

BIRMINGHAM CITY COUNCIL

**LICENSING AND
PUBLIC PROTECTION
COMMITTEE
19 OCTOBER 2016**

**MINUTES OF A MEETING OF THE LICENSING
AND PUBLIC PROTECTION COMMITTEE HELD
ON WEDNESDAY 19 OCTOBER 2016 AT 1000
HOURS IN COMMITTEE ROOMS 3 & 4,
COUNCIL HOUSE, BIRMINGHAM**

PRESENT: - Councillor Barbara Dring in the Chair;

Councillors Nawaz Ali, Bob Beauchamp, Alex Buchanan,
Lynda Clinton, Basharat Dad, Neil Eustace, Des Flood, Jayne
Francis, Penny Holbrook, Nagina Kauser, Mike Leddy, Gareth
Moore and Rob Sealey

NOTICE OF RECORDING

735 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.

The whole of the meeting would be filmed except where there were confidential or exempt items.

APOLOGIES

736 Apologies were received from Councillor Moore for lateness and from Councillor Rehman for his inability to attend the meeting.

MINUTES OF THE LAST MEETING – 14 SEPTEMBER 2016

737 The public Minutes of the meeting held on 14 September 2016, having been previously circulated to Members were noted.

SPORTS GROUND SECURITY ARRANGEMENTS

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

(See Document No. 1)

Andrew Daw, Emergency Planning Officer, made introductory comments to the report advising members of the approach to security arrangements for sports grounds.

In response to members' comments and questions, the salient points were recorded.

Andrew Daw confirmed that whilst the Alexander Stadium was not a designated stadium, there were stands within the stadium that were looked after from a safety aspect. He further confirmed that there were 3 designated stadiums across the city which were; St Andrews, Edgbaston and Villa Park with a capacity to attract special work with emergency planning arrangements.

With regard to the Alexander Stadium not being a designated stadium, Andrew Daw confirmed that he was not involved in the safety control aspect and believed that it had been the decision of the Secretary of State that identified designated grounds. He added that the whole ground of Alexander Stadium was not seen as one stadium and therefore agreed to raise the question with the SAG Group and respond to the Committee accordingly.

He reported that there were 16 designated rest centres across the city with each one containing the necessary kit and equipment required to provide overnight accommodation for communities and members of the public. He confirmed that there were 4 response teams on call 24/7 available to come in and set up a rest centre at the designated locations. He stated that the department held all the appropriate contact details and were in regular contact with the key holders.

With regard to the lack of information for key holders besides being provided with a booklet and suitcase, Andrew Daw whilst recognised the concern, confirmed that the department was at present checking all of the suitcases that had been provided in order to ensure they were up to date and were also updating all of the individual site plans. He added that they would most likely be in contact with all of the key holders to explain the call out process. He also added that as they were going through the process at the moment of reviewing their rest centres albeit some had dropped off and had been replaced with new centres, the up to date list of where they were located and associated information would be circulated to members shortly.

Following a comment relating to the Chairs of the SAG Groups providing more in depth information to officers and stadium owners to ensure that all were aware of the underlying aspects not included within the report, and the need for updated practices, Andrew Daw confirmed that he would support the motion of a review of the Safety Advisory Groups. He referred to the UK Good Practice Guide that had recently been issued and believed the review should take the guide into account and was of the opinion that all 3 sites should go through the process.

It was noted that Keith Wiseman, the new safety manager, Aston Villa Park had made a very positive start in playing an active role with all of the agencies involved with the SAG Group.

The Chair concluded by thanking Andrew Daw for attending the meeting and reporting.

It was -

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RESOLVED:-

- (i) That the report be noted;
- (ii) That the outstanding minute number 640(i) be discharged.

**STATEMENT OF LICENSING POLICY – CUMULATIVE IMPACT AREAS
POST CONSULTATION REPORT – JOHN BRIGHT STREET AREA**

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

(See Document No. 2)

Councillor Holbrook declared a non-pecuniary interest as she was a director at Southside Bridge which covered John Bright Street.

Chris Neville, Head of Licensing, introduced the report and highlighted that it was the first of 3 reports for the Committee to consider the introduction of a Cumulative Impact Area around John Bright Street whereupon the other 2 reports related to Erdington and Digbeth.

At this juncture, coloured photographs of John Bright Street were circulated to the Committee.

Chris Neville, Head of Licensing whilst referring to the salient points of the report highlighted that in September 2016, the Home Office had announced an amendment to the Policing and Crime Bill which would include Cumulative Impact Policy, and through this the policy would become more formalised rather than categorised as guidance.

Councillors Floor and Moore were of the opinion that the application should go ahead due to the associated anti-social behaviour that it could attract and that the application was also supported by Public and Environmental Health.

Councillor Leddy referred to the very small number of residents that had objected and also West Midlands Police did not support the application, as believed there would not be the need for additional police resources within the area. Councillor Leddy was of the opinion the application should be refused.

The Chair put the motion contained in the report at agenda item No. 5 to the meeting and this was refused with Members voting 6 in favour and 7 against.

It was -

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RESOLVED:-

- (i) That the Committee considered the responses to the consultation for the area around John Bright Street proposed for CIP.
- (ii) That Members considered whether there was sufficient evidence to implement CIP area as proposed.
- (iii) That Members refused the proposal for the area around John Bright Street to become a Cumulative Impact Policy area.

**STATEMENT OF LICENSING POLICY – CUMULATIVE IMPACT AREAS
POST CONSULTATION REPORT – ERDINGTON AREA**

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

(See Document No. 3)

Chris Neville, Head of Licensing, introduced the report and referred to the salient points.

Councillors Dad and Moore declared an interest as they were residents of Erdington Ward.

Councillor Clinton supported the application as she made reference to the general decline residents had witnessed in the area and the fear that was experienced by residents working late at night.

Councillor Moore supported the application and welcomed the large number of responses received from constituents in Erdington Ward. He made reference to the proposed area and due to the nature of his pen questioned whether the parade of shops (junction of Gravelly Lane and Oliver Road) had been included within the consultation.

Following a discussion where it was ascertained that although communication had taken place with the shops they had not been included in the consultation. Stuart Evans, Licensing Solicitor indicated that there was no evidence that consultation had taken place with the shop owners; as a consequence they could be included in Cumulative Impact Area.

The Chair suggested that an application for CIP for the additional shops could be brought to Committee at a later date for consideration which was agreeable to Councillor Moore.

Councillor Holbrook fully supported the report as she highlighted the area had experienced a rapid increase in street drinking and also a huge increase in anti-social behavioural issues had arisen as a result of this. However, did

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raise concern that by implementing a CIP this would relocate the problem elsewhere.

It was noted that if a CIP policy in place needed to be extended, as long as there were sufficient grounds for this, it could be considered by the Committee at any time in the future.

The Chair put the motion contained in the report at agenda item No. 6 to the meeting and this was agreed unanimously.

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RESOLVED:-

- (i) That the Committee considered the responses to the consultation for the Erdington Area proposed for CIP.
- (ii) That Members considered whether there was sufficient evidence to implement CIP area as proposed.
- (iii) That Members agreed to the proposals and that CIP should relate to
On Sales;
On and Off Sales, or
On and Off Sales and Late Night Refreshments
- (iv) That the proposals agreed to at 2.2 and 2.3 be reflected in a revised Statement of Licensing Policy, to be presented to City Council at the next available opportunity.

STATEMENT OF LICENSING POLICY – CUMULATIVE IMPACT AREAS POST CONSULTATION REPORT – DIGBETH AREA

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

(See Document No. 4)

Chris Neville, Head of Licensing, introduced the report and referred to the salient points.

At this juncture there was a 10 minute adjournment for members to study the map of the area which had been circulated at the meeting. Although the map did not indicate where the licensed premises were located, members could make an informed decision based on the responses received from the consultation which included West Midlands Police, Public and Environmental Health that supported the application.

The Chair put the motion contained in the report at agenda item No. 7 to the meeting and this was agreed unanimously.

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RESOLVED:-

- (i) That the Committee considered the responses to the consultation for the

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Digbeth Area proposed for CIP.

- (ii) That Members considered whether there was sufficient evidence to implement CIP area as proposed.
- (iii) That Members agreed to the proposals and that CIP should relate to
On Sales;
On and Off Sales, or
On and Off Sales and Late Night Refreshments
- (iv) That the proposals agreed to at 2.2 and 2.3 be reflected in a revised Statement of Licensing Policy, to be presented to City Council at the next available opportunity.

LICENSING AND PUBLIC PROTECTION COMMITTEE – MINUTE TAKING AND PAPERLESS REPORTS

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

(See Document No. 5)

Chris Neville, Head of Licensing, introduced the report and detailed the two proposals that had been put forward for consideration which were the provision of shorter sets of minutes for meetings of the Licensing and Public Protection Committee where appropriate, which did not include licence applications, and to move to a paperless system of report distribution in order to respond to the reduction in the number of Committee Managers in the service. He added that where meetings were web-streamed they remained on live-stream for a period of 6 months and a DVD copy of the meeting was kept on file.

Following a discussion and in response to members' comments and questions, the salient points were recorded.

Although detailed minutes would be recorded regarding licensing applications whereupon decisions were subject to challenge, members were of the opinion that there should still be some details of discussion that had taken place recorded in the minutes, and also, that information relating to the content of the meeting was easily accessible to members after the meeting had taken place.

Chris Neville, Head of Licensing, confirmed that with the production of less detailed minutes, this should not result in job losses, as the additional job cut savings had already been delivered and it was the actions to those savings that was now being taken.

Although members recognised that paperless could be a more flexible and efficient way of working, were concerned that BCC laptops may not be reliable for paperless meetings and therefore look to obtaining alternative technical equipment.

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Councillor Holbrook confirmed that members could use whatever technology they preferred, as the information came in the format of PDF and suggested that some may need support in obtaining an application to assist them but there was training available at BCC to address this area.

Councillor Floor highlighted the importance of there being a level of consistency for all members being able to receive information via the paperless system

The Chair voiced concern of the need to provide alternative technology and the costs that could be incurred and whether it outweighed what BCC were looking to save. She also highlighted the need for some form of training for members which could include a dummy run of a paperless meeting.

Chris Neville, Head of Licensing, referred to recommendation 2.2 of the report and stated that there would be the need for some indication from members, that felt they required additional equipment to see what their requirements would be, and undertake a costing exercise to compare with what was likely to be saved, and for the findings to be submitted at the next meeting.

Councillor Holbrook suggested that the Committee approved both recommendations with an addition to recommendation 2.2 that it be subject to the confidence of the Chair that budget savings were made, rather than delay for another meeting.

The addition to recommendation 2.2 was seconded by Councillor Sealey.

The Chair put the motion contained in the report at agenda item No. 8 to the meeting with the addition to recommendation 2.2 of the report which was agreed unanimously.

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RESOLVED:-

- (i) That the Committee approved the changes to the way in which minutes would be recorded of meetings of the Licensing and Public Protection Committee as outlined in paragraphs 4.1 to 4.3 of the report with effect from its scheduled meeting on 16 November 2016.
- (ii) That the Committee approved the proposal to stop circulating paper copies of reports for meetings of the Licensing and Public Protection Committee as outlined in paragraphs 5.1 to 5.3 of the report and adopts an electronic system of paperless reports with effect from April 2017, and that it be subject to the confidence of the Chair that there was a cost benefit to paperless meetings supported by evidence of the costings for additional equipment submitted to the next meeting.

PROSECUTIONS AND CAUTIONS DURING JULY 2016

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

(See Document No.6)

Alison Harwood introduced the report and highlighted the significant cases. She specifically referred to the fine of £24,000 and costs of £1,541 that had been awarded detailed in Appendix 2 of the report.

Councillor Moore whilst declaring an interest due to liaising with an officer regarding an address in Appendix 2 of the report subsequently extended a vote of thanks to the officer for her involvement in addressing the public nuisance offence.

Councillor Sealey congratulated officers for their efforts in successfully obtaining the costs awarded to BCC by the courts which was now reflecting a more realistic level.

Following a concern relating to Premium Halal Meat & Poultry Limited as to why the City Council had not revoked the licence, Mark Croxford, Head of Environmental Health, confirmed that it was the Food Standard Agency that was responsible for suspending or revoking their licence and not the City Council.

It was -

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RESOLVED:-

That the report be noted.

**OUTCOME OF APPEALS AGAINST SUB COMMITTEE DECISIONS
DURING AUGUST 2016**

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

(See Document No. 7)

Chris Neville, Head of Licensing, introduced the report and highlighted that from the 5 cases that had been dismissed, one case had been overturned by the magistrates, due to the fact that the driver had driven for a period of 44 years and had held a clean driving licence.

Councillor Clinton stated that all 3 Sub-Committees undertook their responsibilities very seriously and that there were policies in place that covered plying for hire and driving without insurance, therefore, expressed deep disappointment that magistrates believed that it would be safe being driven in a vehicle without insurance. She added that it was of no consequence of how old the driver was all aspects would have been taken into account by the Sub-Committee and considered very carefully, before a decision was taken to ensure that the public were properly safeguarded at all times.

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Councillor Moore whilst expressing his disappointment of the decision taken by the magistrates was of the opinion that the Sub-Committee had taken the correct decision at the time which was in line with committee policy.

It was -

744 **RESOLVED:-**

That the report be noted.

FIXED PENALTY NOTICES ISSUES AGAINST AUGUST 2016

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

(See Document No. 8)

Mark Croxford, Head of Environmental Health, addressed members on the salient points.

It was -

745 **RESOLVED:-**

That the report be noted.

SCHEDULE OF OUTSTANDING MINUTES

The following schedule of Outstanding Minutes was submitted:-

(See Document No. 9)

The Acting Director of Regulation and Enforcement made comments on the Schedule of Outstanding Minutes.

Chris Neville, Head of Licensing referred to Outstanding Minute No. 620 and confirmed that two officers were due to visit Lambeth, London at the end of the month where they would be discussing their Sexual Entertainment Venue (SEV) policy. He added that on return they would convene a meeting with the Working Group to feedback on their findings from Lambeth which in turn would assist towards forming a conclusion of BCC's policy. He confirmed that Lambeth appeared to be the only authority identified with such a policy.

Alison Harwood referred to Outstanding Minute nos. 651(ii), (iii) and confirmed that as yet no dates had been agreed to report back to Committee.

A brief discussion ensued regarding the proposals for vehicle emission standards for Hackney Carriages and Private Hire Vehicles whereby Councillor Leddy believed that action in this area needed to be taken in 2020

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in order that it allowed drivers enough time to place aside funding for when they needed to replace the vehicles in order to comply with standards.

Councillor Beauchamp was of the opinion that vehicles should meet the standards as soon as possible and not delay.

The Chair referred to the amount of effort and discussion that was taking place with various cabinet members, the deputy leader's office and the department in addressing this issue.

Chris Neville, Head of Licensing, referred to the statement published last week by Defra regarding clear air zones and the impact this would have on the city. He confirmed that this was the legal starting point for the process for clean air zones. He added that they had had to wait for legislation to go through Parliament before they could formally go forward with the proposals for emission standards. He highlighted, that a great deal of work had taken place in the background and therefore was trying to ensure that everything that was done with this Committee coincided with the rest of the Council's policies.

He reported that the Chair had been lobbying extremely hard to ensure that at the earliest opportunity there would be consultation with the trade regarding what the impact of clean air zones would have on them. He referred to the briefing note that would be circulated to the trade as soon as possible following the legislation brought about last week and confirmed that all were conscious of the need to move as quickly as possible in order that drivers could make the necessary economic decisions.

The Chair highlighted that it was a much broader subject that involved more than just the trade and subsequently detailed various other areas that would be affected. She added that they were still awaiting the finer details from Defra and once these were available, an update would be provided to the Committee.

With regard to Outstanding Minute No. 720 the Chair referred to the scrutiny meeting that had taken place and the issue relating to taxi drivers in safeguarding children.

Chris Neville, Head of Licensing, confirmed that cards had been provided to taxi drivers with the necessary information however there was no statutory basis for taxi drivers to report safeguarding to the local authority. He added that although there was training in place for new drivers, any existing drivers did not have to undertake the training until renewal of their licence was required.

Following a brief discussion, it was suggested that in order to encourage drivers to undertake the necessary training, that an informal discussion be arranged with them and the sub-committee, in order to help focus their minds on why they were not taking up the training which Chris Neville agreed to explore as an option.

In response to a comment regarding the new guidelines for keeping children safe in education and the fact that anyone in schools that failed to report

safeguarding was considered as guilty as causing harm to the child, Stuart Evans, Interim City Solicitor agreed to discuss further with colleagues in Child Care.

The Chair highlighted that the difference with BCC was that they supplied drivers with licences and was not their direct employer.

It was -

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RESOLVED:-

That the Schedule of Outstanding Minutes be noted.

OTHER URGENT BUSINESS

The Chairman was of the opinion that the following matters could be considered as matters of urgency in view of the need to expedite consideration thereof and instruct officers to act if necessary.

Biomass Boilers

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In response to a previous request from Councillor Clinton relating to the above-mentioned boilers, Mark Croxford, Head of Environmental Health agreed to provide the requested information to all members of the Committee.

ACTIONS TAKEN BY THE CHIEF OFFICER IN CONSULTATION WITH THE CHAIR OF THE LICENSING AND PUBLIC PROTECTION COMMITTEE SINCE SEPTEMBER 2016 – COMMITTEE URGENT BUSINESS REPORT

TOURISM ACTION PLAN – AUGUST 2016

The following report of the Acting Director of Regulation and Enforcement was submitted and the letter sent to the Rt. Hon. Amber Rudd MP:-

(See document Nos. 10 and 11)

Chris Neville, Head of Licensing, referred to the meeting that Emma Rohomon, Licensing Manager, had attended in London involving the Tourism Action Plan and the proposals put forward which had implications for Private Hire Drivers.

He reported that it had been agreed at the last meeting, that a letter would be sent to Central Government advising that the Committee did not support the proposals. He confirmed that the report circulated to the meeting detailed the action taken between meetings under the Chief Officer and Chair's Authority.

He further reported that Appendix 1 referred to the Government's Tourist Action Plan and Appendix 2 was a copy of the letter despatched last week to Central Government expressing the views of the Committee. It was also sent with a covering letter to all of the MP's in Birmingham and Councillor Barnett,

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Chair of Children, Families and Schools Overview and Scrutiny Committee in view of the implications that had been perceived within the safeguarding report.

It was -

748 **RESOLVED:-**

That the report be noted.

AUTHORITY TO CHAIRMAN AND OFFICERS

749 **RESOLVED:-**

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

EXCLUSION OF THE PUBLIC

750 **RESOLVED:-**

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:-

Minutes - Exempt Paragraph 3

PRIVATE

MINUTES

751 The private section of the Minutes of the meeting held on 14 September 2016 was noted.

The Committee Meeting ended at 1145 hours.

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CHAIRMAN