

BIRMINGHAM CITY COUNCIL

**LICENSING AND
PUBLIC PROTECTION
COMMITTEE
21 JUNE 2017**

**MINUTES OF A MEETING OF THE LICENSING
AND PUBLIC PROTECTION COMMITTEE HELD
ON WEDNESDAY 21 JUNE 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, Des Flood, Carole Griffith, Nagina Kauser, Chaman Lal and Mike Leddy.

NOTICE OF RECORDING/WEBCAST

851 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

852 Apologies were received from Councillors Basharat Dad, Changese Khan and Rob Sealey.

DECLARATIONS OF INTERESTS

853 No declarations of interest were made.

APPOINTMENT OF LICENSING AND PUBLIC PROTECTION COMMITTEE

The appointment by the City Council of the Committee and Chairman for the Municipal Year 2017/2018 was noted as follows:-

Labour Group (11)

Councillor Nawaz Ali
Councillor Alex Buchanan
Councillor Liz Clements
Councillor Lynda Clinton
Councillor Basharat Dad
Councillor Barbara Dring (Chairperson)
Councillor Carole Griffiths
Councillor Nagina Kauser
Councillor Changese Khan
Councillor Chaman Lal
Councillor Mike Leddy

Conservative Group (3)

Councillor Bob Beauchamp
Councillor Des Flood
Councillor Rob Sealey

Liberal Democrat Group (0)

Independent (1)

Councillor Ian Cruise

ELECTION OF DEPUTY CHAIR

Only one nomination was put forward for Councillor Alex Buchanan and it was -

854 **RESOLVED:-**

That Councillor Alex Buchannan be appointed as Deputy Chair of the Committee for the Municipal Year 2017/18.

FUNCTIONS, POWERS AND DUTIES

The following schedule was submitted:-

(See document No. 1)

855 **RESOLVED:-**

That the Committee's functions, powers and duties, as agreed by City Council and set out the attached schedule be noted.

DATES OF MEETINGS OF THE LICENSING AND PUBLIC PROTECTION COMMITTEE

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RESOLVED:-

That meetings of the Licensing and Public Protection Committee be held on the following Wednesdays at 1000 hours at the Council House, Birmingham.

2017

12 July
13 September
18 October
15 November
13 December

2018

17 January
14 February
14 March
18 April

LICENSING SUB-COMMITTEES 2017/2018

It was noted that Councillor Ian Cruise represented the Longbridge Ward and not Bartley Green as indicated on the agenda.

The work of Members previously on the Sub-Committees was acknowledged.

857

RESOLVED:-

- (i) That the membership of Licensing Sub-Committee's A, B and C for the Municipal Year 2017/2018 be noted;
- (ii) that each Sub-Committee comprise 3 Members (with a quorum of 3) and that authority be given for each Sub-Committee to determine matters relating to the Licensing Act 2003, the Gambling Act 2005, Hackney Carriage Licences Private Hire Licences and such other business as maybe referred to then by the Director of Regulation and Enforcement; and
- (iii) that any Sub-Committee Member may appoint a nominee (substitute) from their own party group on the Licensing and Public Protection Committee to attend a meeting in their place.

Licensing Sub-Committee A – Mondays (0930 hours)

Councillor Barbara Dring (Chairman)	Lab	Oscott Ward
Councillor Nagina Kauser	Lab	Aston Ward
Councillor Bob Beauchamp	Con	Erdington Ward

Licensing Sub-Committee B – Tuesdays (1000 hours)

Councillor Lynda Clinton (Chairman)	Lab	Tyburn Ward
Councillor Nawaz Ali	Lab	South Yardley Ward
Councillor Des Flood	Con	Bartley Green Ward

Licensing Sub-Committee C – Wednesdays (0930 hours)

Councillor Alex Buchanan (Chairman)	Lab	Billesley Ward
Councillor Mike Leddy	Lab	Brandwood Ward
Councillor Ian Cruise	Ind	Longbridge Ward

MINUTES

- 858 The Minutes of the meeting held on 12 April 2017, having been previously circulated were confirmed as a correct record and signed by the Chairman.
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SCHEDULE OF NOMINATIONS TO SERVE ON OUTSIDE BODIES.

The following schedule was submitted:-

(See document No. 2)

On receipt of nominations it was -

- 859 **RESOLVED:-**

That, subject to any necessary approval of the Cabinet, the following Members be appointed to serve on each of the Safety of Designated Sports Grounds – Advisory Groups listed below:-

Aston Villa Football Club

Councillors Bob Beauchamp, Ian Cruise, Des Flood, Roger Harmer, Tony Kennedy (Chairman), Mike Leddy and Mike Sharpe.

Birmingham City Football Club

Councillors Nawaz Ali, Randal Brew, Lynda Clinton (Chairman), Zafar Iqbal and Mike Ward.

Warwickshire County Cricket Club

Councillors Robert Alden, Neil Eustace, Mahmood Hussain, Nagina Kauser, Ewan Mackey, Majid Mahmood (Chairman) and Habib Rehman.

LICENSING AND PUBLIC PROTECTION – OUTTURN 2016/17

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

(See Document No. 3)

Licensing and Public Protection Committee – 21 June 2017

Parmjeet Jassal, Head of City Finance - General Fund, made introductory comments relating to the report and indicated that in the table in paragraph 5.4 in relation to Licensing the figure in the 'Savings Programme' column should read 0.528 and the figure in the 'Base Budget' column should read 0.987. She responded appropriately to questions from Members of the Committee particularly in relation the saving targets.

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RESOLVED:-

- (i) That the revenue outturn overspend of £1.244m as detailed in Appendix 1 be noted;
- (ii) that the delivery of the savings programme for 2016/2017 as detailed in Appendix 2 be noted;
- (iii) that the expenditure on grant funded programmes in Appendix 3 be noted;
- (iv) that the position on Capital expenditure, as detailed in Appendix 4 be noted; and
- (v) that the position on reserves and balances, as detailed in Appendix 5 be noted.

REGULATION AND ENFORCEMENT ANNUAL REPORT 2017/2018

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

(See Document No. 4)

The Acting Director of Regulation and Enforcement made a PowerPoint presentation and undertook to circulate it to all Members. Officers made introductory comments relating to the report and responded appropriately to questions from Members of the Committee.

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RESOLVED:-

That the report be noted.

At 1121 hours the meeting was adjourned.

At 1132 hours the meeting was reconvened.

Councillor Bob Beauchamp did not return to the meeting having previously leaving it prior to the adjournment.

FOOD LAW ENFORCEMENT PLAN 2017/2018

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

(See Document No. 5)

Nick Lowe, Operations Manager Food, made introductory comments relating to the report and responded appropriately to questions from Members of the Committee

862

RESOLVED:-

That the Food Law Enforcement Plan be agreed.

HEALTH AND SAFETY LAW ENFORCEMENT PLAN 2017/2018

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 questions from Members of the Committee.

863

RESOLVED:-

That the report is noted and the Health and Safety Law Enforcement Plan for 2017/2018 be approved.

SEX ESTABLISHMENT POLICY PRE-CONSULTATION REPORT

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

(See Document No. 7)

Emma Rohomon, Licensing Manager, made introductory comments relating to the report and responded appropriately to questions from Members of the Committee. She undertook to involve all Members of the City Council in the consultation and noted that safeguarding was already included.

864

RESOLVED:-

- (i) That Officers Commence the primary consultation process immediately; and
- (ii) that any responses to the Primary Consultation should be submitted to the Licensing Manager before 21 July 2017

LICENSING FEES AND CHARGES, INCLUDING OBJECTION TO HACKNEY CARRIAGE AND PRIVATE HIRE FEES AND CHARGES

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

(See Document No. 8)

Emma Rohomon, Licensing Manager, made introductory comments relating to the report and responded appropriately to questions from Members of the Committee.

During the debate Councillor Leddy expressed concern that drivers who had paid their fees from April, in particular those that had opted for a 3 year licence, would now lose out by this change and he indicated that he would not be supporting the recommendations. Emma Rohomon indicated that in February the fees had been agreed in principle and would have been implemented on the 1 April had there not been the objection from a2z Licensing.

The Chair put the recommendation in paragraph 2.1 to the meeting and, by 8 votes for to 2 votes against with one abstention, declared it carried.

The Chair put the recommendation in paragraph 2.2 to the meeting and, by 8 votes for to 1 vote against with one abstention, declared it carried.

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RESOLVED:-

- (i) That resolution No. 810 (i) of this Committee dated 15 February 2017 insofar as it relates to the revised fees and charges in relation to Hackney Carriage and Private Hire fees be rescinded; and
- (ii) that officers calculate the proposed revised fees and charges as soon as reasonably practicable, having regard to the finalised accounts for 2016/2017 and also to the comments raised as objections to the previous proposed structure.

(Councillors Nawaz Ali, Alex Buchanan, Liz Clements, Lynda Clinton, Barbara Dring, Carole Griffiths, Nagina Kauser and Chaman Lal wished to be recorded as having voted for parts (i) and (ii) of the above resolution. Councillor Des Flood wished to be recorded as having voted against parts (i) and (ii) of the above resolution. Councillor Mike Leddy wished to be recorded as having voted against part (i) of the above resolution. Councillor Ian Cruise wished to be recorded as having abstained from voting in respect of parts (i) and (ii) of the above resolution.)

Councillor Mike Leddy withdrew from the meeting.

REPORT ON CHANGE OF LAW IN RELATION TO THE NEW RULES FOR NICOTINE-CONTAINING ELECTRONIC CIGARETTES AND REFILL CONTAINERS

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

(See Document No. 9)

Sajeela Naseer, Head of Trading Standards made introductory comments relating to the report and responded appropriately to questions from Members of the Committee.

866

RESOLVED:-

- (i) That the report be noted and outstanding Minute No. 845 be discharged: and
- (ii) that the Acting Director of Regulation and Enforcement report on how 'Brexit' may affect the Committees work, especially around legislation that is currently European legislation and may have no effect after 'Brexit'.

ADDENDUM TO ENVIRONMENTAL HEALTH SERVICES PLAN 2017/2018 TO INCLUDE FLYPOSTING ENFORCEMENT

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

(See Document No. 10)

867

RESOLVED:-

That the report be noted and Outstanding Minute No. 835(ii) be discharged.

FIXED PENALTY NOTICES ISSUED MARCH AND APRIL 2017

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

(See Document No. 11)

868

RESOLVED:-

That the report be noted

Licensing and Public Protection Committee – 21 June 2017

PROSECUTIONS AND CAUTIONS – MARCH AND APRIL 2017

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

(See Document No. 12)

869 **RESOLVED:-**

That the report be noted

**OUTCOME OF APPEALS AGAINST SUB COMMITTEE DECISIONS:
TAKEN DURING MARCH AND APRIL 2017**

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

(See Document No. 13)

870 **RESOLVED:-**

That the report be noted

**ACTION TAKEN BY THE CHAIR OF THE LICENSING AND PUBLIC
PROTECTION COMMITTEE DURING MAY 2017**

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

(See Document No. 14)

Chris Neville, Head of Licensing, made introductory comments relating to the report.

871 **RESOLVED:-**

That the report be noted.

SCHEDULE OF OUTSTANDING MINUTES

The following schedule of Outstanding Minutes was submitted:-

(See Document No. 14)

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

872

RESOLVED:-

That Outstanding Minute Nos. 835 (ii) and 845 be discharged and all other 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.

Safeguarding Issue

873

Councillor Des Flood expressed concern that there was a safeguarding issue around the fact that an appropriate adult could book a taxi for a child to travel alone giving the destination which could now be changed on route. He requested that this be looked at and Chris Neville, Head of Licensing, undertook to look in to this issue.

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.

The meeting ended at 1312 hours.

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CHAIRMAN