

BIRMINGHAM CITY COUNCIL

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| LICENSING AND PUBLIC PROTECTION COMMITTEE 12 JULY 2017 |
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**MINUTES OF A MEETING OF THE LICENSING
AND PUBLIC PROTECTION COMMITTEE HELD
ON WEDNESDAY 12 JULY 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, Liz Clements, Lynda Clinton, Ian Cruise, Carole Griffiths, Nagina Kauser, Chaman Lal, Mike Leddy and Rob Sealey.

NOTICE OF RECORDING/WEBCAST

- 875 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.

APOLOGIES

- 876 Apologies were received from Councillors Basharat Dad and Des Flood.

MINUTES

- 877 The Minutes of the meeting held on 21 June 2017, having been previously circulated were confirmed as a correct record and signed by the Chairman.

**LICENSING AND PUBLIC PROTECTION BUDGET MONITORING 2017/18
(MONTH 2)**

The following report of the Acting Service Director of Regulation and Enforcement Assistant and the Interim Chief Financial Officer was submitted:-

(See Document No. 1)

Parmjeet Jassal, Finance, made introductory comments relating to the report and responded to detailed questions from Members relating to the current overspend and the problems created when spending targets had been previously attached to ring fenced budgets. The Acting Director of Regulation and Enforcement responded to further questions relating to the coroner's service and it was noted that it was anticipated that a balanced budget would be achieved at year end. Other questions relating to Proceeds of Crime Act and income target for Environmental Services were responded to by appropriate officers.

At 1025 the Councillor Barbara Dring withdrew from the room and Councillor Alex Buchanan assumed the Chair.

At 1028 hours Councillor Barbara Dring returned to the meeting and assumed the Chair.

COUNCILLOR BARBARA DRING IN THE CHAIR.

Responding to a further comment from Councillor Liz Clements relating to Proceeds of Crime Act, Chris Neville, Head of Licensing, whilst most of the money recovered was reinvested in further Trading Services investigations of a similar nature there was an element that could be used for community purposes and this was not advertised. He added that the Chair had asked him to report to a future meeting of the Committee on how the money could be spent in the future.

878

RESOLVED:-

- (i) That the latest revenue budget position at the end of May 2017 (Month 2) and forecast outturn as detailed in Appendix 1 be noted;
- (ii) that the position with regard to the Savings Programme for 2017/18 as detailed in Appendix 2 be noted;
- (iii) that the expenditure on grant funded and proceeds of crime programmes in Appendix 3 be noted;
- (iv) that the position on Capital projects, as detailed in Appendix 4 be noted; and
- (v) that the position on reserves and balances, as detailed in Appendix 5 be noted.

LICENSING AUTHORITY POLICIES, PROCEDURES AND DELEGATIONS

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

(See Document No. 2)

Chris Neville, Head of Licensing, made introductory comments relating to the report and, in response to a comment from Councillor Ian Cruise relating to the need for a section on the use of social media and tablets in meetings, undertook to look in that.

879

RESOLVED:-

- (i) That the policies approved by City Council be noted:
 - Relating to the Gambling Act 2005 and approved in 2016;
 - Regarding Sexual Entertainment Venues and approved in 2014;
 - Relating to the Licensing Act 2003 and approved in 2015.
- (ii) that the Hackney Carriage and Private Hire Policy (including delegations) at Appendix 1 be approved; and
- (iii) that the General Licensing Policy (including delegations) at Appendix 2 be approved

PROPOSAL TO INTRODUCE QUALITY RATING SYSTEM FOR PRIVATE HIRE OPERATORS

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

(See Document No. 3)

Chris Neville, Head of Licensing, made introductory comments relating to the report and responded to questions and comments from Members.

During the debate particular reference was made to out of town operators and the regulation of the use of child seats.

At 1055 hours the meeting was adjourned.

At 1100 hours the meeting was reconvened.

880

RESOLVED:-

That the proposed Quality Rating Scheme for private hire operators be approved in principle and officers carry out a final consultation with the trade, with responses to that consultation to be reported to Committee in September with a view to implement the scheme from October 2017.

ACCESS FOR WHEELCHAIR USERS TO TAXIS AND PRIVATE HIRE VEHICLES

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 and responded to comments and questions from Members during which he circulated around the table a diagram indicating the measurements of a standard wheelchair.

(See Document No. 5)

881

RESOLVED:-

That the report be noted.

UPDATE REPORT ON UNAUTHORISED ENCAMPMENTS

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

(See Document No. 6)

Mark Croxford, Head of Environmental Health, made introductory comments relating to the report and responded appropriately to comments and questions from Members of the Committee. During the debate Members expressed particular concern at the state that land was left in after use as an unauthorised encampment. In addition they were concerned that steps would be taken to prevent the proposed transit sites did not get taken over by one family as had happened at Tameside Drive.

882

RESOLVED:-

- (i) That the be noted and Outstanding Minute No. 811(ii) be discharged; and
 - (ii) that the Acting Director of Regulation and Enforcement be requested to bring a further report to Committee in 3 months to update on the various work items contained within the report.
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HOUSE OF LORDS SELECT COMMITTEE ON LICENSING ACT 2003

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

(See Document No. 7)

Licensing and Public Protection Committee – 12 July 2017

Chris Neville, Head of Licensing, made introductory comments relating to the report and responded appropriately to comments and questions from Members of the Committee.

883

RESOLVED:-

- (i) That report be noted; and
- (ii) that a letter be sent to the appropriate Government Minister(s) on behalf of the Committee, asking that the Government allows Licensing Act 2003 at the earliest opportunity.

OUTCOME OF APPEALS AGAINST SUB COMMITTEE DECISIONS: TAKEN DURING MAY 2017

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

(See Document No. 8)

Chris Neville, Head of Licensing, made introductory comments relating to the report and responded appropriately to comments and questions from Members of the Committee.

884

RESOLVED:-

That the report be noted

FIXED PENALTY NOTICES ISSUED MAY AND JUNE 2017

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

(See Document No. 9)

885

RESOLVED:-

That the report be noted

PROSECUTIONS AND CAUTIONS – MAY 2017

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

(See Document No. 10)

886

RESOLVED:-

That the report be noted

SCHEDULE OF OUTSTANDING MINUTES

The following schedule of Outstanding Minutes was submitted:-

(See Document No. 11)

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

887

RESOLVED:-

That Outstanding Minute Nos. 811 (ii) be discharged and all other Outstanding Minutes be noted.

OTHER URGENT BUSINESS

There were no items of Other Urgent Business.

AUTHORITY TO CHAIRMAN AND OFFICERS

888

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 1241 hours.

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CHAIRMAN