

BIRMINGHAM CITY COUNCIL

**LICENSING AND
PUBLIC PROTECTION
COMMITTEE
13 MARCH 2019**

**MINUTES OF A MEETING OF THE LICENSING
AND PUBLIC PROTECTION COMMITTEE HELD
ON WEDNESDAY 13 MARCH 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, Phil Davis, Adam Higgs, Nagina Kauser, Mike Leddy, Bruce Lines, Simon Morrall, Hendrina Quinnen, Mike Sharpe, Sybil Spence and Martin Straker-Welds.

NOTICE OF RECORDING/WEBCAST

- 1135 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

- 1136 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

- 1137 Apologies were received from Councillors Neil Eustace and Mary Locke for non-attendance.
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MINUTES

- 1138 The Minutes of the meeting held on 13 February 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.

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

- 1139 The following report of the Acting Director of Regulation and Enforcement was submitted:-

(See Document No. 1)

The Chair reported that the above-mentioned item had been deferred to a future meeting and stated that as a result of this, there would be no debate taking place today.

Chris Neville, Acting Director of Regulation and Enforcement read out the following statement:-

Vehicle Age and Emissions Report

The vehicle age and emissions policy has been withdrawn from today's agenda in consultation with the Chair of your committee following representations made to the council this week by the RMT trade union and its threatened protest action that was due to take place this morning in the city centre.

The RMT has asked for the policy proposals to be amended. In particular they have asked the council to consider moving the proposed last date for new diesel vehicles to be licensed from 2021 to 2026. They have asked for drivers to be exempted from paying the daily £8 penalty charge for entering the Clean Air Zone for the duration of their current licence in 2021 and they would like the council to offer taxi drivers the same mitigation that is planned for people that live inside the Clean Air Zone who are on low incomes.

Very similar concerns were raised by other taxi and private hire trade representatives at a meeting I held with them last Thursday.

I have agreed to consult on these points again with the RMT and the wider group of trade representatives in the coming days.

However we all need to be mindful of the fact that the council has just received this week a letter from DEFRA giving approval to our application under the Clean Air Fund for support to businesses and residents to transition to cleaner vehicles. The council made an application for £50m. DEFRA has awarded Birmingham £37.9m, however the element specifically for taxi and private hire drivers has not been reduced and has now been confirmed at £14.75m, made

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up of £7m for PH drivers, £5m for HC drivers and £2.75m for the council to deliver a hackney carriage leasing scheme.

The communication from government also contained the statutory instrument, which is a ministerial direction, requiring Birmingham to achieve legal limits for NO2 in the shortest possible time and by 2021 at the latest.

In considering the request from the RMT and other trade representatives, we will need to balance their wishes against the risk that the funding from government may be reduced if we dilute our proposals and we must also consider the legal duty placed on the city by the ministerial directive.

Chris confirmed that contact with trade representatives would be made within the next few days and suggested that a further report be brought to the next committee with the proposals having been re-visited.

At this juncture, the Chair reiterated that she would not be taking any questions from the floor at this stage and confirmed that they could be raised at the next trade meeting.

At 10:10 hours there was a five minute adjournment whereupon web-streaming ceased until the meeting re-commenced.

LICENSING AND PUBLIC PROTECTION - REVENUE BUDGET 2019/20

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

(See Document No. 2)

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

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

Chris Neville confirmed that 'WOC' (workforce organisation change) was a saving attached to the workforce and subsequently agreed that a glossary accompanying public reports would be beneficial.

Chris referred to the grant funded services which were:-

All England Money Lending Team also known as the Loan Shark Team – 50 officers that were hosted in Birmingham and funded by the Treasury.

He further referred to the Regional Investigation Team, which was a smaller team of 3 or 4 posts that was funded through the National Trading Standards, which was the overarching trading standards service for the country. He added that there were regional teams located across the country and although the council offered the service to the midlands, it was supported by regional funding.

The Chair highlighted that the budgets were ring-fenced to those projects due to the fact that they were grant funded.

Chris confirmed that any surplus underspend would go back into the general fund as a saving and where funds were ring-fenced would remain in the ring-fenced budget. While explaining why they were unable to generate any kind of surplus attached to prosecutions, agreed that it would be very useful if they could retain any underspend to offset savings for the following year, however, confirmed that all service areas had been requested to try and reduce their expenditure in order to help with the overall pressures faced by the city council.

In response to concerns relating to waste enforcement and the requirement for further investment in this area, the Chair confirmed that while there had been discussions with the Leader in this regard, there had been a shift in priority to another area of the council.

Chris confirmed that the new service would be part of Waste Management and although the budget would sit in Waste Management, the legal responsibility in terms of enforcement powers would sit within this committee and the committee would have oversight of the powers used by the team.

The Chair concluded by stating that there was a commitment that if this did not work successfully by a certain date then this could be re-visited.

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

1140

RESOLVED:-

- (i) That the 2019/20 Revenue budget changes as detailed in Appendix 1 be noted;
- (ii) that the 2019/20 Service and Subjective Budget in Appendix 2 be noted;
- (iii) that the 2019/20 to 2022/23 budget in Appendix 3i be noted;
- (iv) that the 2019/20 budgeted employee establishment as detailed in Appendix 4 be noted; and
- (v) that the latest 2019/20 Reserves position as detailed in Appendix 5 be noted.

**OUTCOME OF APPEALS AGAINST SUB COMMITTEE DECISIONS:
JANUARY 2019**

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

(See Document No. 3)

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

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

1141 **RESOLVED:-**

That the report be noted.

PROSECUTIONS AND CAUTIONS – JANUARY 2018

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

(See Document No. 4)

Chris Neville, Acting Director of Regulation and Enforcement, provided a detailed breakdown of the report.

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

1142 **RESOLVED:-**

That the report be noted.

FIXED PENALTY NOTICES ISSUED JANUARY 2019

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

(See Document No. 5)

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

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

1143 **RESOLVED:-**

That the report be noted.

ACTION TAKEN BY THE CHAIR OF THE LICENSING & PUBLIC PROTECTION COMMITTEE: JANUARY 2019

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

(See Document No. 6)

Emma Rohomon, Acting Head of Licensing, made introductory comments relating to the report and advised of the actions taken by the Chair in respect of the following licences:-

On 5 February 2019 the Licensing Enforcement Section received information from West Midlands Police: Driver 3325 was arrested on 1 February 2019 for possession of a firearm with intent to endanger life following a firearm incident. In the interests of public safety the Acting Director of Regulation and Enforcement acting in consultation with the Chair revoked the hackney carriage licence held by the driver with immediate effect in accordance with Sections 61(1)(b) and 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976.

On 8 February 2019 the department was informed that a driver had collapsed at the wheel causing an accident although there were no persons injured. In the interests of public safety the Acting Director of Regulation and Enforcement acting in consultation with the Chair, suspended the private hire licence held by the driver 46809 with immediate effect, in accordance with Sections 61(1)(b) and 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976.

On 22 February 2018 the department was informed that a driver 104572 had become unconscious while driving a licensed private hire vehicle and as a result had crashed the vehicle and was now hospitalised. In the interests of public safety the Acting Director of Regulation and Enforcement acting in consultation with the Chair, suspended the private hire licence held by the driver 104572 with immediate effect, in accordance with Sections 61(1)(b) and 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976.

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

1144

RESOLVED:-

That the report and verbal update be noted.

SCHEDULE OF OUTSTANDING MINUTES

The following schedule of Outstanding Minutes was submitted:-

(See Document No. 7)

Chris Neville, Acting Director of Regulation and Enforcement, confirmed that there were 2 reports listed for April 2019.

1145

RESOLVED:-

That all Outstanding Minutes be continued.

OTHER URGENT BUSINESS

The Chair was of the opinion that the following item be considered as a matter of urgency in order to expedite consideration thereof and instruct officers to act if necessary.

City Council Reviewing Arrangements for Appointment of Chairs of the Safety at Sportsground Advisory Groups

Chris Neville stated that in light of last Sunday's incident at St Andrews Football Ground, the city council was reviewing their arrangements for the appointments of chairs of the safety at sports ground safety advisory groups (SAG). He explained that for the benefit of new members, this Committee appoints chairs to those groups at the beginning of the Municipal Year.

He confirmed that a report would be brought to the next meeting in April 2019 based on legal advice. At present the advice given was that elected members should not be chairing the groups, however, they were still working with Legal Services in order to finalise the position.

Following Members comments' Chris explained briefly the safety and technical areas that the city council were looking to address with regard to elected members being appointed to sit on SAGS. He referred to the changes that had been made in the recent past with regard to the Constitution which was now somewhat reduced, and how they were looking to make sure that there was some legal authority behind the Committee's decision in order to appoint people in the future in these situations.

Councillor Leddy commented that the city council still held the responsibility of issuing the certificates for stadia around the city and that the removal of elected members from SAGs especially chairing which was an independent position, he considered would be a retrograde step. He therefore requested that officers and the Legal Services carefully reconsidered their decisions regarding these specific roles.

Chris agreed to take back the comments made.

1146

RESOLVED:-

That the comments be noted.

AUTHORITY TO CHAIR AND OFFICERS

1147

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 1040 hours.

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CHAIRMAN