

# **BIRMINGHAM CITY COUNCIL**

## **LICENSING AND PUBLIC PROTECTION COMMITTEE**

**WEDNESDAY, 15 NOVEMBER 2023 AT 10:30 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 Chair to advise/meeting to note that this meeting will be webcast for live or subsequent broadcast via the Council's Public-I microsite ([please click this link](#)) 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 they must declare all relevant pecuniary and other registerable interests arising from any business to be discussed at this meeting.

If a disclosable pecuniary interest is declared a Member must not participate in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.

If other registerable interests are declared a Member may speak on the matter only if members of the public are allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.

If it is a 'sensitive interest', Members do not have to disclose the nature of the interest, just that they have an interest.

Information on the Local Government Association's Model Councillor Code of Conduct is set out via <http://bit.ly/3WtGQnN>. This includes, at Appendix 1, an interests flowchart which provides a simple guide to declaring interests at meetings.

	3	<b><u>APOLOGIES</u></b>	To receive any apologies.
<b><u>5 - 10</u></b>	4	<b><u>MINUTES</u></b>	To confirm and sign the minutes of the last meeting held on 20 September, 2023.
<b><u>11 - 28</u></b>	5	<b><u>REVIEW OF LICENSING SERVICE FEES AND CHARGES 2024-2025</u></b>	The report of the Director of Regulation and Enforcement (Presenting Officer: Emma Rohomon)
<b><u>29 - 36</u></b>	6	<b><u>REVIEW OF STREET TRADING CONSENT FEES AND CHARGES 2024-2025</u></b>	The report of the Director of Regulation and Enforcement (Presenting Officer: Shawn Woodcock)
<b><u>37 - 42</u></b>	7	<b><u>REVIEW OF FPN TARIFFS FOR LITTERING, FLY-TIPPING, DUTY OF CARE, FLY POSTING AND GRAFFITI</u></b>	The report of the Director of Regulation & Enforcement (Presenting Officers: Mark Croxford/Russell Davey)
<b><u>43 - 50</u></b>	8	<b><u>SELECTIVE AND ADDITIONAL PROPERTY LICENSING SCHEMES UPDATE</u></b>	The report of the Director of Regulation and Enforcement (Presenting Officer: Simon Williams)
<b><u>51 - 56</u></b>	9	<b><u>UPDATE REPORT ON UNAUTHORISED ENCAMPMENTS</u></b>	The report of the Director of Regulation and Enforcement (Presenting Officer: Mark Wolstencroft)
<b><u>57 - 78</u></b>	10	<b><u>PROSECUTIONS &amp; CAUTIONS – JULY AND AUGUST 2023</u></b>	The report of the Director of Regulation and Enforcement (Presenting Officer: Sajeela Naseer)
<b><u>79 - 80</u></b>	11	<b><u>CHAIR'S AUTHORITY REPORT - AUGUST 2023</u></b>	The report of the Director of Regulation and Enforcement (Presenting Officer: Sajeela Naseer)
	12	<b><u>DATE AND TIME OF NEXT MEETING</u></b>	To note the date and time of the next formal meeting on 17 January 2023 at 1030 hours in Committee Room 6.

13 **OTHER URGENT BUSINESS**

To consider any items of business by reason of special circumstances (to be specified) that in the opinion of the Chair are matters of urgency.

14 **AUTHORITY TO CHAIR AND OFFICERS**

Chair to move:-

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



**BIRMINGHAM CITY COUNCIL**

**LICENSING AND  
PUBLIC PROTECTION  
COMMITTEE  
20 SEPTEMBER, 2023**

**MINUTES OF A MEETING OF THE LICENSING  
AND PUBLIC PROTECTION COMMITTEE HELD  
ON WEDNESDAY, 20 SEPTEMBER, 2023 AT  
1030 HOURS AT THE COUNCIL HOUSE,  
BIRMINGHAM B1 1BB**

**PRESENT:** - Councillor Phil Davis in the Chair;

Councillors Diane Donaldson, Sam Forsyth, Adam Higgs, Ziaul Islam, Mary Locke, Saddak Miah, Julien Pritchard, Sybil Spence and Penny Wagg

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**NOTICE OF RECORDING/WEBCAST**

- 1546 The Chair advised that this meeting will be webcast for live or subsequent broadcast via the Council's Public-I microsite ([please click this link](#)) and that members of the press/public may record and take photographs except where there are confidential or exempt items.

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

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**DECLARATIONS OF INTEREST**

- 1547 Members are reminded they must declare all relevant pecuniary and other registerable interests arising from any business to be discussed at this meeting. If a disclosable pecuniary interest is declared a Member must not participate in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.

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This includes, at Appendix 1, an interests flowchart which provides a simple guide to declaring interests at meetings.

Councillor Phil Davis declared a non pecuniary interest in the item to be discussed at Agenda Item 7 – Update Report on the PRS High Rise Cladding, owing to him being Chair of a Management Company who had successfully removed cladding with the aid of a Government Grant. Councillor Diane Donaldson will Chair the meeting for Item 7.

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**APOLOGIES**

- 1548 Apologies were received from Councillors Jilly Bermingham, Izzy Knowles and Kooner for non-attendance.
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**APPOINTMENT OF MEMBER**

- 1549 To note the appointment by the City Council of Councillor Jilly Bermingham (Labour) in place of Councillor Iqbal Zafar (Labour) for the remainder of the Municipal year 2023/2024
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**MINUTES**

- 1550 The public minutes of the last formal meeting held on 28 June, 2023 having been previously circulated, were confirmed and signed by the Chair.
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**DFT: STATUTORY TAXI & PRIVATE HIRE VEHICLES STANDARDS  
ACHIEVING COMPLIANCE: UPDATE DFT: STATUTORY TAXI &  
PRIVATE HIRE VEHICLES STANDARDS ACHIEVING COMPLIANCE:  
UPDATE**

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

(See document attached)

Emma Rohomon gave a summary of the report giving an update on the previous report to the Committee and progress with implementation of the Guidance and ongoing work.

It was noted at 7.1 of the report that some of the actions in Appendix 1 were awaiting the completion of the new licensing software system.

Members were requested to consider the proposals at 7.8 of the report related to delegation to officers.

1551

**RESOLVED:-**

- i. that the report be noted; and
- ii. that the proposal in Paragraph 7.8 to delegate to Officers at the level of Principal Licensing Officer or above, consideration of immediate suspension or revocation of licences in the interests of public safety be agreed to ensure compliance with paragraph 5.11 of the Statutory Guidance.

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**UPDATE REPORT ON THE PRS HIGH RISE CLADDING**

At 1050 hours, Councillor Phil Davis previously having declared an interest in this item vacated the Chair.

(Councillor Diane Donaldson in the Chair)

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

(See document attached)

Lesley Williams updated the Committee on progress with the Council's response to the remediation of private sector high-rise buildings and background on the work achieved to date, and the plans for the project moving forward, including the new responsibilities for medium rise buildings. Birmingham City Council and West Midlands Fire Service engage with each other to keep the stock safe. The need to ensure that special materials were fit for purpose was highlighted. .

1552

**RESOLVED:-**

That the content of the report be noted.

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(Councillor Phil Davis in the Chair)

**UPDATE REPORT ON UNAUTHORISED ENCAMPMENT**

The following report of the Director of Regulation & Enforcement was submitted.

(See document attached)

Mark Wolstencroft and John Jamieson were present for the report updating the Committee on work being undertaken to further manage unauthorised encampments in the City since the last report on the 28 June 2023.

The Gypsy and Traveller Accommodation Assessment (GTAA) which sought to identify the need for the community in terms of permanent and transit pitch provision was due to be completed this month. A further update will be provided to the Committee.

Management of the site was a Housing function. Work on Proctor Steet site was due to start in October. There was now an arrangement in place for payments to be made. In response to a question work was ongoing to identify potential land for use. It was requested that any new site was in consultation with residents also that enforcement action would continue. Planning representatives will be invited to attend the next meeting.

In response to comments about the potential use of garage sites, further information was being awaited about their suitability for use as sites.

It was suggested that for future meetings it would be useful to have Planning, Housing and Enforcement in attendance to respond to questions.

John Jamieson undertook to provide more information on the sites. The securing of and cleaning up of sites was still taking place. Councillors asked for timelines related to the sites. Following a further brief discussion it was:-

1553

**RESOLVED:-**

That the report be noted.

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**PROSECUTIONS & CAUTIONS – APRIL, MAY, JUNE 2023**

The following Report of the Director of Regulation & Enforcement was submitted:-

(See document attached)



Sajeela Naseer presented the report summarising the outcome of legal proceedings taken by Regulation and Enforcement during the months of April, May and June 2023. Members were welcome to contact officers outside of the meeting regarding individual cases.

The Chairman raised concerns about the lack of regulation regarding vaping. Members were invited to inform officers of hotspots in Wards.

1554 **RESOLVED:-**

That the report be noted.

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**CHAIRS AUTHORITY REPORT – MAY AND JUNE 2023**

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

(See document attached)

1555 **RESOLVED:-**

That the report be noted

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**DATE AND TIME OF NEXT MEETING**

1556 To note the date and time of next formal meeting on 15 November, 2023 at 1030 hours.

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**OTHER URGENT BUSINESS**

1557 There was no other urgent business.

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**AUTHORITY TO CHAIRMAN AND OFFICERS**

1558 **RESOLVED:-**

That 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 1149 hours.

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CHAIR

## **BIRMINGHAM CITY COUNCIL**

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

**15 November 2023**  
**ALL WARDS**

#### **REVIEW OF LICENSING SERVICE FEES AND CHARGES 2024/2025**

##### **1. Summary**

- 1.1 The Corporate Charging Policy and Financial Regulations require that fees and charges levied by the Licensing and Public Protection Committee be reviewed on an annual basis to ensure the continued full recovery of costs.
- 1.2 It should be noted that some of the fees relating to areas which come within your Committee's remit are set nationally through statute, and these cannot be varied by your Committee.
- 1.3 The report covers the following Fees and Charges:
  - a) Hackney Carriage & Private Hire Licences.
  - b) Sex Establishments
  - c) Massage and Special treatment
  - d) Skin Piercing Registrations .
  - e) Licensing Act 2003
  - f) Gambling Act 2005

##### **2. Recommendations**

- 2.1 That, subject to any statutory advertisement process, the changes to the Licensing Service fees and charges be approved to take effect from 1<sup>st</sup> April 2024, including the new fee proposed for Classification of Films at Appendix 4b
- 2.2 That the Licensing Service fees and charges as detailed in Appendix 3b and 4a be noted.

Contact officer: Emma Rohomon, Licensing Manager  
Telephone: 0121 303 9780  
Email: [emma.rohomon@birmingham.gov.uk](mailto:emma.rohomon@birmingham.gov.uk)

### 3. Background

- 3.1 The City Council's Corporate Charging Policy and Financial Regulations require that Chief Officers, at least annually, report to and seek approval from Committee on a review of all fees and charges levied for services provided. This report also takes account of the legal framework within which certain licence fees must be set.
- 3.2 The Licensing Service receives no corporate budget allocation and as such must meet any and all expenditure from within its own income. The level of income is entirely dependent upon the number of licences applied for, issued or renewed in a particular year.
- 3.3 In order to ensure the fees accurately reflect the true cost of administering and processing the licences the fee calculations are ordinarily based on the finalised accounts from the previous financial year as this is more reliable than trusting in projections and estimates and is accepted as best practice in fee calculations of this kind. At the time of writing the report, the accounts for 2022/23 were not yet finalised but have been used as the best available information.
- 3.4 Members will note a blanket percentage change has not been applied, but that each fee has been adjusted to take into account the changes in overhead costs, officer times and also the cost of physical items such as badges/plates.
- 3.5 The time taken to process and administer each licence type is verified each year to ensure the calculations are accurate. Costs for peripheral items such as vehicle plates, badges, semi-permanent door signs, meter testing etc. are added in after the time is calculated, as would any restitution of carry forward balances. This accounts for the variance in cost between the different types of vehicle licence.
- 3.7 The fees proposed in this report are calculated to recover the full cost of carrying out the service. This includes all administrative costs, any recharge of officers' time in appropriate cases when carrying out inspections of premises and other compliance duties (where applicable).
- 3.8 The fees proposed fulfil the main requirement of assuring that full costs are recovered from the income generated wherever possible.
- 3.9 The legal requirement for a Licensing Service to recover only "reasonable costs" takes precedence over the City Council's Corporate Charging Policy and the requirement to maximise income. Licence fees prescribed by statute also take precedence over the Corporate Charging Policy.
- 3.10 In setting the fees we have also taken account of the various precedents set by case law in the various area of licensing. A summary of these cases is provided at Appendix 5.

- 3.11 Every licensing authority is different and will set their own fees according to their own service delivery costs, and additional costs (such as legal and democratic services, IT, rent etc.) and incorporating any carry forward surplus or deficit they may have accrued.

4. The Proposed Fees:

4.1 Hackney Carriage and Private Hire:  
Drivers, Vehicles and Operators.

- 4.1.1 Whilst it must be acknowledged that the licensed taxi and private hire trade has been under significant pressure following the global pandemic, costs must be covered. Officers continue to try and operate in the most efficient manner with the resources available.
- 4.1.2 The majority of fees are proposed to increase, with just the large and very large operator fees set to reduce. This is as a result of a change to the manner in which these inspections are conducted which is more efficient, and therefore less time consuming which leads to a reduced fee.
- 4.1.3 Since the very large operator fee was introduced, there have been no applications for this type of licence, as there have been no new applications, nor any renewals due in that period.
- 4.1.4 It should be noted the operator licences only account for less than 5% of the officer time within the team, and the number of licences is very low (in fact no very large licences have been issued)
- 4.1.5 In real terms, the licence fee for a vehicle licence will effectively cost around 50 pence per day, with a driver licence approximately 25 pence per day.

4.2. Sex Establishments.  
Sex Shops, Sex Cinemas and Sexual Entertainment Venues (SEV's)

- 4.2.1 In setting fees for Sexual Entertainment Venues, Sex Shops and Sex Cinemas we have taken note of the relevant case law. Most notably the 'Hemming' case.
- 4.2.2 Members should note that sex establishment fees in Birmingham have been reviewed regularly by the Licensing and Public Protection Committee and that as it has not been necessary for officers to take enforcement action against an unlicensed sex establishment our fees have not included the cost of enforcement, other than the cost of achieving compliance amongst licensed businesses.

4.2.3 Schedule 3 to the 1982 Local Government (Miscellaneous Provisions) Act states that an applicant for the grant, renewal, variation or transfer of a sex establishment licence shall pay a **reasonable fee** determined by the appropriate authorities but does not expand on what would be considered to be reasonable. Case law relating to fee levels in various licensing cases has agreed a general principle that licensing fees should not be used as a method of creating revenue.

4.2.4 The relevant fees are listed at Appendix 2.

4.2.5 Members will note the fees are due to reduce for Sex Establishments. As detailed earlier within the report, fees are calculated on data from the previous years. The amount of officer time required to be spent on this kind of licence was significantly lower, predominantly due to the pandemic which affected this business area more than any other within our remit.

4.2.6 Much like some of the Private Hire Operator fees, which are due to be reduced – the sex establishments only account for 2% of the officer time. As a result, the reduction in income will be minimal.

4.3. Birmingham City Council Act 1990  
Massage and Special Treatment (MST)

4.3.1 This local legislation requires a licence to be granted in order to carry out certain activities such as provision of massage, or other treatments such as radiant heat or light treatment. The fee relates solely to this Act and does not relate to any other regulation the business may be subject to - such as health and safety or legislation controlling the use of sunbeds etc.

4.3.2 The fees are listed at Appendix 2. Again, here are some increases and decreases owing to the amount of officer time spent on the different transactions.

4.3.3 The MST licences are little over 1% of the team's work.

4.4. Local Government (Miscellaneous Provisions) Act 1982  
Skin Piercing (tattooists, piercers etc)

4.4.1 This legislation requires those wishing to carry out skin piercing activities to register with the Local Authority. This is a registration, not a licence or a permit. The fee relates solely to this registration and does not relate to any other regulation the business may be subject to - such as health and safety requirements.

4.4.2 The relevant fees are listed at Appendix 2

4.5 The Gambling Act 2005 –  
Statutory Maximum Fees.

4.5.1 Some fees for the Gambling Act 2005 are determined by Licensing Authorities subject to Government prescribed *maximum limits*. These fees are listed at Appendix 3a.

4.5.2 The other fees listed in 3b were set by Government in 2007 and we are not aware of any proposals to increase them.

4.6. The Licensing Act 2003  
Statutory Fees

4.6.1 The fees for this licensing regime are set nationally by the Government and are detailed at Appendix 4a we are not aware of any proposals to increase them, despite them having been set in 2005.

4.6.2 It is important to note, the majority of the work of the General Licensing Team is Licensing Act 2003 matters. The fees still do not accurately reflect the costs associated with this work. Officers continue to lobby for amendment to these fees at every opportunity.

4.6.3 Classification of Film Works

4.6.4 One of the functions under the Licensing Act 2003 is the classification of films not otherwise classified by the British Board of Film Classification. ( Or following a request for local consideration of the rating).

4.6.5 This function requires officers to view the recordings and assess, in accordance with strict guidance, the appropriate classification for the work. This has previously not had any accompanying fee, but following networking discussions with colleagues in other authorities it has been identified that this is in fact a service for which the costs may be recovered.

4.6.6 A schedule of proposed fees is included at Appendix 4b.

4.7 Services for which no fee can be levied:  
Charitable Street Collections, House to House Collections.

4.7.1 House to House Collections are regulated by the House to House Collections Act 1939 and the House to House Collection Regulations 1947. The object of the Act is to provide for the regulation of house to house collections for charitable purposes. The legislation does not allow the Local Authority to charge a fee for processing these licences.

- 4.7.2 Likewise, charitable street collections are regulated by The Police, Factories etc. (Miscellaneous Provisions) Act 1916. The Act requires collectors to obtain a permit from the Licensing Authority. The legislation does not allow the Local Authority to charge a fee for processing these permits.
- 4.7.3 With no budget allocation from the General Fund for this service, the cost of administering these charitable collection applications adds to the deficit accrued by the service.

## 5. Consultation

- 5.1 Under Section 70(2) of the Local Government (Miscellaneous Provisions) Act 1976 (LGMPA 76), a Local Authority is required to advertise changes to fees in respect of hackney carriage and private hire vehicles and private hire operators by placing an advert in a local newspaper for 28 days before it can apply the new fees and it must consider any objections. Although it must consider them it does not have to vary the proposal as a result of them.
- 5.2 Should any objections be received within that time, they must be considered by your Committee, thereby potentially delaying the date of implementation for the revised fees for the Licensing Service as set out in this report.
- 5.3 There is no requirement upon the Local Authority to advertise or consult on any alteration to driver fees. Those fees must simply be related to the recoverable costs ( LGMPA 76 s53(2)).

## 6. Implications for Resources

- 6.1 The proposed fees are calculated to ensure the services continue to be managed within the approved cash limits and in line with the financial regulations relating to these services.
- 6.2 The fees and charges proposed within this report are calculated based on historic income and expenditure for 2022/23 (in line with previous practice) and include the direct costs of the delivery of services and a proportion of indirect central business support costs e.g., Human Resources, Legal, IT, Finance, Procurement and Democratic costs.
- 6.3 It should be noted that fees and charges are recalculated annually and that they may increase or decrease depending on the cost of delivering the service in the previous year and any carry forward balances.



- 6.4 Further to the right to object as detailed in 5.1 above, there are three possible ways in which the fees could be challenged:
- Judicial review of the Council decision based on the decision being Ultra Vires or considered to be unreasonable or irrational (known as Wednesbury Principles).
  - Through the District Auditor – if a Birmingham resident objects to the Local Authority accounts on the grounds that an item is contrary to law or
  - If the Council proposes to set an unlawful fee. This must be reported to and considered by the Monitoring Officer.
- 7.5 The proposed fees have been calculated having regard to the accounts of the previous financial year in accordance with best practice advice and with regard to significant case law. There is no statutory method in which to calculate the fees.
- 7.6 Any decision to deviate from the proposed fees would need to be reconciled with the potential impact this would have on covering the cost of delivering the service.
- 7.7 Any decision to set fees otherwise than in accordance with the proposals within this report without appropriate justification is likely to increase the risk of challenge.

## 8. Future Financial Plan

- 8.1 In 2022/23 and 2023/24 significant progress was made towards replacing the licensing software system (SOPRA) and sourcing an online application system for licences. This project has been much slower than anticipated but is still progressing. Back office functionality is implemented, with online applications scheduled to be completed before the end of the 2023/24.
- 8.2 Although fees are calculated using historic accounts, it is important to also have regard to the future. The costs of replacing the licensing system have yet to be fully realised, although it is hoped a new system will lead to more opportunities for efficiency and flexibility for the service.

## 9. Implications for Policy Priorities

- 9.1 The recommendations are in accordance with Financial Regulations and budget requirements.
- 9.2 The legal requirement for a Licensing Service to recover only “reasonable costs” takes precedence over the City Council’s Corporate Charging Policy and the requirement to maximise income. Licence fees prescribed by statute also take precedence over the Corporate Charging Policy.

10. Public Sector Equality Duty

- 10.1 The fees that are proposed in this report will relate to all licence holders and applicants for licences regardless of their protected characteristics. The fees are calculated on the cost of delivering the service or are prescribed by regulation, and consequently an Equalities Assessment has not been undertaken.

**DIRECTOR OF REGULATION AND ENFORCEMENT**

Background Papers:

Birmingham City Council – Corporate Charging Policy

# Hackney Carriage and Private Hire

Licence type		Current fee	Proposed fee	difference
<b>Hackney Carriage</b>				
	Driver Grant (3yr)	£207	£277	£70
	Driver Renewal (3yr)	£164	£225	£61
	Vehicle Grant	£123	£159	£36
	Vehicle Renewal	£94	£142	£48
<b>Private Hire</b>				
	Driver Grant (3yr)	£199	£277	£78
	Driver Renewal (3yr)	£156	£225	£69
	Vehicle Grant	£127	£196	£69
	Vehicle Renewal	£113	£179	£66
	Small Operator Grant (1 yr)	£284	£501	£217
	Small Operator Renewal (1 yr)	£241	£449	£208
	Small Operator Grant (5 yr)	£979	£1,329	£350
	Small Operator Renewal (5 yr)	£935	£1,277	£342
	Operator Grant (1yr)	£805	£1,122	£317
	Operator Renewal (1 yr)	£762	£1,070	£308
	Operator Grant (5 yr)	£3,584	£4,435	£851
	Operator Renewal (5 yr)	£3,541	£4,383	£842
	Large Operator Grant (1yr)	£4,246	£5,815	£1,569
	Large Operator Renewal (1 yr)	£4,208	£5,763	£1,555
	Large Operator Grant (5 yr)	£20,420	£27,900	£7,480
	Large Operator Renewal (5 yr)	£20,382	£27,849	£7,467
	Very Large Operator Grant (1yr)	£8,289	£7,747	-£542
	Very Large Operator Renewal (1 yr)	£8,251	£7,696	-£555
	Very Large Operator Grant (5 yr)	£40,637	£37,563	-£3,074
	Very Large Operator Renewal (5 yr)	£40,599	£37,494	-£3,105
	Amend Operator details	£72	£75	£3
<b>Miscellaneous:</b>				
Vehicle	Replacement of Lost/Stolen Vehicle Identity Plate/Door Plates	£29	£35	£6
Driver	Replacement of Lost/Stolen Badge	£29	£35	£6
Driver	Change of Name/Address	£29	£35	£6
All	Replacement/Copy Paper Licence	£29	£35	£6
Vehicle	Change of Registration (VRM)	£87	£104	£17
Vehicle	Transfer of Vehicle Licence	£87	£104	£17
Driver	Hackney Carriage Knowledge Test Folder	£29	£50	£21
Driver	Hackney Carriage Knowledge Test	£100	£150	£50
Driver	Hackney Carriage Written/Verbal Test	£50	£75	£25
Driver	Private Hire Verbal Test	£50	£75	£25

## Appendix 2

### Sex Establishments, MST and Skin Piercers

Application Type		Application fee	licence fee	Current fee (total)	Proposed fee	Variance (£)
Sex Shop/Cinema	Grant	4433	125	£4,558	£1,987	-2571
	Renewal	2492	125	£2,617	£1,896	-721
	Variation	1887	107	£1,994	£1,692	-302
	Transfer	1442	107	£1,549	£1,669	120
Sexual Entertainment Venue	Grant	4611	178	£4,789	£2,168	-2621
	Renewal	2519	160	£2,679	£1,975	-704
	Variation	2448	178	£2,626	£1,726	-900
	Transfer	1433	178	£1,611	£1,658	47
Massage and Special Treatment						
- 1 level of treatment	Grant			£190	£170	-20
renewal	Renewal			£160	£136	-24
- 2+ levels of treatment	Grant			£222	£182	-40
renewal	Renewal			£204	£148	-56
Transfer of Ownership				£89	£136	47
Application for additional treatments				£80	£68	-12
Skin Piercers	Registration			£41	£136	95

## Appendix 3A

### GAMBLING ACT 2005

Premises Type	New Licence	1st Annual Fee	Annual Fee	Variation	Transfer	Re-instatement	Provisional Statement	Licence Application (Provisional)	Copy Licence	Change Notification
<b>Casinos</b> (statutory maximum)			(£3,000)	(£2,000)	(£1,350)	(£1,350)	N/A	N/A	(£25)	(£50)
Current fee	<b>£2,118</b>	<b>£324</b>	<b>£424</b>	£1,695	£707	£707	£2,042	£1,245	£25	£50
proposed fee	<b>£2,444</b>	<b>£375</b>	<b>£491</b>	<b>£1,964</b>	<b>£819</b>	<b>£819</b>	<b>£2,365</b>	<b>£1,442</b>	<b>£25</b>	<b>£50</b>
<b>Bingo Clubs</b> (stat. max.)	<b>(£3,500)</b>		(£1,000)	(£1,750)	(£1,200)	(£1,200)	(£3,500)	(£1,200)	(£25)	(£50)
Current fee	<b>£2,118</b>	<b>£324</b>	<b>£424</b>	£1,483	£707	£707	£2,118	£1,017	£21	£42
proposed fee	<b>£2,454</b>	<b>£375</b>	<b>£491</b>	<b>£1,718</b>	<b>£819</b>	<b>£819</b>	<b>£2,454</b>	<b>£1,178</b>	<b>£25</b>	<b>£50</b>
<b>Adult Gaming Centre</b> (stat. max.)	<b>(£2,000)</b>		(£1,000)	(£1,000)	(£1,200)	(£1,200)	(£2,000)	(£1,200)	(£25)	(£50)
Current fee	<b>£2,000</b>	<b>£249</b>	<b>£344</b>	£848	£394	£394	£1,695	£674	£25	£50
proposed fee	<b>£2,000</b>	<b>£288</b>	<b>£398</b>	<b>£982</b>	<b>£456</b>	<b>£456</b>	<b>£2,000</b>	<b>£781</b>	<b>£25</b>	<b>£50</b>
<b>Race Tracks</b> stat. max.)	<b>(£2,500)</b>		(£1,000)	(£1,250)	(£950)	(£950)	(£2,500)	(£950)	(£25)	(£50)
Current fee	<b>£2,500</b>	<b>£324</b>	<b>£424</b>	£1,060	£805	£805	£2,119	£805	£25	£50
proposed fee	<b>£2,500</b>	<b>£375</b>	<b>£491</b>	<b>£1,228</b>	<b>£933</b>	<b>£933</b>	<b>£2,455</b>	<b>£933</b>	<b>£25</b>	<b>£50</b>
<b>Family Entertainment Centres</b> (stat. max.)	<b>(£2,000)</b>		(£750)	(£1,000)	(£950)	(£950)	(£2,000)	(£950)	(£25)	(£50)
Current fee	<b>£2,000</b>	<b>£249</b>	<b>£323</b>	£1,000	£370	£370	£2,000	£950	£25	£50
proposed fee	<b>£2,000</b>	<b>£288</b>	<b>£374</b>	<b>£1,000</b>	<b>£429</b>	<b>£429</b>	<b>£2,000</b>	<b>£950</b>	<b>£25</b>	<b>£50</b>
<b>Betting Premises</b> (stat. max.)	<b>(£3,000)</b>		(£600)	(£1,500)	(£1,200)	(£1,200)	(£3,000)	(£1,200)	(£25)	(£50)
Current fee	<b>£3,000</b>	<b>£249</b>	<b>£344</b>	£1,272	£394	£394	£2,573	£674	£25	£25
proposed fee	<b>£3,000</b>	<b>£288</b>	<b>£398</b>	<b>£1,474</b>	<b>£456</b>	<b>£456</b>	<b>£2,981</b>	<b>£781</b>	<b>£25</b>	<b>£50</b>
<b>Temporary Use Notice</b> (stat. max.)	<b>(£500)</b>	N/A	N/A	N/A	N/A	N/A	N/A	N/A	(£25)	N/A
Current fee	<b>£275</b>								£25	
Proposed fee	<b>£319</b>								£25	

## Appendix 3B

### **GAMBLING ACT 2005 – PRESCRIBED FEES**

**These fees were set nationally by Government in 2007 and may not be changed. There are no proposals from Government to revise these fees.**

#### **Alcohol Licensed Premises**

Notification of up to 2 machines	<b>£50</b>
Permit for 3 or more machines (transitional)	<b>£100</b>
New Permit for 3 or more machines	<b>£150</b>
Variation	<b>£100</b>
Transfer of permit	<b>£25</b>
New name to be substituted	<b>£25</b>
Copy permit	<b>£15</b>
1 <sup>st</sup> Annual fee (3 or more machines)	<b>£50</b>
Annual fee (3 or more machines)	<b>£50</b>

#### **Club Gaming and Machine Permits**

Renewal and Transitional	<b>£100</b>
New	<b>£200</b>
Renewal after 10 years	<b>£200</b>
Variation	<b>£100</b>
Copy permit	<b>£15</b>
1 <sup>st</sup> Annual fee	<b>£50</b>
Annual fee	<b>£50</b>

#### **Unlicensed Family Entertainment Centres**

Transitional	<b>£100</b>
New	<b>£300</b>
Renewal after 10 years	<b>£300</b>
New name to be substituted	<b>£25</b>
Copy permit	<b>£15</b>

#### **Lotteries**

New	<b>£40</b>
Annual Fee	<b>£20</b>

**LICENSING ACT 2003 - PRESCRIBED FEES**

**These fees were set nationally by Government in 2005 and can only be changed by national legislation.**

**Application Fee**

Rateable Value	Premises Value	Published
		21 January 2005
<b>A</b>	No rateable value up to £4,300	<b>£100</b>
<b>B</b>	£4,301 to £33,000	<b>£190</b>
<b>C</b>	£33,001 to £87,000	<b>£315</b>
<b>D</b>	£87,001 to £125,000	<b>£450</b>
<b>E</b>	£125,001 and above	<b>£635</b>
<b>D primarily alcohol</b>	2 x multiplier	<b>£900</b>
<b>E primarily alcohol</b>	3 x multiplier	<b>£1,905</b>

**Annual Charge**

Rateable Value	Premises Value	Published
		21 January 2005
<b>A</b>	No rateable value up to £4,300	<b>£70</b>
<b>B</b>	£4,301 to £33,000	<b>£180</b>
<b>C</b>	£33,001 to £87,000	<b>£295</b>
<b>D</b>	£87,001 to £125,000	<b>£320</b>
<b>E</b>	£125,001 and above	<b>£350</b>
<b>D primarily alcohol</b>	2 x multiplier	<b>£640</b>
<b>E primarily alcohol</b>	3 x multiplier	<b>£1,050</b>

**Other Fees**

Personal Licence (grant)	<b>£37</b>
Temporary Event Notice (TEN)	<b>£21</b>
Theft/loss of premises licence/club certificate, summary, personal licence or TEN	<b>£10.50</b>
Provisional Statement	<b>£315</b>
Change of name, address, club rules	<b>£10.50</b>
Personal Licence Change of details.	<b>£10.50</b>

Variation of DPS	<b>£23</b>
Transfer of premises licence	<b>£23</b>
Interim Authority Notice	<b>£23</b>
Right of Freeholder notification	<b>£21</b>
Minor Variation	<b>£89</b>
Variation to include alternative condition (no DPS)	<b>£23</b>

## **APPENDIX 4b**

### **Licensing Act 2003- Classification of Film**

First film (any length)	£180
Additional Film (30 mins+)	£120
Additional Film (under 30 mins)	£70

\*additional film refers to circumstances where films are submitted in groups – such as for a film festival – not in a particular time period such as within the same year.



**Summary of Relevant Case Law**

R (on the application of Carl Cummings and others) v The County Council of the City of Cardiff [2014] EWHC 2544 (Admin)

The Claimants challenged successfully the lawfulness of the taxi and private hire fees set by Cardiff City Council, resulting in the refund of some £1.2 million to the taxi trade in respect of overpaid fees. This case was a Judicial Review of a Cardiff City Council decision. The court found that the Council had not been properly accounting and keeping record of any surplus or deficit dating back to 01 May 2009, and that the fees that had been set over the subsequent years had therefore been set without taking into account any such surplus or deficit. These surpluses and deficits can only be accounted for and taken into account within the specific regime that they cover (either hackney carriage or private hire), and surpluses from one regime cannot be used to offset deficits in the other regime. In other words, Councils are required to keep separate accounts for both the hackney carriage regime and the private hire regime, and must ensure that one is not supporting the other financially. Councils ought to separate out the five streams of taxi licensing (comprising vehicles, drivers and operators) when collecting their licence fees, to ensure no cross-subsidy within these streams. Moreover, Councils must not use the licensing fees as an income generating scheme.

R (on the application of Abdul Rehman on behalf of the Wakefield District Hackney Carriage and Private Hire Association) v Wakefield District Council and the Local Government Association (intervener) [2019] EWCA Civ 2166

This case, known as Rehman v Wakefield Council, was a Court of Appeal matter which clarified the law on taxi and private hire enforcement costs. Wakefield Council had imposed the cost of enforcement activity in relation to drivers onto the vehicle licence fees. Wakefield's Taxi and Private Hire Association challenged this, on the basis that Wakefield's calculations were unlawful because it was a form of cross-subsidising fees. The case clarified the correct procedure that councils must apply when setting taxi and private hire fees – namely that costs associated with monitoring and enforcing driver conduct must be factored into to driver licensing fees under s53 LG(MP)A 1976, and not vehicle licence fees under s70 (as had been the practice in Wakefield). The case therefore reaffirmed the principle that cross-subsidisation of taxi and private hire fees is not permitted in law.

R v Manchester City Council ex parte King (89 LGR 696 [1991]; The Times, 3 April 1991)

This was a street trading case that established that local authorities may only charge reasonable fees for licences and cover the Council's costs in the administration of those application types and issue costs - but not use them to raise revenue. The Council had set licence fees at a commercial rate, considering that the calculation of a 'reasonable fee' was a matter for their own discretion. But the court held that the fees must be related to the street trading scheme, and the costs of operating that scheme. The Council could therefore charge such fees as it reasonably considered would cover the total cost of operating the street trading scheme (or such lesser part of the cost of operating the street trading scheme as they considered reasonable). NB – this does not mean that any surplus revenue makes the fee structure invalid. The original position will remain valid provided that it can be said that the Council reasonably considered such fees would be required to meet the total cost of operating the scheme, even if the fees levied turn out to exceed the cost of operating the scheme.

#### R v Westminster City Council ex parte Hutton (1985) 83 LGR 516

This case was tried and reported with R v Birmingham City Council, Ex p Quietlynn Ltd (1985) 83 LGR 461, 517 and confirmed the principle that licensing fees may lawfully include amounts calculated to cover the cost to the licensing authority of regulation and enforcement. Hutton challenged the fee set for applying for a licence to operate a sex shop, on the basis that the administrative costs on which the fee was based included a sum representing the supposed shortfall in fee income against administrative costs in the previous year. The court held that the fee could reflect not only the processing of applications, but also 'inspecting premises after the grant of licences and for what might be called vigilant policing ... in order to detect and prosecute those who operated sex establishments without licences'. The Council was free to fix fees reflecting those necessary elements on a rolling basis, without adjusting surpluses and deficits in each year. This was on the basis that the statutory accounts of local authorities are structured such that shortfalls in one year must be carried into the next year's accounts. The court accepted Westminster's contention that when a charge is based on an annual budget, which must be concerned with situations which themselves will not be verifiable until after the end of the year in question, the only sensible way to fix the level of the charge is to take one year with another.

#### R (on the application of Hemming (t/a Simply Pleasure Ltd) and others) v Westminster City Council [2015] - 29th April 2015; [2015] UKSC 25, [2015] BLGR 753, [2015] PTSR 643, [2015] WLR(D) 193, [2015] AC 1600, [2015] 3 CMLR 9, [2015] LLR 564, [2015] 2 WLR 1271, UKSC 2013/0146

The Hemming case was a Supreme Court decision which overturned a Court of Appeal decision which had in turn upheld the decision of the lower court. Many commentators feel that the Supreme Court decision "restored common sense to the question of what licensing and other regulatory fees can lawfully include". The

Supreme Court affirmed the principle in *ex p. Hutton* – namely that licensing fees may lawfully include amounts calculated to cover the cost to the licensing authority of regulation and enforcement.

Hemming's argument was that the approach approved 30 years before in *ex p. Hutton* was no longer lawful due to the effect of an EU Directive which had been implemented into domestic law under Regulations. Hemmings asserted that the Directive and Regulations precluded Westminster from including costs of enforcement activities against unlicensed operators in determining the licence fees payable by licensed operators; he felt that these costs should be covered by revenue from Council Tax and business rates. The huge importance of the case, not only to all other Council licensing departments but also to other (entirely unrelated) regulatory bodies, was such that when the case came before the Supreme Court there were nine Interveners before the Court - including the Architects Regulation Board, the Solicitors Regulation Authority, the Bar Standards Board, the Local Government Association and HM Treasury.

The decision was that the Directive and Regulations were solely concerned with ensuring that the costs charged for authorisation procedures (ie the clerical and administrative aspects of authorisation) were reasonable and proportionate to the actual costs of those procedures; they in no sense precluded licensing authorities from also including the costs of regulatory and enforcement activities in the total licence fees payable by licensed operators. The court saw no reason why the fee should not be set at a level enabling the authority to recover from licensed operators "the full cost of running and enforcing the licensing scheme, including the costs of enforcement and proceedings against those operating sex establishments without licences." Likewise, with regard to other areas of licensable activity (where licensing authorities are empowered by domestic legislation to recover the costs of enforcement activity through licence fees) and regulated activity (e.g. practising as an architect, barrister or solicitor) - the decision of the Supreme Court has made clear that the Directive and Regulations do not preclude licensing authorities, or other regulatory bodies, from continuing to recoup their enforcement costs through fees charged to licensed operators or certified practitioners.

There is a related point - the Supreme Court said that one aspect should be referred to the European Court of Justice, namely Westminster's chosen method of exercising its right to recover the costs of enforcement. Westminster charged all applicants for sex establishment licences a fee that included both a sum to cover the cost of administering the application and a sum representing a contribution towards Westminster's costs of enforcement. The latter sum was refunded to unsuccessful applicants, whilst the former sum was not.

The Supreme Court asked the ECJ to determine whether that particular method of charging, which effectively deprives unsuccessful applicants of the use of the latter sum whilst their application is being considered, fell foul of the Directive (as opposed to an alternative method of charging only the successful applicants with the contribution towards the costs of enforcement).

In its judgment the ECJ concluded that the Directive must be interpreted as precluding a requirement for the payment of a fee, at the time of submitting an application for the grant or renewal of authorisation, part of which corresponds to the costs relating to the management and enforcement of the authorisation scheme concerned, even if that part is refundable if that application is refused. The citation of this ECJ decision is: Hemming (Judgment) [2016] EUECJ C-316/15 (16 November 2016): [2017] 3 WLR 317, [2017] LLR 189, [2016] WLR(D) 608, [2017] PTSR 325, ECLI:EU:C:2016:879, [2018] AC 650, [2017] CEC 920, EU:C:2016:879, [2016] EUECJ C-316/15

**BIRMINGHAM CITY COUNCIL**

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

**15 NOVEMBER 2023**  
**ALL WARDS**

**REVIEW OF STREET TRADING CONSENT FEES AND CHARGES 2024/2025**

1. Summary

- 1.1 The Corporate Charging Policy and Financial Regulations require that fees and charges levied by the Licensing and Public Protection Committee be reviewed on an annual basis to ensure the continued full recovery of costs.
- 1.2 It should be noted that some of the fees relating to areas which come within your Committee's remit are set nationally through statute, and these cannot be varied by your Committee. Street Trading Fees do not fall into this category.

2. Recommendations

- 2.1 That the changes to the Street Trading Service fees and charges as detailed in Appendix 1 be approved to take effect from 1 December 2023 to apply to all consents from 1 April 2024.

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### 3. Background

- 3.1 The City Council's Corporate Charging Policy and Financial Regulations require that Chief Officers, at least annually, report to and seek approval from Committee on a review of all fees and charges levied for services provided. This report also takes account of the legal framework within which certain licence fees must be set.
- 3.2 The Street Trading service receives no corporate budget allocation and as such must meet any and all expenditure from within its own income. The level of income is entirely dependent upon the number of consents applied for, issued or renewed in a particular year.
- 3.3 In order to ensure the fees accurately reflect the true cost of administering and processing the licences the fee calculations are ordinarily based on the finalised accounts from the previous financial year as this is more reliable than trusting in projections and estimates and is accepted as best practice in fee calculations of this kind. At the time of writing the report, the accounts for 2022/23 were not yet finalised but have been used as the best available information.
- 3.4 Members will be aware that an increase was made to the fees last year of either 10 or 12% following a report brought before this committee, rather than the full recovery of costs.
- 3.5 A blanket percentage change is not applied and each fee has been reviewed to take into account the use of carry forward balances (where applicable), changes in overhead costs and processing times in relation to that particular fee.
- 3.6 The fees proposed in this report are calculated to recover the full cost of carrying out the service. This includes all administrative costs, any recharge of officers' time in appropriate cases when carrying out inspections of premises and other compliance duties (where applicable).
- 3.7 The fees proposed fulfil the main requirement of assuring that full costs are recovered from the income generated wherever possible.
- 3.8 The legal requirement for a Licensing Service to recover only "reasonable costs" takes precedence over the City Council's Corporate Charging Policy and the requirement to maximise income. Licence fees prescribed by statute also take precedence over the Corporate Charging Policy.
- 3.9 In setting the fees we have also taken account of the various precedents set by case law in the various areas of licensing. A summary of these cases is provided at Appendix 2

#### 4. The Proposed Fees:

- 4.1 In order to ensure the fees reflect the cost of administering the consent scheme and processing the consents, as well as compliance with those consents (and a proportion for enforcement against illegal street traders), the fee calculations are based on the latest accounts for the street trading service for 2022/23.
- 4.2 Members will note that the fees are split into a non-refundable application fee and a consent fee. This split is required further to case law set by R (Hemming and Others) vs Westminster City Council. Each fee takes account of salary costs, overhead costs, and processing and activity times.
- 4.3 The time taken to process and administer (including compliance) each consent type has been calculated using actual costs. Costs for peripheral items such as the installation of electrical supplies for trading units, legal costs and mileage costs are added in after the time is calculated, as has any restitution of carry forward balances.
- 4.4 The reason for the higher cost for annual consents in the city centre is that street traders in this area will be visited weekly to ensure compliance and to resolve any logistical or other issues. Outer city traders and occasional traders over 12 days will be visited at least monthly.
- 4.5 The reason for the higher cost of an Occasional Sports Stadia Consent is because compliance visits at these venues will need to be done in pairs to ensure health and safety both due to the crowded environment and also the time of day (some evening work)
- 4.6 It should be noted that there has been an increase in all fees compared to last year. There are a number of reasons for this, further updating the timings for the process, a need to recover overspend from last year and there was a reduction in the number of traders last year.

#### 5. Consultation

- 5.1 Under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 (LGMPA 82), a district council may charge such fees as they consider reasonable for the grant or renewal of a street trading licence or a street trading consent. There is no requirement to consult.

#### 6. Implications for Resources

- 6.1 The proposals are consistent with the proposed budget for 2024/25 for the Licensing and Public Protection Committee that will be reported to you in March 2024, subject to prior approval by City Council. This will ensure that the services continue to be managed within the approved cash limits and in line with the financial regulations relating to these services.

- 6.2 The fees and charges proposed within this report are calculated based on historic income and expenditure for 2022/23 and include the direct costs of the delivery of services and a proportion of indirect central business support costs e.g. Human Resources, Legal, IT, Finance, Procurement and Democratic costs.
- 6.3 It should be noted that fees and charges are reviewed annually and that they may increase or decrease depending on the cost of delivering the service in the previous year and any carry forward balances.
- 6.4 There are three possible ways in which the fees could be challenged:
- Judicial review of the Council decision based on the decision being Ultra Vires or considered to be unreasonable or irrational (known as Wednesbury Principles).
  - Through the District Auditor – if a Birmingham resident objects to the Local Authority accounts on the grounds that an item is contrary to law or
  - If the Council proposes to set an unlawful fee. This must be reported to and considered by the Monitoring Officer.
- 6.5 The proposed fees have been calculated having regard to the accounts of the previous financial year in accordance with best practice advice and with regard to significant case law. There is no statutory method in which to calculate the fees.
- 6.6 Any decision to set fees otherwise than in accordance with the proposals within this report without appropriate justification is likely to increase the risk of challenge.

## 7. Implications for Policy Priorities

- 7.1 The recommendations are in accordance with Financial Regulations and budget requirements.
- 7.2 The legal requirement for a Licensing Service to recover only “reasonable costs” takes precedence over the City Council’s Corporate Charging Policy and the requirement to maximise income.

## 8. Public Sector Equality Duty

- 8.1 The fees that are proposed in this report will relate to all consent holders and applicants for consents regardless of their protected characteristics. The fees are calculated on the cost of delivering the service and consequently an Equalities Assessment has not been undertaken.

Background Papers:  
Birmingham City Council – Corporate Charging Policy



## APPENDIX 1

### The Proposed Fees

Transaction Type	Current Fee	Proposed fee 24-25	Difference	% Change
Application Fee for any type of Consent	£ 583	£ 685	£ 102	18
Renewal Application Fee for any type of Consent	£ 299	£ 351	£ 52	17
Annual City Centre Licence fee	£ 6,165	£ 7,471	£ 1,305	21
Annual out of city Licence fee	£ 2,602	£ 3,192	£ 590	23
Occasional 21-30 Licence fee	£ 1,266	£ 1,487	£ 221	17
Occasional 11-20 Licence fee	£ 683	£ 802	£ 119	17
Occasional up to 10 Licence fee	£ 384	£ 451	£ 67	18
STADIA Annual Licence fee	£ 3,342	£ 3,928	£ 586	18
STADIA Occasional 21-30 Licence fee	£ 2,787	£ 3,276	£ 489	18
STADIA Occasional 11-20 Licence fee	£ 1,365	£ 1,604	£ 239	18
STADIA Occasional up to 10 Licence fee	£ 768	£ 903	£ 135	18

## APPENDIX 2

### Summary of Relevant Case Law

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The Hemming case was a Supreme Court decision which overturned a Court of Appeal decision which had in turn upheld the decision of the lower court. Many commentators feel that the Supreme Court decision “restored common sense to the question of what licensing and other regulatory fees can lawfully include”. The Supreme Court affirmed the principle in *ex p. Hutton* – namely that licensing fees may lawfully include amounts calculated to cover the cost to the licensing authority of regulation and enforcement.

Hemming’s argument was that the approach approved 30 years before in *ex p. Hutton* was no longer lawful due to the effect of an EU Directive which had been implemented into domestic law under Regulations. Hemmings asserted that the Directive and Regulations precluded Westminster from including costs of enforcement activities against unlicensed operators in determining the licence fees payable by licensed operators; he felt that these costs should be covered by revenue from Council Tax and business rates. The huge importance of the case, not only to all other Council licensing departments but also to other (entirely unrelated) regulatory bodies, was such that when the case came before the Supreme Court there were nine Interveners before the Court - including the Architects Regulation Board, the Solicitors Regulation Authority, the Bar Standards Board, the Local Government Association and HM Treasury.

The decision was that the Directive and Regulations were solely concerned with ensuring that the costs charged for authorisation procedures (ie the clerical and administrative aspects of authorisation) were reasonable and proportionate to the actual costs of those procedures; they in no sense precluded licensing authorities from also including the costs of regulatory and enforcement activities in the total licence fees payable by licensed operators. The court saw no reason why the fee should not be set at a level enabling the authority to recover from licensed operators

“the full cost of running and enforcing the licensing scheme, including the costs of enforcement and proceedings against those operating sex establishments without licences.” Likewise, with regard to other areas of licensable activity (where licensing authorities are empowered by domestic legislation to recover the costs of enforcement activity through licence fees) and regulated activity (e.g. practising as an architect, barrister or solicitor) - the decision of the Supreme Court has made clear that the Directive and Regulations do not preclude licensing authorities, or other regulatory bodies, from continuing to recoup their enforcement costs through fees charged to licensed operators or certified practitioners.

There is a related point - the Supreme Court said that one aspect should be referred to the European Court of Justice, namely Westminster's chosen method of exercising its right to recover the costs of enforcement. Westminster charged all applicants for sex establishment licences a fee that included both a sum to cover the cost of administering the application and a sum representing a contribution towards Westminster's costs of enforcement. The latter sum was refunded to unsuccessful applicants, whilst the former sum was not.

The Supreme Court asked the ECJ to determine whether that particular method of charging, which effectively deprives unsuccessful applicants of the use of the latter sum whilst their application is being considered, fell foul of the Directive (as opposed to an alternative method of charging only the successful applicants with the contribution towards the costs of enforcement).

In its judgment the ECJ concluded that the Directive must be interpreted as precluding a requirement for the payment of a fee, at the time of submitting an application for the grant or renewal of authorisation, part of which corresponds to the costs relating to the management and enforcement of the authorisation scheme concerned, even if that part is refundable if that application is refused. The citation of this ECJ decision is: Hemming (Judgment) [2016] EUECJ C-316/15 (16 November 2016): [2017] 3 WLR 317, [2017] LLR 189, [2016] WLR(D) 608, [2017] PTSR 325, ECLI:EU:C:2016:879, [2018] AC 650, [2017] CEC 920, EU:C:2016:879, [2016] EUECJ C-316/15

**BIRMINGHAM CITY COUNCIL**

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

**15 NOVEMBER 2023**

**ALL WARDS**

**REVIEW OF FIXED PENALTY NOTICE TARIFFS FOR LITTERING, FLY-TIPPING,  
DUTY OF CARE, FLY-POSTING AND GRAFFITI**

1. Summary

- 1.1 The Corporate Charging Policy and Financial Regulations requires that fees and charges levied by the Licensing and Public Protection Committee are reviewed on, at least, an annual basis. This fixed penalty notice tariff review is normally undertaken as part of the annual fees and charges reports, the last one being at 18<sup>th</sup> January 2023 committee.
- 1.2 It is proposed that fixed penalty notices for the offences of littering, fly-tipping, duty of care, graffiti and fly-posting be reviewed having consideration to new legislation which came into force on 31<sup>st</sup> July 2023 increasing the maximum tariff for these fixed penalty notices.

2. Recommendations

- 2.1 That the proposed tariff for fixed penalty notices relating to littering, fly-tipping, duty of care, graffiti and fly-posting be reviewed and that the recommendations put forward by your Officers be approved.
- 2.2 Subject to the agreement of this Committee, it is proposed that the new tariffs commence on the 1<sup>st</sup> January 2024.

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

3.1 In March 2023, Government introduced an Anti-Social Behaviour (ASB) Action Plan aimed at tackling a range of anti-social behaviour including littering, fly-posting, graffiti and fly-tipping. As part of the action plan Government sort to provide agencies with the tools they needed to discourage such anti-social behaviour. This included higher on the spot fines for offences in the form of Fixed Penalty Notices. These increased tariffs were enacted under The Environmental Offences (Fixed Penalties) (Amendment) (England) Regulations 2023 which came into force on the 31<sup>st</sup> July 2023.

3.2 This report set out a review of these Fixed Penalty Notices and makes a number of recommendations where tariffs should be increased in light of the new legislation.

### 4. Proposed fixed penalty notice tariffs for 2023/2024

The proposed new Fixed Penalty Notice tariffs are tabulated below. Subject to the agreement of this Committee, it is proposed that the new tariffs commence on the 1<sup>st</sup> January 2024.

4.1 Out of all of the fixed penalty notices identified in this report, the vast majority are issued for the offence of littering. In recent years your Officers have encountered an increasing number of citizens who are advising that they are experiencing difficulties in paying fixed penalty notices issued for littering offences. As such citizens who identify themselves as suffering from financial hardship are offered a 12-week extension period in which to make payment (statutory payment period is 14 days). Increasing the tariff for littering offences is also likely to increase this pressure and will put further pressures on the service to undertake even more prosecutions for non-payment and there are insufficient staff to affect this. As such an increase in the penalty for the offence of littering at this stage is not recommended by Officers.

4.2 Committee can consider varying the tariff for FPNs and if so minded can increase or reduce any FPN tariff within the specified range.

4.3 Early repayment discounts were discontinued as few people took note of the timelines and most paid the lower payments significantly after the expiry of the discounted period. This led to inequalities and administration difficulties. It is your Officer's recommendation that Committee do not reinstate early payment rates unless committee is minded to increase the FPN tariff significantly higher than what is recommended by your officers.

## FIXED PENALTY NOTICE (FPN) TARIFFS

OFFENCE	LEGISLATION	PREVIOUS TARIFF RANGE	EXISTING TARIFF	NEW TARIFF RANGE	NEW TARIFF
Unauthorised deposit of waste (fly-tipping)	S.33ZA Environmental Protection Act 1990	<b>Between £150 and £400</b>  Minimum discount for early payment £120	<b>£400</b>	<b>Between £150 and £1,000</b>  Minimum discount for early payment £120	<b>£400 – from a domestic premises</b>  <b>£1,000 – From a commercial or industrial premises.</b>
Domestic Duty of Care	Section 34ZA Environmental Protection Act 1990	<b>Between £150 to £400</b>  Discount can be set between £120 & £150	<b>£200</b>  No discount for early payment	<b>Between £150 to £600</b>  Discount can be set between £120 & £150	<b>£200</b>
Graffiti and fly-posting	S.43(1)(a) Anti-Social Behaviour Act 2003	<b>Between £65 - £150</b>  Minimum discount for early payment £65.	<b>£150</b>  No discount for early payment	<b>Between £65 - £500</b>  Minimum discount for early payment £65.	<b>£500</b>
Litter	S.88(6A)(a) Environmental Protection Act 1990	<b>Between £65 - £150</b>  Minimum discount for early payment £65.	<b>£150</b>  No discount for early payment	<b>Between £65 - £500</b>  Minimum discount for early payment £65.	<b>£150</b>

***Please read in conjunction with Appendix 1***

## 5. Consultation

5.1 Officers from the City Council Waste Management's Waste Enforcement Unit have been consulted and are in agreement with this proposal.

## 6. Implication for Resources

6.1 There is a potential for increased FPN tariffs to lead to an increased instances of non-payment. This in turn would increase the number of cases referred to the Magistrate Courts. Any significant rise in prosecutions means there would be insufficient officers and solicitors to accommodate this increase prosecution rate.

## 7. Implications for Policy Priorities

7.1 The recommendations are in accordance with Financial Regulations, budget requirements and Corporate Charging Policy.

## 8. Public Sector Equality Duty

8.1 There are no specific implications identified.

# **DIRECTOR OF REGULATION AND ENFORCEMENT**



## **Appendix 1**

**Unauthorised deposit of waste (fly-tipping)** - FPNs are used in cases of small-scale fly-tipping (for example 2 or more bags of domestic waste). Where there is equivalent of less than one bag of domestic waste has been fly-tipped then this can be dealt with by way of a littering FPN. Where significant amounts of waste have been fly-tipped or the waste is identified as hazardous, then a fixed penalty notice would not be offered, and these incidents would be reported directly for prosecution. The average fine awarded for fly-tipping offences in 2022/2023 were £697.56 and £544 costs. Any fines and costs awarded by the Courts have to have regards to the Sentencing Council guidelines which take into account level of culpability together with the level of harm caused. The Courts also have to take into account means to pay and have to give a 33% discount in the case of an early guilty plea.

**Domestic, Commercial and Industrial Waste** – is as defined in Sec 75 of the Environmental Protection Act 1990 (and regulations made under the Act).

**Domestic duty of care** - this relates to a householders duty to ensure that any waste that they dispose of is transferred to an authorised person or a person who is authorised to transport waste. There is a lack of knowledge amongst the wider community about this legal responsibility. Whilst in some cases there may be a degree of culpability by householders e.g. employing a company offering to dispose of waste for unrealistically low cost, there may also be instances where a householder has in good faith believed that they were employing a reputable company without making suitable background enquiries or asking for evidence of the companies credentials. As such it is recommended that the FPN is held at the current rate to reflect this. Where the level of culpability is high, this does not negate the Council's ability to prosecute for the offence rather than offer a fixed penalty notice.

**Graffiti and fly-posting** – FPNs can be issued to individuals who are caught in the act of committing acts of committing graffiti or flyposting offences. Given significant and detrimental impact these activities have on the local community the preferred course of action in most instances would be to prosecute for the offences.

**Litter** – The City Council issues in the region of 7,000-8,000 fixed penalty notices across the city each year for littering. The majority of the fixed penalty notices that are issued are for cigarette ends. Previous increases in FPN tariffs have shown a decrease in payment rates leading to additional pressures on the City Council's Legal Services Department in progressing prosecution. In 2022/2023, 992 people were prosecuted for the offence of littering after failing to discharge their liability to the offence by way of a fixed penalty notice. This led to an average fine of £220.20 (retained by the Courts) and costs of £133.79 (payable to the Council). Benchmarking though the Department's FPN Enforcement Contractor has shown that BCC already has the highest FPN tariff for sites that they operate. Officers have advised that they are receiving increased aggression from offenders on the street and difficulty in obtaining name and address details. Officers have no ability to detain offenders who

may choose to walk off without providing their details. This creates an additional pressure on Officers in attempting to confirm details and in some instances requires the intervention of Officers from West Midlands Police. Any increase in FPN tariff is likely to increase the number of walk offs.

**BIRMINGHAM CITY COUNCIL**

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

**15 NOVEMBER 2023**  
**ALL WARDS**

**SELECTIVE AND ADDITIONAL PROPERTY LICENSING SCHEMES UPDATE**

**1.0 Summary**

- 1.1. An update of the Selective and Additional Licensing Schemes which became a legal requirement in Birmingham on the 5 June 2023, which is the date the designations came into force.

**2.0 Recommendation**

- 2.1 Report be noted.

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### **3.0 Background**

- 3.1 Following an extensive consultation period and approval from Cabinet and DLUHC, both the Selective and Additional Licensing Schemes became a legal requirement on the 5 June 2023 in Birmingham and will run for 5 years.
- 3.2 The Selective Licensing Scheme is applicable to privately rented single household properties located in 25 wards of the City. The wards were evidentially identified based on the percentage of rental properties, together with levels of crime and or deprivation. It is estimated that there are 54 000 licensable properties in these areas.
- 3.3 The Additional Licensing Scheme is active city wide and is applicable to private rented properties which house 3 or 4 residents from 2 or more households who share one or more amenity. These properties are often termed 'Small' Houses in Multiple Occupation (HMO's) and amount to approximately 8 000 properties city wide.
- 3.4 Both these schemes compliment the Mandatory HMO Licensing Scheme which has been a legal requirement nationwide since 2006 and which covers approximately 2,500 private rented properties, housing 5 or more residents from 2 or more households who share one or more amenity.
- 3.5 Whilst all the schemes have similar outcomes, the Selective Scheme seeks to tackle crime and deprivation and the Additional Scheme to deal with anti-social behaviour (ASB) and waste / rubbish issues. However, the overall aim and role of the Service is to improve the living conditions of tenants and improve neighbourhoods.

### **4.0 Number of Applications Received and Licences Issued**

- 4.1 Between the 5 June and the 20 October 2023:

	<b>Selective</b>	<b>Additional</b>
<b>Applications in Progress</b>	14 784	1122
<b>Draft Licences Issued</b>	759	184
<b>Licences Issued</b>	2373	156
<b>Total Applications Received</b>	17 916	1462

- 4.2 To date Selective Licences have been received from all wards in the city with 'Ladywood' and 'Soho & Jewellery Quarter' wards submitting the most, and 'Ward End' and 'Lozells' wards the least.
- 4.3 Whilst it is expected that there are far fewer properties which are required to hold an Additional Licence, we have received applications from only 48 of the 69 wards. This information together with the levels of applications in each of the wards will be used to direct compliance and communication activity to ensure licensable properties are compliant with the legislation.

#### 4.4 The City-wide distribution of the applications by ward is as follows:

Ward	Additional Licence	Selective Licence	Total	Ward	Additional Licence	Selective Licence	Total
Acoccks Green	7	613	620	Moseley	9	N/A	9
Allens Cross	0	N/A	0	Nechells	52	N/A	52
Alum Rock	3	326	329	Newtown	44	N/A	44
Aston	18	430	448	North Edgbaston	40	1045	1085
Balsall Heath West	146	199	345	Northfield	2	N/A	2
Billesley	2	N/A	2	Perry Barr	1	N/A	1
Birchfield	3	175	178	Pype Hayes	1	N/A	1
Bordesley & Highgate	31	1773	1804	Quinton	8	N/A	8
Bordesley Green	4	208	212	Sheldon	0	N/A	0
Bournbrook & Selly Park	462	467	929	Small Heath	4	263	267
Bournville & Cotteridge	62	N/A	62	Soho & Jewellery Quarter	62	2606	2668
Brandwood & Kings Heath	5	N/A	5	South Yardley	3	330	333
Bromford & Hodge Hill	1	N/A	1	Sparkbrook & Balsall Heath East	8	397	405
Castle Vale	2	N/A	2	Sparkhill	3	333	336
Edgbaston	34	919	953	Stirchley	14	N/A	14
Erdington	10	N/A	10	Stockland Green	15	846	861
Garretts Green	0	N/A	0	Sutton Mere Green	0	N/A	0
Glebe Farm & Tile Cross	2	N/A	2	Sutton Trinity	3	N/A	3
Gravelly Hill	6	346	352	Sutton Vesey	2	N/A	2
Hall Green North	1	N/A	1	Sutton Wylde Green	2	N/A	2
Handsworth	2	192	194	Tyseley & Hay Mills	4	295	299
Handsworth Wood	26	N/A	26	Ward End	6	153	159
Harborne	86	N/A	86	Weoley & Selly Oak	82	N/A	82
Heartlands	1	175	176	Yardley West & Stechford	2	186	188
Holyhead	14	283	297	Longbridge & West Heath	1	N/A	1
Ladywood	163	5256	5419				
Lozells	3	100	103	Total	1462	17916	19378

## 5.0 Communications

- 5.1 As part of the legislation linked to the administration of the schemes section 85(4) of the Housing Act 2004 states that:

*“The local housing authority must take all reasonable steps to secure that applications for licences are made to them in respect of houses in their area which are required to be licensed under this Part but are not so licensed.”*

- 5.2 To achieve this there have been and will continue to be a number of campaigns to promote the schemes and the legal requirement for applicable properties to be licenced. Details of some of these activities are as follows.
- 5.3 Ahead of the launch of the schemes there were a number of press articles and adverts in local newspapers and this will continue throughout the life of the current schemes.

- 5.4 The most recent campaign started on the 9 September 2023 and included an advert twice a week for four weeks in the Birmingham Mail. This was supported by an article on their website and numerous social media promotions.
- 5.5 The digital property licensing article received 3 500 views with people spending an average of 4:56 mins on the page. People from outside the UK also accessed the article including some from Europe, India, the United States and Canada. These may be current overseas landlords, and this demonstrates the 'reach' of such campaigns.
- 5.6 Posted alongside other articles on the Birmingham Mail website was an advertisement from Birmingham City Council entitled "Check if your privately rented property has the right licence" which linked to the property licencing article. This advertisement was seen by 21 524 people.
- 5.7 The same advertisement was posted on social media (Facebook and Instagram) and appeared on 246 335 devices, was 'clicked on' 42 639 times, and resulted in 5343 visits to our Property Licensing web page.
- 5.8 Apart from digital promotion referred to above, an information leaflet on the schemes has been developed. This leaflet will be distributed to 450 087 residential and 23 820 business properties throughout Birmingham from the 20 November.
- 5.9 Letters are also being sent to suspected landlords who are yet to get a licence and the Service are emailing a large number of managing / letting agents in the Birmingham, to encourage compliance.
- 5.10 Whilst ignorance of the schemes is not a legal defence. The level and amount of communication which has been undertaken will encourage compliance from good landlords, and support enforcement action against those who have chosen not to operate their property business legally.

## **6.0 Available Resources and Developments**

- 6.1 Since the start of the schemes, applicants have been able to submit and pay for an application via the City Councils dedicated web pages. These pages provide a wealth of information and are constantly being reviewed and improved. Details of all the schemes can be accessed via the simplified web address [www.birmingham.gov.uk/prpl](http://www.birmingham.gov.uk/prpl) .
- 6.2 The section also operates a dedicated email mailbox ([PL@birmingham.gov.uk](mailto:PL@birmingham.gov.uk)) for enquiries. All enquiries are responded to quickly and the team have successfully supported many applicants to gain compliance.

- 6.3 In the past month we have added a link to the Public Register which details information about the licences which have been issued. This is a legal requirement under The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions)(England) Regulations 2006.
- 6.4 Shortly we will be launching an online system for tenants and residents to report disrepair, unlicensed properties, and anti-social behaviour.

## **7.0 Compliance Activities**

- 7.1 In September 2023 compliance activity commenced and the team have started to undertake visits to licensed and unlicensed properties to check adherence to the schemes.
- 7.2 **Fraud:** Through the checks undertaken during the application process the team have successfully identified multiple properties that were unregistered for Council Tax.
- 7.3 For example, an owner of a large property in Birmingham applied for a single Selective Licence. During the review, the Licensing Officer discovered that the property consisted of 15 self-contained flats, none of which were registered for Council Tax.
- 7.4 Prompt action was taken and through liaison with colleagues in Revenues & Benefits and Planning Enforcement, an investigation into potential fraud has commenced.
- 7.5 To date, the Team have identified over 12 unregistered properties and it is anticipated that this number will rapidly rise as we build the size of the team and in turn intensify our efforts to proactively identify unlicensed properties across the city.
- 7.6 **Homelessness:** A further example of where these schemes are already starting to benefit residents of Birmingham and the wider organisation is through tackling homelessness. Our team have been collaborating closely with the Housing Options Team. We have integrated into their process providing vital information when it is needed to assist tenants who present themselves as homeless following receipt of an eviction notice, typically a Section 21 notice.
- 7.7 Effective from the 5 June 2023, any Section 21 notice is only valid if the landlord has either applied for the relevant property licence or has secured a Temporary Exemption Notice.

- 7.8 To date, we have received 172 referrals from the Housing Options Team and have identified 113 invalid Section 21 notices. This has had the effect of delaying and/or preventing homelessness, saving the Council emergency accommodation costs and reducing the impact to the tenant and their family.
- 7.9 As a follow up and using this intelligence, the team have contacted the landlords of these unlicensed properties and have given them a deadline to make an application.
- 7.10 **Energy Performance Certification:** Since April 2018 for new tenancies and from April 2022 for existing tenancies all private rented properties are legally required to have an energy performance rating of E or above.
- 7.11 As part of the application process, properties are checked against the government database for their current Energy Performance Certificate (EPC) rating. If the property does not have a current EPC, doesn't hold an exemption or doesn't meet the minimum legal standard of an E rating then we engage with the owner to ensure compliance.
- 7.12 The [government EPC checker](#) is a really useful resource for property owners as it gives guidance on getting an EPC, and for those properties which already have one it gives advice on how to improve a properties rating including an estimate on how much improvements will cost to implement and what potential savings residents can expect.
- 7.13 The EPC regulation aims to improve the energy efficiency of rented properties and reduce carbon emissions, and in doing so will provide tenants with lower energy bills and improved comfort, which directly links to the aims of the property licensing schemes.
- 7.14 To date the majority of applications which have been received have been from properties which have an EPC rating of E or above, however as we start to identify properties without licences we expect that this will increase the amount of properties which are found to be less energy efficient and fall below the statutory minimum.
- 7.15 **Identification of Illegal HMO:** In June 2020 the City introduced a city-wide Article 4 Direction which means that planning applications must be submitted for any house which is being converted into an HMO to accommodate between 3 and 6 people. This was introduced to stop concentrations of HMO's being created without any consideration being given to the surrounding communities.



- 7.16 The Property Licensing team have already identified HMO's which they suspect are operating without the correct Planning Permission and these are being referred through to Planning Enforcement for investigation. Through the increased communications and inspections which are on going it is expected that the team will identify many more HMO's which are not operating legally.
- 7.17 Apart from ensuring that HMO's are distributed correctly throughout the City so as to reduce impacts on the areas surrounding them; as there is a charge associated with Planning Applications this will also result in additional income to the Planning Department.

## **8.0 Implications for Resources**

- 8.1 The Property Licensing Section operates with a ring fenced budget completely funded by the licence fees.
- 8.2 The general fund is not impacted upon by this Section.

## **9.0 Implications for Policy Priorities**

- 9.1 Whilst the work detailed in this report contributes to a number of the Corporate Plan Priorities 2022-2026, the main impact will be in
- **An Inclusive Birmingham:** through a focus on tackling poverty and inequality, empowering citizens, promoting diversity and civic pride, and supporting and enabling all children and young people to thrive.
  - **A Safe Birmingham:** through a focus on making the city safer, safeguarding vulnerable citizens, increasing affordable housing, and tackling homelessness.
- 9.2 It will achieve this by encouraging safe flourishing neighbourhoods through the teams work to improve the private rented sector and by providing a 'level playing field' for good compliant landlords to offer affordable, safe and green housing which protects all tenants and residents including those most at risk.

## **10.0 Public Sector Equality Duty**

- 10.1 The public sector equality duty is supported by the Property Licensing activities carried out by officers.

## **DIRECTOR OF REGULATION AND ENFORCEMENT**



**BIRMINGHAM CITY COUNCIL**

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

**15 NOVEMBER 2023**  
**ALL WARDS**

**UPDATE REPORT ON UNAUTHORISED ENCAMPMENTS**

1. Summary

- 1.1 This report provides Committee with an update on work being undertaken to further manage unauthorised encampments in the city since the last report on the 20 September 2023.
- 1.2 This report comprises input from Environmental Health (site repossession), Planning (planning policy and site identification) and Housing (site development and management).

2. Recommendations

- 2.1 That the report is noted.

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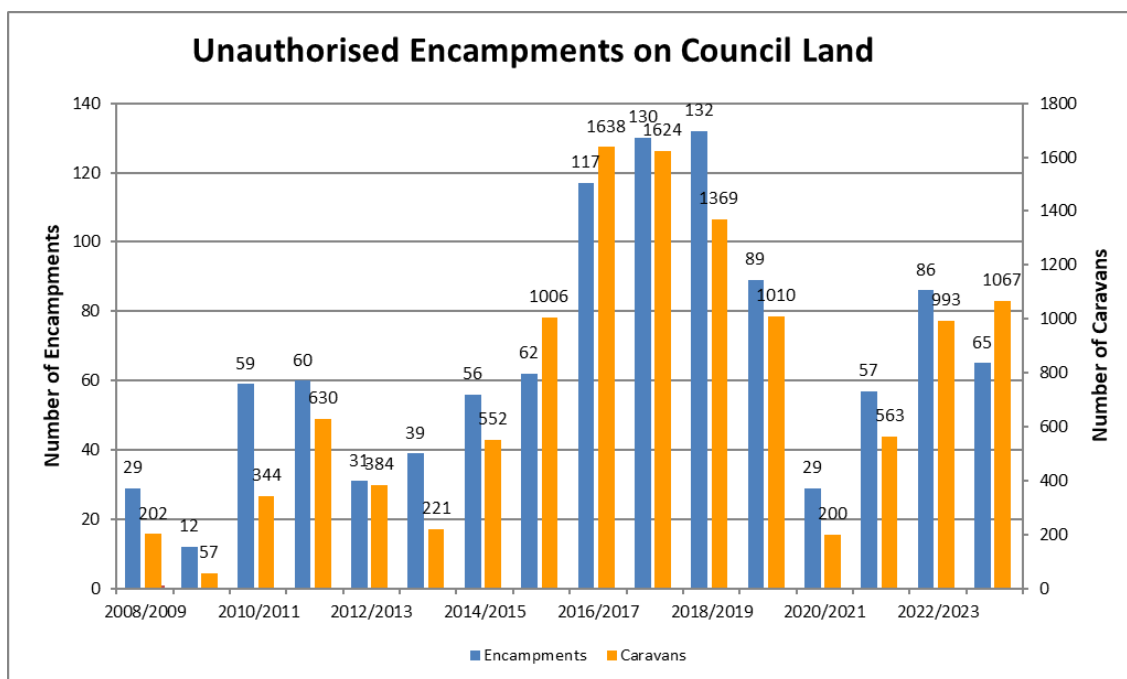
### 3. Background

- 3.1 This report is an update on activities since the last report to your Committee on 20 September 2023.
- 3.2 An unauthorised encampment is one which is established on land without the express permission of the landowner. The groups responsible generally comprise elements of Gypsy, Romany, Traveller or other ethnic groupings and are collectively known colloquially as “travellers” or more correctly GRT.
- 3.3 The strategy employed by the City Council to manage unauthorised encampments is contained within a Memorandum of Understanding between the City Council and West Midlands Police (WMP) and is entitled a “Joint Protocol on the Management of Unauthorised Encampments” and is currently at edition 9 dated March 2020. This edition incorporates the presence of the transit sites.
- 3.4 A transit site is an authorized site where members of the travelling community can be directed when in the city area. A transit site typically provides a hard standing for holding caravans, a secure boundary and basic sanitary provision including potable water, often at a communal level. Most sites will have some measure of lighting and some will have provision for electricity.
- 3.5 Birmingham City Council presently has one functional site at Proctor Street affording space for 15 caravans, planning consent granted for a second site at Aston Brook Street East affording space for 4 caravans, and a further site at Tameside Drive which has space for around 11 caravans.
- 3.6 It has been clarified that the identification and approval for the allocation of transit sites lies with colleagues within Planning Policy. The details of the GRT need for both settled and transit site provision is contained within the Birmingham Development Plan and the GRT needs assessment within that. The operational provision of site(s) and the day-to-day services/operations is a housing function and is to be delivered by the Housing Department. This will leave your officers from within Environmental Health to focus on recovery of land.

### 4. Site Provision Update

- 4.1. In order to identify the need for both permanent and transit pitches, a revised Gypsy and Traveller Accommodation Assessment (GTAA) has been commissioned which is currently being prepared by RRR Consultancy who are experienced consultants in this field. The new GTAA will assess current needs (2023-2028) and future needs (2028-2042) and a draft report showing preliminary findings is due to be completed by the end of November 2023. The GTAA will therefore inform requirements for site provision for permanent and transit GRT pitches over the coming years to be set out in the new Local Plan.

- 4.2. Alongside this work, an extensive site search is continuing in order to identify potential sites for pitches to be allocated within the new Local Plan to meet needs. A draft of the Local Plan is due to be published in May 2024 which will contain proposals for potential sites for this purpose. At present, the site search itself is focusing on Council-owned sites across the city and, currently, three sites are being investigated further to assess their potential.
5. Transit Site Update
- 5.1. As previously reported, colleagues in Housing and the Place, Prosperity and Sustainability Directorate have applied for capital funding to develop the two transit sites identified in the Birmingham Development Plan (BDP). The funding applications to Homes England and DLUHC were both rejected.
- 5.2. Proctor Street transit site has been operational since 1<sup>st</sup> November 2020 and has seen almost constant use, excepting when closed pending repairs. The report taken to your Committee last November explained how that use had evolved from normalised use pre-lockdowns through to the challenges brought about by the lockdowns and persisting through to the date of the report. There has been no change in the behaviour of the travelling community in Birmingham since November ultimately leading to the site having been repossessed and closed pending repairs since mid-January.
- 5.3. Housing have made good progress with repairs to Proctor Street Transit Site but are pending National Grid attendance to reinstate the electrical supply to the site; an instruction and payment has been made to National Grid and a visit date is pending. Once this work has been carried out, a final electrical test can take place and the site will be ready to reopen. A pre-start meeting has taken place with RingGo to ensure the facility is available to take rental payments for when the site reopens.
6. Unauthorised Encampments
- 6.1. The number of incursions and associated caravans on council land is displayed in the graph below. This shows the trend data for total encampments per financial year since 2008/2009 with the final column showing data for 2023/2024 up to the end of September.



- 6.2. Although the number of encampments on Council land has dropped in the years after the transit site opened in 2019 it should be borne in mind that this also covers the period encapsulated by the pandemic and as such the circumstances have not been 'normal'.
- 6.3. The numbers of unauthorised encampments in 2022/23 is almost level with the numbers seen in the pre-Covid year of 2019/20 up to when the first lockdown commenced. During 2022/23 the transit site was occupied in seven instances.
- 6.4. This unauthorised use of the Proctor Street Transit Site has led to increased pressure on that neighbourhood and both EH and WM Police have come under pressure to deal with the behaviour of occupants of the site. Having additional Transit sites with effective management would alleviate some of the pressures being experienced in and around Proctor Street.
- 6.5. At present, during 2023/2024 the numbers of UE may be slightly down on previous years, although there remain five full months which may well see the numbers match the previous years. Importantly, the numbers of caravans has already passed that of the previous four years (two during lockdown) suggesting that the average size of encampments has increased.

## 7. Strategic Management of Unauthorised Encampments

- 7.1. As noted in the background the strategic approach to managing unauthorised encampments is contained within a joint protocol between BCC and WMP. This protocol presently relies on the use by WMP of powers under the Criminal Justice and Public Order Act 1994 to direct groups to the transit site where their stay in the city can be 'managed'.

7.2. The current version of the protocol is edition 9 and incorporates the use of transit sites. Discussions are ongoing between BCC and WMP on effective management of the transit site in the event of a UE being established and the outcome from those meetings will likely give rise to an update to the protocol.

7.3. An action plan is also in development covering the management of the transit site with contribution from relevant stakeholders.

## 8. Consultation

8.1. The report is for information and, therefore, no consultation has been undertaken.

8.2. Information continues to be made available to MPs and elected members to offer support in reducing the impact on communities that unauthorised encampments have and to reduce the burden on land owning departments.

## 9. Implications for Resources

9.1. Regulation and Enforcement is responsible for the assessments leading up to legal action, the service of notices and arrangement of resources for an eviction to occur. The default costs (bailiff actions), the repair of land and its cleansing, is borne by the land owning departments. The Environmental Health resources employed in carrying out the work detailed in this report are contained within the approved budget available to your Committee.

9.2. The resources required for identifying and gaining strategic approval for the allocation of transit sites lies with colleagues within Planning Policy

9.3. The resources required for developing and managing transit site operations is the responsibility of the Housing Department.

## 10. Implications for Policy Priorities

10.1. The work to provide a good quality transit site provision meets with the statutory duties the council has for all residents of Birmingham, which includes the travelling community. It also means that Birmingham is an entrepreneurial city to learn, work and invest in.

10.2. This work supports the Regulation and Enforcement Division's mission statement to provide 'locally accountable and responsive fair regulation for all - achieving a safe, healthy, clean, green and fair trading city for residents, business and visitors'.

## 11. Public Sector Equality Duty

11.1. The management of unauthorised encampments is a process that affects groups and individuals who are (mostly) from specific and defined ethnic minorities e.g. Romany Gypsies, Irish Travelers.

## **DIRECTOR OF REGULATION AND ENFORCEMENT**

Background Papers: Nil





**BIRMINGHAM CITY COUNCIL**

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

**15 NOVEMBER 2023**  
**ALL WARDS**

**PROSECUTIONS & CAUTIONS – JULY AND AUGUST 2023**

1. Summary
  - 1.1 This report summarises the outcome of legal proceedings taken by Regulation and Enforcement during the months of July and August 2023.
2. Recommendation
  - 2.1 That the report be noted.

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### 3. Results

3.1 During the months of July and August 2023, the following cases were heard at Birmingham Magistrates Court, unless otherwise stated:

- 147 Environmental Health cases were finalised resulting in fines of £66,444. Prosecution costs of £31,949 were awarded.
- Three Licensing cases was finalised resulting in fines of £2,263 together with 12 penalty points. Prosecution costs of £1,750 were awarded.
- Four Trading Standards cases were finalised resulting in fines of £2,000, a 32 week prison sentence, suspended sentences of 15 months and 13 months together with an 18 month community order. A total of 70 RAR days were imposed tother with a total of 500 hours of unpaid work. Prosecution costs of £21,717 were awarded.
- Two Waste Enforcement cases were finalised resulting in fines of £533. Prosecution costs of £1,300 were awarded.
- Appendix 1 details all prosecutions finalised during July 2023 by ward.
- Appendix 2 details all prosecutions finalised during August 2023 by ward.
- Appendix 3 details all cautions administered during July and August 2023.
- Appendix 4 lists the enforcement activity undertaken by the Waste Enforcement Team from April 2023 to March 2024.
- Appendix 5 lists Penalty Charge Notices issued by Parking Enforcement specifically for individuals parking on Taxi Ranks across the City from April 2023 to March 2024. Please note this does not include other parking tickets issued anywhere else in the City.

### 4. Consultation

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

### 5. Implications for Resources

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

- 5.2 For the year April 2023 to March 2024 the following costs have been requested and awarded:

Environmental Health (including Waste Enforcement cases)  
£109,695 has been requested with £91,568 awarded (83%)

Licensing  
£10,064 has been requested with £5,266 being awarded (52%)

Trading Standards  
£33,540 has been requested with £24,664 being awarded (74%)

- 5.3 For the months of July and August 2023 the following costs have been requested and awarded:

Environmental Health (including Waste Enforcement cases)  
£36,472 has been requested with £33,249 awarded (91%)

Licensing  
£5,146 has been requested with £1,750 being awarded (34%)

Trading Standards  
£29,718 has been requested with £21,717 being awarded (73%)

- 5.4 The following income has been received so far from the courts in 2023/24.

Licensing (HCPH)  
£8,126.75 has been received.

Environmental Heath  
£95,634.33 has been received (including Waste Enforcement cases).

Trading Standards  
£218.82 has been received.

(Total £103,979.90).

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

6. Implications for Policy Priorities

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

7. Public Sector Equality Duty

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

**DIRECTOR OF REGULATION AND ENFORCEMENT**

Background Papers: Nil

## APPENDIX 1

Jul-23

#	Department	Date Case Heard	Name & Address	Ward of defendant	Offence details (including Legislation)	Fine issued	Costs awarded	Costs requested	Penalty Total	penalty details	Ward - Offence committed
1	Licensing	06/07/2023	Taeed Ur Rehman Birmingham	Bordesley Green	Road Traffic Act 1988 Pleaded guilty to three offences of using a private hire vehicle on three separate dates without valid insurance.	£513.00	£500.00	£1,180.00	£1,013.00	12 penalty points imposed (offences 1 & 2) + 6 points on offence 3 to run concurrently. Disqualified from driving for 6 months.	North Edgbaston
2	Licensing	10/07/2023	Andrew Logie Swadlincote	Out of area	Local Government (Miscellaneous Provisions) Act 1982 Pleaded <u>not guilty</u> to four offences of engaging in street trading in a consent street, namely High Street, Birmingham, without being authorised to do so on four separate occasions. Found guilty after trial.	£500.00	£300.00	£2,882.00	£800.00	Fine on offence 1. No separate penalty for remaining offences.	Ladywood
3	Environmental Health	11/07/2023	Larisa Adam Birmingham	Alum Rock	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in Bull Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
4	Environmental Health	11/07/2023	Ionel Aleca Birmingham	Aston	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in New Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
5	Environmental Health	11/07/2023	Anka Asenova Birmingham	Pype Hayes	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in Priory Queensway, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
6	Environmental Health	11/07/2023	Mustafa Askin Enfield	Out of area	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in Coventry Road, Yardley, Birmingham.	£220.00	£175.00	£175.00	£395.00		South Yardley
7	Environmental Health	11/07/2023	Andra Birbucanu Tamworth	Out of area	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in Stephenson Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
8	Environmental Health	11/07/2023	Dennis Butler Coventry	Out of area	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in Corporation Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood

9	Environmental Health	11/07/2023	John Conneins Banstead	Out of area	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in New Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
10	Environmental Health	11/07/2023	Romeo Dragan Birmingham	Sparkhill	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in Dale End, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
11	Environmental Health	11/07/2023	Tim Dudley Birmingham	Harborne	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in Moor Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Bordesley & Highgate
12	Environmental Health	11/07/2023	Fatah Farhat Birmingham	Bournville & Cotteridge	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in Stephenson Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
13	Environmental Health	11/07/2023	Ben Garvie Stratford Upon Avon	Out of area	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in New Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
14	Environmental Health	11/07/2023	Bhasin Harshit Nottingham	Out of area	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in Lower Temple Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
15	Environmental Health	11/07/2023	Paige Henneberry Power Coventry	Out of area	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in Hill Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
16	Environmental Health	11/07/2023	Imran Hussain Birmingham	Bordesley Green	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in Navigation Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
17	Environmental Health	11/07/2023	Ozor Hussain Birmingham	Stockland Green	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in Slade Road, Erdington, Birmingham.	£220.00	£175.00	£175.00	£395.00		Stockland Green
18	Environmental Health	11/07/2023	Hans Ladan London	Out of area	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in Lower Temple Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
19	Environmental Health	11/07/2023	Reeta Lal Wolverhampton	Out of area	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in Stephenson Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
20	Environmental Health	11/07/2023	Emma Lankins Birmingham	Allens Cross	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in High Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood

21	Environmental Health	14/07/2023	Kevin Hutton Birmingham	Stirchley	Food Safety and Hygiene (England) Regulations 2013. Food Safety Act 1990 Food Information Regulations 2014 Pleaded guilty to six offences relating to the conditions found during four separate inspections of Relish Eats, 1262 Pershore Road, Birmingham. It was found that there was no permanent procedure based on HACCP in place during three of the inspections. Improvement notices requiring a procedure to be put in place and accurate information to be available for all foods and drink with regards to the 14 prescribed allergens were not complied with. Accurate allergen information was not available during an inspection.	£480.00	£528.00	£2,460.00	£1,008.00		Stirchley
22	Trading Standards	14/07/2023	Indus Foods Ltd 75 Sampson Road North Sparkbrook Birmingham B11 1BH	Sparkbrook & Balsall Heath East	Trade Marks Act 1994. Pleaded guilty to one offence of having goods, namely 4848 jars and packets of pickle products, in possession for supply at Indus Foods Ltd, 55-58 Stratford Street North, Sparkbrook, Birmingham, which bore a registered trademark without the consent of the trademark holder	£2,000.00	£8,499.00	£8,499.00	£10,499.00	Forfeiture of seized items granted.	Sparkbrook & Balsall Heath East
23	Environmental Health	19/07/2023	Sharam Mohamadi Wednesbury	Out of area	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in Moor Street Queensway, Birmingham.	£220.00	£175.00	£175.00	£395.00		Bordesley & Highgate
24	Environmental Health	19/07/2023	Kale Ngilikole Birmingham	Holyhead	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in Moor Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Bordesley & Highgate
25	Environmental Health	19/07/2023	Thong Nguyen Birmingham	Weoley & Selly Oak	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in Stephenson Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
26	Environmental Health	19/07/2023	Aldona Ewa Ondycz Birmingham	Soho & Jewellery Quarter	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in Stephenson Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
27	Environmental Health	19/07/2023	Karen Adele Owens Manchester	Out of area	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in Stephenson Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
28	Environmental Health	19/07/2023	Ben Pe Birmingham	Ladywood	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in Bull Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood

29	Environmental Health	19/07/2023	Florina Radu Birmingham	Sparkhill	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in High Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
30	Environmental Health	19/07/2023	Shajad Rahman Birmingham	Soho & Jewellery Quarter	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in High Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
31	Environmental Health	19/07/2023	Reno Saraci Birmingham	Nechells	Environmental Protection Act 1990 Section 87 Pleaded guilty to one offence of dropping litter in New Street, Birmingham.	£88.00	£100.00	£175.00	£188.00		Ladywood
32	Environmental Health	19/07/2023	Jack Scrase Birmingham	Sparkhill	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in High Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
33	Environmental Health	19/07/2023	Kris Skujins Birmingham	Ward End	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in High Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
34	Environmental Health	19/07/2023	Gheorghe Toptea Birmingham	Castle Vale	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in Moor Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Bordesley & Highgate
35	Environmental Health	19/07/2023	Jason Turner Birmingham	North Edgbaston	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in High Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
36	Environmental Health	19/07/2023	Kurt Williams Broseley	Out of area	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in Stephenson Street, Birmingham.	£40.00	£100.00	£175.00	£140.00		Ladywood
37	Environmental Health	19/07/2023	Mohammed Yusuf Birmingham	Bordesley Green	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in Corporation Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood



38	Environmental Health	20/07/2023	KS 888 Limited Unit 2 Dean House 38 Upper Dean Street Birmingham B5 4SG	Bordesley & Highgate	Food Safety and Hygiene (England) Regulations 2013. Pleaded guilty to four offences relating to conditions at King of Kings, Unit 2, 38 Upper Dean Street, Birmingham. There was an infestation of mice, mouse droppings being found throughout the premises, and there were holes in the structure that allowed mice to enter the premises. Mouse droppings were found on a chopping board and on top of plates. There was a build-up of grease on pipework under the sinks in the kitchen and underneath the wok range. Procedures based on HACCP had not been properly implemented or maintained.	£2,000.00	£1,488.00	£1,488.00	£3,488.00	Fine on offence 1. No separate penalty for remaining offences.	Bordesley & Highgate
39	Environmental Health	20/07/2023	Glamorous Birmingham Limited 38 Carter Street Uttoxeter ST14 8EU	Out of area	Food Safety and Hygiene (England) Regulations 2013. Pleaded guilty to five offences relating to conditions at Glamorous Show Bar, Albany House, 27 – 35 Hurst Street, Birmingham. There was cockroach activity at the premises and gaps in the structure that could permit the ingress of cockroaches. Floors, chemical containers, shelving, a glasswasher, redundant cooking equipment, the bar display fridge, a cellar worksurface and a chest freezer were dirty. There was no soap, hand drying materials or hot running water provided to the kitchen sink or the wash hand basins serving the customer toilets and no wash hand basin provided to the staff toilet. There was a glass on the bar shelving with a cockroach inside it.	£2,000.00	£1,390.00	£1,390.00	£3,390.00	Fine on offence 1. No separate penalty for remaining offences.	Bordesley & Highgate
40	Environmental Health	25/07/2023	Aam AL Khanji Birmingham	Bordesley & Highgate	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in Moor Street Queensway, Birmingham.	£220.00	£175.00	£175.00	£395.00		Bordesley & Highgate
41	Environmental Health	25/07/2023	Zahyd Aqebal Smethwick	Out of area	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in Stephenson Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
42	Environmental Health	25/07/2023	Vitalijus Bakaitis Birmingham	Ladywood	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in Stephenson Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
43	Environmental Health	25/07/2023	Harry Michael Bozman Shifnal	Out of area	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in Stephenson Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood

44	Environmental Health	25/07/2023	Faye Briggs Bolton	Out of area	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in Stephenson Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
45	Environmental Health	25/07/2023	Dominik Chruscinski Banbury	Out of area	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in New Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
46	Environmental Health	25/07/2023	Liam James Cottle Coventry	Out of area	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in Navigation Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
47	Environmental Health	25/07/2023	Annalise Edge Wolverhampton	Out of area	Environmental Protection Act 1990 Section 87 Pleaded guilty to one offence of dropping litter in Stephenson Street, Birmingham.	£40.00	£50.00	£175.00	£90.00		Ladywood
48	Environmental Health	25/07/2023	Tamara Fin Birmingham	Soho & Jewellery Quarter	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in Priory Queensway, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
49	Environmental Health	25/07/2023	Ladeana Gilbert Slater Keighley	Out of area	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in Lower Temple Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
50	Environmental Health	25/07/2023	Fabian Gjokjinaj Birmingham	Gravelly Hill	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in High Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
51	Environmental Health	25/07/2023	Uday Hai Birmingham	Ladywood	Environmental Protection Act 1990 Section 87 Pleaded guilty to one offence of dropping litter in New Street, Birmingham.	£146.00	£175.00	£175.00	£321.00		Ladywood
52	Environmental Health	25/07/2023	Yaqoob Hassan Birmingham	Stockland Green	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in Bull Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
53	Environmental Health	25/07/2023	Carriane Hunt Leigh	Out of area	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in Stephenson Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
54	Environmental Health	25/07/2023	Enss Ivsnov Smethwick	Out of area	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in Corporation Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
55	Environmental Health	25/07/2023	Hassan Jamal Birmingham	Alum Rock	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in New Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
56	Environmental Health	25/07/2023	Andrei Nicusor Jelenanu Smethwick	Out of area	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in New Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood

57	Environmental Health	25/07/2023	Jack Junior Ryde	Out of area	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in Smallbrook Queensway, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
58	Environmental Health	25/07/2023	George Khalid Birmingham	Bordesley & Highgate	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in Corporation Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
59	Environmental Health	25/07/2023	Paula Koto Safford	Out of area	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in Stephenson Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
60	Environmental Health	25/07/2023	Valeria Lakatosova Birmingham	Gravelly Hill	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in Slade Road, Erdington, Birmingham.	£220.00	£175.00	£175.00	£395.00		Stockland Green
61	Environmental Health	25/07/2023	Paddy Murphy Birmingham	Sparkhill	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in Hill Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
62	Environmental Health	25/07/2023	Cihan Oral London	Out of area	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in Edgbaston Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
63	Environmental Health	25/07/2023	Natasha Osbourne Coventry	Out of area	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in Hill Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
64	Environmental Health	25/07/2023	Naiesh Patel Edgeware	Out of area	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in Stephenson Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
65	Environmental Health	25/07/2023	Nho Pham Birmingham	Newtown	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in Smallbrook Queensway, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
66	Environmental Health	25/07/2023	Kirsty Philips Colne	Out of area	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in Stephenson Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
67	Environmental Health	25/07/2023	Jade Pierce Birmingham	Harborne	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in York Street, Harborne, Birmingham.	£220.00	£175.00	£175.00	£395.00		Harborne
68	Environmental Health	25/07/2023	Glenroy George Scott Birmingham	North Edgbaston	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in St Martins Queensway, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
69	Environmental Health	25/07/2023	Jaroslav Tokar Derby	Out of area	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in New Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood

70	Environmental Health	25/07/2023	Ahmed Usman Birmingham	Ladywood	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in Carrs Lane, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
71	Environmental Health	25/07/2023	Daniel Walker Birmingham	Harborne	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in High Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
72	Environmental Health	25/07/2023	Yishou Wang Birmingham	Ladywood	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in Stephenson Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
73	Environmental Health	25/07/2023	Wojtek Wilamowski Birmingham	Birchfield	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in New Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
74	Environmental Health	25/07/2023	Maciej Wokciuk Birmingham	Handsworth Wood	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in Stephenson Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
75	Trading Standards	27/07/2023	Shirkou Jaf Peterborough	Out of area	Trade Marks Act 1994 Tobacco & Related Products Regulations 2016 Pleaded guilty to eight offences: seven of having goods, namely packets of cigarettes and tobacco of various brands, in possession for supply at SAM minimarket, 898 Bristol Road South, Birmingham, on two separate occasions, which bore registered trademarks without the consent of the trademark holders and one offence of having packets of cigarettes of various brands in possession for supply, which failed to carry the required health warning	£0.00	£8,718.00	£8,718.00	£8,718.00	TOTAL 32 WEEKS CUSTODY Counts 1 to 3 (TMA) - 12 weeks custody on each count (concurrent) Count 4 (Tobacco) - 4 weeks custody (consecutive to above) Counts 5 to 8 (TMA) - 16 weeks custody (concurrent to each other but consecutive to above) Deprivation order made in respect of all items seized	Northfield

## APPENDIX 2

Aug-23

#	Department	Date Case Heard	Name & Address	Ward of defendant	Offence details (including Legislation)	Fine issued	Costs awarded	Costs requested	Penalty Total	penalty details	Ward - Offence committed
1	Environmental Health	08/08/2023	Chelsea Louise Allen Birmingham	Bordesley Green	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in High Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
2	Environmental Health	08/08/2023	Constantin Anton Tamworth	Out of area	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in Priory Queensway, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
3	Environmental Health	08/08/2023	Artur Bici Birmingham	Gravelly Hill	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in High Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
4	Environmental Health	08/08/2023	Aaron Burrell Oldbury	Out of area	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in Colmore Row, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
5	Environmental Health	08/08/2023	Kevin Buttell Birmingham	Shard End	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in High Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
6	Environmental Health	08/08/2023	Kelly Crompton Tamworth	Out of area	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in High Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
7	Environmental Health	08/08/2023	Oliver David Birmingham	Stockland Green	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in Slade Road, Stockland Green, Birmingham.	£220.00	£175.00	£175.00	£395.00		Stockland Green
8	Environmental Health	08/08/2023	Siro Di Iulio Birmingham	Balsall Heath West	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in New Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
9	Environmental Health	08/08/2023	Feroz Dinson Birmingham	Stockland Green	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in High Street, Erdington, Birmingham.	£220.00	£175.00	£175.00	£395.00		Erdington
10	Environmental Health	08/08/2023	Xeniya Dyumina Birmingham	Perry Barr	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in New Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
11	Environmental Health	08/08/2023	Claire Gaygan Stoke on Trent	Out of area	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in High Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
12	Environmental Health	08/08/2023	Harry Thomas Glenister Leighton Buzzard	Out of area	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in High Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood

13	Environmental Health	08/08/2023	Lorent Haman Coventry	Out of area	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in New Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
14	Environmental Health	08/08/2023	Jessica Harvey Birmingham	Erdington	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in Bull Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
15	Environmental Health	08/08/2023	Kiantay Hines Tipton	Out of area	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in Colmore Row, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
16	Environmental Health	08/08/2023	Hieu Hoang Birmingham	King's Norton South	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in St Martins Walk, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
17	Environmental Health	08/08/2023	Alex Irirving Bristol	Out of area	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in New Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
18	Environmental Health	08/08/2023	Gemma Jones Rugby	Out of area	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in Stephenson Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
19	Environmental Health	08/08/2023	Matthew Kirkham Wolverhampton	Out of area	Environmental Protection Act 1990 Section 87 Pleaded guilty to one offence of dropping litter in Navigation Street, Birmingham.	£40.00	£94.00	£175.00	£134.00		Ladywood
20	Environmental Health	08/08/2023	Aida Koleci Walsall	Out of area	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in Hill Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
21	Environmental Health	08/08/2023	Romeo Methou Sutton Coldfield	Sutton Vesey	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in Stephenson Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
22	Environmental Health	08/08/2023	Fiona Morgan Cradley Heath	Out of area	Environmental Protection Act 1990 Section 87 Pleaded guilty to one offence of dropping litter in Stephenson Street, Birmingham.	£40.00	£94.00	£175.00	£134.00		Ladywood
23	Environmental Health	08/08/2023	Siobhan McMahon Coventry	Out of area	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in Stephenson Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
24	Environmental Health	08/08/2023	Ravia Patel Birmingham	Handsworth Wood	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in Steelhouse Lane, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
25	Environmental Health	08/08/2023	David Purcell Birmingham	Bournbrook & Selly Park	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in Stephenson Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
26	Environmental Health	08/08/2023	Mohammad Qureshi Birmingham	Stirchley	Environmental Protection Act 1990 Section 87 Pleaded guilty to one offence of dropping litter in Hurst Street, Birmingham.	£90.00	£50.00	£175.00	£140.00		Bordesley & Highgate

27	Environmental Health	08/08/2023	Daniel Ruston Bournemouth	Out of area	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in High Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
28	Environmental Health	08/08/2023	Jenny Shenton Solihull	Out of area	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in Stephenson Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
29	Environmental Health	08/08/2023	Elly Slater Solihull	Out of area	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in Stephenson Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
30	Environmental Health	08/08/2023	Samantha Smith Leeds	Out of area	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in Stephenson Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
31	Environmental Health	08/08/2023	Sylwia Stelmasiak Tamworth	Out of area	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in High Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
32	Environmental Health	08/08/2023	Danny Stewart Leeds	Out of area	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in Bristol Road, Birmingham.	£220.00	£175.00	£175.00	£395.00		Edgbaston
33	Environmental Health	08/08/2023	Lee Cong Tuan Leeds	Out of area	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in Edgbaston Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
34	Environmental Health	08/08/2023	Marian Varzaru Birmingham	North Edbaston	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in Dudley Road, Edgbaston, Birmingham.	£220.00	£175.00	£175.00	£395.00		North Edgbaston
35	Environmental Health	08/08/2023	Gary Williams Birmingham	Quinton	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in Colmore Row, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
36	Environmental Health	08/08/2023	Zelin Yang Coventry	Out of area	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in Station Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
37	Environmental Health	10/08/2023	Ishaq Ahmed Walsall	Out of area	Environmental Protection Act 1990 Section 87 Pleaded guilty to one offence of dropping litter in Moor Street, Birmingham.	£100.00	£160.00	£266.00	£260.00		Bordesley & Highgate
38	Environmental Health	10/08/2023	Liam Allmark Willenhall	Out of area	Environmental Protection Act 1990 Section 87 Pleaded guilty to one offence of dropping litter in Royal Mail Street, Birmingham.	£125.00	£232.00	£232.00	£357.00		Ladywood

39	Environmental Health	10/08/2023	3KH Limited Colman House 121 Livery Street Birmingham B3 1RS	Soho & Jewellery Quarter	Food Safety Act 1990 Food Information Regulations 2014 Food Safety and Hygiene (England) Regulations 2013. Pleaded guilty to 22 offences relating to conditions found at Tipu Sultan Catering, 66-68 Summer Lane, Aston, Birmingham on four separate dates. There was no suitable system in place to ensure that accurate information was available, or to verify the allergen content of foods produced on site. Staff had a very poor understanding of allergens. The premises were dirty and in poor condition with rust on surfaces and damaged surfaces throughout. An open packet of flour was being stored in the vacuum packing room below a black bin liner and near where there was evidence of mouse activity. Foods including trays of cooked foods, defrosting foods and ready to eat foods were stored in a walk-in chiller which was designated for the storage of raw products only, therefore resulting in a contamination risk. Equipment was in poor condition. There were no procedures based on HACCP. There was damage to the structure of the premises including the floors and walls. Surfaces were mouldy and rusty. There was no hot water or materials for cleaning hands to the wash hand basin in the main kitchen.	£32,000.00	£4,173.00	£4,173.00	£36,173.00	Fine on offence 1. No separate penalty on remaining offences.	Newtown
40	Licensing	10/08/2023	Melvin Roy Clifford Birmingham	Stirchley	Local Government (Miscellaneous Provisions) Act 1982 Found guilty in his absence of four offences of engaging in street trading in a consent street, namely High Street, Birmingham, without authorisation.	£1,250.00	£950.00	£1,084.00	£2,200.00		Ladywood
41	Environmental Health	22/08/2023	Habib Ahmed Birmingham	Handsworth	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in Colmore Row, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
42	Environmental Health	22/08/2023	Hassan Ahmed Birmingham	Handsworth	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in Corporation Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
43	Environmental Health	22/08/2023	Mohammed Mohi Udin Ahmed Birmingham	Alum Rock	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in Corporation Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
44	Environmental Health	22/08/2023	Hasok Ali Birmingham	Alum Rock	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in Stephenson Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
45	Environmental Health	22/08/2023	Ivan Alkh Birmingham	Sparkbrook & Balsall Heath East	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in Colmore Row, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
46	Environmental Health	22/08/2023	Mashari Alshimary Leicester	Out of area	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in New Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood



47	Environmental Health	22/08/2023	Maria Barbu Birmingham	Stockland Green	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in Stephenson Place, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
48	Environmental Health	22/08/2023	Louise Bennett Gainsborough	Out of area	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in Stephenson Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
49	Environmental Health	22/08/2023	Andrew Brierley Ashbourne	Out of area	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in Corporation Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
50	Environmental Health	22/08/2023	Sarah Budden Stevenage	Out of area	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in New Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
51	Environmental Health	22/08/2023	Leah Codling Stevenage	Out of area	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in New Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
52	Environmental Health	22/08/2023	Dean Crawford Birmingham	Handsworth	Environmental Protection Act 1990 Section 87 Pleaded guilty to one offence of dropping litter in High Street, Birmingham.	£40.00	£40.00	£175.00	£80.00		Ladywood
53	Environmental Health	22/08/2023	Milad Ghadampish Wolverhampton	Out of area	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in Stephenson Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
54	Environmental Health	22/08/2023	Francis Ntaganda Gisengo Birmingham	Gravelly Hill	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in High Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
55	Environmental Health	22/08/2023	Collette Harris Birmingham	Stockland Green	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in High Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
56	Environmental Health	22/08/2023	Aaron Harrison Solihull	Out of area	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in Bull Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
57	Environmental Health	22/08/2023	Andrejs Ivanovs West Bromwich	Out of area	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in New Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
58	Environmental Health	22/08/2023	Daniel Jacobs Birmingham	Harborne	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in Cornwall Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
59	Environmental Health	22/08/2023	Rezarta Kabashi Birmingham	Small Heath	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in Colmore Row, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
60	Environmental Health	22/08/2023	Adil Khan Birmingham	Alum Rock	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in New Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood

61	Environmental Health	22/08/2023	Nigel Lawrence Birmingham	Gravelly Hill	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in Spiceal Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
62	Environmental Health	22/08/2023	Ryszard Maciaszek Birmingham	Stockland Green	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in High Street, Erdington, Birmingham.	£220.00	£175.00	£175.00	£395.00		Erdington
63	Environmental Health	22/08/2023	Edera Maria Birmingham	Gravelly Hill	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in Edgbaston Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
64	Environmental Health	22/08/2023	Ioana Meresan Birmingham	Balsall Heath West	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in High Street, Birmingham.	£175.00	£175.00	£175.00	£350.00		Ladywood
65	Environmental Health	22/08/2023	Alex Mitchell Chelmsley Wood	Out of area	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in Corporation Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
66	Environmental Health	22/08/2023	Ali Mohammed Birmingham	Billesley	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in Temple Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
67	Environmental Health	22/08/2023	Hansel Murapah Oldbury	Out of area	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of spitting in Union Passage, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
68	Environmental Health	22/08/2023	Dung Nguyen Birmingham	Handsworth Wood	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of spitting in Bull Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
69	Environmental Health	22/08/2023	Hung Nguyen Birmingham	Handsworth Wood	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in Corporation Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
70	Environmental Health	22/08/2023	Jolanta Piedak Bilston	Out of area	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in Carrs Lane, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
71	Environmental Health	22/08/2023	Klaidi Pislil Birmingham	North Edbaston	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in Bennetts Hill, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
72	Environmental Health	22/08/2023	Tania Poole Birmingham	Stockland Green	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in Cherry Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
73	Environmental Health	22/08/2023	Ili Potcovaru Birmingham	Perry Barr	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in Bennetts Hill, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
74	Environmental Health	22/08/2023	Rosemary Preston Birmingham	Aston	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in St Philips Passage, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood

75	Environmental Health	22/08/2023	Calum Reagan Coventry	Out of area	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in New Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
76	Environmental Health	22/08/2023	Nazir Shakir Said Birmingham	Stockland Green	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in High Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
77	Environmental Health	22/08/2023	Dwayne Shepherd Birmingham	Glebe Farm & Tile Cross	Environmental Protection Act 1990 Section 87 Found guilty in absence of one offence of dropping litter in Stephenson Street, Birmingham.	£220.00	£175.00	£175.00	£395.00		Ladywood
78	Waste Enforcement	24/08/2023	Lionel Moses Birmingham	Perry Barr	Environmental Protection Act 1990. Pleaded guilty to one offence of causing or permitting controlled waste, namely plastic trays and packaging to be deposited on land at Perry Villa Drive, Birmingham.	£200.00	£300.00	£671.00	£500.00		Perry Barr
79	Waste Enforcement	24/08/2023	Alan Ali Birmingham	Soho & Jewellery Quarter	Environmental Protection Act 1990. Pleaded guilty to four offence of causing or permitting controlled waste, namely quantities of cardboard and 36 black bags of waste, to be deposited on Abberley Street, Birmingham on four separate dates.	£333.00	£1,000.00	£1,117.00	£1,333.00		North Edgbaston
80	Trading Standards	15/08/2023	Gavin Hickman Birmingham	Glebe Farm & Tile Cross	Consumer Protection from Unfair Trading Regulations 2008 As the Director of 24/7 Roofing, pleaded guilty to three offences of recklessly engaging in commercial practices which were likely to distort the economic behavior of the average consumer regarding goods and services supplied in that works undertaken at three properties fell below the standard typically expected of a reasonably competent contractor, caused through a lack of due skill and care. Consumers paid large quantities of money for incomplete substandard works.	£0.00	£2,500.00	£6,250.50	£0.00	15 months imprisonment suspended for 18 months. 25 RAR days. 200 hours unpaid work. Disqualified from being a Director for 10 years.	Bromford & Hodge Hill
81	Trading Standards	15/08/2023	Matthew Rose Solihull	Out of area	Consumer Protection from Unfair Trading Regulations 2008 Pleaded guilty to two offences of recklessly engaging in commercial practices which were likely to distort the economic behavior of the average consumer regarding goods and services supplied in that works undertaken at two properties fell below the standard typically expected of a reasonably competent contractor, caused through a lack of due skill and care. Consumers paid large quantities of money for incomplete substandard works.	£0.00	£2,000.00	£6,250.50	£0.00	13 months imprisonment suspended for 18 months. 20 RAR days. 150 hours unpaid work.	Bromford & Hodge Hill
82	Trading Standards	24/08/2023 Birmingham Crown Court	Devinder Singh Coventry	Out of area	Trade Marks Act 1994 Pleaded guilty to nine offences of having goods, namely phone accessories, in possession for supply at Phone Bits, 25 Great Hampton Street, Birmingham which bore registered trademarks without the consent of the trademark holders	£0.00	£0.00	£0.00	£0.00	18 month community order 25 RAR days. 150 hours unpaid work POCA timetable set	Newtown

**SIMPLE CAUTIONS ADMINISTERED DURING JULY AND AUGUST 2023**

**ENVIRONMENTAL HEALTH** - Three simple cautions were administered.

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

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

**LICENSING** - 22 simple cautions were administered.

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

**Section 46(d)** One caution was issued for operating private hire vehicles without a current operator's licence being in force

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

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

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

**Section 50** One caution was issued for failing to report an accident.

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

**Section 54(2)** One caution was issued for failing to wear a private hire driver's badge

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

**Section 57** Five cautions were issued for knowingly failing to disclose previous motoring endorsement convictions on a vehicle application form

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

**Section 64(3)** Five cautions were issued for waiting on a Hackney Carriage stand when not a Hackney Carriage.

**TRADING STANDARDS** - One simple caution was administered.

**Tobacco and Related Products Regulations 2016**

**Regulation 10(1)** One caution was issued for having packets of smokeless tobacco (intended to be used as oral snuff) in possession for supply which failed to carry the required health warnings

**WASTE ENFORCEMENT** - No simple cautions were administered.

**APPENDIX 4****WASTE ENFORCEMENT UNIT – ENFORCEMENT ACTIVITY**

Waste Investigation Outcomes													
	Apr-23	May-23	Jun-23	Jul-23	Aug-23	Sep-23	Oct-23	Nov-23	Dec-23	Jan-24	Feb-24	Mar-24	Total
Duty of care inspections into the waste disposal arrangements of commercial premises	58	59	63	75	46								301
Section 34 Environmental Protection Act demand notices issued:(trade waste statutory information demands)	49	56	86	54	37								282
Section 34 Environmental Protection Act Fixed Penalty Notices issued to businesses (£300)	9	25	8	5	13								60
Section 87 Environmental Protection Act Fixed Penalty notices issued for commercial and residential litter offences (£150)	1	4	0	1	0								6
Section 33 Environmental Protection Act Fixed penalty notices issued for fly tipping (£400)	9	18	8	14	11								60
Prosecutions													
Number of prosecution files submitted to legal services, (number produced quarterly.	1	4	1	2	1								9

## **APPENDIX 5**

Monthly Parking Pcms Issued in Taxi Ranks	Processing
April 2023	299
May 2023	331
June 2023	327
July 2023	330
August 2023	257
September 2023	
October 2023	
November 2023	
December 2023	
January 2024	
February 2024	
March 2024	
TOTAL	1544

**BIRMINGHAM CITY COUNCIL**

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

**15 NOVEMBER 2023**  
**ALL WARDS**

**ACTION TAKEN BY THE CHAIR OF THE LICENSING  
& PUBLIC PROTECTION COMMITTEE:**

1. Summary
  - 1.1 This report advises your committee of action taken by the Chair between meetings, under authority delegated by the Licensing & Public Protection Committee, with an explanation as to why in each case, this authority was used.
2. Recommendation
  - 2.1 The report to be noted.

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### 3. Background Information

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

### 4. Summary of Action Taken for August 2023

- 4.1 On 29 August 2023 officers contacted the Chair with respect to driver L, the driver was already under investigation and had been interviewed by Licensing Enforcement Officers in connection with six complaints which had been forwarded by two different licensed operators, five of which related to the driver having spoken to or behaved towards young female passengers in a manner which gave cause for concern. A report had already been prepared for submission to the Senior Officer Panel, when a further, similar complaint was received. In the circumstances it was decided to refer the matter to the Chair to consider taking immediate action under delegated authority.
- 4.2 Having considered the circumstances, on 29 May 2023 the Chair authorised immediate suspension of driver L's private hire driver's licence in accordance with Section 52 of the Road Safety Act 2006 and Section 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976.

### 5. Implications for Resources

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

### 6. Implications for Policy Priorities

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

### 7. Implications for Equality and Diversity

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

## **DIRECTOR OF REGULATION AND ENFORCEMENT**