

# **BIRMINGHAM CITY COUNCIL**

## **LICENSING AND PUBLIC PROTECTION COMMITTEE**

**WEDNESDAY, 21 NOVEMBER 2018 AT 10:00 HOURS**  
**IN COMMITTEE ROOMS 3 & 4, COUNCIL HOUSE, VICTORIA**  
**SQUARE, BIRMINGHAM, B1 1BB**

### **A G E N D A**

**1     NOTICE OF RECORDING/WEBCAST**

The Chairman to advise/meeting to note that this meeting will be webcast for live or subsequent broadcast via the Council's Internet site ([www.civico.net/birmingham](http://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     APOLOGIES**

To receive any apologies.

**3 - 12**

**4     MINUTES**

To confirm and sign the Minutes of the meeting held on 24 October 2018.

**13 - 64**

**5     CONTROL OF SEX ESTABLISHMENTS - SEXUAL ENTERTAINMENT**  
**VENUE, SCARLETS 34 HORSE FAIR RENEWAL REPORT**

Report of Acting Director of Regulation and Enforcement

**65 - 78**

**6     LICENSING AND PUBLIC PROTECTION BUDGET MONITORING**  
**2018/2019-QUARTER 2**

Report of Acting Director of Regulation and Enforcement and Corporate Director Finance and Governance

- 79 - 92**      7      **PROPOSALS FOR A MEDIUM TO LONG-TERM EMISSION STANDARD AND AGE POLICY FOR HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES**
- Report of Acting Director of Regulation and Enforcement
- 93 - 110**      8      **PROSECUTIONS & CAUTIONS - SEPTEMBER 2018**
- Report of the Acting Director Regulation and Enforcement
- 111 - 116**      9      **FIXED PENALTY NOTICES ISSUED SEPTEMBER 2018**
- Report of Acting Director of Regulation and Enforcement
- 117 - 120**      10      **OUTCOMES OF APPEALS - SEPTEMBER 2018**
- Report of Acting Director of Regulation and Enforcement
- 121 - 122**      11      **SCHEDULE OF OUTSTANDING MINUTES**
- To consider the schedule of outstanding minutes.
- 12      **OTHER URGENT BUSINESS**
- To consider any items of business by reason of special circumstances (to be specified) that in the opinion of the Chairman are matters of urgency.
- 13      **AUTHORITY TO CHAIRMAN AND OFFICERS**
- Chairman to move:-
- 'In an urgent situation between meetings, the Chairman jointly with the relevant Chief Officer has authority to act on behalf of the Committee'.

## **BIRMINGHAM CITY COUNCIL**

Item 4

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| <b>LICENSING AND<br/>PUBLIC PROTECTION<br/>COMMITTEE<br/>24 OCTOBER 2018</b> |
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**MINUTES OF A MEETING OF THE LICENSING  
AND PUBLIC PROTECTION COMMITTEE HELD  
ON WEDNESDAY 25 OCTOBER 2018 AT 1000  
HOURS IN COMMITTEE ROOMS 3 AND 4  
COUNCIL HOUSE, BIRMINGHAM**

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

Councillors Bob Beauchamp, Nicky Brennan, Neil Eustace,  
Adam Higgs, Nagina Kauser, Mike Leddy, Bruce Lines, Mary  
Locke, Martin Straker-Welds and Sybil Spence.

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**NOTICE OF RECORDING/WEBCAST**

- 1066 The Chair advised that the meeting would be webcast for live and subsequent broadcast via the Council's internet site ([www.civico.net/birmingham](http://www.civico.net/birmingham)) and that members of the press/public may record and take photographs except where there were confidential or exempt items.

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**DECLARATIONS OF INTEREST**

- 1067 Members were reminded that they must declare all relevant pecuniary and non pecuniary interests relating to any items of business to be discussed at the meeting. If a pecuniary interest was declared a Member must not speak or take part in that agenda item. Any declarations would be recorded in the minutes of the meeting.

There were no declarations of interest.

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**APOLOGIES**

- 1068 Apologies were received from Councillors Olly Armstrong, Simon Morrall and Hendrina Quinnen for non-attendance.

**MINUTES**

- 1069 With reference to the previous Minutes, Councillor Leddy indicated that on page 6 in the fourth paragraph the word 'been' to be replaced with 'being' and on page 9 in the second paragraph the words 'taxi operators' be replaced with 'private hire operators' and on the same line there should be the insertion of a comma after 'drivers on'.

Subject to the above amendments, the Minutes of the meeting held on 19 September 2018, having been previously circulated were confirmed as a correct record and signed by the Chairman.

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

**DEPARTMENT OF TRANSPORT TASK AND FINISH GROUP ON TAXI & PRIVATE HIRE VEHICLE LICENSING**

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

(See Document No. 1)

Emma Rohomon, Acting Head of Licensing, made introductory comments to the report.

The Chair highlighted that through the document hoped that progress would be made with addressing the cross-border working, adding that they now had support from Members of Parliament in this regard.

Members welcomed the report and highlighted the importance of a letter from the Chair on behalf of the Committee being sent to the appropriate Government Minister urging a swift response to the proposals.

Emma alluded to Recommendation 2.2 of the report and confirmed that a letter would be sent on behalf of the Committee to the Government Minister requesting an early response, and subsequently explained the expected procedure Government would take in responding to the document.

In response to comments from the members of the trade, Emma confirmed that when a response was received from Government, at that point they would then then consult with the trade with members being made fully aware of the recommendations. She added that the proposals to the changes to working practices would then go out to public consultation, with a subsequent report being submitted back to Committee with those responses.

In response to a comment from the trade, the Chair stated that it was inappropriate for the Committee to have sight of the Trade Liaison Meetings' minutes, adding that she occasionally attended the trade meetings in order to keep up to date of what was taking place. She stated that elected members

were made fully aware of any consultations that were taking place and given the opportunity to express their views accordingly.

The Chair highlighted that a number of the recommendations were already being adhered to by the trade and offered her appreciation in this regard.

The Chair put the recommendations to the meeting and they were unanimously agreed.

1070

**RESOLVED:-**

- (i) That the report be noted; and
- (ii) that a letter be sent to the appropriate Government Minister(s) on behalf of the Committee, urging a swift response to these proposals.

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**UPDATE REPORT ON UNAUTHORISED ENCAMPMENTS**

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

(See Document No. 2)

Mark Croxford, Head of Environmental Health, updated the Committee by providing a comprehensive breakdown of the report.

Several Members commended the work that had been undertaken by the department.

In response to the Chair's comment, Mark Croxford explained that detached playing fields were covered under the Educational Act. He highlighted that it was a criminal offence to trespass on school land which included detached playing fields and that West Midlands Police, had been made aware that they should be using this power if it involved detached land.

In response to Members' comments, Mark made reference to the number of pitches that were available across the city and highlighted that once they received the necessary information from GRT needs analysis, they would be able to determine whether the operational sites were being used. He added that they were looking for land across the city that could be used to term 'overspill' in order to help the needs mainly of residents rather than provision.

He reported on the protocol that had been updated over the years which BCC and West Midlands Police had signed up to, and explained the change in stance of West Midland Police in using Section 62. He added that the police continued to provide their support with regard to evictions and anti-social behaviour.

In response to Members' comments relating to various areas of the city that were more affected than others, Mark confirmed that in taking out some of the sites there were less available sites to be used however they were doing

everything that they were legally required to do in taking into consideration the needs of the residents and the transient community. He made reference to the work that was being undertaken regarding tenancy agreements and subsequently provided a brief explanation on how these would work.

In response to a Member's comment relating to a long-running issue, Mark confirmed that it required the intervention of Legal Services to progress the matter.

In response to a Member's request for more detailed information on a regular basis, Mark agreed to provide.

The Chair highlighted the importance of having to work within certain constraints when dealing with issues relating to unauthorised encampments.

The Chair put the recommendations to the meeting and following a show of hands, by 10 in favour to 0 against with 1 abstention it was:-

1071 **RESOLVED:-**

- (i) That the report be noted and outstanding minute 935(ii) be discharged; and
- (ii) that Committee requests a further report to be brought in 3 months to update on the various work items contained within this report.

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**ESTABLISHMENTS FOR MASSAGE AND/OR SPECIAL TREATMENTS  
CHANGE TO STANDARD CONDITIONS BIRMINGHAM CITY COUNCIL  
ACT 1990**

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

(See Document No. 3)

Shawn Woodcock, Licensing Operations Manager, made introductory comments to the report.

In response to members' comments, Shawn confirmed that the age limit was 18 years and explained why there had been a change to the guidelines with regard to limiting exposure levels.

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

1072 **RESOLVED:-**

That the Committee approved the proposed amendment to the standard conditions outlined in Section 4 of this report to take effect with all new or renewed licences immediately.

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**IMPLEMENTING COMBINED HACKNEY CARRIAGE & PRIVATE HIRE  
DRIVER'S LICENCES**

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

(See Document No. 4)

Chris Arundel, Principal Licensing Officer, made introductory comments relating to the report

In response to comments from Members and representatives from the Trade, the following points were captured:-

Chris Arundel confirmed that they would allow all drivers at some point to take out a combined licence, adding that it was not possible to provide free licences due to the costs involved.

He stated that it had been suggested that the knowledge test for any existing hackney carriage driver was waived and that if any hackney carriage driver wished to become a private hire driver, even if the driver had to pay for licence at this stage, it would be in the knowledge that he would not have to pay for renewals as his hackney carriage licence would convert.

He reported that some drivers already held a licence and if the recommendations were adopted today, when the new system came into effect every licence for renewal would be converted to a combined licence.

He made reference to the amendments to the existing system, and where the problem arose when drivers came to renew explaining why the only option was to issue a new licence. He added that with the issuing of a new licence and the administrative costs was where the majority of the expense lay.

He made reference to the drivers that could be adversely affected and stated Government had set up the clean air fund which was specifically for businesses that were adversely affected by the implementation of the clean air zone, and suggested that it was an option that could be explored.

Chris Neville, Acting Director of Regulation and Enforcement made reference to the report that would be submitted to the next meeting of the Committee. He stated that it would outline officers proposals for ways of assisting the trade and looking at the omission standard going beyond the clean air zones immediate implementation 2020, looking at an age policy for vehicles, and if the committee was agreeable to the terms that had been set out and taking on board any comments, they would then do a widespread consultation with the trade and general public and then try to agree on the policy after that.

The Chair highlighted that they were trying to make is as easier as possible for the hackney carriage drivers. She gave assurance that all elected members had an input on whatever consultation was undertaken in the city.

At this juncture, Emma Rohoman, Acting Head of Licensing, explained how refunds were calculated if a driver surrendered his badge, highlighting that most of administrative costs were incurred when the badge was issued and that the amount of refund, depended upon the proportion of licence that was not going to be used.

She made reference to the fact that most of the drivers knew which licence they would require and in the intervening period, if they wished to operate as a private hire driver within the clean air zone, when the licence was issued they would be aware of the conditions of the licence which they sign to confirm they have read and understood what they are.

The Chair thanked representatives from the trade for their attendance and contribution.

The Chair put the recommendations to the meeting and they were unanimously agreed:-

1073

**RESOLVED:-**

- (i) That the Committee approved the replacement of hackney carriage licences on the new licensing computer system with dual hackney carriage and private hire licences. Private hire only licences, should remain as they are; and
- (ii) that the Committee agrees drivers wishing to take out a private hire driver's licence now, via the current Sopra licensing system, should be allowed to do so on renewal at no additional cost; and
- (iii) that drivers who are not due to renew, may still obtain dual licences by surrendering their current licence and paying the fee for the grant of a new licence, which will then include both hackney carriage and private hire licences; and
- (iv) that no private hire knowledge testing should be required where a hackney carriage driver has previously passed a Birmingham hackney carriage driver's knowledge test.

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**CONSULTATION ON CLEANER DOMESTIC BURNING OF SOLID FUELS AND WOOD**

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

(See Document No. 5)

Mark Croxford, Head of Environmental Health, provided a comprehensive breakdown of the report.



The Chair highlighted the concern relating to the general public using unsuitable fuel for their wood burners and the lack of control that this presented.

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

1074

**RESOLVED:-**

That the report be noted.

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**OUTCOME OF APPEALS AGAINST SUB COMMITTEE DECISIONS:  
AUGUST 2018**

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

(See Document No. 6)

Emma Rohomon, Acting Head of Licensing, made introductory comments to the report. She provided an explanation as to why one of the cases had not been defended and the reason for the costs that had been incurred due to a breakdown of communication, which she stated would not take place again.

The Chair and Members expressed their disappointment, regarding the appeals that had been allowed relating to drivers with convictions that were licensed in other local authorities.

In response to a Member's comment, Chris Neville, Acting Director of Regulation and Enforcement, alluded to the adopted guidelines by the Institute of Licensing that guided committees in making decisions when applicants had criminal convictions, whereby various aspects were taken into account.

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

1075

**RESOLVED:-**

That the report be noted.

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**PROSECUTIONS AND CAUTIONS – AUGUST 2018**

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

(See Document No. 7)

Chris Neville, Acting Director of Regulation and Enforcement, made introductory comments relating to the report highlighting some of the cases.

The Chair referred to the excellent work that had been undertaken with regard to tackling food hygiene in the various establishments.

Councillor Leddy made reference to the excellent work undertaken by officers and subsequently commended the report.

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

1076

**RESOLVED:-**

That the report be noted.

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**FIXED PENALTY NOTICES ISSUED AUGUST 2018**

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

(See Document No. 8)

Mark Croxford, Head of Environmental Health, made introductory comments relating to the report.

In response to Councillor Leddy's question relating to the lack of financial reporting from the income derived from the fixed penalty notices, Mark whilst explaining the income received supported the commissioned service and the waste enforcement unit, agreed to provide a more detailed financial breakdown in the future.

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

1077

**RESOLVED:-**

That the report be noted.

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**SCHEDULE OF OUTSTANDING MINUTES**

The following schedule of Outstanding Minutes was submitted:-

(See Document No. 9)

Chris Neville, Acting Director of Regulation and Enforcement, commented on various Outstanding Minutes.

1078

**RESOLVED:-**

That Outstanding Minute Nos. 935(ii) be discharged and all other Outstanding Minutes be continued.

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**OTHER URGENT BUSINESS**

- 1079 The Chair advised Members that the next committee meeting scheduled in November will be paper less.
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**AUTHORITY TO CHAIR AND OFFICERS**

- 1080 **RESOLVED:-**

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

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The meeting ended at 1210 hours.

.....  
CHAIRMAN



**BIRMINGHAM CITY COUNCIL**

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

Item 5

**21 NOVEMBER 2018**  
**BORDESLEY & HIGHGATE**

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

1. Summary

- 1.1 Birmingham City Council's Sexual Entertainment Venue Policy became effective from 1<sup>st</sup> November 2014.
- 1.2 An application has been received for the renewal of the Sexual Entertainment Venue (SEV) Licence granted to Michelle Monaghan in respect of premises known as Scarlets, 34 Horse Fair, Birmingham B1 1DA.
- 1.3 At the time of writing this report there are 7 SEV licences granted to premises within Birmingham 6 of which, including this premises, are located within the area bounded by the ring road (A4540).
- 1.4 As stated in Birmingham City Council's SEV Policy the Council considers that the part of the City which falls within the ring road (A4540) is an area which is appropriate to have an upper limit guide on the number of SEV's the appropriate upper limit being eight.

2. Recommendation

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

Contact Officer: Emma Rohomon, Head of Licensing (Acting)

Telephone: 0121 303 9780

E-mail: [emma.rohomon@birmingham.gov.uk](mailto:emma.rohomon@birmingham.gov.uk)

Originating Officer: David Kennedy, Principal Licensing Officer

### 3. Background

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

### 4. Consultation

- 4.1 The applicant was required to advertise the application in a local newspaper, post a notice outside of the premises for a period of 21 days and serve a copy of the application to the Chief Officer of Police.
- 4.2 In addition upon receipt of an application the Licensing Section consults with the relevant Local Policing Unit, the Licensing Enforcement Team and also notifies the appropriate Ward Councillors.
- 4.3 West Midlands Police have not responded to the application within the statutory consultation period.
- 4.4 A representative of the Licensing Enforcement Team has confirmed that they have no objections to the renewal of the licence. A copy of their report is attached at Appendix 5.
- 4.5 Objections have been received from representatives of Birmingham Royal Ballet and a representative of Birmingham Hippodrome. Copies of which are attached at Appendices 6 and 7 respectively.
- 4.6 A copy of the Council approved standard conditions for Sexual Entertainment Venue licences are contained within the current Sexual Entertainment Venue policy a copy of which is attached at Appendix 8.

4.7 Location plans, including a plan showing the proximity of the other existing licensed Sexual Entertainment Venues to the premises, are attached as Appendix 9.

4.8 All parties have been invited to attend the hearing.

5. Matters for Consideration

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

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

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

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

## 6. Options Available

### 6.1 The Committee may:

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

6.1.2 Grant the application as it stands subject to the Council approved Standard Conditions unless they have been expressly excluded or varied and/or other Specific Conditions or restrictions that the Committee deem reasonable, necessary proportionate and justifiable.

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

## 7. Right of Appeal

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

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

## 8. Implications for Resources

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

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

## 9. Implications for Policy Priorities

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

## 10. Public Sector Equality Duty

10.1 No specific implications have been identified.

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

Background Papers: Nil



SEX ENT 1.5

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

**BIRMINGHAM CITY COUNCIL**

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

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

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

**Section 1**

**Application details:**

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

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

**Section 2**

**Answer only if Applicant is an individual**

What is the full name of the individual? Michelle Monaghan

Permanent Residential Address

Any former names

Date of Birth Place of Birth

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

National Insurance Number or E.U Member State Equivalent

Telephone Number (during normal office hours)

Email Address:

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

AS ABOVE

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

Yes ☒ No ☐ If "yes" to what extent married to Director of tracking company - Paul Monaghan

Is the whole business owned by the applicant? Yes ☐ No ☒

**Section 3**

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

Full Name of Applicant  
.....

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

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

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

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

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

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

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

Has the Applicant previously been known by any other name and if so what name?

.....

If the Applicant is a company, what type of company is it (e.g., public or private, limited by share or guarantee, etc.)?

.....

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

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

.....

In which country is the company incorporated? .....

What is the date of incorporation of the company? .....

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

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

SEX ENT 1.5

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

Appician Inns Ltd (CO. NO. 09574694)

What is the Applicant's trading address?.....

34 Horsefair, Birmingham, B1 1DA.

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

**Section 5**

***All Applicants***

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

First Name Stacey Surname McMahon

Former Name (if any) /

National Insurance Number or E.U Member State Equivalent /

Permanent Address: /

Date of Birth: /

Place of Birth: /

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

If "yes" give full details Applicant also holds sex

License at 'The Cyclone Club' 192 Broad  
St.

Section 6**Premises details:**

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

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

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

Appidan Inns Ltd, 34 Horsefallow, B1 1DA.

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

34 Horsefallow, B1 1DA.

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

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

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

If no, please state:

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

Ground floor only.

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

administration & accommodation

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

Michelle Monaghan

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

a) Head-lease ☒ Sub-lease ☐

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

Stentorgate Investments, 43 Temple Row, Birmingham, B2 5LS.

c) the length of the unexpired term October 2021

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

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

| <u>Day</u> | <u>Start</u> | <u>Finish</u> | <u>State any seasonal variations or non standard timings where you intend to use the Premises, which are different to those listed in the column on the left.</u> |
|------------|--------------|---------------|---|
| Monday     | 21.00        | 6.00          | None.   |
| Tuesday    | 21.00        | 6.00          |   |
| Wednesday  | 21.00        | 6.00          |   |
| Thursday   | 21.00        | 6.00          |   |
| Friday     | 21.00        | 6.00          |   |
| Saturday   | 21.00        | 6.00          |   |
| Sunday     | 21.00        | 6.00          |   |

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

Lap dancing, pole dancing, private dancing in booths, adult cabaret and similar performances

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

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

Name of current Premises Licence Holder

\_\_\_\_\_

Please give the reason/s for the transfer application

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Section 9.**

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

If so, please give details of unspent convictions below:

**Convictions:**

| Forenames | Surname | Former Name<br>(if any) | Court | Date | Offence | Penalty or<br>Sentence |
|-----------|---------|-------------------------|-------|------|---------|------------------------|
|           |         |                         |       |      |         |                        |

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

If so, please give details below:

**Cautions:**

| Forenames | Surname | Former Name<br>(if any) | Offence | Date of<br>Caution | Where caution<br>administered |
|-----------|---------|-------------------------|---------|--------------------|-------------------------------|
|           |         |                         |         |                    |                               |

## SEX ENT 1.5

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

|   |      |
|---|------|
| Been disqualified from holding a licence for a sex establishment?   | NO   |
| Been refused the grant / renewal / transfer of a licence for a sex establishment?   | Yes. |
| Been the holder of a sex establishment licence when that licence has been revoked?  | NO   |
| Been associated in any way with any other application for a sex establishment licence?  | Yes. |
| If 'Yes' to any of the above please provide details:  |      |
| <p>The renewal application made for this sex license was refused in September 2016, but was granted on appeal.</p> <p>Michelle Monaghan also holds sex license at The Alpha Club, 192 Broad St.</p> |      |

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

Yes ☒ No ☐

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

Address of Applicant - This is my home address which I do not want to be seen by members of the public.

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

.....

.....

.....

.....

(If necessary, please continue on a separate sheet)



SEX ENT 1.5

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

I have made or enclosed payment of the fee ☒

Please check the following link for details of the cost of your application:-

<http://www.birmingham.gov.uk/licensingfeesandcharges>

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

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

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

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

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

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

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

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

Signature .....

Name of Signatory MICHELLE MONAGHAN

Designation of Signatory Applicant

Date 18/09/18









# Scarlets

## RULES AND REGULATIONS FOR SELF EMPLOYED DANCERS

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

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

I have been advised and accept there are CCTV cameras throughout the Venue.

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

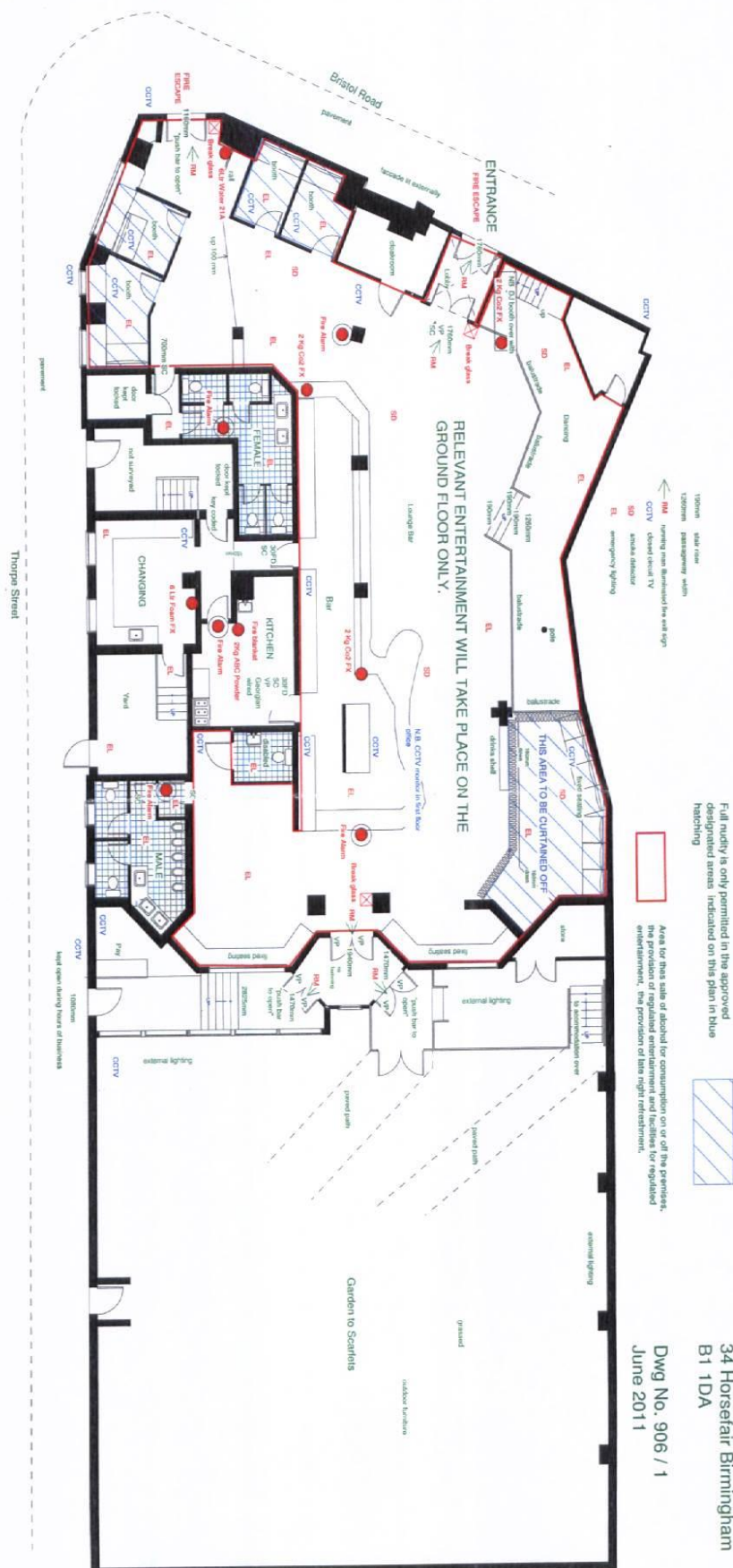
Full Name..... Dancer Name.....

Signature..... Manager Signature..... Date.....

# Scarlets

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

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





To: Enforcement Section

Date: 19<sup>th</sup> September 2018

From: Licensing Section

Ref: WK/009118565

**Property Details: Scarlets, 34 Horse Fair, Birmingham, B1 1DA****Licence Type: Sexual Entertainment Venues**

Attached is a copy of an application for a licence in respect of the above.

Please complete the slip below by 17<sup>th</sup> October 2018.

**Lisa Woodward**  
Licensing Officer

Ref: WK/009118565

**Property Details: Scarlets, 34 Horse Fair, Birmingham, B1 1DA****Licence Type: Sexual Entertainment Venues**

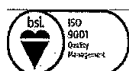
Please tick one box

- ☒ No objection subject to standard conditions.
- ☐ No objection subject to additional conditions being attached. (Give details on separate memo as additional conditions will need to be referred to Licensing Committee).
- ☐ I object to the issue of a licence. (Give grounds for objection on separate memo as application will need to be referred to Licensing Committee).

Inspected by: ..... Date: 22.10.18.....

Full Name: Sharon Watts..... Time taken: 40 mins.....

Position: LEO..... Contact number: 0121 303 9365



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

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

**THE PLACE DIRECTORATE**



|   |                                       |
|---|---------------------------------------|
| <b>DATE AND TIME OF INSPECTION</b>      | 22/10/2018 22:00 hours                |
| <b>OFFICERS INSPECTING</b>              | S Watts                               |
| <b>TRADING NAME OF PREMISES</b>         | Scarlets                              |
| <b>ADDRESS AND POSTCODE OF PREMISES</b> | 34 Horse Fair<br>Birmingham<br>B1 1DA |

|                               |   |
|-------------------------------|---|
| <b>REASON FOR INSPECTION</b>  | <b><del>GRANT</del> RENEWAL VARIATION</b> |
| <b>OTHER (PLEASE SPECIFY)</b> | -   |
| <b>JOB NUMBER</b>             | WK 009118565                              |

|   |  |
|---|--|
| <b>TYPES OF PREMISES NEARBY</b>   | <b>PROVIDE DETAILS</b>   |
| <b>RESIDENTIAL PREMISES</b>   | There are two residential tower blocks (Cleveland and Clydesdale) opposite, located near to Holloway Circus. |
| <b>COMMERCIAL SHOPS USED BY FAMILIES &amp; CHILDREN</b>                           | Fish and Chip shop, Pizza shop and Adult shop in close vicinity.   |
| <b>FACILITIES USED BY FAMILIES EDUCATIONAL, LEISURE</b>                           | Birmingham Hippodrome. Royal Ballet. Dance XChange.  |
| <b>COMMUNITY BUILDINGS USED BY BY FAMILIES &amp; CHILDREN</b>                     | Radisson Blu Hotel<br>02 Academy   |
| <b>PLACES OR BUILDINGS OF HISTORICAL/CULTURAL INTEREST OR TOURIST ATTRACTIONS</b> |  |
| <b>PREMISES USED FOR RELIGIOUS GATHERING</b>                                      | St Catherine of Siena Catholic church on the opposite side of road   |
| <b>OTHER (PLEASE SPECIFY)</b>   |  |

|   |     |
|---|-----|
| <b>DOES THE PREMISES YOU ARE INSPECTING HOLD AN EXISTING LA2003</b> | Yes |
|---|-----|

|                               |                                  |
|-------------------------------|----------------------------------|
| <b>PREMISES LICENCE</b>       |                                  |
| <b>WAS NOTICE DISPLAYED</b>   | <b>NO (delete as applicable)</b> |
| <b>DATE CHECKED</b>           | <b>22/10/2018</b>                |
| <b>OTHER (PLEASE SPECIFY)</b> | -                                |

**ANY RELEVANT INFORMATION WHICH MAY ASSIST THE LICENSING COMMITTEE**

Scarlets is situated on Horse Fair near to the junction of Holloway Circus. It is close to Hurst Street which is popular for night time entertainment. The main entrance to the club is on Horse Fair. There are also entrances on Thorp Street which are not in use.

The licence allows opening hours of the premises from 21.00 hrs to 06.00 hrs, Monday to Sunday.

The premises were visited and an inspection carried out with the licence holder Ms Michelle Monaghan.

Scarlets is not currently trading and has not been trading since April 2018. The inspection was limited due to the business not being up and running at present. It is proposed by the licence holder that the premises will re-open in November. I have no objection to the SEV application renewal and recommend a full inspection be carried out when the premises re-open.

**From:** Pearl Chesterman  
**Sent:** 15 October 2018 17:09  
**To:** Licensing  
**Cc:**  
**Subject:** Scarlets 34 Horsefair, Birmingham, B1 1DA

Dear Sirs

I am writing to lodge my concerns regarding the renewal of the licence for Scarlets.

As Director of Engagement and Participation for Birmingham Royal Ballet and Designated Safeguarding Lead, Birmingham Royal Ballet are concerned about the proximity of a sexual entertainment venue such as Scarlets to a busy ballet company and theatre, which regularly hosts classes and performances for Children and Young People. Groups of Children access the complex during the week and weekends often until late if in performance. The Dance Hub extension above Birmingham Royal Ballet will also attract more people including children and young people and will be again open during the week and at weekends until late. Thorp Street and Southside already struggle to maintain a friendly and appealing atmosphere and this venue will not help the cause.

Birmingham Hippodrome and Birmingham Royal Ballet are joining together with One Dance UK to build the DanceHub and it is hoped that Birmingham will become the home of Dance, Globally. It is not appropriate or acceptable for a sexual entertainment venue to be situated next to a hub of world class artistry and entertainment and certainly not appropriate in the vicinity of young children and vulnerable adults

Birmingham Royal Ballet opposed the original application and will continue to do so. Whilst this is an amendment to the current license to my knowledge the venue has not been used, therefore it cannot be said that until now it hasn't been a problem.

Yours sincerely

Pearl Chesterman  
**PEARL CHESTERMAN**  
 Director of Engagement and Participation

Birmingham Royal Ballet  
 Thorp Street  
 Birmingham B5 4AU

Direct: 0121 252 2222  
 Mobile: 07946 000000

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---

**From:** Oliver Drain  
**Sent:** 15 October 2018 13:58  
**To:** Licensing  
**Subject:** Scarlets, 34 Horsefair, Birmingham, B1 1DA

Dear Sirs,

On behalf of Birmingham Royal Ballet and its associates, I would you like to object to the opening of Scarlets as a Sexual Entertainment Venue.

Birmingham Royal Ballet works with Children and Vulnerable adults on a daily basis and we feel that the presence of a sexual entertainment venue is a risk to our participants. Thorp Street and Southside already struggle to maintain a friendly and appealing atmosphere and the introduction of this venue will not help the cause. Birmingham Hippodrome and Birmingham Royal Ballet are joining together with One Dance UK to build the DanceHub. It is hoped that Birmingham will become the home of Dance, Globally. It is not realistic for such a site to be situated next to such an establishment.

We strongly oppose the opening of Scarlets.

Yours Sincerely,

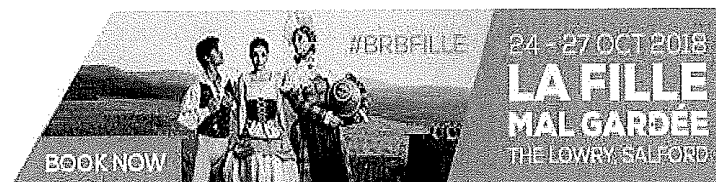
Oliver Drain  
for and on behalf of Birmingham Royal Ballet.

**OLIVER DRAIN AIOSH**  
Health, Safety, Facilities and Risk Manager

Birmingham Royal Ballet  
Thorp Street  
Birmingham B5 4AU

Direct: 0121 252 3333  
Mobile: 07958 123456

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Birmingham Royal Ballet is a company limited by guarantee. Registered Office: Thorp Street, Birmingham B5 4AU  
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**From:** Peter Evans  
**Sent:** 15 October 2018 15:27  
**To:** Licensing  
**Subject:** Scarlets Application

To Birmingham City Council Licensing Department regarding the establishment know as Scarlets application for a for a renewal of their sex establishment licence for the provision of a sexual entertainment venue.

This establishment has been closed and reopen numerous times by the Council. We are a district that is changing more and more as residential accommodation is being developed. This is primarily student and younger people as well as families. This type of establishment is not one that projects the right image for a modern and forward looking City. Plus with over 600,000 visitors to the Hippodrome per annum we do not believe that this is the correct area for these two kinds of business to co habitat.

We strongly object based upon the impact and disturbance that could be caused by the renewal of this licence. The client group that will be attracted could be seen as hazardous to the wellbeing of our younger students and to female visitors to Southside. With violent attacks on the increase in Southside over the last few months this sends out the wrong message.

We would look to officers to review the number of times the current establishment has been closed and the reasons why and the likely hood of a repartition In an up and coming residential area of the City this is not a trade that needs to be carried out, whilst great efforts are being made to turn Southside into a family friendly destination of choice. We would hope officers recommend to Elected Members that this renewal be refused.

Your sincerely

**Peter Evans**  
 Commercial Director  
 Birmingham Hippodrome, Hurst Street, Southside, Birmingham B5 4TB



[peterevans@birminghamhippodrome.com](mailto:peterevans@birminghamhippodrome.com)

Select your own seat, make a donation, or book a restaurant table online: [birminghamhippodrome.com](http://birminghamhippodrome.com)  
 Box Office: 0844 338 5000\*

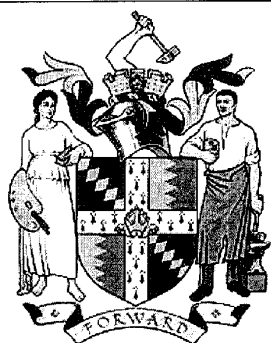
**A member of Culture Central – a collective voice for culture in Birmingham.**

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\*\*\*\*\*

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## **BIRMINGHAM CITY COUNCIL SEXUAL ENTERTAINMENT VENUE POLICY**

**EFFECTIVE FROM 1<sup>st</sup> November 2014**

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

OR alternatively by email to: [licensing@birmingham.gov.uk](mailto:licensing@birmingham.gov.uk)

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1. **Introduction**

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

2. **Sexual Entertainment Venues**

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



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

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

### 3. **Waivers**

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

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

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

#### **4. Making an Application**

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

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

## 5. **Fees**

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

## 6. **Making Objections to Applications**

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

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

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

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

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

7. **Determination of an Application**

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

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

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

7.3 Mandatory grounds for refusal

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

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

7.4 Discretionary grounds for refusal

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

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

**8. Suitability of an Applicant**

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

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

**9. Suitability of Premises**

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

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

**10. Use of Premises in the Vicinity**

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

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

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

## **11. Character of the Relevant Locality**

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

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

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

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

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

## **12. Appropriate Number of Sexual Entertainment Venues**

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

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

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

13. **Conditions**

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

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

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

14. **Renewal Applications**

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

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

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

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

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

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



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

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

**16. Cancellation of a Sexual Entertainment Venue Licence**

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

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

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

**17. Variation of a Sexual Entertainment Venue Licence**

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

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

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

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

**18. Right to Appeal a Decision**

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

## **ANNEX A**

### **BIRMINGHAM CITY COUNCIL**

#### **STANDARD CONDITIONS FOR SEXUAL ENTERTAINMENT VENUES (SEV)**

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

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

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

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

#### **OPENING HOURS**

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

#### **WINDOW, FASCIA BOARD ADVERTISEMENT AND DISPLAYS**

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

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

#### **LICENSED NAME**

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

#### **EXHIBITION OF LICENCE**

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

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

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

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

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

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

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

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

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

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

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

#### **CLUB RULES**

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

#### **FEES**

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

#### **PERFORMANCES**

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



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

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

#### **DOOR SUPERVISORS**

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

#### **CCTV**

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

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

#### **TOUTING FOR BUSINESS AWAY FROM THE PREMISES.**

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

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

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

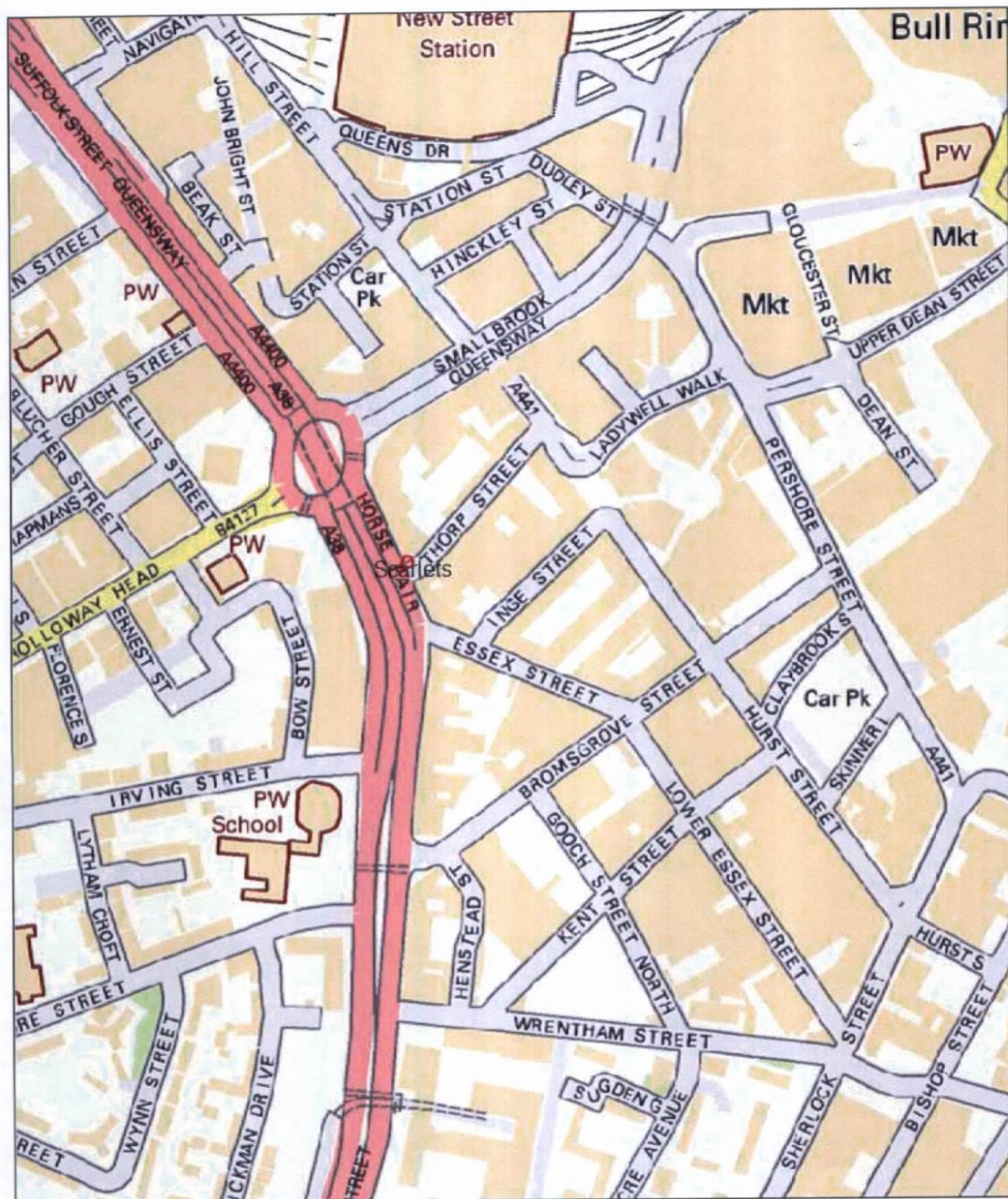
## ANNEX B

### SCHEME OF DELEGATION OF DECISION-MAKING AND FUNCTIONS

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

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

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

 Birmingham City Council

Map Created By:

Date of Map Creation: 31/10/2016

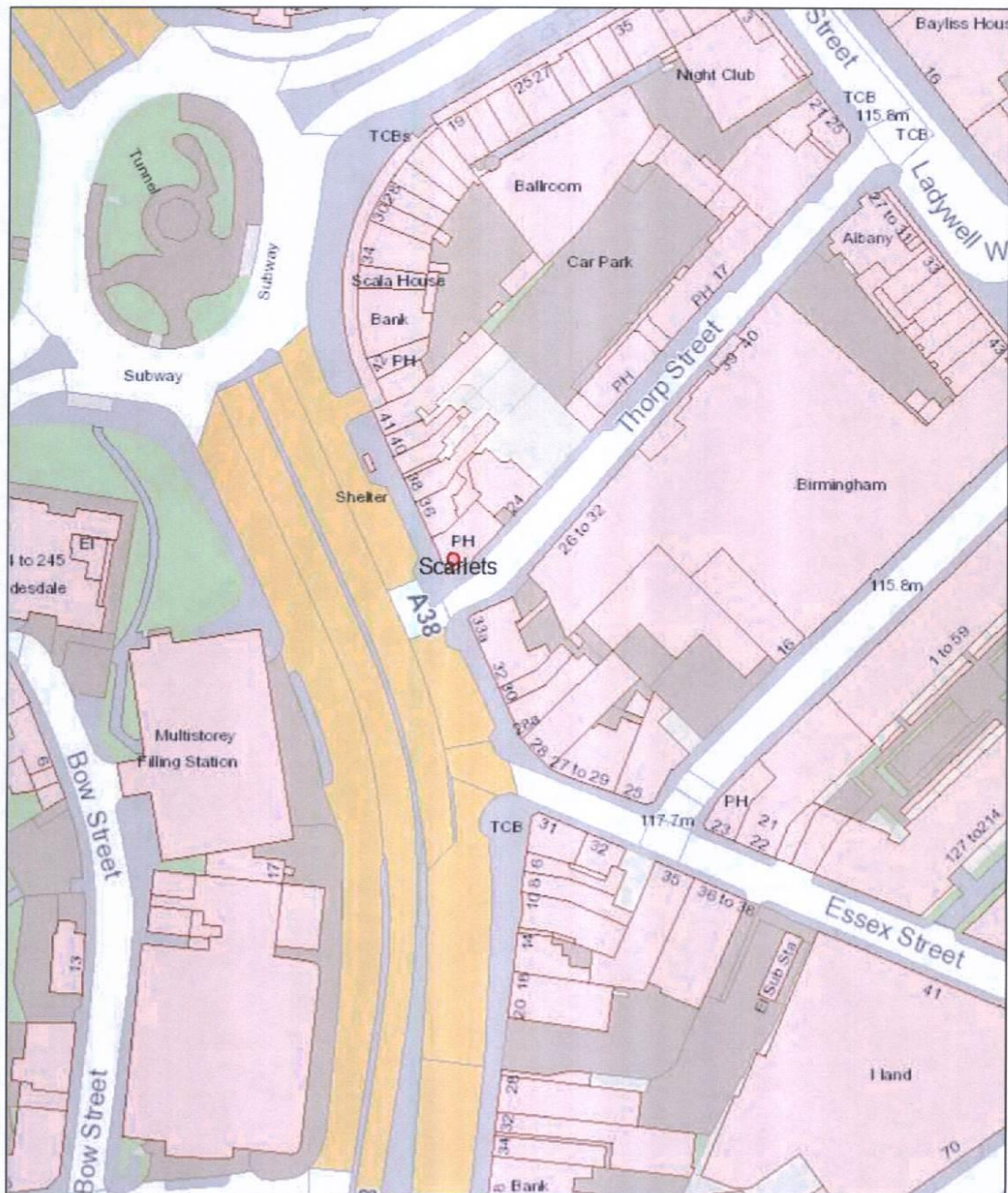
## Notes



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1:1,250









|                          |   |        |
|--------------------------|---|--------|
| <b>Report to:</b>        | <b>LICENSING AND PUBLIC PROTECTION COMMITTEE</b>  | Item 6 |
| <b>Report of:</b>        | <b>ACTING DIRECTOR REGULATION AND ENFORCEMENT AND CORPORATE DIRECTOR FINANCE AND GOVERNANCE</b> |        |
| <b>Date of Decision:</b> | <b>21 NOVEMBER 2018</b>   |        |
| <b>SUBJECT:</b>          | <b>LICENSING AND PUBLIC PROTECTION BUDGET MONITORING 2018/19 - QUARTER 2</b>                    |        |
|                          |   |        |

|   |
|---|
| <b>1. Purpose of Report:</b>  |
| <p>1.1 This report sets out the position on the Licensing and Public Protection Committee's Revenue and Capital Budgets at the end of September 2018 (Quarter 2) and the forecast position for the year end. It highlights any issues that have arisen and informs the Licensing and Public Protection Committee of any action being taken to contain spending within the approved cash limits.</p> <p>1.2 The report also details the latest performance within the Licensing and Public Protection Committee including progress against the approved Savings Programme for 2018/19.</p> <p>1.3 The report is in line with the current City Council established financial monitoring framework to ensure that expenditure is managed within cash limits.</p> |

|  |
|--|
| <b>2. Decision(s) Recommended:</b>   |
| <p>The Licensing and Public Protection Committee is requested to :</p> <p>2.1 Note the latest Revenue budget position at the end of September 2018 (Quarter 2) and Forecast Outturn as detailed in Appendix 1.</p> <p>2.2 Note the position for the Savings Programme for 2018/19 as detailed in Appendix 2.</p> <p>2.3 Note the expenditure on grant funded programmes in Appendix 3.</p> <p>2.4 Note the position on Capital projects, as detailed in Appendix 4.</p> <p>2.5 Approve the appropriation of £0.191m from PoCA reserves for PoCA expenditure.</p> <p>2.6 Note the position on reserves and balances, as detailed in Appendix 5.</p> |

|                                 |  |
|---------------------------------|--|
| <b>Lead Contact Officer(s):</b> | <b>Parm Phipps, Business Partner – Services Finance</b>                                |
| <b>Telephone No:</b>            | 0121 303 4176  |
| <b>E-mail address:</b>          | <a href="mailto:parmjit.phipps@birmingham.gov.uk">parmjit.phipps@birmingham.gov.uk</a> |

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|--|
| <div data-bbox="102 152 399 197" data-label="Section-Header"> <h3>3. Consultation</h3> </div> <div data-bbox="102 228 309 273" data-label="Section-Header"> <h4>3.1 <u>Internal</u></h4> </div> <div data-bbox="197 300 1495 416" data-label="Text"> <p>The financial position on the revenue and capital budget is reported on a monthly basis to the Management Team and the Acting Service Director of Regulation and Enforcement is briefed on the major financial issues, as required in line with the Council's framework.</p> </div> <div data-bbox="102 445 322 490" data-label="Section-Header"> <h4>3.2 <u>External</u></h4> </div> <div data-bbox="197 517 1495 602" data-label="Text"> <p>There are no additional issues beyond consultations carried out as part of the budget setting process for 2018/19.</p> </div>  |
| <div data-bbox="102 707 504 752" data-label="Section-Header"> <h3>4. Compliance Issues:</h3> </div> <div data-bbox="102 781 1350 866" data-label="Section-Header"> <h4>4.1 <u>Are the recommended decisions consistent with the Council's policies, plans and strategies?</u></h4> </div> <div data-bbox="197 891 1495 976" data-label="Text"> <p>The budget is integrated within the Council's Financial Plan 2018+, and resource allocation is directed towards policy priorities.</p> </div> <div data-bbox="102 1003 1331 1088" data-label="Section-Header"> <h4>4.2 <u>Financial Implications (Will decisions be carried out within existing finances and Resources?)</u></h4> </div> <div data-bbox="197 1113 1495 1198" data-label="Text"> <p>The Licensing and Public Protection Budget Monitoring 2018/19 (Quarter 2) report provides details of monitoring of service delivery within available resources.</p> </div> <div data-bbox="102 1225 461 1270" data-label="Section-Header"> <h4>4.3 <u>Legal Implications</u></h4> </div> <div data-bbox="197 1294 1495 1559" data-label="Text"> <p>Section 151 of the 1972 Local Government Act requires the Interim Chief Financial Officer (as the responsible officer) to ensure proper administration of the City Council's financial affairs. Budgetary control, which includes the regular monitoring of and reporting on budgets, is an essential requirement placed on directorates and members of Corporate Management Team by the City Council in discharging the statutory responsibility. This report meets the City Council's requirements on budgetary control for the specified area of the City Council's Directorate activities.</p> </div> <div data-bbox="102 1588 592 1632" data-label="Section-Header"> <h4>4.4 <u>Public Sector Equality Duty</u></h4> </div> <div data-bbox="197 1659 1495 1816" data-label="Text"> <p>There are no additional specific Equality Duty or Equality Analysis issues beyond any already assessed and detailed in the budget setting process and monitoring issues that have arisen in the year to date. Any specific assessments will be made by the Directorates in the management of their services.</p> </div> |

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

### **Revenue Budget 2018/19**

- 5.1 The City Council approved the overall budget on 27 February 2018. The Licensing and Public Protection Committee noted the original net revenue budget allocation of £7.736m (as detailed in Appendix 1) on 14 March 2018.
- 5.2 There has been one minor addition to the Committee's net budget. This returns £0.025m to the Register Office that was previously removed as part of the Professional Support Service (PSS) centralisation. The post has since been identified as out of scope and will be reinstated and kept within the Register Office Structure.

|   | £'m          |
|---|--------------|
| <b>Original Budget 2018/19 Reported to LPPC 14 March 2018</b>     | <b>7.736</b> |
| PSS – Reinstatement of Out of Scope post budget (Register Office) | 0.025        |
| <b>Current Approved Net Revenue Budget</b>                        | <b>7.761</b> |

- 5.3 The current approved budget for this Committee is therefore £7.761m.
- 5.4 The City Council has well-established arrangements for monitoring spending against the cash limited budgets allocated to Directorates and Committees.
- 5.5 Reports are presented to Cabinet on a quarterly basis on the overall city-wide financial position and the Licensing and Public Protection Committee will also receive quarterly financial performance reports during the financial year.

### **Revenue – Financial Review and Year End Projections (Appendix 1)**

- 5.6 The total expenditure at Quarter 2 (end of September 2018) is £5.510m. However, this includes £1.743m of costs relating to the 1974 Bombings Inquest. These costs will be funded through the Ministry of Justice. When adjusted, this leaves £3.767m net expenditure, which represents 48% of the annual net budget. This is a reasonable level for the half way point of the financial year.
- 5.7 A year end net surplus of (£0.118m) is being forecast formally. Pressures identified in Pest Control are more than mitigated by efficiencies being managed in Environmental Health and Trading Standards. Pressures reported formally by Highways will be mitigated within the Highways Service.
- 5.8 Budgets continue to be managed rigorously and any changes will be reported in future reports.
- 5.9 The table below sets out a high level summary of the projected year end overspend by service (full details in Appendix 1) and how this is comprised of over the savings programme and base budget pressures.

| <b>Forecast Year End Variations – Quarter 2</b> |                                      |   |   |
|---|--------------------------------------|---|---|
| <b>Budget Head</b>                              | <b>Savings<br/>Programme<br/>£'m</b> | <b>Base Budget<br/>(underspend)<br/>/ Pressures<br/>£'m</b> | <b>Total<br/>(underspend)<br/>/ Pressures<br/>£'m</b> |
| Environmental Health                            | 0.000                                | (0.100)   | (0.100)   |
| Pest Control                                    | 0.000                                | 0.100   | 0.100   |
| Register Office                                 | 0.000                                | 0.000   | 0.000   |
| Mortuary and Coroners                           | 0.000                                | 0.000   | 0.000   |
| Trading Standards                               | 0.000                                | (0.118)   | (0.118)   |
| Licensing and Enforcement                       | 0.000                                | 0.000   | 0.000   |
| Public Rights of Way                            | 0.000                                | 0.000   | 0.000   |
| Highways Licensing                              | 0.000                                | 0.000   | 0.000   |
| NRSWA Licences (Highways)                       | 0.000                                | 0.000   | 0.000   |
| <b>TOTAL</b>                                    | <b>0.000</b>                         | <b>(0.118)</b>  | <b>(0.118)</b>  |

The key components of the projection include:

- **Environmental Health (£0.100m underspend) and Pest Control (£0.100m pressure)**

Pest Control continues to experience income related pressure from contracts (for example: on clearance). The two services are managed jointly and savings are being managed within Environmental Health to fully fund this.

- **Trading Standards (£0.118m underspend)**

Trading Standards additional income through sharing costs of officers assigned to projects and securing external funding for Anti-Counterfeiting operations.

- **Highways Licensing (nil pressure)**

The service has formally reported some pressures in the first part of the year. However, any pressure that may arise relating to Highway Licences will be fully mitigated within the Highways service and will not form a pressure on this committee.

### **Savings Programme**

- The Committee's Savings Programme is £0.222m for 2018/19.
- An assessment at Quarter 2 continues to conclude that this will be fully delivered in 2018/19 and all savings will be delivered.

### **Mitigations and Management Actions 2018/19**

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

- Pest Control

Contracts continue to be sought to clear waste land and Council Housing land to make good the £0.100m forecast pressure on income. However, savings are also being managed within Environmental Health to mitigate this pressure.

- Mortuary and Coroners

Pressures relating to the 1974 Inquest (currently £1.743m) will be met by specific Government Funding. This has been confirmed in writing by the Ministry of Justice.

A formal letter from the Chair of Licensing and Public Protection Committee has now been sent to Ministry of Justice in order to establish regular liaison and enable payment to be claimed and received on an ongoing basis.

### **Capital (Appendix 4)**

5.10 The Capital programme for security and essential health and safety works in the mortuary including ventilation solutions is being reviewed and updated.

5.11 A short term solution involving temporary air conditioning is in place and an extension to this is being arranged whilst permanent installations are being reviewed.

## **6. Grant Funded Programmes**

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

6.2 Expenditure and income for each of the grants is shown in Appendix 3 and summarised below.

### **Illegal Money Lending**

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

6.4 The project is funded through specific grant from Treasury, with the allocation of up to £3.805m in 2018/19.

6.5 The expenditure at the end of September 2018 was £1.787m (47%) this is a reasonable level for half way through the year - and it is anticipated that the programme will fully spend the grant allocated.

## **Scambusters**

- 6.6 The Scambusters - Regional Investigations Team (RIT) investigates and takes action against fraudsters operating across council boundaries in the central region.
- 6.7 Funding has been confirmed at £0.320m (£0.335m last financial year).
- 6.8 The expenditure at the end of September 2018 was £0.156m (49%). Again this is a reasonable level for this point in the financial year and it is anticipated that the programme will fully spend the grant allocated.

## **7. Proceeds of Crime Act**

- 7.1 Regulatory Services secures funding through the Proceeds of Crime Act 2002 (PoCA) in response to financial investigations undertaken following sentencing by the courts.
- 7.2 PoCA monies are ring-fenced for expenditure on community and crime prevention projects
- 7.3 Expenditure specifically recorded as planned PoCA items is £0.191m at the end of Quarter 2 which will be funded routinely through a combination of appropriations from PoCA reserves and income received during the year.
- 7.4 In line with this routine activity, Licensing and Public Protection Committee are requested to approve the appropriation of £0.191m from PoCA Reserves for this specific expenditure.

## **8. Balances and Reserves:**

- 8.1 The reserves at Quarter 2 are shown in Appendix 5.
- 8.2 The reserves currently total £2.017m and are ring-fenced. This will reduce to £1.826m once the PoCA appropriation (para 7.4) has been completed.
- 8.3 All planned income and expenditure on these reserves will be included in future reports to this Committee.

## **9. Evaluation of Alternative Option(s):**

- 9.1 During the year ahead the financial position will continue to be closely monitored and options identified to resolve budgetary pressures as necessary, and to meet new and emerging pressures

## **10. Reasons for Decision(s):**

- 10.1 The Report informs the Licensing and Public Protection Committee of the Revenue and Capital Budget for 2018/19 and the forecast outturn at Quarter 2.
- 10.2 The latest position in respect of the Licensing and Public Protection Committee's use of reserves, Savings Programme and risks are also identified.

## Signatures

Chris Neville Acting Service Director  
Regulation and Enforcement .....

Clive Heaphy  
Corporate Director Finance and Governance .....

Date .....

## List of Background Documents used to Compile this Report:

Licensing & Public Protection - Revenue and Capital Budget 2018/19 – 14 March 2018

Licensing & Public Protection – Budget Monitoring 2018/19 Quarter 1 – 19 September 2018

## List of Appendices accompanying this Report (if any):

1. Appendix 1 - Financial Performance Statement and Forecast Outturn
2. Appendix 2 - Savings Programme Performance
3. Appendix 3 - Summary of Grant and Proceeds of Crime Programmes
4. Appendix 4 - Capital Programme
5. Appendix 5 - Balances and Reserves

|                       |     |              |                 |
|-----------------------|-----|--------------|-----------------|
| <b>Report Version</b> | 3.0 | <b>Dated</b> | 22 October 2018 |
|-----------------------|-----|--------------|-----------------|





## Licensing and Public Protection Committee - 2018/19 Quarter 2 (September)

## Revenue Expenditure

Item 6

## Service Areas

|                                  | Original Budget | Current Budget | Movement  | Current Budget to Date | Actuals to date | Variance  | Forecast Year end Variance |
|----------------------------------|-----------------|----------------|-----------|------------------------|-----------------|-----------|----------------------------|
|                                  | * 1,000 £       | * 1,000 £      | * 1,000 £ | * 1,000 £              | * 1,000 £       | * 1,000 £ | * 1,000 £                  |
| Environmental Health             | 3,807           | 3,807          | 0         | 1,966                  | 1,587           | (379)     | (100)                      |
| Pest Control                     | 307             | 307            | 0         | 148                    | 172             | 24        | 100                        |
| Reg'n Births, Deaths & Marriages | 705             | 860            | 155       | 506                    | 397             | (110)     | 0                          |
| Mortuary/Coroners *              | 1,699           | 1,569          | (130)     | 804                    | 2,870           | 2,066     | 0                          |
| Trading Standards                | 1,261           | 1,261          | 0         | 628                    | 490             | (138)     | (118)                      |
| Licensing & Enforcement          | (5)             | (5)            | 0         | 332                    | 296             | (36)      | 0                          |
| Public Rights Of Way             | 74              | 74             | 0         | 37                     | 37              | 1         | 0                          |
| Highway Licences                 | (68)            | (68)           | 0         | (23)                   | (321)           | (298)     | 0                          |
| NRSWA Licences (Highways)        | (43)            | (43)           | 0         | (22)                   | (18)            | 3         | 0                          |
| Net Expenditure                  | 7,736           | 7,761          | 25        | 4,376                  | 5,510           | 1,134     | (118)                      |

\* Expenditure in Mortuary and Coroners includes £1.518m relating to 1974 Inquest for which Government Funding is assured.

## Subjective Headings

|  | Original Budget | Current Budget | Movement  | Current Budget to Date | Actuals to date | Variance  | Forecast Year end Variance |
|--|-----------------|----------------|-----------|------------------------|-----------------|-----------|----------------------------|
|  | * 1,000 £       | * 1,000 £      | * 1,000 £ | * 1,000 £              | * 1,000 £       | * 1,000 £ | * 1,000 £                  |
| Employees                              | 11,014          | 11,294         | 280       | 5,649                  | 5,473           | (176)     | (53)                       |
| Premises                               | 912             | 912            | 0         | 568                    | 428             | (140)     | 0                          |
| Transport and moveable Plant           | 201             | 181            | (20)      | 85                     | 67              | (18)      | (5)                        |
| Supplies and Services                  | 2,684           | 2,477          | (207)     | 1,226                  | 997             | (229)     | 483                        |
| Capital Financing                      | 208             | 215            | 7         | 107                    | 107             | (0)       | 0                          |
| Recharge Expenditure                   | 440             | 440            | 0         | 440                    | 441             | 1         | 0                          |
| Expenditure For Service Area           | 15,459          | 15,519         | 60        | 8,076                  | 7,515           | (561)     | 425                        |
| Grants                                 |                 |                |           |                        | 0               | 0         | 0                          |
| Customer and Client                    |                 |                |           |                        | (0)             | (0)       | 0                          |
| Fees and Charges                       | (3,525)         | (3,553)        | (28)      | (1,712)                | (1,613)         | 99        | 0                          |
| Rents etc                              | (4)             | (4)            | 0         | (2)                    | (16)            | (14)      | 0                          |
| Miscellaneous Income                   | (3,585)         | (3,585)        | 0         | (1,679)                | 217             | 1,897     | (120)                      |
| Recharge Income                        | (198)           | (198)          | 0         | (98)                   | (501)           | (403)     | (423)                      |
| Rev Income                             | (7,313)         | (7,341)        | (28)      | (3,491)                | (1,913)         | 1,578     | (543)                      |
| Below the Line (Capital Funding, etc.) | (410)           | (417)          | (7)       | (208)                  | (92)            | 116       | 0                          |
| Net Expenditure                        | 7,736           | 7,761          | 25        | 4,376                  | 5,510           | 1,134     | (118)                      |

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

## Licensing and Public Protection Committee - 2018/19 Quarter 2 (September)

### Savings Programme and Tracker

| Service Area                 | Savings Reference | Total Programme 2018/19 | Progress against specific Savings with Actions Required                  |  |  |  |                         | TOTAL |
|------------------------------|-------------------|-------------------------|--|--|--|--|-------------------------|-------|
|                              |                   |                         | Actions in place to fully achieve Savings (in line with Policy Decision) | Actions in place to fully achieve Savings (new Policy Decision required) | Actions in place to Achieve savings in year only | Actions in place but some risk to delivery | Savings not deliverable |       |
| (1)                          | (2)               | (3)                     | (4)  | (5)  | (6)  | (7)  | (8)                     | (9)   |
|                              |                   | £'000                   | £'000  | £'000  | £'000  | £'000                                      | £'000                   | £'000 |
|                              |                   |                         |  |  |  |  |                         |       |
|                              |                   |                         |  |  |  |  |                         |       |
| Register Office              | PL011             | (172)                   | (172)  | 0  | 0  | 0  | 0                       | (172) |
|                              |                   |                         |  |  |  |  |                         |       |
| Trading Standards            | EGJ7              | (50)                    | (50)   | 0  | 0  | 0  | 0                       | (50)  |
|                              |                   |                         |  |  |  |  |                         |       |
| Total Regulatory Services    |                   | (222)                   | (222)  | 0  | 0  | 0  | 0                       | (222) |
|                              |                   |                         |  |  |  |  |                         |       |
| Highways Services            |                   | 0                       | 0  | 0  | 0  | 0  | 0                       | 0     |
|                              |                   |                         |  |  |  |  |                         |       |
| Total LPPC Savings Programme |                   | (222)                   | (222)  | 0  | 0  | 0  | 0                       | (222) |

## Licensing and Public Protection Committee - 2018/19 Quarter 2 (September)

## Grant Funded and Proceeds of Crime Programmes

Illegal Money Lending Team (IMLT) England

|                              | Original Budget | Current Budget | Movement  | Current Budget to Date | Actuals to date | Variance  | Forecast Year end Variance |
|------------------------------|-----------------|----------------|-----------|------------------------|-----------------|-----------|----------------------------|
|                              | * 1,000 £       | * 1,000 £      | * 1,000 £ | * 1,000 £              | * 1,000 £       | * 1,000 £ | * 1,000                    |
| Employees                    | 2,943           | 2,943          | 0         | 1,472                  | 1,444           | (27)      | 0                          |
| Premises                     | 54              | 54             | 0         | 27                     | 21              | (6)       | 0                          |
| Transport and Moveable Plant | 115             | 115            | 0         | 58                     | 40              | (18)      | 0                          |
| Supplies and Service         | 334             | 334            | 0         | 145                    | 195             | 50        | 0                          |
| Capital Financing            | 15              | 28             | 12        | 14                     | 14              | (0)       | 0                          |
| Recharge Expenditure         | 159             | 159            | 0         | 74                     | 73              | (1)       | 0                          |
| Expenditure For Service      | 3,621           | 3,633          | 12        | 1,789                  | 1,787           | (2)       | 0                          |
| Grants                       | (3,605)         | (3,605)        | 0         | (901)                  | (848)           | 53        | 0                          |
| Fees and Charges             |                 |                |           |                        | (2)             | (2)       | 0                          |
| Rev Income                   | (3,605)         | (3,605)        | 0         | (901)                  | (850)           | 51        | 0                          |
| Asset Revenue Manage         | (15)            | (28)           | (12)      | (14)                   | (14)            | 0         | 0                          |
| Levies                       |                 |                |           |                        | 5               | 5         | 0                          |
| Below the Line Adjus         | (15)            | (28)           | (12)      | (14)                   | (9)             | 5         | 0                          |
| Net Expenditure for          | 0               | 0              | 0         | 874                    | 928             | 53        | 0                          |

Scambusters / Regional Investigation Team (RIT)

|                              | Original Budget | Current Budget | Movement  | Current Budget to Date | Actuals to date | Variance  | Forecast Year end Variance |
|------------------------------|-----------------|----------------|-----------|------------------------|-----------------|-----------|----------------------------|
|                              | * 1,000 £       | * 1,000 £      | * 1,000 £ | * 1,000 £              | * 1,000 £       | * 1,000 £ | * 1,000                    |
| Employees                    | 220             | 224            | 4         | 112                    | 144             | 32        | 0                          |
| Premises                     | 1               | 2              | 0         | 1                      | 1               | (0)       | 0                          |
| Transport and Moveable Plant | 5               | 2              | (3)       | 1                      | 1               | (0)       | 0                          |
| Supplies and Service         | 96              | 81             | (15)      | 40                     | 11              | (29)      | 0                          |
| Recharge Expenditure         | 14              | 12             | (2)       | 6                      |                 | (6)       | 0                          |
| Expenditure For Service      | 335             | 320            | (15)      | 160                    | 156             | (4)       | 0                          |
| Grants                       | (335)           | (320)          | 15        | (160)                  | (58)            | 102       | 0                          |
| Rev Income                   | (335)           | (320)          | 15        | (160)                  | (58)            | 102       | 0                          |
| Levies                       |                 |                |           |                        | 0               | 0         | 0                          |
| Below the Line Adjus         | 0               | 0              | 0         | 0                      | 0               | 0         | 0                          |
| Net Expenditure for          | 0               | 0              | 0         | (0)                    | 98              | 98        | 0                          |

Proceeds of Crime (Trading Standards and IMLT)

|                         | Original Budget | Current Budget | Movement  | Current Budget to Date | Actuals to date | Variance  | Forecast Year end Variance |
|-------------------------|-----------------|----------------|-----------|------------------------|-----------------|-----------|----------------------------|
|                         | * 1,000 £       | * 1,000 £      | * 1,000 £ | * 1,000 £              | * 1,000 £       | * 1,000 £ | * 1,000 £                  |
| Employees               |                 |                |           |                        | 90              | 90        | 0                          |
| Supplies and Service    | 60              | 60             | 0         | 30                     | 96              | 66        | 0                          |
| Third Party Payments    |                 |                |           |                        | 3               | 3         | 0                          |
| Capital Financing       |                 | 4              | 4         | 2                      | 2               | (0)       | 0                          |
| Expenditure For Service | 60              | 64             | 4         | 32                     | 191             | 159       | 0                          |
| Miscellaneous Income    |                 |                |           |                        | (10)            | (10)      | 0                          |
| Rev Income              | 0               | 0              | 0         | 0                      | (10)            | (10)      | 0                          |
| Asset Revenue Manage    |                 | (4)            | (4)       | (2)                    | (2)             | 0         | 0                          |
| Below the Line Adjus    | 0               | (4)            | (4)       | (2)                    | (2)             | 0         | 0                          |
| Net Expenditure for     | 60              | 60             | 0         | 30                     | 179             | 149       | 0                          |

## Licensing and Public Protection Committee - 2018/19 Quarter 2 (September)

## Capital Programme

| Service Areas                    | Allocation 2018/19 | Actuals<br>Year to Date | Forecast Year End<br>Variance |
|----------------------------------|--------------------|-------------------------|-------------------------------|
| (1)                              | (2)                | (3)                     | (4)                           |
|                                  |                    |                         |                               |
|                                  | <b>£'000</b>       | <b>£'000</b>            | <b>£'000</b>                  |
|                                  |                    |                         |                               |
| Mortuary Floor and Ventillation* | 299                | 5                       | 0                             |
|                                  |                    |                         |                               |
|                                  |                    |                         |                               |
| Capital Expenditure              | 299                | 5                       | 0                             |

\* Capital Budget relating to Mortuary Floor and Ventilation has been transferred from 2017/18  
(as reported to LPPC 14 March 2018)

# Licensing and Public Protection Committee - 2018/19 Quarter 2 (September)

## Balances and Reserves

|   | Licensing                        |   | Grants                        |                           | PoCA                         |                                  |                                   |
|---|----------------------------------|---|-------------------------------|---------------------------|------------------------------|----------------------------------|-----------------------------------|
| Reserves and Balances   | Entertain -<br>ment<br>Licensing | Hackney<br>Carriage and<br>Private Hire | Illegal Money<br>Lending Team | Scam -<br>busters<br>Team | PoCA<br>Trading<br>Standards | PoCA<br>Illegal Money<br>Lending | Total<br>Reserves and<br>Balances |
| (1)   | (2)                              | (3)                                     | (4)                           | (5)                       | (6)                          | (7)                              | (10)                              |
|   | £'000                            | £'000                                   | £'000                         | £'000                     | £'000                        | £'000                            | £'000                             |
|   |                                  |   |                               |                           |                              |                                  |                                   |
|   |                                  |   |                               |                           |                              |                                  |                                   |
|   |                                  |   |                               |                           |                              |                                  |                                   |
| <b>Reserves as at 01 April 2018</b>   | <b>0</b>                         | <b>(406)</b>                            | <b>(279)</b>                  | <b>0</b>                  | <b>(539)</b>                 | <b>(793)</b>                     | <b>(2,017)</b>                    |
|   |                                  |   |                               |                           |                              |                                  |                                   |
|   |                                  |   |                               |                           |                              |                                  |                                   |
|   |                                  |   |                               |                           |                              |                                  |                                   |
| <b>Transactions (to)/from Balances in 2018/19</b>                               |                                  |   |                               |                           |                              |                                  |                                   |
|   |                                  |   |                               |                           |                              |                                  |                                   |
|   |                                  |   |                               |                           |                              |                                  |                                   |
| Appropriations to Reserves in year  | 0                                | 0                                       | 0                             | 0                         | 0                            | 0                                | 0                                 |
|   |                                  |   |                               |                           |                              |                                  |                                   |
| Appropriations from Reserves in year  | 0                                | 0                                       | 0                             | 0                         | 0                            | 0                                | 0                                 |
|   |                                  |   |                               |                           |                              |                                  |                                   |
|   |                                  |   |                               |                           |                              |                                  |                                   |
| <b>Net Movements 2018/19</b>  | <b>0</b>                         | <b>0</b>                                | <b>0</b>                      | <b>0</b>                  | <b>0</b>                     | <b>0</b>                         | <b>0</b>                          |
|   |                                  |   |                               |                           |                              |                                  |                                   |
| Planned/routine appropriations from PoCA<br>Reserves (please see paragraph 7.4) | 0                                | 0                                       | 0                             | 0                         | 112                          | 79                               | 191                               |
|   |                                  |   |                               |                           |                              |                                  |                                   |
| <b>Estimated Reserves<br/>31 March 2019</b>                                     | <b>0</b>                         | <b>(406)</b>                            | <b>(279)</b>                  | <b>0</b>                  | <b>(427)</b>                 | <b>(714)</b>                     | <b>(1,826)</b>                    |



**BIRMINGHAM CITY COUNCIL**

Item 7

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

**21 NOVEMBER 2018**

**ALL WARDS**

**PROPOSALS FOR A MEDIUM TO LONG-TERM  
EMISSION STANDARD AND AGE POLICY  
FOR HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES**

1 Summary

- 1.1 In October 2017 your Committee approved an emissions policy for hackney carriage and private hire vehicles that is consistent with the introduction in 2020 of a Clean Air Zone. It requires all licensed vehicles to meet the minimum emission standards of Euro 4 for petrol engines and Euro 6 for diesel engines.
- 1.2 In order to achieve compliance, drivers of vehicles that do not meet the standard must change their vehicle or install an approved retrofit device (where suitable devices exist). Whilst there is a wide choice of compliant vehicles available to private hire drivers, the availability of compliant hackney carriage vehicles is far more restricted.
- 1.3 This report considers the medium to long-term emission standards and age policies for licensed vehicles. It sets out suggestions to deal with hackney carriage vehicles in particular and proposes that officers should consult on the suggested recommendations contained in this report.

2. Recommendations

- 2.1 That subject to the views and comments of the Committee a consultation is launched with the taxi and private hire trade and the general public to consider the principles for future licensing policy outlined in paragraph 6 of this report.
- 2.2 That the consultation will commence on 21 November 2018 and last for 8 weeks.
- 2.3 That a further report be brought to this Committee on 13 February 2019 containing the final version of the policy.
- 2.4 That outstanding minutes 916(iii) and 916(iv) of 23 October 2017 be discharged.

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### 3. Background

- 3.1 In December 2015 the Government announced that Birmingham would be one of six cities that would be required to put in place a Clean Air Zone in order to improve air quality. Those cities were London, Birmingham, Leeds, Nottingham, Derby and Southampton. That decision was reported to your Committee on 17<sup>th</sup> February 2016.
- 3.2 On 15<sup>th</sup> February 2017 the Licensing & Public Protection Committee agreed to consult on a draft vehicle emissions policy in the context of the Government's decision that Birmingham had to adopt a Clean Air Zone (CAZ) as one of a series of measures to improve air quality in the city due to the impact that pollution is having on the health of the population.
- 3.3 The consultation took place over 14 weeks between 1 March 2017 and 9 June 2017. The consultation was hosted on the Council's BeHeard website and was promoted through meetings with taxi and private hire trade representatives, social media and Birmingham City Council's principal website. Individual post cards were sent to every licensed hackney carriage and private hire driver or owner and every private hire operator to alert them to the consultation. The responses to the consultation were taken into account when this committee agreed its emissions policy on 23 October 2017.
- 3.4 On 26 July 2017, upon the direction of the Supreme Court, the Government published DEFRA's UK Plan for Tackling Roadside Nitrogen Dioxide Concentrations (The UK Plan). Under that plan each city must adopt its own measures to improve air quality and final plans have to be produced by December 2018. The Supreme Court ruled that the UK government must reach legal compliance with EU air quality standards 'in the shortest possible time.'
- 3.5 In September 2017 Birmingham's Health & Social Care Overview & Scrutiny Committee published its report 'The Impact of Poor Air Quality on Health'. It identified the link between pollution and poor health and said that 'The City Council needs to demonstrate leadership and take ownership of this issue by developing a strategy to address this effectively.'
- 3.6 **Legislative Background.** The EU Air Quality Directive 2008/50/EC sets out the national targets on emission of pollutants, including nitrogen dioxide (NO<sub>2</sub>). The directive and target emission levels are set out and implemented in England under the Air Quality Standards Regulations 2010 and 2016. Under S.82 Environment Act 1985 the Council is required to review air quality within its area and to designate Air Quality Management Areas (AQMA) where air quality objectives set out under the Air Quality (England) Regulations 2000



and 2002 are not achieved and to prepare an action plan detailing remedial measures to tackle the problem.

- 3.7 Birmingham is currently non-compliant in a number of areas of the city centre. The pressing urgency is that the Government issued the UK Plan for Tackling Roadside Nitrogen Dioxide Concentrations in July 2017 which identified Birmingham as one of the areas experiencing the greatest problem with NO<sub>2</sub> exceedances. Birmingham has responded to the Government's UK Plan by announcing the introduction of a Clean Air Zone (CAZ) with effect from 2020.
- 3.8 **Health & Social Care Overview and Scrutiny Report.** On 12<sup>th</sup> September 2017 Birmingham's Health & Social Care Overview and Scrutiny Committee published its report 'The Impact of Poor Air Quality on Health'. It identified that in Birmingham up to 900 deaths per year are linked to man-made air pollution. In adults air pollution is linked to heart disease, diabetes, asthma, obesity, cancer and dementia. In children it is linked to still births, infant deaths, low birth weight, organ damage and premature death. In high pollution areas children are four times more likely to have reduced lung function when they become adults. Taxi and private hire drivers are three times more exposed to pollution than anyone else. The report's first recommendation says:

*There is now clear and compelling evidence that poor air quality has an impact on general population health and child development. The evidence also shows that diesel vehicle emissions are the most prevalent and impactful source of health-affecting air pollution in Birmingham. The City Council needs to demonstrate leadership and take ownership of this issue by developing a strategy to address this effectively, with particular emphasis on selected priority hotspot zones where the risk of public exposure is highest.*

- 3.9 The most harmful types of pollution are nitrogen oxides and particulates (PM<sub>2.5</sub> and PM<sub>10</sub>). Both pollutants are mainly created by road transport. The largest source is emissions from diesel cars and vans. Just fewer than 40% of cars in the UK now use diesel fuel.

- 3.10. The conclusion of the Scrutiny Report is copied below:

*The impact of poor air quality on health and the need to take action urgently to tackle the problem is becoming increasingly clear. The evidence demonstrates that poor air quality is a major public health issue. In Birmingham, Public Health estimate that poor air quality causes approximately 900 premature deaths a year. It is rapidly becoming clear that exposure to air pollution is associated with a much greater public health risk than had previously been understood and evidence about associated adverse health effects is emerging all the time.*

*There is also growing recognition that air quality is a major cross-cutting issue. It has a wide impact and any effective response to the issue will require a joined-up approach across a number of Council areas of responsibility. It will also necessitate joint working*

*together with communities, businesses and other partners across the city and across the wider West Midlands region with the West Midlands Combined Authority and the West Midlands Mayor.*

*Birmingham needs to respond to the challenge of improving air quality and achieving compliance with air quality limits as soon as possible. But local action alone will not be sufficient to produce a successful solution to reducing emissions. Responding to the problem successfully, achieving compliance and bringing about the scale of behaviour change needed will require a very clear and consistent message to be communicated about the health implications of poor air quality. The City Council needs to continue to collaborate with the West Midlands Mayor to build on the vision set out in the Birmingham Connected Transport Strategy and to take a lead to get clarity and commitment about the measures needed to both support sustainable and inclusive growth and to achieve compliance with air quality limits across the region.*

- 3.11 The report evidenced the need for all parts of the Council to take action to improve air quality. The Licensing and Public Protection Committee can play a key role in supporting the Council's aims through its hackney carriage and private hire vehicle licensing policies.

#### 4. Effects of the Emissions Policy on Birmingham's Licensed Hackney Carriage and Private Hire Vehicles

- 4.1 Based on the figures produced for the emissions report in October 2017 the application of this policy will affect the following number of vehicles that Birmingham licenses: 24% of **private hire vehicles** currently licensed will comply with the Euro 4 petrol or Euro 6 diesel standard applicable to the relevant vehicles and 76% will not comply. Only 6% of **hackney carriages** comply with the Euro 6 standard (which includes the 65 vehicles converted to LPG).

- 4.2 The total numbers of vehicles that would have not met the standard in October 2017 and which will need to be replaced or be retrofitted are:

Private Hire Vehicles: 3,351

Hackney Carriages: 1,193

#### 4.3 Private Hire - Breakdown of Compliant / Non-Compliant Vehicles

| Private Hire Vehicles                                      | Number | Percentage |
|--|--------|------------|
| Non-Compliant  | 355    | 8%         |
| Private Hire Petrol or non-diesel Vehicles Euro 3 or below |        |            |
| Non-Compliant  | 2996   | 69%        |

|  |       |      |
|--|-------|------|
| Private Hire Diesel vehicles Euro 5 or below |       |      |
| Compliant                                    | 818   | 19%  |
| Private Hire Petrol Vehicles Euro 4 or above |       |      |
| Compliant                                    | 152   | 3.5% |
| Private Hire Diesel Vehicles Euro 6          |       |      |
| Totals                                       | 4,321 | 100% |

#### 4.4. **Hackney Carriage** - Breakdown of Compliant / Non-Compliant Vehicles

| Hackney Carriage                   | Number | Percentage |
|------------------------------------|--------|------------|
| Non-Compliant                      | 1193   | 94%        |
| Hackney Carriages Euro 5 or below  |        |            |
| Compliant                          | 7      | 1%         |
| Hackney Carriages Euro 6           |        |            |
| Compliant                          | 65     | 5%         |
| Hackney Carriages converted to LPG |        |            |
| Totals                             | 1265   | 100%       |

4.5 Although only 23% of private hire vehicles were compliant with the Euro 4 and Euro 6 emission standards at the time the policy was introduced, the availability of vehicles that are suitable for use as private hire vehicles is much wider than it is for hackney carriage vehicles. Based on the 2017 figures, only 6% of hackney carriages (or 72 vehicles) were compliant. Whereas a private hire driver can replace a non-compliant vehicle with a petrol engine vehicle that could be up to 8 years old, a hackney carriage driver would need to buy a fairly new Euro 6 diesel model (made since 2015) with prices around the £35,000 level, or a new electric vehicle, which would cost at least £55,000.

4.6 The financial burden on hackney carriage drivers to replace their vehicles is greater than that on private hire drivers. In addition, hackney carriages are the only vehicles that are required to be wheelchair accessible. If very large numbers of hackney carriages were to disappear after 31 December 2019 it could have a particularly adverse impact on people with disabilities.

5. Mitigation for Drivers Affected by the Emissions Policy

- 5.1 The following mitigation has already been put in place to support drivers whose vehicles do not meet the new emission standards.

| Policy   | Comments  |
|--|---|
| LPG Retrofit Scheme  | 65 Hackney Carriage vehicles have been fitted with LPG conversions to make them compliant with the emissions standard. The cost was funded by the Department for Transport as a national pilot. The effectiveness of the project has now been assessed and approved by the CVRAS as a recognised retrofit solution for hackney carriage TX models. Earlier this year the Department of Transport set up a Clean Vehicle Retrofit Accreditation Scheme (CVRAS) to provide independent evidence that a vehicle retrofit technology will deliver the expected pollutant emissions reductions and air quality benefits. Only approved conversions under the CVRAS scheme will be recognised in a CAZ. |
| LPG Retrofit scheme  | The Licensing and Public Protection Committee resolved in October 2017 to allow hackney carriages that have been retrofitted with the LPG conversion to remain licensed until 31 December 2025 irrespective of their age.   |
| Engine size of vehicles  | In September 2018 The Licensing and Public Protection Committee approved the removal of the policy requirement for private hire vehicles to have a minimum engine size, enabling vehicles with smaller engines to be licensed, including electrically powered vehicles, thus widening the pool of vehicles available to drivers.  |
| Hackney carriage drivers can have a joint hackney carriage and private hire drivers' badge to enable drivers | Approved by the Licensing and Public Protection Committee in October 2018. Attached as Appendix 1 to this   |

|   |   |
|---|---|
| who would like to transfer from hackney carriage to private hire to do so more easily | report is a flow diagram to explain how the opportunity to acquire a dual badge operates in relation to hackney carriage drivers depending on when their licences expire. |
|---|---|

- 5.2 The following mitigation is under consideration specifically for hackney carriage vehicles and owners.

| Policy  | Comments  |
|---|---|
| <p>Birmingham City Council is bidding to the Government's Clean Air Fund to pay for a package of measures to assist hackney carriage drivers:</p> <p>We are asking for funds to enable BCC to buy 50 new ULEV hackney carriages. 10 of the 50 would be offered on short leases to drivers as a try before you buy scheme to help drivers to make a purchasing decision. 40 of the 50 would be for short term rental, on possibly hourly rates, and could be targeted at older drivers nearing retirement to address the fact that they are less likely to be in a position to be able to purchase new vehicles.</p> <p>We have asked for a package of £5000 each for up to 1000 owners to offset the costs of running a ULEV hackney carriage vehicle and would be paid over a 4-year period. Alternatively, drivers could use the £5000 to pay towards the cost of installing CVRAS approved retrofit technology (with an extension to our age policy as described below).</p> | <p>Deadline for bid submission is 11<sup>th</sup> December 2018</p> |

6. Proposals for consultation to address medium to long-term emissions and age policy
- 6.1 The maximum permissible age of vehicles is closely related to, and cannot be ignored when considering, emissions policies. In general, the older a vehicle is, the more likely it is to produce higher levels of NOx emissions. Improved

levels of emissions have come about through advances in technology over time.

6.2 Under our current age policy for vehicles we will not grant a new licence to a private hire vehicle that is more than 8 years old or to a hackney carriage vehicle that is more than 14 years old. A vehicle may continue to be licensed thereafter if it passes the 'exceptional condition' test, which is supplementary to the MOT test. This means that a vehicle can continue to operate for many years after our notional age limit has passed.

6.3 We propose to consult with the trade on the following principles:

- (i) We will continue to use our current age policy of 14 years for hackney carriages and 8 years for private hire vehicles from 1 January 2020 as the basis for licensing policy.
- (ii) We will discontinue the exceptional condition test. This will require all vehicles to be replaced when they reach the relevant age limit (subject to the exemption for certain hackney carriages detailed below) and will help to future-proof the fleet of licensed vehicles in relation to compliance with more stringent emission standards.
- (iii) The committee has already agreed to extend the life of hackney carriages that have been converted to LPG through the government's pilot scheme until December 2025. We would propose to offer the same extension to other hackney carriages that are retrofitted with an approved CVRAS solution (subject to a restriction on the age of the vehicle (see paragraph (vi) below)). This would apply regardless of whether the conversion was paid for through a government grant or privately by the vehicle owner. This proposal will help to ensure that there will be adequate numbers of hackney carriage vehicles in Birmingham after 1 January 2020 as we transition towards an electric fleet.
- (iv) The only approved retrofit solution at the time of writing is the LPG conversion. It is only available for the TX model of hackney carriage (the traditional London taxi shape).
- (v) It is hoped that between now and the end of 2019 the CVRAS will give approval to other retrofit devices for hackney carriage vehicles.
- (vi) We will limit approval to convert hackney carriage vehicles with CVRAS approved technology to those that are under 14 years old at 1<sup>st</sup> January 2020 irrespective of whether the cost is paid for through subsidy or whether the vehicle owner pays for the conversion.
- (vii) The effect of paragraph (vi) above will limit the pool of potential vehicles to the TX4 model of London taxi cab due to the fact that earlier models will not meet the 14 years age policy, based on the only CVRAS approved technology at the time of writing.

- (viii) This proposal will ensure that only the newest and therefore higher quality vehicles with better structural integrity than the older TX1 and TX2 models will be eligible.
- (ix) If other CVRAS retrofit devices are approved for hackney carriages or for other models of hackney carriages (such as Mercedes/Citroen/Peugeot van conversions) we will apply the same 14 year-age policy and 2025 extension to their age limit, but will prioritise the newest vehicles if the conversions are funded through government subsidy.
- (x) We cannot guarantee the lifespan for a Euro 4 or Euro 6 compliant vehicle in light of the potential for the government to announce higher emission standards, but in the absence of any national alterations to emission standards our proposed 8 and 14 year age policy would apply, subject to the introduction of the proposed 2026 ULEV standard (see paragraph xiii below).
- (xi) Any attempts by drivers to carry out their own conversions (such as by putting petrol engines into diesel vehicles) can only be done with the specific approval of Licensing and they will still be subject to the age rules.
- (xii) In relation to the new electric TX hackney carriage vehicle we will consider extending the period for which we will license it, depending on advice from the manufacturer about the expected lifespan for the vehicle. This will help drivers to make a decision to purchase the vehicle and allow a longer period of time to recover the cost of the investment if such a policy is agreed.
- (xiii) That from 1 January 2026 all licensed vehicles (hackney carriage and private hire) must be Ultra Low Emission or Zero Emission Capable Vehicles. An Ultra-Low Emission Vehicle is defined by the Office for Low Emission Vehicles as emitting less than 50g CO<sub>2</sub>/km and able to travel at least 70 miles without any emissions at all.
- (xiv) From 2030 we will only grant new licences to fully electric vehicles.

## 7. Wheelchair Accessible Vehicles

- 7.1 Currently only side loading hackney carriages can be licensed for wheelchair access in Birmingham. By permitting rear loading hackney carriages we would open up a wider pool of less expensive vehicles to hackney carriage drivers, such as the Peugeot van conversion, for instance. However, there are arguments for and against. We also have the opportunity to approve wheelchair accessible private hire vehicles. This is a significant area of licensing policy in its own right and therefore will be considered in a separate report that will be brought to this Committee.

8. Comparison with London's Emissions Policy for Private Hire and Hackney Carriage Vehicles

- 8.1 In London the emissions standards for private hire vehicles are regulated by Transport for London via statutory instrument under the Greater London Authority Act 1999 and the Private Hire Vehicles (London) Act 1998. The Private Hire Vehicles (London PHV Licences) (Amendment) Regulations 2015 came into force on 1<sup>st</sup> November 2015 and set out the minimum vehicle emission standards for private hire vehicles. There is an absolute age policy of 10 years for private hire vehicles in London. A vehicle must be no older than 5 years to be licensed for the first time and it must be at least Euro 4.

| Date  | Standard   |
|---|--|
| 1 <sup>st</sup> January 2018 to 31 <sup>st</sup> December 2019  | All PHV vehicles granted a licence for the first time must be Euro 6 (whether petrol or diesel) or a petrol hybrid that is a minimum of Euro 4.  |
| 1 <sup>st</sup> January 2020 to 31 <sup>st</sup> December 2022  | All new (less than 18 months old) PHVs licensed for the first time will have to be zero emission capable.<br><br>PHVs over 18 months old will need to have a Euro 6 engine when licensed for the first time. |
| From 1 <sup>st</sup> January 2023   | All PHVs (of any age) will need to be zero emission capable when licensed for the first time.  |
| From September 7 <sup>th</sup> 2020 all PHVs that do not meet Euro 4 petrol or Euro 6 diesel emissions standards will be subject to £12.50 per day charge to enter the Ultra Low Emissions Zone (ULEZ). |  |

- 8.2 The policy in London for hackney carriage vehicles is that from 1<sup>st</sup> January 2018 taxis presented for the first time will need to be Zero Emission Capable (ZEC). A first-time taxi vehicle licence will no longer be granted to a diesel taxi. ZEC taxis with petrol engines will need to meet the latest emissions standard (currently Euro 6). There is a maximum age limit for taxis of 15 years which will remain in place and taxis will be exempt from paying the charge to enter the Ultra-Low Emissions Zone. Taxis converted to LPG with approved TfL technology can be licensed for an additional 5 years. TfL has a target to license 9,000 ZEC taxis by 2020.



## 9. Consultation

- 9.1 Extensive consultation was conducted during 2017 lasting 14 weeks which produced 775 responses. The responses were considered and reflected in the policy that was agreed in October 2017.
- 9.2 During the summer of 2018 the Council engaged in widespread consultation with the general public on the impact of the Clean Air Zone. This included five 2-hour meetings specifically for taxi and private hire drivers and operators between 7<sup>th</sup>, 8<sup>th</sup> and 9<sup>th</sup> August 2018. The proposals in this report have been influenced by the feedback from those who attended the CAZ consultation events.
- 9.3 The proposals from this report before your Committee today will be consulted with the general public and the taxi and private hire trade using the Council's BeHeard consultation portal, by social media and by direct communication with our licensed drivers, owners and operators and our trade representatives.

## 10. Implications for Resources

- 10.1 The cost of licensing vehicles with lower emissions will be the same as the cost of licensing vehicles with higher levels of emissions. However, there is a risk to overall licensing income if the effect of the policies recommended in this report encourages drivers and vehicle owners to seek licences from other authorities that do not have vehicle emissions standards.
- 10.2 The number of drivers licensed in one authority and working in another has become more prevalent since the Local Government (Miscellaneous Provisions) Act 1976 was amended by the Deregulation Act 2015 in respect of Sub Contracting by operators. In Birmingham we see large numbers of drivers and vehicles working here who are licensed by other authorities. The Chair of your Committee has lobbied the relevant ministers and MPs to try to change the legislation to restrict the ability of drivers to do this. When Birmingham introduces a fee paying charging Clean Air Zone, drivers licensed by other authorities using vehicles that do not meet Clean Air Zone standards would be required to pay to enter the zone irrespective of where they are licensed and this may remove any incentive to seek a licence elsewhere.

## 11. Implications for Policy Priorities

- 11.1 The Council's Vision and Priorities 2017-2020 document identifies four priorities for Birmingham namely: Children, Housing, Jobs and Skills, and Health. The recommendations in this report support the Council's main priorities at the highest level, in particular those for Health, Children, and Jobs and Skills. These include 'Creating a healthier environment for Birmingham', creating 'an environment where our children have the best start in life', and developing 'a modern sustainable transport system that promotes and prioritises sustainable journeys'.

## 12. Public Sector Equality Duty

### 12.1 Under the Duty we must have regard to the need to:

- Eliminate unlawful discrimination, harassment, and victimisation and other conduct prohibited by the Act
- Advance equality of opportunity between people who share a protected characteristic and those who do not
- Foster good relations between people who share a protected characteristic and those who do not.

12.2 We recognise that there will be financial consequences for large numbers of drivers and vehicle owners if they are required to replace their vehicles or to retrofit engines to achieve compliance with emission standards, however, these consequences arise because of the fact that they are licensed drivers and owners and are not attributable to a protected characteristic.

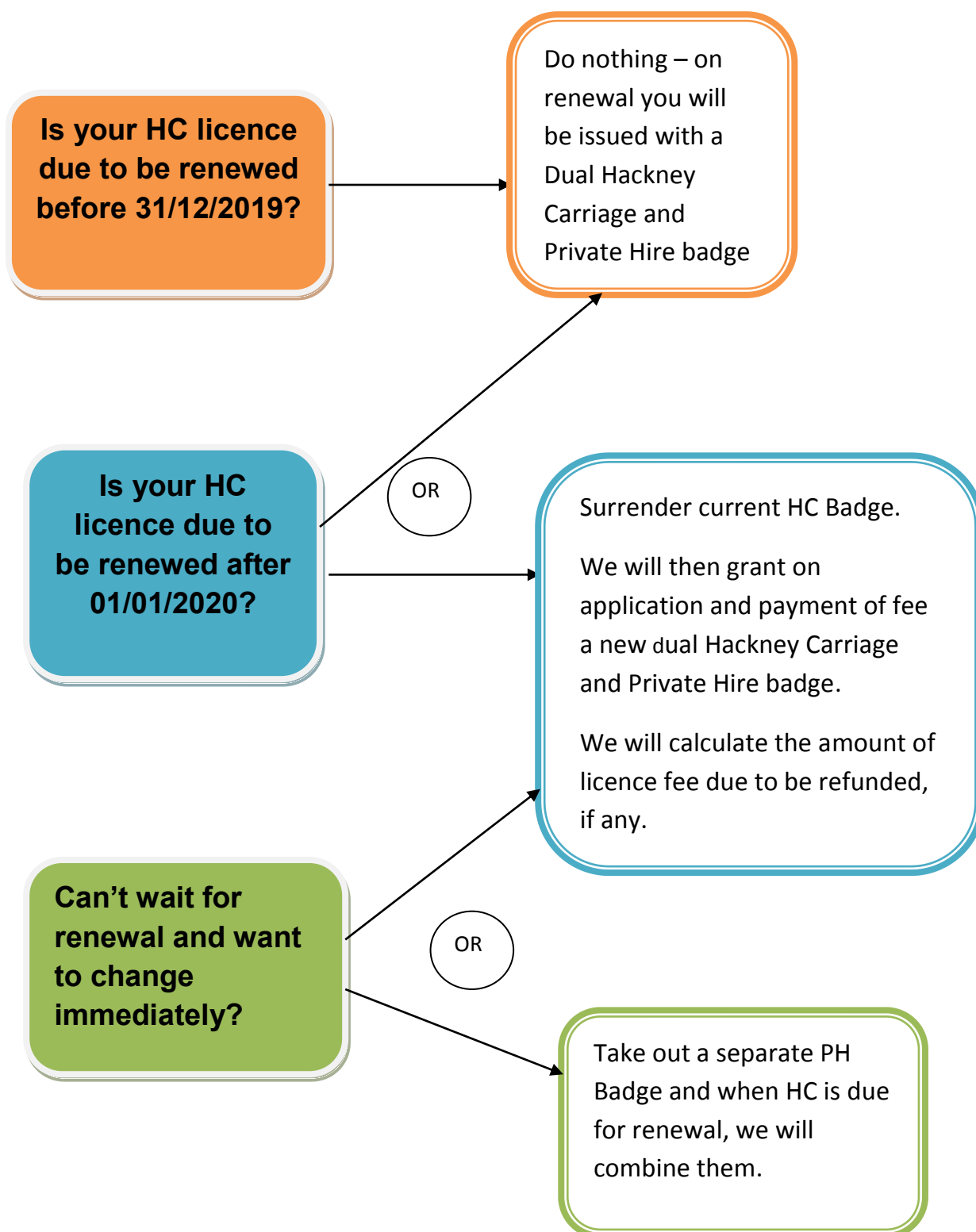
12.3 We have identified in paragraph 5 mitigation measures aimed at reducing the impact of these policies on drivers and by enabling a limited number of currently licensed hackney carriages to continue to work between 2020 and 2025 we will be protecting the rights of people with disabilities, and especially those who use wheelchairs.

12.4 An Equality Analysis will be completed to accompany the final proposals when they are put before this committee in February 2019 to assist the Committee to make its decision.

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

## DUAL HACKNEY CARRIAGE AND PRIVATE HIRE BADGES

Item 7



**For options 2 & 3 If the drivers DBS or medical are over 12 months old they will need to provide a new one. If the driver is signed up to the DBS update service only a new medical will be required.**

**A private hire knowledge test will NOT be required of any hackney carriage driver that wishes to take out a PH Badge.**



**BIRMINGHAM CITY COUNCIL**

Item 8

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

**21 NOVEMBER 2018**  
**ALL WARDS**

**PROSECUTIONS AND CAUTIONS – SEPTEMBER 2018**

1. Summary
  - 1.1 This report summarises the outcome of legal proceedings taken by Regulation and Enforcement during the month of September 2018.
2. Recommendation
  - 2.1 That the report be noted.

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### 3. Results

3.1 During the month of September 2018 the following cases were heard at Birmingham Magistrates Court, unless otherwise stated:

- Two Licensing cases were finalised resulting in fines of £630 and prosecution costs of £1,822. 12 penalty points were issued. Eight simple cautions were administered as set out in Appendix 1.
- 74 Environmental Health cases resulted in fines of £188,247 and prosecution costs of £22,932 were awarded. Two simple cautions were administered as set out in Appendix 2.
- One Trading Standards case was finalised resulting in a seven month custodial sentence. No prosecution costs were awarded. No simple cautions were administered as set out in Appendix 3.
- Appendix 4 lists cases finalised by district in September 2018 and cases finalised by district April – September 2018.
- Appendix 5 lists the enforcement activity undertaken by the Waste Enforcement Team in April - August 2018.

### 4. Consultation

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

### 5. Implications for Resources

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

5.2 For the year April 2018 to September 2018 the following costs have been requested and awarded:

#### Licensing

£12,928 has been requested with £10,785 being awarded (77%).

#### Environmental Health

£198,110 has been requested with £153,643 being awarded (76%).

#### Trading Standards

£33,000 has been requested with £10,275 being awarded (31%).

- 5.3 For the month of September 2018 the following costs have been requested and awarded:

Licensing

£2,358 has been requested with £1,822 being awarded (77%).

Environmental Health

£26,398 has been requested with £22,932 being awarded (87%).

Trading Standards

£16,607 has been requested with none being awarded (0%).

- 5.4 Since the start of the financial year the following income has been received from the courts.

Licensing

£9,601 has been received

Environmental Health

£111,059 has been received including Waste Enforcement cases.

Trading Standards

£50,788 has been received

(Total £171,448)

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

6. Implications for Policy Priorities

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

7. Public Sector Equality Duty

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

## **DIRECTOR OF REGULATION AND ENFORCEMENT**

Background Papers: Nil



**LICENSING CASES****APPENDIX 1**

|   | <b>Date<br/>Case<br/>Heard</b> | <b>Name &amp; Address</b>    | <b>Offence details (including Legislation)</b>   | <b>Fine/Penalty &amp; Costs</b>   | <b>Ward of<br/>defendant</b> | <b>Ward - Offence<br/>committed</b> |
|---|--------------------------------|------------------------------|--|---|------------------------------|-------------------------------------|
| 1 | 19/9/18                        | Rashad Mahmood<br>Birmingham | Town Police Clauses Act 1847 & Road Traffic<br>Act 1988<br><br>Pleaded <u>not guilty</u> to two offences: one of plying<br>for hire in King Edwards Road, Birmingham and<br>one of consequently having invalid insurance.<br><br>Found guilty after trial. | £370 – Plying<br><br>+ 6 penalty points<br><br>No separate penalty for no<br>insurance.<br><br>£600 costs<br>(£1,136 requested) | South Yardley                | Ladywood                            |
| 2 | 24/9/18                        | Rakib Ali<br>Birmingham      | Town Police Clauses Act 1847 & Road Traffic<br>Act 1988<br><br>Pleaded <u>not guilty</u> to two offences: one of plying<br>for hire in Bennetts Hill, Birmingham and one of<br>consequently having invalid insurance.<br><br>Found guilty after trial      | £60 – Plying<br><br>£200 - No insurance.<br><br>+ 6 penalty points<br><br>£1,222 costs<br>(£1,222 requested)                    | Lozells                      | Ladywood                            |

## **LICENSING SIMPLE CAUTIONS**

During the period of September 2018, eight simple cautions have been administered

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

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

**Section 54(2)** Two cautions were issued for failing to wear the drivers badge in a position and manner as to be plainly and distinctly visible

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

### **Licensing Act 2003**

**Section 136(1)(a)** One caution was issued for carrying on a licensable activity otherwise than in accordance with an authorisation and failing to display in a prominent place, the premises summary licence or certified copy

**Byelaw 26 of the Birmingham City Council Hackney Carriage Byelaws 2008 made under section 68 of the Town Police Clauses Act 1847 and section 171 of the Public Health Act 1875** One caution was issued for failing to produce upon request, by an authorised officer, a copy of the Hackney Carriage Byelaws for perusal and inspection.

### **Fraud Act 2006**

**Section 3** One caution was issued for dishonestly failing to disclose to officers information with the intention to obtain a private hire drivers licence.

**ENVIRONMENTAL HEALTH CASES**

**WASTE OFFENCES**

|   | <b>Date<br/>Case<br/>Heard</b> | <b>Name &amp; Address</b>   | <b>Offence details (including Legislation)</b>  | <b>Fine/Penalty &amp;<br/>Costs</b>  | <b>Ward of<br/>defendant</b> | <b>Ward - Offence<br/>committed</b> |
|---|--------------------------------|-----------------------------|---|--|------------------------------|-------------------------------------|
| 1 | 13/09/18                       | Fazlula Sapi<br>Birmingham  | Environmental Protection Act 1990<br><br>Pleaded guilty to two offences; one offence of knowingly causing or permitting controlled waste, namely bags of waste including food packaging and documents relating to Village Kebab House, to be deposited on land on Westley Road, Birmingham and one offence of failing to comply with a notice requiring written information of how waste from the business was disposed of within 7 days. | £700<br>(£400 - offence 1<br>£300 – offence 2)<br><br>£500 costs<br>(£1,022 requested)             | Aston                        | Acocks Green                        |
| 2 | 19/09/18                       | Cheu Daramé<br>Birmingham   | Environmental Protection Act 1990<br><br>Pleaded guilty to one offence of depositing controlled waste, namely a toilet and bath, on Aldi Car Park in College Road, Kingstanding, Birmingham.  | £320<br><br>£500 costs<br>(£1,528 requested)   | Stockland Green              | Kingstanding                        |
| 3 | 27/9/18                        | Maninder Kaur<br>Birmingham | Environmental Protection Act 1990<br><br>Pleaded guilty to two offences; one offence of failing to ensure that employees had been properly instructed as to the disposal of waste from Pearl Hair & Beauty, 169 Somerset Road, Birmingham and one offence of failing to comply with a notice requiring written information of how waste from the business was disposed of within 7 days.  | £200 – offence 1<br><br>No separate penalty<br>for offence 2<br><br>£350 costs<br>(£706 requested) | Handsworth<br>Wood           | Handsworth<br>Wood                  |

|   |         |                             |  |  |                 |                      |
|---|---------|-----------------------------|--|--|-----------------|----------------------|
| 4 | 27/9/18 | Mahmood Zafar<br>Birmingham | Environmental Protection Act 1990<br><br>Pleaded guilty to one offence of depositing controlled waste, namely a cupboard, onto land on Midland Street, Nechells, Birmingham.   | £800<br><br>£500 costs<br>(£922 requested) | Bordesley Green | Bordesley & Highgate |
| 5 | 27/9/18 | Sidan White<br>Birmingham   | Environmental Protection Act 1990<br><br>Pleaded guilty to one offence of failing to comply with a notice requiring written information of how waste from One Cut Barbers, 298 Slade Road, Birmingham was disposed of within 7 days. | £300<br><br>£70 costs<br>(£350 requested)  | Stockland Green | Stockland Green      |

#### **ANIMAL WELFARE OFFENCES**

|   | <b>Date<br/>Case<br/>Heard</b> | <b>Name &amp; Address</b>                                | <b>Offence details (including Legislation)</b>   | <b>Fine/Penalty &amp;<br/>Costs</b>        | <b>Ward of<br/>defendant</b> | <b>Ward - Offence<br/>committed</b> |
|---|--------------------------------|--|--|--|------------------------------|-------------------------------------|
| 1 | 27/9/18                        | Christopher James<br>Taylor<br>Bridgenorth<br>Shropshire | Welfare of Animals (Transport)(England) Order 2006 made under the Animal Health Act 1981<br><br>Pleaded guilty to one offence of transporting a sheep from Exeter Livestock Centre to AJ Meats Ltd, 33-48 Charles Henry Street, Birmingham, in a way likely to cause undue suffering as the animal was not fit for the journey due to a fracture to the metatarsal bone of the right hind leg. | £165<br><br>£300 costs<br>(£618 requested) | Out of area                  | Bordesley & Highgate                |

## **HEALTH & SAFETY OFFENCES**

|   | <b>Date<br/>Case<br/>Heard</b> | <b>Name &amp; Address</b>   | <b>Offence details (including Legislation)</b>  | <b>Fine/Penalty &amp;<br/>Costs</b>               | <b>Ward of<br/>defendant</b> | <b>Ward - Offence<br/>committed</b> |
|---|--------------------------------|---|---|---|------------------------------|-------------------------------------|
| 1 | 5/9/18                         | Mas Bazar Birmingham<br>Ltd<br>299a Bethnal Green<br>Road<br>London<br>E2 6AH | Health and Safety at Work Act 1974<br><br>Pleaded guilty to one offence of failing to ensure the health and safety of an employee at Fish Bazar, 67-69 Lozells Road, Birmingham in relation to the use of a Butcher Boy meat mincer. A guard was not in place preventing access to dangerous moving parts, employees were not provided with health & safety information in a language they could read and understand, employees were not made aware of how to operate the machine in accordance with the manufacturer's operating instructions and did not receive adequate training in the use of the machine and a suitable and sufficient risk assessment had not been carried out in relation to the use of the machine. An employee's hand had been entrapped in the machine when he tried to clear a blockage. Four of his fingers had to be amputated. | £36,000<br><br>£3,268 costs<br>(£3,268 requested) | Out of area                  | Lozells                             |

## **FOOD HYGIENE OFFENCES**

|   | <b>Date<br/>Case<br/>Heard</b> | <b>Name &amp; Address</b>                                     | <b>Offence details (including Legislation)</b>  | <b>Fine/Penalty &amp;<br/>Costs</b>   | <b>Ward of<br/>defendant</b> | <b>Ward - Offence<br/>committed</b> |
|---|--------------------------------|---|---|---|------------------------------|-------------------------------------|
| 1 | 13/9/18                        | Atiq Shabir<br>Birmingham<br><br>Mujahid Hussain<br>Smethwick | Food Safety and Hygiene (England)<br>Regulations 2013<br><br>Both pleaded guilty to five offences relating to conditions at Karahi King, 1154 Stratford Road, Hall Green, Birmingham; one offence of failing to comply with a Food Hygiene Improvement Notice requiring cleaning work to be carried out at the premises and four offences following a further visit to the premises. Wall surfaces were not maintained in a sound condition, in the front and rear preparation areas there were areas of bare plaster and damaged wall. Food service equipment was stored in dirty conditions, outdoor clothing was stored amongst serving dishes, prepared food was stored in dirty bowls and prepared food was found beyond its shelf life and was stale and mouldy. There were no procedures based on HACCP. | Shabir £320<br><br>£200 costs<br><br>Hussain £376<br>£415 costs<br><br>(£830 requested) | Bromford &<br>Hodge Hill     | Hall Green North                    |

|   |          |  |   |  |                          |                          |
|---|----------|--|---|--|--------------------------|--------------------------|
| 2 | 13/09/18 | Paromster Ltd<br>Victoria House<br>18 Dalston Gardens<br>Stanmore<br>HA17 1BU                      | Food Safety and Hygiene (England) Regulations 2013<br><br>Pleaded guilty to 10 offences of placing 55 packets of food, including bacon and salami, on the market at Extra Supermarket, 187 High Street, Erdington, Birmingham which were past their "use by" dates.   | £8,000 – offence 1<br><br>No separate penalty for remaining offences<br><br>£751 costs (£751 requested)  | Out of area              | Harborne                 |
| 3 | 13/9/18  | Tablecloth Ltd<br>21 Frederick Street<br>Birmingham<br>B1 3HE<br><br>Erkan Oksuzoglu<br>Birmingham | Food Safety and Hygiene (England) Regulations 2013<br><br>The Company and Director pleaded guilty to three offences relating to conditions at Locante, 31 Ludgate Hill, Birmingham. The premises was not kept clean, the floor was in a dirty condition as were fridges, freezers and equipment. Stale and mouldy lettuce and cucumber was found in the kitchen. Out of date Soya milk was found. Cooked mackerel was stored adjacent to raw seabass. Raw mussel and bacon were stored next to salad and orange juice. There were no procedures based on HACCP. | Company £4,000 – offence 1<br><br>No separate penalty for remaining offences<br><br>£600 costs<br><br>Director £4,000 – offence 1<br><br>No separate penalty for remaining offences<br><br>£600 costs (£1,200 requested) | Soho & Jewellery Quarter | Soho & Jewellery Quarter |

|   |         |   |   |  |                          |                          |
|---|---------|---|---|--|--------------------------|--------------------------|
| 4 | 13/9/18 | Tablecloth Ltd<br>21 Frederick Street<br>Birmingham<br>B1 3HE | <p>Food Safety and Hygiene (England) Regulations 2013</p> <p>Pleaded guilty to 21 offences relating to conditions found at Portofino, 21 Frederick Street, Birmingham during two separate inspections. The premise was found in a dirty condition. There was no soap or hand drying materials to the hand wash basin in the kitchen. There was a missing section of cladding to the wall behind the ovens in the kitchen which could not be effectively cleaned. There were gaps around electrical sockets behind the sink unit. The oven door was dirty, pizza paddles were dirty, the microwave and can opener were dirty. There were no food safe cleaning chemicals on the premises. Holes had been pierced in lids to sauces and the glass panel to the pizza oven was cracked. Shell eggs were being stored on the same shelf as ready to eat gateaux; cooked food was stored on top of an uncovered container of raw squid. Unfit vegetables, mussels and food passed its use by date were in the fridge and there was mouldy ciabatta on a food preparation surface. There were no procedures based on HACCP.</p> | <p>£30,000<br/>(£15,000 x 2)</p> <p>No separate penalty on remaining offences</p> <p>£1,600 costs<br/>(£1,600 requested)</p> | Soho & Jewellery Quarter | Soho & Jewellery Quarter |
|---|---------|---|---|--|--------------------------|--------------------------|



|   |         |   |   |  |             |                         |
|---|---------|---|---|--|-------------|-------------------------|
| 5 | 13/9/18 | Red N Hot Ltd<br>48 George Street<br>Manchester<br>M1 4HF | Food Safety and Hygiene (England) Regulations 2013<br><br>Found guilty in their absence of 11 offences; seven offences relating to conditions at Red N Hot, 35 Hurst Street, Birmingham during an inspection in 2017 and four offences following an inspection in 2018. There was evidence of mouse activity, mouse droppings were found throughout the premises. There were a number of missing and broken floor tiles which inhibited effective cleaning. Chopping boards were dirty and the food mixer was dirty with a build-up of mouse droppings. There were potential entry points in the structure of the premises; there was a hole in the corner of the kitchen and behind the drinks chiller. There was extensive pest damage to the walls and large pest entry holes in the bar. The staff toilet opened directly into the kitchen. | £90,000<br><br>(£40,000 - offences in 2017 & £50,000 - offences in 2018)<br><br>£2,753 costs<br>(£2,753 requested) | Out of area | Bordesley &<br>Highgate |
|---|---------|---|---|--|-------------|-------------------------|

#### **LITTERING OFFENCES – SINGLE JUSTICE PROCEDURE**

| Date Cases Heard | Total Number of Cases | Total Fines imposed | Total Costs awarded | Total Costs requested |
|------------------|-----------------------|---------------------|---------------------|-----------------------|
| 28.9.18          | 62                    | £13,066             | £10,525             | £10,850               |

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

Two simple cautions were administered during September 2018.

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

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

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

|   | <b>Date Case Heard</b> | <b>Name &amp; Address</b>                  | <b>Offence details (including Legislation)</b>   | <b>Fine/Penalty &amp; Costs</b>  | <b>Ward of defendant</b> | <b>Ward - Offence committed</b> |
|---|------------------------|--|--|--|--------------------------|---------------------------------|
| 1 | 3/9/18                 | Raja Shafqat Naeem<br>Janjua<br>Birmingham | <p>Consumer Protection from Unfair Trading Regulations 2008<br/>European Communities Act 1972</p> <p>Pleaded guilty to two offences as a Director of Geotrips Limited, also trading as Geo Trips and Cloud Travels and Tours. One offence of engaging in an unfair commercial practice by claiming on the business website, <a href="http://www.geotrips.co.uk">www.geotrips.co.uk</a>, that packages being supplied by the company were ATOL and ABTA protected and one offence of displaying the ATOL and ABTA logos on a signage board at the premises at 61 Alcester Road South, Kings Heath, Birmingham representing that Geotrips Limited were ATOL licensed and members of ABTA when they were not.</p> | <p>7 months imprisonment</p> <p>No costs awarded (£16,607 requested)</p> | Hall Green North         | Brandwood & Kings Heath         |

**TRADING STANDARDS SIMPLE CAUTIONS**

No simple cautions were administered during September 2018

**APPENDIX 4**

**CASES FINALISED BY DISTRICT (PLACE OF OFFENCE) – SEPTEMBER 2018**

|   | Edgbaston | Erdington | Hall Green | Hodge Hill | Ladywood | Northfield | Perry Barr | Selly Oak | Sutton Coldfield | Yardley | Out of Area | Total     |
|---|-----------|-----------|------------|------------|----------|------------|------------|-----------|------------------|---------|-------------|-----------|
| Licensing   | 0         | 0         | 0          | 0          | 2        | 0          | 0          | 0         | 0                | 0       | 0           | <b>2</b>  |
| Environmental Health (FPNs) Not paid and prosecuted | 0         | 0         | 0          | 0          | 62       | 0          | 0          | 0         | 0                | 0       | 0           | <b>62</b> |
| Environmental Health (non FPNs)                     | 1         | 2         | 1          | 0          | 5        | 0          | 2          | 0         | 0                | 1       | 0           | <b>12</b> |
| Trading Standards                                   | 0         | 0         | 1          | 0          | 0        | 0          | 0          | 0         | 0                | 0       | 0           | <b>1</b>  |

**CASES FINALISED BY DISTRICT (DEFENDANT'S HOME ADDRESS/REGISTERED OFFICE) – SEPTEMBER 2018**

|   | Edgbaston | Erdington | Hall Green | Hodge Hill | Ladywood | Northfield | Perry Barr | Selly Oak | Sutton Coldfield | Yardley | Out of Area | Total     |
|---|-----------|-----------|------------|------------|----------|------------|------------|-----------|------------------|---------|-------------|-----------|
| Licensing   | 0         | 0         | 0          | 0          | 0        | 0          | 1          | 0         | 0                | 1       | 0           | <b>2</b>  |
| Environmental Health (FPNs) Not paid and prosecuted | 4         | 3         | 2          | 4          | 6        | 3          | 5          | 0         | 0                | 5       | 30          | <b>62</b> |
| Environmental Health (non FPNs)                     | 0         | 2         | 0          | 2          | 3        | 0          | 1          | 0         | 0                | 0       | 4           | <b>12</b> |
| Trading Standards                                   | 0         | 0         | 1          | 0          | 0        | 0          | 0          | 0         | 0                | 0       | 0           | <b>1</b>  |
|   |           |           |            |            |          |            |            |           |                  |         |             |           |

**CASES FINALISED BY DISTRICT (PLACE OF OFFENCE) – APRIL-SEPTEMBER 2018**

|  | Edgbaston | Erdington | Hall | Hodge | Ladywood | Northfield | Perry | Selly | Sutton | Yardley | Out of | Total |
|--|-----------|-----------|------|-------|----------|------------|-------|-------|--------|---------|--------|-------|
|--|-----------|-----------|------|-------|----------|------------|-------|-------|--------|---------|--------|-------|

|   |   |   | Green | Hill |     |   | Barr | Oak | Coldfield |    | Area |            |
|---|---|---|-------|------|-----|---|------|-----|-----------|----|------|------------|
| Licensing   | 0 | 0 | 0     | 0    | 16  | 0 | 0    | 4   | 1         | 0  | 0    | <b>21</b>  |
| Environmental Health (FPNs) Not paid and prosecuted | 0 | 0 | 0     | 0    | 381 | 0 | 0    | 0   | 0         | 0  | 0    | <b>381</b> |
| Environmental Health (non FPNs)                     | 3 | 9 | 14    | 12   | 36  | 1 | 5    | 3   | 2         | 16 | 1    | <b>102</b> |
| Trading Standards                                   | 1 | 1 | 2     | 1    | 2   | 0 | 0    | 1   | 0         | 0  | 0    | <b>8</b>   |

**CASES FINALISED BY DISTRICT (DEFENDANT'S HOME ADDRESS/REGISTERED OFFICE) – APRIL-SEPTEMBER 2018**

|   | Edgbaston | Erdington | Hall Green | Hodge Hill | Ladywood | Northfield | Perry Barr | Selly Oak | Sutton Coldfield | Yardley | Out of Area | Total      |
|---|-----------|-----------|------------|------------|----------|------------|------------|-----------|------------------|---------|-------------|------------|
| Licensing   | 0         | 0         | 2          | 5          | 2        | 0          | 3          | 0         | 0                | 2       | 7           | <b>21</b>  |
| Environmental Health (FPNs) Not paid and prosecuted | 14        | 12        | 20         | 30         | 58       | 19         | 29         | 7         | 3                | 18      | 171         | <b>381</b> |
| Environmental Health (non FPNs)                     | 3         | 9         | 12         | 15         | 26       | 3          | 3          | 6         | 1                | 9       | 15          | <b>102</b> |
| Trading Standards                                   | 0         | 1         | 4          | 1          | 1        | 0          | 0          | 1         | 0                | 0       | 0           | <b>8</b>   |

**WASTE ENFORCEMENT UNIT – ENFORCEMENT ACTIVITY**  
**APRIL 2018 – MARCH 2019**

|  | Apr-18 | May-18 | Jun-18 | Jul-18 | Aug-18 | Total<br>2018/2019 |
|--|--------|--------|--------|--------|--------|--------------------|
| Waste Investigation Outcomes   |        |        |        |        |        |                    |
| Duty of Care inspections into the waste disposal arrangements of commercial premises   | 125    | 120    | 156    | 82     | 112    | 595                |
| <u>Section 34 Environmental Protection Act</u><br>demand notices issued: (trade waste statutory information demands)                 | 105    | 102    | 122    | 71     | 111    | 511                |
| <u>Section 34 Environmental Protection Act</u><br>fixed penalty notices issued to businesses (£300)                                  | 30     | 41     | 50     | 35     | 62     | 218                |
| <u>Section 87 Environmental Protection Act.</u><br>Fixed Penalty notices issued for commercial and residential litter offences (£80) | 0      | 2      | 0      | 0      | 0      | 2                  |
| <u>Section 33 Environmental Protection Act</u><br>fixed penalty notices issued for fly tipping (£400)                                | 4      | 5      | 3      | 7      | 6      | 25                 |
| Prosecutions   |        |        |        |        |        |                    |
| Number of prosecution files submitted to legal services (number produced quarterly)  |        |        | 43     | 43     |        |                    |



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

**21 NOVEMBER 2018**  
**ALL WARDS**

**FIXED PENALTY NOTICES ISSUED SEPTEMBER 2018**

1. Summary
  - 1.1 The report sets out a breakdown, on a Ward basis, of fixed penalty notices issued in the City during the period of September 2018.
2. Recommendation
  - 2.1 That the report be noted.

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E-mail: [mark.croxford@birmingham.gov.uk](mailto:mark.croxford@birmingham.gov.uk)

### 3. Background

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

3.2 The yearly total numbers of fixed penalty notices issued are indicated below.

| <u>Month</u>            | <u>Fixed Penalty Notices Issued</u> |
|-------------------------|-------------------------------------|
| April 2004 – March 2005 | 382                                 |
| April 2005 – March 2006 | 209                                 |
| April 2006 – March 2007 | 650                                 |
| April 2007 – March 2008 | 682                                 |
| April 2008 – March 2009 | 1,147                               |
| April 2009 – March 2010 | 1,043                               |
| April 2010 – March 2011 | 827                                 |
| April 2011 – March 2012 | 2,053                               |
| April 2012 – March 2013 | 1,763                               |
| April 2013 – March 2014 | 1,984                               |
| April 2014 – March 2015 | 4,985                               |
| April 2015 – March 2016 | 5,855                               |
| April 2016 – March 2017 | 6,306                               |
| April 2017 – March 2018 | 5,873                               |

### 4. Enforcement Considerations and Rationale

4.1 The attached appendix shows the wards where FPNs were issued during the month of September 2018.

4.2 By and large litter patrols are targeted to the primary and secondary retail areas of the city because there is a high level of footfall and they engage with a full cross section of the population. Targeted areas include locations where there are excessive levels of littering, smoking areas with high levels of cigarette waste that cause blight in the city and areas where there are known problems associated with groups gathering to eat outdoors.

4.3 The number of incidences of Fixed Penalty Notices being issued reflects the fact that there is still a problem with littering on our streets. Since the Health Act came into force there has been a decline in street cleanliness associated with cigarette waste. This is reflected not only in these statistics but also in the environmental quality surveys undertaken by Waste Management that record cigarette waste being the most prevalent waste upon our streets and identify it in 98% of all samples of street cleanliness.



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

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

## 5. Consultation

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

## 6. Implications for Resources

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

## 7. Implications for Policy Priorities

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

## 8. Public Sector Equality Duty

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

# **ACTING DIRECTOR OF REGULATION AND ENFORCEMENT**

Background Papers: FPN records



## APPENDIX 1

Wards where FPN's are issued

| Ward                      | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec | Jan | Feb | Mar | Total |
|---------------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------|
| Acocks Green              | 3   | 0   | 2   | 0   | 5   | 2   |     |     |     |     |     |     |       |
| Allens Cross              | 0   | 0   | 0   | 0   | 0   | 0   |     |     |     |     |     |     |       |
| Alum Rock                 | 0   | 2   | 1   | 1   | 3   | 1   |     |     |     |     |     |     |       |
| Aston                     | 1   | 1   | 1   | 1   | 1   | 2   |     |     |     |     |     |     |       |
| Balsall Heath West        | 0   | 0   | 4   | 0   | 1   | 1   |     |     |     |     |     |     |       |
| Bartley Green             | 1   | 0   | 1   | 0   | 0   | 0   |     |     |     |     |     |     |       |
| Billesley                 | 0   | 2   | 5   | 1   | 0   | 1   |     |     |     |     |     |     |       |
| Birchfield                | 0   | 0   | 0   | 2   | 0   | 0   |     |     |     |     |     |     |       |
| Bordelsey & Highgate      | 1   | 1   | 1   | 1   | 0   | 0   |     |     |     |     |     |     |       |
| Bordesley Green           | 0   | 2   | 2   | 2   | 9   | 2   |     |     |     |     |     |     |       |
| Bournbrook & Selly Park   | 0   | 1   | 1   | 9   | 4   | 0   |     |     |     |     |     |     |       |
| Bournville & Cotteridge   | 1   | 0   | 0   | 9   | 3   | 0   |     |     |     |     |     |     |       |
| Brandwood & Kings Heath   | 0   | 5   | 3   | 3   | 0   | 0   |     |     |     |     |     |     |       |
| Bromford & Hodge Hill     | 0   | 1   | 1   | 0   | 2   | 1   |     |     |     |     |     |     |       |
| Castle Vale               | 0   | 0   | 0   | 0   | 0   | 0   |     |     |     |     |     |     |       |
| Druids Heath and Monyhull | 0   | 2   | 0   | 0   | 0   | 0   |     |     |     |     |     |     |       |
| Edgbaston                 | 0   | 0   | 2   | 1   | 0   | 6   |     |     |     |     |     |     |       |
| Erdington                 | 2   | 0   | 2   | 6   | 2   | 1   |     |     |     |     |     |     |       |
| Frankley Great Park       | 0   | 0   | 0   | 0   | 0   | 1   |     |     |     |     |     |     |       |
| Garretts Green            | 0   | 0   | 0   | 2   | 0   | 0   |     |     |     |     |     |     |       |
| Glebe Farm & Tile Cross   | 2   | 0   | 1   | 3   | 0   | 0   |     |     |     |     |     |     |       |
| Gravelly Hill             | 1   | 0   | 0   | 0   | 1   | 0   |     |     |     |     |     |     |       |
| Hall Green North          | 0   | 2   | 0   | 0   | 1   | 1   |     |     |     |     |     |     |       |
| Hall Green South          | 0   | 4   | 2   | 0   | 0   | 1   |     |     |     |     |     |     |       |
| Handsworth Wood           | 0   | 0   | 2   | 1   | 0   | 0   |     |     |     |     |     |     |       |
| Handsworth                | 2   | 0   | 1   | 0   | 1   | 0   |     |     |     |     |     |     |       |
| Harborne                  | 0   | 0   | 1   | 2   | 2   | 1   |     |     |     |     |     |     |       |
| Heartlands                | 1   | 1   | 0   | 0   | 1   | 1   |     |     |     |     |     |     |       |
| Highters Heath            | 0   | 0   | 0   | 0   | 0   | 1   |     |     |     |     |     |     |       |
| Holyhead                  | 1   | 0   | 5   | 0   | 2   | 11  |     |     |     |     |     |     |       |
| Kings Norton North        | 0   | 0   | 0   | 1   | 0   | 0   |     |     |     |     |     |     |       |
| Kings Norton South        | 1   | 0   | 0   | 0   | 0   | 0   |     |     |     |     |     |     |       |
| Kingstanding              | 1   | 0   | 0   | 0   | 0   | 0   |     |     |     |     |     |     |       |
| Ladywood                  | 746 | 777 | 463 | 302 | 399 | 560 |     |     |     |     |     |     |       |
| Longbridge & West Heath   | 0   | 0   | 0   | 0   | 0   | 0   |     |     |     |     |     |     |       |
| Lozells                   | 2   | 1   | 0   | 0   | 1   | 0   |     |     |     |     |     |     |       |
| Moseley                   | 0   | 1   | 0   | 0   | 0   | 1   |     |     |     |     |     |     |       |
| Nechells                  | 0   | 0   | 0   | 2   | 0   | 3   |     |     |     |     |     |     |       |
| Newtown                   | 0   | 0   | 2   | 0   | 2   | 2   |     |     |     |     |     |     |       |
| North Edgbaston           | 2   | 1   | 0   | 0   | 0   | 0   |     |     |     |     |     |     |       |
| Northfield                | 0   | 0   | 0   | 0   | 0   | 0   |     |     |     |     |     |     |       |

|                                 |     |     |     |     |     |     |   |   |   |   |   |   |       |
|---------------------------------|-----|-----|-----|-----|-----|-----|---|---|---|---|---|---|-------|
| Oscott                          | 0   | 0   | 5   | 0   | 1   | 0   |   |   |   |   |   |   |       |
| Perry Barr                      | 0   | 0   | 1   | 0   | 0   | 1   |   |   |   |   |   |   |       |
| Perry Common                    | 0   | 0   | 1   | 0   | 0   | 1   |   |   |   |   |   |   |       |
| Pype Hayes                      | 1   | 0   | 0   | 0   | 0   | 0   |   |   |   |   |   |   |       |
| Quinton                         | 0   | 0   | 0   | 0   | 0   | 0   |   |   |   |   |   |   |       |
| Rubery & Rednal                 | 1   | 0   | 0   | 0   | 0   | 0   |   |   |   |   |   |   |       |
| Shard End                       | 0   | 0   | 0   | 0   | 5   | 0   |   |   |   |   |   |   |       |
| Sheldon                         | 1   | 0   | 0   | 0   | 1   | 1   |   |   |   |   |   |   |       |
| Small Heath                     | 3   | 0   | 1   | 2   | 7   | 0   |   |   |   |   |   |   |       |
| Soho & Jewellery Quarter        | 0   | 0   | 3   | 0   | 1   | 7   |   |   |   |   |   |   |       |
| South Yardley                   | 0   | 1   | 0   | 0   | 0   | 0   |   |   |   |   |   |   |       |
| Sparkbrook & Balsall Heath East | 0   | 2   | 3   | 1   | 4   | 9   |   |   |   |   |   |   |       |
| Sparkhill                       | 0   | 1   | 3   | 0   | 1   | 30  |   |   |   |   |   |   |       |
| Stirchley                       | 0   | 0   | 0   | 0   | 2   | 0   |   |   |   |   |   |   |       |
| Stockland Green                 | 0   | 0   | 0   | 0   | 0   | 0   |   |   |   |   |   |   |       |
| Sutton Four Oaks                | 0   | 0   | 0   | 0   | 0   | 0   |   |   |   |   |   |   |       |
| Sutton Mere Green               | 0   | 0   | 0   | 0   | 0   | 0   |   |   |   |   |   |   |       |
| Sutton Reddicap                 | 0   | 0   | 0   | 0   | 0   | 1   |   |   |   |   |   |   |       |
| Sutton Roughley                 | 0   | 0   | 0   | 0   | 0   | 0   |   |   |   |   |   |   |       |
| Sutton Trinity                  | 0   | 0   | 0   | 0   | 0   | 0   |   |   |   |   |   |   |       |
| Sutton Vesey                    | 0   | 2   | 0   | 0   | 0   | 1   |   |   |   |   |   |   |       |
| Sutton Walmley & Minworth       | 0   | 0   | 0   | 0   | 0   | 1   |   |   |   |   |   |   |       |
| Sutton Wylde Green              | 1   | 0   | 0   | 0   | 0   | 0   |   |   |   |   |   |   |       |
| Tyseley & Hay Mills             | 0   | 0   | 0   | 0   | 0   | 0   |   |   |   |   |   |   |       |
| Ward End                        | 0   | 0   | 0   | 3   | 1   | 0   |   |   |   |   |   |   |       |
| Weoley & Selly Oak              | 0   | 0   | 0   | 1   | 0   | 0   |   |   |   |   |   |   |       |
| Yardley East                    | 0   | 0   | 0   | 0   | 0   | 1   |   |   |   |   |   |   |       |
| Yardley West & Stretford        | 0   | 1   | 0   | 0   | 0   | 0   |   |   |   |   |   |   |       |
|                                 | 775 | 811 | 520 | 356 | 463 | 653 | 0 | 0 | 0 | 0 | 0 | 0 | 3,578 |

**BIRMINGHAM CITY COUNCIL**

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

Item 10

**21 November 2018**  
**ALL WARDS**

**OUTCOME OF APPEALS AGAINST SUB COMMITTEE DECISIONS:**  
**September 2018**

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

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### 3. Summary of Appeal Hearings for September 2018

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

### 4. Implications for Resources

- 4.1 The details of costs requested and ordered in each case are set out in the appendix below.
- 4.2 In September 2018 costs have been requested to the sum of £917.00 so far with reimbursement of £667.00 so far (72.7%) ordered by the Courts.
- 4.3 For the fiscal year thus far, April 2018 to September 2018, costs associated to appeal hearings have been requested to the sum of £4705.55 so far with reimbursement of £3676.15 so far (78.1%) ordered by the Courts.
- 4.4 For the fiscal year thus far, April 2018 to September 2018, costs contra Birmingham City Council associated to appeal hearings have been requested and awarded in excess of £10483.

### 5. Implications for Policy Priorities

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

### 6. Public Sector Equality Duty

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

### 7. Consultation

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

## **DIRECTOR OF REGULATION AND ENFORCEMENT**

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

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

|   | Name          | Date Case Heard | Result    | Costs Requested | Costs Ordered | Comments   |
|---|---------------|-----------------|-----------|-----------------|---------------|--|
| 1 | Akram Hussain | 21.09.2018      | Dismissed | £287.00         | £287.00       | The appeal was against the decision of the Licensing Sub-Committee on 27.06.2018 to refuse to renew Mr Hussain's private hire driver's licence as he was not deemed fit and proper due to receiving 6 penalty points for driving a vehicle whilst uninsured against 3 <sup>rd</sup> party risks and failing to inform the Licensing Office of the endorsement. Mr Hussain failed to attend court and had not made any contact with either ourselves or the court outlining why he could not attend on the day. In light of his non-attendance an application was made for Mr Hussain's appeal to be dismissed. The court dismissed Mr Hussain's appeal and made an order for him to pay our costs of £287.   |
| 2 | Abdul Ghafar  | 26.09.2018      | Dismissed | £250.00         | £0.00         | The appeal was against the decision of the Sub-Committee on 26.02.2018 to revoke Mr Ghafar's private hire driver's licence as he was not deemed fit and proper due to a receiving a conviction for intimidating a Juror. Mr Ghafar appeared unrepresented. The respondent's arguments were presented. Mr Ghafar gave evidence about his history as a taxi driver, and appeared to dispute his conviction. The District Judge said that she cannot go behind the criminal conviction, and on the basis of said conviction felt that Mr Ghafar is not a fit and proper person to hold a private hire driver's licence. Accordingly, the appeal was dismissed. The application for costs was refused, on the basis that Mr Ghafar would now lose his livelihood, and the District judge did not think it fair to impose a costs sanction on him in those circumstances. |

|   |                |            |                        |         |         |   |
|---|----------------|------------|------------------------|---------|---------|---|
| 3 | Mahtab Hussain | 26.09.2018 | Withdrawn<br>pre-Court | £380.00 | £380.00 | The appeal was against the decision of the Licensing Sub-Committee 23.04.18 to refuse to grant Mr Hussain a Private Hire Driver's Licence as he was deemed not fit an proper due to receiving convictions. The appeal was withdrawn pre-court. The court ordered £380.00 costs. |
|---|----------------|------------|------------------------|---------|---------|---|



**BIRMINGHAM CITY COUNCIL**

**LICENSING AND PUBLIC PROTECTION COMMITTEE**Item 11

**21 NOVEMBER 2018**

**SCHEDULE OF OUTSTANDING MINUTES**

| MINUTE NO./DATE         | SUBJECT MATTER   | COMMENTS                                       |
|-------------------------|--|--|
| 916 (iii)<br>23/10/2017 | <b><u>Emissions Policy beyond 31 December 2019</u></b><br>The Acting Service Director of Regulation and Enforcement be requested to prepare a report for this committee to consider a medium to long-term emissions policy in respect of hackney carriage and private hire vehicles beyond 31st December 2019.   | See agenda item No. 7. Minute to be discharged |
| 916 (iv)<br>23/10/2017  | <b><u>Absolute Age Policy in respect of Hackney Carriage and Private Hire Vehicles.</u></b><br>The Acting Service Director of Regulation and Enforcement be requested to prepare a report for this Committee at the earliest opportunity to consider an absolute age policy in respect of hackney carriage and private hire vehicles.  | See agenda item No. 7. Minute to be discharged |
| 934 (ii)<br>15/11/2017  | <b><u>Update Report on Proposed Strategy for Venues Operating as Shisha premises in Birmingham</u></b><br>The Acting Service Director of Regulation and Enforcement be requested to instruct officers to undertake a wider consultation with key stakeholders on the adoption of the proposed strategy. Officers to present the outcome of the consultation at a future meeting of Committee, with their recommendations on a finalised Strategy for the Committee's approval. | Report due in December 2018                    |
| 942 (ii)<br>15/11/2017  | <b><u>Revision of Birmingham City Council Act 1990 Establishments for Massage and/or Special Treatments</u></b><br>The Acting Service Director of Regulation and Enforcement be requested to provide a report for Committee reviewing the need for the Birmingham City Council Act 1990 and options including delegation of hearings to Licensing Sub-Committees.  | Report due in January 2019                     |
| 1071<br>21/10/2018      | <b><u>Update Report On Unauthorised Encampments –</u></b><br>The Acting Service Director of Regulation and Enforcement be requested to report further in three months' time to update on the various work items contained within the report.   | Report due in January 2019                     |

