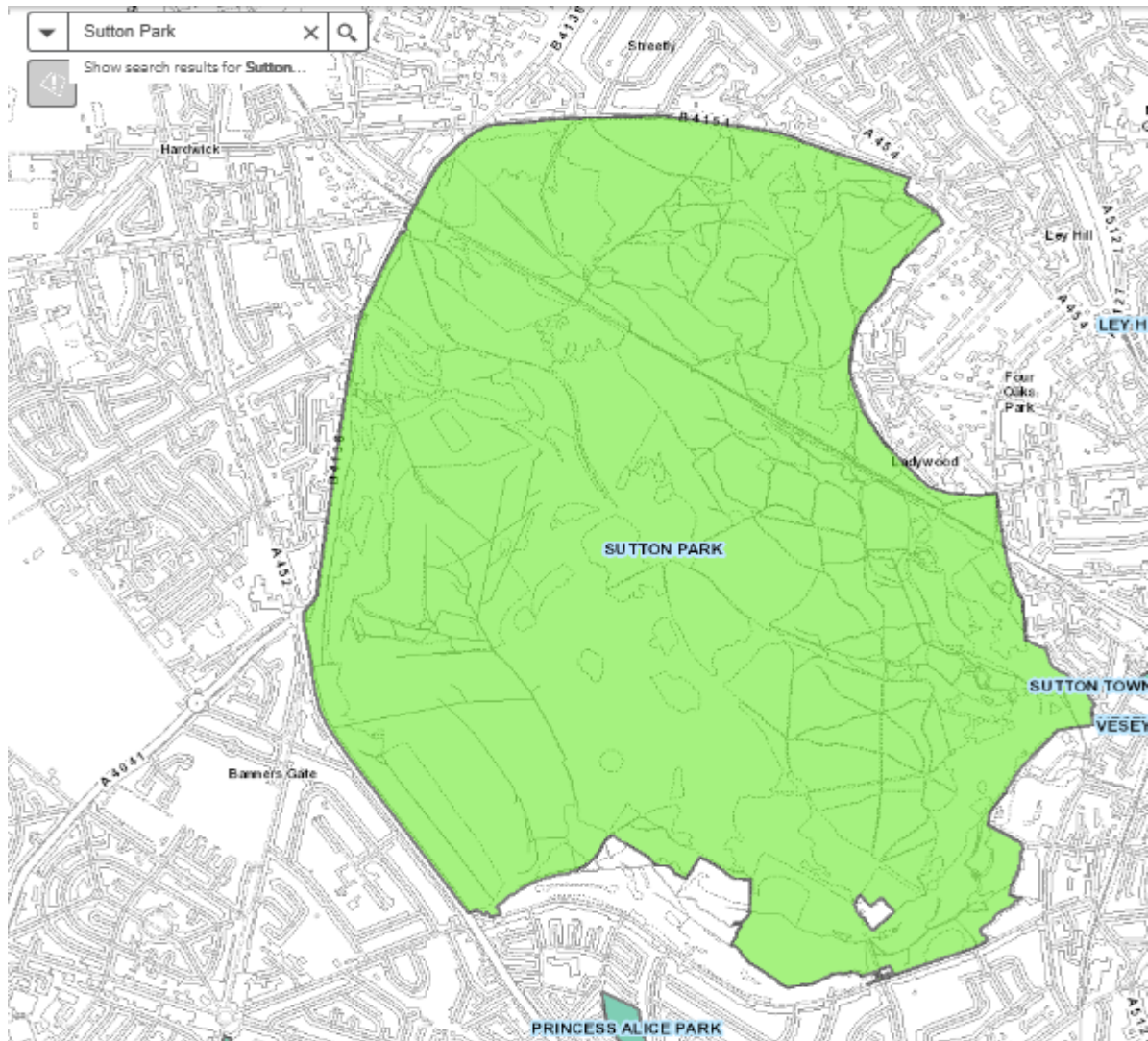


St Thomas Peace Garden

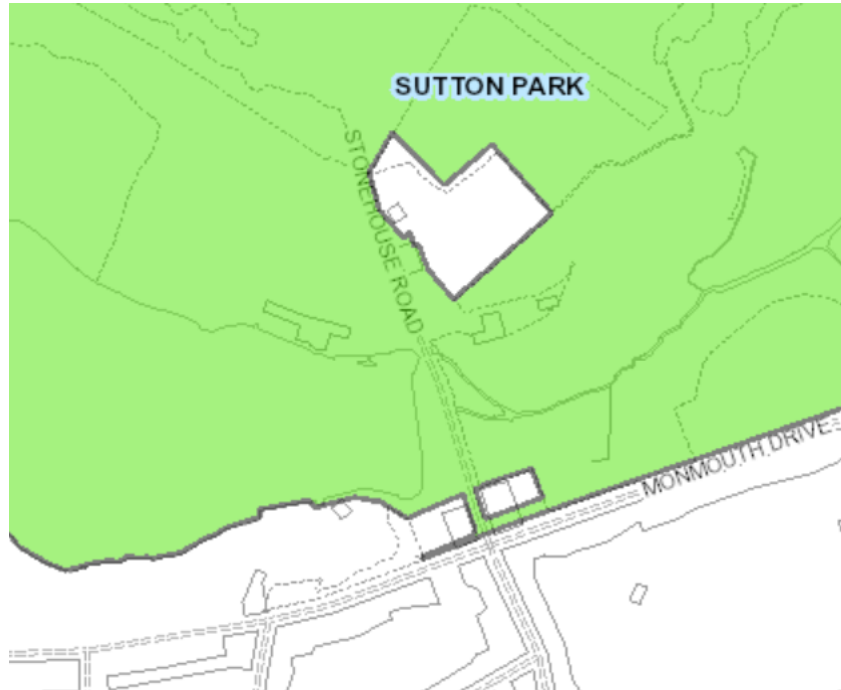


Summerfield Park

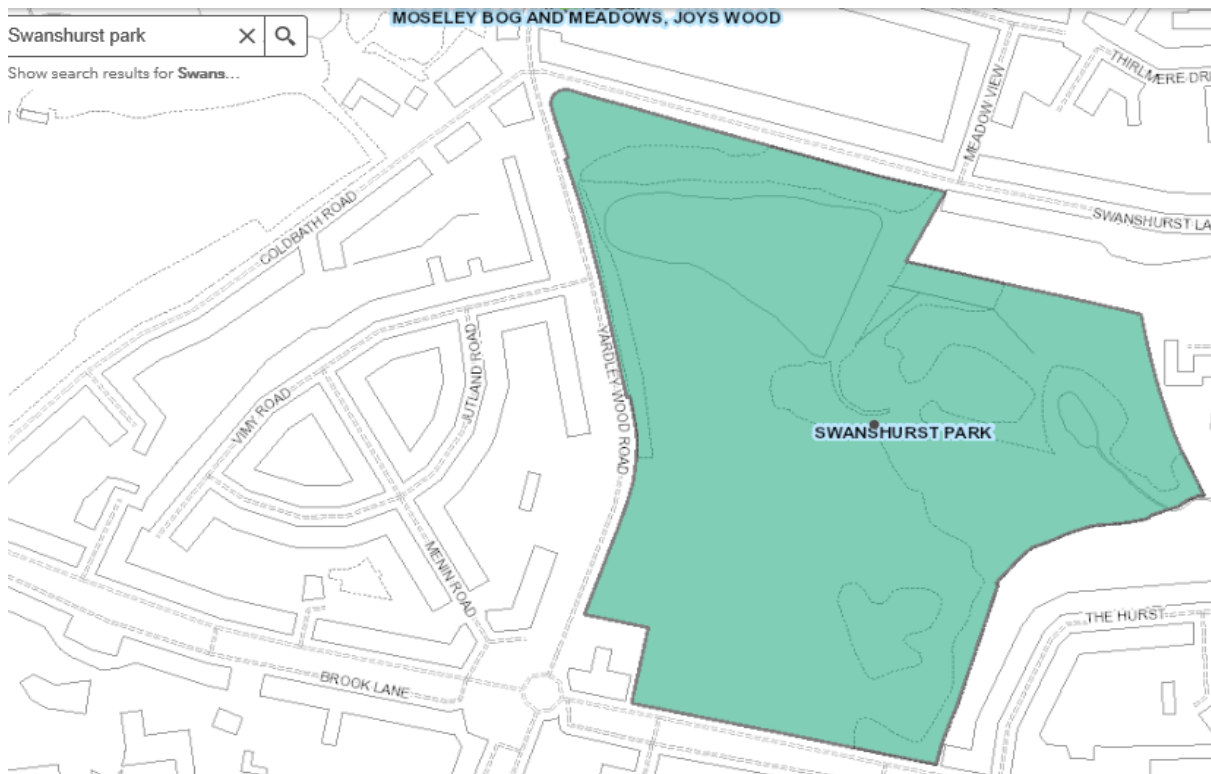


Sutton Park Whole

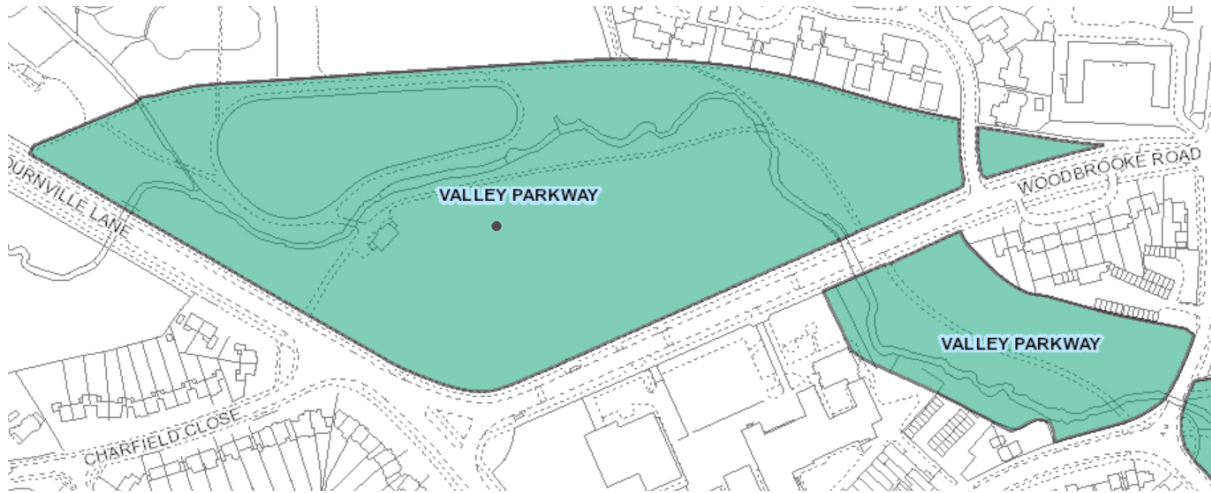
Sutton Park Boldmere Gate

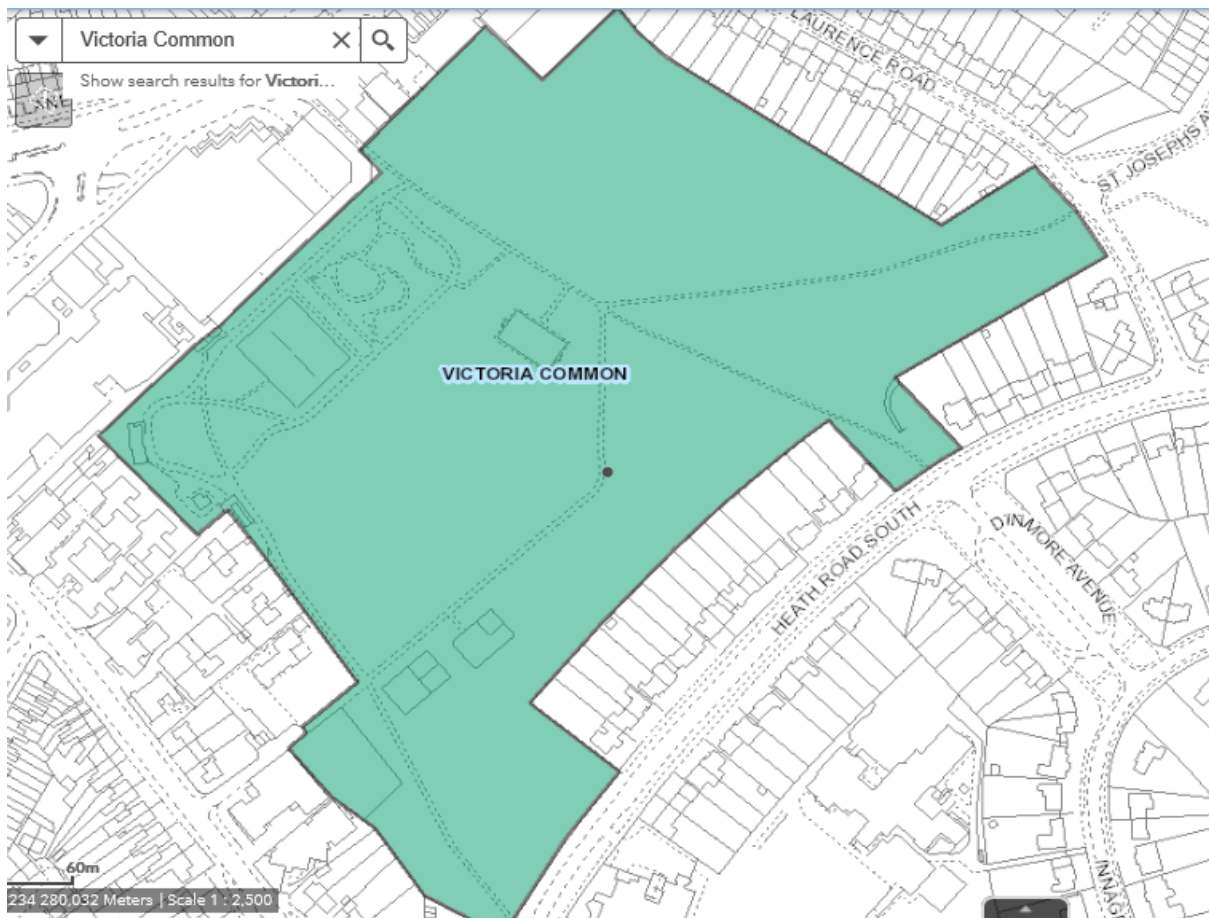


Swanshurst Park



Valley Parkway

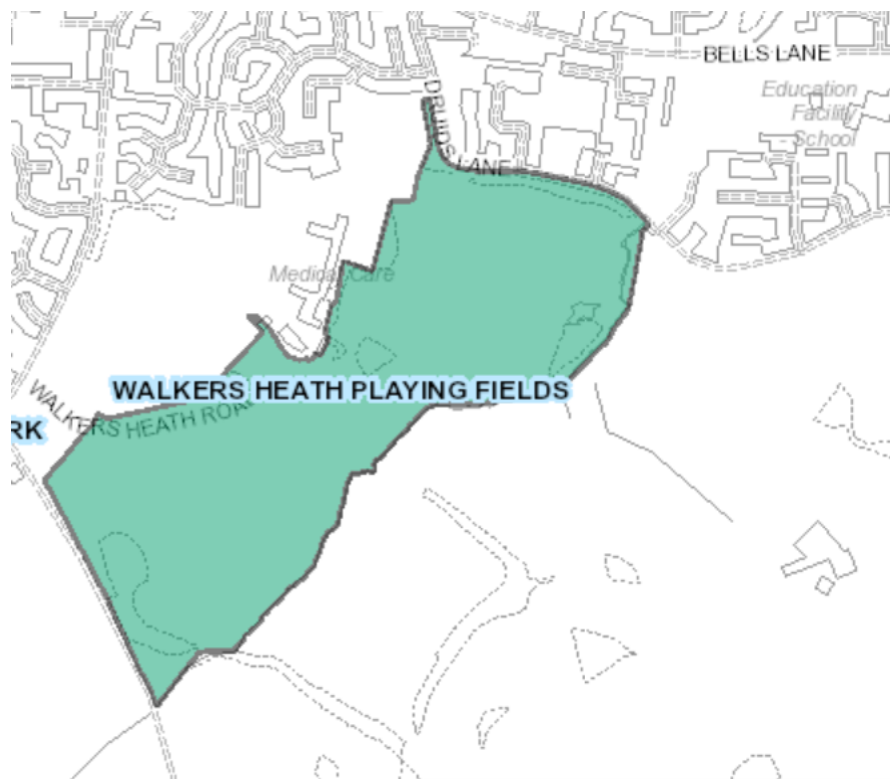


Victoria Common

Wake Green Playing Fields



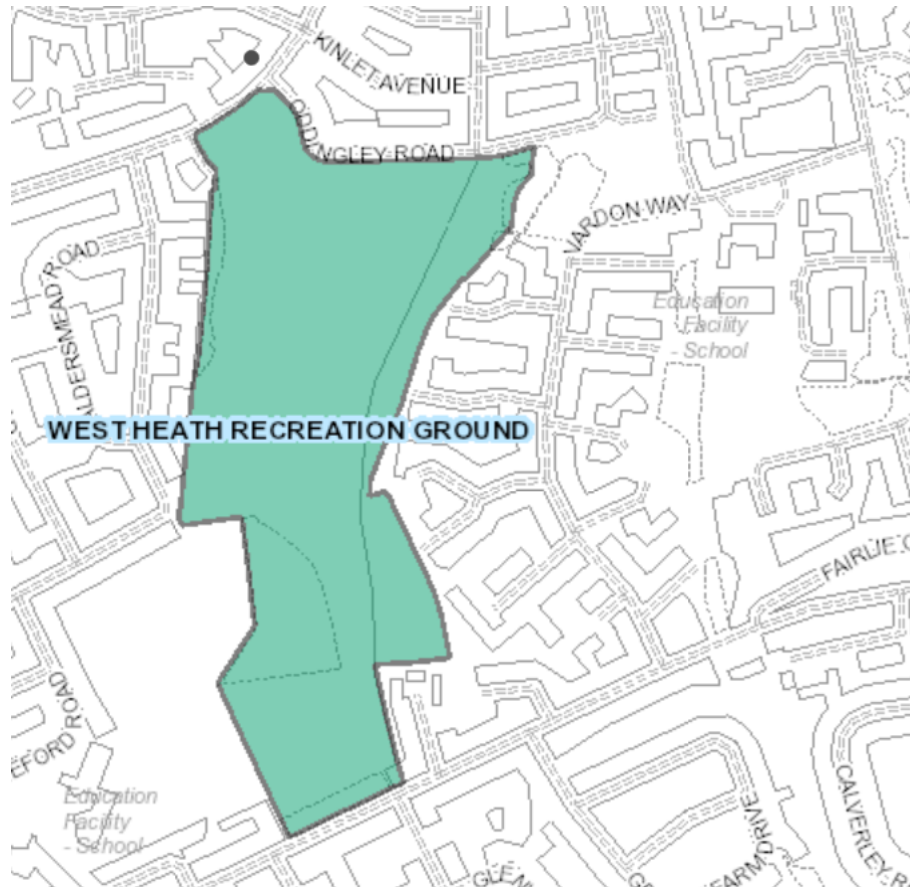
Walkers Heath Sports Ground



Ward End Park



West Heath Recreation Ground



Street Trading Consent Application and Renewal Assessment Framework

Street Trading Policy 2020

The assessment criteria within this assessment framework are described more fully in the Policy and the Policy will be used in conjunction with the information below to guide the consideration of specific criteria.

This assessment framework will be used for both applications and renewals except for a renewal occurring within 12 months of the grant of the original application. In this case renewal will normally occur for one further 12-month period if the original terms of the consent have been adhered to and there are no other circumstances that make the original application no longer appropriate e.g. changes in road layout. This will occur without the need for a renewal form to be completed.

A scale of 0 to 5 will be used with 0 being poor evidence and 5 being excellent evidence of meeting the assessment criteria. The final score will be made by the Street Trading Team after analysing the information put forward by the consultees.

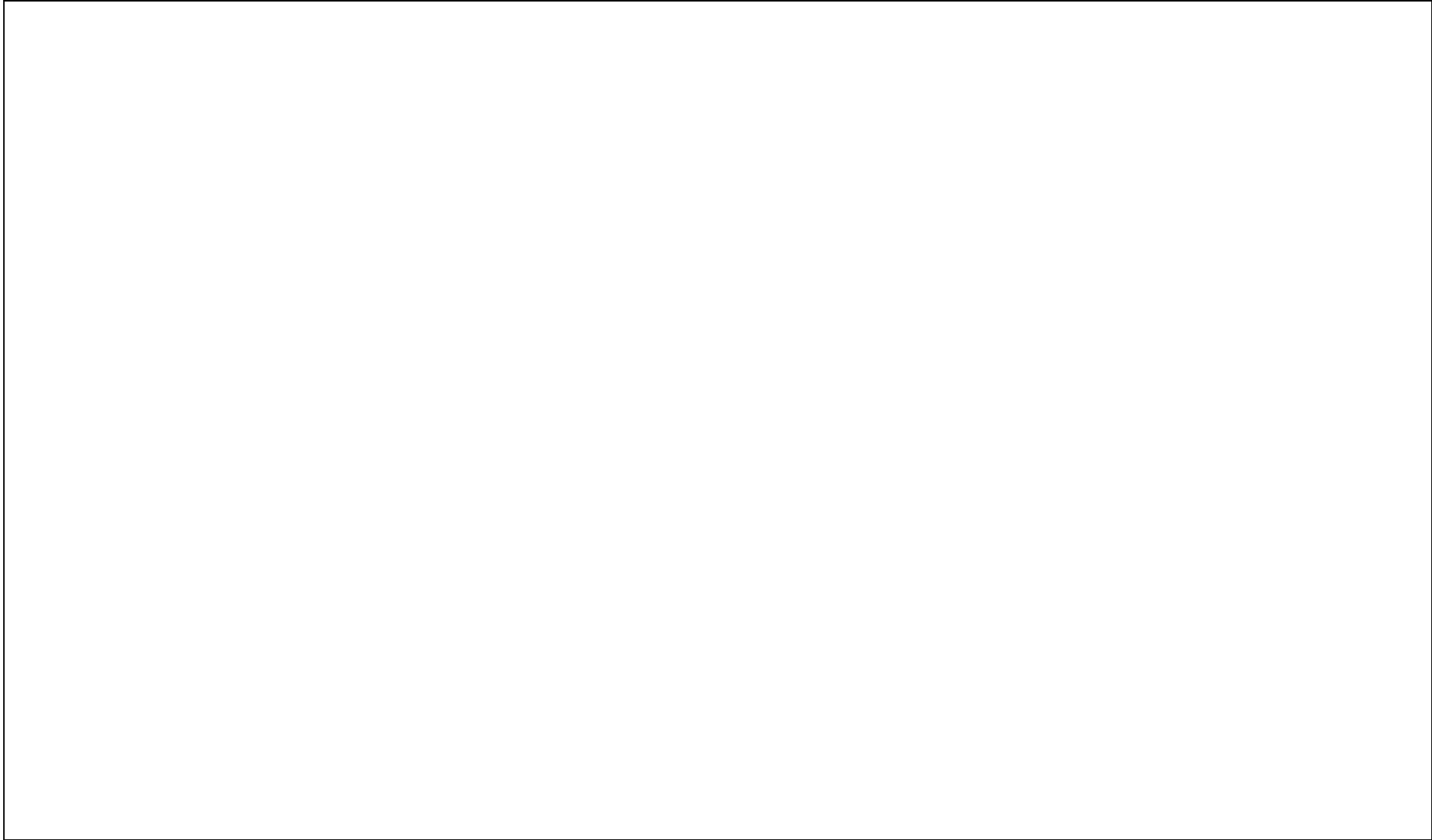
Assessment criteria	Specific factors linked to criteria	Score	Comments (Additional guidance in italics)
1. Public safety	<ul style="list-style-type: none"> Adverse comment made by Highway Authority or any other relevant consultee in terms of location 		
2. Prevention of crime and disorder	<ul style="list-style-type: none"> Adverse comment made by Police or any other relevant consultee in terms of increased risk 		

3. Prevention of nuisance	<ul style="list-style-type: none"> Consideration of proposed activity and how that may impact on neighbouring residences and businesses 		
4. Suitability of applicant	<ul style="list-style-type: none"> Any adverse unspent convictions Previous history of reliable payment of fees Previous history of compliance with any street trading consent 		<p><i>A poor payment history or a history of noncompliance for any consent previously held with Birmingham Council is likely result in a low score.</i></p> <p><i>If the applicant is in debt in relation to a street trading consent with Birmingham City Council at the time of renewal/new application, then it is likely that the renewal/application will not be granted.</i></p>
5. Suitability of trading unit	<ul style="list-style-type: none"> Compliance with design brief (applicable for consent over 12 weeks in any financial year) Appropriate size for proposed location High quality design Agreed removal of unit after trading All goods, ancillary equipment and stock kept within unit 		<p><i>Where the unit does not comply with the design brief the application is likely to be refused unless the application is for a food unit where some modifications may be considered for technical operation.</i></p> <p><i>The design brief does not apply to occasional consents or annual consent for a duration less than 12 weeks but should still be used as guidance.</i></p>

6. Power	<ul style="list-style-type: none"> • All units to be compatible with being powered by electricity • If generator is proposed for use outside city centre evidence must be provided that no alternative power supply is available and cannot be made available 		
7. Advertising	<ul style="list-style-type: none"> • Advertising only relates to goods on sale • Advertising is not illuminated and is contained in unit • No "A " Boards etc. 		
8. Barriers	<ul style="list-style-type: none"> • These are necessary and appropriate 		<i>Any barriers proposed should not constitute a nuisance or danger under the Highways Act 1980, would not impede the free flow of pedestrians or traffic and would not restrict the pavement so as to inhibit social distancing.</i>
9. Hours of Trading	<p>Trading hours promote:</p> <ol style="list-style-type: none"> 1. Preventing crime, disorder and antisocial behaviour. 2. Avoiding disturbance due to noise, smell or other matter. 3. Protecting public safety. 4. Preventing obstruction of the highway. 		

	5. Having regard to location and operating hours of business activity.		
10.Cumulative impact	<ul style="list-style-type: none"> Except for football trading the trading unit is situated 30m distant from any other trading unit 		<i>It is accepted that this may not be known when new applications are first being made under this policy. All traders will therefore be given a score of 3 where other traders have applied for the same street. As stipulated under section 7 of the policy the applicants awarded the highest score in the assessment framework in a competitive scenario will be chosen and a location identified on that street.</i>
11.Selling the right goods	<ul style="list-style-type: none"> Quality of goods Innovative products Goods do not cause nuisance Goods do not contribute to crime and disorder Goods do not have a negative health impact 		
12.Site assessment	<ul style="list-style-type: none"> Any effect on road safety, either arising from the siting of the pitch or from customers visiting or leaving. Any loss of amenity caused by noise, traffic, smell etc. Existing traffic orders e.g. waiting restrictions. 		<i>It is accepted that this may not be known when new applications are first being made under this policy. All traders will therefore be given a score of 3 As stipulated under section 7 of the policy the applicants awarded the highest score in the assessment framework in a competitive scenario will be chosen and a location identified on that street.</i>

	<ul style="list-style-type: none"> Any potential obstruction of pedestrian, vehicular or disabled access. Any obstruction to the safe passage of pedestrians and wheelchair users. Any nuisance/interruption to pedestrian flow or social distancing The safe access and egress of customers and staff from the pitch and immediate vicinity. Obstruction of entry to or sight lines to the entrance of retail premises or obstruction of display windows of retail premises. Public squares will not be appropriate for annual street trading consents longer than 12 weeks. If land is not HMPE then permission of landowner is required. 		<p><i>The above does not apply to instances where the land is not HMPE and the applicant has the permission of the landowner. If the applicant does not have the permission of the landowner this will lead to the application being refused.</i></p>
Decision/ Additional			



Appendix 6**Street Trading Design Brief for Units****Unit proportions**

The external height of the unit must not exceed 2.6 metres

External size of the units must not exceed 2.3 metres x 4.9 metres

These dimensions do not include the tow bar.

It is recognised that units may not be a uniform shape and uniqueness is supported but will generally only be considered if the unit is within the proportions outlined above and compliant with the other conditions outlined in this design brief.

This design brief gives a maximum size (to accommodate standard food trailers), however applicants are advised to consider the size of trading unit that will be appropriate in the location that they are suggesting.

Special consideration will be given in relation to food units/trailers. Where a food trader can establish that (a) the design brief size requirements would be inadequate for the technical operation of their business which would otherwise be granted a consent and (b) that the location in question can support a larger unit, then the council will be willing to consider some modifications of the design size requirements.

Unit design

Units must be of a high quality, bespoke design that complements and enhances its surrounding environment. The proposed unit design must be agreed by Birmingham City Council.

(It is suggested traders do not purchase a unit until the proposed design has been agreed by Birmingham City Council).

Colour

The colour of the unit must be approved by Birmingham City Council. Consideration will be given to the proposed location of the unit and how the colour will help the unit enhance its surroundings.

Signage

Signage must be painted (or attached via vinyl sticker) onto the trailer / stall. No other signage can be utilised by traders (such as hanging, floor sited A boards, etc)

Signage must be in no more than two colours.

Graphics or logos must be no more than three colours of which one is the same as the signage colour and not cover more than 1/3rd of an elevation. Graphics must directly relate to the business.

Temporary signage or product pictures are not permitted on any elevation and must be contained on the product/menu board or within the trading unit.

Product/menu boards must be sited internally or on shutters.

All signage designs must be approved by the Birmingham City Council as part of the street trading consent application process.

Siting of stock & trading area

Goods cannot be displayed outside the areas of the unit e.g. via build-outs, externally hung on the unit, sited on the public realm around the unit, or by any other means. All produce / stock must be located and displayed within the unit.

Goods cannot be displayed directly on the ground and must be presented from a product specific display unit (e.g. tiered shelving for flowers)

The unit should aim to have at least 3 opening or glazed elevations.

Subject to above, signage can be used to help enhance blank elevations.

Canopies

No goods can be hung or displayed on or from the canopy.

Canopies should only be located on the serving or opening side of the unit, for shading purposes only.

Canopies should not project any more than 1m from the unit.

The colour of canopies must complement or be the same, as the unit colour. The design and appearance of the canopy will be approved by BCC as part of the wider unit design.

Waste

Commercial waste must be stored within the stall / trailer.

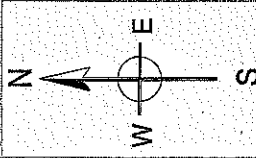
Food stalls should aim to have a public waste bin sited next to the unit. This should be black and managed by the trader with waste removal forming part of the trader's commercial waste contract. The need for such a waste receptacle will be considered on a case by case basis acknowledging that there may be instances where the provision of a waste receptacle will be required.

Lighting

The unit must not have external lighting.

Drawing : 6856

BIRMINGHAM CITY MARKETS



Birmingham market boundary 6 2/3 miles radius,
centred on St Martins Church.

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BIRMINGHAM CITY COUNCIL

STREET TRADING

DISCIPLINARY PROCESS

All Street Trading Consent Holders must comply with the Conditions attached to their Street Trading Consent.

Should a Consent Holder breach the conditions, the following process will be applied.

FIRST OFFENCE

The Consent Holder will be verbally warned on site by an “Authorised Officer” and a formal verbal warning will be issued in writing and placed on the traders file.

SECOND OFFENCE

Should the Consent Holder commit a further breach of the conditions within **six months** of the second offence, a formal written warning will be issued and placed on the traders file.

THIRD OFFENCE

Should a Consent Holder commit a further breach within **twelve months** of the third offence, the Consent Holder will be asked for a written submission relating to the breaches. A senior authorised officer will review the consent with a potential outcome being revocation.

In addition, should a consent holder commit a significant breach of the conditions so as to be considered as serious misconduct or such as to impact significantly on the following:

- **Public Safety**
- **Prevention of crime and disorder**
- **Prevention of public nuisance**

Then immediate suspension of the consent will occur which will trigger a review of the consent by a senior officer with a potential outcome being revocation. Written submissions for both the Street Trading Team and the consent holder will be sought prior to a decision being made.

Where circumstances change or there are serious concerns regarding a consent, officers will compile a report for consideration by a senior officer. A copy of this report will be provided to the consent holder in advance of its consideration in order that they are able to provide any explanation or justification to support their position within a reasonable time.(14 days) The matter will be determined after the 14 days

whether a response has been received or not. The senior officer will consider all evidence and make the decision whether to revoke the consent.

Where a consent is revoked the Council will advise the applicant verbally and confirm the reasons for this in writing within 10 working days.

Appeal against revocation

There is no statutory right of appeal against a decision to revoke a consent however an appeal may be made to the Head of Licensing within 5 working days of the written revocation. A panel of two independent senior officers will review the decision to revoke the consent. After considering the original evidence (new evidence or material will not be permitted) the panel will make a decision in writing on whether to uphold the appeal (with or without conditions) or not to uphold the appeal.

The appeal process is:

- Senior officer will write to the trader informing him/her that the consent is revoked and give details for this outcome and how to appeal.
- Panel of two senior officers of Birmingham City Council (not connected with making any decision to revoke the consent)
- Panel to consider original report from the Street Trading Team, original evidence submitted by the trader, and the revocation letter from the senior officer.
- Panel to defer decision making if further evidence required from officers or trader
- Panel to determine whether the appeal is upheld or not
- Panel to write to trader detailing final decision.

BIRMINGHAM CITY COUNCIL

STREET TRADING CONDITIONS

These Conditions are intended to assist in the operational effectiveness of Street Trading, to ensure equity in relationship to the traders and to support the City Council's intention to provide a high-quality service.

All Street Trading Consent Holders shall comply with these Conditions. Where applicable, employees shall also comply with these Conditions.

In these conditions, the following terms have the meaning hereby assigned:

'Council'	means Birmingham City Council
'Division'	means the Council's Regulation and Enforcement Division
Street Trading	the selling or exposing or offering for sale any article (including a living thing) in a street
Street	a) any road, footway, beach or other area to which the public have access without payment; and b) a service area as defined in section 329 of the Highways Act 1980
'Consent Holder'	means a Street Trader who has been granted a Consent by the Division to trade on the street
'Consent'	means a Consent granted by the Division in respect of street trading
'Employee'	means a person working for a Street Trading Consent Holder
'Authorised Officer'	an Officer employed by Birmingham City Council and authorised by the Assistant Director of Regulation and Enforcement in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1982
'Senior Officer'	means an Operational Manager within the Division
'Serious Misconduct'	Includes, but is not limited to any of the following: Sexist, racist, foul or abusive language Acts of dishonesty Acts of indecency Any act causing or likely to be dangerous or cause personal injury to a person

General Conditions

Consent Details

1. A copy of the consent must be displayed prominently on the unit at the street trading site and the trader or his employees shall produce it whenever required by any Police Officer, Market Officer or other person authorised by the Council.
2. The consent holder shall not trade outside the time and days permitted by the consent and trading shall only take place from the agreed specified trading unit.
3. The consent holder shall not trade within the consent area other than at the location permitted by the consent.
4. The consent holder shall trade in compliance with the consent and must not digress e.g. affixing barriers or advertising etc. that has not been specified in the consent.
5. The consent holder will comply with all statutory orders, regulations or bye laws made and for the time being in force.
6. The consent holder and their employees shall comply with all statutory requirements and statutory instruments including without limitation the Control of Substances Hazardous to Health Regulations 2002 and the Health and Safety at Work Act 1974 in relation to the sale of goods or provision of services from their unit.
7. The goods, articles or things, the sale of which is authorised by this consent, are strictly limited to those specified, unless written approval to amend has been given by Birmingham City Council.
8. The trading unit must be of the size and design approved by the Council and/or specified in the consent. Written approval to change the specified sales unit must be obtained from Birmingham City Council.
9. The consent holder shall not at any time lend, or purport to transfer or assign this licence to, or permit it to be used, by any other person except that he/she may employ any other approved person to assist him/her in trading without a further consent being required. Birmingham City Council must be notified of all employees/persons authorised to assist prior to them working.
10. All consent holders and their employees shall register their names and current addresses with the Division in accordance with the requirements outlined on the Division's application form and give written notice to the Division immediately of any changes in such details.
11. All consent holders shall ensure that all their employees comply fully with the Conditions as disciplinary action may be taken against any consent holder or their employees for any breaches of the Conditions. Consent holders are under a duty to bring the Conditions to the attention of their employees.
12. The consent holder may employ another person to 'assist' with trading but shall be expected to be in attendance at the site regularly in order to remain in control of trading for the majority of trading hours.

13. The consent may be revoked by the council at any time for non-compliance with conditions or any other reasonable cause or surrendered by the consent holder at any time.
14. Nothing in these conditions shall excuse the consent holder from any legal duty or liability and the consent holder shall indemnify the council in respect of all claims, actions or demands arising from the consent except where due to the Council's own negligence.
15. The consent holder shall always maintain a valid third-party public liability insurance policy to the value of £5,000,000 and shall produce a valid certificate of insurance at any time.
16. The consent holder and any employees must notify the Council in writing within two working days of any change of address, any changes, police investigations and/or convictions or cautions which arise during the terms of the consent. The Council reserves the right to suspend a consent with immediate effect pending a review of the consent by the Head of Licensing or another senior authorised officer should any criminal matter serious enough that there are concerns for public safety.
17. The fees for the consent must be paid on or before the due date for payment as specified by the Council and by one of the methods stipulated by the Council on the invoice.
18. Should the trader wish to surrender their consent, they must do so formally in writing, returning their consent. Failure to do so will result in consent fees remaining payable.
19. Notwithstanding the details of a consent, when a pitch becomes temporarily unsuitable for any reason, the consent holder will agree to relocate to an alternative street trading pitch for the period of the temporary restriction.

General Conduct

20. The consent holder must not sell or leave any articles/goods outside of the agreed trading dimensions of the trading unit. No goods shall be hung from canopies or be placed on the ground.
21. The consent holder shall not trade in such a way that is likely to cause obstruction of any part of any street or public place.
22. The consent holder shall not trade in such a way that is likely to cause an injury to any person using the street or place.
23. The consent holder shall not trade in such a way that is likely to cause damage to any property in the street or place.
24. The consent holder shall not trade in such a way that is likely to cause a nuisance or annoyance to persons using the street or public place, or to occupiers of premises in the vicinity.
25. The consent holder shall be clean in his person and shall not exhibit insobriety, incivility, improper language or other misconduct.

26. Serious misconduct will result in an immediate suspension of the consent to enable a review to take place by the Head of Licensing or other senior authorised officer potentially leading to revocation.
27. If requested to move for any reason the consent holder shall comply the reasonable instructions of any authorised Birmingham City Council Officer or West Midlands Police Officer.
28. The consent holder agrees to abide by the disciplinary procedure as approved by the Division.
29. Where more than one mobile ice cream trader has been granted a mobile street trading consent to trade in the same street, then any such ice cream trader on entering a street where an ice cream trader is already trading shall immediately leave that street without trading in it.

Protection of Young People

30. Street trading will not normally be authorised within 50 metres of any entrance or exit to a school or nursery. (The distance from the entrance to a school or nursery may be extended where issues of public safety are raised during the consultation of the application).
31. No child aged 16 or below shall be engaged in or employed to undertake any street trading under a consent issued by the Council.

Noise Nuisance

32. The consent holder shall not use any device for the reproduction or amplification of sound; or any device or instrument to attract vendors to the stall/vehicle/trailer by sound. Ice cream vans may use a chime only in accordance with the Code of Practice on Noise from Ice Cream Van Chimes etc. 1982.

Vehicle/Unit Compliance

33. Any vehicle/unit/trailer used by the consent holder in the course of trading shall be constructed and maintained to the satisfaction of the Council and as stipulated by the consent and design brief. A high standard of presentation and appearance will be expected to be maintained.
34. Any replacement or new units must be approved by the Council prior to being purchased or its building being commissioned.
35. The unit will comply in all respects with any legal requirements relating to the activity proposed
36. The unit shall be of a high-quality design, with robust construction and materials that the daily removal will not result in the rapid deterioration in appearance of the unit.

37. The quality and appearance of the unit must be maintained at the standard approved in the original consent.
38. The unit will be of a mobile type and must be removed daily after trading has ceased unless authorised by the Division. It must not cause damage to the street or endanger persons using the street.

Health & Safety

39. The use and storage of LPG will comply with the requirements of the Health and Safety at Work etc. Act 1974 and any Fire Authority requirements.
40. Where any LPG or electricity is used then suitable fire extinguishers must be provided and maintained in a satisfactory condition.
41. The consent holder will not be permitted to erect additional awnings, tents or other structures at the site without permission.
42. The consent holder shall be responsible for any damage to the highway resulting from the trading activity.
43. The consent holder shall not keep or store explosive materials and inflammable liquids on their trading units, other than gas cylinders in compliance with current legislation.
44. The consent holder shall comply with all Traffic Regulation Orders and ensure that vehicles used in respect of their stalls are moved from the trading site immediately they are unloaded or at the request of any authorised Officer.

Advertisements / Signage

45. Advertisements must not be placed outside the perimeter of the trading site or affixed to any street furniture - e.g. lamp posts, road signs, fences, bollards.
46. Advertising should only relate to goods offered for sale on that pitch.
47. Illumination of advertisements on the outside of the unit not permitted.
48. The use of 'A' boards and any other display board/structures are prohibited.

Waste Management

49. The consent holders shall provide and maintain adequate refuse receptacles for litter and shall remove all litter in the trading vicinity; suitable arrangements must be in place for the disposal of commercial waste.
50. The consent holder must prevent the deposit in any street of solid or liquid refuse and shall not discharge any water (except as may be necessary for cleansing) to the street surface or to the surface water drains. The surrounding area shall be kept clean and tidy including the necessary washing of street surfaces.

Additional Requirements for Food Operations

51. The consent holder must maintain a Food Hygiene Rating Scheme score of 4 or 5.
The hygiene rating must be displayed prominently on the stall, trailer, or vehicle.

PLEASE NOTE:

Failure to comply with these conditions may result in enforcement action, leading to this street trading consent being revoked or an application to renew being refused.

The council reserve the right to amend these standard conditions at any time.

The Council may attach any further reasonable conditions to this consent which it appears appropriate to meet particular circumstances.

This consent and any associated documents must be surrendered to the Council if the consent holder wishes to cease trading.

Any person who engages in street trading in a designated consent street unless authorised by the Council under the provisions of Schedule 4, Local Government (Miscellaneous Provisions) Act 1982 commits an offence and is liable, on conviction, to a fine not exceeding £1000 per offence i.e. for each day of trading without consent.



Consultation on Birmingham City Council's Proposed Street Trading Policy 2020: Summary report

This report was created on Tuesday 25 February 2020 at 13:51.

The consultation ran from 16/12/2019 to 23/02/2020.

Contents

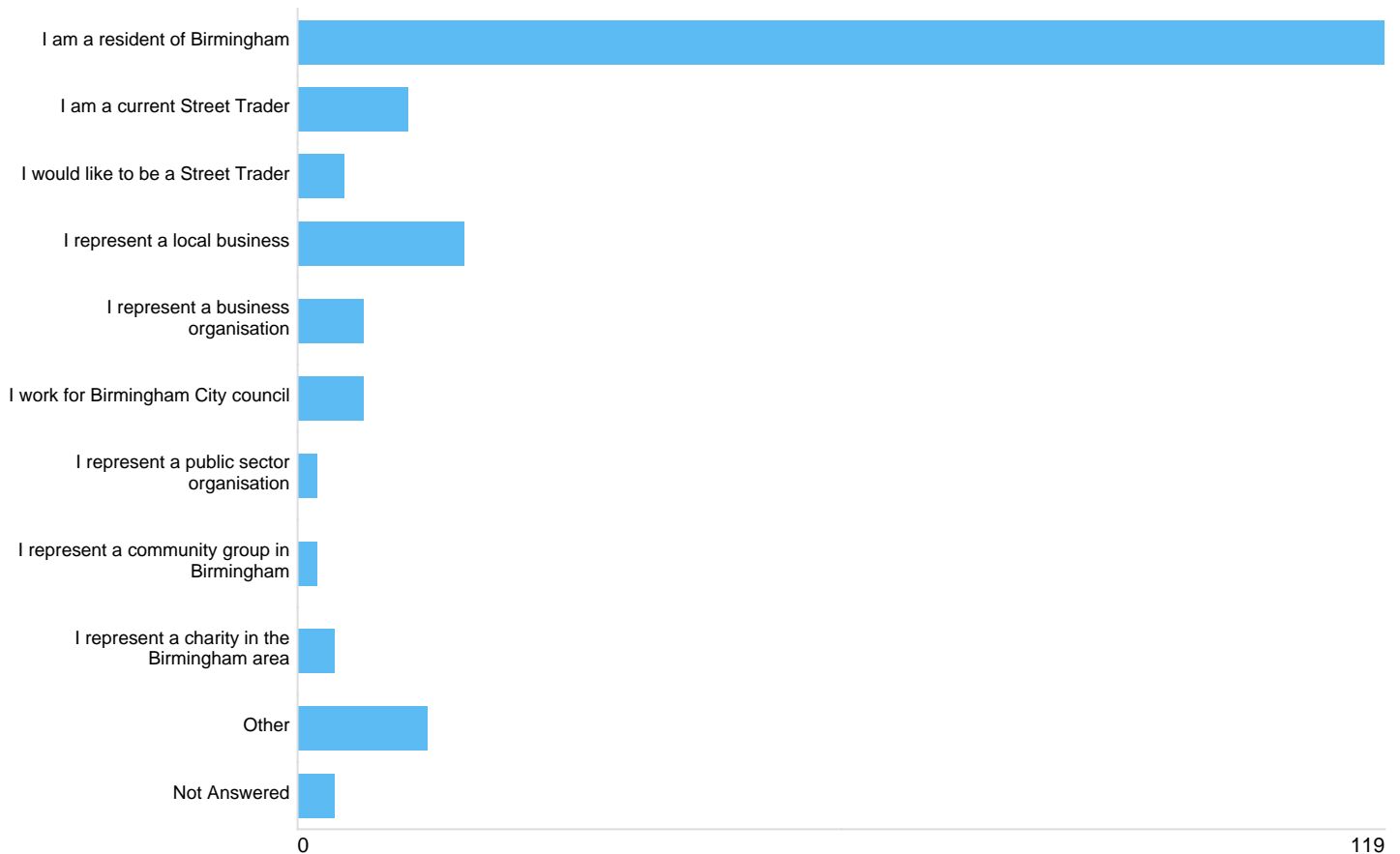
Question 1: Firstly which of the following are you (or the person you are completing this on behalf of)?	2
Which area you	2
Who are you - Other	3
Question 2: To what extent do you agree or disagree with the introduction of prohibited streets on current red routes, current metro routes and approved metro extension routes?	3
prohibited streets	3
Question 3: What are your reasons for disagreeing with the introduction of prohibited streets on current red routes, current metro routes and approved metro extension routes?	3
types of street Disagree	3
Question 4: To what extent do you agree or disagree with the introduction of annual, occasional and mobile consents?	4
street trading consent	4
Question 5: What are your reasons for disagreeing with the introduction of annual, occasional and mobile consents?	4
Trading consent disagree	4
Question 6: To what extent do you agree or disagree that following resolution of the policy that a 6 week window should be opened to enable all interested traders to apply for a consent and that those applications should be considered at the same time against the aim of the policy and the consent considerations?	4
Implementing Policy	4
Question 7: What are your reasons for disagreeing that following resolution of the policy that a 6 week window should be opened to enable all interested traders to apply for a consent and that those applications should be considered at the same time against the aim of the policy and the consent considerations?	5
Implementing Policy Disagree	5
Question 8: To what extent do you agree or disagree with the listed key considerations?	5
Considerations	5
Question 9: What are your reasons for disagreeing with the listed key considerations?	5
Key considerations Disagree	5
Question 10: Are you a food business operator?	5
Food business	5
Question 11: To what extent do you agree or disagree that food street trading businesses should maintain a Food Hygiene Rating of four or five?	6
food hygiene	6
Question 12: What are your reasons for disagreeing that food street trading businesses should maintain a Food Hygiene Rating of four or five?	6
Food Hygiene Disagree	6
Question 13: To what extent do you agree or disagree that Birmingham City Council should introduce a Street Trading Policy that complements the current city infrastructure and enhances the retail offer in Birmingham?	6
Street Trading Policy	6
Question 14: What are your reasons for disagreeing that Birmingham City Council should introduce a Street Trading Policy that complements the current city infrastructure and enhances the retail offer in Birmingham?	7
Street Trading Policy Disagree	7
Question 15: If you have any other comments you would like to make about the Draft Street Trading Policy 2020 that have not already been covered please add them below?	7
Further Comments	7
Question 16: Age: Which age group applies to you?	8
Age	8
Question 17: Sex/Gender: What is your sex?	9
gender	9
Question 18: Ethnicity: What is your ethnic group?	10
Ethnicity White	10
Ethnicity Other White	10
Ethnicity Mixed/Multiple	10
Ethnicity Other Mixed/multiple	10



Ethnicity Asian/Asian British	11
Ethnicity Asian/Asian British Other	11
Ethnicity Black/African/Caribbean/Black British	11
Ethnicity Black African/Caribbean/Black British Other	11
Ethnicity Other Ethnic Group	12
Ethnicity Other ethnic group - Other	12
Ethnicity - prefer not to say	12
Question 19: Sexual Orientation: What is your Sexual Orientation?	12
Sexual Orientation	12
Question 20: Disability: Do you have any physical or mental health conditions or illnesses lasting or expected to last for 12 months or more?	13
Physical or mental health conditions	13
disabilities	14
If other, please specify	14
Question 21: Do you have caring responsibilities? (If yes, please tick all that apply)	15
carer	15

Question 1: Firstly which of the following are you (or the person you are completing this on behalf of)?

Which area you



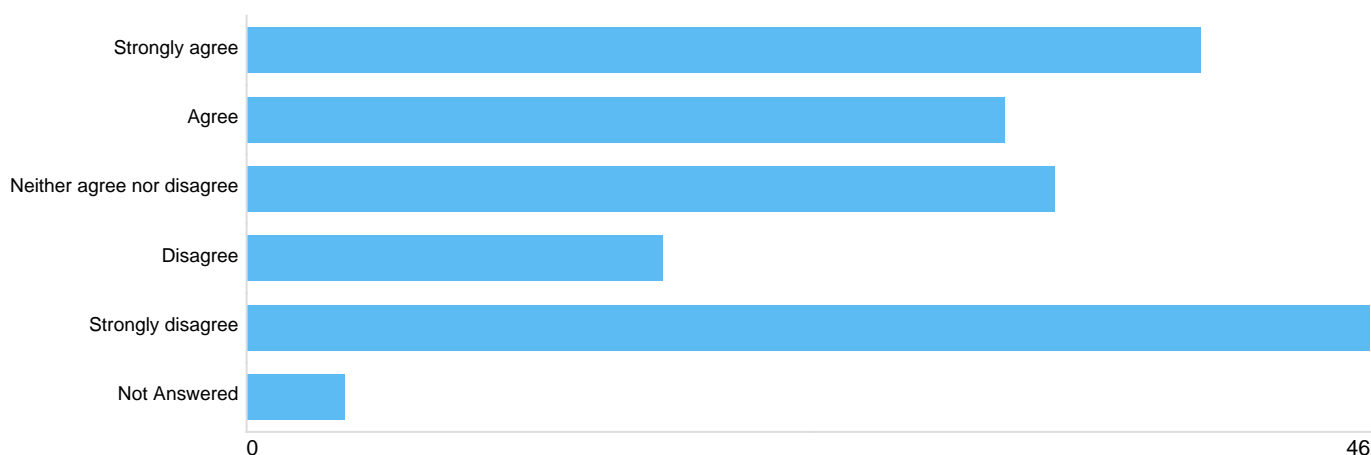
Option	Total	Percent
I am a resident of Birmingham	119	70.00%
I am a current Street Trader	12	7.06%
I would like to be a Street Trader	5	2.94%
I represent a local business	18	10.59%
I represent a business organisation	7	4.12%
I work for Birmingham City council	7	4.12%
I represent a public sector organisation	2	1.18%
I represent a community group in Birmingham	2	1.18%
I represent a charity in the Birmingham area	4	2.35%
Other	14	8.24%
Not Answered	4	2.35%

Who are you - Other

There were 15 responses to this part of the question.

Question 2: To what extent do you agree or disagree with the introduction of prohibited streets on current red routes, current metro routes and approved metro extension routes?

prohibited streets



Option	Total	Percent
Strongly agree	39	22.94%
Agree	31	18.24%
Neither agree nor disagree	33	19.41%
Disagree	17	10.00%
Strongly disagree	46	27.06%
Not Answered	4	2.35%

Question 3: What are your reasons for disagreeing with the introduction of prohibited streets on current red routes, current metro routes and approved metro extension routes?

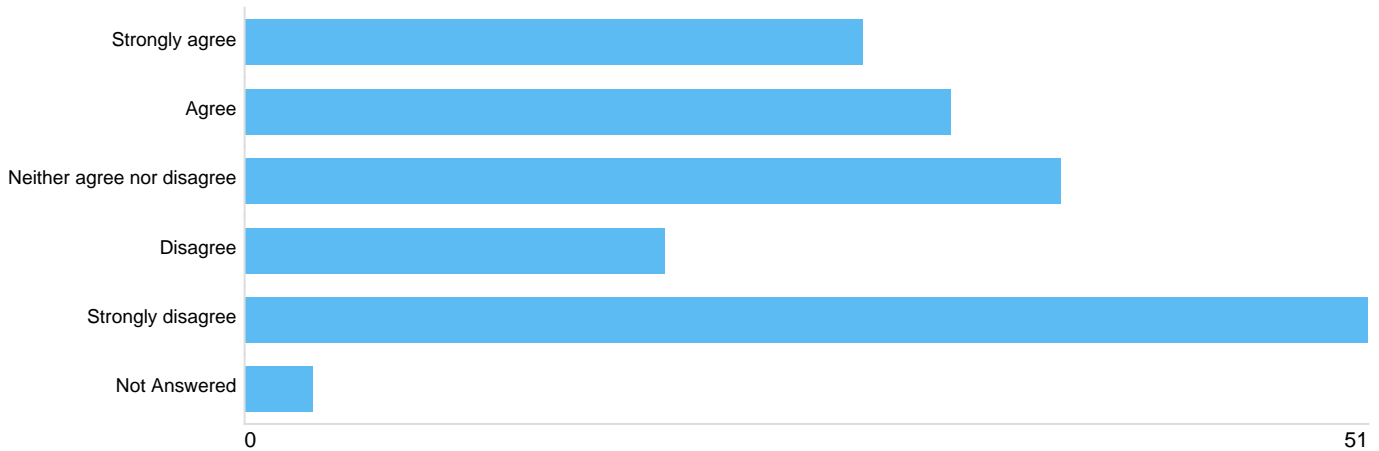
types of street Disagree

There were 56 responses to this part of the question.



Question 4: To what extent do you agree or disagree with the introduction of annual, occasional and mobile consents?

street trading consent



Option	Total	Percent
Strongly agree	28	16.47%
Agree	32	18.82%
Neither agree nor disagree	37	21.76%
Disagree	19	11.18%
Strongly disagree	51	30.00%
Not Answered	3	1.76%

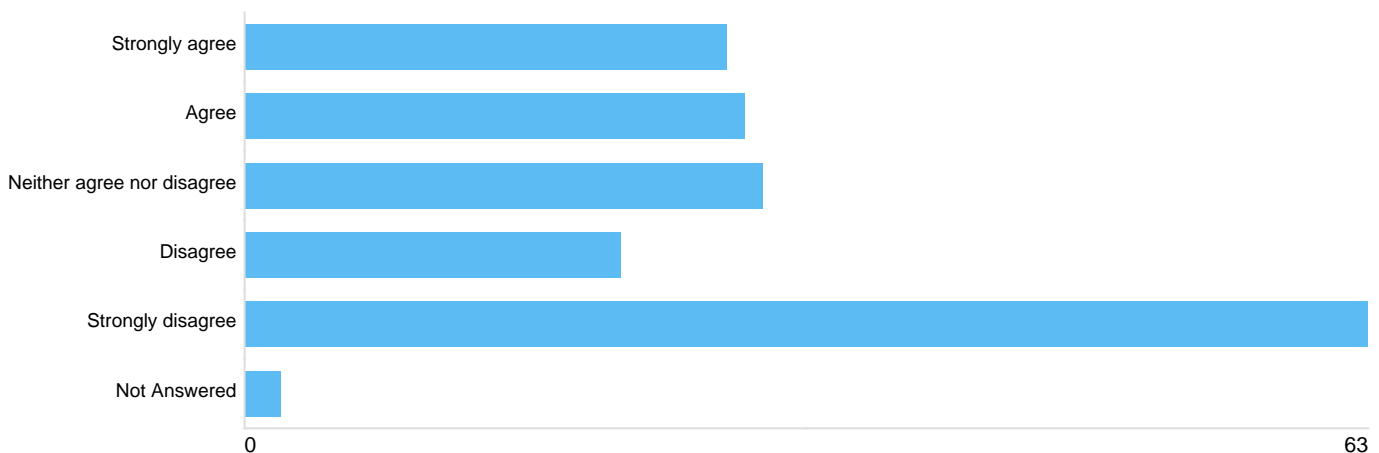
Question 5: What are your reasons for disagreeing with the introduction of annual, occasional and mobile consents?

Trading consent disagree

There were **55** responses to this part of the question.

Question 6: To what extent do you agree or disagree that following resolution of the policy that a 6 week window should be opened to enable all interested traders to apply for a consent and that those applications should be considered at the same time against the aim of the policy and the consent considerations?

Implementing Policy



Option	Total	Percent
Strongly agree	27	15.88%
Agree	28	16.47%
Neither agree nor disagree	29	17.06%
Disagree	21	12.35%
Strongly disagree	63	37.06%
Not Answered	2	1.18%

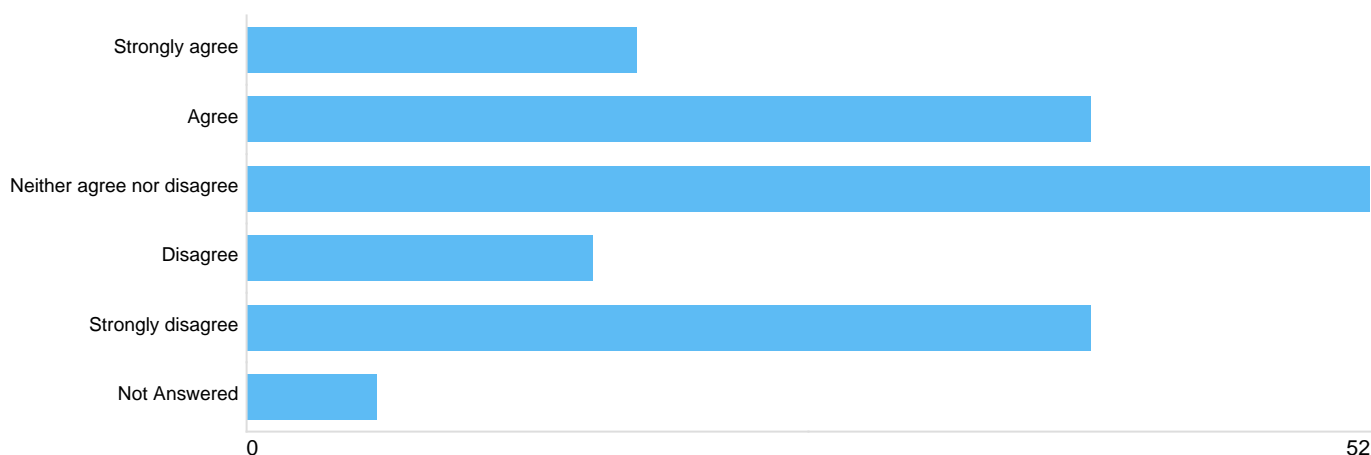
Question 7: What are your reasons for disagreeing that following resolution of the policy that a 6 week window should be opened to enable all interested traders to apply for a consent and that those applications should be considered at the same time against the aim of the policy and the consent considerations?

Implementing Policy Disagree

There were **68** responses to this part of the question.

Question 8: To what extent do you agree or disagree with the listed key considerations?

Considerations



Option	Total	Percent
Strongly agree	18	10.59%
Agree	39	22.94%
Neither agree nor disagree	52	30.59%
Disagree	16	9.41%
Strongly disagree	39	22.94%
Not Answered	6	3.53%

Question 9: What are your reasons for disagreeing with the listed key considerations?

Key considerations Disagree

There were **35** responses to this part of the question.

Question 10: Are you a food business operator?

Food business

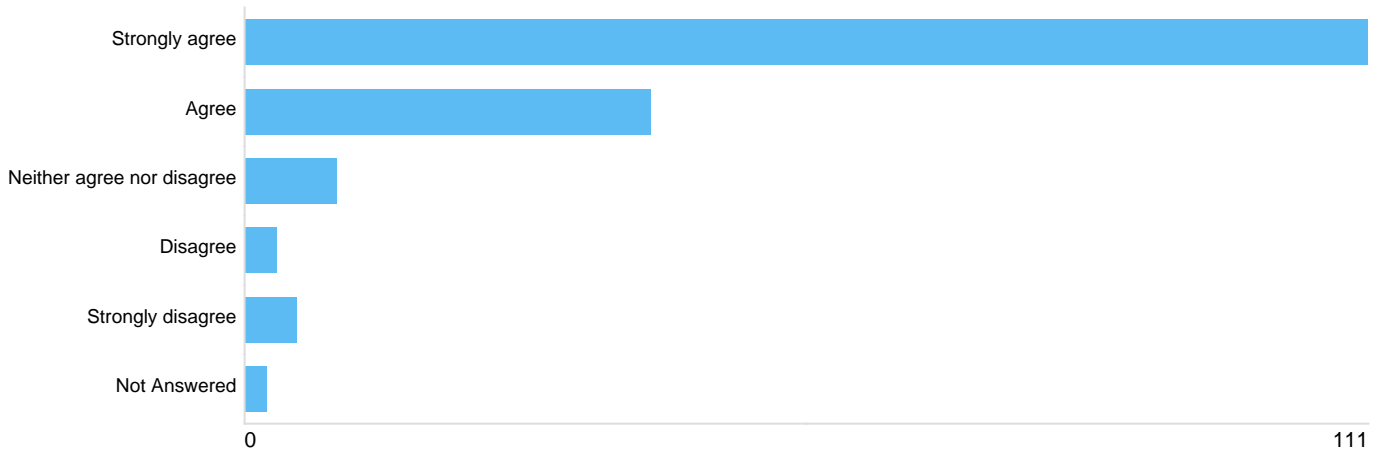




Option	Total	Percent
Yes	22	12.94%
No	144	84.71%
Not Answered	4	2.35%

Question 11: To what extent do you agree or disagree that food street trading businesses should maintain a Food Hygiene Rating of four or five?

food hygiene



Option	Total	Percent
Strongly agree	111	65.29%
Agree	40	23.53%
Neither agree nor disagree	9	5.29%
Disagree	3	1.76%
Strongly disagree	5	2.94%
Not Answered	2	1.18%

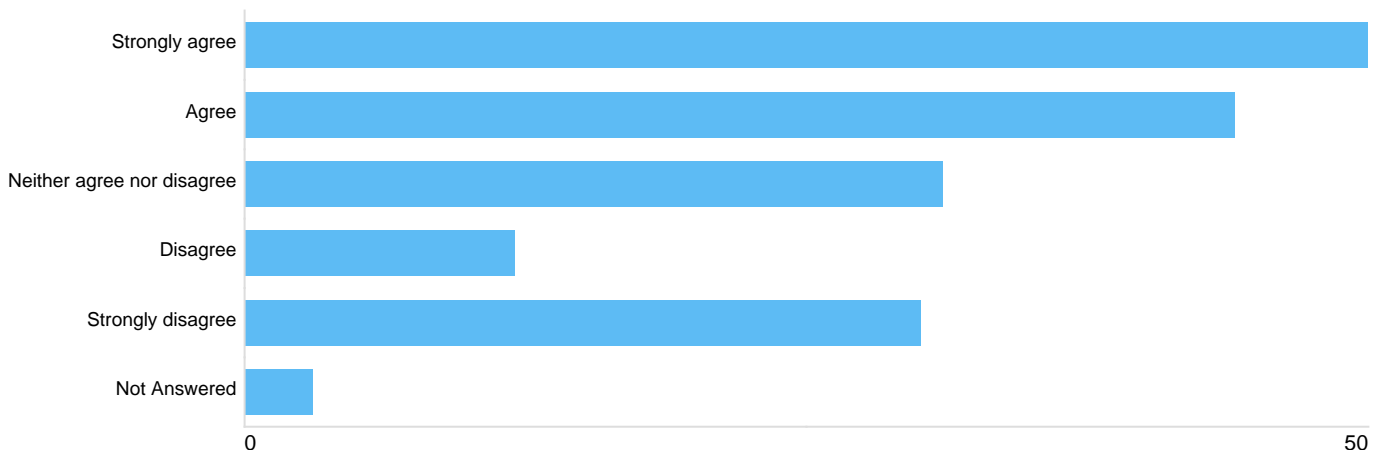
Question 12: What are your reasons for disagreeing that food street trading businesses should maintain a Food Hygiene Rating of four or five?

Food Hygiene Disagree

There were 6 responses to this part of the question.

Question 13: To what extent do you agree or disagree that Birmingham City Council should introduce a Street Trading Policy that complements the current city infrastructure and enhances the retail offer in Birmingham?

Street Trading Policy





Option	Total	Percent
Strongly agree	50	29.41%
Agree	44	25.88%
Neither agree nor disagree	31	18.24%
Disagree	12	7.06%
Strongly disagree	30	17.65%
Not Answered	3	1.76%

Question 14: What are your reasons for disagreeing that Birmingham City Council should introduce a Street Trading Policy that complements the current city infrastructure and enhances the retail offer in Birmingham?

Street Trading Policy Disagree

There were **34** responses to this part of the question.

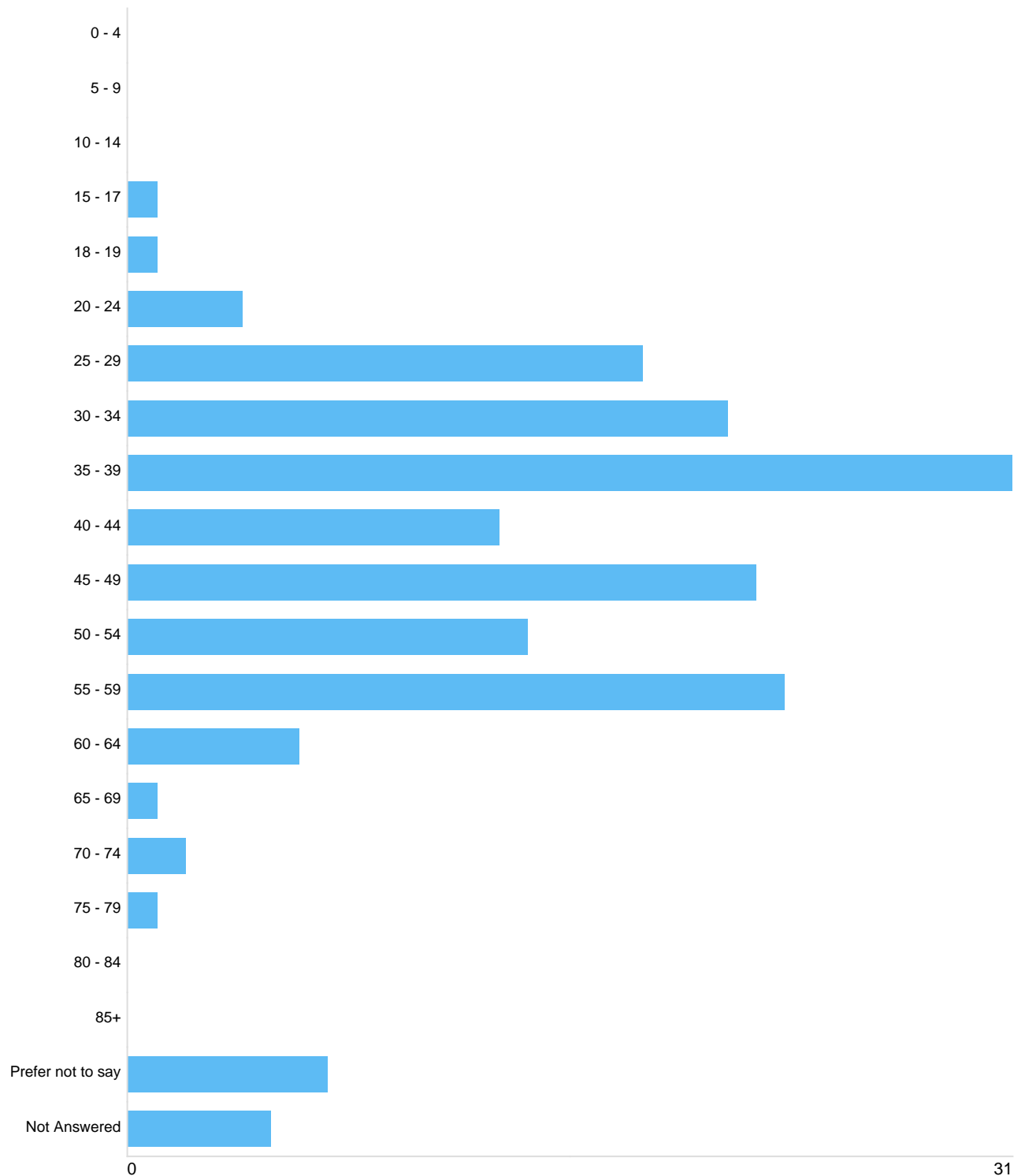
Question 15: If you have any other comments you would like to make about the Draft Street Trading Policy 2020 that have not already been covered please add them below?

Further Comments

There were **76** responses to this part of the question.

Question 16: Age: Which age group applies to you?

Age

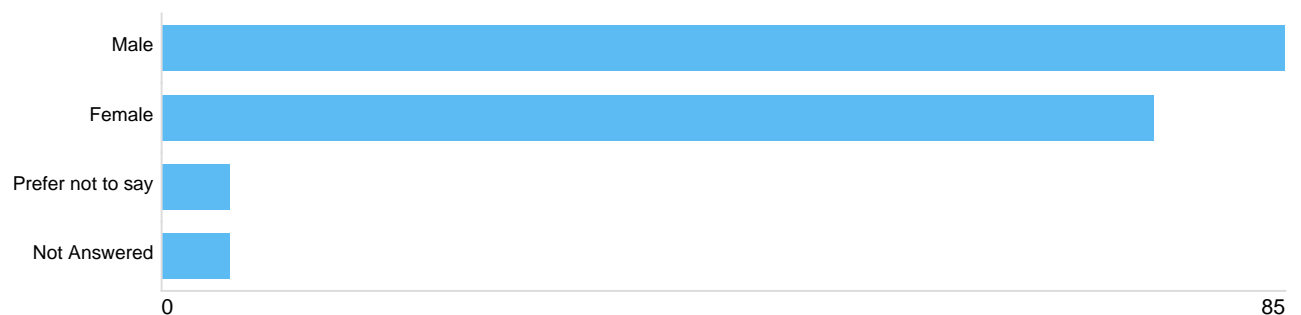




Option	Total	Percent
0 - 4	0	0%
5 - 9	0	0%
10 - 14	0	0%
15 - 17	1	0.59%
18 - 19	1	0.59%
20 - 24	4	2.35%
25 - 29	18	10.59%
30 - 34	21	12.35%
35 - 39	31	18.24%
40 - 44	13	7.65%
45 - 49	22	12.94%
50 - 54	14	8.24%
55 - 59	23	13.53%
60 - 64	6	3.53%
65 - 69	1	0.59%
70 - 74	2	1.18%
75 - 79	1	0.59%
80 - 84	0	0%
85+	0	0%
Prefer not to say	7	4.12%
Not Answered	5	2.94%

Question 17: Sex/Gender: What is your sex?

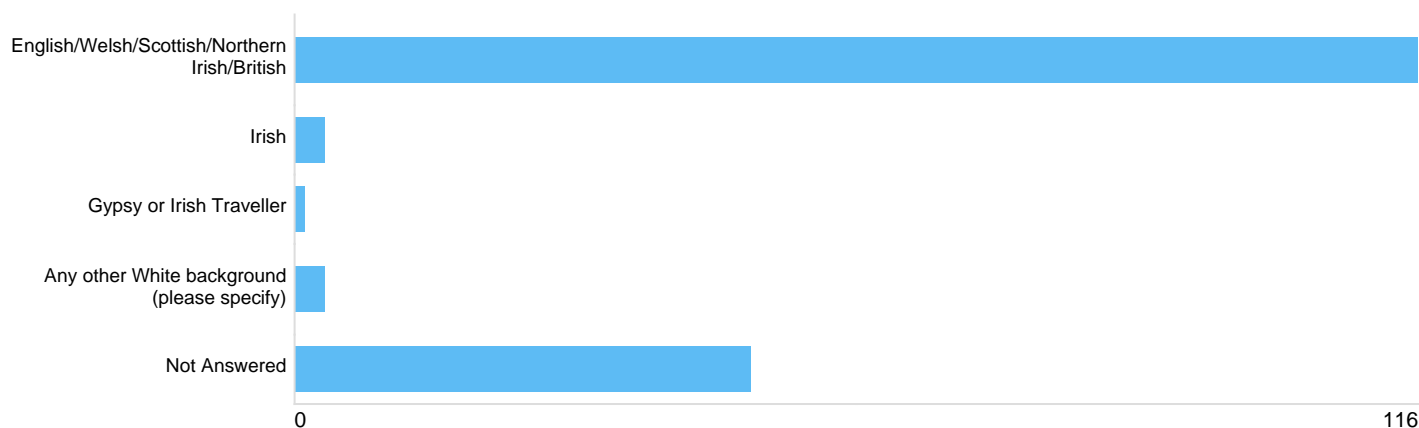
gender



Option	Total	Percent
Male	85	50.00%
Female	75	44.12%
Prefer not to say	5	2.94%
Not Answered	5	2.94%

Question 18: Ethnicity: What is your ethnic group?

Ethnicity White

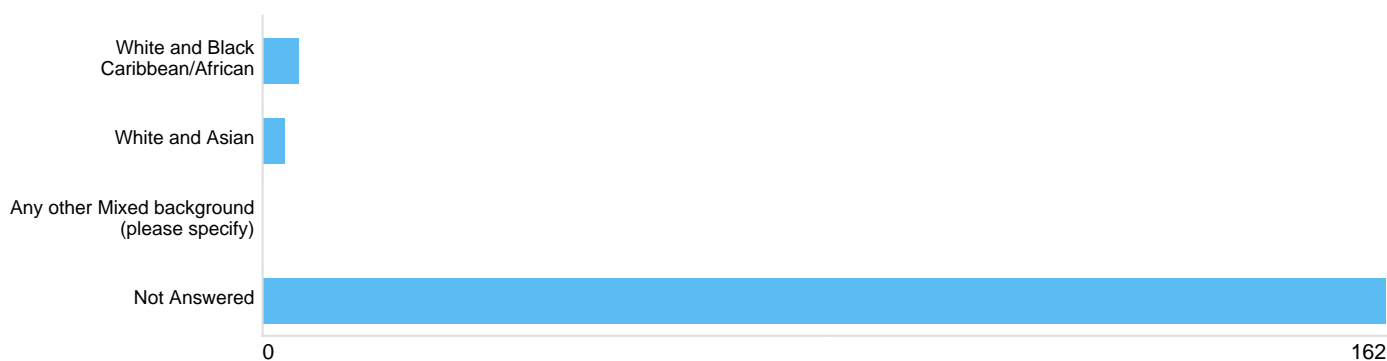


Option	Total	Percent
English/Welsh/Scottish/Northern Irish/British	116	68.24%
Irish	3	1.76%
Gypsy or Irish Traveller	1	0.59%
Any other White background (please specify)	3	1.76%
Not Answered	47	27.65%

Ethnicity Other White

There were 8 responses to this part of the question.

Ethnicity Mixed/Multiple



Option	Total	Percent
White and Black Caribbean/African	5	2.94%
White and Asian	3	1.76%
Any other Mixed background (please specify)	0	0%
Not Answered	162	95.29%

Ethnicity Other Mixed/multiple

There was 1 response to this part of the question.

**Ethnicity Asian/Asian British**

Option	Total	Percent
Indian	30	17.65%
Pakistani	1	0.59%
Kashmiri	0	0%
Bangladeshi	1	0.59%
Chinese	0	0%
Any other Asian background (please specify)	1	0.59%
Not Answered	137	80.59%

Ethnicity Asian/Asian British Other

There was 1 response to this part of the question.

Ethnicity Black/African/Caribbean/Black British

Option	Total	Percent
African	0	0%
Caribbean	0	0%
Any other Black/African/Caribbean background (please specify)	0	0%
Not Answered	170	100.00%

Ethnicity Black African/Caribbean/Black British Other

There were 0 responses to this part of the question.

Ethnicity Other Ethnic Group



Option	Total	Percent
Arab	1	0.59%
Any other ethnic group (please specify)	0	0%
Not Answered	169	99.41%

Ethnicity Other ethnic group - Other

There were 0 responses to this part of the question.

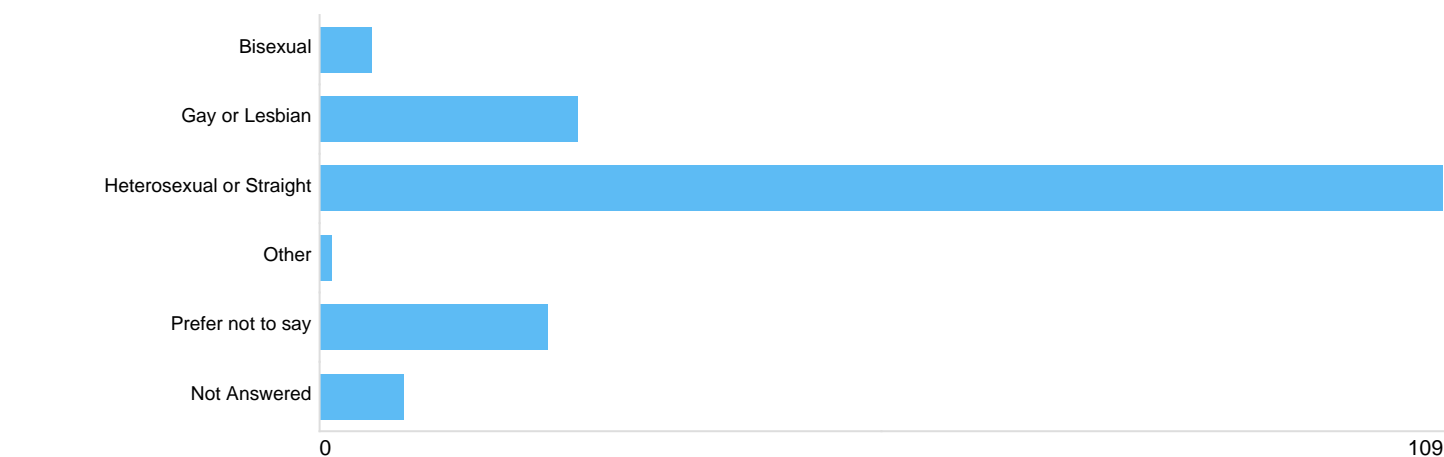
Ethnicity - prefer not to say



Option	Total	Percent
Prefer not to say	8	4.71%
Not Answered	162	95.29%

Question 19: Sexual Orientation: What is your Sexual Orientation?

Sexual Orientation



Option	Total	Percent
Bisexual	5	2.94%
Gay or Lesbian	25	14.71%
Heterosexual or Straight	109	64.12%
Other	1	0.59%
Prefer not to say	22	12.94%
Not Answered	8	4.71%

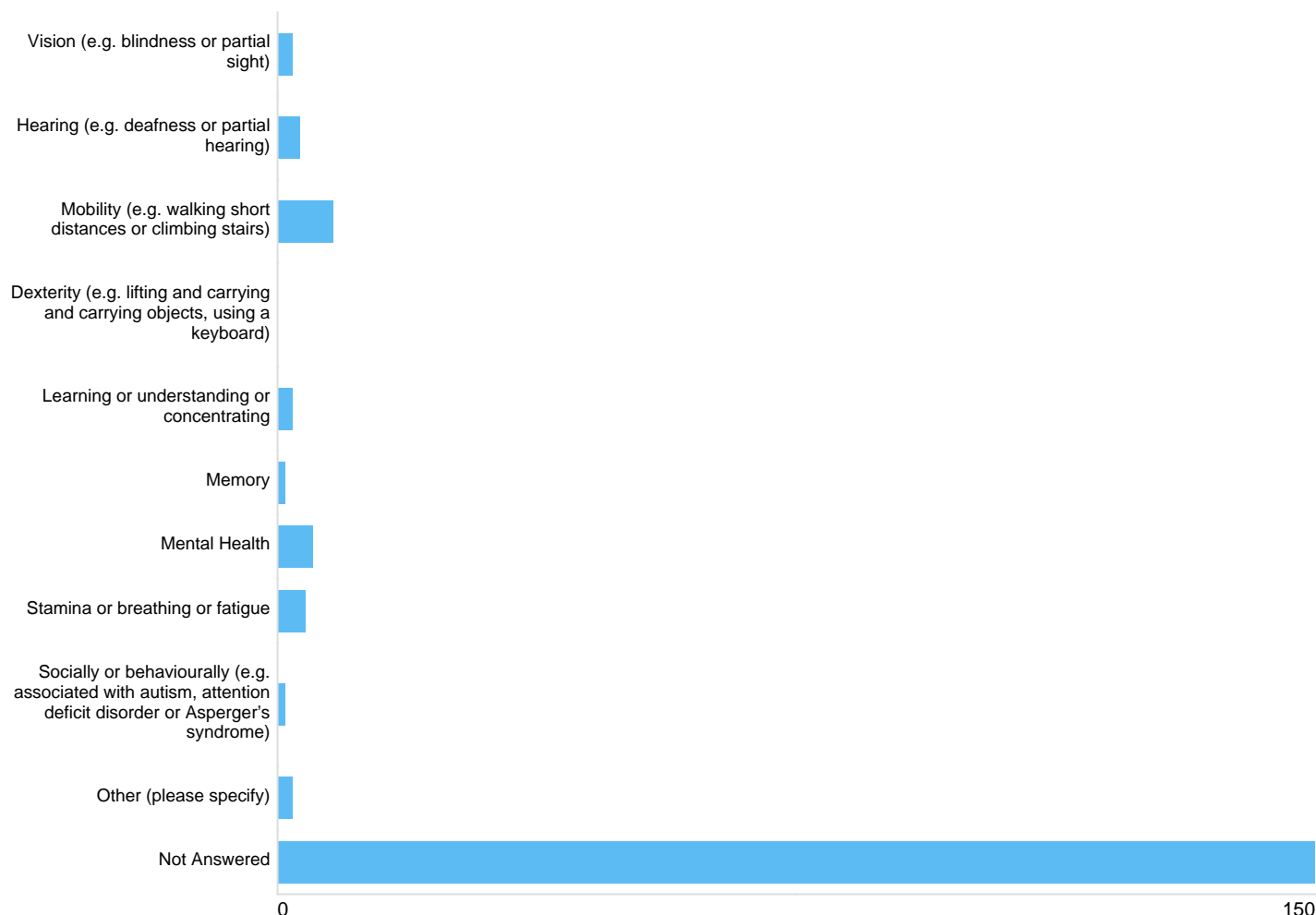
Question 20: Disability: Do you have any physical or mental health conditions or illnesses lasting or expected to last for 12 months or more?

Physical or mental health conditions



Option	Total	Percent
Yes	15	8.82%
No	135	79.41%
Prefer not to say	11	6.47%
Not Answered	9	5.29%

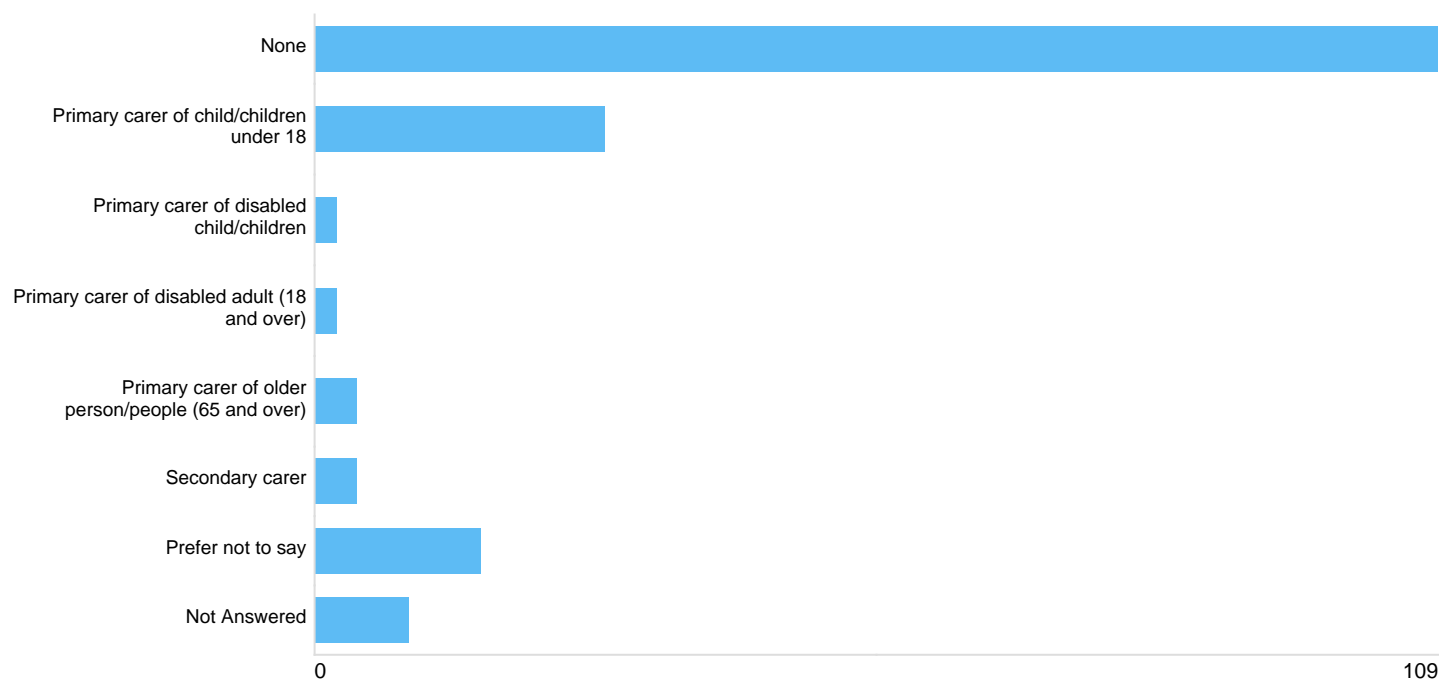
disabilities



Option	Total	Percent
Vision (e.g. blindness or partial sight)	2	1.18%
Hearing (e.g. deafness or partial hearing)	3	1.76%
Mobility (e.g. walking short distances or climbing stairs)	8	4.71%
Dexterity (e.g. lifting and carrying and carrying objects, using a keyboard)	0	0%
Learning or understanding or concentrating	2	1.18%
Memory	1	0.59%
Mental Health	5	2.94%
Stamina or breathing or fatigue	4	2.35%
Socially or behaviourally (e.g. associated with autism, attention deficit disorder or Asperger's syndrome)	1	0.59%
Other (please specify)	2	1.18%
Not Answered	150	88.24%

If other, please specify

There were 3 responses to this part of the question.

Question 21: Do you have caring responsibilities? (If yes, please tick all that apply)*carer*

Option	Total	Percent
None	109	64.12%
Primary carer of child/children under 18	28	16.47%
Primary carer of disabled child/children	2	1.18%
Primary carer of disabled adult (18 and over)	2	1.18%
Primary carer of older person/people (65 and over)	4	2.35%
Secondary carer	4	2.35%
Prefer not to say	16	9.41%
Not Answered	9	5.29%

<u>Answer- Question 1 Who are you -other</u>
customer
Business consultant to existing trader
A friend of a trader
Relative of a street trader
I work in Birmingham City Centre
I have family who are traders
Member of the Public
Shopper
Street food
cllr
Customer of street traders
I am a University researcher whose work includes trading and local governments' policies
I work in Birmingham
I grew up in the city and now work here
Visitor to the area
<u>Answer - Question 3 Disagree with prohibited streets</u>
Street traders are what make Birmingham - Birmingham. Without them tourists and people from outside Birmingham would not get to meet real Brummies. They add a sense of locality and provide a real personal service. By doing this, you're allowing the big commercials to take over a great city for financial gain
Red routes are prohibited enough for vehicles. If you stop pedestrians being able to buy food from street vendors too this is restricting choice for people who choose to reduce pollution by opting to travel via public transport.
Street trading still needed and businesses will not survive if street trading prohibited

As long as a street trader is not in the way of the metro tram, or is not obstructing traffic on a red route, they should be allowed to trade
because some street traders have been there for years
As a growing and improving city I feel that it's essential to offer visitors and locals the chance to roam and purchase what's on offer.
Having street traders around the metro line, particularly around the stops would be beneficial not only to the traders but also travellers. It would certainly enhance the experience providing an interesting view rather than plain footpaths.
We are unable to move our unit without it being craned in!!! Removing it daily is an impossibility!! This should not happen you are taking away livelihoods
Although I agree that there should be a restriction on the number of trader's and stalls sizes on the types of routes mentioned I don't agree with the introduction of prohibited Streets as this would (a) have a detrimental effect on on existing trader's many of which have been trading from these locations for decades and have built up a loyal customer base and it could inadvertently risk the loss of character that these traders bring to the city
I visit the city centre monthly and at no time have I ever thought the stalls/street traders have been a nuisance or are inappropriate. I often think the religious folk are a pain, so loud and monotonous, but the stalls with bags, scarves, souvenirs are fine. The metro might need a rethink, the traders were and have been here for centuries and yes, time marches on, but as proved by Manzoni, not every change is to the good.
It can potentially take away the livelihood of hard-working people who may have had their business on a red route/ metro route for decades.

Once you tick disagree it asks you why I think a fairer outcome would be to give existing traders chance to run with rules and kick them off if they don't follow.
Trade in all areas is very important
If the trader is not in the way of the tram, trading should still be allowed. Red routes can accommodate a trader away from the path of traffic
Fundamentally street trading has been a part of Birmingham centre long before the proposed changes and is essential to maintaining the identity and character of our great city
Because this will potentially put some street traders out of business
I feel this will wrongly impact the life of hard working street traders, making it a lot harder for them to run there businesses which have been part of Birmingham for decades.
Because street traders will be effected
<p>I believe that the community shared by street traders benefits not only the local economy, but also the day to day lives of those passing through town every day.</p> <p>We are already losing our markets, a lot of these traders have struggled against big companies like primark for years, and remain. In my opinion that is a testament to them and their importance to the people of Birmingham.</p> <p>To cut this will make Birmingham even more of a faceless heartless concrete jungle that is slowly becoming. The German market continues every year, and that causes nothing but trouble in the city but boosts the economy.</p> <p>Our street traders are often family businesses just trying to make an honest living, they should be afforded every opportunity to remain in the locations they are in now and continue to prosper.</p>
I don't see why people can't trade on these routes if they already are? It does not seem to be an issue to consumers. Having traders on red routes etc.. allow people walking these routes to purchase goods
If they are not causing an obstruction then I don't see why you should take people's lively hoods away.
They're part of Birmingham- let them remain! Keep out history and keep them in a place people will access.... let's stop killing our high streets and local tradesman

*The well established business that have made and give Birmingham residence and the public the diversity that makes it stand out. These businesses bring Birmingham as a whole together. This will take away earning for people that have worked for the Birmingham community and made this city better for decades. This is the hussle of Birmingham streets and the metro should work around/ with not take over and distroy!
Because the street traders have been there ally life and bring trade to the city
Traders operate on those streets and will be forced elsewhere affecting their livelihoods. Also I like the market traders I currently use and they are all within walking distance. This would make it more difficult.
If the unit there is shall ie no bigger than existing street furniture then don't see a problem,if trader must be moved then reasonable relocation to a comparable site MUST be sought.
Traders are there to earn a living they should have the same rights as a shop. Leave them alone and let them earn an honest wage
<p>People have done this job for years</p> <p>Why would you take it away from them</p> <p>Make more families turn to universal credit because they no other way to work than being a street vender</p>
Because it's apart of the Birmingham community
Closing of street traders that have traded without issue for over 20 years some which some of which are cornerstones of the community they are in.
Some of these street traders have been here for years and so have their families so now the council want to make changes people are yet left suffering because of this. Not everything in Birmingham city centre needs changing in fact you are killing off what we all love about Birmingham
<p>Many of the street traders have been there for years and have a loyal customer base</p> <p>This will seriously affect their livelihoods and put many of them out of work</p>
Street traders should still be able to continue trading and if being made to move this could seriously affect there trading and businesses

<p>I like street vendors</p> <p>A good chum of mine is one</p> <p>His burgers are pukka</p>
There is no where to park in the city as it is and what about the street traders
Markets and market stalls are the hub of the city
<p>Market traders will no longer be able to trade on their current pitches causing loss of regular custom and consequently their jobs , and livelihoods .</p> <p>The regular traders are a point of social contact for a lot of vulnerable and lonely people such as the elderly and homeless . For some of these people , they are the only friendly faces they see.</p> <p>The loss of the traders will really impact on the community spirit .</p> <p>Some people rely on the affordable prices that the street traders offer , that cannot be matched elsewhere , this will have an impact on other people's lives financially .</p> <p>Tourists are drawn to the street traders and are part of Birmingham's culture and cultural capital, as well as being part of the history that brings people to the city . I think this will have a massive impact on tourism . If traders have to remove their pitches at the end of each day you are expecting them to work longer hours and there will be an increase in carbon footprint as they will bring in vehicles more frequently .</p>
Little problem with the way the majority of the long running and well established businesses there run already
I disagree with the proposed effect it will have, I believe it will have a negative impact on the city.
It causes traffic and chaos and each street should be free for everyone to use as they wish
It's making it difficult to move around unless you on the metro and to be honest how many cars are you taking off the road by extending the Metro line from SnowHill to 5 ways? Answer Non, that extension it to stop people walking and get lazy!
I am in favour of and support street trade.
It will put many existing traders out of work.The proposed policy has not been thought out properly.It will increase the costs of having to reapply every year with no certainty of trade.
Street Traders deserve a chance, let them keep their businesses and livelihoods.
Not fair for people who already have licenses

It's not fair on current traders. Other people in other professions wouldn't have to keep reapplying for their job.
There are traders that have been in business for over 40 years on such routes and to stop them would be unfair it is their lively hood
It means no food stalls which have provided people with fantastic food over the years
Surely there is better things Birmingham Council can be spending their money on
I work in the city centre and need access
Not filled in
People should be able to walk around the city centre freely, rather than all the restrictions.
I understand that mobile food vendors who trade in Birmingham and have done for years will lose their pitches and therefore their livelihoods. As a resident and employed in the city I currently enjoy easy access to a great variety of street food and this enhances workers and residents and visitors choice, both dietary and economically. As a diverse city we need to retain these facilities not remove them.
There is a hotdog stall on Broad Street which I don't want to loose
Traders have been there well before the metro/ trams were even thought about. It will effect their livelihood.
Because it affects the businesses that operate in those area, it will create less foot fall and increase the traffic.
Also terrible for those times you need taxis through the area or parking in the town car parks.
<u>Answer- Question 5 Disagree with three types of consent</u>
Street trading provides no benefit for town centres; it takes trade away from existing rate and levy paying businesses and is an eyesore. Furthermore traders appear who have no proof of approval and we have no power to move them on. We have empty shop units in our centre and annual consent traders should be encouraged to take one of those, thus paying rates and BID levy
I think granting consent for occasional trading is a good idea. I think it is unreasonable to expect traders on a yearly consent to have to reapply every year. You would not think it was acceptable to apply for your job every year. Traders would be unable to apply for finance or mortgages on these terms.

Occasional consents allows people to trade that may not have the correct health and safety docs in place
<p>It is not fair that street traders have to reapply for licenses each year. This removes all security from the business, how is a trader supposed to invest in a business that may be removed in 12 months. How is he supposed to get a mortgage or any sort of finance? Under what circumstances would a person have to reapply every year for any job?</p> <p>It is unfair that under your proposals the current traders will face unfair competition from traders who are only there for the short term. I have traded and built up goodwill and reputation in my business for 30 years, now I will face competition from carpetbaggers who are here today and gone tomorrow.</p> <p>We have invested ourselves in our business and in this town, the council has profited from that and must protect its traders and their livelihood.</p> <p>From what I understand of your proposal I should maintain my position all year so that the council can allow casual traders to stand within a stone's throw with the same stock during the busy xmas period. This is ridiculous, unjust and unworkable.</p>
The traders already take over the pavement you cannot even get past walking through is a nightmare. Also the rubbish that is left behind they do not clean up after their selves.
THERE WILL BE NO CUSTOMERS, BECAUSE NO ONE WILL VISIT BIRMINGHAM AFTER THE BANNING OF CARS
the people who have traded for 20 plus years shud be given a open licence
I believe that long standing street traders deserve and require more stability in the knowledge they have more than a 1 year license to trade. If they are to invest and develop in it for business and further enhance the community they require more than a one year plan
You are contradicting your clean air zone proposals by introducing mobile traders. Why would you want to encourage traders to have to drive in to the city centre, when they needn't do so at present?
I have a catering trailer at 5 ways which cannot be used. I will lose my business and income. This cannot go ahead
If the site has always been left there and then it was told it has to now leave every night and come back every morning this will cause more pollution to the centre and added cost and time for the trader

<p>i don't believe this is fair that traders who have been in a particular position for many years should be forced to move when they have a regular clientele. it also leaves the way wide open for corruption if at any point there are corrupt council employees who can profit personally by allowing someone to take over over a pitch which has been occupied by a trader for many years and has built up goodwill with a regular clientele. thus any new trader put in that position benefits from this goodwill without having paid the outgoing trader for this.</p>
<p>I have been trying to get Street Trading Licence for over 6 years. Every time my application get rejected before even the officers know what the business trading.</p> <p>I am planning to have one matter or two matter square to my mobile catering bike. It's a totally new business in the UK and probably going to be a successful small business across the country. More details available by contact me at nemer_alshareef@yahoo.com.</p> <p>All I need it's about one matter square anywhere in public busy footpath.</p>
<p>This can prevent street traders from investing in their business and improving it, as there is no guarantee that they will be allowed to trade the following year so there is no job security, so spending money on the business would be a huge gamble.</p>
<p>The traders that's worked in the area all there life</p>
<p>Occasional at one off events yes but for traders who have been trading for years to suddenly have their livelihoods ripped from them is shocking. As someone born in the cotswolds and moved here 10 years ago I feel the traders offer so much to Birmingham's visitors, Birmingham without the market trade and hotdog Van's is not Birmingham. If a trader was to rent a building owned by the council will the same rules apply to them also?</p>
<p>I fear that street traders are being forced out of our city and there is no need for such a change</p>
<p>If a trader has been the right to trade, the trader should not have to re-apply for his/her own pitch</p>

This will have a double edged negative affect.
1) Occasional and mobile consent to pitches loses the familiarity and relationship building provided by established traders.
2) Could be used as a back door to ensure large corporates dominate street pitches during key times, again totally detrimental to the shopping experience and identity of Birmingham
I would want the enforcement to be stronger than at present and these more occasional ones would be fine if subject to the same criteria and checked and action taken if not complying. We have millions of customers in our city every year and we just look like we have no control at present!
It's overly bureaucratic
The street consents should be a rolling 12 month as they have always been
I think it is unfair to introduce these restrictions and make it harder for street traders to make a living.
I disagree If it means regular traders can't trade, if it was a case of placing new/occasional traders in other places than that is not a problem. I don't see why your not putting this time and effort into the bull ring markets. If you promoted the markets done a rent free period and advertised it properly then all these traders who are applying could go down there.
It's fiat for the traders that have been there all my life and when I working in the town centre as security manager
Providing they are new licence es and not replacing existing ones.
Because it affects the real street traders
Same as previous question A lot of the street traders have been there for many years
The people who have established trading and stalls should be allowed to continue with trading without others being able to purchase temp license which could affect their business if you paying annually this would show commitment to the trade no just temporary license which could impact on long term traders

There seems to be favouritism, towards seasonal traders such as the German market, which takes away from all year round traders, such as rag market and fish market Traders get no promotional help during the festive season, these are the traders who invest the year with there time and hardwork, paying rent and many paying business rates, then during the most important trading time of the get the spot light given to casual traders who contribute way less
Leave the stalls that are already in town alone these stalls make the city occasional and mobile consents will not work you need local people
<p>Because you will only get occasional traders and not the regular traders who bring in the tourism and economy into the city .</p> <p>All those traders that have been adding to the economy and community spirit for years and years will be penalised .</p> <p>You won't get regular custom with occasional trade. People won't come into Birmingham city centre as frequently. Traders should have their regular pitches that they have developed and built up over many years . They won't be easily found , customers will give up looking causing over all impact on economy and livelihoods .</p>
Less control for council over what is happening. Traders care more when they are long term
The negative impact this will have on long term traders and the local economy
I love the street traders and purchase from them on most days that im at work. They always have long queues and are doing well and are popular and friendly
Because if a trader has been granted a licence they shouldn't have to renew for another 5/10 years unless they break the law etc. We need these independent traders it's important to local economy that we have a mix of all business.
The current vendors provide a great service and unless there are health issues involved why is the council making things difficult?? Is this another way to fleece hard working people of Birmingham??
I don't reapply for my job annually why should they? Consents as currently managed do not require changing in my opinion.
Introduces more bureaucracy more costs more time to be spent on applications.
Would this not deter street vendors from applying and having a variety of vendors available to us as residents? I think it would make it harder for smaller businesses to gain access onto the market of street vendors.

Why start this now, traders have been treating birmingham council fairly for many years. No need to tarnish their reputations now.
Traders who have held pitches for over 20 years stand to lose their livelihood through increased competition.
Not fair for people who already have licenses
Lively hood at risk and cultural Birmingham disappearing
It's not fair on current traders.
Putting blocks on long established traders , bringing anxiety and instability to their lives
Why would you have to apply annuay people. Do not apply for their jobs annually
Why should someone keep applying year to trade. When they have been there for a number of years before.
Should not need additional consent when you have had a license for over 30 years
Traders who have been doing this for years do not need to have additional regulations added to them
These pitches where people work are their lives and their income. You would not expect normal people to apply for their jobs each year would you?
I think things work very well as they are with street food. What you should be looking at is removing the very vocal and loud religious stalls in the city and ensure the volume is restricted at the very least. They are contributing to noise pollution.
Traders have trader in the same location for many years, traders have respect for each other business and location. Introducing the new rules will causes issues between traders and effect livelihood.
There are local businesses, which have been operating for decades based on regular customers and clientele. Taking that away increases the volatility of the market, and impacts the businesses.
I've been a regular customer at many of these stalls, and you're taking away livelihoods. It's unfair to make them pay to keep their places annually.
The stalls are people's livlihoods and some have been trading for over 30 years. They are part of the community and it would be devastating to lose them
<u>Answer - Question 7 Disagree with 6 week application window</u>

Not long enough
Surely affair a system would be offering the existing holders of the consents the option to take up their pitches with the new rules considering some traders have traded it between 20 and 30 years and you could in theory be dismantling the business and a customer base that that that I have worked hard to build .But obviously under the new guidelines that you are looking to introduce if they do not wish to adhere to the new rules then quite rightlyThey have no rights to the pitch.
Current traders should be allowed to continue as long as they follow council guidelines. I don't think anyone would like current traders income to be taken away unnecessarily. The council needs to work together with small traders and support each other.
<p>I feel that if existing traders wish to continue trading on their current pitch they should be given first option.</p> <p>Whilst I understand there may or may not be some changes required to comply with the updated rules the current trader/s may need a certain timeframe to complete any changes that are needed, ie trailer to a specific size which has to be authorised by yourselves so if I needed to purchase a new one I can't just go to tesco and buy one off the shelf I have to get the agreement from you this to me is somewhat confusing as I can't go and buy one because if it is wrong I can't take it back ,so I feel some more detailed guidelines are required for this.</p> <p>Also some traders may have been trading for a good while and this maybe their only source of income and if they are not successful in reacquiring their current pitch this could lead to their loss of income, further job losses for the staff that are employed, possible loss of homes due to no income.</p>
I agree in principle to any prospective traders. Existing traders should have a rolling contact.
The street traders that built their livelihood on street trading in Birmingham should be taken in to consideration. Theyve paid their business rates and taxes for many years.

<p>Current traders should not have to reapply for consents.</p> <p>Consents have already been granted and have not been withdrawn.</p> <p>Under the current policy, the trader would have to commit some offense for his license to be withdrawn.</p> <p>I have done nothing wrong, under these proposals you are wholesale taking the livelihoods of people who have invested in their business. You then intend for those traders to get inline with every other tom dick or harry, who feels he would like to take my business from me?</p> <p>This is outrageous and unfair.</p> <p>Why do current traders have to forfeit their business's for you to reform, traders have been asking for reform for years.</p>
6 weeks is not enough time
Existing traders should not have to re-apply for their trading positions
Have you seen the state off the road from stratford road Springfield road junction. It's a shambles rubbish. People stopping in the middle off the road. It is a dangerous hazardous section of the road. All the way to sparkhill park.
The present traders should be given one to meetings and points concerned raised with them : especially if these traders have been at a location longer than say 3 years this is there living and they have a right to be heard and consulted with
I think that this is a good idea for all new traders, however I dont feel this is justified for existing traders, thay have been trading for some time as they are having to compete for their own established business
Existing long standing pitches should not be included and continue to be licensed for that pitch
Traders that have been trading for over 15 years should have the right to continue. they have regular income from this and a loyal customer base and are part of the community of birmingham city centre. stop turfing out people who rely on this. new isn't always better. This is peoples livelihoods.
Don't you already approve consents? Why would make traders re-apply if you have already recently approved?
Things are perfectly fine as they are what's the point of changing it just to line the pockets of big businesses
If a trader has had the same site for years it should not be offered to another trader unless the first one gave it up. I think this is what the question was as it was worded so badly
It should be offered to those traders who have been trading there in the past

Surely current street traders should be given priority to continue trading from a location if they wish to continue with any new rules/regulations being brought in.
it would be fairer to allow existing long term traders the first option for the pitch, if they have a good standing and no outstanding issues
Nobody who currently has a street trading pitch should be forced off of their pitch, unless they break the rules of the new policy after it is introduced.
I think traders that have been there for a set amount of time should have 1 choice over new traders
I disagree as I believe existing traders should first be given opportunity to apply before other applications are considered.
Someone's whose worked for numerous years could lose their livelihood totally unfair
Long standing traders should be allowed to run their business and have 1st option on position as long as they follow the rules
existing traders have been there for years and have built up a growing customer service they have made friends and loyal customers always come back for good service and quality food change is good for some people but it doesn't always work leave the traders who have made a success of their business and who will be greatly missed if removed
Current traders should have their applications considered first , otherwise reliable services and vendors that are popular and well known will be lost to the public if their normal licensed location is given to another applicant in a free for all.
6 weeks may not be long enough for traders to respond to requests.
All present traders should be allowed to stay on their pitch. I don't think they should have to apply for a site they've been on for years. and if they don't like new rules then kick them off site. That's the only right way to do it
I feel it is morally wrong to allow another trader to walk in and take someone's pitch putting them out of a job, there surely has to be a better solution? Surely if rules are set out and traders follow them and health and safety and food hygiene standards are adhered to then original traders should be renewed first. If rules broken or food/health laws not followed then yes open for others to apply

I feel very strongly that traders that have had pitches for many years in and around this city, and have not flouted any of your rules and regulations, should have to fight to remain in there current pitches. These traders have devoted their whole lives to earning a living in this city, some giving 40 years of service to the residents, and visitors alike. I hope you consider my thoughts along with other residents of this city.
Why should interested traders be allowed to pitch for a sight that a trader has occupied for years? The trader in place should get priority.
First choice should be given to existing traders
I don't believe this method would be fair to street traders who have already been trading for a long period of time, to have to reapply for their existing and already established plot , which could result in them losing it to a new applicant and therefore have to move to a new position/plot/area to the detriment of the business which they've previously established.
I believe the preference should be given to the traders who already have pitches. These traders will have invested in their equipment, perhaps taken business loans and to move the goalposts and then make them all apply will have the potential to bankrupt some of these people. Pre-existing conditions should apply to existing consent holders and the new conditions should apply to new consent holders from the launch of the new policy.
<p>I have been trading at Aston Villa match days with my mobile catering unit for 40 plus years</p> <p>I don't think it's fair that someone else can take my pitch when I have been a good trader for all these years and never had a complaint or problem at all my units all have 5 star rating the top Hygiene certificates gas and Electric test. Certificates in passing fire extinguisher courses</p> <p>There is a lot of Rogue traders that won't meet this criteria</p>
I think a faire a y would be for the existing. Trainers that have been there for years to be allowed to apply first before any of the newcomers if they don't. I wish to apply if they don't wish to apply then that's fair enough let one of the new Traders who want to trade there have the pitch but I think they should be given the first opportunity before anybody else.
I've been on my pitch for 30 year's to allow someone to come along and apply for mine and my fathers pitch in a 6 week window is appalling, those pitches are our main source of income.
Whatever policies are settled on all existing traders should receive indefinite grandfather rights to their existing pitches under their existing terms.

Because Birmingham's established street traders should not have to apply for their locations that some have been trading from for 30 years +
I believe that this will cause undue stress and concern in that time frame, whilst people who have often worked alongside each other for years become in competition to get optimum locations.
They have been there years, bringing custom to the high streets in the city, they are part of the history, why now take that away?! Why now make the years that they have put in have to be fought for!?
Find something else to fix in the city there are plenty of other areas needing attention, or are you just trying to create problems that aren't there to validate your existence.
This is the way u are stopping trade in the city centre
All current traders should not have to reapply
New interested traders should not be allowed to apply for existing trader's locations, unless serious problems have occurred with an existing trader.
Allow traders that have been there for extended periods to retain their plots
When someone has been trading for many years and have loyal customers and no trouble it doesn't seem fair they should be fighting against others to maintain their livelihoods
I know a trader the devil's kitchen on Kent street off Hurst street ..he has been there best part of 20 years providing a safe area for the gay community, As if he moves from that spot we are pushed towards dangerous places in the area I know this because I live in the city centre B1 It's not so safe going to regular food outlets . Try changing that before you move things that are totally working.
Trader should just be left to trade as they always have some of them have been there for 30 years
Respect and priority should be given to long term existing traders with regular pitches . Face to face conversations and agreements made .
It seems just a way to remove current traders without real justification

I believe existing long term traders should be given the first choice to trade and if they don't adhere to council standards to be removed. Some traders have worked there a really long time and worked very hard to have the standards they do
The street traders are a downmarket eyesore and should be removed in my view
Those that already have a licence shouldn't have to re-apply only new traders. Old traders should be allowed to continue to trade
Why can't you leave the current traders where they are and earn a living??
It is assuming that the new policy will be successfully introduced.
Shouldn't need to re-apply for something they have been doing for years.
Not fair on current traders
Livelihood at risk and risk of losing cultural Birmingham
Not fair on people who have been working there for years and built up a clientele.
Again why auction off these sites when people have used them for so many years and should be entitled to them
Some traders have built up the own customer base there and their customer know where there are. So why should they be moved on after so long and all the hard work they have put in over their years
The same reason as for the question before
Why should the traders that have been there for years even decades to have to show 6 week open. Some traders have been there for years they should not be going through this.
People/traders should not have to re-apply for a job. The public want consistency not a different stall every 6 weeks
Is 6 weeks long enough? Why should long standing vendors have to re-apply?
Should be left as it is
Because once a licence is granted, it should be retained. It's an unfair process and is just another money making scheme for the council.
<u>Answer - Question 9 Disagree with consent considerations</u>

Why change things for the sake of change??? Leave things as they are. Policy gone mad.
This policy is very detrimental to small independent businesses
Any more trading of fast food or street trading will bring in more mess rubbish and vermin. They need to put a stop and concentrate on the ones that are there. Identify who is leaving the mess on the road it's a health hazard walking there.
Street traders are what Birmingham has been known for for years. Trailers cannot be moved it's is ridiculous
Small business add character and differentiate to standardised city centres. Instead of pushing for unworkable and expensive changes for the small business, maybe work a day and see how much effort goes into the process, quite often for little reward. Delivery company restrictions for small businesses will add many unproductive hours and make independant business unprofitable. Focus should be on filling all shops and workable improvements, delivery until 10am for example, less preachers and chuggers!
All the council wants to do is deliberately get rid of street hard working independent traditional street trader's who like there predecessors have been the backbone of trade in Birmingham for 100s of years without them and the other men and women of this fine city of that was once famously known as the 'City of a Thousand Trades' we should be proud of these traders and supporting them and not trying to bulldoze them away like we've been to Birmingham's history of decade's
No one should be forced out of work
Consultation should be longer and you should show your research and thinking about changing the processes etc.
They're not considering present traders
It is unfair to those in place and following rules. Businesses locally are struggling as it is and this council wants to potentially take what little they do get from them by throwing the off?
the conditions are too stringent
I agree with most of the considerations, however I find the considerations listed under "suitability of the trading unit" to be a bit subjective (I mean, who decides if it "adds to the quality of the street scene"?!!) I also think it's important to note that these considerations should apply to new traders but those holding existing consents should be allowed to trade under the previous conditions, until such a time as they give up their pitches - remember, these people invested in their units in good faith and it's completely unfair to move the goalposts.
I disagree that you can take my livelihood off me when I have been trading there for 40 years plus

It's mostly arse covering waffle
I disagree that for 100 years it was ok but now some bright spark in suit has decided it's not fit for purpose!?! But it was for 100 years!
Unsure as to what they are. Normal people without a vested interest in street trading are not going to bother looking them up.
Like the old saying if it ain't broke don't fix it Many street traders could lose their businesses and end up unemployed even losing their homes Some have been on their sites for many years and this could be the end them
If anyone can apply in a short window with no real commitment to trading this could affect other trading businesses
Shame how you move long lasting businesses without thought to what happens to the community when that service has been removed .
I change something that already works
The street traders are part of Birmingham and this legislation will mean they may no longer be able to trade. Id rather go to the street traders than a high street store like Gregg's or Starbucks
<p>There are parts of the Key considerations that in my understanding seem developed to discourage street trading activities or the application for a street trading licence.</p> <p>For instance, within the sub-section called 'Prevention of nuisance' it is mentioned that 'activities at the pitch must not cause a nuisance, annoyance, or disturbance to neighbouring properties, this includes businesses'. In my understanding, if a street trading unit is placed in a commercial street like High Street or New Street, in the centre of Birmingham, big shops like Primark or other similar businesses will be given the right to complain to the council about the unit's presence. The 'council is duty bound to investigate', (with no criteria listed) - it is all very subjective, and according to the text, sounds like tending to be harsh on the traders, so not impartial.</p> <p>The following criteria, 'suitability of the applicant', again, makes no positive reference to the profile of the applicant. It is all about criminal conviction or the payment of fees accordingly. But no e.g. consideration of the history of trading at a specific spot ('seniority') to guarantee the continuation of that business or maintenance of livelihoods of current traders.</p>

Within the 'suitability of the trading unit', item 1 and item 5 seem to be conflictive, implying that if the trader invest in a 'new unit', it might have a short useful life, since the 'design brief will be kept under review'.

The conditions within 'Advertisement' are also quite restrictive.

The comments of the section 'Selling the right goods' puts a statement that strongly implies that the council considers street trading a 'inferior' activity when compared to fixed retail businesses, presenting a rather exclusionary mindset.

This in my understanding clashes with the values stated in the introduction:

'street trading can aid the local economy and contribute to the facilities offered to people who visit, live and work in Birmingham and it supports the Birmingham City Council's priorities:

- a) Birmingham is an entrepreneurial city to learn, work and invest in;
- b) Birmingham is a great city to live in;'

Last, but not least, having visited the city centre during last Christmas time, I have seen (and been trapped) in the Frankfurt Christmas Market, a massive structure with a lot of impact on the flux of people, their mobility, because of the noise and the smells of the event. Nevertheless, the council seems to have a very positive attitude towards the establishment of such huge market for some two months. I wonder if its' presence is justifiable on the basis of the 'tourists or economic activity' it is claimed the Christmas market attract. Even if so, the presence of such market sounds at odds to what I read as expected/ wanted in Birmingham's streets according to the street trading policy drafted here.

(I will make a more comprehensive explanation of my understanding of the policy at the end)

As they not fair to the old traders who been trading for a long time

As previously states

They take no account of the impact on existing traders.

Not relevant

Not fair for current traders

Livelihood and cultural Birmingham at risk
Not fair on current traders. They shouldn't be treated differently in comparison to other people in different professions.
This again makes it difficult for traders
Why change something that aint causing any harm to anyone.
As answered earlier
Should leave it as it has been running for the past 40 odd years
I support ling standing street vendors right to continue to trade and continue to offer a valued service to residents & workers.
Why does trader have to justify they are worthy of trading when they have been for many years
<u>Answer - Question 11 Disagree with Food Hygiene Rating Requirement</u>
It should be the same as for fixed/shop based traders.
All food businesses should be treated the same. If you want to close street stalls with ratings 3 or below then you must do the same with ALL restaurants, cafes, etc too.
I don't think the current guidelines for issuing certain numbers for food business are a fair representation of the food safety of the premises.
The ratings are only an indication of cleanliness on one occasion .
There are occasions operators have had no ratings for admin reasons which is not an indicator of hygiene.
Na
If food street trading should be 4/5 star only all restaurants should be treated the same too
<u>Answer-Question 13 Disagree with introduction of street trading policy</u>

Not sure what's wrong with the current one?
Choice choice choice for the people
Street trading has always been part of the city and this should not be lost
The wording sounds like you are only focusing on upmarket shopping and residential city centre businesses and there are many other locations such as Devils Kitchen in a social area that may not fit with your plans !
It is ridiculous to move trailers each day and so unnecessary!! It's part of Birmingham and has been for many years
As before, many small business need support not more restrictions.
You've got a vision of Birmingham that is clad in glass and chrome. Birmingham isn't that, and never should be. Stop changing things just because you can. Listen to the people who work here, you spoilt the Rag Market and the indoor market, leave it there.
You havnt told use what the current infrastructure is and what enhancements the city has that you want the street trader to follow
there is nothing wrong with the current street trading arrangements - peoples livelihood should not be put at risk by forcing them out of their current spots
Birmingham City Council has had opportunity to promote, manage and enhance our once thriving Wholesale and Rag markets. Evidentially they have proven unable to do this and have instead lead them to a spectacular demise. Staff change constantly at BCC markets department.
There is absolutely no evidence that BCC have the ability or experience to introduce a Policy that will compliment or enhance. This should be trader led by people with relevant experience and council input should be minimal.
You are potentially trying to close down businesses that have been reading for years because you have created a new infrastructure that has not taken them into consideration. If street trading is important to your city then the infrastructure should include them
The custom that the street market has brought in alone is enough to validate their place in this city
It's always done to the favour of the money the council will make. Why does the street trading that's set in place needed changing to start with? All street traders I've come across in Birmingham have kept a clean tidy and friendly environment!

What is wrong with the trading stalls we currently have? The market traders meet my needs.
The policy should offer protection and support to existing traders. It should not allow big retailers in the city centre to influence council decisions or policies.
Not everything needs change a lot of what we have already fits to the old and new Birmingham let us keep some of our past aswell as embracing our new city
Current city infrastructure is a very broad working and if by implying they should comply and be similar with other big retail business this is wrong these are small business which are hard enough to establish and run and should be able to sell what they wish
I likr street vendors
To much red tape as it is high rents smaller space while big cats seem to do what they like
As already stated the majority of street traders already fit in well with what is happening in Birmingham city centre
It has been shown in other towns and cities that if you decrease street trading (which you would if applied the policy) it will have a negative impact on the shops.
Street trading is a tradition and if you compare this to New York, a modern vibrant City, street trading is part of its heritage and fits in with the new and old.
It works as it is for me.
The city council should concentrate on cleaning the streets sorting out the rat problem which exists in large areas.
Haven't had one before so why start now
Na
Not fair on current traders.
Why change a system that works
Why do it now when there has been businesses there for a number of years trading. What difference does it make to council. Its just about making more money for the coucil and the MP's

These traders are associated with events in the city so over Regulation of these traders is not required
Should leave it as it is you are messing with people's livelihoods
Why break something when it isn't fixed. We should be encouraging the variety of smaller street traders in the city when rent and rates costs are restricting smaller retailers. I suggest you visit other large cities, such as Manchester or Liverpool to see how much more vibrant the commercial areas are, without religion being shouted at everyone.
It sounds like the council what to had pick who they want and don't care about all ready establish traders. If your face fits!
Because you're implementing too many rules and legislation and packaging it as something positive for residents to be proud of you. You will guarantee more small traders to close.
<u>Answer - Other comments on proposed policy</u>
Strongly agree that diesel generators should only be used where there is absolutely no alternative due to air quality impacts and noise.
Whilst I can see the need for street traders and concede that occasional events can bring tourism and increased footfall to the city, I also think that there is a case for leaving our wonderful open spaces open for people to walk in without hindrance. The siting of the big wheel etc on top of our new public fountain is, in my opinion, very unfortunate. There are other spaces in the city centre that could accommodate these. The length of New street and increasingly the boulevard leading to St Martins is unpleasantly crowded with stall selling goods which rarely change from year to year. This does not show our city in its best light. Please consider this before granting licenses for existing events or instigating new ones.

We contest the statement that "Street trading can aid the local economy and contribute to the facilities offered to people who visit, live and work in Birmingham...".

How do mobile catering vans that are in position 24/7/365 aid the local economy? They just compete with existing businesses. They provide a small income to the City Council but do not contribute to the BID.

We would also like to see a ramping up of enforcement to tackle operators who just show up without permits (e.g. as shown with Aston Villa Wembley appearances and at Christmas light switch ons).

We should have rules that forces street traders to abide by parking rules, there are a number of traders due to their position on the street, who use loading areas as permanent parking. Pretending to load every time a civil enforcement officer comes by. This significantly reduces loading space for other businesses in the area.

It is important that these street traders abide by rules much as normal retail traders would need to with s landlord, and that they pay as part of their fee for rigorous enforcement.

I visit the city centre regularly. I am an avid shopper. I think the street traders on New Street add to the shopping experience. I have shopped at one particular stall for about 15 years. Many scarfs to show for it. The stalls seem to have been there longer than the shops. The down side to the city centre is the charity collectors who can be quite intimidating.

I think you need to seriously consider the impacts on small business owners and their families. A lot of people rely on street trading as their main source of income. Think of the small people trying to make ends meet by following their passion and setting up small businesses. This is our bread and butter.. literally!

After reading the pdf I would like to know if I have to reapply for my existing pitch that I currently trade on,
Or is it that because I have a pitch currently the rules to which I follow already may need to be adapted accordingly to ensure the needs of the safety of the general public etc to which I already follow at the moment are carried out.
Will I be issued with a new set of rules to follow to comply with by a certain date following the closing of the consultation period in order to retain the current consent.

Secondly have you or can you plan to have a meeting with long standing street trading operators so we can be sure what we need to do in order to retain our pitches which in some cases have been held over 25/30 years.

Just to re emphasise that potentially some long standing businesses could be put to the sword but not offering existing consent holders the option to take up the new rules and run with them . Having worked hard for twenty years for my customer base and the way I run my business which obviously hasn't fallen foul of current ST rules I'd hate to think I wouldn't be allowed first option to carry on running it with the new guild lines whatever they may be .

Causing distributions to family's and business to throw a new trader onto a long standing pitch where the old trader knows his clientele and customer base inside out .

Breaking the rules and of course no one should stay .

I have a current pitch so in March 2020 when my current street trading consent ends what happens to me in respect of working on my pitch ?

Am I allowed to continue trading until I receive notification as to whether or not I've been successful in my application?

I understand that I need to make a new application for the pitch and six weeks after the consultation ends all applications will be considered and successful applicants are notified

If amendments are required to my pitch for example : a new trailer if required and if so how long am I allowed to complete the work?

I would like to improve the aesthetic and retail experience of my stall. The council must realise there are limitations in working with the current units. Any daily removal of units causes unnecessary disruption to the pedestrian areas. Also set up times are prolonged causing the stalls to look unprofessional.

Street traders are a vibrant and vital part of the culture of Birmingham. They have their regulars and are very much a consistent part of the community vibe in Birmingham. Dont make changes for the sake of change.

I have been a Street Trader in Birmingham since 1990, during that time I have approached BCC many times and asked for permission for static units that would complement the city.

BCC has never usefully engaged with me in bringing Birmingham street trading up to the standard of Manchester, Liverpool, Leeds, and London all of whom have static units and electrical connections. Instead, we are stuck with unsightly and unsuitable units because BCC cant get its act together, and when you do make and attempt to reform. Your first move is to attempt to dismiss the traders who have been trying form years to improve street trading and quiet frankly let anyone have a go at.

These proposals are counterproductive and poorly thought out.

They do not encourage investment, which is the very thing you claim to be seeking.

<p>This policy is very detrimental to small independent retailers. The country is already losing its high streets, it would be awful to see independent street food sellers be lost too. Some of these businesses have been operating for 40 years and would be a huge loss to the local community and public at large.</p>
<p>As a street trader for 39 years, I feel that existing traders should be consulted on the new proposals. Also, maybe the enforcement department can set up a committee with a few traders to discuss the new guidelines.</p> <p>I am in favour of setting up a meeting with enforcement officers at a convenient place suggested by the department</p>
<p>Fast food shops need to be checked for hygiene properly. More more fast food places to upon for another decade to many. And they leave mess arround. Litter is a huge problem and parking is a major issue.</p>
<p>section 5 paragraph one in two places states "... within the Birmingham." what?</p> <p>would a number of stalls at say the Birmingham mela need a market licence?</p> <p>Enforcement action - the offence time limits appear wrong, surely you should get the Second offence warning if a breach of conditions occurs with six months of the FIRST offence. Similarly with the third breach if it occurs with 12 months of the SECOND offence</p> <p>Key Considerations - i cant see why auction sales would not be permitted and why should you have to provide evidence of a waste contract with an application. if the application is unsuccessful, then i would have a waste contract for nothing?</p>
<p>Need to consider permanent retailers thoughts to ensure temp traders do not obscure their units. I. E. The German Market. The units completely blocked out customers view of my store(Burton, New St).</p>
<p>Street trading is an important part of the community, as it brings relevant traders directly to the place where customers need them. As such, the review of the existing policies must be done together with the current traders, to take into account their experience and get feedback from them. Providing they meet the defined targets, for example a rating of 4 or 5 for street food traders, it would be fair to give existing traders priority to extend their current licenses. Here I think particularly of the food truck on Kent Street, THE DEVIL'S KITCHEN, which is part of the gay community and has looked after the customers more than just selling food, for 20 years now. As part of this review, Birmingham City Council should also consider the safety of the locations for the vendors themselves and for their customers. Adequate CCTV and waste disposal measures should be part of the planning.</p>

Ensuring they are kept and maintained to a high standard and a good health and safety rating then they should be allowed to carry on trading

An example of this is the Trader on Kent street outside the game night club : I would be very disappointed if he lost his site ; he's traded there for a good number of years and has become part of the community in that area , and is always looking out for people out that late a night / early morning

Plus his food is much needed at that time of a night

"Street trading is an important part of the community, as it brings relevant traders directly to the place where customers need them. As such, the review of the existing policies must be done together with the current traders, to take into account their experience and get feedback from them. Providing they meet the defined targets, for example a rating of 4 or 5 for street food traders, it would be fair to give existing traders priority to extend their current licenses. Here I think particularly of the food truck on Kent Street, THE DEVIL'S KITCHEN, which is part of the gay community and has looked after the customers more than just selling food, for 20 years now.

As part of this review, Birmingham City Council should also consider the safety of the locations for the vendors themselves and for their customers. Adequate CCTV and waste disposal measures should be part of the planning."

some people cud lose their lively hood.

devils kitchen hurst street for 1 has kept the community safe and fed well with excellent reviews he shud have an open licence.

hitting our gay scene AGAIN. what will Birmingham city council take from us next its unacceptable hitting our street trader

There is a food establishment on the corner of hurst street (in a building) that for a number of years that has been given a zero on the hygiene rating! why is this establishment still in operation?

It should be taken into consideration what a business that has a street traders licence and has done for over ten years what they give to the community not just food or what they sell but someone people go to see for other reasons they may make a lonely OAP feel welcome and someone to talk to. They keep the peace when it may be kicking off due to someone being under the heavy influence of drink or drugs. (there isn't always a police officer around when you need one is there?) they are risking their own life to help people and put up with a lot

Surely the livelihoods of the street vendors need to be given first priority. You are risking people's lives being severely affected should they lose their business's. Some namely Devils Kitchen have been serving the Birmingham people for almost 20 years and have consistently met with both trading and important health food standards too. Why should they now lose their livelihoods.

<p>I would like to see public performance licences enforced on streets also.</p> <p>While not strictly street trading, I believe this is closely related as it is in public view and affects all members of the public in some form or other.</p> <p>My biggest issue here is not with street artists / singers etc. - in fact these add much needed fun and culture to the area - but more so with random individuals with megaphones screaming religious ideology. You can be guaranteed of encountering at least one or two of these individuals and it is very frustrating to have to deal with such noise pollution especially in prominent trading areas that Retail BID and Birmingham City Council have put so much effort into improving, only to have it spoiled by these individuals.</p>
Please stop this
Cancel the draft and the policy it's not really needed
<p>Listen to the people who matter, not the councillors and the mayor who only want future glory, however tarnished. We like being able to pop into rackhams and then buy from a stall across the road. You know how difficult it will be for traders to hook up their stalls every night and bring them back every day. The stalls don't impact on night time revellers, few bars or eateries are at that end of the city.</p>
<p>Do something about the graffiti, the stalls in New Street are covered in the stuff, The city centre looks tatty and old fashioned . The trailer that's never open in Union Street smells of urine when you walk by .why don't they move it and take it to a carwash ?Why do they never come to work? why is it parked there? I walk past everyday.</p> <p>The street lighting is poor in winter ,Its better when the German market is here , their stalls are so clean and brightly lit and they employ security people .I'm not interested in buying sausages to be honest but I always end up visiting their stalls because it feels like I'm on holiday in the Alps , I love the twinkly lights .</p> <p>I hope your policy does a spring clean , bring in new people with new products, rotate the stalls and the goods on offer to stop stalls next to each other the same stuff - can we have more variety please</p>
<p>If you are going to restrict the street traders you would need to also look at shops that move there things onto paths eg soho road Handsworth and Stratford Road</p>
<p>I would ask the council to seriously consider the livelihoods of the street traders already trading, and consider them as first choices for available sites and pitches</p>
<p>we personally really like the street trading in Birmingham, it adds character, vibrancy and diversity to the city!!!</p>

<p>We have many available places around the city centre to be occupied by small business owners. Which gives a new chance to those business traders to grow up.</p> <p>Otherwise, the biggest companies business just eating every chance from others to be in Birmingham city. Which is making huge gap between Birmingham levels resident. And will increase the crime very soon.</p>
<p>A fair policy would be to bring in any new rules and regulations with the current street traders and offer any new sites to any interested parties with the proviso that any current traders not meeting the new regulations would need to up their game and re-apply.</p>
<p>Nobody should be forced out of their livelihood due to a policy change if they commit to following the new policy, as current street traders would. It is totally unfair to take pitches away from traders who may have worked there for years/decades.</p>
<p>I think that current street traders in that area should be able to keep their pitches, if for some reason they don't abide by the rules then their pitch should be made available to others. It's hardly fair to take away someone's pitch which has taken them 20 years or more to build up.</p>
<p>im all for giving everyone a chance but not at the cost of existing business traders</p>
<p>None</p>
<p>Street traders are hard working business owners and should be supported to provide the services that they already supply. They should not be penalised as sole traders and should be allowed to trade within the same health and safety parameters as other stores and shops.</p>
<p>Food street traders provide a quick much needed service, especially at night rather than groups hanging around pizza shops where trouble can escalate, street food traders serve us we jump in our taxis and take it home. You state about food hygiene ratings street food traders I use is a five star yet there are many food premises in the same area that have a zero rating, one in particular for over 2 years surely its these places that should be moved on for other traders to take over?</p>

I do believe that after trading in Birmingham for nearly 40 years that existing traders, in whatever trade they are in, should be given first choice in been able to apply for their current pitches. This in on the basis that they abide by some of the proposed rules that the council have set out. Also, each individual pitch has different issues to deal with day in, day out. I think an enforcement officer should visit each site and discuss with the trader, the most appropriate way to go forward. With so many shops closing down, the public need street traders to furnish their demands. We offer a very valuable service to our clientele, and have a fantastic relationship with our customers, considering the times that we live in. I for one, would be lost without the weekly banter I have with my customers.

BCC really need to acknowledge and explain their failure with the wholesale and rag market. This spectacular mismanagement makes it a ridiculous aim for them to attempt to 'improve' street trading policy when they clearly lack knowledge and relevant experience in this field. Leave it to the specialists

My main concern is around the annual renewals of consents. Currently, providing there have been no issues with a trader, their annual consent is automatically renewed. The proposed policy will remove security for traders and will mean that they are unable to invest in their units, plan financially, obtain a business loan or have any peace of mind at all. A street food van, for example, could cost an initial £100,000; If a person wants to set up a business, they will need to have the guarantee of a pitch for the duration of whatever business loan they took to buy said equipment. It's completely unacceptable to take this away.

We are the second city and we need to help restore the pride in our city and get this sector under control. We get many visitors for the German market, theatres, music venues and we want them to return!!!!....We compare our city constantly to other large cities but we need to stop that and control what we can....this is one of them

With the council. Already having a policy in place that can remove Traders Who don't conform? This should be activated. To enable new entrepreneurs to access the city sights and also open up new sites. Should they get through the criteria already laid down in your application process?

there should be a standardised street trading units, the products and services should be of good quality and not counterfeit or fake. there should not be any microphones used for street trading.

Its imperative as a city that is growing and becoming more attractive to Domestic and international investment we should have a clean safe, smart city reflect of the investment we are attracting
Currently my customers complain about the appearance of the street trading units, the preachers with amplified sound and the tent structures, it distracts from what should be a great visit to our city

<p>The proposed street trading policy is meaningless waffle, designed to make the council look like it is 'doing something'. There is no problem with the existing street traders in the city centre.</p> <p>Instead sort out the shops that block pavements, and the beggars & street preachers annoying the hell out of shoppers in the city.</p>
<p>Existing traders should be given licences to trade for the duration of their working lives.</p>
<p>Whilst I agree that the council should introduce an offer that compliments the current infrastructure and enhances retail, I do not think their current proposal fits this criteria.</p> <p>I am aware that this decision will be taken by the council very seriously. However it is regular working class members of the publics livelihoods at stake. Members who have survived recessions and work in all weathers, having their chance at putting food on their tables taken from them.</p>
<p>Find something else to fix - there are no issues here so why make one. Spend the time, money and effort on the sectors that need it!</p> <p>Leave the street traders alone, they carried this city through recession and through hard times and have been there years, wind, rain, sun, snow! That's more than the people making these decisions have ever done in their life!</p>
<p>Street traders need more respect, they provide a community and consistency within Birmingham. I feel that all street traders are been targeted just for the city to set up there own stands to fill there pockets. Im sure the rules will change for when the German markets in town</p>
<p>Most market traders are tidy. At the end of the day they clean up after themselves and bring a bit of life to what would be empty streets. Town is already competing with out of town shopping centres why ruin the uniqueness of the town centre by getting rid of the market traders. The banter they provide brings back memories of old thriving Birmingham!</p>
<p>Birmingham City Council must endeavour to protect existing street traders in any new policy, whilst retaining the ability to sanction those who do not comply. Big business must not be allowed to dictate who stays and who doesn't. Independent arbitration must be written into the policy- it is vital to prevent corruption.</p>
<p>The devil's kitchen in the gay quarter is a community main stay and has always traded and represented themselves well. They have fantastic hygiene rating and care deeply about the community in which they trade this should be considered along with other traders on an individual basis before implementing policy which would see these businesses close for good.</p>
<p>Just please have some sympathy and consideration for the existing traders and their business</p>

Established business should be able to continue to trade where they have been for many years as even a simple change of locations can put a someone out of business as long as they are paying and licensed they should be able to trade in the city center
Don't ban devil's kitchen
I am a big fan of devils kitchen outside the nightingale it's been there almost 20 years it's part of the Birmingham gay sence
<p>If you are producing a map indicating areas prohibited I would suggest also highlighting areas that can be used for regular markets. I would like to see the council encouraging and facilitating more street closures for independent markets in the city centre and suburbs. Many areas including John bright street, Hurst street, The jewellery quarter and kings heath are underused for markets. We should encourage the vibrancy independent businesses bring by supporting these ventures rather than asking organisers to bear the cost and take the time to apply for/organise street closures and anti terror measures. Application processes should be simplified, Anti terror measures built into the street scene (as proposed around New street for the German market) and discounted packages for infrastructure (toilets/security etc) put together.</p>
This is a complete waste of time and money these traders have been trading for years this is just another nail in the coffin for the city centre
None
<p>As a retailer on the High St, I am nervous about the volume of street traders that could be operating at any one time, given the sightline to my store is likely to be obstructed by street traders. I would like to understand more around what your maximum capacity of traders is at any one time on High St.</p> <p>I would also like more information on types of traders you will give consent to. E.g market style stools selling cheap quality goods with poor presentation, which would only diminish the appeal of the high st, and potentially detract footfall in the area , where as premium street food venders would be a positive footfall driver and enhance city centre trading. Further detail on your aspiration to attract traders that will compliment and enhance the current retail offer would be valuable to share.</p> <p>Thank you</p>

Street trading has been around Birmingham City Center for a very long time and it should continue. People don't always have time to go into big stores to buy things such as lunches as most working people in the town center have a limited amount of time to buy and eat their purchases.

Yes, I think the outlets should be monitored - food health etc and I am sure that most of the traders take any waste products away with them and don't leave them around to feed the vermin.

I have a variety of comments, which I hope can be taken as a constructive feedback. Within my research work I have no obligation to do such, but it seems a potential window of communication with the council, and I honestly believe there is room for improvement in the draft policy (or for further discussion with the street traders in Birmingham). First of all, in having a

policy consultation done in the shape of a rather closed multiple-choice form, I could argue that citizen participation falls within what Arnstein (1969 - 'A Ladder of Citizen Participation') would label as 'Tokenism': "citizens may indeed hear and be heard. But under these conditions they lack the power to ensure that their views will be heeded by the ones (with decision-making power)" (p. 2)

The questions in this consultation are somewhat superficial, undifferentiated and tending to a specific outcome - i.e. support the policy. I agree that the development of a policy is undoubtedly a positive idea but the proposed one was developed in a not very participatory way – the text reveals it. First, I would like to know if the Equality Assessment mentioned in the Introduction is available for public access? Second, going through the different sections of the text, I found contradictions between 'friendly and inclusive sentences', with other ones revealing a sort of 'urban hierarchy which is not very inclusive to people as street traders'. Sentences as the third paragraph in the Introduction and the two following statements:

'Street trading can aid the local economy and contribute to the facilities offered to people who visit, live and work in Birmingham and it supports the Birmingham City Council's priorities:

- a) Birmingham is an entrepreneurial city to learn, work and invest in;
- b) Birmingham is a great city to live in;' (...)

as well as the statement in Section 6:

‘Why do we have street trading?’ (where the answer contained) ‘street trading encourages a vibrant and prosperous economy. It provides employment opportunities for local people as well as a seedbed of entrepreneurship, allowing new entrants to test their business skills and ideas in an environment which has a low start-up costs, minimal overheads and existing customer footfall’. seem to agree with the values established in the city council plan for 2018 - 2020 ('Birmingham as a city of growth where every child, citizen and place matters').

In the statement contained in Section 7 (p. 6):

(...) Consents will be granted to those applicants who best reflect the aim of this policy to:

“create a street trading environment which is sensitive to the needs of the public and businesses, provides quality consumer choice and contributes to the character and ambience of the local environment whilst ensuring public safety, preventing crime, disorder and nuisance”

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I would ask ‘which businesses’ are the needs of being considered? The ones from the traders themselves? The big malls or franchises in the city centre? It creates some ambiguity. Within Section 8, subitems 2 and 3 within ‘Prevention of Nuisance’ places the trading activity in a rather limited scope/ location. Any surrounding activity is given the right to complain about the unit’s presence for varied reasons, which the council has to investigate (with no clear criteria) and decide about.

The ‘Suitability of the applicant’ (p. 7) also presents some logical reasons for unsuitability of trader applicants, but no criteria as ‘seniority’ for the guarantee of continued licences to current traders. There is no praise or recognition for people working as traders for years in specific locations. Moreover, the new trading policy offers no security whatsoever of the continuation of an established commercial activity, according to the explanation given in Section 7.

In terms of the 'Suitability of the Unit' (p.7), the subitem 1 (mentioning Appendix 3) and the subitem 5 present the notion that, if a unit is invested on today, it might need to be changed in a short time, since 'the design brief will be kept under review'.

The rules for advertisement are also extremely rigid, at odds to all the rest that can be seen in the city centre: flashy and blinding lights, from shops from the Bull Ring Shopping Mall and the Grand Central and New Street station. The discretion demanded from the trading units sound a bit ironic.

'Hours of trading' (p. 8): 2 – 'Avoiding disturbance due to noise, smell or any other matter that the Council considers appropriate' (the end of this sentence is elusive. It should contain examples or clear definition of what the Council will consider inappropriate).

The Subsection 'Selling the right goods' (p. 8) has a statement strongly implying that the council considers street trading an 'inferior' activity when compared to fixed retail businesses, presenting a rather exclusionary mindset: 'The sale of goods from street trading should complement those provided by nearby businesses/retail shops. The types of goods allowed to be sold will be considered on a pitch-by- pitch basis and specified on the consent. (...)'

'Site Assessment' (p. 9): 'Obstruction of entry to or sight lines to the entrance of retail premises or obstruction of display windows of retail premises' further reinforces the uneven hierarchy implied, between trading and common retail commerce, which I mentioned above.

In the item 9 (Types of Street Trading Consent) (p.9): It is unclear, in the 'Annual street trading', if in enabling the consent holder to trade 'up to seven days a week' this means: a) the trader can work seven days if it wishes to; b) the council will decide how many days in a week that trader can trade in the specified pitch, with the possibility of more than one trader working there, in different days of the week. This lack of clarity can create interpretation problems for the traders intending to apply for a consent.

'Occasional Street Trading' (p.9): Why no more than 30 consents for occasional pitches? Why this specific number?

Item 10 (Consent Application, Renewal and Surrender) (p. 10): No mention is done about a potential 'preference' to the maintenance of a pitch for established traders. Is there any criterion defending a 'right of preference' for renewal rather than a new application, if more than one trader shows interest for a specific pitch? Or are the current traders to lack any sort of protection to their activities/ jobs?

<p>Item 15 (Applications): subitem 'the goods sold will not complement the surrounding retail offer' implies that basically nothing in main retail locations in the city centre (New Street and High Street, for instance) would be accepted. Again, this implies an unfair hierarchical consideration of permanent shops against street trading units.</p> <p>This list is not exhaustive' – sorry, but the criteria should be fully explicit and complete. If this list is not exhaustive it shall be completed before the release of the policy. Otherwise it shows that the council has no limits to its own activity, and public accountancy should be an element of a policy requesting public consultation.</p> <p>Subitem 'Making an application' (p. 13): 'Upon receipt of the complete application the Street Trading Team will consider the application in line with the key considerations outlined in section 7 of the policy and conduct a consultation as detailed in this section of the policy.'</p> <p>Even commenting on the process on the item 'Consultation' (p. 13-14), the consultation process is poorly explained and elusive, implying again a limitless power to the council in relation to the applicant traders.</p> <p>Finally, I would like to draw attention to the need of daily removing the trading units, from traders with annual consents. Considering the new policy of clean air, and some new changes also under consultation about vehicle access restrictions in the city centre, it seems absolutely pointless to demand the trading units to be daily removed just to be placed again the next morning on the very same spot. If this rule is to be enforced, I would like to understand what is the motivation for such. I admit that so far, in knowing some streets in the centre where trading units are located, this rule seems just the creation of a public burden, in my opinion. Especially being aware that most of these units have not been moving till now. Unless there is an intended rodizio of businesses in a same pitch on the same week - or some other reason that I would welcome being explained about - the moving of units seems to me a demand that actually aims to discourage the trading activity as a whole, especially in the pedestrianised streets of the centre, which ironically are the ones with higher footfall.</p> <p>I hope these comments can be of some use to the council and related stakeholders affected by this draft policy.</p>
<p>The BCC policy document seems to have covered the main points...but enforcement must happen for the policy to work...I see too many pop-up traders selling environmentally harmful "stuff", and a number of the larger established stands spreading and using space well beyond their given boundary. A consistent and quality look suitable for the streetscape is required to help overcome the poor perceived image of Birmingham.</p>
<p>I am the Partnership Manager for the Parks Service and have just completed a tender exercise for mobile catering services in parks. Following discussions between Darren Share (AD for Street Scene) and Paul Lancaster, Paul has suggested we request an exemption for catering services in parks as there are already contracts in place for these operators (both mobile and static catering). Please accept this as a formal request for the policy to be updated and for catering services within parks owned/managed by BCC are exempt from the street trading policy.</p>
<p>The policy states that Business Improvement Districts MAY be consulted over applications for street trading licences. I think this should be 'WILL' be consulted.</p>

We do a Street food policy but it shouldn't discriminate against those traders that are currently trading and they should be homes first and the process made easy for them.
Regarding proposals in policy to match the changes in infrastructure in my view they are not required.
Be fair to street traders it's their livelihoods.
Leave current traders alone
It is unfair on current traders who work hard and have experience in their field. If they already work there or have worked there for many years it is unnecessary for them to keep reapplying.
People have not thought about the people who could lose their businesses that they spent number of years building up from there there they could lose everything just so the council want to make more money of people to fill their pockets.
The readers have been around and loyal for many years no reason why they should now be judged as the council have nothing better to do
I hope this covers religious shouters of all persuasions and get them out or at least no microphones allowed. Keep the baked potato stalls!! Healthy, reasonably cheap, quick food for workers and visitors a like and not readily available elsewhere except in pubs.
What support is in place for traders ?
Reduce the monthly cost as it is much too expensive at the moment or consider a percentage of profits model. The monthly costs has been a huge barrier to entry for a startup enterprise. Also consider an arbitration entity as mobile licenses could cause conflict. Also consider a multiple site discount.

Appendix 13**Street Traders Meeting 10 February 2020**

This meeting was attended by approximately 40 current street traders (including the Chair of the Birmingham Street Traders Association), Field Support Officer from the National Market Traders Federation (representing the Traders), Birmingham City Council's Head of Licensing, Street Trading and Markets) and two Street Trading Enforcement Officers.

All current street traders (including match day traders) had been offered the meeting and had been informed that it would be a briefing on the consultation.

At the commencement of the meeting the attendees were again informed that this was a briefing and that consultation comments needed to be made in writing (paper and pens were available) or through the online consultation. The National Markets Traders Federation representative explained she was at the meeting to represent the traders as were Mr X and Mrs X who represented Birmingham Street Traders Association. The meeting took the form of a briefing with a question and answer session at the end. It lasted one and a half hours. Sajeela Naseer agreed that the following two specific points would be taken away as part of the consultation feedback which Birmingham City Council would consider:

Preferential application process for current street traders

Attendees requested that current street traders should not have to apply for trading locations where they are already working and have worked for many years if not decades and have built up a clientele. They feel that they or the livelihoods of current traders are at risk from the policy and new traders. They feel current traders should not have to apply under the new policy or that they should be given first preference. If they did not comply with the rules that location could then be offered to new traders.

Automatic renewal

It was felt that existing street traders should not have to apply for renewal under the proposed policy, but should be allowed a new consent without the requirement for a renewal application unless they had broken the rules. The reasons given for this were: related to the cost of purchasing trading units without having any guarantee of tenure for a substantial amount of time, the difficulty in getting a mortgage without being able to prove ongoing employment.

Sajeela Naseer said at the meeting that she was not aware of any other Local Authority that had a renewal process that guaranteed renewal. The representative from National Markets Traders Federation asked at the meeting if Birmingham City Council would further consider this request if the NMTF could provide other policies that reflected the traders request regarding renewal. The Head of Licensing, Street Trading and Markets said she would happily look at any other policies but that the fact that another authority was doing something did not necessarily confirm it was legal.

To date nothing has been received (13 August 2020).

Other comments in writing at the end of the meeting

“ I have been trading in Birmingham for 39 years and feel that I shouldn’t need to apply for my pitch every 12 months.”

“I want a meeting for football traders.”

“I don’t think anyone else should apply for my pitch. I want a meeting just for football traders.”

“Continuity of position is a must we have served and represented this city for 32 years.”

“Re write your policy, be fair.”

In the matter of Schedule 4 (Street Trading)
of the Local Government (Miscellaneous Provisions) Act 1982

And in the further matter of the Birmingham Street Traders Association

And in the further matter of the Birmingham City Council, Draft Street Trading Policy, 2020

Birmingham City Council: Draft Street Trading Policy 2020 Consultation
Birmingham Street Traders Association Response

The Birmingham City Council established street trading consent regime

1. Street trading in Birmingham has been regulated since the adoption of the regime in 1984, pursuant to Sch 4 of the Local Government (Miscellaneous Provisions) Act 1982. Fundamentally, street trading has however been a recognisable feature of the City for far longer than 1984. Many of the BSTA members have been trading since before the adoption of the 1982 Act and are the third or fourth generation of their family to do so at their pitches.
2. Currently all streets in Birmingham are consent streets. The street trading consent scheme in Birmingham is based upon and grown out of the skeletal provision contained at para 7 of Sch 4. Professional commentary has long voiced concerns in respect of para 7 and has described the street trading consent provisions as ‘nebulous’. Concerns as to the lawfulness and proper application of the street trading consent provisions are equally well established.
3. Currently, Birmingham City Council does not have a broad policy framework within which the street trading consent regime is operated it seems to operate on accepted customary practice going back many years. Such guidance as exists is limited. Firstly, providing a definition of street trading. Secondly, to providing details of streets where street trading is permitted. The current guidance confirms the long-standing practice that it is for the prospective street trader to determine a location and persuade the City Council that the location is suitable. The guidance advises against main roads, locations likely to cause congestion or obstruction (the only example given is near schools) and areas of parking restrictions.
4. The guidance also recognises and offers protection to established traders: *‘We’re [Birmingham City Council] are currently not accepting applications for street trading on any site in the city centre or football clubs. These sites are full. If a site becomes available, it will be advertised.’*

5. Thirdly, the guidance provides for a monthly fee payable in advance. Traders have been encouraged to set up direct debits many of whom have done so and have been paying ongoing fees for a considerable period of time. The promotion of the direct debit payment scheme further recognises and offers protection to established traders.
6. Fourthly, consent is '*normally granted for 6 or 12 months. Consents will normally be automatically renewed if there have been no issues.*' The customary practice is that consents have been '*automatically*' renewed year on year and decade after decade for many established traders. Indeed, as far as traders are concerned they operate with the legitimate expectation that their long-standing pitches and trade are a valued, protected and settled feature of the City and its street scene.
7. Consents for new pitches and traders seem to be variously based upon the application document, the views of various council officials and the police, the views of members of the public, the views of the Ward sub-committee or District Committee meeting and ultimately the Head of Service (Markets). Other than the application itself there is no opportunity for the applicant to make representations, participate in the consultation and determination, or appeal any decision.
8. The balance seems to be that following lengthy consultation a successful applicant can expect to enjoy the uninterrupted and continued use of a street trading consent at the chosen site without undue interference from the City Council. The nature of the street trading operations requires significant start-up investment and on-going investment and commitment by the holders of street trading consent. We are committed to the City and are willing to continue our investment in the City despite the apparent attempts by City Council to dismiss us and exclude us from further public life.
9. The operation of the street trading consent regime by Birmingham City Council encourages and promotes a policy for street traders to settle and establish themselves as on-going concerns on a continuing long-term basis. It encourages those who wish to commit to a viable, sustainable, long-term street trading businesses: to invest in, contribute to and trust the City. The current guidance on the City Council's web pages do not accurately reflect the long-standing practice and procedures that have been and continue to be operated. The proposed policy certainly fails to do so.

Legal Concerns – fundamental rights and obligations

10. BSTA association are of the view that para 7 of Sch 4 provides the basic structure upon which a local authority is able to build its own local regime. Within the City this has built up over time with an overlap of guidelines and long-established customary practice that has contributed to certain key legitimate expectations and established and continuing economic interests in the street trading consents issued and automatically renewed by the City Council.

11. The draft Street Trading Policy 2020 as currently formulated does not take into account these established practices and economic interests. Furthermore, the draft fails to address key legislative developments that impose overarching duties and obligations upon local authorities in respect of the ways in which their function are exercised and their duties fulfilled.
12. Neither the current guidelines, the established customary practice nor the draft policy addresses the question of whether the street trading consent scheme either in its skeletal outline or in the 1982 Act or the way in which it is specifically operated by the City Council is compliant with the European Convention on Human Rights and Fundamental Freedoms as incorporated into the Human Rights Act 1998. In particular the Council both in its guidelines, customary practice and draft policy needs must address itself to Article 6 (the right to a fair trial) and also Article 1 of Protocol 1 (the protection of property).
13. The City Council has not addressed itself to these fundamental Convention rights vis-à-vis the street trading consent regime. This failure is in itself grounds for challenge. In these circumstances the BSTA invite the council to withdraw the draft policy so as to publish its proposals to ensure compatibility with the Convention rights of street traders.
14. Further, the 1982 Act must be compliant with the provisions of the European Services Directive 2006/123/EC and the Provision of Services Regulations 2009. In October 2014, in its response to a joint consultation on street trading, the Government (Department of Business Innovation and Skills) confirmed that a number of aspects of the existing legislation were incompatible with the Directive/Regulations and promised amending legislation. Pending the (now long-awaited) amending/reforming legislation the Government reminded local authorities of its duty to screen their local street trading legislation against the requirements of the Directive. This duty to screen the street trading legislation, policies and practices against the requirements of the Directive is on-going.
15. The City Council has not addressed itself to the provisions and requirements of the EU Services Directive and the Provisions of Service Regulations 2009. In these circumstances the BSTA invite the council to withdraw the draft policy so as to publish its proposals to ensure compatibility with the Directive.
16. Furthermore, the City Council have failed to consider the combined impact of Convention rights and the Directive vis-à-vis the street trading consent regime as it specifically operates in Birmingham and as it proposes to operate pursuant to the draft Policy.
17. The draft policy and the consultation thereon being based upon a partial and incomplete legal basis is self-evidently and fundamentally flawed. Clearly, the correct approach

and most efficient (both in terms of partnership building, time and cost) is for the City Council to withdraw the draft policy and set out, as a preliminary, its understanding of these basic legal requirements in the light of the established and actual operation of the street trading consent regime in the City.

18. A review of the proper legal basis for the operation of the street trading consent regime in the City is a matter of urgency. There is a strong feeling among traders that Council officers are acting as if the draft Street Trading Policy 2020 has indeed been approved and adopted. It has come to the attention of the BSTA that the provisions of the draft Street Trading Policy 2020 are being currently applied *as drafted* against individual traders making a mockery of the various stakeholder meetings and the consultation itself. The BSTA is working with these individual traders to assert their legal rights and support them in making individual responses to the City Council.
19. Given the strong indication and perception that the outcome of the consultation on the draft Street Trading Policy 2020 has been pre-determined the BSTA strongly urge the City Council to withdraw the consultation and undertake a careful, detailed and engaged review of the existing practices, legitimate expectations and interests of established traders.

In our own words

20. **Samantha Poole and Allan Poole** we own and run a stall on the junction of New Street and the High Street have been at this location since 1976. The location and pitch was given to Allan's father for his services to the Bullring Market for many years previous. In all of the years we have held our licence we have never had to renew it's always been a rolling contract and for the last six years have been issued with an invoice monthly that we pay into the bank.
Our primary line of goods is in flowers, but in recent years we have diversified into tourist/souvenirs. We are the only outlet in the City Centre that sells tourist souvenirs, Birmingham does not even have a tourist information, we have doubled as that for years, we also have our souvenirs made specifically for us and import them ourselves, this takes forward planning and forward outlay of revenue, we could not do this either under the terms of the proposed policy.
We are members of the Birmingham street trading association, Allan is the chairman, I am the vice chair/secretary. We have filled in the online consultation and are not happy with the form as it seems heavily weighted towards what the council wants. You can't make comments if you agree only if you disagree – it just doesn't feel fair. This whole process has impacted immensely on our personal life as we are worried that we will lose our sole source of income, also the new proposed policy gives no security, how are we supposed to invest in a business that we may not have in 12 months time? We want to go forward with the council and enjoy many more years of trading but this proposed policy gives us no sense of trust with the council.

We have given an interview with the local press, that has had a positive public response, and have also set up a Facebook page (with the help of our daughter Roxanne Poole) this has also had a positive public response. With the upcoming Commonwealth Games should we not be considered too? Also, there is a further consultation running that involves the City Centre Public realms improvement, this makes no mention of street trading, this is very alarming as we feel that we are being overlooked. We have a strong suspicion that our city streets are being cleansed of our long established, family run street trading units.

21. **Karen & James Smith** trade on New St in Birmingham. We sell hats, scarves and gloves in the winter and gentleman's hats and ladies scarves and headscarves in the summer months. We have served the people of Birmingham for 27 years and have many regular customers. The license has never had to be renewed in 27 years. I have traded in this site for 27 years with no complaints I offer a great service to my customers and the city. I provide good quality and reasonable prices.
We are part of the community and are on hand to help and guide many of the visitors to the city. we constantly give directions, travel info, help with change. with the cuts in running the city I believe the street traders have been taking up the slack. I have often stopped beggars accosting people in an aggressive manner by my stall. I have also let people use my phone in an emergency and personally walked a young girl to the train station because she was being followed by someone. We are part of this community and care about it.
I am a member of BSTA and NMTA i do not hold a role but have attended meetings. it has been rolling. I have completed the consultation form. But feel it is wholly biased. there is no opportunity to comment unless you strongly disagree.
If the council don't reconsider these proposals and allow me to continue with my business. We will be put in serious financial hardship which will have a negative effect on myself and of course my family. We believe many traders will be in the same boat. We want to invest in improvements and growth but the if the council will not let the license automatically renew how could the traders invest £20K plus on new units with the high probability they would not recoup the money within the year.
22. **Max Davis** on Tays Corner, Bristol Road South, Northfield (Household Goods) I have been here for 7 years, but my family have been running Tays Corner for over 30 years. I pay monthly in advance and by direct debit for about four years.
23. **Robin & Leigh Paton**, Directors of Roseshine Ltd, t/a Mr Bumbles, selling jacket potatoes in Cherry Street, Birmingham city centre. We've been here for 30 years, since November 1990. BCC gave us this site in 1990, saying they would like it to be owner-run in order to maintain high standards As a result, we both gave up secure office jobs to throw our heart and soul into our own business, which we are still doing. During this time, we have always had a rolling license, which we pay by monthly direct debit, and have never missed a payment. The Council have always assured us that our business would continue provided we did nothing wrong, and we feel sure we never have. We're

unaware of anyone losing their licence to trade in that time. We are members of the BSTA, and the NMTF, and Robin is the treasurer of our group. We've completed two online surveys, both of which are heavily weighted in favour of the council's viewpoint, particularly the Public Realm consultation, which makes no mention of street traders at all. It's as if we're being completely airbrushed from Birmingham's history-a form of social cleansing. We're very concerned that our job security, which we've enjoyed for 30 years, is threatened, with no statutory right of appeal, and no independent arbitration between us and the council. Furthermore, we live next door to Robin's frail 96 year old mother, for whom we are carers, and loss of our only form of income would result in us having to sell our home, and see our beloved relative forced into full time care. This is our main worry, and is causing us considerable mental anguish.

24. **Graham Littlewood** on Kent Street B5 6SE (operating at night sell burgers hotdogs and chips, I have traded at this location 20 years this month March. The renewal process has been ongoing on an annual basis since signing for the pitch in March 2000. The rent is paid monthly in advance on a direct debit. The online survey seems simple enough however I don't understand why as existing traders I've been asked to apply for our own pitches. Having done nothing wrong by the councils own disciplinary guys which are attached to our trading consents. The renewal system doesn't allow any traders to look any further forward than 12 months so I wonder how the council thinks we can invest in the pitches with that being the case. The council statement in their own policy states that they wish to create new vibes new opportunities and move with the times however at this stage it looks just to wipeout businesses that have built up over the years without consulting them and I could move with the times bring some fresh ideas. All traders at the meeting recently held was in agreement that they would be happy to look at new things straight some pitches out where things have gone Off plan Currently we have no idea what the council thoughts are other than a survey that has now concluded and a letter to say at the moment we're all out of a job come the end of March! Most people I spoke to was of the same opinion that the existing traders need to be given a chance to run with the new rules and regulations bearing in mind that they haven't fallen foul of them in the 2030 or 40 years that they've been in existence.
25. **Graham Parsons** I own and run a street trading business in Birmingham city centre. The name of the business is The Potato Man and I am located on Lower Temple Street. I am a sole trader and my hours of business are as follows : Mon - Fri 10am - 3pm and the same hours on the occasional Saturday. The goods sold are hot baked potatoes with fillings, hot and cold drinks, crisps and confectionery. The business has been running since 1990. I am a member of the Birmingham Street Traders Association and also the National Market Traders Federation. The amount paid to BCC every month is £643. I

operate from a £36,000 catering unit that represents on old style Tram car. The unit was purchased 7 years ago after the last consultation with BCC on Street Trading.

26. **Cary Sutton** I have been working on the family run stalls since I left school in 1982, there were Two pitches in town, one on the Bull Ring Markets and one on New St Station.
My family have been flower sellers in Birmingham for over 150 years. I am lifetime member of the NMTF (one of only four left in the country!) My stall on New St (opp the ramp) is worked six days a week, 9am-6pm, I have one full time and one part time employees. I also work with the Youth Probation Service, giving young offender work experience.
27. **Carl O'Connor & Ben Fisher**: Habanero's on Temple Row, corner with Cherry Street (Mexican street food). We have been trading here since March 2013, having taken over families previous pitch (Mary Rowan), who traded there for 27 years, selling burgers, hotdogs, and roast pork sandwiches. We are members of the BSTA and NMTA
28. **Lakhbir ("Tony") Auja** I am a street trader working on Broad Street (B16 1DA) near to Five Ways Island. I work there 4 nights a week, my license currently permits me to work 7 nights a week. My consent/license says I can trade there from 6pm to 5am. I also work at Villa Park football ground on Manor Road (B6 6RH). I operate my catering unit on Aston Villa home match days, whenever they may occur. I have been issued a consent/license by Birmingham City Council to trade there at all home matches.
I am a hot food retailer, my products range from burgers, including beef, chicken, halal burgers, vegetarian and vegan. I also sell hot dogs, chips, gravy and curry sauce. I also sell hot drinks which include tea, coffee and hot chocolate. I also sell soft drinks and water.
I have been trading since March 1981 at both of these pitches, almost 40 years. I am the first of my family to operate here and set this business up single handed when leaving education at the age of 18. I am hoping to pass my business and valued customers down to my son following my retirement. He has worked with me on the pitches part time since the age of 16.
I am a member of BSTA and also NMTF, who provide me with upto £10m worth of third party (public) and product liability insurance and upto £10m employers liability insurance.
I have had a consent issued to me on Broad Street, Birmingham since consents were introduced in 1984, 3 years after I first started trading there. I cannot recall in which year the Villa Park consents were introduced however I have also had a consent there since the first day this was introduced as I was also already trading there.
I pay £228.00 per month for the Broad Street pitch and £788.00 for Villa Park per football season. Initially, I had to physically go to Manor House on a monthly basis to pay for the Broad Street pitch and once a year for Villa Park. When this was changed and the council introduced the collection of payment via Direct Debit, I immediately complied and paid via the council's preferred method.

I have also previously been issued with consent to trade on Gas Street, Birmingham where I operated for 20 years and Lower Trinity Street where I operated for approximately 8 years. However, I voluntarily handed these licenses back to the council as these pitches were not very busy so the licenses were no longer required.

I am aware through other traders that the only pitch which has previously been revoked from the council was in Alcester Road, King's Heath. This was quite some time ago and is in no way connected to my pitches or business.

I have never been in debt/arrears to the council and have always paid my rent well before the due date. I have always operated within the terms of my consent/license and have never received anything from the council to advise me anything to the contrary.

I have a duty of care to my customers and the general public, whether they are paying customers or not. I employ 3 members of staff and we care about our community and local area very much. We help the public numerous times throughout our hours working on the pitches, helping people with directions and making suggestions to tourists of other establishments worth visiting whilst in the area. We also help people find the best method of transport home after a long night out. This often this includes young university students who are new to Birmingham.

I did complete the online consultation form however I found this difficult to navigate. I found it weighed towards comment suggestions if I disagreed on a question but no feedback if I agreed with a question.

This is the only business I have operated since leaving school at the age of 18. I employ 3 members of staff who are in a similar position. We would not know what else to do given our age if we had our pitches taken away from us. I have a mortgage to pay on my house as well as a family to support. I would most likely have to sell the house I have lived in for 31 years and find somewhere smaller.

My catering unit meets all of the requirements set out by Birmingham City Council in the proposed draft however, I am willing to upgrade or make further changes if required, although this would be a considerable cost to my business.

The products I serve are appropriate for the clientele that frequent the area where I operate. I have built this business up over 4 decades and have built rapport with customers from all walks of life. I do not think it is fair to consider allowing someone else to take over my pitch after such a long period of time.

I am very concerned that this review carried out by the council has not taken into consideration the years of service of my fellow traders and I have given to the public from not only Birmingham but many surrounding areas. Furthermore, the consultation did not consult us, the people whose livelihoods are risk, before opening up to the general public.

Conclusion

29. While some of the stated aims of the draft Street Trading Policy are supported by the BSTA and its members the draft fails to address itself to some fundamental concerns. The draft policy fails to address how the City Council proposes to protect the established and legitimate interests of existing traders. The draft fails to address

fundamental rights and obligations that have been established since the implementation and adoption of the 1982 Act. At a number of meetings with council officials established street traders have been told that they would have “*first dibbs*” on their established sites. It is a cause for alarm and grave concern that traders who have served the City and contributed to its vibrancy for decades and in some cases over a number of generations are having their livelihood and years of civic service reduced to some form of school playground lottery. This is not only a cause for personal and professional anxiety but deeply insulting.

30. While development, regeneration and innovation are welcomed such future growth should not come at the expense of settled and established communities that have contributed to this City and its growth for decades and for generations. Any future street trading policy should both recognise and protect established traders while also providing the opportunity for improvement growth and the next generation of street traders.

Moving Forward

31. The BSTA wants to work in partnership with the City Council to develop a street trading policy and regime that reflects the lawful interest of current and future street traders and contributes to the growth of the city and the street trading community. In order to achieve this the BSTA is of the firm view that the current flawed draft street trading policy needs to be set aside and the City Council needs to start afresh on a proper legal and factual basis. We are willing to meet with the City Council (along with our own legal representative, if required) to develop a sound policy for the future. In particular we require the City Council to:
 - Provide an assessment of the actual street trading consent scheme, its operation and the established traders within Birmingham.
 - Proposals on how the City Council intends to meet its obligations under the Human Rights Act 1998 and the Provision of Services Regulations 2009 in respect of the street trading consent regime.
 - Proposals on how the City Council intends to recognise and protect the interests of established traders.
 - Proposals on how the City Council intends to provide for full participation in the determination process including rights and mechanisms for appeal.
 - Proposals on how the City Council intends to recognise and protect the interests of established traders while also providing opportunities for new street traders.
 - Proposals in respect of the economic and market restrictions.

- Proposals in respect of purported duration of consents.
- Proposals in respect of clear and lawful grounds for enforcement and revocation (including full participation in the determination process including rights and mechanisms for appeal).

For and on behalf of the Birmingham Street Traders Association

Leo Charalambides
Francis Taylor Building
21st February, 2020

Licencing and Public Protection Committee

Feedback

Sajeela Naseer, Head of Licensing, Markets and Registration, made introductory comments relating to the report and drew the attention of the Committee to the information contained in the report. Members

* The report was welcomed and that previous to this report it was only done in piecemeal and they would adopt this policy. There were a number of roads throughout the city that was named and designated, but the question was whether officers from Transportation agreed and were they supportive, and whether they would police the red routes across the city.

* It was time that the City Council had a street trading policy in place, but they needed to be mindful that they ensured that every person that had a consent was reached in a way that they fully understand so that they could not come back to say they were not aware of the policy. Member stated that there were no trading associations on the list in the document, but that he was aware of Saltley Traders Association which should be included as well as other trading associations across the city as they should be included.

* Enquired where this stood in relation to charities and whether this would have an impact on people still being able to collect money and donations for charities, particularly on the routes they were designating as no one would be allowed to trade there. The Member referred to the proposed Metro extension which was discussed in the Transport Plan this week and around the Bordesley Action Area Plan. The Member further questioned whether the proposed Metro extension from the City Centre through Birmingham East straight to the Airport was included in the consultation as they would not be able to carry out any trading. There was also Warwickshire County Cricket Club, Birmingham City Football Club and Aston Villa Football Club where there were lots of street trading. With the mobile consent, he was pleased that ice cream vans were included as there were issues with ice cream vans that were parked outside of schools which was an accident waiting to happen. They needed to look at the timeline – there was a report to Full City Council on the 7 April 2020, there was the Metro Mayor and Police and Crime Commissioner Election.

In response to the questions and comments from Members, the officers stated that:

- a) They had been in extensive consultation with Transportation through the process of designating the red routes and Transport for West Midlands in terms of the Metro routes and they were working in partnership with them.
- b) In terms of street trading on any of the prohibited streets, this would fall to their street trading and enforcement officers to deal with. Ms Naseer highlighted that they have had other conversations with Transportation regarding things that did not fall within illegal street trading that were happening on the streets concerning what the response would be in those situations.
- c) They will continue with these conversations with Transportation as a two-prong approach both with Transportation and themselves would be more effective in getting the results they desired.
- d) In terms of charities street collections were not affected as this was a separate piece of licensing legislation and they were all looked on in their own merit.
- e) In relation to purdah, the consultation was delayed by the General Election, but Purdah was not designed to stop what was effectively routine business. If they were doing a consultation, it would affect the Metro Mayor in terms of the transportation link, however the decision-making process and anything else would not be impacted by that.
- f) In terms of the current consent holders they had gone through significant length to ensure they were aware of the policy and the consultation process.
- g) In relation to the trading associations they would get some information out as soon as possible as the consultation ends on the 23 February 2020.
- h) Regarding the Metro extension some element of the proposed East Route were included, but they were only including it at the moment what had gone through the approval process. The proposals that were yet to be approved will not be included.

Coordinating Overview and Scrutiny Committee

Members made the following key points:

- The Council has declared a climate emergency and this should be recognised in the policy. It was noted that the policy states that units should be powered by electricity in city centre; diesel can be used outside the city centre only when no other power source is available;
- Enforcement is key and members questioned whether the resources are in place to do that – will we have the resources to enforce it? Ms Naseer explained that she had recently recruited two officers and will be looking at integrating enforcement of the policy into other employees' work. The two new recruits have already started to identify potential issues. Enforcement only relates to consented traders; with regards to illegal street traders, the Council will need to take a view regarding how to deal with their actual presence on the streets as street trading legislation does not provide powers to move them on, only to collect evidence for prosecution;
- The design brief appears very restrictive – members were concerned that these would be difficult to enforce and may discourage potential street traders. If flexibility is permitted, the policy needs to be clear about when and in what circumstances. It should be about enablement as well as
- This is a well drafted report, and the proposed policy brings Birmingham up to date;
- Some complaints relating to the street scene were about other issues, e.g. amplified music. Members were told that the wider street scene in the city centre is being looked at by regulatory services, including measures to address issues such as noise;
- There should not be an over reliance on the views of the BID managers as they may not be representative of the community, businesses and consumers
- Consultation through Be Heard is good when it works, but not all people are equipped to access it. Not all members were aware of the consultation.
- The contact centre should have the necessary information to respond to calls on the policy.

Appendix 15

Draft Street Trading Policy 2020**Consultation Analysis and Response****INTRODUCTION****The consultation**

0.1 Birmingham City Council (BCC) conducted a public consultation exercise about its proposals for a new street trading policy for a period of 10 weeks between 16 December 2019 and 23 February 2020. The proposals represented a significant change of policy from the previous arrangements, the aim of which was to “completely reshape its approach to street trading” in order to

“...create a street trading environment which is sensitive to the needs of the public and businesses, provides quality consumer choice and contributes to the character and ambience of the local environment whilst ensuring public safety, and preventing crime, disorder and nuisance.”

0.2 In total 170 respondents responded to the 16 questions included in the BeHeard questionnaire, furthermore responses were received via the mechanisms shown in 0.2,2 to 0.2.5 below. Respondents included current and prospective traders, representative trade organisations, elected members, members of the public, and other departments of BCC. Responses were received via the:

0.2.1 the BeHeard process,

0.2.2 Licensing and Public Protection Committee

0.2.3 Coordinating Overview and Scrutiny Committee

0.2.4 discussions at a briefing session and

0.2.5 a written submission on behalf of the Birmingham Street Traders Association (BSTA).

0.3 In this document, we analyse the main issues raised by respondents during the consultation and set out BCC’s considered response to them, in terms of taking the policy proposals forward and, where appropriate, inviting further responses.

ISSUES RAISED BY RESPONDENTS**1.0 Prohibited Streets**

1.1 BCC proposed to introduce the prohibited streets designation for all current red routes and metro routes (and approved extensions) within Birmingham. This would have the effect of removing some current street trading locations.

1.2 Some respondents said that current street traders should be permitted to continue trading on prohibited streets (to prevent loss of livelihoods) and, in general, street trading should be permitted if no obstruction would be caused. Introducing prohibited streets would restrict choice for pedestrians.

1.3 Response:

1.3.1 The objectives of red and metro routes include the free flow of traffic by preventing (and where prevention is not possible, minimising) unauthorised obstructions such as parking.

1.3.2 There is currently only one street trader trading from a proposed prohibited street. This street trader currently holds multiple consents and hence the impact of losing this location will be less than if he/she held only one consent. Furthermore, under the proposed policy the trader will be able to apply for a consent anywhere in the city.

1.3.3 We believe that allowing street trading generally on such routes would operate as an incentive for other vehicles to stop illegally.

1.3.4 In addition, in Birmingham, the routes in question are always busy, and BCC considers that consenting to street trading on them will introduce public safety risks to pedestrians (e.g. through distraction) that can and should be avoided by prohibiting street trading, especially given the extremely limited interference with current trading arrangements that will be caused.

2.0 No financial security if maximum consent is 12 months

2.0.1 Some respondents commented that an annual consent which may or may not be renewed after 12 months does not give sufficient financial security to encourage traders to invest significantly in their businesses, including by purchasing a mobile trading unit or securing a mortgage etc.

2.1 Response:

2.1.1 The Local Government Miscellaneous Provisions Act 1982 does not allow a consent to be granted for a period longer than 12 months. Although, in October 2014, central government indicated an intention to change this position by legislation,¹ no such change has yet been made. There is therefore no option but to require traders to renew their consents at the end of a period that cannot exceed 12 months.

2.1.2 It is also a requirement of the EU Services Directive 2006 (the "Directive"), and the Provision of Services Regulations 2009 ("PSR 2009") that any consent regime is not dissuasive of new street traders seeking to enter the market.

2.1.3 BCC has, nonetheless, considered the comments made by respondents and thinks that there is some merit in the point set out above, and some appropriate action that it can and should take within the statutory framework.

¹ See *Government response to the consultation to repeal the Pedlars Acts and make changes to street trading legislation in England and Wales*, Department for Business Innovation and Skills, October 2014.

2.1.4 BCC's new policy aims to support and facilitate a high-quality street trading offer, as has been set out in the draft policy, and BCC therefore agrees in principle that it is appropriate to support traders to invest in their businesses, so far as is lawful and proportionate. BCC must, however, balance its support for traders successful at initial application under any new policy with a recognition of the need to allow new traders into the market, given that the supply of street trading locations within the city centre and other desirable locations is limited and likely to be exceeded by the demand from new and existing traders.

2.1.5 BCC has therefore considered carefully how to strike an appropriate balance between supporting for traders by allowing a longer period during which they may establish their businesses without closing off opportunities for new traders.

2.1.6. We therefore propose to amend BCC's draft policy by adopting an assessment framework which supports a limited presumption that consents will be renewed, subject to conditions, for a second 12 month period. This second period will run from March to April, and will commence in the year following that in which the original consent was granted. For a trader to be able to take advantage of this presumption, they will need to show that, during the period of the first 12 month consent (up to the date of renewal), there has been full compliance with the consent conditions.

2.1.7 After any renewed consent has expired (*i.e.* after a maximum of 24-months from the grant of the original consent) a full competitive reappraisal will take place on any application for a further renewal.

2.1.8 If the new policy is introduced at some point in 2020/21, then the presumption of renewal will apply to the renewal processes for both 21/22 and 22/23 supporting a period longer than 24 months but not exceeding 28 months. This is a one-off concession to ensure implementation of the new policy is not overly burdensome and to enable traders to make decisions on a basis of greater financial security.

2.1.9 Subject to the concession referred to at para.2.1.8, however, BCC does not consider it appropriate to renew any consents granted under its new policy without a full competitive reappraisal for longer than the maximum 24 month period referred to above, given the obviously dissuasive effect that this would inevitably have on the ability of new traders to trade, and the undesirable stagnating of the market that would arise if new traders stopped applying for, or were unable to obtain, a consent.

2.1.10 It must also be emphasised that what is proposed is only a presumption of renewal and not a guarantee. There may be circumstances in which a renewal is not granted. Aside from failures to comply with consent conditions, examples include where changes to the locality since the original consent was granted mean that a first consent would not, at the time of renewal, have been granted for trading in that location, or otherwise where BCC's criteria for granting a consent are no longer met.

3.0 The position of current traders under the new process

3.0.1 Some Respondents felt that current street traders should not have to apply for a consent or renewal under the proposed policy, or should be given

preference for consents. They felt that the proposed policy/key considerations are unfair to current traders who should be able to continue to trade without hindrance. They argued that current street traders should not have to apply for trading locations where they are already working and have worked for many years, having built up a clientele. They were, in effect, arguing for “grandfather” rights or to be allowed to apply first, so that the only basis for opening a pitch up to a new trader would be if the current trader had broken the rules or no longer wanted it. Some Respondents stated that the livelihoods of current traders are at risk from the policy and new traders.

3.0.2 The Birmingham Street Traders Association (BSTA), in a written response that was drafted by counsel, argued that

(i) they had a legitimate expectation of being able to continue to trade from their current locations,

(ii) the proposed new policy interfered with their human rights under Article 1 of Protocol 1 and

(iii) the policy also interfered with their Article 6 rights in that the draft policy did not include any right to appeal against adverse consent decisions.

3.1 Response:

3.1.1 We recognise that the new policy proposals reflect a significant change of policy from the previous arrangements under which existing street traders had been permitted to continue to trade without interruption, in some cases for many years.

3.1.2 This approach had, however, given rise to a number of problems, including breaches of licence conditions in relation to which effective enforcement was extremely difficult, leading to a deterioration of the street trading offer within the city. BCC requires its policy and authorisation arrangements to be rigorously compliant with all requirements of domestic and EU law such as the EU Services Directive, under which authorisation procedures must not be dissuasive of new entrants seeking to enter the market, and considers that the existing arrangements need be updated to provide the necessary high degree of assurance in that regard, due to the restricted availability of locations within the city centre and other prime street trading locations.

3.1.3 As stated above, the Local Government Miscellaneous Provisions Act 1982 (the Act) does not allow a consent to be granted for a period longer than 12 months. BCC does not accept that any legitimate expectation has been given to current traders, but we have considered carefully whether, if these representations received are correct, BCC should nonetheless depart from the previous position.

3.1.4 We do not think that existing traders have a legitimate expectation of the continuation of the previous policy arrangements, but we have concluded that, even if

to do so would involve frustrating legitimate expectations, it is right and proportionate to depart from the previous policy and introduce a new policy.

3.1.5 There are significant drivers for a change to the previous arrangements, and a need to put in place new arrangements.

a. Birmingham's infrastructure has changed enormously since 1984 when consent streets were originally designated. These changes mean that the current street trading offer is not compliant with BCC's objectives. This is further exacerbated by the current application and enforcement process that restricts the ability of BCC to change the location and size of current trading units and to consider the quality of the trading unit or retail offer made. The current locations and sizes of trading units are not always compatible with the current infrastructure leading to issues with obstruction of the highway, obstruction of the visibility of, and entrance to, shops, and public safety in terms of clear passage through highly pedestrianised areas.

b. The nature of the current application and renewal process has resulted in very little change over decades in terms of the consent holders or product offer across the city thereby limiting innovation and quality of both the trading units and the goods sold on them.

c. In particular, the scope for consent applications for the city centre or for match day/football club trading has been extremely limited for many years as renewals of existing consents have tended to be automatic if there have been no issues. As stated above, at para.3.1.2, BCC considers that its policy and authorisation procedures need to be updated to provide the high degree of assurance required by the Council in terms of legal compliance.

d. There is an overriding need to have a policy that places fundamental public protection and public realm considerations at the heart of its authorisation scheme.

- Public safety
- Prevention of crime and disorder
- Prevention of public nuisance
- An enhanced retail offer

e. Events in Birmingham, such as the annual Frankfurt Christmas Market and the Commonwealth Games in 2022, together with changes such as the expansion of Business Improvement Districts, accentuate the need for street trading arrangements to be updated and properly enforceable.

3.1.6 Therefore, as the previous policy requires updating for the reasons set out above, it is necessary for changes to be implemented. It is proportionate to introduce a new policy that properly reflects the expectations of current traders, those who seek the opportunity to trade and the people who live and work, have businesses in, and visit, Birmingham and who require street trading to take place in safe and

convenient locations. It would not have been appropriate to continue with the existing arrangements, and the new policy, together with the amendments suggested in this document, seeks to strike a fair balance between the interests of all the different stakeholders.

3.1.7 The proposed key considerations in the new policy will ensure that fairness to existing and prospective traders, public safety, the prevention of crime, disorder and public nuisance, and an enhanced retail offer are at the heart of the process to approve, revoke and vary a consent.

3.1.8 Within the new policy all current traders (and potential new traders) can apply to trade from all consent streets within Birmingham and hence they have opportunities to trade beyond the locations to which they have become accustomed. Furthermore, BCC will seek to support all current street traders who may potentially not be successful in obtaining a street trading consent in relocating to another location or a location or unit within the Bullring Retail Markets.

3.1.9 Furthermore, some respondents seemed to imply that the current locations must be treated as suitable under the new policy. This may not be the case and hence it may be that in a given current location, no consent is granted under the new policy.

3.1.10 Likewise, BCC does not accept that the proposed new policy breaches existing traders' Article 1 of Protocol 1 (A1P1) rights. Even if A1P1 rights are engaged, those rights are qualified in nature and we consider that the replacement of the previous arrangements with the proposed new policy amended in the manner described in this document is necessary and is a lawful and a proportionate means of achieving a legitimate aim.

3.1.11 We have considered the issue raised that the proposed policy contravenes existing traders' Article 6 rights in that no right of appeal was proposed. BCC does not agree that Art.6 requires a right of appeal to be provided, but we have reflected on whether it would be appropriate to provide some opportunity to request a reconsideration of an adverse decision, at least in relation to first consent applications under the new policy once it is introduced. We have decided that this would be appropriate and so we shall include such a right in the policy when it is amended for consideration by senior officers.

3.1.12 Whether such a right should be available on each subsequent occasion that a consent is sought will be considered during the first 12 months of the operation of the new policy, as part of our ongoing review of its operation.

4.0 Less commitment by occasional traders

Some respondents suggested that occasional traders would have a negative impact on long term traders and the economy, and that they would not get regular custom or attract people to the area.

- 4.1 Response:** There are currently match day street traders and other street traders who have to apply for an annual consent to work for less than 30 days a year. This

proposal would merely regularise the consent process. Occasional street traders could also enhance the retail offer of an area for limited times of the year such as summer or Christmas.

5.0 No change required

Some respondents said that there is no need to introduce a new policy as things are working well as they are.

5.1 Response:

5.1.1 The reasons for introducing a new policy have been set out in the consultation process and are repeated above. In particular, BCC considers that it is necessary to have a policy that is robust in its compliance with the Directive and PSR 2009, as well as UK law requirements including equality and diversity legislation.

5.1.2 The policy drivers for change are set out above in various places, but include: current infrastructure, public realm considerations, events such as the Commonwealth Games and the Frankfurt Market, the need to ensure continued legal compliance and the emergence of business groups such as Business Improvement Districts.

5.1.3 BCC has concluded that change is therefore needed for a number of different reasons, including the unsuitability of some current locations and street trading units, public safety; prevention of crime and disorder; prevention of public nuisance and the enhancement of the retail offer in Birmingham.

6.0 All food businesses should be treated the same

Some respondents said that street traders should not have to provide a higher (4 or 5) food hygiene rating than other food premises (who can trade with a score from 0-5)

6.1 Response:

6.1.1 All food businesses in Birmingham need to be registered with BCC but only some require a licence/consent. We have considered whether it would be appropriate to relax the food hygiene standards for street traders in line with the position for fixed premises, but we do not think that we should do so.

6.1.2 The necessity for a consent for street trading enables BCC to ensure that a good food hygiene and safety standard has been achieved, which promotes street trading as a high quality retail offer and supports protecting public health. There are also particular challenges to food safety and hygiene in relation to street trading units that are not present in other types of premises. Moreover, the fact that BCC does not have these powers in relation to all premises does not mean that the council should not use the powers that it does have for the protection of public health and safety.

7.0 Prefer no street trading

We received representations from respondents who felt that street trading does not enhance the retail offer and can have detrimental effect on neighbouring businesses. In addition, there was view that pedestrian flow and open spaces should not be hindered.

7.1 Response:

7.1.1 BCC believes that street trading supports the following BCC priorities:

- Birmingham is an entrepreneurial city to learn, work and invest in
- Birmingham is a great city to live in.

7.1.2 Street trading encourages a vibrant and prosperous economy. It provides valuable employment opportunities for local people as well as a seedbed of entrepreneurship, allowing new entrants to test their business skills and ideas in an environment which has a low start-up costs, minimal overheads and existing customer footfall.

7.1.3 Goods on sale in the street provide convenient access to hot and cold drinks, fresh fruit and vegetables, specialist goods and other goods for local communities, those travelling to work, and the visitors to Birmingham.

7.1.4 We therefore do not agree that street trading should be prohibited, although, for reasons expressed in the draft policy and elsewhere in this document, we do think that the current arrangements require updating in order to continue to provide a fair, legally compliant regime which is more closely aligned to BCC priorities and supportive of a higher quality street trading offer.

8.0 More/appropriate enforcement required

Some respondents said that street trading needs more enforcement to ensure traders do not “spread” or use their consent to park their cars adjacent to their street trading unit. There was also a comment referring to BCC’s ability to control this sector to restore pride in the city and to ensure visitors return.

8.1 Response:

8.1.1 BCC agrees with this representation. Compliance with street trading consents and illegal street trading will be enforced against by Street Trading Enforcement Officers in line with BCC’s Regulation and Enforcement Department’s Enforcement Policy.

9.0 Units should be allowed to remain in situ after trading

This argument was put forward by some respondents.

9.1 Response:

9.1.1 BCC has considered whether or not there is merit in this argument. The draft policy is based on the use of mobile units for street trading, which will have to be removed after the end of trading each day.

9.1.2 We remain of the view that removal each day is necessary. Street trading units are not designed to form part of the permanent street scene/public realm. In the past, some street traders have failed to remove their units as required and this has caused problems. Many areas of Birmingham now have a thriving night-time economy which is detrimentally affected by the presence of closed up mobile units. These closed units also attract potential criminal damage and anti-social behaviour through graffiti etc, which has a further negative impact on the street scene.

9.1.3 Units that remain in situ may also attract the need for planning permission and/or be rateable hereditaments attracting liability for business rates. The cost of street trading is significantly less than that of having a shop or other permanent structure in the vicinity and reasons for this include reduced costs from not paying for leases or business rates because the trading unit is mobile. In addition, where a traffic regulation order etc. is in place then it is expected that the street trader will comply with any requirements. If they are unable to comply then their street trading consent application may not be considered suitable.

10.0 Request for the exemption of BCC Parks from Street Trading Policy

The Partnership Manager for BCC Parks Services requested an exemption on the basis that there were already alternative processes in place for the regulation of catering within parks.

10.1 Response:

10.1.1 Given that the Parks Service has Byelaws in place that prevent the display, sale etc. of goods without the agreement of the Council and the means of enforcement of the same, it is considered appropriate to exclude specific parks from designation as consent or prohibited streets within the 1982 Act.

11.0 The need for current street traders to be made fully aware of the proposals.

11.1 Response:

11.1.1 The City Council agrees with this representation. Traders have been written to about the consultation, have had the proposed policy delivered personally to them by hand and have been invited to a briefing about the proposed policy if they wished to attend. This briefing was attended by approximately 40 traders. The Chair of the Birmingham Street Traders Association was present, and the traders were also represented by a Field Officer from the National Federation of Market Traders. Furthermore, the Birmingham Street Traders Association have made a submission to the consultation through their appointed Counsel.

12.0 Design brief too restrictive

Some Respondents argued that the design brief under the new policy is too restrictive and allow more flexibility.

12.1 Response:

12.1.1 BCC's City Design Team have reviewed the design brief and have made some amendments to increase flexibility and that will be included in the final version of the policy.

13.0 All elected members should be made aware of the consultation**13.1 Response:**

13.1.1 All BCC members were contacted by email making them aware of the consultation and how they could send in their responses.

14.0 Traders Associations should be informed of the consultation**14.1 Response:**

14.1.1 All Business Improvement Districts have been informed of the consultation. The Birmingham Street Traders Association has participated, and the consultation was available to all traders' associations via the BeHeard online consultation which was accessible to all.

15.0 Participation in decisions by existing traders

We received representations to the effect that that traders are entitled to full participation in the consent process which the new policy proposals would deny them.

15.1 Response

15.1.1 It is not appropriate or necessary for traders (current or new) to be involved in the decision-making process on consent applications. BCC will ensure that the application process is fair by identifying both the consent criteria with which all street traders would be expected to comply and by including a framework for decision making (when considering application and renewals) within the policy. All potential traders will be able to put their case why they should be granted a consent under the new policy, in the full knowledge of the criteria the authority intend to apply.

15.1.2 Additionally, as set out above, BCC will introduce an internal appeals process to senior officers against an adverse decision on a consent application, at least in relation to first applications under the new policy when implemented. The appeal mechanism will be outlined in the final policy document.

16.0 The Directive, PSR 2009 and the BIS consultation response 2014.

The BSTA Representation argued that BCC's new policy needed to address the issues referred to in the government consultation response referred to at para.2.1.1 (and footnote 1) above – “Street Trading and Pedlary Legislation: Compliance with the EU Services Directive” (BIS, October 2014) which related to a consultation exercise issued on 23 November 2012 "Consultation to repeal the Pedlars Act and make changes to street trading legislation in England and Wales”

16.1 Response

16.1.1 We agree that our policy needs to be compliant with the relevant current legislation. We have referred to the BIS consultation response above, at para.2.1.1. Where BCC has a discretion, we have taken account of the views expressed by central government in that document, but which government has never implemented.

16.1.2 In taking account of those views, we have also recognised that we are not bound by the government's approach as set out in that document or by its views on the law, and that the views set out in that document must now be considered in the current context some 5 ½ years later. Moreover, the majority of the views expressed in that document relate to street trading licences and not consents. It cannot be assumed that the approach to licences set out in that document should necessarily or automatically be imported into the consent regime at this time.

16.1.3 Nonetheless, we agree that the contents of the document are relevant to the issues involved in developing the new policy and we therefore agree with the representation that it should be taken into account, even with the caveats we have set out above. The revised version of the policy will set out BCC's proposals in relation to the issues raised in that document more specifically, though it must be said that as originally drafted and consulted on, we think our proposals are clear.

16.1.4 In particular, when considering the policy proposals again in the light of the responses to consultation, and when putting those proposals to members, we shall have such regard as we consider appropriate to the government's views as expressed in the October 2014 BIS document.

16.1.5 The Street Trading Policy 2020 will seek to be compliant with both the Directive, the PSR 2009 domestic law, including human rights and equality legislation, and those aspects of government's views as set out in the BIS consultation response that BCC considers appropriate and has power to implement under the current legislation. The Services Directive distinguishes between two categories of service provider – those that are exercising the freedom of establishment (an established trader) and those that are exercising the right to provide cross-border services in a Member State other than the one in which he or she is established (a temporary trader). Article 9 of the Services Directive sets out the requirements for an authorisation scheme for established traders and Article 16 sets out the requirements for temporary ones.

16.1.6 The following bullet points summarise BCC's approach to compliance with the above legislation and the aspects of the BIS document that we consider appropriate. In summary, this will be achieved, amongst other things, by:

- Charging a fee that is proportionate to the cost of operating the scheme and dealing with the applications;
- Permitting payment of this annual fee in four quarterly instalments;
- Enabling electronic applications for a consent;
- Adhering to the mandatory requirement under the LGMPA to refuse a licence for applicants under the age of 17 years, but also ensuring proper regard is given to the Children and Young Persons Act 1933 and to ensure that the BCC will refuse to grant a licence if granting a licence would be a contravention of this Act.
- Stating a specific time frame in which applications will be processed.
- Adopting a new assessment framework for consent applications within which (for the avoidance of doubt) account will not be taken of matters such as whether in the location sought by the applicant "enough" traders already trade in the goods in which the applicant also desires to trade" (as this is not considered to comply with the Directive).
- Applying a flexible approach to trading days.
 - BCC does not intend to specify through any resolution a specific number of days that a trader must trade, but it does expect that traders operate on the dates and times as specified within their consent.
 - The grant of a consent will be made through an assessment framework which may include considering trading days applied for where there is demand from other would-be traders to trade from that street but will not be driven solely by this aspect.
 - In this way, the assessment framework will not be "dissuasive" to either temporary or established traders.
 - Where there is demand from other would-be traders in a street where an established trader has not availed him/herself to a reasonable extent of a previous street trading consent then this matter may be considered a discretionary ground for not supporting an application (including renewal) for a consent by an established trader. This discretionary ground will not be used with respect to a temporary trader.
- BCC recognises that LGMPA Schedule 4 para.7 restricts trading from a van, cart, barrow, other vehicle or portable stall in a consent street unless allowed within the consent permission (section 8). BCC considers that this prohibition will not hinder its ability to implement the Street Trading Policy.
- BCC will adopt an assessment framework with a limited presumption of renewal for a maximum of one 12-month period running from March to April the following the year the consent was granted, if there has been full compliance with the consent conditions in the first year or part of. On any renewal application after this maximum 24-month period, a full competitive reappraisal will take place. Time incurred in a consent granted in 2020/21 after the implementation of the new policy will not contribute to this 24-month period and the limited presumption of renewal will also be applied (as a one off) for the transition from March 2020/21 to April 2021/22.

17.0 Policy development with existing traders

Some traders and the BSTA argued that they were willing to work with BCC to develop a new policy that better reflected their views as to an appropriate policy and assessment framework.

17.1 Response

17.1.1 BCC does not consider it appropriate to develop policy in conjunction with one group of stakeholders, especially where the interests of that group are likely to be in opposition to the interests of other groups equally entitled to the fair representation of those interests and to a proper and independent decision-making process.

17.1.2 BCC does, however, intend to invite further responses to one question which is set out below before making its final decisions as to the new policy.

18.0 Redaction, addition or amendment to the policy following consultation

18.1 Our main proposals to amend the draft policy on which we consulted are set out below.

18.1.1 Amendments have been made to the design brief to make it more flexible.

18.1.2 Removal of the proposal for the introduction of a “mobile consent”

18.1.3 Specific Birmingham City Council Parks will be excluded, and will neither be consent streets or prohibited streets.

18.1.4 A limited presumption of renewal will be introduced

18.1.5 Clarification of how applications will be considered for streets where there are more applications for annual consents than availability of suitable locations will be introduced.

18.1.6 Clarification of the assessment framework for consent applications.

18.1.7 Quarterly payment of consents will be introduced with initial monthly payments during the first 6 months of the policy to support traders in relation to the impact of coronavirus.

18.1.8 Reduction of the proposed 6-week window for initial applications to a 4 week period.

18.1.9 Introduction of the following impact mitigations for traders during the implementation phase of the new policy:

- An internal appeal process for traders not successful in gaining a consent during the implementation of the new policy;
- Support to relocate to the Bullring Retail Markets if unsuccessful in gaining a consent during the implementation of the new policy;

- Detailed feedback on any unsuccessful consent application to enable a better application to be developed in the future or for submission at another location;
- Face to face discussion with unsuccessful traders to try and identify other suitable locations provided all other criteria are satisfied;
- Allowing current traders successful under the new policy a three-month period to obtain the approved trading unit (providing their proposed temporary trading unit is of a suitable size and construction for the agreed location).

NEXT STEPS – FURTHER QUESTION

18.1.10 The policy proposals we have developed seek to strike a fair balance between

- (a) the need to ensure that its authorisation scheme is not dissuasive to new entrants to the market, and to make proportionate changes to the previous arrangements under which many traders have operated from the same location for many years, and**
- (b) the needs of current traders.**

18.1.11 Respondents are invited to respond by Sunday 26 July with any alternative proposals that they may wish BCC to consider, which would allow for new entrants to enter the market for city centre and match-day street trading while making fewer or less significant changes to circumstances of current traders.

Any representations should be sent to marketstalls@birmingham.gov.uk

In writing to:

**Head of Licensing and Markets Service (inc. Street Trading)
Birmingham City Council
Neighbourhoods Directorate
Regulation and Enforcement
Manor House
40 Moat Lane
Birmingham
B5 5BD**

Appendix 16

Four responses were received to the question “Respondents are invited to respond by Sunday 26 July with any alternative proposals that they may wish BCC to consider, which would allow for new entrants to enter the market for city centre and match-day street trading while making fewer or less significant changes to circumstances of current traders.”

On 17 September 2020 Birmingham City Council placed two previous street trading reviews (2011 and 2018) and the latest version of proposed Street Trading Policy 2020 on the Council’s web pages. On 24 September 2020 the Birmingham Street Traders Association became aware that this had occurred and responded with a statement that they asked to be included within this cabinet report. That statement has been added to the end of this appendix.

Response 1 – Birmingham Street Trading Association

In the matter of Schedule 4 (Street Trading) of the Local Government (Miscellaneous Provisions) Act 1982

And in further matter of the Birmingham Street Traders Association (“BSTA”)

And in the further matter of the Birmingham City Council, Draft Street Trading Policy, 2020

Alternative Proposals

BSTA response to the Councils’ Consultation Analysis & Response

1. The Birmingham Street Traders Association (“BSTA”) are not opposed to development, regeneration and innovation. Such future growth should not, however, come at the expense of settled and established communities that have contributed to this City and its growth for decades and for generations. Any future street trading policy should both recognise and protect established traders while also providing the opportunity for improvement growth of the existing street traders, the next generation of street traders along with new entrants to the Birmingham street trading community.

The Deterioration of the Street Trading Offer: Evidence Base

2. The Consultation Response takes a very dim view of the existing street trading offering and of existing street traders within Birmingham being described as a ‘deterioration of the street trading offer’ [3.1.2]. Paragraph [3.1.5] asserts that the current street trading arrangements are incompatible with current City infrastructure; that innovation is limited with very little change; and the quality of goods and trading units are questioned.
3. The BSTA has not seen the evidential basis upon which these conclusions have been reached. We would welcome sight of this/these assessments and the opportunity to

comment on this harsh condemnation. The BSTA represents established and successful street traders that have operated a viable, sustainable and successful street trading offering within the City many have done so for a significant period of time.

4. The BSTA does not accept that the City has a deteriorating street offering. We nonetheless welcome the opportunity to work with the City Council to agree areas of improvement and innovation and to work together to achieve these. The Consultation Response proposes no more than proportionate changes to the arrangements under which existing traders have operated [18.1.10]. It is being further proposed in the Consultation Response, amongst other measures, at [18.1.9] to provide ‘Detailed feedback on any unsuccessful consent application to enable a better application to be developed in the future or for submission at another location.’
5. The BSTA make the following suggestion:

[1] We suggest that in place of the broad and general judgment in respect of the existing street trading offer in the City that the Council as a matter of urgent priority provides such *detailed feedback* to existing traders. Such detailed feedback must be related to the lawful purposes of the 1982 Act. There must be an opportunity for existing traders to make representations on the detailed feedback. Finally, the Council must agree with each existing trader an action plan to meet any relevant and lawful concerns within an agreed time frame.

Aims and object of the 1982 Act

6. The Council continues to demonstrate its failure to understand the aims and objects of the 1982 Act. The Council is invited to properly consider the aims and objects of the 1982 legislation in light of the EUSD/Provision of Services Regulations 2009 and the Human Rights Act 1998. In particular the Council is invited to consider whether its emphasis on public protection and public realm considerations [3.1.5 d] are within the aims and objects of the 1982 Act. While many of the aims of the policy are laudable they are none-the-less outside the scope of the regime. We welcome the Council’s commitment to be ‘rigorously compliant’ with all legal requirements [3.1.2], our offer to assist remains open.
7. The key considerations in part 8 of the draft policy are broad and wide ranging and in our view outside the scope of the 1982 Act and Provision of Services Regulations 2009. The Consultation Response promises clarification of the assessment framework for consent applications [18.1.6]. We look forward to the clarification in the subsequent draft policy document; once these fresh proposals are published we will comment upon that draft accordingly.

8. The most egregious example of this failure is the imposition of an economic tests which is a prohibited requirement contrary to the Provision of Services Regulations, Reg 21(1)(e):

‘A competent authority must not make access to, or the exercise of, a service activity subject to any of the following -

(e) the case-by-case application of an economic test making the grant of authorisation subject to –

- (i) proof of the existence of market need or market demand,
- (ii) an assessment of the potential of current economic effects of the activity,
- or (iii) an assessment of the appropriateness of the activity in relation to the economic planning objectives set by the competent authority.’

9. Under para 3(6) of Schedule 4, local authorities have a discretion to refuse an application for a street trading *licence* on one of seven grounds and that one, namely para 3(6)(b) – that there are already enough shops / traders in the street who are trading in the applicant’s goods – is incompatible with the Directive because it involves a case-by-case assessment of the existence of an economic need or market demand. Accordingly, the Government proposed to repeal this ground (see Government response to the consultation to repeal the Pedlars Act and make changes to street trading legislation in England and Wales (BIS, October, 2014), para 31) (see also BEIS, Guidance on the provision of services regulations, March, 2019, page 15).
10. Although the 1982 Act has not been amended the BIS Guidance for local authorities also requires local authorities to screen local legislation and administrative practices to ensure that unnecessary barriers to service provision are removed. This includes adjusting regulations and policy rules that do not satisfy the criteria of the Directive (page 13) (see also the Screening Flowchart for requirements that are imposed on service providers operating in the UK which require competent authorities to take steps to ensure that they comply with the Directive).
11. The draft Policy states that ‘the aim of this Street Trading Policy is to **create a street trading environment which is sensitive to the needs of the public and businesses, provides quality consumer choice ...**’ (draft Policy section 1, page 3). The assessment of the existence of an economic need or market demand is explicitly set out in the draft Policy at section 8 which lists the broad and wide-ranging considerations. At page 8 under the heading of ‘**Selling the right goods**’ the draft Policy provides: ‘The sale of goods from street trading should complement those provided by nearby businesses/retail shops. The types of goods allowed to be sold will be considered on a pitch-by-pitch basis and specified on the consent. The quality of goods, local need for the goods and innovative approach will be considered.’

12. The Consultation Response confirms that unlawful economic considerations are a key – if not the key – factor that informs draft Policy:
- [2.1.4] and [7.1.4] The ‘new policy aims to support and facilitate a high quality street trading offer ...’.
 - There is to be an annual ‘full competitive reappraisal’ to counter, amongst other matters ‘the undesirable stagnation of the market’ [2.1.9].
 - Concern with what is considered to be ‘a deterioration of the street trading offer’ [3.1.2] and the consideration of the ‘retail offer made’ [3.1.5 a].
 - Concern with the products offered, innovation and the quality of the goods sold in the city [3.1.5 b].
 - One of four overriding needs at the heart of the proposed authorisation scheme is for ‘An enhanced retail offer’ [3.1.5 d], [3.1.7] and [5.1.3].
 - Providing a ‘seedbed of entrepreneurship’ and business start-up [7.1.2].
 - The expansion of trade opportunities [3.1.8].
13. The Consultation Response clearly confirms that contrary to Reg 21(1)(e) economic test are at the heart of the draft policy requiring proof of the existence of economic needs and market demand; the assessment of potential or current economic effects of street trading and an assessment of the appropriateness of street trading in relation to the economic planning objectives of the competent authority. The Council is also reminded of Reg 17 which make provision for selection from among several candidates.
14. The BSTA make the following suggestion:
- [2] We suggest that the draft Policy is reviewed so as to exclude from its scope the consideration of prohibited economic tests. The aims of any subsequent draft policy should be confined to the lawful aims and objects of the 1982 Act and not wider albeit laudable aims.

Duration and Renewal of Street Trading Consents

15. The Council response now recognises that traders need to be allowed a longer period during which they may establish their businesses [BCC Response [2.15] and proposes what is described as a limited presumption of renewal [BCC Response [2.1.6]-[2.1.10]

and [18.1.4]). This is not, however, a presumption of renewal as the Council proposes to retain its full discretion to refuse applications and renewals.

16. This limited presumption of renewal fails to address the established and legal interests of existing traders as previously outlined in the BSTA consultation response.
17. Paragraph 7(10) of Schedule 4 provides that ‘A street trading consent may be granted for any period not exceeding 12 months but may be revoked at any time.’ Regulation 16 of the PSR provides:

‘An authorisation granted to the provider of a service by a competent authority under an authorisation scheme must be for an indefinite period, except where –

 - (a) the authorisation is
 - (i) automatically renewed, or
 - (ii) is subject only to the continued fulfilment of requirements,
 - (b) the number of available authorisations is limited by an overriding reason relating to the public interest, or
 - (c) a limited authorisation period can be justified by an overriding reason relating to the public interest.’
18. The BIS Guidance for local authorities (2nd Edn, June, 2009) provides that ‘Local Authorities must ensure that authorisations granted to service providers are not for a limited period. Exceptions to this are cases in which: the authorisation is automatically renewed or is subject only to the continued fulfilment of requirements; the number of available authorisations is limited due to an ORRPI; a limited authorisation period can be justified by an ORRPI’ (page 15)
19. The BIS Guidance for local authorities also requires local authorities to screen local legislation and administrative practices to ensure that unnecessary barriers to service provision are removed. This includes adjusting regulations and policy rules that do not satisfy the criteria of the Directive (page 13) (see also the Screening Flowchart for requirements that are imposed on service providers operating in the UK which require competent authorities to take steps to ensure that they comply with the Directive; also BEIS, Guidance on the provision of services regulations, March, 2019, page 13).
20. In the Government response to the consultation to repeal the Pedlars Act and make changes to street trading legislation in England and Wales (BIS, October, 2014) it was determined that ‘the Government will remove the specification of the time period of validity of street trading licences and expect local authorities when setting a time period to take into account the need to avoid unduly restricting entry to the market (paragraph 45). Further, at paragraph 61, ‘The Government will also remove the specification of the time period of validity of street trading consents while making it clear that the period set should take into account the need to avoid unduly restricting entry to the market.’

21. Neither the draft Policy nor the limited presumption of renewal in the BBC Response adequately addresses the legal requirements as to the duration of authorisation.
22. The BSTA has previously set out its concerns in respect of protecting the established and legal interests of existing traders. The BSTA is further concerned that the Council has failed to have proper regard to new entrants to the Birmingham Street Trading community. The current position seems to be that each year the Council will effectively dismantle its entire street trading offering and start over. This is an unduly restrictive measure that undermines both existing and prospective traders.
23. The BSTA make the following suggestions:

[3] The Council must consider measures to encourage prospective traders to the street trading community that do not undermine existing traders. Such measures to include the development of markets (including the Bullring Market as suggested in the BCC Response [18.1.9]) and special events and occasional markets and street fairs.

[4] The Council ought to adopt a policy which includes a presumption in favour of renewal of existing street traders (*i.e.* those with valid street trading consents prior to 23rd March 2020¹) at their existing locations. Where as a result of the proposed reselection and designation of street trading consent locations the existing locations are untenable we propose mitigation measures for a commensurate replacement location. Any such commensurate measures to be subject to an internal review (similar to appeal measures outlined below).

[5] The Council ought to adopt a policy which includes a presumption in favour of renewal for all street traders granted a street trading consent under the terms of any newly adopted policy.

[6] The Council ought to adopt a policy that the presumption for renewal either for existing street traders or new entrants is to be set aside only upon grounds within the aims and objects of the 1982 Act and the Provision of Services Regulations 2009.

[7] The Council ought to adopt a policy for an internal appeal mechanism on any refusal of a street trading consent application, any refusal to apply the presumption in favour of the renewal of a street trading consent and any decision to revoke a street trading consent.

Designation of Consent Streets and Prohibited Streets

24. The Consultation Response seems to suggest the selection and designation of suitable street trading locations. The BSTA has not seen any proposals in respect of the

¹ Start of Covid-19 Emergency Period.

designation of suitable street trading locations; once these fresh proposals are published we will comment upon that draft accordingly.

25. The BSTA make the following suggestion:

[8] That the Council set out the details and evidential basis upon which it proposes to rescind and / or vary the current designations to include in draft the proposed resolution in accordance with paragraph 2(13), Schedule 4 of the 1982 Act.

Specific City Center and Match Day arrangements

26. The City Council is now seeking proposals for specific arrangements in respect of city center and match-day street trading [18.1.11]. This is a novel development that has not previously canvassed. The draft policy does not contain any details for site specific or event specific arrangements; once these fresh proposals are published we will comment upon that draft accordingly.

Appeals

27. In the draft Policy, whilst a right to an internal appeal was afforded if a trader's consent was revoked, no appeal was afforded if, at the end of fixed 12-month period of a consent, the Council refused to renew it (Consultation Draft, sections 20-21, pages 1516).
28. The effect of a refusal to renew a consent is, in terms of its effect on the trader, materially identical to the revocation of such a consent: it removes the trader's livelihood. This effect is the same whether a trader is long-established, or is at the end of their first consent period. Nevertheless, the scale of the impact of this deprivation of livelihood may be much harder felt by long-established traders, not least due to the interruption of well-developed supply chains and loss of significant business goodwill.
29. BSTA notes that the Council now accepts the principle that "it is appropriate to provide some opportunity to request a reconsideration of an adverse decision" in respect of a renewal application (BCC Response, paragraphs [3.1.11]; *cf* [15.1.2]). However, it intends only to apply this principle to 'first consent applications under the new policy once it is introduced'. This restrictive approach is wrong for the following reasons:

[a] The effect of non-renewal of a consent is the same, regardless of when it takes place within the lifetime of the proposed future policy. If the principle is accepted that an appeal against non-renewal is appropriate, it must apply to all decision not to renew, and not only to some;

[b] The restriction of a right of appeal to only the first round of renewal applications under the new policy means that only traders holding consents prior to the policy

implementation will benefit from a right of appeal. BTSA supports new entrants to the market and believes they should be treated fairly – indeed, the Council maintains this is one of the purposes of devising a new consent scheme. This equality of treatment includes being afforded the right to appeal BCC’s non-renewal of their consent, even if that consent is first issued after the implementation of the new policy.

30. BSTA in its previous written submission emphasised, and re-emphasises now, that both decisions to revoke a consent and decisions to refuse to renew a consent are processes for the determination of civil rights and obligations within the meaning of Article 6 of the European Convention on Human Rights. Any appeal procedure set out in this policy must be effective and fair.

31. The Council has not provided any information in the Consultation Draft Policy or in the Council’s Response about how it intends to ensure the effectiveness and fairness of the appeal procedure. The Council’s updated policy needs to clearly set out how it will ensure that:

[a] Those determining the appeal are impartial, chiefly by a requirement that they have not been involved in or consulted in relation to the original decision to revoke/refuse; [b] Appellants are provided with and given adequate opportunity to comment on all the information that the Council has relied upon in revoking/refusing a consent;

[c] Appellants have a reasonable period of time in which to make their appeal, including through seeking proper advice and gathering evidence – a deadline of 5 working days to lodge an appeal is manifestly insufficient for this purpose.

32. The BSTA make the following suggestions:

[9] BSTA therefore recommends that the Council make amendments to the proposed policy to introduce a right of appeal against all decisions not merely to renew a consent.

[10] BSTA therefore recommends that the Council sets out in proper detail how any appeal process will work, and how it will ensure that the process is fair and effective. In particular, the policy should:

[a] Stipulate that no person who has been involved with or consulted upon in respect of the appealed decision will be involved in determining the appeal;

[b] Require the Council to disclose to a person whose consent is revoked or refused all the materials upon which the Council has reached its decision;

[c] Allow at least 21 days from the decision revoking/refusing a consent for the lodging of an appeal.

The Covid-19 Crisis

33. The present emergency has had a devastating effect on the livelihood of street traders. BSTA is clear that the council should consider the effect of the Covid-19 epidemic on street traders and postpone the implementation of any changes to the street trading consent scheme in the City. The inability to work during the emergency period, the downturn in economic activity is having adverse consequences. These adverse consequences are compounded by the uncertainty caused by the Council's granting of consents for only six months' duration, with further uncertainty about whether or not their consents will be ultimately renewed.
34. Street traders contribute to the City's urban economy, through their distinct, entrepreneurial and characterful retail offer. In the present circumstances, the Council should provide them with greater security and support where they can, including by delaying the proposed steps to change the terms upon which their long-standing businesses operate.
35. The BSTA has fundamental concerns about the Council's draft Policy and about the way in which it is pre-emptively implementing it. Even setting these concerns to one side however, the Covid-19 emergency situation in which street traders now find themselves clearly demands a meaningful response from the Council. A key way in which the Council could support this important group of small businesses would be to put on hold the proposals to reform their regulation and operation, giving them breathing space to focus on getting their businesses back up and running and continuing with the long-standing contribution to the urban economy.

For an on behalf of the Birmingham Street Traders Association

Names of legal representatives deleted

Francis Taylor Building

25th July, 2019

Response 2 – PhD student Urban Studies and Planning

Answer to the Consultation Analysis and Response in regard to the Draft Street Trading Policy 2020

To the Head of Licensing and Markets Service (inc. Street Trading),

Birmingham City Council (BCC) has made its reasons for adopting some contestable changes to the street trading policy clearer in this *Consultation Analysis and Response* to the feedback collected between December 2019 and February 2020. It has also committed to make amendments to the Draft Street Trading Policy which will accommodate part of the current traders' requests. Such changes shall be recognised as positive, in trying to balance current and aspiring traders' needs. Nevertheless, I would like to bring attention to: 1) some matters that could be, in my understanding, still contested or improved; and 2) about important aspects that are still ill-defined.

On the first group, I would like to discuss the broader picture of Birmingham's development and whose interests are being defended in this. While the answers provided in this document indicate a more inclusive tone, accommodating some requests from current traders, there is still a narrative indicating that the existing trading activity in Birmingham is outdated and uninteresting. The envisioned updating in the city wants to take it in the direction of fulfilling the narrative of an entrepreneurial global city. This sort of planning aim tends to exclude from the 'main picture' the more vulnerable or popular/working class groups of the cities, in the expectation to be more 'business attractive' and appealing to visitors. These values are expressed when the Commonwealth Games and the Frankfurt Christmas Market are mentioned (5.1.2), where street trading, it is implied, is considered a nuisance. There is also the indication that street trading goes in an opposite direction to "Public Safety"; "Prevention of Crime and Disorder"; "Prevention of Public Nuisance"; "An Enhanced Retail Offer" (subitem e, 3.1.5).

In light of the mentioned above, and defending the traders' legitimate feelings of entitlement, right to the city (Lefebvre) and pride for their profession, it would be interesting if the BCC could establish some sort of work group that could approach the current traders/ trading activity which the BCC deems outdated or unappealing. Like that it could work to propose and facilitate the modifications in e.g. branch of activity/ type of product and/or visual language used by the specific traders, in the direction of bridging conditions and achieving the expected trading standards. A more inclusive approach, taking into account the relevance of trading as the income generation activity for the currently involved merchants. Obviously, this is not to defend the exclusion of new traders, but rather to accommodate different stakeholders' interests and not to generate a divide – new X current/old traders.

In terms of the second group of remarks, the aspects that remain ill-defined (not only in this reply, but in the Draft Policy) are: the assessment criteria for the issuing of trading consents; the appeal procedures, and the design brief for the trading units. I am aware paragraphs 18.1.1 and 18.1.5 and 18.1.6 mention that these ill-defined aspects will be amended/ clarified in the new version of the Trading Policy. However, the question is: will the design brief and the assessment criteria be presented to the public, including the current traders, before the publication of the final version of this policy? Specially the assessment criteria seem to be a central element in a new policy for street trading, and consequentially the knowledge about the conditions – allowing for a formal feedback – by the potentially more interested and affected stakeholder group (i.e. current traders) is extremely important.

Last but not least, below there are some comments on specific sections and paragraphs. Thank you for the attention.

Yours faithfully,

Name of respondent deleted

(PhD student in Urban Studies and Planning – University of Sheffield)

1.0 – Prohibited Streets (No Comments) 2.0 – No financial security if maximum consent is 12 months

2.1.6 (i.e. renewal of licenses for up to 24 months) seems an advancement in relation to the restrict terms previously presented in the Draft Street Trading Policy 2020. And apparently reasonable in light of the mentioned in point 2.1.4 (i.e. not to discourage the application by new traders). Nevertheless, considering that current and aspirant traders are the ones proposing trading locations (according to Item 8 of the Draft Policy: ‘Key Considerations when Assessing an Application’) it would be interesting to explore the possibility of BCC’s accommodating more (new) trading spots in desirable areas, in light of the competition/ shortage identified by BCC.

3.0 – The position of current traders under the new process

3.1.4. *“We do not think that existing traders have a legitimate expectation of the continuation of the previous policy arrangements...”*

Taking into account also the content of para 3.1.2, which explains the need to update the trading policy in the BCC’s understanding, I consider that the quote above reveals that there is a conflict about what can be considered ‘legitimate’. While the policy has to be impartial and weight fairly the interest of different stakeholders in the city arena, it seems sort of unethical to simply disregard or disrespect what I consider to be legitimate expectations from the traders. It is considerably a responsibility of the local government if breaches of license conditions and ad hoc trading practices developed and functioned for approximately 40 years in Birmingham. As such, it is important to respect that within these ‘informal’ practices, traders developed and established trading spots, formed a clientele and a career expanding commonly over more than one generation. In sum my comment here aims to encourage a bit more empathy by BCC managers towards current traders’ situation and requests.

3.1.5 subitem b: *“The nature of the current application and renewal process has resulted in very little change over decades in terms of consent holders or the product offer across the city thereby limiting innovation and quality or both the trading units and the goods sold on them”*

I wonder to what extend a diagnosis could not be enforced, identifying ‘unappealing’ trading units/ activities where the specific traders could be then approached by the council for the development of a ‘collaborative updating’ e.g. changes on the branches of activity. This would be a more socially inclusive alternative rather than the simple substitution by a newer creative generation – although new traders should definitely be given opportunities. This could be organised in partnership with BSTA.

subitem e: it is implied that street trading in its current shape and form is ‘inadequate’ and a burden to Birmingham. This is a tendentious depiction in which seems that street trading goes in an opposite direction to “Public Safety”; “Prevention of Crime and Disorder”; “Prevention of Public Nuisance”; “An Enhanced Retail Offer”.

3.1.6. *“It is proportionate to introduce **a new policy that properly reflects the expectations of current traders**, those who seek the opportunity to trade and the people who live and work, have businesses in, and visit, Birmingham and who require street trading to take place in safe and convenient locations (...) and the new policy, together with the amendments suggested in this document seeks to strike a fair balance between the interests of all the different stakeholders”*

I am not yet confident that the policy – even with the proposed amendments expressed in item 18 does manage to take current traders’ interests in an equal foot with the BCC’s interests and other city

development stakeholders. Nevertheless, the tone of the council seems more understanding and conciliatory than the expressed in the Draft Policy document.

3.1.7: “... will ensure that **fairness to existing and prospective traders, public safety; prevention of crime and disorder; prevention of public nuisance; an enhanced retail offer** are at the heart to approve, revoke and vary a consent”

I would advise the reflection about the idea of ‘fairness’ in relation to the understanding of ‘legitimate expectations’. I commented about when discussing para 3.1.4.

3.1.11: i.e. right of appealing to consent denial (at least on first instance): it seems an advancement and improvement from the proposed in the Draft Policy.

4.0 – Less Commitment by Occasional Traders (No Comments) 5.0 – No change required

5.1.2: There is a clear stated hierarchy, where events as the Commonwealth Games and the Frankfurt Market are deemed more relevant to the city than the historical trading practices. While the city should evolve with time, it is interesting to think about the contradictory aspect of incentivising so much a trading imported event like the Frankfurt Market – which while brings tourists do cause mobility nuisance on High Street – and making terms more rigid for the local street traders.

6.0 – All food businesses should be treated the same (No Comments) 7.0 – Prefer no Street Trading

7.1.2: I shall state my full support to the argument developed in this paragraph.

8.0. – More appropriate enforcement required (No Comments) 9.0. – Units Should be allowed to remain in situ after trading

This is a very contested aspect. In this section the BCC for the first time provided arguments explaining why it defends the units’ removal. Considering the traders’ perspective and the generation of more nuisance with the enforcement of this removal rather than the allowance of its permanence, the suggestion would be to discuss this element of the new policy with the BSTA, to find a way of accommodating interests.

10.0 – Request for the exemption of BCC Parks from Street Trading Policy (No Comments) 11.0 – The need for current street traders to be made fully aware of the proposals (No Comments) 12.0 – Design brief too restrictive (No Comments) 13.0 – All elected members should be made aware of the consultation (No Comments) 14.0 – Traders Associations should be informed of the consultation (No Comments)

15.0 – Participation in Decisions by existing traders:

15.1.1: “BCC will ensure that the **application process is fair by identifying both the consent criteria with which all street traders would expect to comply and by including a framework for decision making (when considering application and renewals) within the policy**”

“all potential traders will be able to put their case why they should be granted a consent under the new policy, **in the full knowledge of the criteria the authority intend to apply**” The consent criteria have to be clarified as the decision making framework.

“...BCC will introduce an internal appeals process to senior officers against an adverse decision on a consent application. (...) The appeal mechanism will be outlined in the final policy document”

The appeal mechanism, as the assessment criteria for consents should be presented prior the publishing of the final version of the policy.

16.0 – The directive, PSR 2009 and the BIS Consultation Response 2014

16.1.3: *“the revised version of the policy will set out BCC’s proposals in relation to the issues raised in that document more specifically, though it must be said as originally drafted and consulted on, we think our proposals are clear”*

There are ill-defined terms of the policy though (i.e. assessment criteria for consents, appeals and the design brief)

16.1.4: the contained argument of this paragraph is unclear – which consultation is being referred to? The current one, to the Draft Policy 2020, or the BIS consultation response 2014?

17.0 - Policy Development with existing traders

17.1.1: *“BCC does not consider it appropriate to develop policy in conjunction with one group of stakeholders, especially where the interests of that group are likely to be in opposition to the interests of the other groups equally entitled to the fair representation of those interests and to a proper and independent decision-making process”*

While there are definitely other relevant stakeholders in the city to whom street trading activities have an impact, the traders themselves are undoubtedly the most impacted group. As such there is a legitimate claim for participation representation of interests. A better balance should be sought in this respect.

18.0 – Redaction, addition or amendment to the policy following the consultation

18.1.1 *“Amendments have been made to the design brief to make it more flexible”*

18.1.5 *“Clarification of how applications will be considered for streets where there are more applications for annual consents than availability of suitable locations will be introduced.”*

18.1.6 *“Clarification of the assessment framework for consent applications”*

18.1.9: reasonable impact mitigation actions by BCC

“an internal appeal process for traders not successful in gaining a consent”

Finally, there is the mentioned commitment of introducing the criteria for applications’ assessment in the amendments to be done to the draft policy. My comment, as previously stated is about the need to make public and clear the assessment criteria, appeal mechanism and design brief before the final version of the policy. Otherwise, the consultation process is partial, excluding meaningful elements of the policy.

Response 3 – Trader

Dear Name deleted

With regards to the updated consultation proposals, please find our comments below.

Extending lease and licenses to 24 months

Although we welcome any provisional extension of the lease and license periods, we still feel that 24 months is not sufficient to support new businesses – in this or any economic climate. In our experience on Temple Row, it took a number of years to make the business profitable without the additional challenges posed by COVID-19.

Obviously, these are not normal times. The city centre was already struggling with unoccupied shops and premises and these are now increasing weekly. It's difficult for even experienced traders to survive.

You've stated that this process is about improving the quality of the offering to the public, but these constraints, and accompanying costs due to new restrictions on trailers, will surely lead to a decline in standards. Without the rolling consents, there is reduced incentive to invest and offer a top class product, instead will likely lead to a quick buck philosophy.

Further, our business has a contract with an energy provider for electricity at our pitch. Is there a plan for how we either might be compensated on days when another trader is using our pitch, or for how we can be guaranteed an electricity supply at any other pitch we are assigned? Having an electricity supply is vital to our being able to trade.

Trailer specifications

With regards to trailer specification, the new size restrictions appear to disregard the fact that most (and best - Ifor Williams, A&R Willis, Roka etc) catering trailers have 7ft 6" as standard width, and any quality food trailer typically has a length of 16ft and a height of 8ft 6". The new trailer specification makes it difficult for food traders to get the best built and safest trailer. Perhaps this could be increased to take industry standards into account, or you could provide examples of the type of units you are seeking traders to use?

Design Brief

Can you confirm what the new design brief is.

Daily removal of trailers

It has been difficult to understand the requirement to remove trailers from their pitch on a daily basis as a means of improving pedestrian safety and reducing graffiti and vandalism. We have never personally been victim of any graffiti or vandalism, and we believe moving the trailer daily actually creates more risk to pedestrians on a regular basis.

Further, the changes in road access to some pitches between 7am and 7pm proposed in February will require some traders to work in excess of 12 hours a day to meet this requirement. Would it be possible to amend the requirements on moving the trailer daily so that it is possible to leave on site at least three nights a week?

Policy Development

We understand that traders should not be directing policy, however it seems sensible that as one of the key stakeholders the council may benefit from some of their insight/feedback to help the management of street trading. Other than the current consultation process which, from a trader's perspective, has felt quite heavy handed, stressful and formal, there has been little contact between traders and the Birmingham Licensing and Markets office since Steve Alders left a number of years ago.

I look forward to your response.

Yours sincerely
Names deleted

Response 4 – trader

Subject: Proposed street trading policy

In response to the consultation email you sent to all concerned, I would like to raise a few points in relation to the new proposals.

1.3.2 This trader should not have to forfeit a site, even if he/she have multiple sites.

2.0 Local government should look into this and ammend as mortgages are a lot longer than 12/24 months. Mortgage companies look for at least 3 years of self employed accounts and at the moment it is very hard for us to gain a mortgage due to coronavirus.

3.0 It is fair that BCC has altered its policy on appeal procedures. Also that existing traders can re-locate to another location, although it would not be beneficial for me to re-locate there as I trade at night and at Villa Park.

4.0 Even though match day trading is occasional trading, this is a regular occurrence for 9/10 months of the year and most traders have regular clientele.

5.0 I do believe that if change is required on certain sites. Please remember that the Frankfurt Market is only here 6/7 weeks and Commonwealth Games will be her for just over 1 week. We have to look after our traders who operate 12 months of the year in all sorts of conditions.

6.0 Hygeine is of the upmost importance of any food business and a low rating should not be tolerated.

12.0 I do believe that the design and size of the trading unit should be considered on an individual site case. Some sites have the ability to accommodate small units, whilst others can accommodate larger ones. It is also quite difficult to work in a catering unit, which is small in size, especially with staff.

18.1.9 BCC should allow existing traders more than the allocated three months period to upgrade trading units, as catering units take a lot longer to design and build than 3 months.

Just to finish off, i personally think that each individual site has different issues to be addressed, if at all any. I would be willing to help and definitely comply with any issues or objections that may arise on my pitches.

Many thanks

Statement made by Birmingham Street Traders Association on 24 September 2020

Dear Sajeela

Thank you for your response.

I still have points that I wish to raise with you .

Firstly I find the excuses of the newer version of the policy being made public, on what ever site be it the Beheard or the site it is on it was still made public without us being notified, especially as I had asked the question of the status of it, insulting. Next I want to address your statements with regards to the 2011 and 2018 reviews .

1) The 2011 review was made available to us at every stage of the process , in fact the findings of this review bought about the formation of BSTA. We worked closely with the council with the common goal of updating/ improving the offer from street trading. We met with officers of the council, which became known as the steering group . In these meetings ways to improve street trading were discussed , these meetings were held in a regular basis and all were minuted and a record kept . The officer who had the task of being able to make decisions at this time was NAME DELETED , but he would not let the group make any decisions going forward . A university competition was undertaken (initiated by the council) to design a new trading unit , no decision was made by this officer. So BSTA at there own cost submitted architect drawings (at a substantial cost to ourselves)with new units , these were not even acknowledged by NAME DELETED. Although I see hXX name is attached to the list of stakeholders that had an input into The 2018 review , as is yours . No mention is made of the traders willingness to work with the council which makes this a very biased report.

2)Now I will address the 2018 review that up till now has not been made available to us, despite it being asked for many times. We once again were consulted on the process of this review, but I see that once again no mention of the traders wanting to make improvements is included. And for the record I will disagree with your statement that this review was made public as a direct response to BSTA queries vis our barrister, regarding the councils views on the need to improve the street trading offer in Birmingham. If this was the case you should have directed this review in the first instance to the the traders , not the general public , as you have done . Our letter that was sent headed "Alternative proposals in response to the councils consultation analysis" Please read the paragraph headed "The deterioration of the street trading offer - evidence base " This in fact states we " must be given the opportunity to make representations on the detailed feedback " BCC and yourself have failed to do this by publishing this review without prior notice to the current street traders this review condemns. I would ask that this letter and contents are attached to the cabinet report, as going forward with our a full history of current street traders willingness to work with the council is biased towards the council and not a fair and just representation of BSTA , fair being one of BCCs buzz words I believe . Maybe BCC should be seen to be acting on this word in these very challenging times to Birmingham's street traders , instead ,as I have seen evident in very recent emails you have responded to with traders concerns , of being dismissive, on one occasion advising a trader his only way forward if he felt the footfall was very low and was struggling, was to relinquish his consent. I will make no apologies to any of my comments in this email, my only thoughts are to help protect a group of small businesses that find themselves , by your actions and BCC in danger of losing their livelihoods . Regards Samantha Poole

Appendix 17**Further Consultation Analysis and Response.****1. Introduction**

1.1 In the Council's Consultation Analysis and Response document published on 6 July 2020, we set out the main issues to have been raised during the consultation exercise that the council conducted together with our responses to those issues.

1.2 We invited respondents to respond to an additional question and suggest any alternative proposals that they may wish to make that would meet the legal requirement to allow new entrants into the city-centre market while causing less change for current traders.

“18.1.11 Respondents are invited to respond by Sunday 26 July with any alternative proposals that they may wish BCC to consider, which would allow for new entrants to enter the market for city centre and match-day street trading while making fewer or less significant changes to circumstances of current traders.

1.3 We received four responses:

- (i) from BSTA
- (ii) from a PhD student
- (iii) from two traders.

2.1 Alternative proposals

2.1.1 Respondents did not propose any alternative model to that proposed by the council, addressing the competing interests of new entrants and existing traders. The only alternative model that was suggested was essentially the continuation of the status quo.

2.1.2 The BSTA and other respondents agreed with the council's suggestion (at 3.1.8) of supporting traders who are unable to remain in their existing location to move to another location including in the

Bullring Retail Markets. The BSTA also suggested that the council should consider measures to encourage prospective traders to the street trading community such as the development of markets (including the Bullring Market) and special events and occasional markets and street fairs.

2.2 Our Response

2.2.1 For the reasons set out in the council's previous consultation analysis, we do not consider the continuation of the status quo to be a tenable option. We shall respond to specific matters raised by respondents in more detail below.

2.2.2 We agree with the suggestion of developing additional capacity and locations in and around the city, including in the Bullring Markets. We do not, however, regard this by itself as a viable or sufficient response to the issues identified by the council, including legal requirements. We therefore continue to believe that changes must be made to the current street trading policy.

3. Other issues raised by Respondents

3.1 Although most of the issues raised by respondents were further arguments in relation to the proposed policy changes rather than alternative proposals, we shall respond to them briefly.

3.2 **Evidence Base** The BSTA suggested that the council takes a "very dim view" of the existing street trading offer and existing traders, and asked to see the evidence base upon which such conclusions were reached.

3.3 This characterisation of the council's views is not correct, but we do think that overall, the street trading offer requires improvement. These conclusions were supported by the consultants engaged by the council to report on street trading in 2011 and 2018. The reports of those reviews are in the public domain and may be found here https://www.birmingham.gov.uk/downloads/download/3644/birmingham_street_trading_review. The conclusion of both reports was that

the street trading offer, and the council's policy and enforcement approach needed to improve.

3.4 **The 1982 Act** BSTA presented a number of legal arguments as to why the council's proposed policy approach was not lawful. These included the suggestions that:

- (i) the council's proposals breach Reg.21(1)(e) of the 2009 Regulations by imposing an economic test; and
- (ii) that the proposal to limit the duration of a consent infringes the Services Directive 2006 and the 2009 regulations.

3.5 This is not the appropriate place to engage in a legal argument, but we do not agree with these points. The council is not proposing to introduce an economic test within the meaning of Reg.21(1)(e). In particular, we note that our proposals do not make the authorisation subject to any proof of demand, assessment of the economic effects of the activity or assessment of its appropriateness in relation to the council's economic planning objectives. Neither the BIS 2009 nor 2010 guidance suggests otherwise. We have also considered the BERR 2019 Guidance (which was withdrawn on 31 January 2020) and do not believe that this took these issues any further.

3.6 We do not agree that our proposals infringe the 2006 Directive or the 2009 Regulations. While limiting the duration of a consent can be contrary to the legislative requirements, this is not the case if there is an overriding reason relating to the public interest ("ORRPI"). In the specific case of street trading:

- (i) there is a statutory maximum period for a consent which has not been repealed;
- (ii) there is a limit to the number of city-centre (etc) consents that the council can grant;
- (iii) the Directive requires that it would be unlawful to operate a scheme that excluded or was dissuasive to new entrants to the market;
- (iv) we consider that granting consents which would be automatically renewed in perpetuity (or for which there would be a presumption of renewal in perpetuity) would infringe the requirement at (iii) above (see Reg.17, 2009 Regulations).

(v) according to the CJEU, an ORRPI can include issues of: public policy; public safety; public health; consumer and service recipient protection; protection of the urban environment and other social policy objectives.

3.7 The length of a consent is an issue of balance. In the light of the requirements of legislation, together with the needs of traders granted consents and those who cannot obtain access to the market due to the limited number of consents available, we have concluded that a consent with one presumption in favour of renewal was an appropriate balance to strike. This does not mean that a consent would not be renewed on subsequent occasions, but it seems to us that taking the duration provisions of the 1982 Act (which are still in force) together with the requirements of the 2006 Directive and 2009 Regulations (including Reg.17), our proposal represents the appropriate balance to strike. None of the respondents proposed a different balance other than a policy of indefinite renewal which for reasons we have set out before is not appropriate.

3.8 **Designation of Consent and Prohibited Streets** The BSTA made further submissions on this issue but these have not changed the council's position.

3.9 **Appeals** The BSTA made further submissions on appeals. The Council is introducing an appeal at the first round of applications. However, the policy will be reviewed in the first 12 months of operation and hence there will be opportunity to consider if an appeal at renewal or new application should be continued.

3.10 Any appeal at the implementation phase of the new policy will take the form of an independent review of the decision-making process and not a submission of new material by a trader.

3.11 We do not agree with the suggestion (at BSTA para.29[b]) that an appeal on the first application under the new policy would benefit only existing traders, as any new applicant which was unsuccessful would also be entitled to an appeal. Moreover, the introduction of a new policy carries with it an increased possibility of error in its

application which we believe justifies the introduction of an appeal process at that stage.

3.12 The council accepts that the refusal of a consent whether on renewal or on a first application made in a subsequent year is also an important issue for any trader, and we shall consider this issue carefully during the operation of the first 12 months of the policy

3.13 **Covid-19** The BSTA argued that the current Covid-19 pandemic means that the proposals should be put on hold. The council has taken steps as a result of the pandemic to support traders and will continue to do so. While it is not necessary to put the proposals on hold, the manner and timing of their implementation will be kept under review and traders will be kept informed.

4. Other responses

4.1 The traders also raised the issue of the duration of the consents. We have referred to this issue above.

4.2 **Trailer size** One trader suggested that design brief has specified trailer dimensions that may be inadequate for food traders.

4.3 **Our response** We have slightly increased the size of the unit/trailer in the design brief to accommodate an average standard sized food trailer. We shall consider this issue further. In principle, if a food trader could establish that (a) the design brief size requirements would be inadequate for the technical operation of their business which would otherwise be granted a consent and (b) that the location in question can support a larger unit, then the council will be willing to consider some small modifications of the design size requirements.

4.4 **Daily removal of trailers** The council considers it to be important that trailers are removed daily, for reasons previously set out. If there are issues with this requirement in specific locations, due to restricted road access, then these will be considered.

4.5 The final respondent (the PhD student) made a number of points, the most important of which concerned similar issues to those considered above, specifically relating to the issue of fairness of existing traders. These have been already been addressed above.

Equality Act 2010

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

The public sector equality duty is as follows:

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

Title of proposed EIA	Street Trading Policy
Reference No	EQUA446
EA is in support of	New Policy
Review Frequency	Annually
Date of first review	01/02/2022
Directorate	Neighbourhoods
Division	Regulation and Enforcement
Service Area	Street Trading
Responsible Officer(s)	<input type="checkbox"/> Sajeela Naseer
Quality Control Officer(s)	<input type="checkbox"/> Leroy Pearce
Accountable Officer(s)	<input type="checkbox"/> Tony Quigley
Purpose of proposal	To assess the final version of the Street Trading Policy 2020 against equality objectives
Data sources	Consultation Results; Other (please specify)
Please include any other sources of data	Local Government Miscellaneous Provisions Act 1982, various other street trading policies from other local authorities

ASSESS THE IMPACT AGAINST THE PROTECTED CHARACTERISTICS

Protected characteristic: Age	Not Applicable
Age details:	
Protected characteristic: Disability	Service Users / Stakeholders
Disability details:	<p>Street Trading consent holders will need to ensure that their mobile trading units are put in position and removed daily after trading. This may impact on people with disabilities disproportionately.</p> <p>Approximately 15 (9%) of the 170 respondents to the public consultation considered themselves to have a disability. No comments were made by any respondent which indicated that there was a view that the proposed requirement to remove the trading unit after trading disproportionately affected people with disabilities.</p>

Protected characteristic: Gender	Not Applicable
Gender details:	
Protected characteristics: Gender Reassignment	Not Applicable
Gender reassignment details:	
Protected characteristics: Marriage and Civil Partnership	Not Applicable
Marriage and civil partnership details:	
Protected characteristics: Pregnancy and Maternity	Service Users / Stakeholders
Pregnancy and maternity details:	Street Trading consent holders will need to ensure that their mobile trading units are removed daily after trading. This may impact on pregnant women disproportionately.
Protected characteristics: Race	Not Applicable
Race details:	
Protected characteristics: Religion or Beliefs	Not Applicable
Religion or beliefs details:	
Protected characteristics: Sexual Orientation	Not Applicable
Sexual orientation details:	
Please indicate any actions arising from completing this screening exercise.	None
Please indicate whether a full impact assessment is recommended	NO
What data has been collected to facilitate the assessment of this policy/proposal?	<p>The draft policy reflects the legal requirements of the Local Government Miscellaneous Provisions Act 1982.</p> <p>This final version of the policy has undergone public consultation. There were 170 respondents to 16 questions. No equality issues were raised during this consultation. Consultation was also carried out with: the Licensing and Public Protection Committee Birmingham City Council and Co-ordinating Overview and Scrutiny Committee Birmingham City Council. Furthermore a submission to the consultation was received from the Birmingham Street Traders Association, as well as briefing session to all interested current street traders.</p> <p>Analysis of the data did not indicate any specific equality issues that need to be considered.</p>

consultation. There were 170 respondents to 16 questions. No equality issues were raised during this consultation. Consultation was also carried out with: the Licensing and Public Protection Committee Birmingham City Council and Co-ordinating Overview and Scrutiny Committee Birmingham City Council. Furthermore a submission to the consultation was received from the Birmingham Street Traders Association, as well as briefing session to all interested current street traders.

Analysis of the data did not indicate any specific equality issues that need to be considered.

Adverse impact on any people with protected characteristics.

Based on the current analysis of the draft policy there is a possibility that disabled street trading consent holders may be adversely affected if they are unable to set up and move their mobile trading unit after trading on a daily basis. However, this issue has not been raised by respondents during public consultation. It is also possible that trading units may be adapted to reduce any negative impacts of set up and removal. Also, this role may be fulfilled by employees/other parties known to the street trader.

There is a small possibility that pregnant women may be affected by this issue as well, however no data has been gathered with regard to this and it has not been raised in the public consultation. Street Traders are self employed people who would need to make changes to their working practices dependant on changing circumstances. Where reasonably possible and appropriate the Street Trading Service would seek to assist.

Could the policy/proposal be modified to reduce or eliminate any adverse impact? The draft policy enables the general conditions to the consent to be amended or added to. This would include an application to be exempt from moving the trading unit daily. However the primary concerns that

How will the effect(s) of this policy/proposal on equality be monitored?

would enable this to be considered would be: public safety; prevention of crime and nuisance; and enhanced retail offer.

What data is required in the future?

Two street trading enforcement officers are employed and will gather data relating to any specific issues for a consent. The policy has a process where breaches of consent conditions can be considered using a disciplinary process. Consent holders need to reapply for a consent at least annually and at such a time the data collated will be considered.

Are there any adverse impacts on any particular group(s)

Applications for consents where applicants have specified that they have a particular protected characteristic that would prevent them complying with the general conditions of a consent.

If yes, please explain your reasons for going ahead.

Yes

There is only a potential for people with disabilities to be affected. There is no evidence from current street trading consent holders and the public consultation that this is the case. The current and proposed consent application process enables applicants to apply for an exemption to moving their trading units daily. This application process enables the service to consider all applications on a case by case basis and where possible and appropriate then accommodation may be made to vary the consent conditions.

Initial equality impact assessment of your proposal

The data analysed does not indicate that any people with protected characteristics will be negatively impacted by this policy. However there is a possibility that some people with disabilities may be impacted by the need to set up and remove trading units from site on a daily basis. The policy enables applications to be considered on a case by case basis and for the conditions of the consent to be varied. However this could only be

varied. However this could only be done where appropriate and the need to meet the objectives of the policy and in particular the need to protect public safety; prevention of crime and nuisance; and provide enhanced retail offer will be paramount.

Consulted People or Groups

Informed People or Groups

Summary and evidence of findings from your EIA

The data analysed does not indicate that any people with protected characteristics will be negatively impacted by this policy. However there is a possibility that some people with disabilities may be impacted by the need to set up and remove trading units from site on a daily basis. The policy enables applications to be considered on a case by case basis and for the conditions of the consent to be varied. However this could only be done where appropriate and the need to meet the objectives of the policy and in particular the need to protect public safety; prevention of crime and nuisance; and provide enhanced retail offer will be paramount.

QUALITY CONTORL SECTION

Submit to the Quality Control Officer for reviewing?

No

Quality Control Officer comments

I have completed the initial quality check and now submit to the accountable officer for final approval.

Decision by Quality Control Officer

Proceed for final approval

Submit draft to Accountable Officer?

Yes

Decision by Accountable Officer

Approve

Date approved / rejected by the Accountable Officer

04/09/2020

Reasons for approval or rejection

I have approved this EIA.

The consultation did not raise any specific concerns in respect of protected characteristics.

Further there is an opportunity for current operatives to raise concerns re consents on a case by case basis and for the LA to amend these concerns if appropriate.

Julie Bach

☐ Tony Quigley

Person or Group

☐ Tony Quigley

Content Type: Item

Version: 49.0

Created at 06/01/2020 03:58 PM by ☐ Sajeela Naseer

Last modified at 04/09/2020 09:40 AM by Workflow on behalf of ☐ Tony Quigley

Close

BIRMINGHAM CITY COUNCIL
LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982
PROPOSED DESIGNATION OF RELEVANT STREETS WITHIN THE
BIRMINGHAM CITY BOUNDARY AS CONSENT STREETS OR
PROHIBITED STREETS

The Council hereby gives notice that it is minded to pass the resolution set out below. The effect of the resolution will be to designate all streets including roads within the Council's boundary as consent streets except for those streets the Council is designating as prohibited streets and the 51 parks and open spaces that are not given any designation. If the Council passes the resolution then street trading in those consent streets will be prohibited without the Council's consent.

The resolution is that "All streets within the boundary of Birmingham City Council, excluding those to be designated as prohibited streets and the 51 parks and open spaces (which have no designation), be designated as consent streets for the purposes of street trading in accordance with the powers granted to the Council by Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982, such designation to come into force on Sunday 6 December 2020. Street trading in those streets will be prohibited without the Council's consent from Sunday 6 December 2020. On the same date, the prohibited streets will also be designated as such".

For clarity, the prohibited streets are identified in appendices 1 and 2, and the 51 parks and open spaces are identified in appendices 3 and 4.

If you wish to make any representations concerning the proposed resolution set out above then you may do so in writing by emailing licensing@birmingham.gov.uk quoting the reference Street Trading Designations. Such representations will be considered by the Council provided that they are received no later than Saturday 17 October 2020.

If you wish to ascertain if a particular street or road is prohibited street, or whether a park or open space has not been given a designation, you may access appendices 1, 2, 3 and 4 at https://www.birmingham.gov.uk/downloads/download/3645/proposed_street_trading_policy_2020

All other streets within the boundary of Birmingham city are consent streets. A paper copy of appendices 1, 2, 3 and 4 can be obtained by emailing licensing@birmingham.gov.uk

Sajeela Naseer, Head of Licensing, Markets and Street Trading

RESOLUTION:

That all streets within the boundary of Birmingham City Council, excluding those to be designated as prohibited streets and the 51 parks and open spaces (which have no designation), be designated as consent streets for the purposes of street trading in accordance with the powers granted to the Council by Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982, such designation to come into force on Sunday 6 December 2020 [date]. Street trading in those streets will be prohibited without the Council's consent from Sunday 6 December 2020. On the same date, the prohibited streets will also be designated as such.

Birmingham City Council

City Council

03 November 2020



Subject: Amendments to the Constitution
Report of: Catherine Parkinson, Interim City Solicitor
Report author: Emma Williamson, Head of Scrutiny Services

Does the report contain confidential or exempt information? ☐ Yes ☒ No

If relevant, state which appendix is exempt, and provide exempt information paragraph number or reason if confidential.

1 Executive Summary

- 1.1 The Constitution underwent a major review and refresh last year, and the revised version was agreed by Full Council in September 2019.
- 1.2 Temporary amendments were agreed by Full Council on 28th April; these will expire no later than 25 May 2021.
- 1.3 Members are asked to agree the amendments to the Constitution as set out in Appendix 1. A tracked change version of the Constitution is available on [CMIS under Meeting Documents](#) (at the bottom of the webpage for this meeting).

2 Motion

- 2.1 That approval be given to the amendments to the City Council Constitution as attached in Appendix 1 and that the City Solicitor be authorised to implement the changes with effect from 3rd November 2020.

3 Appendices

- 3.1 Appendix 1- proposed changes to the Constitution
- 3.2 Appendix 2 – Briefing note on review of financial regulations

Appendix 1; Birmingham City Council Constitution – Change Log November 2020

Part A

Section	Proposed Change	Reason
Page 3 and 10	Removed references to A6 and A1 respectively	Sections no longer numbered
Page 9	<p>Amended section relating to City Solicitor powers:</p> <p>Legal Proceedings</p> <p>The City Solicitor is duly authorised to institute, defend or participate in any <u>actual or threatened</u> legal proceedings or settle <u>the same</u> (up to the value of £500,000), if appropriate, any actual or threatened legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where the City Solicitor considers that such action is necessary to safeguard and protect the Council's interests. Decisions above this financial threshold will be made by the Chief Finance Officer and/or the Chief Executive in consultation with the City Solicitor.</p> <p>Part D of this Constitution (Financial Regulations) governs the arrangements for signing of contracts and sealing of relevant documents.</p>	Re-wording at request from Legal – to make it clearer

Part B

Section	Change	Reason
Part B1 v	<p>Amend Returning Officer role:</p> <p>Returning Officer and Electoral Registration Officer – This will be the Assistant Director, Governance.</p>	Following Robert Connelly's appointment to the Assistant Director role

Section	Change	Reason
Part B1 vi	References to CMT changed to CLT and add Chief Executive, Children's Trust and Programme Director, CWG	Following changes introduced by the Acting Chief Executive (October 2019)
Part B3.1, B6.1, B6.2, B6.5, B11.2 B4/B5	Wording amended to clarify Cabinet Member with Chief Officer decision-making, and Cabinet delegations; amend references to standing orders	Following feedback from officers
B3.1 and 6.6	Amend "emergency decisions" to "urgent decisions"	See Part E below
B4.2	Add new para iii "Recorded vote on the Council's budget and council tax: In accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014, a recorded vote will be taken at Full Council and Cabinet on any vote in respect of the Council's budget and council tax. The names of Members who voted for or against such a decision or abstained shall be recorded and entered into the minutes of the relevant meeting. A recorded vote shall also be taken on any proposed amendments relation to the budget and council tax."	For clarity, in line with regulations NOTE: this has been the practice in previous years, but not set out in the Constitution.
B4.4A	To amend text: "In a year when there is an ordinary election of Councillors, the annual meeting will take place within 21 days of the retirement of the outgoing Councillors. In any other year, the annual meeting will take place in March , April or May June "	In line with regulations
B4.4B vi	Amend text: vi. The order of business and the time limit allocated to items on the Agenda may be varied <u>by agreement of the three political groups at Council Business Management Committee or, in the absence of such agreement,</u> by a resolution passed on a Motion which, after being moved and seconded, shall be put to the vote without discussion.	To reduce need for procedural motions to vary council timings in the council meeting itself
B4.4C iii	Amend wording	For clarity

Section	Change	Reason
	“iii. The City Solicitor in consultation with the Lord Mayor shall determine the time and day of any Extraordinary Meeting in accordance with the Constitution and following consultation with the group leaders, but shall endeavour to arrange any such meeting to be held, where possible reasonably practical, at 2:00 pm on a Tuesday, within 10 working days of the request being received, subject to any statutory requirements. “	
B5.2	Add “Membership shall include the Chair of the Co-ordinating O&S Committee”	As agreed by CBM on 21 st October 2019
B5.3	Delete “Lord Mayor’s Advisory Group” from CBM sub-committee	As agreed by CBM on 10 th February 2020
B6.2	Add new para iii “Recorded vote on the Council’s budget and council tax: In accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014, a recorded vote will be taken at Full Council and Cabinet on any vote in respect of the Council’s budget and council tax. The names of Members who voted for or against such a decision or abstained shall be recorded and entered into the minutes of the relevant meeting. A recorded vote shall also be taken on any proposed amendments relation to the budget and council tax.”	For clarity, in line with regulations
B7	Add “Oversight of the use of consultants” to portfolio of Finance and Resources	
B7	Remove “Domestic Violence” from health portfolio (sits with social Inclusion, and Equalities)	To remove repetition
B10.1	Amend as follows:	As requested by Directorate

Section	Change	Reason
	<p>i. Ward Forums will be constituted to encourage and facilitate dialogue between the Council and local people within their area.</p> <p>i. The Council will establish (or dissolve) Ward Forums on the recommendation of the Council Business Management Committee.</p> <p>ii. Members will provide community leadership at the ward level, in particular through engaging the local community and identifying very local issues and priorities (for example through Ward Litter Plans or Neighbourhood Tasking meetings).</p>	
B13.4	<p>iii. The Licensing functions of the Council shall be carried out by the following bodies:</p> <ul style="list-style-type: none"> • Licensing and Public Protection Committee (15 Members with a quorum of 5) • Sub-Committees to be established by the Licensing and Public Protection Committee, comprising three Members drawn from the full Committee, to deal with matters under the Licensing Act 2003 and the Gambling Act 2003 as assigned and matters in respect of hackney carriages, private hire, vehicles drivers and operators. <i>The Chairs of the Licensing and Public Protection (Licensing Sub)-Committee's role is to chair the licensing sub-committee meetings, deal with subsequent actions of appeals and assist in finding substitutes for members as required.</i> 	Added text in response to Independent Remuneration Panel's suggestion that the Constitution be strengthened with regards to the Chairs of Licensing Sub Committees following the awarding of an SRA

Section	Change	Reason
B14	Audit Committee terms of reference updated	On advice of Audit officers

Part C

Section	Change	Reason
C2.1	Tidying up of language	
C4.4	Amend wording in relation to dispensations: “ix. Dispensations are available by application to the Chair of Standards Committee <u>or nominated deputy</u> , in consultation with the Monitoring Officer in the limited circumstances that apply by law. If required please write to the Monitoring Officer with reasons for the application”	For clarity and to facilitate speedier decision
C9	Licensing Code of Practice – wording amends plus additional clarification on “dealing with correspondence” and complaints	For clarity (from licensing officers)
C10	Member allowance rates updated	Following Full Council on 15 September 2020

Part D

Section	Change	Reason
D1	The Financial Regulations for Birmingham City Council have been updated in line with emerging best practice for simpler more concise financial regulations that clearly set out the responsibilities of Member, Chief Finance Officer and Directors .	See briefing note
D2.3i	Every contract made by the Council shall comply with these Rules and be carried out in a fair, open and transparent manner that treats all contractors equally and without discrimination, provided that this does not include contracts for the appointment of barristers, or legal <u>advice-firm</u> where in the	Following feedback from officers

Section	Change	Reason
	opinion of the City Solicitor urgent advice is needed to protect the interests of the eCouncil.	
D2.3 vi	Additional section noting that services with a UK remit may need exemptions from aspects of the framework.	Following feedback from officers (particularly Illegal money Lending Team)
D2.4	Amend time for contracts to be on FinditinBirmingham to 10 days	Officer recommendation to better accommodate bank holidays etc
D2.5	Amendments to wording on Single and Multiple Contractor negotiations to clarify process	Following concerns raised by members of Resources O&S Committee and in line with officer advice.
D3.4	Amendments to clarify when a decision in PPAR goes back to Cabinet	Officer feedback
All	Wording changes to tidy up language	

Part E

Section	Change	Reason
E2.2, 3.2	Wording amended for clarity.	Following feedback from officers
E4.2 (and Part B3)	<p>Emergency Decisions: Re-name as “Urgent Decisions” Amend text to make clear that decisions are posted on CMIs, and that Cabinet “note” the report. Amendments below: “The exercise by the Chief Executive, Chief Finance Officer, Assistant Chief Executive and Director of any powers under this delegation shall be subject to the following conditions:</p> <p>(i) that the determination of the question or other matter or implementation of the recommendation is capable of determination under law in this manner;</p>	<p>To avoid confusion with powers under Emergency Plan</p> <p>Following points made in Resources O&S committee after consideration of emergency decision made in December 2019</p>

Section	Change	Reason
	<p>(ii) that the Chief Executive, Chief Finance Officer, Assistant Chief Executive or designated Director before making a decision shall consult with the Leader (or in his/her absence the Deputy Leader);</p> <p>(iii) that the Chief Executive, Chief Finance Officer, Assistant Chief Executive or designated Director before making a decision shall consult with the City Solicitor and the Chief Finance Officer or their nominated deputies;</p> <p>(iv) that a record of all decisions made or recommendations implemented, together with the consultations referred to in (ii) and (iii) above shall be recorded <u>published on the Council's website within 10 working days</u> and maintained by the City Solicitor; and</p> <p>(v) that any decisions made or recommendations implemented under this provision shall be reported to the next scheduled meeting of the Cabinet <u>(for noting)</u>. “</p>	
E11.1 (6) E12.2	To add “flood response” to highways delegations under Director, inclusive Growth Amendments to licensing under Director, Neighbourhoods	As requested by Directorate

Appendix 2: REVIEW OF FINANCIAL REGULATIONS BRIEFING NOTE

1. The Financial Regulations for Birmingham City Council have been updated in line with emerging best practice for simpler more concise financial regulations that clearly set out the responsibilities of Member, Chief Finance Officer and Directors.
2. The regulations are in 2 parts and it is proposed that these are reviewed annually by the Chief Finance Officer and approved by Council.
 - Financial Regulations that set out the key rules for managing the council's finances and delivering sound financial management together with the thresholds for financial decision making (Part D1);
 - Finance Accountability Framework that sets out the main responsibilities of the Members, the Chief Finance Officer and Directors.
3. The regulations are supported by Financial Procedures and guidance that will be set by the Chief Finance Officer and can be updated by them, as necessary.
 - Financial Procedures set out in more detail the most important actions that need to be taken to implement financial regulations
 - The Financial Management Toolkit "My Finance" sets out in detailed guidance for everyone involved in financial management on a day to day basis.
4. The overall aim of this approach is to make it far easier for everyone more aware of their responsibilities in delivering sound financial management and to provide clear guidance on how they can achieve this.
5. The Revised Constitution Part D1 sets out the new Financial Regulations and Financial Accountability Framework. This is not a complete re-write of the previous regulations but more a restructuring of them.
6. The current thresholds for financial regulations have been retained, although some research has shown that these are relatively low, given the size and scale of Birmingham City Council and that other similar but smaller councils have higher thresholds.
7. The Thresholds will also be expanded to include reference the thresholds for Property transactions elsewhere in the Constitution.
8. The Chief Finance Officer Protocol is no longer included within the Financial Regulations. The key Cipfa requirements are now covered within the Financial Accountability Framework.
9. It is recognised that work is still ongoing to update some key procedures, including Capital. The new arrangements will make it easier to update Financial Procedures, when the new processes have been set as they are no longer part of the core financial regulations that require member approval.

