

# BIRMINGHAM CITY COUNCIL

**LICENSING AND  
PUBLIC PROTECTION  
COMMITTEE  
15 JUNE 2016**

**MINUTES OF A MEETING OF THE LICENSING  
AND PUBLIC PROTECTION COMMITTEE HELD  
ON WEDNESDAY, 15 JUNE 2016 AT 1000  
HOURS IN COMMITTEE ROOM 6, COUNCIL  
HOUSE, BIRMINGHAM**

**PRESENT:** - Councillor Barbara Dring in the Chair;

Councillors Nawaz Ali, Bob Beauchamp, Alex Buchanan,  
Lynda Clinton, Neil Eustace, Des Flood, Jayne Francis, Nagina  
Kausar, Mike Leddy and Gareth Moore.

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**NOTICE OF RECORDING**

665 The Chairman advised that the meeting would be webcast for live and subsequent broadcast via the Council's internet site ([www.birminghamnewsroom.com](http://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.

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**APOLOGIES**

666 Apologies for non-attendance were submitted on behalf of Councillors Rob Sealey, Penny Holbrook, Basharat Dad and Tony Kennedy.

NB: Councillor Tony Kennedy subsequently attended the meeting.

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**DECLARATION OF INTERESTS**

667 No declarations of interest were made.

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**APPOINTMENT OF LICENSING AND PUBLIC PROTECTION COMMITTEE**

668 The appointment by the City Council of the Committee and Chairman for the Municipal Year 2016/2017 was noted as follows:-

**Labour Group (10)**

Councillor Nawaz Ali  
Councillor Alex Buchanan  
Councillor Lynda Clinton  
Councillor Basharat Dad  
Councillor Barbara Dring (Chairperson)  
Councillor Jayne Francis  
Councillor Penny Holbrook  
Councillor Nagina Kauser  
Councillor Tony Kennedy  
Councillor Mike Leddy

**Conservative Group (4)**

Councillor Bob Beauchamp  
Councillor Des Flood  
Councillor Gareth Moore  
Councillor Rob Sealey

**Liberal Democrat Group (1)**

Councillor Neil Eustace

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**ELECTION OF DEPUTY CHAIR**

Nominations were put forward for Councillor Alex Buchanan the only nomination.

Councillor Buchanan was elected as Deputy Chair – to act on behalf of the Chair in her absence.

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**FUNCTIONS, POWERS AND DUTIES**

The following schedule was submitted:-

(See document No. 1)

669

**RESOLVED:-**

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

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**DATES OF MEETINGS OF THE LICENSING AND PUBLIC PROTECTION COMMITTEE**

670

**RESOLVED:-**

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

**2016**

13 July  
14 September  
19 October  
16 November  
14 December

**2017**

18 January  
15 February  
15 March  
12 April

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**LICENSING SUB-COMMITTEES 2016/2017**

Councillor Moore referred to an email from the Chairman with regard to changing the sub-committees days and enquired whether they were moving to having afternoon sessions.

The Chairman advised that the sub-committees were to be left as they were currently as there was no agreement to move them yet. There had been some discussions with regard to Wednesdays, whereby they may want to start earlier to accommodate Councillors Beauchamp and Eustace. They were aware that people who sat on the sub-committees were assisted by Full Council. People who sat on the sub-committees were allotted days to their particular sub-committees and this revolves around everything else they had to do in relation to their representation elsewhere within their Council duties. It would have caused too much upheaval to change it to what had been suggested as they wanted to get rid of Tuesdays and add Thursdays.

671

**RESOLVED:-**

- (i) That the membership of Licensing Sub-Committee's A, B and C for the Municipal Year 2016/2017 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;
- (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 and Public Protection Committee – 15 June 2016

### Licensing Sub-Committee A – Mondays (0930 hours)

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

### Licensing Sub-Committee B – Tuesdays (1000 hours)

Cllrs	Lynda Clinton (Chairman)	Lab	Tyburn Ward
	Nawaz Ali	Lab	South Yardley Ward
	Gareth Moore	Con	Erdington Ward

### Licensing Sub-Committee C – Wednesdays (1000 hours)

Cllrs	Alex Buchanan (Chairman)	Lab	Billesley Ward
	Mike Leddy	Lab	Brandwood Ward
	Neil Eustace	Lib Dem	Stechford and Yardley North

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### MINUTES

In response to Councillor Moore's enquiry in relation to the Cumulative Impact policy - Minute 660, Chris Neville stated that he understood that the consultation had gone out, but that he would check with the officers concerned. He advised that if it did not go out he would ensure that it was done immediately.

672

### RESOLVED:-

That the Minutes of the meeting held on 20 April 2016, having been previously circulated, were confirmed 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)

Councillor Clinton highlighted the importance for Members to attend and stated that due to work commitment, some Members were unable to attend.

## Licensing and Public Protection Committee – 15 June 2016

She suggested that within their individual groups they check with Members to ensure that they could attend for this season.

On receipt of nominations it was:-

673

### **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 Des Flood, Bob Beauchamp, Roger Harmer, Tony Kennedy (Chairman), Mike Leddy and Mike Sharpe.

#### **Birmingham City Football Club**

Councillors Randall Brew, Andy Cartwright, Lynda Clinton (Chairman), Zafar Iqbal, Robert Alden and Mike Ward.

#### **Warwickshire County Cricket Club**

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

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### **CONTROL OF SEX ESTABLISHMENTS – SEV, MEDUSA LODGE GENTLEMANS CLUB, 139 – 147 HURST STREET, SOUTHSIDE, BIRMINGHAM, B5 6SD**

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

(See document No. 3)

The following persons attended the meeting:-

#### **On behalf of the applicant**

Ms S Clover – Barrister acting on behalf of the applicant.  
Ms C Carrington – Owner of Club and Director  
Mr Carl Moore – Risk Consultant for the Club

#### **Those making representations**

A person making representation who wished to remain anonymous

Following introductions from the Chairman, Mr David Kennedy, Licensing Section, highlighted the information contained in the report:-

(See document No. 4)

## Licensing and Public Protection Committee – 15 June 2016

Ms S Clover made the following points in relation to the application for a transfer:-

- a) This was an administrative matter for formality for the application for the Sexual Entertainment Venue (SEV) was made and granted on the 16 December 2015. At that time the merits of the application was considered in detail and the nature and style of the premises was looked at.
- b) Prior to that grant of the SEV, there was an application for the grant of a premises licence under the Licensing Act 2003, when similar issues were looked at, but in the context of the Licensing Act and the licensing objectives and the sale of alcohol. The merits of the Club were considered twice and the decision of the Committee on both occasions that the application was sound and that the license be granted.
- c) There was an objection from a different member of the public to the grant of the SEV in December 2015 and the objection was from someone who had feared that bringing the SEV close to the Nightingale might raise homophobic problems. That objector's fear arose prior to the application and he later withdrew his objection. At the time of the grant of the SEV, there were no objections from members of the public to that grant going through. It was deemed that the application could go through.
- d) This was a new objection to the merits of the application that was not presented at the time of the grant of the application. All they were doing today was to transfer that same licence of the exact same premises, with exactly the same style of operation, conditions, policies and everything about it which was identical to be transferred with the Committees permission from Starwhite Limited to Warwood Limited and the reason for this was business convenience.
- e) The applicants had other licensed venues, SEVs and they wanted to have one company operating each set of premises. Warwood was the name of Mr Warwood, one of the directors. The directors of each of the companies were identical and the people the licence was granted to in December 2015 were the same people who owned Warwood. It was purely a technicality as far as the company was concerned for business reasons.
- f) Page 3 of the report, paragraph 5.3 – paragraph 5.2 correctly points out that none of the mandatory grounds for refusal applied, but then at paragraph 5.3 it states that all of the discretionary grounds could be taken into account. This was not true for a transfer. For a transfer, only grounds (a) and (b) applied Schedule 12 section 2(b) of the Act. *The appropriate authority may refuse an application before the transfer of a licence on either or both of the grounds specified in paragraphs (a) and (b) of sub-paragraph 3.*
- g) The whole of sub-paragraph 3 was in front of the Committee, but only grounds (a) and (b) would apply to the transfer. The Committee would

## Licensing and Public Protection Committee – 15 June 2016

have to find that the applicants Warwood Limited was (i) unsuitable to hold the licence because they were convicted which was not the case; or (ii) if the transfer to the business would be managed by or carried on by another person for the benefit of the applicant, it would be refused if he made the application himself which was clearly not the case as Starwhite and Warwood were exactly the same people.

- h) The matters raised in the objection in Appendix 6, although clearly heartfelt and an honest belief was not relevant to this particular application.
- i) There were four directors - Ms Carrington who was present at the Committee meeting, Mr Warwood, Mr Thompson and Mr Opher. They were exactly the same directors as Starwhite Limited. They had to make a declaration as to whether there were any matters of convictions and the police had looked at that and had no objections to it as there were no hidden matters. These same directors owned and operated other SEVs in other towns and their applications had gone through in those towns. Ms Carrington owned a licensed SEV in Stratford-Upon-Avon

At this juncture, Members of the Committee sought clarification as to multiple towns and advised that the Committee would come to its own decision

Ms S Clover continued by making the following points:-

- j) The directors had been scrutinised a number of times in the context of licensed applications and had never been found wanting. They had moved to Penny Farthing Lane, but it was nothing they did wrong. They had carried on trading as a burlesque. They had been trading for 18 months.

Ms C Carrington stated that the Medusa Lodge had a large opening event with a 1920s theme which had gone well. They had suffered some flooding in the last few days. The police had no concerns regarding the establishment. The Gay Pride event had taken place recently and there was no problem as they were well policed. All types of people visited the establishment and the Nightingale Club it was felt complement the area. The area was no problems with children trying to access the premises and a Challenge 25 programme was in place. There were no children lurking around at nights and the area was not one for children with all the Public Houses etc.

There were no further questions to Ms Clover or Ms Carrington.

A person making representation who wished to remain anonymous made the following statements: -

- Her objection was mainly for people who were being exploited particularly women. As it was a SEV she had thought that women were there to be exploited which was her main concern.
- She found it difficult when women were being exploited for someone else's pleasure, which happens on a regular basis – sex trafficking – and was a real issue as it was not something that was not happening.

## Licensing and Public Protection Committee – 15 June 2016

This was something that had moved her heart when she sees places like the SEVs.

At this juncture the Chairman advised that it was part of the conditions that these issues raised by the resident were protected. The trafficking of women was part of the Act that allowed these venues operate. They were given the licences on that understanding that those issues were part of the conditions of the licences.

Councillor Flood enquired how access to these venues were policed.

The Chairman explained that her colleague would be allowed to asked the question on this occasion as he was a new Member of the City Council and had not yet had his training.

Ms Carrington advised that there were four security personnel on the door – one female and three males and that they also had security inside the venue. Everyone was treated politely and all the ‘girls’ were escorted to their cars in the car park across the road at the end of the night. The Club was secured at the front by a company in Birmingham that did all the doors in the area.

Ms Clover advised that the application was sent to the police who had scrutinised it and that had there been any incidents, whilst the Club had been trading, the police would have drawn this to the attention of the Committee.

The Chairman reiterated that she had allowed the question from Councillor Des Flood who was a new Member of the Committee and he had not yet had his training and know the procedure. He should have had his question in before they moved to the representation.

In response to a question from a Member of the Committee to the objector as to whether an approach had been made to Church Industrial Chaplains regarding not just the Medusa Lodge, but other SEVs. The person making representation advised that this would be done.

There was no submission from the applicant, but that they were happy to answer any further questions.

There was no submission from the person who had made representation.

At 10:45am, the Chairman requested that all present, with the exception of Members, the Committee Lawyer and the Committee Manager withdraw from the meeting.

After an adjournment, all parties were recalled to the meeting at 10:55am and the decision of the Sub-Committee was announced as follows:-

674

### **RESOLVED:-**

That the application by Warwood Limited for a transfer of the Sexual Entertainment Venue (SEV) licence under the Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing

## **Licensing and Public Protection Committee – 15 June 2016**

and Crime Act 2009 in respect of Medusa Lodge Gentlemen's Club, 139 – 147 Hurst Street, Southside, Birmingham, B5 6SD, be granted.

Members carefully considered the representation of other persons and noted their concerns. However, there were no statutory grounds to refuse the application based on the representation received.

In reaching this decision, the Licensing and Public Protection Committee gave due consideration to the City Council's SEV Policy, the information contained in the application, the submissions made at the hearing by the applicant, their Counsel and the other person who had made representations.

The applicant can appeal the decision of the Licensing and Public Protection Committee in accordance with the provisions of Schedule 3, paragraph 27 of The Local Government (Miscellaneous Provisions) Act 1982, and should be made within 21 days of the decision to the Magistrates Court.

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### **LICENSING AUTHORITY POLICIES, PROCEDURES AND DELEGATIONS**

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

(See document No. 5)

Emma Rohomon, Licensing Operations Manager, made introductory comments relating to the report. She advised that the report did not change any of the policies, but that they were brought back to the Committee each year to ensure all the delegations were approved. It did not seek to introduce anything new or revised any policies. What it did was to consolidate everything into one place. The Hackney Carriages and Private Hire policies had been revised into one format to make it easier for people to reference.

A short discussion ensued during which Ms Rohomon advised that the document reflects the current position and that any amendment would be brought back to the Committee which would be reflected in the revised document.

675

#### **RESOLVED:-**

- (i) That the Committee notes the policies approved by City Council:
    - 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 Committee approves the policies and procedures and delegations contained in the report.
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**EYETEASE – REQUEST TO INTRODUCE ADVERTISING ROOF SIGN FOR HACKNEY CARRIAGE VEHICLES**

676

This item was withdrawn from the agenda.

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**REVIEWING THE GEOGRAPHICAL KNOWLEDGE TEST FOR PRIVATE HIRE DRIVERS**

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

(See document No. 6)

Chris Arundel, Principal Licensing Officer introduced the item and drew the Committee's attention to the information contained in the report.

In response to questions and comments from Members, the officers gave the following responses: -

- i. With regard to the English Language communication, it was accepted that it was important to keep the one to one testing which they currently have with the existing Knowledge Test in a reduced form so that the officers would be able to assess the ability of the candidates to answer the questions and to understand a normal conversation in English.
- ii. Concerning the navigational issues, if the geographical element was removed, the requirement to learn those part of the test would not be there which would require the use of a navigational system.
- iii. A lot of the bigger and more sophisticated operators now use communication devices with their drivers which has an element of built in satellite navigation and enable them to provide that sort of information to their divers.
- iv. Some will not and would be working with operators who did not have that facility and would have to rely on a Satnav if they did not know where they were going. It was felt that if the City Council insists on maintaining a high level of geographical awareness which discourages drivers from even coming to Birmingham to get a licence; those drivers would still be obtaining a licence elsewhere and would still be working in Birmingham.
- v. The City Council had neither control over those drivers nor what they do and it was felt that although the Council may lose something, slightly with the removal of the geographical element, if it encourages more drivers to stay in Birmingham and accountable to the Committee, this would be preferable than to see the City flooded with drivers from elsewhere.
- vi. The issue of divers being licensed elsewhere to a certain extent they could not control where drivers chose to go and licence. They were

## Licensing and Public Protection Committee – 15 June 2016

- getting a lot of enquiry from drivers wanting to apply for licence in Birmingham, but who did not want to do The Knowledge Test.
- vii. They were also getting enquiries from drivers who were licensed elsewhere in the West Midlands, but did not want to take The Knowledge Test, but were informed that there was a possibility that this would change.
  - viii. Some of the operators who had enquired stated that they had a long established history in Birmingham, but would prefer to operate solely from Birmingham and to recruit drivers from Birmingham and believed drivers would only work for them with licences obtained from other neighbouring authorities would come and work for them under a Birmingham licence if it was easier for them to obtain. It could not be certain that these drivers would choose to do so.
  - ix. If the Council maintain the standards that they were choosing to maintain at present whilst other local authorities did not, there was a strong likelihood that drivers would continue to leave the City and obtain licences elsewhere. As a result of the changes in legislation they would still be working in Birmingham. If the numbers that were doing so could be reduced and encourage more of them to be licensed in Birmingham they would be answerable to this authority and this Committee.
  - x. The ability to speak English was important and this was the main reason they wanted to retain the one-to-one element of the testing. The Knowledge Test would still be conducted with individuals and would not be passing them if they were not confident that they could hold a reasonable conversation in English properly with their passengers.
  - xi. In terms of Safeguarding, they have had initial meetings with the people who provide the disability training. They had put forward some ideas of the Safeguarding element to the existing course. They were in the process of renewing the arrangements as they intend to do this as part of the process.
  - xii. The Safeguarding was something that they already did the training for and the organisation stated that they believed they could incorporate in the disability training. It would be an advantage to operate a single course rather than to expect drivers to do multiple courses and it was hope that this would be resolved in a few months.
  - xiii. The licences were issued to executive drivers as they advised they were only going to do executive work and not the normal private hire work. The test that they undertook was the executive drivers test and was essentially the standard knowledge test, but with the geographical element removed. They had to answer the legal questions and demonstrate their understanding of navigation and they had to convince the testing officer that they had good conversation in English.
  - xiv. If the Council was to reduce the existing Knowledge Test for Private Hire Drivers the legal questions, English test and the A-Z navigation

## Licensing and Public Protection Committee – 15 June 2016

test, they would effectively be requiring the same standard for regular applicants as would be required for people who had done the restricted test.

- xv. As they had effectively met that same standard then it would seem reasonable to give them the same licences as everyone else. They could require them to take the test again as it was a relatively simple matter, but it was thought that it would be appropriate to simplify the system by removing the executive status of the restrictive private hire as it would no longer be necessary.
- xvi. Ms Rohomon noted Councillor Moore's concerns regarding the signage on executive vehicles and stated that it was not as straightforward as that in terms of requiring anything to be imposed upon a driver.
- xvii. If a driver had a licence for three years, they were subjected to the conditions that were imposed upon the issue of that licence and the Council were not able in law to require them to do something or to suspend their licence if they had not done something that was imposed during the term of that licence.
- xviii. What they could do was rather than just impose the Child Sexual Exploitation training as proposed by the Scrutiny Committee, was to look at a much broader picture of Safeguarding and vulnerable passengers who were vulnerable through drink or other forms of intoxication or incapacity. It was looking at it to get something suitable going forward to not just address one part of a much bigger picture. This will take some time as they wanted to do it right.
- xix. The way that Mr Arundel outlined that this would be done, this would only address new applicants, but they were working on a plan to get all the licensed drivers to be trained/sit the training. However, there would be an aspect as to whether or not they could require people to do the training during the term of their licence.
- xx. What they would like to do was to put forward the training and advised drivers that if they attend during the course of their licence, that would be good. There would be some incentive to get drivers to do the test during the course of their licence, but they could not suspend people's licence for not doing something that was not required at the time they were issued their licence.
- xxi. Ms Rohomon noted the Chairman's comment concerning the obligation on drivers and operators to go on the training course and advised that anyone who was issued with a licence after the decision was made this would be required of them.
- xxii. However, for anyone who already had a licence, any conditions that had been made during the course of their licence would not take effect until they were issued with a new licence in three years' time. They could not amend the conditions of the licence during its lifetime. On renewal they would be subject to the new conditions. Any amendments

## Licensing and Public Protection Committee – 15 June 2016

that were made to the conditions on renewal, they would be issued with the conditions on renewal.

- xxiii. The restricted licence were issued for people who wanted to work for a chauffeur company. The restriction applied to the vehicles which was dealt with separately. The exemptions relates to those individual vehicles and they had conditions and requirements attached with regard to what the vehicle could and could not be used for.
- xxiv. Even if a driver became eligible to do a wider range of work, if he had a vehicle with exemption on it and if he broke the terms of those exemptions he would not be allowed to keep the exempted status to use the vehicle without the signage on it so if a driver was going to use it outside of the normal purpose he would have to put the signage back on it as he would be breaching the agreement that was made for the exempted vehicle.
- xxv. Mr Arundel noted Members concerns regarding standards and stated that the issue was not what might be happening, but it was actually happening now.
- xxvi. A lot of Birmingham licensed operators had taken out operators licences in Sandwell, Walsall and Solihull and were now able to pass jobs from their Birmingham office to these other offices and then serviced that job with the driver licence elsewhere. Maintaining our standards would not prevent those drivers operating, it makes it more likely that they would be licensed elsewhere.
- xxvii. They did not speak with the general public about this as it was something that was currently happening on a regular basis. The numbers of private hire vehicles that was registered elsewhere could be seen on Broad Street for example. There was nothing they could do as an authority to prevent this from happening.
- xxviii. Any driver who was prevented for whatever reason from getting a licence in Birmingham, because he is considered not to be suitable as he did not want to attempt the test could go and get this from other local authorities and could then come back and work in Birmingham with jobs that had been subcontracted in the area by an existing Birmingham operator.
- xxix. They had no control over this and there was nothing that they could do to address the problem. This was the reason they were forced to come to the Committee for a decision as it was felt that they needed to make this easier and more attractive for those drivers to be licenced in Birmingham.

The Chairman voiced concerns that they were getting a large number of Hackney Carriage and Private Hire Drivers coming from outside the City and the Council had no control over them as they did not have the conditions placed on them that they have in Birmingham. The Knowledge Test was a small part of the conditions for the drivers and to bring this into the 21<sup>st</sup>

## Licensing and Public Protection Committee – 15 June 2016

Century was the easiest part, which was what they were attempting to do including the Satnav situation, provided they all had up to date Satnavs, in her opinion they should be moving in that way, by bringing the Knowledge Test into the 21<sup>st</sup> Century and bringing in the aids that were there to assist the drivers.

The Chairman further voiced concerns that operators were taking up offices outside Birmingham to make use of the drivers who did not have to go through the Knowledge Test so that they could pick work in Birmingham. These drivers should be registered in Birmingham and the Council should be controlling them.

In terms of the conditions – the language was important as they should be able to speak English. People could still get into a taxi and did not understand what the driver was saying. Sitting on the Sub-Committees, there were people coming with interpreters/wanting an interpreter to interpret for them. The question was why they were still getting through when they could not speak English. Speaking English and being able to communicate with the person you were providing the service for was important. There needed to be more training on the conditions of the licence, because if they knew what the conditions of the licence were they would not get so many people coming before the Sub-Committee because they had breached the conditions.

In recommendation 2.1(iii) the word *unrestricted* was of concern to Members as it meant that drivers and operators could do what they wanted. Clarification/tightening up of this was needed.

Mr Arundel advised that the use of the word *unrestricted* was merely used to demonstrate that it was not to restrict the Private Hire Licence as they issued the standard hire licence and they restrict the private hire licence. It was a way of making fewer conditions, not with the intention of making it a free for all.

With regard to training, the proposals were brought to this Sub-Committee so that the Sub-Committee could be made aware of the situation which was currently facing the licensing officers. They had put forward some suggestions in relation to how they could amend the existing tests so that they could get rid of the problematic element of the geographical area, but still had the ability to speak with the drivers on a one-to-one basis, assessment them in speaking English and the conditions on a legal basis and the A-Z navigation exercise. If Members believed that this should be modified beyond what had been suggested they would do so.

A comment was that the problems were not with the drivers, but with the operators. If an operator was opening up an office outside of the area, this meant that he had less drivers working in Birmingham. The question was how effect they were being as operators. The Committee was told some time ago that they would be rating and classifying various operators and that they would be given a star rating, but this had not happened since it was agreed.

## **Licensing and Public Protection Committee – 15 June 2016**

Chris Neville, Head of Licensing advised that a report would be presented to the Committee meeting on the 13<sup>th</sup> July 2016 inviting the Committee to agree a rating scheme for private hire operators.

Sanjeev Bhopal, Committee Lawyer advised that he share the concerns of the licensing officers and proposed that the conditions of the licence could be modified by way of a licensing cycle and stated that he could provide the information around the issue at a future date. He noted that there was an outstanding Minute on the issue of Safeguarding and suggested that the information could be coupled with that. The Chairman agreed for this to be done.

At this juncture, the Chairman invited comments from Mr David Wilson, A-Z Licensing Consultants acting on behalf of Star Cars and Mr Farzan Ali, representative from Uber.

Mr Wilson advised that he was a representative for Star Cars and other car companies across the country. He stated that if it assisted the Committee, other authorities in terms of Safeguarding and Child Sexual Exploitation awareness training had the same problems with regard to the attaching of conditions mid-term which the Council could not do.

He advised that what other authorities did by introducing the type of training suggested by Councillor Moore, was by having a number of days of x duration and invite drivers to attend with the warning that if they did not attend now without any direct cost to them, when they come to renew their licence, it would be a requirement for them to attend the course and there would be a fee for attending it, creating a financial incentive for doing this now. Other authorities have had close to 100% attendance on this approach. He added that it was hoped the same would be achieved in Birmingham.

In terms of the geographic knowledge of the test for Private Hire Drivers, the Council was in the position in which a number of years ago the Council had approximately 7000 Private Hire Drivers, but now they only had approximately 3,500. The Council had only recruited 100 plus new drivers with the current Knowledge Test. He suggested that if there were problems with drivers not having a good conversation in English, they were probably related to the 3,500 that was licensed before the current test was introduced and were not part of the 100 plus who had gone through the test now.

Private Hire operators having only half the number of hired drivers that were working in the trade a number of years ago, but still had the great demand to meet their service in Birmingham. To meet that demand, they had to find Private Hire Drivers from somewhere and if they were not licensing in Birmingham due to the geographical element of the Knowledge Test, they had to look elsewhere to meet the demand.

In other areas, Telford and Wrekin Council had lost 95% of their Private Hire Drivers a number of years ago who had moved next door to Shropshire due to issues relating to Telford and Wrekin Council. This had every potential of happening in Birmingham. It was not about high or low standards rating, but was about appropriate standards. Having some navigational assessment was

## Licensing and Public Protection Committee – 15 June 2016

fully supported by operators and every Private Hire Drivers had to work with an operator whether they had technology or a person in the office.

They needed to assess conversations in English and could assess some mathematical skills. Drivers needed to have greater customer skills training – the Disability Awareness Training; Safeguarding training and child sexual exploitation awareness training needed to be included. Raising knowledge standard in connection with the law and the rules were supported by the ... breaking the rules. They did not want drivers picking up off the street as it was counter to their business interest. Drivers were doing things that they should not be doing and were not servicing the customers and should be taken to book. Operators wanted good quality drivers. The question was whether the Council's current standards with the geographical element was achieving that and with the technology that was available this was not essential.

Mr Farzan Ali, representative from Uber made the following points: - He echoed Mr Wilson's comments concerning the Safeguarding issue and advised that in a number of councils Uber operated that was the approach they had taken and that they had good results.

In terms of the geographical knowledge test, the important thing was that it was equating something to lowering of standards, but the real issue was that stated by the Chairman – bringing this forward to the 21<sup>st</sup> Century where people were using the satnav in order to get around. Uber operate in 24 cities in the UK and they had undertaken an analysis – every trip that was taken on Uber was rated by the customer and if there was a problem with the trip they would inform Uber of this which meant that Uber could tell that there was a route related issue.

If the Knowledge Test was solving the problem of how well a driver could get around town that should reflect in the number of route related complaint that they get from trips taken with Uber. They had looked at 5000 trips that was done across a number of cities by Uber and they looked at cities which had a rigorous knowledge test and those that did not have a rigorous knowledge test and it was found that there was no difference in the number of route related complaints which suggest that the knowledge test was not solving the problem.

They had also interviewed drivers from these cities and found that even cities where they had gone through a rigorous knowledge test they still used the satnav as this was what people did these days. The important distinction between taking something out and replacing it with something more appropriate was not essentially lowering a standard. The one-to-one element of speaking English was welcomed as speaking English was important and Uber had an in life quality process where they look for complaints about drivers who were not able to communicate well or provide good customer service. Uber welcomed the proposals that raised standards of customer service and public protection.

677

**RESOLVED:-**

That the Committee:

- (i) Agreed to remove the geographical element from The Knowledge Test for Private Hire Drivers;
- (ii) Instruct officers to pursue expansion of the Disability Awareness Training to include Safeguarding training; and
- (iii) Withdraw the restricted private hire licence and replace existing licences on renewal with a standard licence.

Mr Neville advised that they would come back to the Committee with an implementation date as there was work that needed to be done to put things in place and to tighten up on some of the issues with the comments made by all Members.

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**BIRMINGHAM CLEAN AIR ZONE UPDATE**

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

(See document No. 7)

Mark Wolstencroft, Operations Manager Environmental Protection introduced the item and drew the Committee's attention to the information in the report.

In response to questions Mr Wolstencroft made the following points: -

- a. In terms of funding, it was not known until they had provided the funding bid whether the Department for Environment, Food and Rural Affairs (Defra) or the Department of Transport (DfT) would fund that element. At present it was trial by error.
- b. They had an idea of what they will support and looking at what their acts were, they were confident that all of them would be supported. The resource side of things was something that needed to come from Birmingham City Council, this Committee and Transportation.
- c. The capital side of things with a bit of extra resources would be definite, but until the business cases was submitted and the panel assessed them, they were unable to give the Committee any further information at this stage.
- d. The scoping study would be the thing that guide on this and he would be able to speak with the Committee on the likelihood of compliance deadline. The draft guidance was pulled together by the five cities and the Local Unit of Government.

## Licensing and Public Protection Committee – 15 June 2016

- e. The consultation that was taking place in terms of the working between the City Council and the Local Unit of Government would hammer out what the guidance would look like. Once this was completed he would be in a position to say what was circulated. Mr Wolstencroft undertook to circulate to the Committee a copy of the guidance once this was completed.

678

### **RESOLVED:-**

- (i) That this report discharges Minute No. 619(ii) from the Committee of 17 February 2016; and
- (ii) That a further update/progress report be brought to the Committee when the scoping study was completed.

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### **VEHICLE EMISSIONS TESTING PROGRAMME**

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

(See document No. 8)

Mark Wolstencroft, Operations Manager Environmental Protection made introductory comments relating to the report and advised that the report was the summary of the findings of the government's study and was for information and noting.

679

### **RESOLVED:-**

That the report be noted.

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### **PROPOSAL PAPER FOR THE CHARGING OF FOOD HYGIENE RATING REVISITS**

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

(See document No. 9)

Mark Croxford, Head of Environmental Health, made introductory comments relating to the report and advised that there was potential for charging for some of the revisits they do in relation to food hygiene inspections. It was currently identified that these revisits were not the Council's statutory responsibility and they were not required to do these as they were additional inspections that were requested by businesses that had a lower than normal score because they were poor in performing at the time of the initial inspection.

Mr Croxford then drew the Committee's attention to the information in the report and in response to questions made the following statements: -

## Licensing and Public Protection Committee – 15 June 2016

- i. It was unknown whether the charge for revisit would have an impact on the number of applications.
- ii. They were stretched in their resource which was one reason they had submitted the report to Committee. It was thought that this equates to an officer per annum, but would need to commence monitoring this. If it did control the numbers that were coming in it would be better as they would have more resource for other work they were undertaking.
- iii. It was felt that the charge of £150 was not prohibitive in the cost recovery as there was no profit element. In the report it was identified that they had spoken to the Food Standards Agency (FSA) concerning the issue and that the Committee had written to the Government recently, but it did not appear that there was any willingness to move.
- iv. Meetings were held on a regular basis and this issue had been discussed recently with the FSA who advised that they were considering it.
- v. Nick Lowe, Operations Manager, Food Lead Team advised that the FSA was currently consulting on the introductory mandatory display of the Ratings. It currently existed in Wales and as part of the legislation; it was introduced in Wales as mandatory display and included in that legislation was a charge for revisit.
- vi. At this stage it was unknown whether the English FSA, although consulting on the mandatory display of the rating sticker, whether they would include the charging element. It was hoped that it did as they could revert to using the official charge as this would be easier than using the additional legislation to introduce it.
- vii. They had been successful in working in areas around the City where they were looking at funding to assist businesses to help them achieve a higher score.
- viii. They had looked at other funding sources, but the report was around businesses that were trying to obtain a higher standard, but for one reason or another had achieved a lower standard and they wished to be re-inspected and was less than the wider aspect and working with business to raise their standards. This was about supporting businesses that felt they were adversely affected by the score.

680

### **RESOLVED:-**

That the Committee agreed to the recharging for food hygiene rating revisits on a cost recovery basis.

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**FOOD LAW ENFORCEMENT PLAN**

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

(See document No. 10)

Nick Lowe, Operations Manager Food introduced the item and drew the Committee's attention to the information in the report.

In response to questions he made the following points: -

1. Any food business or anyone catering as part of a business had to be registered with the local authority. Wherever they were based whether they were using facilities at that base or not, they had to be registered with the local authority.
2. They had a number of large scale caterers who had a base unit and who may have a kitchen associated with that where they were registered and the Council would carry out inspections for catering at other venues. As part of their inspection they look to see what their policies and procedures were in terms of the transport of the food and what their expectations were of the venues.
3. As a guide to any establishment that had a function room that they hire out to people who could bring in catering, that they could make it a condition of hire for any caterer that they wanted to see proof that they were registered with the local authority and they wanted to know what their food hygiene rating was.
4. In terms of outdoor events, they had a standard in Birmingham where no business could trade in an outdoor event unless they could show that they had Food Hygiene Rating 4 or 5. As a private room hire function facility etc., there was no reason why they could not set that criteria.
5. If someone hires their room out as part of the conditions of hire, if they were going to have catering, they had to have a rating of 4 or 5 or whatever standard they decide. This would protect the customers, but it would protect the reputation of the room/people.
6. Quite often if there were outdoor events and the catering went wrong it was the venue that everyone knows not the caterer. They had a reputational risk and this was where they like businesses to use the ratings as well.
7. Mr Lowe noted Councillor Moore's comments in relation to compliance and advised that the 0 – 1 rated was usually about the same figure and that the vast majority were those that were fluctuating. There were a proportion of about 10%, where they were persistent poor performers. With these they go through a stage to proposed enforcement. It may

## Licensing and Public Protection Committee – 15 June 2016

be that they were given formal warnings or it may be that this was then progressed to statutory notices and then prosecutions.

8. Another problem was that they would go through a process where someone was given a 0 – 1 rating, they would carry out their interventions and go through a process of legal notices and in some cases prosecutions, but even after going through that they go back through the intervening period and standards had dropped again.
9. Apart from starting over again, it was difficult for the officers to have any other response. This was the reason some of the extended project that they do with assisting poor performers in investing more officer time in trying to get a more sustained improvement, this was where the project worked, but as the funding had ceased, they were unable to do this anymore.
10. There were a lot of fluctuation and there were some which they had improved and by the time they came back, they had gone back down again.
11. In terms of those inspections that they did not undertake, the Category E, were mainly low risk premises. They could decide to take them out of the programme, but as they did not have the time to go through that analysis, they were still there as a lump of inspection that was required to be done.
12. They could look at placing a chemist shop that only sells sweets, that would be a Category E, but they could not designate this as any risk. This was a piece of analysis that they had to go through with the 4,305 premises. Hopefully this number would be reduced and those which required an inspection would be reduced. The overdue were that they were unable to do these and they were concentrating on the overdue from A-C.
13. In terms of why they had some overdue from A-C this year, this was due to businesses that were for some reason the officers had visited and they had stated that they were closedown and they did appear that they were closed, but they then got intelligence that they had reopened again. What they then did was to resurrect their rating and dealt with them as an overdue again. He undertook to provide some information in relation to the overdue in the 0 – 1 Category to the Committee.
14. An overdue in Category A was a six monthly inspection and a Category B was 12 months; Category C 18 months; Category D 2 years and a Category E 3 years. Overdue meant that it had gone beyond that time period so a Category A which was seven months old was overdue. Some of the categories that were overdue were more than 3 years beyond their previous visit.
15. The microbiology sampling was provided by Public Health England (PHE). Currently there were five laboratories in York, Preston,

## Licensing and Public Protection Committee – 15 June 2016

Birmingham, Portadown and London. PHE had closed the Preston and Birmingham laboratories and there would be a transition period and Birmingham was allocated to London.

16. The reason for a drop in sampling was that there would be a period of time whilst this transition was going on and currently they were able to drop their samples off at the laboratory as it was in Birmingham. There will now had to be transport arrangement put in place for their sample to get to London. It was proposed that there will be a Central Hub in Birmingham with a courier service down to London for the samples for the Midlands Region.
17. There will be some disruption to our ability and the PHE ability to carry out the samples this year as a result of the transitional arrangement.
18. PHE services all the local authorities and currently there were transitional arrangements for local authorities to use the Birmingham laboratory and a courier service was already set up. It was geared for the samples to come to Birmingham.
19. As part of the reconfiguration there were closure of one laboratory which had increased the capacities that had to be found at the other laboratories which also involved the potential movement of operatives from one location to another.
20. Inevitably if they had staff working at the Birmingham laboratory that then had to be relocated to the London laboratory, there would be a transition period. It may be that the transition period was minor or that it had minimal impact. At present, they were able to drive their sample to Good Hope Hospital and drop them off; they would not be able to do so in the future. New arrangements would need to be put in place for samples to get to London. It was anticipated that there would be an element of disruption, but the extent of that at this stage was unknown.
21. It was anticipated that if there was a food poisoning incident - an outbreak – there would be some emergence arrangement put in place. The PHE had an extensive courier services for the services that exist in the five laboratories. Birmingham did not avail itself of that as they did not need it at present, but will do when they move to London. If there was an outbreak in Birmingham and there was a lot of samples that needed to be distributed, then working with PHE, they would make arrangements for the courier service to make pickups in Birmingham.
22. There could be a few weeks' transitional arrangements where if there was an emergency during that period the samples would get dealt with. They would not plan to do a lot of their routine sampling during that period so that they could be sympathetic to the fact that the laboratory was moving. Any sampling that they had to do would be dealt with. For any routine sampling exercise survey – they would not plan to do a survey during the period they were moving.

23. Due to their funding restrictions they had to make savings so they were closing two laboratories. Preston laboratory and the Birmingham laboratory was in premises that was not owned by PHE. They were owned by the hospitals, so there were funding cost of the accommodation whereas the other laboratories were PHE facilities. York, Portadown and London were PHE facilities. It was regrettable that the laboratory in Birmingham was closing.
24. In terms of outdoor catering, it was not that they focused on premises of catering, but because they had an element of control over who turns up in Birmingham at an outdoor event, they insist that they had a Food Rating of 4 or 5. They were not investing more resources in them, but what they were saying was that as a local authority, if the event took place in a local authority park or a local authority venue, as part of their commitment they were insisting that caterers that come in were Rated 4 or 5 as they felt that the Council should set the example.
25. In relation to 0 – 1 rated premises, there was a focus on all 0 – 1 rated premises. Any business that got a 0 – 1 rating was subject to further action by officers be it schedule work, revisit or more formal enforcement action. They did not concentrate on venues near schools they concentrated on all premises that got a 0 – 1 rating. They did not give them a 0 – 1 rating. If any business got a 0 – 1 rating they would be subject to further action to bring them up.
26. Once a business got a 0 – 1 rating, they were stuck with that until their next programmed inspection unless they applied for a rescore. They might carry out an enforcement revisit and improve them, but unless they applied for a rescore they would still retain their original score. Everywhere they closed got a rating 0 were not allowed to be open until their standards had been improved, but they still maintained the 0 rating as that was a reflection on how they ran their business and they could not apply for a rescoring until after three months. They carry out further interventions on all businesses that had a 0 – 1 rating.
27. Mr Croxford stated that when a premises is scored a 0 – 1 rating, the officers continue to revisit that premises until it obtained a higher standard. They did not score on their intervention, but on how they had achieved. They could then go back up to a 3, 4 or 5 rating and when they revisit 6 months later they would be scored on their abilities. They were concentrating on those, but could not put more in as these were involved in the statutory programme.
28. In relation to paragraph 4.4 of the report the Food Law Code of practice for categorised premises allowed them to do so for low risk food businesses. One of the main thing that they had done in terms of self-assessment was where they were identified that they were low risk; they were not required for them to carry out an inspection as such. What they were doing was saying that they had them down as a certain type of business and whether anything had changed. With this information they could then decide whether they should carry out any further intervention.

29. It was proposed to carry out 10% of them to be subject to an inspection where there was a self-assessment or a questionnaire that had been returned each year.

30. They had carried out 8 food and water surveys and 16 samples that were unsatisfactory. The 16 samples that were unsatisfactory were food samples not water samples.

681

**RESOLVED:-**

That the Food Law Enforcement Plan be agreed.

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The Chairman proposed that agenda items 19; 20; 22; 23 and 24 be deferred until the next Committee. The Committee agreed the proposal to defer the items.

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**LICENSING AND PUBLIC PROTECTION – OUTTURN 2015/2016**

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

(See document No. 11)

David Jones, Finance Manager, Place introduced the report and advised that this was the final outturn for the 2015/2016 financial year. Cabinet had reviewed and approved the overall outturn at its sitting on the 17 May 2016. He advised that the report extracts the elements that were related to this Committee. It updates the Committee from the provisional outturn report that was presented to the Committee in March 2016. Mr Jones then drew the Committee's attention to the final budget position; the outturn and variations; the savings programme, and the balances and reserves as detailed in the report.

In response to questions from Members, he made the following statements: -

- I. In relation to the Entertainment Licensing Service, they had a ring-fenced balance which was now in debit of £215k. This was a pressure for them going forward.
- II. The funding for Pest Control was ongoing, but how it was funded in 2015/2016 was a one-off item from Corporate Resources as part of the budget consultation process, they also put resources in from 2016/2017 onwards and might be about wording. How it was funded in 2015/2016 was a one-off; how it was funded from 2016/2017 onwards it was built into the budget for that service area.
- III. The financial report for the new financial year 2016/2017 will be submitted at the next Committee meeting and these items would be built into that budget.

## Licensing and Public Protection Committee – 15 June 2016

- IV. With regard to the Entertainment Licensing Service, there needed to be a review of that service area to develop a more stable position, which include a more detailed review of the different types of licence and the individual balances they had built up – positive or negative.
- V. As part of that they took part in a review by the Local Government Association (LGA) into the cost of delivering Entertainment Licensing. This was with other local authorities as well to take that information to Government as the fees incurred had not been reviewed for over 10 years since that legislation was introduced.
- VI. Chris Neville advised that Mr Jones was referring to a benchmarking exercise that the LGA was undertaking, inviting local authorities to state what their cost were associated with Entertainment Licensing and they participated in that to say what the Council's true cost were and set this against what the fees were that they were allowed to charge.
- VII. This would hopefully allow the Central Government to see the inadequacy of the fee structure for licences under the Licensing Act. In the meantime, they would undertake a based budget with the view of Entertainment Licensing to get to the bottom of exactly where the cost was.
- VIII. They would be coming back to the Committee with that which may then highlight the fact that unless the local authority was willing to make a contribution towards the budget for Entertainment Licensing, they would just continue to build up an increasing debt in that budget.
- IX. Mr Neville noted Councillor Moore's comment and advised that he was referring to a consultation a year or so ago where it was thought the Government was going to proposed to give local authorities to set local fees, but when the final results came out they stated that they would not give local authorities that power.
- X. They had indicated that this would be looked at again, which was the reason there was this LGA benchmarking exercise going on which may lead to something else. Councillor Moore was correct as not many local authorities responded to it, but they were influenced by the licence trade.
- XI. Mr Jones noted Councillor Ali's comments and advised that in terms of pest control service, in the latter part of last year, pest control was expanded to provide additional services and going into the new financial year they had a full year to implement these plus the extra resources they had received in terms of the £1.2m.
- XII. With regard to Coroners and Mortuary there were two additional items for this year - £180k which came through the budget consultation process to meet the increase pressure of the deprivation liberty safeguard changes. This was a one-off payment for 2016/17 only.

## Licensing and Public Protection Committee – 15 June 2016

- XIII. In addition to that there was £110k which was some extra resources for the Coroner and that will be reflected in the report to be submitted at the next Committee meeting. This was an on-going funding.
- XIV. In terms of the timing, he apologised as they were restricted by the timing of the Committee process. Month 2 was only just completed and the earliest they could bring this to the Committee would be the July Committee sitting. The budget for the year was submitted to the Committee in a report in March 2016, but in terms of how the first two months had gone in expenditure terms this would be submitted at the next Committee meeting.

682

### **RESOLVED:-**

- (i) That the Revenue Outturn overspend of £0.710m (£0.696m relating to Regulatory Services, £0.014m relating to highways Services) as detailed in Appendix 1 be noted. This took into account corporate support of £1.200m for Pest Control and the residual overspend will be funded within the Place Directorate resources;
- (ii) that the delivery of the savings programme for 2015/16 as detailed in Appendix 2 be noted; and
- (iv) that the balances and reserves as detailed in Appendix 3 be noted.

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### **ACTIONS TAKEN BY THE CHIEF OFFICER IN CONSULTATION WITH THE CHAIR OF THE LICENSING AND PUBLIC PROTECTION COMMITTEE DURING APRIL AND MAY 2016**

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

(See document No. 12)

Councillor Moore enquired what actions were taken in relation to the Taxi Marshalls at *SNOBS* concerning the situation had taken place. He further enquired what checks they had to ensure that these 'Taxi Marshalls' were DBS checked.

The Chairman advised that with regard to *SNOBS* the complaint from the individual was 16 months old and it was difficult to gather the information that was needed. Along with the Police they had carried out an investigation with regard to the 'marshalls' and how the Police had handled the situation and she was led to believe that at present, the investigation was still on-going.

Chris Neville advised that the incident at *SNOBS* had been brought to the attention of Licensing recently when it appeared in the press. They then received a letter from the judge that had heard the case. They had coincidentally a few days before carried out an inspection of *SNOBS* on a routine basis and they had also this week, conducted a meeting with *SNOBS* in conjunction with the Police to go through existing processes and policies as there were new people there. The incident that took place happened a while

ago and things had changed. The focus was to ensure that what was happening now was up to standard. They were satisfied now that they were doing as much as they possibly could to ensure that something like that would not happen again. In that particular incident, the individual it was stated had refused to take the help that was offered to her. They were nevertheless, dealing with it in that way.

Some premises used *Taxi Marshalls* that had no legal status and they were carrying out checks with those who were operating illegally as they were putting people into vehicles that was not being booked. If they were simply escorting people to their booked vehicles, this was fine and would not be a problem. The issue arises when they would just grab any customer and put them into any car and send them on their way which was plying for hire. What they were doing was illegal. Officers had been to every premises in the city that they were aware of that were using touts that they were aware of and had issued them with warning letters. They had given them explanatory leaflets explaining what they could do legally and what they could not do. They undertake test purchases to see if what they were doing complied with the law. They had secured the conviction of a tout which would be reported to the Committee where they were caught doing what they should not be doing.

This was an on-going issue that was of concern which they had responded to and tried to deal with it. They had been asked to submit a response to the judge in relation to *SNOBS* by letter which was being prepared and would be submitted shortly.

In response to an enquiry from the Chairman, Mr Neville advised that they had the legitimate Taxi Marshalls and these were the ones on the Hackney Carriage Ranks on Broad Street, South Side by the Hippodrome. They were funded through the Community Safety Partnerships and were employed through the Business Improvement Districts under a contract overseen by Licensing. There were separate premises that employed their own people and were nothing to do with the City Council or the BIDs as they were separate.

Some premises had as a condition of their licence that they had to have a Taxi Marshall. It was uncertain whether they could request that premises had an SIA approved Taxi Marshalls. They could employ someone who had an SIA badge as a Taxi Marshall, but it could only be implemented by a change in the existing conditions of licence which could only be done through a review. They did not need any condition on their licence, but there was nothing to stop them employing some as a Taxi Marshall. However, for an operator to have a Taxi Marshall on the premises the control was whether they were touting and were trying to put people into vehicles that were not being booked. This was the specific offence.

Mr Neville advised that he took on board the comments and would review the situation in the light of what had happened at SNOBS to see if there were anything further they could do to strengthen the situation.

683

**RESOLVED:-**

That the report be noted.

**SCHEDULE OF OUTSTANDING MINUTES**

The following schedule of Outstanding Minutes was submitted:-

(See document No. 13)

The Director of Regulation and Enforcement commented on the Outstanding Minutes as follows:-

No. 365 (ii)

A report was to be submitted to the Committee in September 2016.

No. 599 (ii)

A report was to be submitted to the Committee in September 2016.

No. 603

A meeting was held with Finance and Legal Services and the proposal was that this be put to the Magistrates Court to identify the percentage of cost. A report would be submitted in the near future.

No. 614 (iii)

A report was to be submitted to the Committee in September 2016.

No. 617 (ii)

A report was to be submitted to the Committee in July 2016. The report was currently in draft.

No. 618 (ii)

A report was drafted and was currently with Legal Services for a response.

No. 619 (ii)

This was an agenda item on the main agenda and was to be discharged.

No. 620 (iv)

The Working Party had met twice and so far they had not yet identified any real evidence to suggest that there was a requirement for them to change the Sexual Entertainment Venues policy. One further meeting of the Working Party would be had to ascertain whether this was the conclusion that was drawn.

Councillor Kennedy stated that he was of the opinion that they were going to get the Council's opinion. Mr Neville advised that they were initially given

## Licensing and Public Protection Committee – 15 June 2016

advice that a number of authorities had devised new policy, but when they looked at the policies they could not see that they were any different from Birmingham's policy. They would be speaking with the Barrister that gave them the initial advice to see if they had misunderstood something, but they would follow this up with the first meeting of the Working Group and it may well be that that was the conclusion that there was no evidence to support the need to change the policy.

### No. 633

The Committee requested an alternative to the deletion of the post in relation to Animal Welfare and the decision was presented at City Council. They were currently working with Legal Services and Finance to ascertain how they could reverse the decision that was taken at City Council and would hopefully come back to the next Committee with some information.

### No. 640 (i)

A report was to be submitted to the Committee in September 2016.

### No. 640 (ii)

A report was to be submitted to the Committee in September 2016.

### No. 648

A report was to be submitted to the Committee in July 2016.

### No. 651 (ii) and No. 651 (iii)

A report was to be submitted to the Committee in September 2016.

684

### **RESOLVED:-**

That Outstanding Minute No. 619 (ii) be discharged and all other Outstanding Minutes be continued.

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### **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.

#### **A Biomass**

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It was noted that this issue was to be addressed outside of the Committee

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**B Dogs**

686 Mr Croxford undertook to converse with Councillor Clinton and for the issue to be brought back.

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**C Member Training**

687 In response to an enquiry from Councillor Moore, Sanjeev Bhopal, Committee Lawyer stated that if there were any aspects of Licensing that they could provide him with information so that a generic training could be arranged.

The Chairman stated that this needed to be a build exercise as the new Members did not have the knowledge of how the Committee worked.

Mr Neville advised that for the benefit of the new Members it would cover the basic elements of the Licensing Members role. If there were additional things the Members would like this to be supplemented with this could be arranged.

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**AUTHORITY TO CHAIRMAN AND OFFICERS**

688 **RESOLVED:-**

Chairman to move: -

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

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**EXCLUSION OF THE PUBLIC**

689 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

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The meeting ended at 1438 hours.

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CHAIRMAN