

BIRMINGHAM CITY COUNCIL

LICENSING AND PUBLIC PROTECTION COMMITTEE 24 OCTOBER 2018
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**MINUTES OF A MEETING OF THE LICENSING
AND PUBLIC PROTECTION COMMITTEE HELD
ON WEDNESDAY 25 OCTOBER 2018 AT 1000
HOURS IN COMMITTEE ROOMS 3 AND 4
COUNCIL HOUSE, BIRMINGHAM**

PRESENT: - Councillor Barbara Dring in the Chair;

Councillors Bob Beauchamp, Nicky Brennan, Neil Eustace,
Adam Higgs, Nagina Kauser, Mike Leddy, Bruce Lines, Mary
Locke, Martin Straker-Welds and Sybil Spence.

NOTICE OF RECORDING/WEBCAST

- 1066 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

- 1067 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

- 1068 Apologies were received from Councillors Olly Armstrong, Simon Morrall and Hendrina Quinnen for non-attendance.
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MINUTES

- 1069 With reference to the previous Minutes, Councillor Leddy indicated that on page 6 in the fourth paragraph the word 'been' to be replaced with 'being' and on page 9 in the second paragraph the words 'taxi operators' be replaced with 'private hire operators' and on the same line there should be the insertion of a comma after 'drivers on'.

Subject to the above amendments, the Minutes of the meeting held on 19 September 2018, having been previously circulated were confirmed as a correct record and signed by the Chairman.

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

DEPARTMENT OF TRANSPORT TASK AND FINISH GROUP ON TAXI & PRIVATE HIRE VEHICLE LICENSING

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

(See Document No. 1)

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

The Chair highlighted that through the document hoped that progress would be made with addressing the cross-border working, adding that they now had support from Members of Parliament in this regard.

Members welcomed the report and highlighted the importance of a letter from the Chair on behalf of the Committee being sent to the appropriate Government Minister urging a swift response to the proposals.

Emma alluded to Recommendation 2.2 of the report and confirmed that a letter would be sent on behalf of the Committee to the Government Minister requesting an early response, and subsequently explained the expected procedure Government would take in responding to the document.

In response to comments from the members of the trade, Emma confirmed that when a response was received from Government, at that point they would then then consult with the trade with members being made fully aware of the recommendations. She added that the proposals to the changes to working practices would then go out to public consultation, with a subsequent report being submitted back to Committee with those responses.

In response to a comment from the trade, the Chair stated that it was inappropriate for the Committee to have sight of the Trade Liaison Meetings' minutes, adding that she occasionally attended the trade meetings in order to keep up to date of what was taking place. She stated that elected members

were made fully aware of any consultations that were taking place and given the opportunity to express their views accordingly.

The Chair highlighted that a number of the recommendations were already being adhered to by the trade and offered her appreciation in this regard.

The Chair put the recommendations to the meeting and they were unanimously agreed.

1070

RESOLVED:-

- (i) That the report be noted; and
- (ii) that a letter be sent to the appropriate Government Minister(s) on behalf of the Committee, urging a swift response to these proposals.

UPDATE REPORT ON UNAUTHORISED ENCAMPMENTS

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

(See Document No. 2)

Mark Croxford, Head of Environmental Health, updated the Committee by providing a comprehensive breakdown of the report.

Several Members commended the work that had been undertaken by the department.

In response to the Chair's comment, Mark Croxford explained that detached playing fields were covered under the Educational Act. He highlighted that it was a criminal offence to trespass on school land which included detached playing fields and that West Midlands Police, had been made aware that they should be using this power if it involved detached land.

In response to Members' comments, Mark made reference to the number of pitches that were available across the city and highlighted that once they received the necessary information from GRT needs analysis, they would be able to determine whether the operational sites were being used. He added that they were looking for land across the city that could be used to term 'overspill' in order to help the needs mainly of residents rather than provision.

He reported on the protocol that had been updated over the years which BCC and West Midlands Police had signed up to, and explained the change in stance of West Midland Police in using Section 62. He added that the police continued to provide their support with regard to evictions and anti-social behaviour.

In response to Members' comments relating to various areas of the city that were more affected than others, Mark confirmed that in taking out some of the sites there were less available sites to be used however they were doing

everything that they were legally required to do in taking into consideration the needs of the residents and the transient community. He made reference to the work that was being undertaken regarding tenancy agreements and subsequently provided a brief explanation on how these would work.

In response to a Member's comment relating to a long-running issue, Mark confirmed that it required the intervention of Legal Services to progress the matter.

In response to a Member's request for more detailed information on a regular basis, Mark agreed to provide.

The Chair highlighted the importance of having to work within certain constraints when dealing with issues relating to unauthorised encampments.

The Chair put the recommendations to the meeting and following a show of hands, by 10 in favour to 0 against with 1 abstention it was:-

1071 **RESOLVED:-**

- (i) That the report be noted and outstanding minute 935(ii) be discharged; and
- (ii) that Committee requests a further report to be brought in 3 months to update on the various work items contained within this report.

**ESTABLISHMENTS FOR MASSAGE AND/OR SPECIAL TREATMENTS
CHANGE TO STANDARD CONDITIONS BIRMINGHAM CITY COUNCIL
ACT 1990**

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

(See Document No. 3)

Shawn Woodcock, Licensing Operations Manager, made introductory comments to the report.

In response to members' comments, Shawn confirmed that the age limit was 18 years and explained why there had been a change to the guidelines with regard to limiting exposure levels.

The Chair put the recommendation to the meeting and it was unanimously agreed.

1072 **RESOLVED:-**

That the Committee approved the proposed amendment to the standard conditions outlined in Section 4 of this report to take effect with all new or renewed licences immediately.

**IMPLEMENTING COMBINED HACKNEY CARRIAGE & PRIVATE HIRE
DRIVER'S LICENCES**

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

(See Document No. 4)

Chris Arundel, Principal Licensing Officer, made introductory comments relating to the report

In response to comments from Members and representatives from the Trade, the following points were captured:-

Chris Arundel confirmed that they would allow all drivers at some point to take out a combined licence, adding that it was not possible to provide free licences due to the costs involved.

He stated that it had been suggested that the knowledge test for any existing hackney carriage driver was waived and that if any hackney carriage driver wished to become a private hire driver, even if the driver had to pay for licence at this stage, it would be in the knowledge that he would not have to pay for renewals as his hackney carriage licence would convert.

He reported that some drivers already held a licence and if the recommendations were adopted today, when the new system came into effect every licence for renewal would be converted to a combined licence.

He made reference to the amendments to the existing system, and where the problem arose when drivers came to renew explaining why the only option was to issue a new licence. He added that with the issuing of a new licence and the administrative costs was where the majority of the expense lay.

He made reference to the drivers that could be adversely affected and stated Government had set up the clean air fund which was specifically for businesses that were adversely affected by the implementation of the clean air zone, and suggested that it was an option that could be explored.

Chris Neville, Acting Director of Regulation and Enforcement made reference to the report that would be submitted to the next meeting of the Committee. He stated that it would outline officers proposals for ways of assisting the trade and looking at the omission standard going beyond the clean air zones immediate implementation 2020, looking at an age policy for vehicles, and if the committee was agreeable to the terms that had been set out and taking on board any comments, they would then do a widespread consultation with the trade and general public and then try to agree on the policy after that.

The Chair highlighted that they were trying to make is as easier as possible for the hackney carriage drivers. She gave assurance that all elected members had an input on whatever consultation was undertaken in the city.

At this juncture, Emma Rohoman, Acting Head of Licensing, explained how refunds were calculated if a driver surrendered his badge, highlighting that most of administrative costs were incurred when the badge was issued and that the amount of refund, depended upon the proportion of licence that was not going to be used.

She made reference to the fact that most of the drivers knew which licence they would require and in the intervening period, if they wished to operate as a private hire driver within the clean air zone, when the licence was issued they would be aware of the conditions of the licence which they sign to confirm they have read and understood what they are.

The Chair thanked representatives from the trade for their attendance and contribution.

The Chair put the recommendations to the meeting and they were unanimously agreed:-

1073

RESOLVED:-

- (i) That the Committee approved the replacement of hackney carriage licences on the new licensing computer system with dual hackney carriage and private hire licences. Private hire only licences, should remain as they are; and
- (ii) that the Committee agrees drivers wishing to take out a private hire driver's licence now, via the current Sopra licensing system, should be allowed to do so on renewal at no additional cost; and
- (iii) that drivers who are not due to renew, may still obtain dual licences by surrendering their current licence and paying the fee for the grant of a new licence, which will then include both hackney carriage and private hire licences; and
- (iv) that no private hire knowledge testing should be required where a hackney carriage driver has previously passed a Birmingham hackney carriage driver's knowledge test.

CONSULTATION ON CLEANER DOMESTIC BURNING OF SOLID FUELS AND WOOD

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

(See Document No. 5)

Mark Croxford, Head of Environmental Health, provided a comprehensive breakdown of the report.

The Chair highlighted the concern relating to the general public using unsuitable fuel for their wood burners and the lack of control that this presented.

The Chair put the recommendation to the meeting which was unanimously agreed:-

1074 **RESOLVED:-**

That the report be noted.

**OUTCOME OF APPEALS AGAINST SUB COMMITTEE DECISIONS:
AUGUST 2018**

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 to the report. She provided an explanation as to why one of the cases had not been defended and the reason for the costs that had been incurred due to a breakdown of communication, which she stated would not take place again.

The Chair and Members expressed their disappointment, regarding the appeals that had been allowed relating to drivers with convictions that were licensed in other local authorities.

In response to a Member's comment, Chris Neville, Acting Director of Regulation and Enforcement, alluded to the adopted guidelines by the Institute of Licensing that guided committees in making decisions when applicants had criminal convictions, whereby various aspects were taken into account.

The Chair put the recommendation to the meeting which was unanimously agreed:-

1075 **RESOLVED:-**

That the report be noted.

PROSECUTIONS AND CAUTIONS – AUGUST 2018

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

(See Document No. 7)

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

The Chair referred to the excellent work that had been undertaken with regard to tackling food hygiene in the various establishments.

Councillor Leddy made reference to the excellent work undertaken by officers and subsequently commended the report.

The Chair put the recommendation to the meeting which was unanimously agreed:-

1076

RESOLVED:-

That the report be noted.

FIXED PENALTY NOTICES ISSUED AUGUST 2018

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

(See Document No. 8)

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

In response to Councillor Leddy's question relating to the lack of financial reporting from the income derived from the fixed penalty notices, Mark whilst explaining the income received supported the commissioned service and the waste enforcement unit, agreed to provide a more detailed financial breakdown in the future.

The Chair put the recommendation to the meeting which was unanimously agreed:-

1077

RESOLVED:-

That the report be noted.

SCHEDULE OF OUTSTANDING MINUTES

The following schedule of Outstanding Minutes was submitted:-

(See Document No. 9)

Chris Neville, Acting Director of Regulation and Enforcement, commented on various Outstanding Minutes.

1078

RESOLVED:-

That Outstanding Minute Nos. 935(ii) be discharged and all other Outstanding Minutes be continued.

OTHER URGENT BUSINESS

- 1079 The Chair advised Members that the next committee meeting scheduled in November will be paper less.
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AUTHORITY TO CHAIR AND OFFICERS

- 1080 **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 1210 hours.

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CHAIRMAN