

BIRMINGHAM CITY COUNCIL

LICENSING AND PUBLIC PROTECTION COMMITTEE

WEDNESDAY, 12 JUNE 2019 AT 10:00 HOURS
IN COMMITTEE ROOMS 3 & 4, COUNCIL HOUSE, VICTORIA
SQUARE, BIRMINGHAM, B1 1BB

A G E N D A

1 NOTICE OF RECORDING/WEBCAST

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

2 DECLARATIONS OF INTERESTS

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

3 APOLOGIES

To receive any apologies.

4 APPOINTMENT OF LICENSING AND PUBLIC PROTECTION COMMITTEE

To note the appointment by the City Council of the Committee and Chairman for the Municipal Year 2019/2020 as follows: -

Labour Group (10)

Councillor Olly Armstrong
Councillor Nicky Brennan
Councillor Phil Davis (**Chairman**)
Councillor Nagina Kauser
Councillor Mike Leddy
Councillor Mary Locke
Councillor Majid Mahmood
Councillor Chauhdry Rashid
Councillor Mike Sharpe

Councillor Martin Straker Welds

Conservative Group (4)

Councillor Bob Beauchamp
Councillor Adam Higgs
Councillor Bruce Lines
Councillor Simon Morrall

Liberal Democrat Group (1)

Councillor Neil Eustace

5 **ELECTION OF DEPUTY CHAIR**

To elect a Deputy Chair for the Municipal Year 2019/20.

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6 **FUNCTIONS, POWERS AND DUTIES**

To note the Committee's Functions, Powers and Duties, as set out in the attached schedule.

7 - 16

7 **LICENSING COMMITTEE CODE OF PRACTICE FOR COUNCILLORS AND OFFICERS**

To note the Licensing Committee Code of Practice for Councillors and Officers.

8 **DATES OF MEETINGS OF LICENSING AND PUBLIC PROTECTION COMMITTEE**

The Committee is recommended to meet on the following Wednesdays at 1000 hours at the Council House, Birmingham: -

2019

2020

10 July

15 January

11 September

12 February

23 October

11 March

20 November

22 April

18 December

9 **LICENSING SUB-COMMITTEES 2019/2020**

(i) To note the membership of Sub-Committees A, B and C appointed by the City Council for the Municipal Year 2019/2020 as detailed below:

(ii) Each Sub-Committee comprises 3 Members (with a quorum of 3) and will determine matters relating to The Licensing Act 2003, The Gambling Act

2005, Hackney Carriage Licences, Private Hire Licences and such other business as may be referred to them by the Director of Regulation and Enforcement Services.

(iii) Any Sub-Committee Member may appoint a nominee (substitute) from their own party group on the Licensing and Public Protection Committee to attend a meeting in their place.

Any Member nominated must have had formal training as set out in Paragraph 6.1 of the Licensing Committee Code of Practise for Councillors and Officers.

Licensing Sub-Committee A – Mondays (0930 hours)

Cllrs	Phil Davis (Chairman)	Lab	Billesley Wa
	Mary Locke	Lab	Stirchley Wa
	Bob Beauchamp	Con	Perry Comm

Licensing Sub-Committee B – Tuesdays (0930 hours)

Cllrs	Nagina Kauser (Chairman)	Lab	Aston Ward
	Nicky Brennan	Lab	Sparkhill Wa
	Adam Higgs	Con	Heighters H

Licensing Sub-Committee C – Wednesdays (0930 hours)

Cllrs	Mike Leddy (Chairman)	Lab	Brandwood and King Ward
	Martin Straker-Welds	Lab	Moseley Ward
	Neil Eustace	Lib	Yardley East Ward

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10 MINUTES

To note the public section of the minutes of the meeting on 9 April 2019.

To confirm and sign the Minutes of the meeting held on 16 May 2019.

38 - 43

11 MORATORIUM EXEMPTION OF NEW ISSUE PLATE LICENCE REPORT

Report of the Assistant Director of Regulation & Enforcement

- 44 - 51** 12 **REAR LOADING WHEELCHAIR ACCESSIBLE VEHICLES REPORT**
Report of the Assistant Director of Regulation & Enforcement
- 52 - 61** 13 **LPPC BUDGET MONITORING OUTTURN 2018-2019 REPORT**
Report of the Assistant Director of Regulation & Enforcement
- 62 - 67** 14 **OUTCOME OF APPEALS MARCH-APRIL 2019**
Report of the Assistant Director of Regulation & Enforcement
- 68 - 111** 15 **PROSECUTIONS AND CAUTIONS REPORT MARCH & APRIL 2019**
Report of the Assistant Director of Regulation & Enforcement
- 112 - 112** 16 **SCHEDULE OF OUTSTANDING MINUTES**
To consider the schedule of Outstanding Minutes.
- 17 **OTHER URGENT BUSINESS**
To consider any items of business by reason of special circumstances (to be specified) that in the opinion of the Chairman are matters of urgency.
- 18 **AUTHORITY TO CHAIRMAN AND OFFICERS**
Chairman to move:-

'In an urgent situation between meetings, the Chairman jointly with the relevant Chief Officer has authority to act on behalf of the Committee'.
- 19 **EXCLUSION OF THE PUBLIC**
That in view of the nature of the business to be transacted which includes exempt information of the category indicated the public be now excluded from the meeting:-

Exempt Paragraph 3

P R I V A T E A G E N D A

- 20 **MINUTES**
Item Description
- 21 **OTHER URGENT BUSINESS (EXEMPT INFORMATION)**
To consider any items of business by reason of special circumstances (to be specified) that in the opinion of the Chairman are matters of urgency.

5.7 Licensing and Public Protection Committee

Functions

To exercise the powers and duties of the Council with regard to licensing matters and, in particular, to:

- exercise and enforce the Council's local licensing powers;
- issue, renew or otherwise control any licences issued to any authorised caravan site(s); and
- approve the appearance and design of signs displayed in Hackney Carriages.

To exercise the licensing, regulatory and registration powers and duties of the Council under all relevant legislation relating to these matters.

To exercise the powers and duties of the Council with regard to public protection matters which are non-executive functions and, in particular, to:

- be accountable for working conditions in offices, shops and railway premises and in factories;
- exercise the powers and duties of the Council under all relevant legislation and relating to the non-executive functions of the Committee.

LICENSING COMMITTEE CODE OF PRACTICE FOR COUNCILLORS AND OFFICERS

1. PURPOSE OF THIS CODE

- 1.1 This Licensing Code of Practice ('the Licensing Code') has been prepared to guide members and officers in the discharge of the City Council's statutory Licensing functions. This Code will also inform potential applicants and the public generally of the high standards of ethical conduct adopted by the Council in the exercise of its Licensing powers.
- 1.2 The Licensing Code is in addition to Birmingham's Code of Conduct for Members, which was adopted by the City Council in June 2012. For the avoidance of doubt, when an Executive Member attends and participates in the decision-making of the Licensing Committee, s/he does so as a Member of the Committee and not as a Member of the Executive. Accordingly, s/he must, along with other Members of the Committee, exercise an independent mind on issues before the Committee.
- 1.3 The provisions of this Licensing Code are designed to ensure that Licensing decisions are taken on proper grounds, are applied in a consistent and open manner and that Members making such decisions are held accountable for those decisions. The Licensing Code is also designed to assist Members and officers in dealing with approaches from applicants or those who already have a relevant Licence/permit, etc.
- 1.4 Throughout this Code, reference is made to the Licensing Committee. This refers to the Licensing and Public Protection Committee ("LPPC"), in the context of its determination of applications for licences i.e where the Committee performs the functions of the Licensing Authority, rather than in the context of non-Licensing Authority decisions.
- 1.5 Any reference to Licensing Committee equally refers to any Licensing Sub-Committee.

2. CONTEXT

- 2.1 This Licensing Code applies to both Councillors and officers— it is not therefore restricted to Licensing Committee members. The successful operation of the Licensing system relies on mutual trust and understanding of each other's role. It also relies on both Members and Officers ensuring that they act in a way which is not only fair and impartial but is also clearly seen to be so.

The Human Rights Act provides additional safeguards for citizens, and encourages the application of best practice. Article 6 is concerned with guaranteeing a right to procedural fairness, transparency and accountability in the determination of civil rights and obligations.

- 2.2 This code must be read in conjunction with (where appropriate):

- The LPPC Policies Procedures and Delegations.
- The Statement of Licensing Policy.
- Home Office Guidance (s182) – issued under S182 Licensing Act 2003.

- The Statement of Gambling Principles and relevant guidance issued by the Gambling Commission.
- The Sexual Entertainment Venue Policy.
- Code of Conduct for Members.
- Code of Conduct for Officers.

3. GENERAL CONSIDERATIONS

- 3.1 In relation to Hackney Carriage and Private Hire applications, (generally speaking) the Licensing Authority **MUST NOT** issue a licence to a driver, operator or vehicle proprietor unless they are satisfied the applicant is a fit and proper person.
- 3.2 In relation to Licensing Act matters, where an application has been properly made and no responsible authority or other person has made a relevant representation or where representations are made and subsequently withdrawn, the licensing authority **MUST** grant the application in the terms sought, subject only to conditions which are consistent with the operating schedule and relevant mandatory conditions under the 2003 Act.
- 3.3 If the licensing authority decides that representations are relevant, it must hold a hearing to consider them. The need for a hearing can only be avoided with the agreement of the licensing authority, the applicant and all of the persons who made relevant representations.
- 3.4 Birmingham City Council's Code of Conduct for Members (adopted June 2012) must be complied with throughout the decision making process, which includes mandatory requirements with regard to member interests.
- 3.5 The responsibility for declaring an interest rests with individual Members and Officers of the Council. This Licensing Code outlines further rules applicable to the Licensing process in Birmingham.
- 3.6 Councillors and Officers have different but complementary roles. Both serve the public but Councillors are responsible to the electorate, whilst Officers are responsible to the Council as a whole. This applies equally to traditional forms of political management based on Committees and to models based on forms of executives or elected mayors. Officers advise Councillors and the Council and carry out the Council's work. They are employed by the Council, not by individual Councillors, and it follows that instructions may only be given to Officers through a decision of the Council, the Executive or a Committee. A successful relationship between Councillors and officers can only be based upon mutual trust, respect, courtesy and understanding of each other's positions. This relationship, and the trust which underpins it, should never be abused or compromised.
- 3.7 Both Councillors and Officers are guided by Codes of Conduct. Birmingham's Code of Conduct for Members provides standards and guidance for Councillors. Employees are subject to the Employees' Code of Conduct. In addition to these codes, a Council's standing orders set down rules which govern the conduct of Council business. There is also a Member / Officer Protocol that assists in defining the relation with both.
- 3.8 ~~Birmingham's Code of Conduct for Members sets out the requirements on Councillors in relation to their conduct. It covers issues central to the preservation of an ethical approach to Council business, including the need to register and declare interests, but also appropriate relationships with other Members, staff and the public, which will impact on the way in which~~

Councillors participate in the Licensing process. Of particular relevance to Councillors serving on the Licensing Committee or Executive, or who become involved in making a Licensing decision is the requirement that a Member must not use their position improperly for personal gain or to advantage friends or close associates.

3.9 The basis of the Licensing system is the consideration of private proposals against wider public interests. Much is often at stake in this process, and opposing views are often strongly held by those involved.

3.10 From time to time applicants may submit confidential information for example a financial appraisal in support of an application. Such appraisals will be taken into account in relation to determination of the application, but such information may be exempt from the requirement from disclosure.

3.11 Public Speaking

During public speaking at Licensing Committee, the following should not occur:

- Members should not cross-examine members of the public at any time;
- Members should not ask leading questions of officers or members of the public as by way of introducing new facts to the debate;
- Members should only ask relevant questions; and
- Late evidence should not be introduced by speakers at Committee – unless authorised at the discretion of the Chairperson, with the agreement of all parties.

3.12 Conflicts of Interest

Some Members in general are more likely than others to be uncomfortable in the role of Licensing Committee Member owing to the combined pressures of their local business interests, the ward member advocate role, and the constraints of the Licensing system. Any potential licence-related background may also give rise to a perception by the public that they are more likely to be in favour of an application, even where they are determining cases completely impartially. In order to minimise the risk for the Council and the Member concerned, the Member in question should discuss their position carefully with the Director of Regulation and Enforcement and Monitoring Officer for the Council, of the Council to see whether it would be suitable for him/her to become a Member of Licensing Committee or if already a Member take part in the determination of any applications before them.

4. **LOBBYING AND ATTENDANCE AT PUBLIC MEETINGS**

General

4.1 Given the requirement that Members of the Licensing Committee should exercise an independent mind to applications in accordance with the relevant considerations, Members must not favour any person, company, group or locality. Members can, of course, form and express a personal opinion on Licensing applications but they are advised to indicate that they will only form a final opinion about an application after full consideration of all the evidence, representations and submissions made. Members should be careful not to publicly commit themselves to a particular outcome on an application prior to its full consideration at Committee, as to do so could be perceived by others as the Member having closed his/her mind to hearing all the relevant considerations. If that were to happen, he/she should be asked by the

Chairman of the Committee, the Director of Regulation and Enforcement and/or the Monitoring Officer (or their representatives) not to:

- (a) take any further part in the consideration of the application; and
- (b) vote on the application. This can only be transparently demonstrated by the relevant Member not attending the meeting or leaving the Committee Room in order to ensure the integrity of the whole decision making process. If the relevant Member wishes to speak at Committee then they should declare their pre-determined position and withdraw from the meeting. This is to ensure Members of the Licensing Committee do not, by their presence, influence or seek to influence the remainder of the decision making body. Members should always notify Committee of any approach by any group, person or company prior to the discussion of the relevant matter.

- 4.2 Members of the Committee who may be involved in the determination of an application are, of course, free to listen to a point of view about a proposal, give procedural advice and agree to forward any comments, but should then refer the person to Officers. Members in this situation may indicate (or give the impression of) support for or opposition to a proposal, but should avoid giving the impression of a closed mind.
- 4.3 Whilst Members involved in making decisions on applications may begin to form a view as more information and opinions become available, a decision can only be taken by the Committee after all available information is to hand and has been duly considered. In this regard, any political group meetings prior to the Committee meeting should not be used to determine how Councillors should vote. Decisions can only be taken after full consideration of the evidence, representations and submissions made.
- 4.4 The Chairman of the Committee should be briefed by Officers prior to the main Committee meeting, as part of the pre-agenda process.
- 4.5 Councillors involved in decision making on Licence applications should not, whether orally or in writing, organise support or opposition to a proposal, lobby other Councillors, act as advocate or put pressure on officers for a particular recommendation. However, other Councillors (who are not part of the decision making process) within that Committee Member's Ward, can make written representations to the Licensing Committee.
- 4.6 A Member involved in determining applications may respond to lobbying by openly expressing an opinion prior to the full report of the Director of Regulation and Enforcement to a Committee meeting (and there may be particular local circumstances where this is considered appropriate) but should indicate they will not make a final decision until after full consideration of all the evidence, representations and submissions.
- 4.7 If a Member involved in determining applications goes so far as to make it clear beyond doubt that they have a completely closed mind which could not be shifted, this would amount to predetermination and the Member concerned should respond as in 4.1.
- 4.8 Where Members involved in the determination of applications are in attendance at public meetings or Ward meetings they may listen to the debate on current applications, provide advice about procedures involved in determining an application and express a view about an application but should respond as in 4.6.

4.9 Members Predetermination of Applications

Section 25 of the Localism Act 2011 states that prior indications of a view of a matter do not amount to predetermination in the following situations:

- (2) A decision-maker is not to be taken to have had, or to have appeared to have had, a closed mind when making the decision just because-
 - (a) the decision-maker had previously done anything that directly or indirectly indicated what view the decision-maker took, or would or might take, in relation to a matter and
 - (b) the matter was relevant to the decision.

The advice provided by the Monitoring Officer is that this is the present position with regard to the Legislation but whilst Members are entitled to express a view in relation to an application Members should indicate they still have an open mind in relation to an application until they have had the opportunity to consider the report of the Director of Regulation and Enforcement and that the final decision in relation to the application can only be made by Committee. This caveat is intended to safeguard so far as possible the decision made by Committee from Judicial Review until further case law and guidance has assisted with the interpretation of Section 25 of the Localism Act 2011.

Dealing with Correspondence

- 4.10 Members of the Committee and Executive often receive correspondence from constituents, applicants and other interested parties asking them to support or oppose a particular proposal. Members should forward a copy of the correspondence to the Director of Regulation and Enforcement or inform him/her at the Committee if time is short. Merely forwarding the correspondence onto the relevant officer would not prevent the Member being involved in determining the application.

Pre-Application Discussions

- 4.11 When involved in pre-application discussions, Officers should always act fairly to all and completely impartially by providing accurate advice and assistance when required or requested by the general public, applicants or Members. A written record of all such discussions must be retained on the Licensing file.

Site Visits by Members with Officers

- 4.12 The deferral of a relevant application for a site visit should not be on the basis of exposing members of the Committee to local opinion, but should be on sound and proper Licensing reasons, which shall be recorded in the minutes of the meeting.
- 4.13 Under the Chairman's guidance the role of the Licensing Officer attending the site visit will be:
- (a) to brief Members on the Licensing applications(s) the subject of the visit and explain the reasons why the application was deferred for a visit;
 - (b) to ensure that the views of all interested parties are heard by all Members on the site visit and accurately recorded. Officers will prepare a written report of the site visit which will be taken back to Licensing

Committee to form the basis of a further discussion at a subsequent meeting.

- 4.14 The Chairman (or Member chairing the visit) shall explain the purpose of the visit and how it will be conducted to all persons present at the site visit.
- 4.15 Officers shall ensure, where practical, that applicants, Members and interested parties are invited to attend the visit and that they are able to view all key parts of the site, which is the subject of the Applications.
- 4.16 The purpose of a site visit conducted by Members and officers is to gain information relating to the land or buildings which are the subject of the Licensing application and which would not be apparent from the Licensing application to be considered by the Committee. A site visit may also assist Members in matters relating to the context of the application in relation to the characteristics of the surrounding area, and is an opportunity to hear the views of the members of the public, applicants and other interested parties. Discussions on site visits shall be confined to the application as currently submitted. A Member of Committee who has an interest in a Licensing application, or who has acted in a way that amounts to predetermination, cannot attend the site visit in his or her capacity as a Member of Licensing Committee. However, the Member concerned would be entitled to attend the site visit in his or her personal capacity as a member of the public.
- 4.17 Whilst on site visits, Members of Committee can express an opinion on the application or its merits, but should avoid making comments or acting in a way which makes it clear beyond doubt that they have a completely closed mind, as this would amount to predetermination. Whilst Members of Committee are not prevented from engaging individually in discussion with applicants or objectors, to ensure transparency of public dealing by Member and effective /orderly management of the site visit, it is recommended that any question of the applicant(s) / objector(s) by the Licensing Officer and/or Members should be made in the presence of the other parties (or their representatives if there is a large scale public interest).
- 4.18 Members and Officers are obligated not to waste Council resources and, as such, a site visit is only likely to be necessary if:
- the impact of the proposed application is difficult to visualise from the plans and any supporting material, including photographs taken by officers (although if that is the case, additional illustrative material should have been requested in advance); or
 - there is good reason why the comments of the applicant and objectors cannot be expressed adequately in writing, or the proposal is particularly contentious.
- 4.19 Where there is substantial public interest in a proposal and relevant representations have been made, the Council may invite all parties to visit the site so that they may point out all the areas of contention to Members of the Licensing Committee and give their views. A note of proceedings will be taken at these meetings and minutes kept as part of the official record.
- 4.20 Results of the site visit will be reported to the next available meeting of the Committee.
- 4.21 Once the results of a site visit have been reported back to Committee, Members of the Committee who were not present at the site visit can ask questions, offer opinions, take part in discussions and vote in relation to that Licensing application.

4.22 The Role of Ward Councillors and MPs on Site Visits

Where relevant representations have been made Ward Councillors and MPs may attend and participate in site visits putting forward their point of view. However, the determination of Licensing applications rests solely with the Licensing Committee and no indication should be given by Members of the Committee of the likely decision during the course of the site visit.

5. **MEETINGS OF THE LICENSING COMMITTEE**

5.1 A Member shall not vote in relation to any Licensing application unless he or she has been present in the meeting of the Licensing Committee for the whole of the deliberations on that particular application.

5.2 A senior legal officer should always attend meetings of the Licensing Committee to ensure the probity and propriety of the Licensing and decision-making processes.

5.3 Where there is any doubt as to the voting or of the actual counting of votes in relation to any particular application, clarification should be immediately sought by the Chairman prior to dealing with the next agenda item, by requesting from each member as to how they have voted, noting this and the member's name.

5.4 Chairmanship – The chairman should ensure:

5.4.1 Members' comments at Committee only relate to the relevant merits of the application before them;

5.4.2 reference at Committee to matters which are not relevant should be disregarded;

5.4.3 the cross-questioning of speakers should only take place if there is need for clarification of what a speaker has already outlined; and done in accordance with the appropriate Procedural Rules for the Hearing in question.

6. **TRAINING**

6.1 Members dealing with Licensing issues will be required to attend a training session each year to receive guidance in relation to Licensing regulations and procedures and on declaration of personal or prejudicial interests. Training will be conducted in accordance with the Training for Councillors standard. Members who fail to attend such training will be excluded from meetings of Licensing Committee. This training should include a balance of the following:-

- Short (half day) sessions on special topics of interest or where appeals have indicated problems with Licensing policy;
- Special topic groups to consider thorny issues in depth;
- Formal training by internal and external speakers;
- Quick presentations by officers on hot topics, e.g. new legislation, white papers and their impacts, followed by a brief question and answer session.

7. LICENCE APPLICATIONS SUBMITTED BY COUNCILLORS AND OFFICERS

- 7.1 Serving Councillors or their relatives who act as agents for people pursuing a Licensing matter will not be permitted to play any part in the decision making process for that proposal. Similarly, should they or their relatives submit their own proposal to the Council, they will take no part in its processing, as in both cases they will have an interest in the matters.
- 7.2 In cases where officers of this Department or members of their family submit a licence application, or where they have an interest in a particular application they should inform the Director of Regulation and Enforcement and Monitoring Officer accordingly. (eg- where an application is submitted by a limited company and an Officer is a director (or similar) of the company).

8. REGISTRATION AND DECLARATION OF INTERESTS

- 8.1 The Localism Act 2011 and the Birmingham Code of Conduct for Members place requirements on Members on the Registration and Declaration of their interests and the consequence for the Members participation in consideration of an issue in the light of those interests. These requirements must be followed scrupulously and Members should review their situation regularly. Guidance on the registration and declaration of interests is dealt with by the Birmingham Code of Conduct for Members.

9. COMPLAINTS ABOUT THE DETERMINATION OF LICENSING APPLICATIONS

- 9.1 Whatever procedures the City Council operates, it is likely that complaints will be made. However, the adoption of the advice in this guidance should greatly reduce the occasions on which complaints are justified. It should also provide less reason for people to complain in the first place.
- 9.2 There is a city-wide procedure for dealing with complaints, as well as customer comments and compliments. Complaints alleging a breach of the Birmingham's Code of Conduct for Members must be reported to the Monitoring Officer.
- 9.3 So that complaints may be fully investigated and, in any case, as a matter of general good practice, record keeping should be complete and accurate. Omissions and inaccuracies could, in themselves, cause a complaint or undermine the Council's case. The guiding rule is that every application file should contain an accurate account of events throughout its life. It should be possible for someone not involved in that application to understand what the decision was, why and how it had been reached. Particular care needs to be taken with applications determined under the powers delegated to the Director of Regulation and Enforcement, where there is no report to a Committee. Such decisions should be well documented and form part of the case file. It is preferable to use the complaints procedure prior to any recourse to the Local Government Ombudsman.
- 9.4 Where any right of appeal exists against a decision of the Licensing Committee, that right is to be communicated at the time of the notification of decision.

10. CONCLUDING REMARKS

- 10.1 Maintaining high ethical standards enhances the general reputation of the City Council, its Members and its officers. Open and transparent decision making enhances local democracy and should lead to better informed citizens. A common understanding of the various roles, responsibilities and accountabilities should also enhance citizen participation. This Licensing Code, along with Birmingham City Council's Code of Conduct for Members, therefore, serves an essential part in the local and corporate governance of Birmingham City Council
- 10.2 The City Council's Head of Paid Service, the Monitoring Officer and the Section 151 Officer have been consulted over this Licensing Code.
- 10.3 If any person believes that a Member or Officer has breached any aspect of this Licensing Code, s/he should refer the matter to the City Council's Monitoring Officer.

Prepared by the (Joint) Acting City Solicitor and Monitoring Officer of Legal and Democratic Services and the Acting Director of Regulation and Enforcement

BIRMINGHAM CITY COUNCIL

<p>LICENSING AND PUBLIC PROTECTION COMMITTEE 9 APRIL, 2019</p>

**MINUTES OF A MEETING OF THE LICENSING AND
PUBLIC PROTECTION COMMITTEE HELD ON
WEDNESDAY 9 APRIL 2019 AT 1000 HOURS IN
COMMITTEE ROOMS 3 AND 4
COUNCIL HOUSE, BIRMINGHAM**

PRESENT: - Councillor Barbara Dring in the Chair;

Councillors Olly Armstrong, Bob Beauchamp, Nicky Brennan,
Neil Eustace, Nagina Kauser, Mike Leddy, Mary Locke, Simon Morrall,
Mike Sharpe and Martin Straker-Welds.

ALSO PRESENT:-

Freddie Humphries – Committee Lawyer
David Kennedy – Licensing Officer
Louisa Nisbett – Committee Manager

NOTICE OF RECORDING/WEBCAST

- 1148A The Chair advised that the meeting would be webcast for live and subsequent broadcast via the Council's internet site (www.birminghamnewsroom.com) and that members of the press/public may record and take photographs except where there were confidential or exempt items.

DECLARATIONS OF INTEREST

- 1149A Members were reminded that they must declare all relevant pecuniary and non pecuniary interests relating to any items of business to be discussed at the meeting. If a pecuniary interest was declared a Member must not speak or take part in that agenda item. Any declarations would be recorded in the minutes of the meeting.

There were no declarations of interest.

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APOLOGIES

1150A Apologies were received from Councillor Bruce Lines for non-attendance.

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

**CONTROL OF SEX ESTABLISHMENTS – SEXUAL ENTERTAINMENT VENUE,
PARADISE CITY, 193-194, BROAD STREET, BIRMINGHAM B15 1AY**

The Chairman welcomed all parties to the meeting and made the necessary introductions. She outlined the running order of the business and the times each party would have to make their representation and summary.

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

(See Document No. 1)

On behalf of the Applicant for the SEV Licence

Philip Kolvin QC
Mr Daniel Parma - Director (Minority Shareholder)
Mr Gary Brown – Director (Majority Shareholder)
Mr Andrew Bamber – AB Conformitas Limited
Ms Roxandra Niculescu – Deputy Manager
Mr Adkins - Solicitor
Mr Zvaid Tsiklauri – Head Door Supervisor
Anna Lloyd - Notes
Interpreter for Mr Parma

Those Making Representations

Ms Christina McCulloch – Licensing Enforcement
PC A Rohomon – West Midlands Police
James Rankin – Counsel for WMP Representations
Jennifer Downing – Solicitor WMP
Francis Taylor - WMP
Mike Olley – Westside BID
Heath Thomas – Legal Representative for Westside BID

Preliminary Matter

The Chairman asked whether anyone wished to make any preliminary points. James Rankin, Counsel requested that CCTV footage be shown in private so as not to disclose the identity of individuals in the footage and this was agreed by the Committee.

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Philip Kolvin, QC was assured that although the Chairman had indicated that submissions should be 20 minutes, sufficient time will be given for all parties to make their presentations.

David Kennedy, Licensing Section outlined the main points of the report.

Phillip Kolvin QC together with those present in support of the application, made the following comments on behalf of the application and in response to questions:-

1. Although the application was originally for 24 hours, the intention was that the hours of operating should be from 1900 hours to 0700 hours. They did not wish to vary the standard conditions.
2. With regards to the locality, the application sits within an area with an upper limit guide on the number of SEV's, the appropriate upper limit being 8. There were 6 SEV's at present.
3. The main issues of concern were the involvement of Mr Parma himself. Mr Palma is the former owner of Legs 11. Mr Parma would not have any involvement or influence in the day to day management of the Premises as he was simply an investor. The premises would be in the hands of Mr Brown who would also be the DPS, assisted by Ms Niculescu who was an exemplary individual of good character.
4. The application was for standard conditions with no variations. Further conditions were proposed to ensure the public interest and law was upheld, as historically a further level of conditions was needed for these type of premises. In addition an independent audit will be carried out to ensure the venue was run in a proper manner. This would include covert visits by Mr Bamber.
5. One of the main issues is that there are a series of unwarranted allegations made by West Midlands Police that Mr Parma was a murderer, involved in organised crime, was guilty of trafficking women and had committed fraud on customers. The WMP allegations were sad and allegations need to be substantiated on the balance of probabilities. Mr Parma had not been charged or convicted of any of the matters. The property ceased as part of the operation had been returned by the police. After 2 years WMP had not provided any evidential material and matters had not been pursued any further.
6. It was clear from the CCTV footage that there had been a flagrant breach of the licensing conditions in Broad Street in 2017 particularly with regard to the non touching rule. It was accepted by the applicant that there had been very serious breaches and that supervision was lacking in the SEV premises at Legs 11. The premises were being managed by other persons. Mr McLean left in 2016 and there were problems when Mr Haxia was DPS.
7. Mr Parma was aware of his responsibilities as owner of the premises. He had been hospitalised owing to being seriously unwell for part of that period and had been unaware there were issues. As a result of this he had lost both clubs and was anxious to re-establish the business. Mr Parma had accepted advice from a Legal Team and Mr Bamber that it was better that he stepped back and relinquished control of the premises.

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8. He had handed Directorship of the premises to Mr Brown and his team together with a large number of conditions. Mr Brown was happy to operate the business with no interference from Mr Parma. Mr Parma had been frank regarding his intentions and his past. He asked that the licence be granted subject to conditions. If there were still concerns, the licence could be granted for less than 12 months or for a probationary period at the discretion of the Committee.
9. In reply to questions from Philip Kolvin QC, Mr Brown was a person of good character holding a DPS certificate and had no convictions. He held a personal licence. Mr Brown's CV was referenced at page 203. He was a Valuations Manager at a well-known estate agent. He was required to comply with various regulations and was trained in various fields, holding NVQ's including in Team Leadership.
10. Mr Brown was experienced in the night time economy. He had worked as a DJ in venues both in the UK and across Europe for 20 years. He had worked as a DJ at Legs 11 Ladywell Walk and was acquainted with Mr Tsiklauri and Mr Parma.
11. Over the period he had worked at Legs 11 he was not aware of any criticism about the premises or seen anything illegal. He had worked with the DPS who was professional, respectful of the staff and was knowledgeable of the business and conditions. It was a safe place for staff to work and customers to have a good night out. Mr Brown confirmed that the statement was true.
12. Mr Brown confirmed he was a 51% shareholder in the company and also a Director. Mr Parma would have no involvement in running the premises. He had been involved in the last 12 months and wrote the majority of the conditions and policies etc. Mr Brown referred to and explained how financial transactions were made in advance ensuring transparency. No payments were made in dance areas. There will be a payment point. A form was filled out for some payments.
13. CCTV was in place to ensure everything was transparent and voluntary and no one was fleeced.
14. There was zero tolerance to drugs. Posters in the toilets would enforce this.
15. Reference was made to a series of measures on page 126, for example with regard to sexual contact and services, all booths covered by CCTV, a permanent security presence in the areas of the booths, door supervisors carrying out continuous monitoring of CCTV on hand held tablets, intervention records. With these measures in place they were completely confident there would be no breach of conditions.
16. He was shocked at the CCTV footage and the blatant breaches of conditions. He gave the Committee assurance that this was not the order of the day.
17. Mr Zvaid Tsiklauri had been the senior door supervisor at Spearmint Rhino, Leicester and was not present. He was an SIA door supervisor. He had a law degree. Mr Brown had the opportunity to observe him at Ladywell Walk. He had acted professionally, he was aware of the rules, he was alert, friendly and reliable. When there were breaches at Broad Street Mr Parma was not there at the time.

18. Miss Roxandra Niculesu had a personal licence from BCC. She was a Mortgage Adviser and held a diploma in restaurant management. She was also a SIA Licensed door supervisor also trained in finance and estate agency, data protection and annual accounts the same as Mr Brown. Miss Niculescu confirmed the statement on page 136 was true. She had no criminal convictions here or in Romania. She was the house mum and looked after the dancers.
19. With regard to allegations by customers who could not remember making payments, customers were required to provide ID and sign a form. The records of ID were kept on record in the office which was covered by surveillance. There was no proven case that customers did not know what they had done.
20. The importance of the education of dancers was explained and the rules were displayed on the door eg. No touching, pictures etc. If there was a problem, dancers were told to walk away and ask the customer to leave if necessary. Staff would step in if needed. Mr Parma will leave Mr Brown to run the premises. Mr Brown would never agree to take part in an illegal operation.
21. Mr Bamber had worked in London at a regulated SEV. He had been a Borough Commander in the Metropolitan Police. He had a MBA and was a member of the Institute of Licensing and held a Personal Licence.
22. Mr Bamber had helped put together the conditions. He had dealt with a number of cases where premises were in difficulties, had management changes and where they were in conflict with the Licensing Authority or the police. He had looked at the policies and procedures in order to eliminate the risks. It was imperative to get the management right.
23. Mr Bamber gave examples of his experience in carrying out Audits. He was a former senior investigative officer in the police corruption unit. The Committee could order an audit as it was a condition on a licence.
24. With reference to allegations that the applicant was putting up a smoke screen and being evasive in respect of Mr Bamba's involvement in the premises. The information from the applicant included in their submission stated that Mr Parma had been involved in the past, referencing the certificate of public liability insurance and companies house records for Dansid Limited, Legs 11 and Take it Back Limited that included Mr Parma's name. There were also cheques in Mr Parma's name and he was still paying the rates. Mr Parma was not disguising his involvement in the past.
25. Mr Parna held a Personal Licence from BCC, a SIA Licence. The DBS Certificate showed he had no police records or cautions. There were a number of allegations regarding Legs 11 however no one had been arrested or charged and no further action was taken.
26. Mr Parma had not been involved in organised crime, drugs and had not defrauded or killed anyone. He had not asked Legs 11 to break the law. Mr Parma had been manager there for 5 years. He had become ill for 6 or 7 months before the premises had closed and had been in hospital over the Christmas period. The premises had operated under Mr McLean. Mr Parma had not been aware of the breaches of

licence or that the premises were out of control as he was sick at the time. He was happy to invest in the club but leave the running of the club to Mr Brown.

27. When the police raided the premises they did not find any drugs. Mr Parma was anti-drugs and did not sanction anything of this nature. There was no evidence of the allegations made against him.
28. A solid structure was being presented. Mr Parma was familiar with the conditions. The system would be run by a good team with checks and balances. Mr Parma had temporarily lost control in the past but could be trusted not to interfere.
29. The allegations made were hearsay, could not be relied on and needed to be supported by evidence. All of the items seized by WMP had been returned.
30. Some of the conditions were read out. There was a good system to run the premises with a team of good characters.
31. The application took into consideration the change of location to Broad Street and the impact of the premises in Birmingham's main night time area. The signage would be small. 2 premises nearby traded at ground floor level without objections. The location of the club was where you would expect to find this type of establishment. There was provision for up to 8 SEV premises in the location therefore it would be unfair to refuse the licence on locality grounds.
32. In reply to a question the 51% shares were gifted to Mr Brown in reward for his labour. Broad Street was a world class centre with substantial visitation and a night time economy. All big cities had SEV's. Mr Brown had researched the area and was impressed with the co-existence between premises and diversity on offer. The premises would not have a negative impact on the area. The doorway and window would be blocked out similar to the Rocket Club.
33. In reply to reports of touting by staff this should not happen and also it was a condition on the licence. Mr Tsiklauri was not there at the time when the breaches took place. The team of good characters understood and would comply with the rules. If the licence was granted a considerable amount of money would be spent to bring the premises up to standard.

The meeting adjourned at 1145 hours and reconvened at 1157 hours.

Mr Rankin, WMP Counsel made the following points whilst making representations against the application and in response to questions from Members:-

1. The first area of disagreement was that Mr Parma was a man of good character. It was the view of the police that he was undesirable. With regard to there being no criminal prosecutions from enforcement visits or alleged fraud, there was plenty of case law about what could be taken into account when considering a licence. Guidance in McCool v Rushcliffe Borough Council [1998]3 All ER 889, QBD gives guidance on how evidence should be considered in a licensing case. There had been previous cases where although the convictions against a person had been quashed, the licence had still been revoked.

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2. There was intelligence that Mr Parma had been involved in murder, trafficking and organised crime. When Mr Parma arrived in Albania he pretended to be Kosovan. The intelligence about his involvement in crime related to evidence in Albania. All the intelligence and evidence was graded at Level B – mostly reliable. The applicant's representative say that this evidence cannot be relied upon, however WMP maintain that it can be relied upon.
3. Mr Parma was in charge of the premises at the time of the offences however he states that he was sick at the time and someone else was there. He should not be allowed to profit from a licence.
4. The reasons given by the Committee for revoking the licence on page 265 to 267 of the papers were read. Page 268 said that Committee did not have any confidence that the SEV Licence Holder was suitable to hold any licence in the City.
5. WMP believed that Mr Parma was involved in both premises as early as 2012. The statement made by Abdool Rohomon, page 312 and the intel logs were highlighted. The sole reason of the company was to take money. WMP believed Mr Parma had been in the background for a considerable amount of time.
6. The 17 complaints for fraud amounted to £93,424. Customers complained they had been defrauded of £200 upwards. Transactions from 4 customers in 2017 amounted to £23,963. Mr Parma was not in hospital at that time.
7. The allegations related to fraud had a familiar pattern, after the victims were plied with drink so this was not a one off. There was CCTV cameras at various positions, however Mr Parma said he was not aware what was taking place.
8. Page 289 of the report showed the instances where defrauding had taken place and the frequency and closeness of the allegations. The customers were pressured to put their PIN into the card machine. The ladies crowded around one customer whilst he put in his PIN number then used it at a later date.
9. One man on the CCTV was nearly unconscious on the floor and his hand was held up whilst he entered his PIN again. Money was stolen over 2 transactions to a total of £4,600. Many of the victims had small amounts of drink then found themselves unable to walk. The inference was that their drinks had been spiked. P C Rohoman suggested that it was commonplace as a method of operation to defraud victims after spiking their drink.
10. There was evidence of fraud on pages 297 and 298 of the report and assaults were frequently taking place at the premises whilst Mr Tsiklauri was head doorman.

EXCLUSION OF THE PUBLIC

1151A **RESOLVED:-**

That in accordance with Regulation 14 of the Licensing Act 2003 (Hearing) Regulations 2005, the public be excluded from the hearing due to the sensitive nature of the evidence to be presented.

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CCTV footage – Legs 11, 193-194, Broad Street, Birmingham, B15 1AY.

At 1220 hours the the Chair requested that all present, with the exception of the Members, the Committee Lawyer and Committee Manager, the applicant and objectors withdraw from the meeting to enable the CCTV footage to be viewed.

At this stage in the meeting and at 1233 hours having viewed the CCTV footage in private the public were readmitted to the meeting.

11. Mr Rankin continued that intelligence from WMP showed that £1.6M had been paid to the Take It Back Limited account over a period of 6 months. It was clear that Mr Parma wanted to regain his position for financial reasons.
12. There would be no clear water between the old and new regime. Mr Parma had given Mr Brown 51% of the shares. Someone of Mr Parma's demeanour and has a reputation for carrying firearms would not leave Mr Brown to run the club. Mr Parma is a man who will exert his will over Mr Brown and Mr Tsiklauri.
13. The applicants first point of call was to blame the door team. The incidents on the CCTV happened under Mr Tsiklauri's management. There were 10 assaults in a 4 month period and a significant total of 223 incidents.
14. The responsibility for the licence lies with the licence holder. The suggested list of conditions would not make a difference.
15. Mr Brown will carry out Mr Parma's wishes. If a SEV is granted the licence will be on behalf of a person who would be refused a licence if they had applied themselves. The suitability of the applicant was questioned. The Licensing Committee could take preventative measures. Mr Brown only became a co-director on 2 January 2019 and he was now the majority shareholder.
16. The licence should be refused. In reply to comments from Councillor Simon Morrall questioning why a licence had been granted in the first place, the applicant had no alternative but to put forward plan B that he held 49% of the shares.
17. The email from Peter Adkins to Abdool Rohomon, dated 10 October, 2019 made it clear that he had been instructed by Mr Parma who was applying for the licence.
18. It was not known if the women in the CCTV were trafficked or not. Investigations into fraud took a long time and proof was needed however CCTV was only required to be kept for 28 days which was not long enough and it was too late. The behaviour of the women were in breach of the licence.

In objecting to the licence and in response to questions from Members, Christine McCulloch, Licensing Enforcement made the following points:-

1. She had had numerous dealings with Legs 11 both at Ladywell Walk and Broad Street. There was a yearly visit to ensure compliance and it was clear that the person in control was Mr Parma.

783A

2. Christine McCulloch had been involved in the test purchase of services when officers had been pestered to pay for more services. As a result CCTV evidence was collected. It was obvious that the behaviour was normal.
3. Parma Midlands Incorporated had been created for the purpose of obtaining a SEV licence for Broad Street. Mr Parma had gifted shares to Mr Brown which showed the control he had.
4. Take It Back Limited took a significant amount of money over a short period of time. The premises in Broad Street was in disrepair and needed a significant amount of funds spent on it
5. With regard to the request for a variation for a locked room, the previous room 11 had a lock on the door and Bar Staff had a key. The fees proposed were £500 per dancer per half an hour. Customers were already signing forms and giving their ID so nothing put forward was new.
6. It had been stated that the reason for the locks on doors was to store the alcohol. The alcohol was included in the £500 charge. Any alcohol would need to be monitored. There had been complaints about the pricing at Ladywell Walk but a lot of men were reluctant to complain. All payments were made to Parma Midlands.
7. Previous staff had been blamed for the problems however whenever she visited the premises Mr Parma was present. The drugs policy said there was a zero tolerance policy but there were allegations that customers had been drugged.
8. Mr Bamber was paid by the applicant to carry out Audits but he was not impartial. At no point during the yearly visits had she been told that the business had been handed over. Mr Parma ran the business and should have put measures in place. She had always been given the name Clear Blue Skies.
9. The test purchase was agreed because it was difficult to get evidence.
10. In light of this she asked that the Committee refuse the licence.

In objecting to the licence and in response to questions from Members the following points were made by Heath Thomas on behalf of Westside BID:-

1. They were formerly known as Broad Street BID but were now Westside BID. The Body appointed Elected Members to serve for 5 years.
2. Concerns over the locality of the premises were raised however the concerns were there to support the main and principal objections.
3. Westside BID had concerns that the applicant was unsuitable to hold a licence. They noted that Mr Parma had gifted 51% of the shares to Mr Brown.
4. It was clear Mr Parma was involved. He was in control back in 2012 and each time a renewal was lodged. There had been no transparency regarding the application.

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5. There were concerns about the financial integrity of the transactions totalling £1.6M in 6 months of which £93,000 had been identified as fraudulent action. There does not need to be a conviction before matters are considered.
6. There had been breaches of licensing conditions that the applicant could not challenge and there was footage to prove it. These were not isolated incidents.
7. The applicant was not suitable to hold a licence. In light of the breaches of conditions they were looking for a strong manager however it was clear from Mr Brown's CV that he was not experienced to manage the premises. He had previously been a DJ in several premises.
8. Westside Bid called into doubt the Management structure and proposed Manager Ruxandra Niculesu who had been involved previously with the premises and must have been aware what was going on.
9. There had been no enforcement of the rules, on the CCTV some of the staff came into the room and witnessed what was taking place but had taken no action. They were not satisfied that the rules would be enforced.
10. There was evidence from the test purchase that staff were offering other services for payments. There was other evidence from witness statements in the report.
11. Westside had been asked to make representations. There was 2 of the Directors who were from Pubwatch.
12. They had visited the other SEV's in the area and they were exemplarily run.

In summing up Heath Thomas had nothing more to add on behalf of Westside BID. They had considered the comments made by the applicant and felt that they should not be approved to hold a licence.

In summing up Christine McCulloch, Licensing Enforcement said that in light of the breaches by Legs 11 put before the Committee, Legs 11 was not fit to hold a licence. The same person would be in charge of the premises and there would not be a significant change. The proposed conditions would not stop the breaches from happening. If the standard conditions could not be met then the premises should not hold a licence.

In summing up on behalf of West Midlands Police, P C Rohomon said that transparency was required when renewing a licence. If new people were involved with a business they needed to be identified. Mr Parma had not had not admitted his involvement.

Philip Kolvin QC made the point that Mr Parma had been involved in the premises since 2012 as can be seen in pages 126 and 132 paragraph 29 of the report. He took over the business for 6 years. Mr Parma had been transparent about the investigation by the police. He had been paying tax and insurance and was a trustworthy owner. All records of the dancers were on file. If they were being trafficked, it would only take a police visit for them to find out. There had been no issues with Ladywell Walk for 6 years and there were no problems until Mr Parma was hospitalised.

Assertions had been made about wrongdoings by Mr Parma, that he was involved in drugs, trafficking and murder however there was no evidence. Mr Parma had been inspected on 6 occasions by Birmingham City Council. The Managers had years of experience in the night time industry. The Committee should be reminded of the guidance in McCool v Rushcliffe Borough Council {1998} 3 All ER 889, QBD on how evidence should be considered in a licensing case. There was no evidence 2 years later that Mr Parma had been trafficking women. There was no evidence just hearsay and the Committee were asked to focus on the facts. Mr Parma was a local family man who had made a home in the West Midlands and was being treated in an unacceptable way.

There will be checks and balances put into place. There will be direct surveillance security in the area of the private dances. All the security staff will wear bibs whilst on duty and will permanently engage with dancers. There will be CCTV monitors in reception available for inspection. None of the 10 assaults had been pursued. The sign at room 11 now says £500 per half hour in the VIP room. Most of the money goes to the dancers. Mr Brown had not paid for his shares however he brought his experience and good character. He helped to create a venue plan and would walk away from his career as an established agent. Mr Brown will control the company and his seniority would be respected. The locks for the room was to stop people wondering in. The door will be replaced with glass. The drug policy had been included. No one had made an objection on the grounds of locality.

As a point of clarification the date the premises were last open was 23 June, 2017. They were asking for the list of conditions to be added to the licence and they were happy for the independent Audit to be tweaked. The Committee could be reassured that Mr Parma will leave Mr Brown to manage the premises.

At 1403 hours the Committee adjourned and the Chair requested that all present with the exception of the Members, the Committee Lawyer and Committee Manager withdraw from the meeting.

After an adjournment all parties were recalled to the meeting at 1446 hours and the decision of the Committee was announced with the Applicant being advised of the full decision and reasons as set out below in due course:-

1152A **RESOLVED:-**

That the application by Parma (Midlands) Limited for a Sexual Entertainment Venue licence under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009 in respect of Paradise City, 193-194 Broad Street, Birmingham, B15 1AY ("the Premises").

BE REFUSED on the following grounds:

- a) that the applicant is unsuitable to hold the licence;
- b) that if the licence were to be granted the business to which it relates would be managed by, or carried on for the benefit of a person, other than the applicant, who would be refused the grant of such a licence if he made the application himself;

786A

Reasons

This is an application for the grant of an SEV licence made by Parma (Midlands) Limited for a Sexual Entertainment Venue (“the Applicant”). The grant of the application is opposed by the West Midlands Police, Licensing Enforcement and Westside Business Improvement District (“the BID”). The case presented by the Police is that the Applicant is unsuitable to hold a licence and that if the licence were granted it would be held for the benefit of someone who is similarly unsuitable to hold a licence. Those concerns are shared by Licensing Enforcement and by the BiD, both of whom also raise the argument that the grant of the licence should also be refused on the grounds that it is not appropriate having regard to the locality in which the Premises is based.

The Applicant does not accept the arguments advanced by those opposed to the grant of the licence. The Applicant submits that the Applicant is suitable to hold a licence and that in reality the arguments in relation to the locality are nothing more than make weight points.

The Committee acknowledges that each application for an SEV licence should be dealt with on its own merits, this is required by both law and the Council’s own policy. It is right, however, to acknowledge that the Premises has previously held an SEV licence and that that licence was revoked by the Council on 14 July 2017. This is relevant because all of those making representations point to the previous mismanagement of the Premises as part of the reasons for the Applicant being unsuitable.

The Applicant is a company of which there are two directors. Mr Gary Brown has a 51% share in the business and Mr Daniel Parma holds the remaining 49%. Mr Parma founded the company and was initially the sole director before Mr Brown became a director. The shares owned by Mr Brown were not purchased by him and instead were gifted to him by Mr Parma. It is Mr Parma who is funding the application and who will fund the redevelopment of the Premises to bring it up to the requisite standard to be run as an SEV.

It was submitted on behalf of the Applicant that Mr Parma will have no involvement in the management of the Premises. This will be left to Mr Brown assisted by Ms Niculescu. The Committee do not accept this submission. It is simply not plausible to suggest that Mr Parma will not exert any influence in the running of the Premises when he is the financial backer of the project and he has brought Mr Brown into the business rather than it being an endeavour of their co-creation.

It was accepted on behalf of the Applicant that when the Premises was last open there were gross breaches of the licence and the SEV regulatory regime. The Committee agree with that assessment, the breaches at the Premises were both severe and flagrant. It is clear that at that time Mr Parma was ultimately responsible for the Premises and in the Committee’s view that he bore responsibility for the problems at the Premises. Indeed, at the hearing the Applicant’s representatives did not shy away from this.

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The Committee do not accept that Mr Parma's illness explains or mitigates the failures at the Premises. It is clear on the face of the material provided to the Committee that the breaches of the conditions and SEV regime were regular, persistent and ongoing for some time. In light of this it is the Committee's firm opinion that Mr Parma is unsuitable to hold a licence. Had Mr Parma applied in his own right he would have been refused a licence on this basis. As a director of the Applicant if the licence were to be granted the business would be carried on for his benefit and so the application for the licence is refused pursuant to Paragraph 12 (3)(b) of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.

The Committee's concerns about the suitability of the Applicant are not assuaged by the involvement of Mr Brown. The Council's policy at 8.1 provides a non-exhaustive list of characteristics that are relevant to consider when assessing whether someone is suitable to run an SEV. These include:

"that the operator is qualified by experience to run the type of sex establishment in question...

that the operator can show a track record of management of compliant premises, or that he/she will employ individuals who have such a track record."

Mr Brown's previous involvement with SEV's is as a DJ at Legs 11 Ladywell Walk. He was unable to demonstrate that he had relevant experience to run the Premises or that he had a track record of running similar premises. Whilst, this does not automatically bar Mr Brown from being "suitable", the case advanced in his favour by the Applicant's representative did not satisfy the Council that he would be able to properly run the Premises.

This therefore led the Committee to the conclusion that the applicant's company is unsuitable to hold an SEV licence. Accordingly, the application falls to be refused pursuant to Paragraph 12 (3)(a) of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.

A wide range of other issues regarding suitability were raised by those making representations, notably that: there was evidence of fraud taking place at the Premises when it was last open; there were regular incidents of violence associated with the Premises previously; and that Mr Parma was involved in organised crime, human trafficking and was a murderer. Mr Kolvin QC strongly opposed these allegations and submitted that the Police had not provided the Committee with any evidence that substantiated them even on the balance of probabilities. Mr Rankin for the Police reminded the Committee of the guidance in McCool v Rushcliffe Borough Council [1998] 3 All ER 889, QBD on how evidence should be considered in a licensing case such as this.

Ultimately it was not necessary for the Committee to come to a definitive view on these matters given the findings made above. However, the Committee has serious concerns about the evidence of fraud having taken place at the Premises. The Committee also noted that the allegations that patrons were pressured into making transactions or were plied with alcohol and then made to undertake high value transactions was to a large extent supported by the CCTV footage that was shown to the Committee.

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Given that the Application falls to be refused on suitability grounds, and that these were the main focus of the representations made before the Committee, the Committee did not feel it necessary for the purposes of this application to come to a conclusion as to whether or not the operation of the Premises is appropriate to this locality.

In reaching this decision, the Sub-Committee has given due consideration to the City Council's Sexual Entertainment Venue Policy, the information contained in the application, the written representations received and the submissions made at the hearing by the Applicant, their legal adviser and those making representations. For the reasons set out above the Application is refused.

Under the provisions contained within Schedule 3, paragraph 27 of The Local Government (Miscellaneous Provisions) Act 1982, there is the right of appeal against the decision of the Licensing Authority to the Magistrates' Court, such an appeal to be made within twenty-one days of the date of notification of the decision.

OTHER URGENT BUSINESS

1153A There was no other urgent business.

AUTHORITY TO CHAIR AND OFFICERS

1154A **RESOLVED:-**

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

The meeting ended at 1450 hours.

.....
CHAIRMAN

789A

BIRMINGHAM CITY COUNCIL

LICENSING AND PUBLIC PROTECTION COMMITTEE 16 MAY 2019
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**MINUTES OF A MEETING OF THE LICENSING
AND PUBLIC PROTECTION COMMITTEE HELD
ON THURSDAY, 16 MAY 2019 AT 1000 HOURS
IN COMMITTEE ROOMS 3 AND 4
COUNCIL HOUSE, BIRMINGHAM**

PRESENT: - Councillor Mike Leddy in the Chair;

Councillors Bob Beauchamp, Nicky Brennan, Phil Davis, Neil Eustace, Adam Higgs, Nagina Kauser, Simon Morrall and Mike Sharpe.

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NOTICE OF RECORDING/WEBCAST

- 1164 The Chair advised that the meeting would be webcast for live and subsequent broadcast via the Council's internet site (www.civico.net/birmingham) and that members of the press/public may record and take photographs except where there were confidential or exempt items.

DECLARATIONS OF INTEREST

- 1165 Members were reminded that they must declare all relevant pecuniary and non pecuniary interests relating to any items of business to be discussed at the meeting. If a pecuniary interest was declared a Member must not speak or take part in that agenda item. Any declarations would be recorded in the minutes of the meeting.

There were no declarations of interest.

APOLOGIES

- 1166 Apologies were received from Councillors Olly Armstrong, Barbara Dring, Bruce Lines, Mary Locke, Hendrina Quinnen and Martin Straker-Welds for non-attendance.
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MINUTES

- 1167 The Minutes of the meeting held on 10 April 2019, having been previously circulated were confirmed as a correct record and signed by the Chairman.
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The business of the meeting and all discussions in relation to individual reports are available for public inspection via the web-stream.

REGULATION AND ENFORCEMENT BUSINESS PLANS 2019/23

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

(See Document No. 1)

Steve Hollingworth, Assistant Director of Regulation and Enforcement, made introductory comments to the report and subsequently referred to Appendices 1 to 5 which detailed the service plans for the period 2019/23 in respect of Regulation and Enforcement.

Joyce Amadedon, Head of Operations and Bereavement Services, provided a presentation on the Coroner's and Mortuary service plan by referring to Appendix 1 of the report.

In response to members' comments and questions the following points were captured:-

- CT Scanner – level of effectiveness remained the same wherever it was located across the country.
 - Pathologist actively strengthening the case for a CT scanner
 - Bereaved families were normally informed of the CTPM service when it was requested by the Coroner and in agreement with the family, if the cause of death was unknown.
 - Coroner – looking at suicide prevention – ongoing consultation – feed back to Committee in due course.
 - Coroner – looking at capital spend - Business Plan – Mortuary facilities/building review ongoing.
 - Coroner – Awareness of shortage of pathologists – looking to increase levels with encouragement/training.
-

Mark Croxford, Head of Environmental Health, provided a presentation on the Environmental Health and Pest Control Business Plan detailed in Appendix 2 of the report.

He made particular reference to the record of enforcement which was reported on a monthly basis and highlighted that most of the cases that were submitted to Court resulted in a successful conviction.

Emma Rohomon, Acting Head of Licensing, provided a detailed presentation on the Key Work Programmes and Projects by referring to Appendix 3 of the report.

Joyce Amadedon, Head of Operations and Bereavement Services, provided a presentation on the Registration Service by referring to Appendix 4 of the report.

Sajeela Naseer, Head of Trading Standards, provided a brief presentation by referring to Appendix 5 of the report.

Following Councillor Sharpe's note of appreciation for the hard work undertaken by the enforcement officers and the request for additional information, the Chair confirmed that the appropriate information relating to success rates would be included in a future report.

She stated there were 17 frontline enforcement officers and highlighted that over the last year there had been submitted 58 high rate prosecutions, adding that over the last 9 years there had only been one unsuccessful prosecution.

Sajeela referred to the work they were undertaking with partners relating to Brexit and the importation of goods, the work that was taking place with the Commonwealth Team regarding capacity brand protection, and the discussions that were taking place with the team relating to changes to specific legislation that may well include brand protection.

Tony Quigley, Head of Illegal Money Lending, provided a brief overview of the service highlighting that it had been in operation for the past 15 years.

He confirmed that they were not seeing any reduction in terms of illegal money lenders and subsequently highlighted the different ways in which they now operated and the high levels of interest that they charged.

He referred to the team and highlighted that they had assisted in over a 100 arrests per year as a result of illegal money lenders. He confirmed that the Committee would be provided with a more detailed update in a couple of months' time which would include information on the community projects they were involved in.

Following the Chair and Members' comments, Tony Quigley made reference to the TV programmes that he had been involved in regarding illegal money lenders.

He referred to the suggestion that they look into the possibility of National Express advertising the Credit Union facility on the side of their buses, and was in agreement that this positive action should be raised through the appropriate channel.

The Chair put the recommendation to the meeting and it was agreed with one abstention.

(Councillor Morrall abstained as he was unable to view the agenda and associated documentation via the computer due to IT difficulties).

1168

RESOLVED:-

That the Committee considered and approved the service plans as presented for 2019/23, namely;

Appendix 1	Coroners and Mortuary
Appendix 2	Environmental Health
Appendix 3	Licensing
Appendix 4	Registration Service
Appendix 5	Trading Standards

UPDATE REPORT ON UNAUTHORISED ENCAMPMENTS

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

(See Document No. 2)

Mark Croxford, Head of Environmental Health, apologised for the draft report being uploaded onto the system.

He updated the Committee on the progress of the transit sites by specifically referring to 4.1 to 4.4 of the report and subsequently explained the Gypsy and Traveller Accommodation Assessment GTAA), and how the assessment was carried out regularly within the city, as part of the city planning Birmingham Development Plan (BDP).

He highlighted that work had commenced yesterday on the Proctor Street site development and that it should be completed and suitable for occupation in 16 weeks' time.

He referred to the existing sites; Tameside Drive and Aston Brook Street and whilst updating their current position, confirmed that in the future they would provide an additional 10 pitches and with the inclusion of Proctor Street, this would provide 30 pitches across the city.

He reported on the up to date position relating to the injunction action on the 9 parks and that they were currently writing a statement in order for the injunction to apply citywide.

While members expressed their keenness for the injunction to be extended to all open spaces across the city, Mark Croxford referred to the importance of the injunction being extended not only to prevent displacement, but also explained the merits of the introduction under the Criminal Justice Crime Act 62A which would come into effect and help to quicken up the process in alleviating issues.

Members expressed their appreciation for all the hard work and efforts that had been demonstrated from Mark and the team.

Mark thanked members and agreed to pass on the positive comments.

He provided a brief explanation regarding the difficulties in obtaining sites in the south side of the city, and stated that whilst there were adequate provision from the sites that were being brought into use, therefore alternative sites could not be considered at this time, adding that the drive was from the BDP and if in the future additional sites were required, than they could consider other areas of the city.

At the request for additional information, Mark agreed to circulate a copy of the injunctions (9 protected parks) to the Committee.

The Chair put the recommendations in the report to the meeting which was unanimously agreed:-

1169

RESOLVED:-

The Committee:-

- (i) Noted the report and Outstanding Minute No. 111 be discharged, and
- (ii) Requests a further report to be brought in 3 months to update on the various work items contained with the report.

FIXED PENALTY NOTICES ISSUES FEBRUARY AND MARCH 2019

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

(See Document No. 3)

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

The Chair put the recommendation in the report to the meeting which was unanimously agreed.

1170 **RESOLVED:-**

That the report be noted.

THE BIRMINGHAM CITY COUNCIL ACT 1990

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

(See document No. 4)

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

The Chair put the recommendations to the meeting which were unanimously agreed.

1171 **RESOLVED:-**

- (i) That the report be noted, and
 - (ii) That outstanding Minute No. 942(ii) be discharged.
-

SCHEDULE OF OUTSTANDING MINUTES

The following schedule of Outstanding Minutes was submitted:-

(See Document No. 5)

Steve Hollingworth, Assistant Director of Regulation and Enforcement, referred to the reports and confirmed both were discharged

1172 **RESOLVED:-**

That all Outstanding Minutes be discharged.

DATE OF NEXT MEETING

1173 It was noted that the next meeting was scheduled to take place on Wednesday, 12 June 2019 at 1000 hours in Committee Rooms 3 and 4, Council House.

OTHER URGENT BUSINESS

Councillor Barbara Dring (former Chair) – Note of Appreciation

1174 Councillor Brennan submitted a note of thanks and appreciation to Councillor Barbara Dring for all her hard work and dedication to the Licensing and Public

Licensing and Public Protection Committee – 16 May 2019

Protection Committee, and especially, with regard to the issues of the Clean Air Zone and the Inquest for the pub bombing.

She also expressed appreciation for allowing her and Councillor Armstrong to be able to work a job share arrangement due to both of them having young family commitments.

Councillors Higgs and Beauchamp also paid personal tributes to Councillor Barbara Dring for her long and distinguished service to the Licensing and Public Protection Committee, highlighting that she would be sadly missed by all and subsequently wished her well in her future endeavours, which was echoed by the Committee.

AUTHORITY TO CHAIR AND OFFICERS

1175

RESOLVED:-

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

The meeting ended at 11:15 hours.

.....
CHAIRMAN

BIRMINGHAM CITY COUNCIL

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

JUNE 2019
ALL WARDS

**REQUEST FOR A LIMITED EXEMPTION FOR HACKNEY CARRIAGE
PROPRIETORS FROM THE MORATORIUM RESTRICTION ON NEW ISSUE
PLATE LICENCES**

1. Summary

- 1.1 The Licensing and Public Protection Committee imposed and regularly renews a moratorium on the issue of new hackney carriage vehicle licences. The moratorium has been in place since 2008 and has been renewed ever since, following regular demand surveys. The last survey was conducted in 2017 and another will be due again 2020.
- 1.2 Although the concessions agreed by your Committee in April 2019 will reduce the urgency to replace vehicles for some proprietors, it is anticipated some licensees will be left with vehicles more than fifteen years old, which will not have their licences renewed after 1 January 2020.
- 1.3 The proposal, if adopted, would allow a vehicle proprietor to take out a new licence within two years of giving up an existing licence, subject to compliance with the requirements laid out in the report.

2. Recommendation

- 2.1 The Committee should consider the proposal put forward by Mr Rashid to allow a limited exemption from the requirements of the moratorium for those drivers meeting the criteria detailed at 5.3
- 2.2 If the Committee is minded to agree the request, consideration should be given to adopting the recommendations made at 5.2 to 5.4 in this report.

Contact Officer: Chris Arundel, Principal Licensing Officer
 Telephone: 0121 464 8994
 E-mail: chris.arundel@birmingham.gov.uk
Background

3. Background

- 3.1 Trade representatives have made numerous requests for hackney carriage vehicle proprietors who are unable to renew their plate licences, or who cannot afford to replace their vehicles, to be able to return their plates and reclaim them within two years. This has been referred to within the trade as 'putting the plate on the shelf'.
- 3.2 Unfortunately there is no legal basis on which this could be done, as case law makes it clear the vehicle itself cannot be disposed of separately from the licence, unless the licence is first surrendered. In any case a licence is never issued for more than 12 months, so licences would simply expire and the moratorium would prevent the issue of a new licence, unless an exemption was granted.
- 3.3 Mr Rashid contacted the licensing office and discussed this issue with officers at some length, in an effort to find a way to allow affected proprietors the opportunity to retain a plate until they are better able to afford a suitable replacement vehicle. The cost of a new Euro 6 diesel taxi is £35,000 plus and demand is such that there are insufficient vehicles available on the second hand market at the moment,
- 3.4 During those discussions an alternative suggestion was made, which would achieve a similar result through lawful means. Mr Rashid subsequently submitted the request attached as an appendix to this report.

4. The Request

- 4.1 Mr Rashid's request sets out a proposal whereby a proprietor holding a valid and current hackney carriage vehicle at any time between 1 January 2019 and 1 January 2021, would be able to take out a new licence for a replacement vehicle at any time up to two years after his licence was surrendered or naturally expired, subject to compliance with a set of qualifying criteria.
- 4.2 The request is effectively for a qualified exemption from the moratorium on the issue of new hackney carriage vehicle licences and if members are sympathetic to the request, officers believe it could be made to work.
- 4.3 The current moratorium prevents the issue of any new hackney carriage vehicle licences. The moratorium has been renewed regularly since 2008, as each three yearly demand survey has shown no significant unmet demand for hackney carriage vehicles. The latest survey was conducted in 2017 and another will be due in 2020.
- 4.4 A consequence of the moratorium, is that any proprietor who gives up a hackney carriage vehicle licence now, will not be able to obtain another and

could only seek to buy an already licensed vehicle and transfer the licence into his or her name.

- 4.5 This proposal seeks to give existing licensees the opportunity to return to the hackney carriage trade and obtain a new hackney carriage vehicle licence at a later date, but only within a specific set of criteria and without increasing the number of existing licences beyond those which were in circulation on 1 January 2019.
- 4.6 The purpose of the exemption is to allow more time for existing plate licence holders to find a replacement vehicle, it does not provide a loop hole to avoid or delay the effects of the policies agreed by your Committee on 10 April 2019.

5 Suggested New Policy

- 5.1 If after due consideration, members agree the proposal has merit and should be pursued, officers make the following recommendations:
- 5.2 A limited exemption can be allowed for proprietors of hackney carriage vehicles who surrender or allow their vehicle licence to expire between 1 January 2019 and 1 January 2021, to the effect they may apply for the grant of a new hackney carriage vehicle licence irrespective of any moratorium requirement, so long as the applicant meets all of the qualifying criteria at 5.3 i to iii. The vehicle must be of a suitable type and all licensing prerequisites applicable at the time of licensing must be complied with as detailed at 5.3 iv to vi.
- 5.3 Qualifying Criteria:
 - i. The applicant must be a hackney carriage proprietor who held a current, valid hackney carriage vehicle licence between 1 January 2019 and 1 January 2021. Entitlement to request a new issue hackney carriage plate cannot be transferred to any other party.
 - ii. The licence in question must have expired or been surrendered between those dates. There will be no entitlement to request issue of a new licence if the original vehicle was sold and/or the licence was transferred to another proprietor.
 - iii. The transaction must be completed within 24 calendar months to the day of the surrender or expiry of the original licence. Any attempt to obtain a licence after that period, will be treated as a normal grant request and dealt with according to the normal requirements of a grant application, including any restrictions on the issue of new plates applicable at the time of the new application.

5.4 Issue Requirements

- iv. A new issue hackney carriage vehicle licence can be issued for a suitable vehicle qualifying as a replacement for the last vehicle associated with the expired or surrendered licence, subject to compliance with the replacement vehicle policies and any requirements of the CAZ applicable at the time of application.
- v. The transaction will be a new licence application and the fees charged will be those appropriate to a new licence application at the time of the transaction.
- vi. All normal requirements for the issue of a licence will apply, including but not limited to MOT, insurance, log book, age and emission standards applicable at the time of the transaction.

6. Consultation

- 6.1 The proposal has not been subject to a public consultation exercise, but is a response to the demands widely made at Trade Meetings for plates to be “put on the shelf” for a period of two years. This is an issue which only affects the hackney carriage trade, as only they are subject to the requirements of the moratorium. Whilst this specific request has been submitted by Mr Rashid, it is fair to say the overall demand that something be done to make provision for drivers/proprietors to retain the rights to their plate for an extended period after expiry, has been made by representatives of BASTA, RMT, TOA and various individual drivers. However, it was Mr Rashid who contacted the Licensing Office to seek an alternative solution once he understood that putting a plate on the shelf was not a viable option, hence it is his proposal under consideration today.

7. Implications for Resources

- 7.1 Eligibility criteria will have to be checked, which will have time implications. In most cases though, it is anticipated eligibility will have been established as part of a non-chargeable enquiry before the transaction takes place and as such will be absorbed into general operating costs.

8. Implications for Policy Priorities

- 8.1 The contents of this report contribute to the protection, safety and welfare of residents and visitors to the City by ensuring that licensed hackney carriage vehicles are compliant with required vehicle standards.

9. Public Sector Equality Duty

- 9.1 The majority of Birmingham drivers, hackney carriage or private hire are of Black, Asian or other Minority Ethnic (BAME) origin, consequently these groups will be most affected by the impact of the CAZ on the hackney carriage trade, and it is hoped the measures contained in this report may contribute to the City Council's efforts to mitigate those effects.

ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: Nil

Appendix

From: Birmingham And Solihull Taxi Alliance . [<mailto:basta.x@hotmail.co.uk>]
Sent: Friday, March 29, 2019 10:14 AM
To: Chris Neville
Cc: Chris Arundel
Subject: Hackney Carriage Vehicle Licences

Dear Chris

Following on from our meeting on Thursday 28 March. Can you put the following proposal to the Licensing Public Protection Committee Members. It would be very helpful if you could put it on the agenda for the April meeting.

In recognition of the need to adopt policies in mitigation for the detrimental impact of the Clean Air Zone on the hackney carriage trade, the Committee is requested to agree an exemption to the moratorium on the issue of new hackney carriage vehicle licences as follows:

Any hackney carriage proprietor who held a current, valid hackney carriage vehicle licence between 1 January 2019 and 1 January 2021, who gave up that licence because he or she was unable to obtain or afford a suitable replacement vehicle, in compliance with the requirements of the Clean Air Zone (CAZ), shall be entitled to request the issue of a single, new issue, hackney carriage vehicle licence within 24 calendar months of the expiry or surrender of the original licence.

The new licence can be issued for a vehicle qualifying as a replacement for the original vehicle, subject to compliance with the replacement vehicle policies and the requirements of the CAZ applicable at the time of application.

The entitlement to claim a new issue plate licence will apply to the licensee at the time the vehicle licence expired or was surrendered and cannot be transferred to any other party.

The entitlement will lapse at the end of 24 months and any subsequent application will be treated as a new application and subject to all normal requirements, including any restrictions applicable under the present moratorium, CAZ, or any other restriction applying to the issue of new licences at the time of application.

The fees associated with the processing of a new plate licence at the time of issue, will be charged in all cases.

Kind Regards
Rashid

Mohammed Rashid
Trade Representatives Working Group - Chairman
Birmingham and Solihull Taxi Alliance

BIRMINGHAM CITY COUNCIL

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

JUNE 2019
ALL WARDS

REAR LOADING WHEELCHAIR ACCESSIBLE VEHICLES

1. **Summary**

- 1.1 The Licensing and Public Protection Committee does not currently have a policy in respect of wheelchair accessible vehicles (WAVs) used for private hire and so any prospective proprietor must attend a Licensing Sub Committee and seek individual permission for each and every vehicle he wishes to licence.
- 1.2 All hackney carriages are required to be WAVs, but they are required to be larger purpose built vehicles, with built in side loading ramps and a safety screen to separate drivers and passengers.
- 1.3 The report asks members to consider if they willing to consider the introduction of new policies which would facilitate the licensing of rear loading WAVs for the purpose of private hire and whether in light of the requirements of the Clean Air Zone (CAZ) they would consider relaxing the current standard for .hackney carriage vehicles to allow similar rear loading taxis to be licensed in Birmingham.

2. **Recommendation**

- 2.1 Members should consider the content of the report and decide if officers should be required to:
 - i. Consult on a policy to allow licensing of rear loading WAVs as private hire vehicles and, or:
 - ii. Consult on a policy to allow rear loading WAVs to be licensed as hackney carriage vehicles.

Contact Officer: Chris Arundel, Principal Licensing Officer
 Telephone: 0121 464 8994
 E-mail: chris.arundel@birmingham.gov.uk

3.0 Private Hire Vehicles

- 3.1 Birmingham City Council does not have a policy in place to set a standard for wheelchair accessible vehicles used in the private hire trade. In part this is because with an all WAV fleet of hackney carriage vehicles there has not been a high demand for such vehicles from the trade and most of those which have been before Sub Committees have been specialist vehicles required by operators to service specific NHS contracts.
- 3.2 There has been a reluctance to licence rear loading vehicles, in part, because hackney carriage vehicles are required to be side loading in order to avoid problems with wheelchair entry whilst the vehicles are on a taxi rank.
- 3.3 In contrast to hackney carriage vehicles, private hire vehicles are not allowed to sit on the ranks and as journeys are required to be pre-booked there is ample opportunity to agree a safe pick up and drop off point for the wheelchair passenger,
- 3.4 There are a wide number of purpose built vehicles available which are in some ways better fitted to the role than the side loading hackney carriages, not least because there is no need to rotate the wheelchair through 90 degrees to safely secure the passenger and the space available can be more appropriate for the securing of larger wheelchairs and wheelchairs with modifications which cannot fit into a conventional hackney carriage. The rear loading vehicles often have longer ramps and a less acute slope as a result, which makes access and egress easier for all concerned.
- 3.5 The licensing Service is starting to see a greater level of interest in licensing such vehicles than ever before, at a time when the level of provision of WAVS is likely to be reduced, as an estimated 50% of existing hackney carriage vehicles will not have their licences renewed after 31 December 2019.

4. Hackney Carriage Vehicles

- 4.1 The current basic requirement for hackney carriage vehicles is detailed below

Vehicles specifically adapted for wheelchair carriage which meet the M1 European standard. PolicyHCVSpec1

Any M1 vehicle adapted to be a hackney carriage where the adaptations are approved by the Vehicle Certification Agency (VCA) and the adaptations have VCA certification to European Whole

Vehicle Type Approval (EWVTA) or G/B/ Low Volume (Small Series) Type Approval. Policy HCVSpec2

The front seat of a hackney carriage vehicle will not be included in

the seating capacity indicated on the vehicle licence. Policy HCVSpec3

Any MPV or van derived M1 class vehicle to be licensed as a hackney carriage must be black in colour and must not be fitted with full-body advertising livery. Policy HCVSpec4

- 4.2 Additional requirements were covered in a report to the Licensing and Public Protection Committee on 21 November 2007. An extract from that report is attached at appendix 1. That report considered the type of vehicle to be employed in Birmingham as a hackney carriage and concluded vehicles should continue to be purpose built vehicles, side loading for wheelchair accessibility and should be equipped with safety screens, to separate the driver from the passenger compartment.
- 4.3 As mentioned above, perhaps as many as 50% of the existing hackney carriage fleet will be over fifteen years of age after 31 December 2019 and will not be eligible for renewal as licences expire.
- 4.4 Although concessions have been made to allow vehicles to continue in service until they reach fifteen years of age, most of those vehicles will qualify for the CAZ entry charge of £8.00 per day, so proprietors are likely to be seeking replacements. The majority of vehicles available on the second hand market will be diesel and of those, only Euro 6 compliant vehicles will escape the charges for the CAZ. .
- 4.5 Anecdotal evidence suggests demand from proprietors needing to replace a vehicle is keeping the second hand price of Euro 6 compatible vehicles artificially high.
- 4.6 Smaller rear loading wheelchair accessible vehicles are considerably cheaper than the larger side loading vehicles and could represent a much more affordable option for drivers needing to replace a vehicle, with models costing significantly less than the larger van derived equivalent. A typical rear loading WAV can be purchased new for around £23,000, compared with £45,000 for a larger van derived vehicle compatible with current requirements.

5 Safety and Operational Considerations

- 5.1 It is probably easier to secure passengers in rear loading as opposed to side loading WAVs. When the wheelchair enters from the side it should be turned around inside the vehicle so as to face forward or more usually backward according to the design of the vehicle. With many modern wheelchairs, particularly powered ones which can be large and bulky, it may not be possible to rotate the chair inside the vehicle and drivers may be tempted or pressured into carrying the passenger facing sideways. The tragic death of Razan Begum in February 2009 highlighted the potential dangers of doing so. Rear loading WAVs have the advantage of always allowing the wheelchair passenger to face forward during the journey.

- 5.2 Rear loading WAVs can potentially carry a wider variety of wheelchairs. People who use larger, powered wheelchairs, or people who need a significant amount of headroom may find side loading WAVs difficult to enter. Whilst no vehicle is going to be suitable to carry every possible configuration of wheelchair, rear loading WAVs are more likely to accommodate a wider variety of chairs.
- 5.3 Rear loading HCVs would undoubtedly take up more rank space, as up to 3 metres is needed at the back to allow enough space for passengers in wheelchairs to enter or leave the vehicle. However this may not be as big an issue as it first appears, TOA (Birmingham's largest provider of pre-booked hackney carriages) has confirmed the vast majority of their wheelchair work is pre-booked and neither begins nor ends on a rank. It is hoped if members are inclined to licence such vehicles, that at places like New Street Station where on rank pick-ups of wheelchair passengers are more likely to occur, drivers would be courteous enough to leave their colleagues sufficient room to embark passengers.
- 5.4 If rear loading WAVs were inherently unsafe they would not be permitted on the road at all. Medical services, care homes and other organisations responsible for transporting wheelchair passengers make wide use of these vehicles. Such services collect passengers in a more controlled environment than hackney carriages responding to an immediate hiring, although the point made above about pre-booking is still relevant, suitable pick-up arrangements can be made at the time of an advance booking, whether the vehicle is hackney carriage or private hire.
- 5.5 For private hire purposes, rear loading WAVs offer an option for wheelchair passengers which is not really available in Birmingham at the moment. To allow the use of such vehicles, subject to their being purpose built, M1 classification and having a full EU certificate of conformity would not require significant amendment to licensing policies. Most vehicles in this class are equipped with four passenger seats and would simply offer more luggage space when not accommodating a wheelchair passenger.
- 5.6 The situation is more complicated for hackney carriage vehicles. There are rear loading WAVs available, one long wheelbase vehicle identified during research for this report, has six full sized passenger seats for use when the vehicle is not carrying a wheelchair passenger and can still carry four other passengers in comfort when it is carrying a wheelchair, a feat which many conventional hackney carriages are unable to emulate. However, it cannot be avoided that such vehicles will require extra space on a taxi rank, will not be equipped with safety screens and would inevitably include the front seat in the passenger capacity of the vehicle. All of which would conflict with the existing requirements for Birmingham licensed hackney carriages.
- 5.7 Arguments can be made for and against rear loading WAVs. Any potential harm or conflict with existing requirements needs to be balanced against the potential benefits to the wider community in terms of reduced costs, improved

accessibility and the sustainability of a hackney carriage fleet on which many wheelchair users rely.

- 5.8 The introduction of the CAZ is both a challenge and an opportunity and officers believe the time is right to consider alternatives to the status quo, alternatives which could bring cleaner and more cost effective vehicles into the fleet, encouraging drivers to buy newer, greener vehicles and providing a wider range of options for those passengers who depend on WAVs to get around the city. Any introduction of new hackney carriage vehicles should be controlled, limited to types large enough to be usefully employed in the role and subject to suitably revised policy and conditions and similar considerations would have to be made in respect of private hire vehicles.

6. Consultation

- 6.1 Officers have not yet conducted a formal consultation in respect of this matter. Opinions were sought at the trade meetings and in discussion with individual trade representatives. The suggestion that rear loading WAVs should be considered for use as hackney carriages has been generally welcomed and an email sent by Manawar Hussain in his capacity as Chairman of TOA stated the following:

“TOA believes that the Committee must explore/consider other short and long term options. TOA proposes the followings for your consideration... Consider licensing Rear Loading Wheelchair accessible vehicles. A complied report by licensing should be presented for approval without further delay.

As the trade will lose considerable wheelchair accessible vehicles at the end of 2019. The Committee must look at affordable alternative vehicles as replacements such as rear loading 4/5 seater vehicles. Apart from TX5 there are no “purpose” built taxis, everything else is converted. That is the future for hackney wheelchair vehicles. There is an appetite amongst the trade for rear loading wheelchair accessible vehicles.

Any argument that they need to be side loading is premature. If you look at marked ranks they are almost 50% on the wrong side of the road. If you further investigate, when picking up from home address, you are unable to pull up alongside the kerb due to so many vehicles parked up.

The only way to load up the wheelchair from the side would be to park the cab in the middle of the road to use the ramp thus blocking traffic both ways.

With rear loading, you can pull alongside parked vehicles leaving enough room for the traffic flow.

These vehicles are already in use by private sector, nursing homes and many small local authorities nation-wide have licensed them as Hackneys and P.H sector.”

Should your Committee decide to pursue these proposals, a formal consultation exercise should be undertaken before detailed recommendations are brought back for your consideration.

7. Implications for Resources

- 7.1 The cost of licensing rear loading WAVs would be covered by licence fees as with any other licensed vehicle.

8. Implications for Policy Priorities

- 8.1 The contents of this report contribute to the protection, safety and welfare of residents and visitors to the City by ensuring that licensed hackney carriage and private hire vehicles are compliant with required vehicle standards.

9. Public Sector Equality Duty

- 9.1 The majority of Birmingham drivers, hackney carriage or private hire are of Black, Asian or other Minority Ethnic (BAME) origin, consequently these groups will be most affected by the impact of the CAZ on the hackney carriage trade, and it is hoped the measures contained in this report may contribute to the City Council's efforts to mitigate those effects.
- 9.2 From the perspective of wheelchair users, the introducing a wider range of accessible vehicles, able to accommodate a wider variety of wheelchairs, should be a positive development.

ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: Nil

Appendix

Extract from Report submitted to the then Licensing Committee on 21/11/2007 in respect of standards for new hackney carriage vehicles. It should be noted the moratorium on the issue of new licences, which had been dependent on the presentation of a brand new vehicle, came into effect within a year and still applies today.

7. Bulkhead/Drivers Safety Screen

- 7.1 All vehicles shall have a bulkhead/drivers safety screen fitted, it shall be a full width, and full height screen fitted in the vehicle directly behind the driver's seat. The upper section of the bulkhead/safety screen shall consist of a clear vision panel sufficient for the driver to be able to see a substantial amount of the passenger compartment which must include vision of all access doors. A means of passing payment shall be incorporated into the screen to enable payment to be made from within the vehicle.
- 7.2 The vision panel section of the bulkhead/safety screen shall be constructed of safety glass without tint to the standard required for windscreens laid down in Regulations 30, 31 & 32 of The Road Vehicles (Construction and Use) Regulations 1986 or any clear material with at least the same impact resistance and safety qualities as that of safety glass.
- 7.3 Any bulkhead/safety screen system must allow verbal communication between the driver and passenger by way of an intercom system which can be operated by the passenger.

8. Hearing facility

- 8.1 An induction loop facility must be installed and clearly signed for the use of passengers with hearing aids.

9. General Entry and Exit Requirements

- 9.1 The vehicle shall have a minimum of 2 means of exit from the passenger compartment behind the driver for use in emergency situations. The means of exit shall be free of any obstructions, reachable from all parts of the rear passenger compartment. Any gap through which a passenger can be expected to pass shall be of a minimum width of 400mm through which an adult can pass freely in a normal manner without undue difficulty.
- 9.2 Where a tailgate/rear door(s) are included as an exit, they shall be clearly marked "Emergency Exit" together with clear instructions relating to the means of opening. All markings shall be on the inside of the vehicle in a minimum lettering size of 25mm.

- 9.3 All vehicles must be side passenger loading. Rear passenger loading vehicles are not permitted.

Licensing and Public Protection Committee - Outturn 2018/19

CBP620 - Corporate Monitoring Report - Revenue

	Original Budget	Current Budget	Actuals to date	Variance
Commitment item	* 1,000 £	* 1,000 £	* 1,000 £	* 1,000 £
Employees	11,014	11,294	10,930	(364)
Premises	912	912	944	32
Transport and moveab	201	181	243	62
Supplies and Service	2,684	2,477	3,389	912
Capital Financing	208	215	215	0
Recharge Expenditure	440	440	443	3
Expenditure For Serv	15,459	15,519	16,164	645
Grants			(20)	(20)
Fees and Charges	(3,525)	(3,553)	(3,379)	174
Rents etc	(4)	(4)	(32)	(28)
Miscellaneous Income	(3,586)	(3,586)	(4,015)	(429)
Recharge Income	(198)	(198)	(969)	(771)
Rev Income	(7,313)	(7,341)	(8,415)	(1,074)
Capital Financing and Levies	(410)	(379)	(391)	(12)
Net Expenditure	7,736	7,799	7,358	(441)

CBP620 - Corporate Monitoring Report - Revenue

	Original Budget	Current Budget	Actuals to date	Variance
Funds Center	* 1,000 £	* 1,000 £	* 1,000 £	* 1,000 £
Environmental Health	3,806	3,819	3,200	(619)
Pest Control	307	310	471	161
Reg'n Births,Deaths&	705	868	690	(178)
Mortuary/Coroners	1,699	1,574	1,957	383
Trading Standards	1,261	1,264	1,080	(184)
Licensing & Enforcem	(5)	1	(111)	(112)
Regulatory	7,773	7,836	7,287	(549)
Public Rights Of Way	74	74	87	13
Highway Licences	(68)	(68)	35	103
NRSWA Licences	(43)	(43)	(51)	(8)
Highways	(37)	(37)	71	108
Net Expenditure	7,736	7,799	7,358	(441)

Note: figures exclude: PoCA, IMLT and Scambusters

Note: both Budgets and Actuals exclude organisational overheads and IT Contract costs.
which have been calculated to be £0.908m.

Licensing and Public Protection Committee - Outturn 2018/19

Illegal Money Lending

	Original Budget	Current Budget	Actuals to date	Variance
	* 1,000 £	* 1,000 £	* 1,000 £	* 1,000 £
Employees	2,943	3,169	2,941	(228)
Premises	54	54	61	7
Transport and moveab	115	115	114	(1)
Supplies and Service	334	334	463	129
Third Party Payments			0	0
Capital Financing	15	28	28	0
Recharge Expenditure	159	159	159	0
Expenditure For Serv	3,620	3,859	3,766	(93)
Grants	(3,605)	(3,831)	(3,836)	(5)
Customer and Client			(4)	(4)
Fees and Charges	0	0	(2)	(2)
Miscellaneous Income			0	0
Recharge Income			(9)	(9)
Rev Income	(3,605)	(3,831)	(3,851)	(20)
Capital Financing	(15)	(28)	86	114
Levies		10	10	0
Net Expenditure for	0	10	11	1

Scambusters

	Original Budget	Current Budget	Actuals to date	Variance
	* 1,000 £	* 1,000 £	* 1,000 £	* 1,000 £
Employees	220	224	256	32
Premises	1	2	2	0
Transport and moveab	5	2	4	2
Supplies and Service	96	81	70	(11)
Recharge Expenditure	14	12	19	7
Expenditure For Serv	336	321	351	30
Grants	(335)	(320)	(350)	(30)
Fees and Charges			0	0
Rev Income	(335)	(320)	(350)	(30)
Levies		1	1	(0)
Net Expenditure for	1	2	2	(0)

Licensing and Public Protection Committee - Outturn 2018/19

Capital Programme

Programme	Allocation 2018/19	Actuals Year to Date	Variance
	* 1,000 £	* 1,000 £	* 1,000 £
EH AnimalWelfareVan (DRF)	15	15	0
IML Team Vehicle (DRF)	98	98	0
WM Police Motorbike (DRF)	17	17	0
Mortuary Floor and Ventillation	293	21	(272)
Capital Expenditure	423	151	(272)

Licensing and Public Protection Committee - Outturn 2018/19

Reserves

	LICENSING	GRANTS		POCA		
	Hackney Carriage Private Hire	Illegal Money Lending	Scam Busters	Birmingham Trading Standards	England Illegal Money Lending	Total Reserves
	* 1,000 £	* 1,000 £	* 1,000 £	* 1,000 £	* 1,000	* 1,000
Reserves as at 01 April 2018	(406)	(279)	0	(539)	(793)	(2,017)
<u>Transactions (to) / from Reserves in 2018/19</u>						
Appropriation (to) Reserves in year	0	(16)	0	(70)	(241)	(327)
Appropriation from Reserves in year	169	0	0	235	326	730
Net Movements 2018/19	169	(16)	0	165	85	403
Reserves at 31 March 2019	(237)	(295)	0	(374)	(708)	(1,614)

PUBLIC REPORT

Report to:	LICENSING AND PUBLIC PROTECTION COMMITTEE	
Report of:	SERVICE DIRECTOR REGULATION AND ENFORCEMENT AND CHIEF FINANCIAL OFFICER	
Date of Decision:	12 JUNE 2019	
SUBJECT:	LICENSING AND PUBLIC PROTECTION – OUTTURN 2018/19	

1. Purpose of Report:
<p>1.1 This report sets out the outturn income and expenditure for 2018/19 incurred on services that are the responsibility of the Licensing and Public Protection Committee.</p> <p>1.2 The Cabinet approved the City Council's Outturn Report for 2018/19 on 14 May 2019 although the figures are still subject to audit by the City Council's approved external auditors.</p>

2. Decision(s) Recommended:
<p>The Licensing and Public Protection Committee is requested to :</p> <p>2.1 Note the revenue outturn underspend of £0.451m as detailed in Appendix 1.</p> <p>2.2 Note the expenditure on grant funded programmes in Appendix 2.</p> <p>2.3 Note the position on Capital projects, as detailed in Appendix 3.</p> <p>2.4 Note the position on reserves, as detailed in Appendix 4.</p>

Lead Contact Officer(s):	Parm Phipps, Business Partner
Telephone No:	0121 303 3834
E-mail address:	parmjit.phipps@birmingham.gov.uk

3. Consultation
<p data-bbox="103 190 311 235">3.1 <u>Internal</u></p> <p data-bbox="207 268 1484 414">The Revenue and Capital Outturn position for the City Council as a whole was considered by Cabinet on 14 May 2019. The Chair of Licensing and Public Protection Committee, the Service Director of Regulation and Enforcement and the Chief Financial Officer have been consulted in the preparation of this report.</p> <p data-bbox="103 448 327 492">3.2 <u>External</u></p> <p data-bbox="199 526 406 571">Not applicable.</p>

4. Compliance Issues:
<p data-bbox="103 750 1348 817">4.1 <u>Are the recommended decisions consistent with the Council's policies, plans and strategies?</u></p> <p data-bbox="207 862 1484 929">The budget is integrated with the Council Business Plan, and resource allocation is directed towards policy priorities.</p> <p data-bbox="103 974 1332 1041">4.2 <u>Financial Implications (Will decisions be carried out within existing finances and Resources?)</u></p> <p data-bbox="207 1086 1484 1153">This Licensing and Public Protection Financial Outturn report gives details of monitoring of service delivery within available resources of the Place Directorate.</p> <p data-bbox="103 1198 454 1243">4.3 <u>Legal Implications</u></p> <p data-bbox="199 1265 1484 1523">Section 151 of the Local Government Act requires the Chief Financial Officer (as the responsible officer) to ensure proper administration of the City Council's financial affairs. This report forms the concluding part of the Council's budgetary control cycle for 2018/19. Budgetary control, which includes the regular monitoring of and reporting on budgets, is an essential requirement placed on Cabinet Members, Committees, and Members of Executive Team by the City Council in discharging this statutory responsibility. There are no specific implications in relation to other policies.</p> <p data-bbox="103 1556 590 1601">4.4 <u>Public Sector Equality Duty</u></p> <p data-bbox="199 1635 1484 1780">There are no additional specific Equality Duty or Equality Analysis issues beyond any already assessed and detailed in the budget setting process and monitoring issues that have arisen in the year to date. Any specific assessments will be made by the Directorates in the management of their services.</p>

5. Relevant Background/Chronology of Key Events:

Revenue Budget

5.1 The City Council approved the overall budget on 27 February 2018. The Licensing and Public Protection Committee noted the original net revenue budget allocation of £7.736m (as detailed in Appendix 1) on 14 March 2018.

5.2 There has been two minor additions to the Committee's net budget.

- The return of £0.025m to the Register Office has been reported to LPPC during the year and represents budget for a post that was previously removed as part of the Professional Support Service (PSS) centralisation. The post was identified earlier in the financial year as out of scope and will be reinstated and kept within the Register Office Structure.
- At the year end an additional £0.038m has been provided to LPPC to fully fund the apprenticeship levies that your committee's services have paid during the year.

	£'m
Original Budget 2018/19 Reported to LPPC 14 March 2018	7.736
PSS – Reinstatement of Out of Scope post budget (Register Office)	0.025
Funding for Apprenticeship Levy incurred during 2018/19	0.038
Current Approved Net Revenue Budget	7.799

5.3 The current approved budget for this Committee is therefore £7.799m.

Revenue Outturn

5.4 The provisional revenue outturn expenditure for the Licensing and Public Protection Committee is £7.358m, which represents an underspend of £0.441m against the annual net budget of £7.799m. This has been incorporated into the overall Place Directorate year end position.

5.5 The table below sets out a high level summary of the year end overspend by service (full details in Appendix 1) and how this is comprised of over the savings programme and base budget pressures.

Outturn Year End Variations				
Budget Head	Savings Programme £'m	Base Budget (underspend) / Pressures £'m	Total (underspend) / Pressures £'m	Forecast (underspend) / Pressures at Quarter3 £'m
Environmental Health	-	(0.619)	(0.619)	(0.170)
Pest Control	-	0.161	0.161	0.100
Register Office	-	(0.178)	(0.178)	0.000
Mortuary and Coroners	-	0.383	0.383	0.070
Trading Standards	-	(0.184)	(0.184)	(0.118)
Licensing	-	(0.112)	(0.112)	0.000
Highways	-	0.108	0.108	0.000
TOTAL	-	(0.441)	(0.441)	(0.118)

5.6 The key components include:

- **Environmental Health (£0.619m underspend) and Pest Control (£0.161m)** – Pest Control continued to experience income related pressure from contracts on clearance although this was partly mitigated by increased focus on income throughout the financial year.

The two services are managed jointly and savings were managed within Environmental Health to more than mitigate this.

- **Registrars (£0.178m underspend)**
Several pressures were identified during the year including premises budgets (increased costs for repairs, cleaning and utilities) and employees – these were offset by increased income generation in the final quarter of the year.
- **Mortuary & Coroners (£0.383m pressure)** – pressure from 1974 Bombings Inquest is to be funded through Central Government.

The pressure from additional unbudgeted staff resources, autopsies and transport of bodies (due to the increased volume of referrals and post mortems) and increased contract costs had been highlighted throughout the year and the final outturn position is in line with those forecasts.

- **Trading Standards (£0.184m underspend)** – service received external funding to support an existing anti-counterfeiting initiative and for test purchasing in response to increased knife crime. Existing resources were focussed on these work-streams.
- **Licensing (£0.112m underspend)** – the ring fenced Hackney Carriage and Private Hire account has drawn on existing reserves in line with operational plans/expectations.

The separate Entertainment and General licensing budget has generated a surplus which will be utilised in the Directorate outturn position.

Capital

5.7 The Capital programme (Mortuary and Coroners) for planned essential health and safety works in the mortuary was extended to include a new roof.

5.8 A revised Business Case for the new project was in progress and some work did commence before the year end. The use of temporary ventilation (paid for through Revenue) has continued throughout 2018/19.

6. Grant Funded Programmes

6.1 There are two grant funded programmes: Illegal Money Lending and Scambusters.

6.2 The expenditure and income for each is shown in Appendix 2

Illegal Money Lending

- 6.3 The Illegal Money Lending Team (IMLT) England investigates and takes action against Illegal Money Lending or “Loan Shark” perpetrators across the whole of England.
- 6.4 The project in 2018/19 was funded for the first time directly from HM Treasury (previously this had been through the National Trading Standards Board (NTSB)).
- 6.5 The total funding for 2018/19 is £3.831m.
- 6.6 The revenue outturn for 2018/19 was £3.820m.

Scambusters

- 6.7 The Scambusters team investigates and takes action against fraudsters operating across council boundaries in the central region.
- 6.8 Funding was initially set at £0.320m, however this was increased prior to the year end to £0.350m
- 6.9 The revenue outturn for 2018/19 was £0.351m.

7. Balances and Reserves:

- 7.1 The balances and reserves at the end of the financial year are shown in Appendix 4.
- 7.2 The balances at the start of the year (1 April 2018) totalled £2.017m and these are all specific ring-fenced resources.
- 7.3 The use of reserves of £0.169m for the Hackney Carriage and Private Hire Licensing service is in relation to licence fees for 2018/19 and this is in line with previous decisions to ensure a proportion of the Licensing reserve is fed back in to the service in both investment and maintaining low fees and charges.
- 7.4 Proceeds of Crime Act (PoCA) reserves have been utilised for both Trading Standards and for Illegal Money Lending. Both service areas have continued to receive awarded income and have delivered spend above that level. There is a net reduction in these two accounts of £0.250m.

This is a reflection of the completed successful prosecutions that both services have been involved in.

Reserves have reduced during the year by a net £0.403m resulting in a closing balance of £1.614m.

8. Evaluation of Alternative Option(s):
8.1 This report sets out the Outturn position for 2018/19 and all the issues, financial risks and options were reported during the financial year to the Licensing and Public Protection Committee.

9. Reasons for Decision(s):
9.1 The Report informs the Licensing and Public Protection Committee of the Revenue Budget for 2018/19 and the outturn position at the year end.
9.2 The position in respect of the Licensing and Public Protection Committee's use of reserves, the Savings Programme and the risks are also identified.

<p>Signatures</p> <p>Steve Hollingworth Service Director Regulation and Enforcement</p> <p>Clive Heaphy Chief Financial Officer</p> <p style="text-align: right;">Date</p>

List of Background Documents used to Compile this Report:
Licensing & Public Protection - Revenue and Capital Budget 2018/19 – 14 March 2018 Licensing & Public Protection – Budget Monitoring 2018/19 Quarter 1 – 19 September 2018 Licensing & Public Protection – Budget Monitoring 2018/19 Quarter 2 – 21 November 2018 Licensing & Public Protection – Budget Monitoring 2018/19 Quarter 3 – 13 February 2019

List of Appendices accompanying this Report (if any):				
1. Appendix 1 - Financial Performance Statement at Outturn 2. Appendix 2 - Summary of IMLT and Scambusters 3. Appendix 3 - Capital Programme 4. Appendix 4 - Balances and Reserves				
<table border="1" style="width: 100%;"> <tr> <td>Report Version</td> <td>2.0</td> <td>Dated</td> <td>07 May 2019</td> </tr> </table>	Report Version	2.0	Dated	07 May 2019
Report Version	2.0	Dated	07 May 2019	

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

12 June 2019
ALL WARDS

OUTCOME OF APPEALS AGAINST SUB COMMITTEE DECISIONS:
March - April 2019

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

Contact Officer: Emma Rohomon, Acting Head of Licensing
Telephone: 0121 303 6103
E-mail: Emma.Rohomon@birmingham.gov.uk

3. Summary of Appeal Hearings for March – April 2019

	Magistrates'	Crown
Total	9	4
Allowed	2	1
Dismissed	6	2
Appeal lodged at Crown		
Upheld in part		
Withdrawn pre-Court	1	1
Consent Order		

4. Implications for Resources

- 4.1 The details of costs requested and ordered in each case are set out in the appendix below.
- 4.2 In March 2019 costs have been requested to the sum of £4072.45 so far with reimbursement of £2006.70 so far (49.2%) ordered by the Courts.
- 4.3 For the fiscal year, April 2018 to March 2019, costs associated to appeal hearings have been requested to the sum of £22,553.66 with reimbursement of £18,113.57 (80.3%) ordered by the Courts.
- 4.4 For the fiscal year, April 2018 to March 2019, costs contra Birmingham City Council associated to appeal hearings have been requested and awarded to the sum of £9199.67.

5. Implications for Policy Priorities

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

6. Public Sector Equality Duty

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

7. Consultation

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

DIRECTOR OF REGULATION AND ENFORCEMENT

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

MAGISTRATES' COURT – PRIVATE HIRE DRIVER'S LICENCE

	Name	Date Case Heard	Result	Costs Requested	Costs Ordered	Comments
1	Shiraz Shoukat	06.03.2019	Allowed	£0.00 (Contra BCC)	£0.00 (Contra BCC)	The appeal was against the Sub Committee Decision to refuse to grant a private hire driver licence due to convictions for drug related offences. Given the age of the convictions (most recent 2004) the magistrates were minded to allow the appeal as they deemed Mr Shoukat to be a fit and proper person.
2	Waqar Ahmed	20.03.2019	Dismissed	£375.00	£100.00	The appeal was against the Sub Committee decision to revoke the private hire driver licence issued to Mr Ahmed, due to a conviction recorded against him. The appeal was dismissed at Magistrates Court.
3	Rizwaan Matloob	22.03.2019	Dismissed	£195.50	£195.50	The appeal was against the Sub Committee Decision to refuse to grant a private hire driver licence to Mr Matloob due to a conviction recorded against him. Mr Matloob was present and was represented by Mr Vesey of Warwick Vesey Solicitors. The appeal was heard before DJ Strongman who heard representations from both sides. Mr Matloob did not give evidence. DJ Strongman dismissed the appeal, stating that although the conviction was of some age, it was clearly a serious offence which Mr Matloob continues to minimise to this date. An application for costs was made in the sum of £195.50, the full amount was subsequently awarded.

4	Kesete Abraha	22.03.2019	Allowed	£0.00 (Contra BCC)	£0.00 (Contra BCC)	The appeal was against the Sub Committee decision to refuse to grant a private hire driver licence to Mr Abraha due to a conviction recorded against him. Mr Abraha was present and was not represented. The matter was heard before DJ Strongman who allowed the appeal. In doing so, DJ Strongman noted that his job at appeal was to decide if the decision made by the licensing sub-committee was wrong. However, he felt that in this case, he was unable to come to a decision about whether that decision was right or wrong as the minutes from the meeting and the subsequent decision letter to Mr Abraha had little information as to how the committee reached its decision. He further stated that he hoped this could be addressed going forward as it makes the job of the appeal court almost impossible.
5	Raja Adnan	27.03.2019	Dismissed	£250.00	£250.00	The appeal was against the Sub Committee decision to refuse to grant a private hire driver licence to Mr Adnan due to convictions recorded against him. The appeal was dismissed.

CROWN COURT – PRIVATE HIRE DRIVER’S LICENCE

	Name	Date Case Heard	Result	Costs Requested	Costs Ordered	Comments
1	Nesar Ali	08.03.2019	Allowed	£0.00 (Contra BCC)	£0.00 (Contra BCC)	The appeal was against the Sub Committee Decision to refuse to grant a private hire driver licence to Nesar Ali. Mr Recorder A Smith QC and his lay colleagues concluded that the decision of the licensing sub-committee to refuse to grant Mr Ali a private hire driver’s licence was wrong, and accordingly the appeal was allowed. It was recognised, however, that the local authority has acted properly, reasonably and in good faith throughout the proceedings. Therefore, the court was satisfied that it ought to make no order as to costs. It did however make clear that the costs awarded in the magistrates’ court will no longer apply.

2	Sajad Mahmood	11.03.2019	Dismissed	£740.75	£0.00	The appeal was against the Sub Committee decision to revoke the private hire driver licence issued to Sajad Mahmood due to information disclosed by West Midlands police on Mr Mahmood's Disclosure and Barring Service Certificate. Mr Recorder A Smith QC and his lay colleagues dismissed the appeal, as they considered that the decision of the licensing sub-committee was not wrong. It was a decision plainly open to the committee on the information provided to them. Costs were applied for, but not awarded in this case. The reason given was that the court had regard to the effect of its dismissal of the appeal on the earning ability of Mr Mahmood.
3	Aslam Ahmed	n/a	Withdrawn pre-Court	£557.00	£557.00	The appeal was against the Sub Committee decision to revoke Mr Ahmed's private hire driver licence due to convictions for plying for hire and no insurance, in line with policy. Mr Ahmed withdrew the appeal pre-court.
4	Tahir Masood	26.10.2018 (final outcome obtained March 2019)	Dismissed	£554.20	£554.20	The appeal was against the Sub Committee decision to revoke Mr Masood's private hire driver licence due to convictions recorded against him. The appeal was dismissed on the basis of Mr Masood's most recent convictions.

MAGISTRATES' COURT – HACKNEY CARRIAGE DRIVER'S LICENCE

	Name	Date Case Heard	Result	Costs Requested	Costs Ordered	Comments
1	Riasat Ali	18.03.2019	Dismissed	£750.00	£100.00	The appeal was against the decision to revoke with immediate effect under the chair's authority, the hackney carriage driver's licence held by Mr Hussain following information disclosed by West Midlands Police. Following submissions, the magistrates decided that the decision made was not wrong and as such, dismissed the appeal. Mr Ali was ordered to pay £100 in costs.

2	Abid Hussain	27.03.2019	Dismissed	£650.00	£250.00	The appeal was against the Sub Committee decision to revoke Mr Hussain's hackney carriage driver licence, following a complaint regarding driving in an inconsiderate manner. The subsequent investigation identified that Mr Hussain had not been carrying out a contract awarded to him. Mr Hussain was represented by Mr Griffiths (Counsel). The appeal was heard, the Magistrates dismissed the appeal.
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MAGISTRATES' COURT – PRIVATE HIRE OPERATOR'S LICENCE

	Name	Date Case Heard	Result	Costs Requested	Costs Ordered	Comments
1	Muniba Khan	10.04.2019	Dismissed	£410.00	£410.00	The appeal was against the Sub Committee decision to refuse to renew the private hire operator's licence issued to Mrs Khan, due to a conviction recorded against her and an investigation carried out by Licensing Enforcement Officers which identified a number of matters. Mrs Khan did not attend court, the magistrates dismissed the appeal, full costs were granted to the sum of £410.00.

MAGISTRATES' COURT – LICENSING ACT 2003

	Name	Date Case Heard	Result	Costs Requested	Costs Ordered	Comments
1	Theory of Evolution Limited in respect of Darwin Street Warehouse, Darwin Street, Birmingham, B12 0TP	n/a	Withdrawn pre-Court	£0.00	£0.00	The appeal was against the Sub Committee decision to refuse to grant a Premises Licence following representations received from other persons. The appeal was withdrawn pre-court.

BIRMINGHAM CITY COUNCIL

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

12th JUNE 2019
ALL WARDS

PROSECUTIONS AND CAUTIONS – MARCH & APRIL 2019

1. Summary
 - 1.1 This report summarises the outcome of legal proceedings taken by Regulation and Enforcement during the months of March and April 2019.
2. Recommendation
 - 2.1 That the report be noted.

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Assistant Director, Regulation and Enforcement
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3. Results

3.1 During the months of March and April 2019 the following cases were heard at Birmingham Magistrates Court, unless otherwise stated:

- Two Licensing cases were finalised resulting in fines of £700. Six penalty points were issued and prosecution costs of £1,240 were awarded. Four simple cautions were administered as set out in Appendix 1.
- 182 Environmental Health cases resulted in fines of £75,658 and 2 conditional discharges were imposed. Prosecution costs of £49,218 were awarded together with £310 towards clean-up costs. One simple caution was administered as set out in Appendix 2.
- No Trading Standards cases were finalised and one simple caution was administered as set out in Appendix 3.
- Appendix 4 lists cases finalised by district in March 2019, April 2018 – March 2019 and April 2019.
- Appendix 5 lists the enforcement activity undertaken by the Waste Enforcement Team in April 2018 - March 2019.

4. Consultation

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

5. Implications for Resources

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

5.2 For the year April 2018 to March 2019 the following costs have been requested and awarded:

Licensing

£26,798 has been requested with £19,766 being awarded (74%).

Environmental Health

£351,031 has been requested with £264,008 being awarded (75%).

Trading Standards

£46,082 has been requested with £20,163 being awarded (44%).

- 5.3 For the months of March and April 2019 the following costs have been requested and awarded:

Licensing

£1,590 has been requested with £1,240 being awarded (78%)

Environmental Health

£62,474 has been requested with £49,218 being awarded (79%).

Trading Standards

No costs were requested or awarded.

- 5.4 Since the start of the financial year until the end of March 2019 (Year End) the following income has been received from the courts:-

Licensing

£15,716 has been received.

Environmental Health

£181,337 has been received including Waste Enforcement cases.

Trading Standards

£61,312 has been received.

(Total £258,365).

- 5.5 Since the start of the financial year until the end of April 2019 the following income has been received from the courts:-

Licensing

£918 has been received.

Environmental Health

£3,105 has been received including Waste Enforcement cases.

Trading Standards

£507 has been received.

(Total £4,530).

- 5.6 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

LICENSING CASES**APPENDIX 1**

	Date Case Heard	Name & Address	Offence details (including Legislation)	Fine/Penalty & Costs	Ward of defendant	Ward - Offence committed
1	1/3/19	Amrez Javed Birmingham	Town Police Clauses Act 1847 & Road Traffic Act 1988 Pleaded <u>not guilty</u> to two offences: one of plying for hire in Station Street, Sutton Coldfield, Birmingham and one of consequently having invalid insurance. Found guilty after trial.	£100 – plying No separate penalty for no insurance + 6 penalty points £300 costs (£650 requested)	Ward End	Sutton Vesey
2	4/3/19	Ibrar Hussain Birmingham	Equality Act 2010 Pleaded guilty to one offence of refusing to carry out a booking because a disabled passenger was accompanied by an assistance dog.	£600 £940 costs (£940 requested)	Ward End	Aston

LICENSING SIMPLE CAUTIONS

During the period of March and April 2019, four simple cautions were administered

Local Government (Miscellaneous Provisions) Act 1976

Section 50 One caution was issued for failing to report an accident to Birmingham City Council within 72 hours

Licensing Act 2003

Section 57 One caution was issued for carrying on a licensable activity otherwise than in accordance with an authorisation, failing to display a summary licence and failing to produce a premises licence upon request by an authorised officer.

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

Byelaw 26 of the Birmingham City Council Hackney Carriage Byelaws 2008 made under section 68 of the Town Police Clauses Act 1847 and section 171 of the Public Health Act 1875 One caution was issued for failing to wear or display a Hackney Carriage Drivers Badge in a position and manner as to be plainly and distinctly visible and failing to produce upon request a copy of the Hackney Carriage Byelaws for perusal and inspection when requested to do so by an authorised officer.

ENVIRONMENTAL HEALTH CASES**WASTE OFFENCES**

	Date Case Heard	Name & Address	Offence details (including Legislation)	Fine/Penalty & Costs	Ward of defendant	Ward - Offence committed
1	4/3/19	KH Foods (UK) Ltd 1187 Bristol Road South Northfield Birmingham B31 2SL	Environmental Protection Act 1990 Found guilty in their absence of one offence of failing to comply with a notice requiring written information of how waste from Rubinos Pizza, 1187 Bristol Road South, Birmingham was disposed of within 7 days.	£1,500 £530 costs (£530 requested)	Northfield	Northfield
2	7/3/19	Sajjad Sharif Birmingham	Environmental Protection Act 1990 Pleaded guilty to one offence of failing to take all reasonable measures to prevent a contravention under Section 33 in that bags containing waste from Button and Lace, 152 Alum Rock Road were found on Edmund Road, Alum Rock, Birmingham.	£120 £250 costs (£584 requested) £50 towards clean-up costs	Alum Rock	Alum Rock
3	7/3/19	Vladimir Stan Birmingham	Environmental Protection Act 1990 Pleaded guilty to one offence of causing controlled waste, namely six plastic bags containing building waste, carpet, a leatherette stool, plastic buckets, a bag containing roofing felt, crockery and general waste, to be deposited from a vehicle on land on Baker Street, Small Heath, Birmingham.	£368 £185 costs (£1,646 requested) £100 towards clean-up costs	Bordesley Green	Sparkhill

4	7/3/19	Cravings Sandwiches Ltd 554 Stratford Road Birmingham B11 4AL	Environmental Protection Act 1990 Found guilty in their absence of two offences; one of causing or permitting controlled waste, namely black bags containing till receipts and other business waste relating to Cravings, 554 Stratford Road, Birmingham to be deposited in a passageway on Stratford Road leading to Showell Green Lane and one offence of failing to comply with a notice requiring written information of how waste from the business was disposed of within 7 days.	£9,000 £851 costs (£851 requested)	Sparkhill	Sparkhill
5	7/3/19	Zain Aftab Birmingham	Environmental Protection Act 1990 Pleaded guilty to one offence of failing to comply with a notice requiring written information of how waste from Mobile Recharge, 253 Pretoria Road, Birmingham was disposed of within 7 days.	£120 No costs awarded (£455 requested)	Heartlands	Heartlands
6	7/3/19	Mohammed Tanzeer Birmingham	Environmental Protection Act 1990 Pleaded guilty to one offence of failing to comply with a notice requiring written information of how waste from Buywise, 77-79 Yardley Road, Birmingham was disposed of within 7 days.	£120 £85 costs (£507 requested)	Small Heath	Acocks Green
7	7/3/19	Heera Tariq Willenhall	Environmental Protection Act 1990 Pleaded guilty to one offence of failing to take all reasonable measures to prevent a contravention under Section 33 in that business waste from Hina's Collection, 277 Soho Road, Birmingham was found on the pavement near 277 Soho Road.	Conditional discharge for 6 months £85 costs (£560 requested)	Out of area	Soho & Jewellery Quarter

8	7/3/19	Susan Jolley Birmingham	<p>Environmental Protection Act 1990</p> <p>Pleaded guilty to two offences; one of failing to take all reasonable measures to prevent a contravention under Section 33 in that waste from Hideaway Café, 101 Thornbridge Avenue was found on the pavement outside 103 Thornbridge Avenue and one offence of failing to comply with a notice requiring written information of how waste from the business was disposed of within 7 days.</p>	<p>£165 – offence 1</p> <p>No separate penalty for offence 2</p> <p>£250 costs (£914 requested)</p>	Out of area	Perry Barr
9	11/3/19	Mohammed Bulle Birmingham	<p>Environmental Protection Act 1990</p> <p>Pleaded guilty to one offence of failing to comply with a notice requiring written information of how waste from Alla-Aamin Mini Market, 21 Birchfield Road, Birmingham was disposed of within 7 days.</p>	<p>£350</p> <p>£300 costs (£570 requested)</p>	Lozells	Aston
10	11/3/19	Asjid Javaid Birmingham	<p>Environmental Protection Act 1990</p> <p>Pleaded <u>not guilty</u> to one offence of causing controlled waste, namely broken wood and plastic packaging, to be deposited from a vehicle on land on Midland Street, Birmingham.</p> <p>Found guilty after trial.</p> <p>Pleaded guilty to one offence of failing to comply with a notice requiring details of the person in control of the vehicle at the time of the offence to be provided.</p>	<p>£1,800</p> <p>£160 costs (£810 requested)</p>	Bordesley Green	Bordesley & Highgate

11	18/3/19	Nazakat Ali Birmingham	Environmental Protection Act 1990 Pleaded guilty to one offence of depositing controlled waste, namely two computer printers, on land on Abberley Street, Winson Green, Birmingham.	£500 £500 costs (£1,185 requested)	Sparbrook & Balsall Heath East	Soho & Jewellery Quarter
12	21/3/19	Martin Daly Birmingham	Environmental Protection Act 1990 Pleaded guilty to one offence of failing to comply with a notice requiring written information of how waste from Train 2 Gain, 291 Witton Road, Aston, Birmingham was disposed of within 7 days.	£120 £300 costs (£517 requested)	Perry Barr	Aston
13	21/3/19	Abida Ahmed Birmingham	Environmental Protection Act 1990 Pleaded guilty to one offence of failing to comply with a notice requiring written information of how waste from Aanchal, 450 Stratford Road, Birmingham was disposed of within 7 days.	£300 £300 costs (£542 requested)	Sheldon	Sparkhill
14	21/3/19	Shona Styles Ltd 418 Stratford Road Birmingham B11 4AD	Environmental Protection Act 1990 Pleaded guilty to two offences; one offence of knowingly causing or permitting controlled waste, namely a refuse sack containing general waste and till receipts for Shona Styles Ltd and cardboard packaging, to be deposited by metal railings outside 421 Stratford Road and one offence of failing to prevent a contravention under Section 33 by failing to obtain trade waste sacks and not instructing employees how to dispose of waste from the business when the trade waste sacks ran out.	£1,466 – offence 1 No separate penalty for offence 2 £300 costs (£855 requested)	Sparkhill	Sparkbrook & Balsall Heath East

15	21/3/19	Arshad Alam Birmingham Amjad Alam Khattack Birmingham	Environmental Protection Act 1990 Both pleaded guilty to one offence of depositing controlled waste, namely a mattress, on land at Midland Street, Birmingham.	Total £320 (£160 each) Total £360 costs (£180 each) (£914 requested)	Nechells	Bordesley & Highgate
16	21/3/19	Roger Hines Solihull	Environmental Protection Act 1990 Pleaded guilty to one offence of failing to comply with a notice requiring written information of how waste from Artz Barbers, 292 Baldwins Lane, Birmingham was disposed of within 7 days.	No financial penalty imposed. £270 costs (£327 requested)	Out of area	Hall Green South
17	21/3/19	Shereen Kadah Restaurant Ltd 543 Moseley Road Birmingham B12 9BU	Environmental Protection Act 1990 Pleaded guilty to one offence of failing to comply with a notice requiring written information of how waste from Sheereen Kadah Restaurant, 543 Moseley Road, Birmingham was disposed of within 7 days.	£350 £50 costs (£394 requested)	Balsall Heath West	Balsall Heath West
18	21/3/19	Munir & Co (UK) Ltd 500 Stratford Road Birmingham B11 4AH	Environmental Protection Act 1990 Pleaded guilty to two offences; one offence of failing to take all measures to prevent a contravention under Section 33 in that commercial waste was found on the pavement outside 500 Stratford Road and one offence of failing to comply with a notice requiring written information of how waste from Munir & Co (UK) Ltd was disposed of within 7 days.	£302 – offence 1 No separate penalty for offence 2 £300 costs (£1,100 requested) £160.50 clean-up Costs awarded	Sparkhill	Sparkhill

19	21/3/19	Hassan Hassanpor Birmingham Anwar Hassan Zibar Birmingham	Environmental Protection Act 1990 Mr Hassanpor pleaded guilty to one offence of depositing controlled waste, namely one black bag of waste from Family Pizza, 292 Green Lane, Birmingham, onto the pavement opposite 292 Green Lane. Mr Zibar pleaded guilty to one offence of failing to comply with a notice requiring written information of how waste from Family Pizza, 292 Green Lane was disposed of within 7 days.	Total £510 (£255 each) No costs awarded against Hassan Hassanpor £300 costs against Anwar Hassan Zibar (£774 requested)	Bordesley & Highgate	Bordesley Green
20	21/3/19	Gulshana Longbridge Ltd 1151 Bristol Road South Northfield Birmingham B31 2SL	Environmental Protection Act 1990 Pleaded guilty to one offence of failing to comply with a notice requiring written information of how waste from Gulshana Take Away, 1151 Bristol Road South, Birmingham was disposed of within 7 days.	£120 £300 costs (£580 requested)	Northfield	Northfield
21	4/4/19	Salcom Technical Ltd 94 High Street Kings Heath B14 7JZ	Environmental Protection Act 1990 Pleaded guilty to one offence of failing to comply with a notice requiring written information of how waste from Salcom Technical Ltd T/A Celltech, 94 High Street, Kings Heath, Birmingham was disposed of within 7 days.	£600 £381 costs (£381 requested)	Brandwood & Kings Heath	Brandwood & Kings Heath
22	4/4/19	ONeil South Birmingham	Environmental Protection Act 1990 Pleaded guilty to one offence of failing to comply with a notice requiring written information of how waste from Kriss Kuts, 37 Birchfield Road, Birmingham was disposed of within 7 days.	£400 £200 costs (£404 requested)	Bromford & Hodge Hill	Aston

23	4/4/19	UK Glazing (Bham) Ltd Unit 2 105-127 Brearley Street Hockley B19 3XJ	Environmental Protection Act 1990 Pleaded guilty to one offence of failing to comply with a notice requiring written information of how waste from UK Glazing (Bham) Ltd, Unit 2, 105-127 Brierley Street, Hockley, Birmingham was disposed of within 7 days.	£440 £200 costs (£300 requested)	Newtown	Newtown
24	4/4/19	Kalim Hussain Birmingham	Environmental Protection Act 1990 Pleaded guilty to two offences; one offence of depositing controlled waste, namely four black bags of waste and a large cardboard box containing empty commercial flour bags, on the grass verge behind the kick rail to Molliet Street Car Park in Abberley Street, Birmingham and one offence of failing to comply with a notice requiring written information of how waste from Akhbars Roti Junction, 243 Witton Road, Birmingham was disposed of within 7 days.	£1,166 – offence 1 No separate penalty for offence 2 £1,000 costs (£1,519 requested)	Aston	Soho & Jewellery Quarter
25	4/4/19	Mohammed Inaam-Ul-Haq Khalid Birmingham	Environmental Protection Act 1990 Pleaded guilty to two offences; one offence of failing to take all measures to prevent a contravention of the Environmental Protection Act 1990, in that there was no arrangement in place for the disposal of commercial waste from Mobile Xchange, 74 Station Road, Erdington, Birmingham and one offence of failing to comply with a notice requiring written information of how waste from the business was disposed of within 7 days.	£1,000 – offence 1 No separate penalty for remaining offence £1,047 costs (£1,047 requested)	Stockland Green	Erdington

26	16/4/19	Najah Concrete Spares Ltd 636 Bristol Road Selly Oak Birmingham B29 6BJ	Environmental Protection Act 1990 Pleaded guilty to one offence of failing to comply with a notice requiring written information of how waste from NCS, 636 Bristol Road, Selly Oak, Birmingham was disposed of within 7 days.	£300 £150 costs (£390 requested)	Bournbrook & Selly Park	Bournbrook & Selly Park
27	18/4/19	Sabar Hussain Birmingham	Environmental Protection Act 1990 Pleaded guilty to one offence of failing to comply with a notice requiring written information of how waste from Sabar General Store, 113 Holyhead Road, Birmingham was disposed of within 7 days.	3 month conditional discharge No costs awarded (£451 requested)	Holyhead	Holyhead
28	18/4/19	Theophillus Johnson Birmingham	Environmental Protection Act 1990 Pleaded guilty to one offence of failing to comply with a notice requiring written information of how waste from Boss Kutz Barbers, 354 Bromford Lane, Birmingham was disposed of within 7 days.	£400 £150 costs (£476 requested)	Gravelly Hill	Bromford & Hodge Hill
29	18/4/19	Direct Connection (B'ham) Ltd 5 Birchfield Road Aston Birmingham B19 1SU	Environmental Protection Act 1990 Pleaded guilty to one offence of depositing controlled waste, namely a black bag of waste containing documentation, including diaries, letters and account statements relating to DC Properties, on the pavement outside 5-7 Birchfield Road, Birmingham.	£1,000 £500 costs (£832 requested)	Aston	Aston

30	29/4/19	FT888 Limited Unit 3A Wing Yip Business Centre 278 Thimble Mill Lane Birmingham B7 5HD	Environmental Protection Act 1990 Found guilty in absence of two offences: one offence of depositing controlled waste, namely bags containing till receipts and other business waste relating to Nakira Bar & Grill, 74 John Bright Street, Birmingham, on land on Beak Street, Birmingham and one offence of failing to provide information as to how the business disposes of its waste.	£2,000 - 1 st offence No separate penalty for 2 nd offence £457 costs (£457 requested)	Nechells	Ladywood
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PEST OFFENCES

	Date Case Heard	Name & Address	Offence details (including Legislation)	Fine/Penalty & Costs	Ward of defendant	Ward - Offence committed
1	21/3/19	Mohammed Akbar Gulab Birmingham	Prevention of Damage by Pests Act 1949 Pleaded guilty to one offence of failing to comply with a notice requiring the removal of all accumulations and items from the rear yard of 642 Washwood Heath Road, Birmingham which may provide sustenance or harbourage to rodents within 21 days.	£1,000 £681 costs (£681 requested)	Ward End	Ward End

HEALTH & SAFETY OFFENCES

	Date Case Heard	Name & Address	Offence details (including Legislation)	Fine/Penalty & Costs	Ward of defendant	Ward - Offence committed
1	11/3/19	Ana Rocha Bar and Gallery Ltd 2 Water Court Water Street Birmingham B3 1HP	Health & Safety at Work etc Act 1974 Pleaded guilty to one offence of failing to ensure that persons dining in the restaurant at Ana Rocha Bar and Gallery, 48 Frederick Street, Birmingham were not exposed to risks to their health and safety in that a mirror located on a cabinet in the restaurant was not suitably secured and fell on a customer causing him to sustain a serious cut to his head.	£8,000 £3,250 costs (£3,250 requested)	Ladywood	Soho & Jewellery Quarter

FOOD HYGIENE OFFENCES

	Date Case Heard	Name & Address	Offence details (including Legislation)	Fine/Penalty & Costs	Ward of defendant	Ward - Offence committed
1	21/3/19	Hassan Hassanpor Birmingham	Food Safety and Hygiene (England) Regulations 2013 Pleaded guilty to five offences relating to conditions at Family Pizza, 292 Green Lane, Birmingham. There were no adequate procedures in place to control pests and the premises was not clean or maintained in good condition. Mouse droppings were found throughout the preparation room and front servery, there was an accumulation of food debris inside the fridge and cardboard and waste were scattered on the floor. A can opener was encrusted in food debris and dirt. There was a potential pest entry point to the ceiling in the food preparation room and there were no procedures based on HACCP.	Total £1,825 (£365 x 5) £1,283 costs (£1,283 requested)	Bordesley & Highgate	Bordesley Green

2	3/4/19	Highfield Trading (Birmingham) Limited 35-41 Highgate Road Birmingham B8 3QD	Food Safety and Hygiene (England) Regulations 2013 Pleaded guilty to one offence of failing to ensure adequate procedures were in place to control pests at Ziryab, 35-41 Highfield Road, Birmingham. Mouse droppings were found in the kitchen preparation room and the serving area, on food equipment, floors, shelving next to food equipment and next to fruit in a box. Inadequate controls were in place to prevent access and harbourage of mice as there was a gap around pipework in the basement area.	£1,700 £7,000 costs (£7,000 requested)	Alum Rock	Alum Rock
3	4/4/19	Arshad Hussain Birmingham	Food Safety and Hygiene (England) Regulations 2013 Pleaded guilty to three offences relating to conditions following an inspection at Save & Save: Food & News, 622 Kingsbury Road, Birmingham. Evidence of mouse and rat activity was found within the premises including a dead mouse on a sticky board under a shelf. The premises was not kept clean, there was a large accumulation of dirt and debris underneath shop shelves, refrigeration units and in the store room. The hot water boiler was broken, there were missing and ill-fitting ceiling tiles a damaged ceiling in the store room and an ill-fitting rear external door which could allow access to pests.	£1,794 – offence 1 No separate penalty for remaining offences £1,487 costs (£1,487 requested)	Erdington	Pype Hayes

4	29/4/19	FT888 Limited Unit 3A Wing Yip Business Centre 278 Thimble Mill Lane Birmingham B7 5HD	Food Safety and Hygiene (England) Regulations 2013 Found guilty in absence of five offences relating to the conditions found at Nakira Restaurant and Bar, 74 John Bright Street, Birmingham, there were mouse droppings on floors and shelving in the premises, there were gaps in the kitchen and bar areas allowing the ingress of mice, the grill was dirty and there were no materials for hygienic hand drying in the kitchen.	Total £6,000 (£3,000 x 2 for offences 1 & 2) No separate penalty for remaining offences £457 costs (£457 requested)	Nechells	Ladywood
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ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT OFFENCES

	Date Case Heard	Name & Address	Offence details (including Legislation)	Fine/Penalty & Costs	Ward of defendant	Ward - Offence committed
1	7/3/19	Morris Blinds Ltd 113 Stechford Lane Birmingham B8 2AP	Anti-Social Behaviour, Crime and Policing Act 2014 Environmental Protection Act 1990 Pleaded guilty to two offences; one of failing to comply with the conditions of a notice requiring the Company to cease using "illegal advertisements" to promote Morris Blinds, in that unauthorised advertisements were found at various locations around Birmingham and one of failing to provide information as to how the business at Morris Blinds, 113 Stechford Lane, Birmingham disposes of its waste.	£400 – offence 1 £400 costs (£842 requested)	Ward End	Ward End

2	7/3/19	AJ Blinds Ltd 375 Alum Rock Road Birmingham B8 3DS	Anti-Social Behaviour, Crime and Policing Act 2014 Pleaded guilty to seven offences; six of failing to comply with the conditions of a notice requiring the Company to cease using "illegal advertisements" to promote AJ Blinds, in that unauthorised advertisements were found at various locations around Birmingham and one offence of failing to keep written information regarding the transfer of controlled waste from AJ Blinds Ltd, 375 Alum Rock Road, Birmingham.	£400 – offence 1 No separate penalty for remaining offences £400 costs (£863 requested)	Alum Rock	Alum Rock
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ANIMAL HEALTH OFFENCES

	Date Case Heard	Name & Address	Offence details (including Legislation)	Fine/Penalty & Costs	Ward of defendant	Ward - Offence committed
1	29/4/19	Tony Johal Birmingham Kamaljit Kaur Johal Birmingham	Animal Welfare Act 2006 Both pleaded guilty to two offences of being the person in charge of an animal, namely a English Bull Mastiff type dog at 135 Woodland Road, Handsworth, Birmingham; one of failing to take all reasonable steps to ensure that the needs of the animal were met and one of causing unnecessary suffering to the animal by failing to seek veterinary treatment.	Tony 18 weeks imprisonment - suspended for 2 years £500 costs Kamaljit fined £235 £139 costs (£639 requested) Both defendants were banned from keeping animals for 10 years	Holyhead	Holyhead

LITTERING OFFENCES (NON SJP)

1	4/4/19	Fiona Wilkinson Stafford	Environmental Protection Act 1990 Found guilty in her absence of two offences; one offence of dropping a cigarette butt on the pavement in New Meeting Street, Birmingham and one offence of failing to give her name and address to an authorised officer.	£660 - offence 2. No separate penalty for offence 1 £250 costs (£250 costs)	Out	Ladywood
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LITTERING OFFENCES – SINGLE JUSTICE PROCEDURE

Date Cases Heard	Total Number of Cases	Total Fines imposed	Total Costs awarded	Total Costs requested
8.3.19	12	£2,298	£1,850	£2,100
11.3.19	1	£220	£175	£175
22.3.19	65	£13,333	£11,285	£11,375
15.04.19	22	£4,096	£3,250	£3,850
26.04.19	42	£8,860	£7,050	£7,350

DETAILS OF LITTERING OFFENCES

	Date Case Heard	Name	Fine/Penalty & Costs	Ward of defendant
1	8.3.19	Mohammed Ali Birmingham Proved in absence	£220 £175 costs (£175 requested)	Heartlands
2	8.3.19	Yasser Ali Birmingham Proved in absence	£220 £175 costs (£175 requested)	Alum Rock
3	8.3.19	Ewelina Ambrozicz Nelson Proved in absence	£220 £175 costs (£175 requested)	Out of area
4	8.3.19	John Burham Birmingham Guilty plea	£64 £50 costs (£175 requested)	Heartlands
5	8.3.19	Michelle Coiley Birmingham Proved in absence	£220 £175 costs (£175 requested)	Bartley Green
6	8.3.19	Stephanie Colley Birmingham Proved in absence	£220 £175 costs (£175 requested)	Bartley Green

7	8.3.19	Margaret Cunberton Birmingham Proved in absence	£220 £175 costs (£175 requested)	Billesley
8	8.3.19	Chris Davis Nuneaton Proved in absence	£220 £175 costs (£175 requested)	Out of area
9	8.3.19	Aurel Lica Ducov Birmingham Guilty plea	£34 £50 costs (£175 requested)	Soho & Jewellery Quarter
10	8.3.19	Gustave Graves West Bromwich Proved in absence	£220 £175 costs (£175 requested)	Out of area
11	8.3.19	Scott Hall Coventry Proved in absence	£220 £175 costs (£175 requested)	Out of area
12	8.3.19	Brandon Hart Chelmsford Proved in absence	£220 £175 costs (£175 requested)	Out of area
13	11.3.19	Ian James Broadway Proved in absence. Originally listed for trial.	£220 £175 costs (£175 requested)	Out of area
14	22.03.19	Abdul Samie Ahmedzai Birmingham Proved in absence.	£220 £175 costs (£175 requested)	Ladywood

15	22.03.19	Tegander Atwal Oldbury Proved in absence.	£220 £175 costs (£175 requested)	Out of area
16	22.03.19	Attila Bagdan Birmingham Proved in absence.	£220 £175 costs (£175 requested)	North Edgbaston
17	22.03.19	Lee Bastable Rowley Regis Proved in absence.	£220 £175 costs (£175 requested)	Out of area
18	22.03.19	Andrew Billingham Harrogate Proved in absence.	£220 £175 costs (£175 requested)	Out of area
19	22.03.19	John Wesley Brechon Birmingham Proved in absence.	£220 £175 costs (£175 requested)	Edgbastoin
20	22.03.19	Rose Caughley Birmingham Proved in absence.	£220 £175 costs (£175 requested)	Sparkhill
21	22.03.19	Alin Catalin Damir Walsall Proved in absence.	£220 £175 costs (£175 requested)	Out of area
22	22.03.19	Hadyn Duffy Solihull Proved in absence.	£220 £175 costs (£175 requested)	Out of area

23	22.03.19	Ellie Foulds London Proved in absence.	£220 £175 costs (£175 requested)	Out of area
24	22.03.19	Fabian Gadalan Birmingham Proved in absence.	£220 £175 costs (£175 requested)	Handsworth Wood
25	22.03.19	Stacey Gallagher Birmingham Proved in absence.	£220 £175 costs (£175 requested)	Bartley Green
26	22.03.19	Ross Harris Birmingham Proved in absence.	£220 £175 costs (£175 requested)	Stockland Green
27	22.03.19	Laura Hartless Birmingham Guilty plea	£40 £175 costs (£175 requested)	Stockland Green
28	22.03.19	Johal Harvinder Smethwick Proved in absence	£220 £175 costs (£175 requested)	Out of area
29	22.03.19	Kirsty Hickmott Birmingham Proved in absence	£220 £175 costs (£175 requested)	Gravelly Hill
30	22.03.19	Adam Hill Okehampton Proved in absence	£220 £175 costs (£175 requested)	Out of area

31	22.03.19	Emily Holmes Walsall Proved in absence	£220 £175 costs (£175 requested)	Out of area
32	22.03.19	Leanne Humphries Birmingham Proved in absence	£220 £175 costs (£175 requested)	Erdington
33	22.03.19	Saad Jaber Solihull Proved in absence	£220 £175 costs (£175 requested)	Out of area
34	22.03.19	Marco Jakeman Birmingham Proved in absence	£220 £175 costs (£175 requested)	Nechells
35	22.03.19	Martin Johnson Birmingham Proved in absence	£220 £175 costs (£175 requested)	King's Norton South
36	22.03.19	Leanne Jones Wolverhampton Proved in absence	£220 £175 costs (£175 requested)	Out of area
37	22.03.19	Kieran Keogh Solihull Proved in absence	£220 £175 costs (£175 requested)	Out of area
38	22.03.19	Sher Azam Khan Birmingham Proved in absence	£220 £175 costs (£175 requested)	Sparkbrook & Balsall Heath East

39	22.03.19	Yasin Khanani Birmingham Proved in absence	£220 £175 costs (£175 requested)	Soho & Jewellery Quarter
40	22.03.19	Viktor Wladislaw Kunala Birmingham Proved in absence	£220 £175 costs (£175 requested)	Stockland Green
41	22.03.19	Dic Turpin Lacatus Sutton Coldfield Proved in absence	£220 £175 costs (£175 requested)	Sutton Reddicap
42	22.03.19	Kamal Laquar London Proved in absence	£220 £175 costs (£175 requested)	Out of area
43	22.03.19	Bryan John Lewis Llandudno Junction Guilty plea	£40 £85 costs (£175 requested)	Out of area
44	22.03.19	Oliver Jon Loach Telford Proved in absence	£220 £175 costs (£175 requested)	Out of area
45	22.03.19	Abdul Malique Birmingham Proved in absence	£220 £175 costs (£175 requested)	Aston
46	22.03.19	Matthew Mansell Halesowen Guilty plea	£63 £175 costs (£175 requested)	Out of area

47	22.03.19	Nina Miah Birmingham Guilty plea	£40 £175 costs (£175 requested)	Gravelly Hill
48	22.03.19	Paul Ashley Miranda Solihull Proved in absence	£220 £175 costs (£175 requested)	Out of area
49	22.03.19	Habib Mohammed Birmingham Proved in absence	£220 £175 costs (£175 requested)	Handsworth
50	22.03.19	Cibin Palatty Walsall Proved in absence	£220 £175 costs (£175 requested)	Out of area
51	22.03.19	Nicoleta Petre Birmingham Proved in absence	£220 £175 costs (£175 requested)	Oscott
52	22.03.19	Ashley James Phelan Birmingham Proved in absence	£220 £175 costs (£175 requested)	Edgbaston
53	22.03.19	Aisa Popa Birmingham Proved in absence	£220 £175 costs (£175 requested)	Alum Rock
54	22.03.19	Kiran Rana Sutton in Ashfield Proved in absence	£220 £175 costs (£175 requested)	Out of area

55	22.03.19	Jade Read Stafford Proved in absence	£220 £175 costs (£175 requested)	Out of area
56	22.03.19	Jermaine Read Birmingham Proved in absence	£220 £175 costs (£175 requested)	Soho & Jewellery Quarter
57	22.03.19	John Rooney Coventry Proved in absence	£220 £175 costs (£175 requested)	Out of area
58	22.03.19	Abdul Sadique Birmingham Proved in absence	£220 £175 costs (£175 requested)	Yardley East
59	22.03.19	Rankit Singh Sandhu Smethwick Proved in absence	£220 £175 costs (£175 requested)	Out of area
60	22.03.19	Chloe Sawyers Birmingham Proved in absence	£220 £175 costs (£175 requested)	Harborne
61	22.03.19	Luke Simmins Nottingham Proved in absence	£220 £175 costs (£175 requested)	Out of area
62	22.03.19	Kate Cooklin Smith Lewes Proved in absence	£220 £175 costs (£175 requested)	Out of area

63	22.03.19	Stephen Smith Tewkesbury Proved in absence	£220 £175 costs (£175 requested)	Out of area
64	22.03.19	Nikos Soularis Birmingham Proved in absence	£220 £175 costs (£175 requested)	Ladywood
65	22.03.19	Elisei Stoican Birmingham Proved in absence	£220 £175 costs (£175 requested)	Alum Rock
66	22.03.19	Edward Stokes Sutton Coldfield Proved in absence	£220 £175 costs (£175 requested)	Sutton Reddipap
67	22.03.19	Mihai Dorin Talos Rowley Regis Proved in absence	£220 £175 costs (£175 requested)	Out of area
68	22.03.19	Hayley Jayne Tenney Worcester Proved in absence	£220 £175 costs (£175 requested)	Out of area
69	22.03.19	Gitaben Thanki Birmingham Proved in absence	£220 £175 costs (£175 requested)	Holyhead
70	22.03.19	Michelle Thompson Oldbury Proved in absence	£220 £175 costs (£175 requested)	Out of area

71	22.03.19	Claudiu Ionut Toma Birmingham Guilty plea	£111 £175 costs (£175 requested)	Perry Barr
72	22.03.19	Sean Tull Birmingham Proved in absence	£220 £175 costs (£175 requested)	Castle Vale
73	22.03.19	Adriana Elena Ursuleac Birmingham Proved in absence	£220 £175 costs (£175 requested)	Yardley & East Stechford
74	22.03.19	Stan Vasile Birmingham Proved in absence	£220 £175 costs (£175 requested)	Bordesley Green
75	22.03.19	Daniel Walker Birmingham Proved in absence	£220 £175 costs (£175 requested)	Rubbery & Rednal
76	22.03.19	Karl Andrew Whillock Solihull Guilty plea	£133 £175 costs (£175 requested)	Out of area
77	22.03.19	David Wynn London Guilty plea	£146 £175 costs (£175 requested)	Out of area
78	22.03.19	Katie Young West Bromwich Proved in absence	£220 £175 costs (£175 requested)	Out of area

79	15/4/19	Mudassar Nazar Akhtar Birmingham Proved in absence.	£220 £175 costs (£175 requested)	Nechells
80	15/4/19	Hakem Marzouq Alumutairi Birmingham Proved in absence	£220 £175 costs (£175 requested)	Soho & Jewellery Quarter
81	15/4/19	Bernard Nathaniel Boyle Birmingham Guilty plea	£93 £75 costs (£175 requested)	Bournville & Cotteridge
82	15/4/19	Liam Caffrey Coventry Guilty plea	£115 £75 costs (£175 requested)	Out of area
83	15/4/19	Angela Claridge Birmingham Guilty plea	£91 £75 costs (£175 requested)	Aston
84	15/4/19	Daniel Ouro Corredera Birmingham Proved in absence	£220 £175 costs (£175 requested)	Bournbrook & Selly Park
85	15/4/19	Britany Finch Wolverhampton Proved in absence	£220 £175 costs (£175 requested)	Out of area
86	15/4/19	Adolfo Florido Birmingham Proved in absence	£220 £175 costs (£175 requested)	Bournbrook & Selly Park

87	15/4/19	Francis Fry Birmingham Guilty plea	£146 £75 costs (£175 requested)	Sheldon
88	15/4/19	Cosmin Stefan Gheprghievici Birmingham Proved in absence	£220 £175 costs (£175 requested)	Soho & Jewellery Quarter
89	15/4/19	Ron Gorman Birmingham Guilty plea	£40 £75 costs (£175 requested)	Nechells
90	15/4/19	Mustafa Hussain Birmingham Proved in absence	£220 £175 costs (£175 requested)	North Edgbaston
91	15/4/19	Combi Eugen Ion Birmingham Proved in absence	£220 £175 costs (£175 requested)	Acocks Green
92	15/4/19	Nikita Kaur Birmingham Proved in absence	£220 £175 costs (£175 requested)	Nechells
93	15/4/19	Sonia Khela Birmingham Guilty plea	£91 £75 costs (£175 requested)	Handsworth Wood
94	15/4/19	Karolina Lesiak Birmingham Proved in absence	£220 £175 costs (£175 requested)	Ladywood

95	15/4/19	Hamzah Mohammed Birmingham Proved in absence	£220 £175 costs (£175 requested)	Garretts Green
96	15/4/19	Anzelika Rikova Tipton Proved in absence	£220 £175 costs (£175 requested)	Out of area
97	15/4/19	Hadrian Rose Birmingham Proved in absence	£220 £175 costs (£175 requested)	Handsworth Wood
98	15/4/19	George Salussolia Birmingham Proved in absence	£220 £175 costs (£175 requested)	Yardley West & Stechford
99	15/4/19	Damian Smuniewski Smethwick Proved in absence	£220 £175 costs (£175 requested)	Out of area
100	15/4/19	Anna Wilk Birmingham Proved in absence	£220 £175 costs (£175 requested)	Perry Barr
101	26/4/19	Ayaan Ali Birmingham Proved in absence	£220 £175 costs (£175 requested)	Heartlands
102	26/4/19	Bareera Ali Birmingham Proved in absence	£220 £175 costs (£175 requested)	Sparkbrook & Balsall Heath East

103	26/4/19	James Clifford Barker Birmingham Guilty plea	£180 £100 costs (£175 requested)	Oscott
104	26/4/19	Ashley Barlow Tamworth Proved in absence	£220 £175 costs (£175 requested)	Out of area
105	26/4/19	Samantha Deanna Bowyer Birmingham Proved in absence	£220 £175 costs (£175 requested)	Birchfield
106	26/4/19	Michael James Boylan Worcester Proved in absence	£220 £175 costs (£175 requested)	Out of area
107	26/4/19	Imogen Megan Burgess Walsall Proved in absence	£220 £175 costs (£175 requested)	Out of area
108	26/4/19	Emma Carling Cardiff Proved in absence	£220 £175 costs (£175 requested)	Out of area
109	26/4/19	Cosmin Chira Bristol Proved in absence	£220 £175 costs (£175 requested)	Out of area
110	26/4/19	Federico Colombo Birmingham Proved in absence	£220 £175 costs (£175 requested)	Ladywood

111	26/4/19	Abdalla Dhahi Birmingham Proved in absence	£220 £175 costs (£175 requested)	Ladywood
112	26/4/19	Bobby Dohery Birmingham Proved in absence	£220 £175 costs (£175 requested)	Sparkbrook & Balsall Heath East
113	26/4/19	Amanda Dowling Birmingham Proved in absence	£220 £175 costs (£175 requested)	Weoley & Selly oak
114	26/4/19	Andrew Duncan Leek Proved in absence	£220 £175 costs (£175 requested)	Out of area
115	26/4/19	Holly Eaves Birmingham Proved in absence	£220 £175 costs (£175 requested)	Bournville & Cotteridge
116	26/4/19	Mark Edkins Birmingham Proved in absence	£220 £175 costs (£175 requested)	Erdington
117	26/4/19	Dusan Filip Birmingham Proved in absence	£220 £175 costs (£175 requested)	Lozells
118	26/4/19	Mario Pereira Francisco Birmingham Proved in absence	£220 £175 costs (£175 requested)	Soho & Jewellery Quarter

119	26/4/19	Rebecca Hinson Coventry Proved in absence	£220 £175 costs (£175 requested)	Out of area
120	26/4/19	Raqeeb Hussain Birmingham Proved in absence	£220 £175 costs (£175 requested)	Birchfield
121	26/4/19	Derek Jackson Worcester Proved in absence	£220 £175 costs (£175 requested)	Out of area
122	26/4/19	Rohey Jallow Birmingham Proved in absence	£220 £175 costs (£175 requested)	Bournbrook & Selly Park
123	26/4/19	Kay Jameson Coventry Proved in absence	£220 £175 costs (£175 requested)	Out of area
124	26/4/19	Rafek Jaworowski Nottingham Proved in absence	£220 £175 costs (£175 requested)	Out of area
125	26/4/19	Anolzej Konylkov Smethwick Proved in absence	£220 £175 costs (£175 requested)	Out of area
126	26/4/19	Abdullah Mahmood Dudley Proved in absence	£220 £175 costs (£175 requested)	Out of area

127	26/4/19	Radu Manuela Birmingham Proved in absence	£220 £175 costs (£175 requested)	Bordesley & Highgate
128	26/4/19	Zak Mason Wolverhampton Proved in absence	£220 £175 costs (£175 requested)	Out of area
129	26/4/19	Lenuca Mihai Birmingham Proved in absence	£220 £175 costs (£175 requested)	Bordesley & Highgate
130	26/4/19	Oleg Moisesenko Smethwick Proved in absence	£220 £175 costs (£175 requested)	Out of area
131	26/4/19	Lee Michael Morgan Bromsgrove Proved in absence	£220 £175 costs (£175 requested)	Out of area
132	26/4/19	Andrew Mushing Ruby Guilty plea	£155 £100 costs (£175 requested)	Out of area
133	26/4/19	Rav Patel Birmingham Proved in absence	£220 £175 costs (£175 requested)	Handsworth Wood
134	26/4/19	Tamala Peermahomud Birmingham Proved in absence	£220 £175 costs (£175 requested)	Moseley

135	26/4/19	Gary Plummer Birmingham Proved in absence	£220 £175 costs (£175 requested)	Balsall Heath
136	26/4/19	Omar Bangen Abdullah Rekani Birmingham Proved in absence	£220 £175 costs (£175 requested)	Ladywood
137	26/4/19	Mohammed Rouf Birmingham Proved in absence	£220 £175 costs (£175 requested)	Edgbaston
138	26/4/19	Nathan Russell Birmingham Guilty plea	£125 £100 costs (£175 requested)	Hall Green North
139	26/4/19	Andrea Slater Birmingham Proved in absence	£220 £175 costs (£175 requested)	Glebe Farm & Tile Cross
140	26/4/19	Denise Stewart Northampton Guilty plea	£40 £100 costs (£175 requested)	Out of area
141	26/4/19	Simon Wood Walsall Proved in absence	£220 £175 costs (£175 requested)	Out of area

142	26/4/19	Liam Young Chester Proved in absence	£220 £175 costs (£175 requested)	Out of area
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ENVIRONMENTAL HEALTH SIMPLE CAUTIONS

One simple caution was administered during March and April 2019.

Food Safety and Hygiene (England) Regulations 2013

One caution was issued for failing to comply with Food Hygiene Regulations

TRADING STANDARDS CASES

No Trading Standards cases were finalised in March or April 2019.

TRADING STANDARDS SIMPLE CAUTIONS

One simple caution was administered during March and April 2019.

Trade Marks Act 1994 Section 92(1)(b)

One caution was issued for having in their possession, custody or control in the course of a business, goods, namely 50 x shipping cases which bore a sign identical or likely to be mistaken for a registered trade mark, namely “Guinness”.

APPENDIX 4**CASES FINALISED BY DISTRICT (PLACE OF OFFENCE) – MARCH 2019**

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	0	0	0	0	1	0	0	0	1	0	0	2
Environmental Health (FPNs) Not paid and prosecuted	0	0	0	0	78	0	0	0	0	0	0	78
Environmental Health (non FPNs)	0	0	7	5	9	2	1	0	0	1	0	25
Trading Standards	0	0	0	0	0	0	0	0	0	0	0	0

CASES FINALISED BY DISTRICT (DEFENDANT'S HOME ADDRESS/REGISTERED OFFICE) – MARCH 2019

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	0	0	0	2	0	0	0	0	0	0	0	2
Environmental Health (FPNs) Not paid and prosecuted	6	7	2	5	9	2	5	1	2	2	37	78
Environmental Health (non FPNs)	0	0	5	7	5	2	2	0	0	1	3	25
Trading Standards	0	0	0	0	0	0	0	0	0	0	0	0

CASES FINALISED BY DISTRICT (PLACE OF OFFENCE) – APRIL 2018-MARCH 2019

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	2	0	1	0	24	0	0	6	3	0	0	36
Environmental Health (FPNs) Not paid and prosecuted	0	0	0	0	773	0	0	0	0	0	0	773
Environmental Health (non FPNs)	6	12	24	32	65	6	9	6	2	21	1	184
Trading Standards	1	1	4	1	2	0	3	1	0	0	0	13

CASES FINALISED BY DISTRICT (DEFENDANT'S HOME ADDRESS/REGISTERED OFFICE) – APRIL 2018-MARCH 2019

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	0	0	6	8	4	1	5	1	0	2	9	36
Environmental Health (FPNs) Not paid and prosecuted	39	35	40	57	110	36	53	21	9	32	341	773
Environmental Health (non FPNs)	6	14	22	38	41	9	9	7	1	11	26	184
Trading Standards	0	1	4	1	1	0	2	1	0	1	2	13

CASES FINALISED BY DISTRICT (PLACE OF OFFENCE) – APRIL 2019

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	0	0	0	0	0	0	0	0	0	0	0	0
Environmental Health (FPNs) Not paid and prosecuted	0	0	0	0	65	0	0	0	0	0	0	65
Environmental Health (non FPNs)	0	2	1	2	7	0	1	1	0	0	0	14
Trading Standards	0	0	0	0	0	0	0	0	0	0	0	0

CASES FINALISED BY DISTRICT (DEFENDANT'S HOME ADDRESS/REGISTERED OFFICE) – APRIL 2019

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	0	0	0	0	0	0	0	0	0	0	0	0
Environmental Health (FPNs) Not paid and prosecuted	4	1	4	2	13	1	8	4	0	4	24	65
Environmental Health (non FPNs)	0	3	1	2	6	0	1	1	0	0	0	14
Trading Standards	0	0	0	0	0	0	0	0	0	0	0	0

WASTE ENFORCEMENT UNIT – ENFORCEMENT ACTIVITY
APRIL 2018 – MARCH 2019

	Apr-18	May-18	Jun-18	Jul-18	Aug-18	Sep-18	Oct-18	Nov-18	Dec-18	Jan-19	Feb-19	Mar-19	Total 2018/2019
Waste Investigation Outcomes													
Duty of Care inspections into the waste disposal arrangements of commercial premises	125	116	157	81	135	128	104	64	63	61	62	19	1115
<u>Section 34 Environmental Protection Act</u> demand notices issued: (trade waste statutory information demands)	105	100	122	70	127	74	67	32	52	50	44	17	860
<u>Section 34 Environmental Protection Act</u> fixed penalty notices issued to businesses (£300)	30	41	50	35	62	80	83	21	17	56	23	24	522
<u>Section 87 Environmental Protection Act</u> . Fixed Penalty notices issued for commercial and residential litter offences (£80)	0	2	0	0	0	0	1	0	0	0	0	0	3
<u>Section 33 Environmental Protection Act</u> fixed penalty notices issued for fly tipping (£400)	3	6	3	7	6	3	6	9	6	11	4	9	73
Prosecutions													
Number of prosecution files submitted to legal services (number produced quarterly)			43			24			71			98	236

BIRMINGHAM CITY COUNCIL**LICENSING AND PUBLIC PROTECTION COMMITTEE****12 JUNE 2019****SCHEDULE OF OUTSTANDING MINUTES**

MINUTE NO./DATE	SUBJECT MATTER	COMMENTS
1169 16/05/2019	<u>Update Report On Unauthorised Encampments</u> – The Assistant Director of Regulation and Enforcement be requested to report further in three months' time to update on the various work items contained within the report.	