

BIRMINGHAM CITY COUNCIL

LICENSING AND PUBLIC PROTECTION COMMITTEE 18 JANUARY 2017
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**MINUTES OF A MEETING OF THE LICENSING
AND PUBLIC PROTECTION COMMITTEE HELD
ON WEDNESDAY 18 JANUARY 2017 AT 1000
HOURS IN COMMITTEE ROOMS 3 AND 4,
COUNCIL HOUSE, BIRMINGHAM**

PRESENT: - Councillor Barbara Dring in the Chair;

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

NOTICE OF RECORDING

785 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

786 Apologies were received from Councillor Linda Clinton for her inability to attend the meeting.

MINUTES

787 The Minutes of the meeting held on 14 December 2016, having been previously circulated were confirmed as a correct record and signed by the Chairman.

**LICENSING AND PUBLIC PROTECTION COMMITTEE BUDGET
MONITORING 2016/17 (MONTH 8)**

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

(See document No. 1)

David Jones, Finance Manager, provided a comprehensive breakdown of the report highlighting the additional item that had been moved to budget in November 2016 relating to the 1% pay award that had been paid to staff since April 2016.

Comments were received relating to the Registry Office Service and whether any surplus income generated in that particular area could be used to offset other pressures within the committee's budget, and whether additional resources, could be sought within Birmingham City Council to assist the Mortuary and Coroners into the future inquest into the 1976 Pub Bombings rather than just Central Government. Following a question from the Chair, David Jones confirmed that, subject to full Council agreeing the proposals in the budget consultation relating to the ring fenced licensing budget, the pressures on that service would be resolved as money was being restored to the Committee's budget.

David Jones referred to the Registry Office Service and stated that the forecast was reviewed on a monthly basis and although the position was continuing to improve which would be reflected in future forecasts, at the moment, they were trying to remain as prudent as possible and anticipated that they would break even at the end of the year. With regard to the 1976 Pub Bombings, he agreed to feed back the comments to the relevant department.

In response to a further comment relating to additional resources, David Jones confirmed that the additional resources were helping to mitigate the pressures around the administration of the Coroners Service. He added that although it had helped with those particular pressures there still continued to be an increased volume of referrals to the Coroners Service.

The Chair concluded by thanking David Jones for attending the meeting and reporting.

Upon further consideration, it was:-

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RESOLVED:-

The Licensing and Public Protection Committee noted:-

The latest Revenue budget position at the end of November 2016 (Month 8) and Forecast Outturn as detailed in Appendix 1.

The position with regard to the Savings Programme for 2016/17 as detailed in Appendix 2.

The expenditure on grant funded and Proceeds of Crime funded programmes in Appendix 3.

The position on reserves and balances, as detailed in Appendix 4.

“LOAN SHARKS” – ILLEGAL MONEYLENDING PROJECT

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

(See document No. 2)

Tony Quigley, Head of Illegal Money Lending, provided a comprehensive breakdown of the report.

The Chair and elected members congratulated the team on their excellent work that they had achieved not just within the city but nationally and specifically referred to paragraph 1.9 of the report which detailed very significant and positive outcomes. Members were impressed with the high number of victims and their families that had been helped and the fact that the courts had imposed 300 plus years' worth of custodial sentences which indicated how serious this area of work was being taken. It was further noted that with the financial support from the government, work would continue in helping far more people.

Tony Quigley thanked members for their kind words highlighting that the team were very committed and professional in wanting to see loan sharks stopped.

Following a further comment pertaining to the fact that it was important that the achievements of the City Council were publicised and that the City was not just a great place to invest but that it made a difference not just to the people of this City but also to the Country. Tony Quigley highlighted that when the project began in 2004 there were only two councils that were willing to take on the risk which were Birmingham and Glasgow which he highlighted was testament to this City Council.

In response to questions relating to credit unions, Tony Quigley confirmed that they were seen as a key partner in this particular issue. He detailed how they now had a credit union hub located at Birmingham Markets and that there were now three credit unions within Birmingham that had signed into it and were promoting the service to the public.

He highlighted that at times they offered incentive schemes with credit unions encouraging people to join and if they saved for a specific amount of time they would receive some funding from the proceeds of crime money from the loan sharks as an incentive for them to continue saving. He provided several examples across the country whereby it was proving to be a successful way of encouraging people to save, adding that with the incentives it also raised public awareness of the ills of illegal money lenders due to the promotional material that accompanied this.

Following further comments from members, Tony Quigley referred to the re-launch in schools which was probably necessary and the need for support in

this area from the committee. He referred to several key school packs that they had been developed with key partners which could all be re-launched together, adding that this could be something one of his officers could be progressing in the new financial year.

Tony Quigley referred to the piece of software that was used by the City Council and businesses to target consumers that were vulnerable. He detailed the various other ways they engaged with the public which included targeting specific streets and having face to face conversations with people, and also through schools and shopping centres. He added that in some cases when the action was carried out by the team, the outcomes were not always as positive as anticipated however, requests for help from the public may often come through to the department some time later when their situations become most desperate.

The Chair concluded by thanking Tony Quigley for his very positive report and once again expressed appreciation and a vote of thanks to all officers on behalf of the committee.

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RESOLVED:-

That the report be noted.

FIXED PENALTY NOTICESD FOR THE UNAUTHORISED DEPOSIT OF WASTE (FIXED PENALTIES) REGULATIONS 2016

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

(See Document No. 3)

Tony Quigley provided a comprehensive breakdown of the report

The Chair and Councillor Moore commented on the excellent results relating to the issuing of the fixed penalty notices and hoped to see more coming forward in the future.

Tony Quigley reported that as the City Council continued to prosecute offenders for fly tipping, the table within report at the particular time in November 2016 there were 28 cases submitted in respect of fly tipping offences. He highlighted that the figures were increasing month by month and there were currently 45 cases. He added that the department had to ensure that all the investigations were robust enough to prove that there was a case and that it would satisfy the court. He confirmed that they were currently conducting approximately 400 investigations and the figure tended to be the same month to month, adding that not all of those would result in a prosecution or fixed penalty notice.

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RESOLVED:-

That the report be noted.

FIXED PENALTY NOTICES ISSUED NOVEMBER 2016

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

(See Document No. 4)

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

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RESOLVED:-

That the report be noted.

**TO NOTE THE DELETION OF THE REGISTRATION OF WESTHILL
PLAYING FIELDS FROM THE REGISTER OF TOWN/VILLAGE GREENS IN
COMPLIANCE WITH AN ORDER OF THE HIGH COURT**

The following report of the Acting City Solicitor was submitted:-

(See document No. 5)

Stuart Evans whilst providing a comprehensive breakdown of the report specifically drew members' attention to 5.3 onwards within the report.

Councillor Moore expressed disappointment that the people who had applied for the land to be registered as a village green had been unwilling to take part in the proceedings which he suggested may have had some influence on the outcome.

Stuart Evans confirmed that in this situation with Birmingham City Council taking a neutral stance a considerable cost had been saved.

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RESOLVED:-

The committee noted the deletion of the Registration of Westhill Playing Fields from the Register of Town/Village Greens in compliance with an Order of the High Court.

INVESTORS IN PEOPLE

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

(See document No. 6)

Adrian Parkes, EFQM Project Officer, presented a detailed report on the success of Regulation and Enforcement in the recent assessment which had resulted in the retention of the 'Investors in People' accreditation.

The Chair thanked Adrian Parkes for presenting such a good report and requested that officers be congratulated on the excellent outcome of the report.

793

RESOLVED:-

That the report be noted.

COST RECOVERY AT COURT

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

(See document No. 7)

Chris Neville, Head of Licensing presented the report.

He reported that officers had been asked by members if it was possible to measure the amount of money the City Council actually received compared to the amount of money the Courts ordered the defendants to pay. He subsequently explained the reasons why this information could not be provided:-

- There was a time delay between costs order being made and payments received and even if defendants paid their cost in full there would always be a difference in any given period between the amount ordered and the amount paid.
- It was common for defendants to pay costs by instalments which meant that it may take a year or more for defendants to pay their costs. It was not uncommon for there to be a delay between a court order being made and the first payment being received which makes the disparity even greater in any given period of time, therefore the amount paid would never correspond to the amount ordered.
- The only way to accurately measure where the costs were being paid would be to ask the courts to run a report on every individual defendant to show what they had paid and then to manually cross reference that figure to the amount that was ordered. The resource to carry out this calculation would outweigh any benefit gained particularly given the responsibility ensuring that the defendant pays the prosecution costs rests with the Court.

He reported that the work that had been done as a consequence of the question raised by the Committee, had led to significant improvements in the system by which payments were made to the Council by the Court.

In response to comments of dissatisfaction from Councillor Leddy regarding the information that was unable to be provided, Chris Neville suggested that they could look into taking dip samples from a selection of defendants by working through their records to measure the amounts paid compared to the amounts ordered, adding that it would not be feasible to look at all prosecutions as it would be a huge piece of work.

He further added that even if some defendants had not paid their costs there was little the Council could do to influence this as the responsibility for cost recovery rested with the Court. He confirmed that the Court did emphasise that they placed huge importance on recovering costs and if a defendant did not pay they were brought back before the Magistrates Court where a decision would be made.

The Chair suggested that if dip samples were taken and there was found to be problem in the sample then at least the Courts could be approached.

Chris Neville confirmed that there was an audit trail with the Courts and that they could produce a report to the Committee providing named defendants, their costs ordered and how much they had paid. He suggested that they could ask for a report on every defendant and the costs that had been received however this would not still correspond to the amount ordered as previously explained.

Councillor Moore agreed with Councillor Leddy, that it would be useful to have the relevant information, however, understood the enormous cost and time implications involved and was of the opinion that funding was better spent on the Committee's resources in trying to tackle the people not complying with the law and prosecuting more people or issuing fixed penalty notices.

Councillor Moore's questioned whether the monthly remittance paid from the Courts could be included in the monthly list of prosecutions and cautions in order that the Committee was aware of what was being paid and over time, and would therefore have an idea of how much money should be received from the Courts.

Chris Neville confirmed that the information could be provided.

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RESOLVED:-

That outstanding minute number 603 be discharged.

That the report be noted.

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

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

(See Document No. 8)

Chris Neville, Head of Licensing, introduced the report and highlighted the 3 cases that had progressed to the magistrates' court whereupon all had been dismissed by the Court.

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RESOLVED:-

That the report be noted.

PROSECUTIONS AND CAUTIONS DURING NOVEMBER 2016

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

(See Document No. 9)

The Acting Director of Regulation and Enforcement presented a comprehensive breakdown of the report and highlighted several notable cases.

796

RESOLVED:-

That the report be noted.

SCHEDULE OF OUTSTANDING MINUTES

The following schedule of Outstanding Minutes was submitted:-

(See Document No. 10)

Following a comment from the Chair relating to clean air omissions for hackney carriages and private hire vehicles, Chris Neville confirmed that following meetings with Cabinet Members and the Chair of Licensing it had now been agreed that the consultation with the trade in relation to the implication of the clean air zone for them and their vehicles would soon begin.

They were in the process of finalising a document which would soon be shared with the trade outlining the way forward. He confirmed that the process would appear to be that consultation would be firstly with the trade outlining proposals and then receiving feedback rather than how it was initially envisaged. He suggested then when all the information was made available that it was brought back to committee in order that an informed decision could be made on the new policy.

In response to the Chair's comment that it was not just the involvement of the trade but a much wider issue and that it would be useful to have a complete update, Chris Neville agreed that the clean air zone was a much broader issue than the taxi and private hire and agreed that an update report could be brought to committee on the wider implications.

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Officers updated the dates for which reports would be forthcoming in relation to various Outstanding Minutes and it was:-

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RESOLVED:-

That Outstanding Minute No. 603 be discharged and all other Outstanding Minutes be noted.

DATE OF NEXT MEETING

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The date of next meeting was scheduled for Wednesday, 15 February 2017 at 1000 hours in Committee Rooms 3 & 4, Council House.

AUTHORITY TO CHAIRMAN AND OFFICERS

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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

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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

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The private section of the Minutes of the meeting held on 14 December 2016 were noted and the Minutes as a whole having been circulated were confirmed and signed.

The Committee ended at 11:45 hours.

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CHAIRMAN