

BIRMINGHAM CITY COUNCIL

LICENSING AND PUBLIC PROTECTION COMMITTEE 18 APRIL 2018
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MINUTES OF A MEETING OF THE LICENSING AND PUBLIC PROTECTION COMMITTEE HELD ON WEDNESDAY 18 APRIL 2018 AT 1000 HOURS IN COMMITTEE ROOMS 3 AND 4 COUNCIL HOUSE, BIRMINGHAM

PRESENT: - Councillor Barbara Dring in the Chair;

Councillors Bob Beauchamp, Alex Buchanan, Liz Clements,
Lynda Clinton, Ian Cruise, Basharat Dad, Nagina Kauser,
Chaman Lal, and Mike Leddy.

NOTICE OF RECORDING/WEBCAST

- 1000 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

- 1001 Apologies were received from Councillors Nawaz Ali, Des Flood, Carol Griffiths, Changese Khan and Rob Sealey for non-attendance.

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

MINUTES

- 1002 The Minutes of the meeting held on 14 March 2018, having been previously circulated were confirmed as a correct record and signed by the Chairman.
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REVIEW OF CHANGES FOR HIGHWAY SERVICES FOR 2018/2019

The following report of the Assistant Director, Highways and Infrastructure was submitted:-

(See document No. 1)

Kamyar Tavassoli, Highways Service Manager, presented the report and whilst highlighting the key points made particular reference to 3.2 of the report which detailed the recipient of fees and charges.

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

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RESOLVED:-

The Licensing and Public Protection Committee:-

That the fees and charges set out in Appendix 1 were approved as follows:-

City Council retained fees and charges with effect from 30 April 2018

Highways Maintenance and Management Private Finance Initiative (HMMPFI) Service Provider, Amey retained fees and charges with effect from 7 June 2018.

REGULATION AND ENFORCEMENT SERVICE PLANS 2018/2019

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

(See Document No. 2)

Chris Neville, Acting Director of Regulation and Enforcement made introductory comments to the report and subsequently detailed the services that were covered by Regulation and Enforcement Division. He referred to the service plans that were attached to the report and highlighted that each demonstrated how improvements in the services would be delivered.

Joyce Amadedon, Head of Operations and Bereavement Services, provided a comprehensive breakdown of the service plan and in response to members comments the following points were made:-

Joyce made reference to the number of deaths notified to the Coroner and whilst highlighting that she was not aware of all the reasons why there had been an increase over the last 3 years, subsequently detailed the various causes for referrals.

She confirmed that there was a significant impact on the Coroners Court and that the Coroner was making greater use of the facility at Solihull in order to improve on managing the death referrals and in addressing the increased

demand, they were looking at opening an additional Court which may be in Solihull and that £1.6m of the budget was contributed by Solihull Metropolitan Borough Council.

Joyce made reference to the 14 day turnaround time for GPs in signing of the death certificate and that it was part of the legislation and therefore unfortunately nothing could be done locally to reduce the time. She highlighted that Senior Coroners did have regular meetings with hospitals and GPs encouraging them to sign off the death certificates more promptly.

She referred to the IT Services and confirmed they were working closely with the Senior Coroner to try and meet the requirements in order to ensure that all works more effectively with hospitals, GPs and funeral directors, and it was highlighted that they were working towards some significant improvements.

Chris Neville, Acting Director of Regulation and Enforcement made reference to the IT System and stated that one of the improvements they were trying to put in place was an internal portal, whereby hospitals and GPs would be able to upload documents directly into the Coroner's system which in turn would help speed up the process.

He made reference to the improved reduction in time in releasing bodies, highlighting that the Coroner was working hard to make all the processes as fast and efficient as possible. He added that they were also discussing with the Coroner, the creation of a part-time assistant Coroner's post as a means to provide better consistency and more efficiency.

Joyce agreed to provide the requested statistics relating to other local authorities and the scanner service. With regard to the scanner service, she confirmed that the Coroner ensured that the service was available however the issue was the cost to the deceased family. She added that as part of the service bodies had to be transported to other parts of the region which could create problems for families in terms of time delays.

Chris explained about the two facilities that existed, whereby one was based in Sandwell and the other in Oxford. He reported that the cost was in the region of £500 which was payable by the family and that it was somewhat of a lengthier process. He added that generally, families would rather have a faster traditional post mortem than a CTPM Scan. He did state however, that discussions were ongoing at the moment with a local hospital, for the potential of one to be installed there and how that should be funded.

Chris confirmed that not all deaths were suitable for CTPM scanning, as it was dependent upon the cause of death which had to be taken into account by the coroner whether they could allow the scan to take place.

Joyce confirmed that with regard to additional provision, they were looking at the possibility of providing a full weekend service within the next 6 months and would involve the recruitment of additional staff.

Licensing and Public Protection Committee – 18 April 2018

Mark Croxford, Head of Environmental Health provided a comprehensive breakdown of the service plan and in response to members comments the following points were made:-

Mark confirmed that officers were working around the study of the clean air zone and that they were trying to meet the deadline by 15 September 2018.

Mark referred to the consultation on the proposal to introduce dog licences and stated that although those holding licences already received renewals, the concern was with those dog owners that were unlicensed. He stated the advantage of all dog owners holding a licence was that it set a standard which had to be met by all.

Mark made reference to the puppy farms and confirmed that although there had been a number of complaints, he was not aware of any significant complaints and therefore agreed to provide an update and circulate to the committee.

Chris highlighted that there would not be another meeting of this committee before submitting a response to the consultation and therefore suggested that a response be agreed by the Chair of this committee before the deadline, which was agreed by the committee.

Mark made reference to the dedicated team that were responding to the fly-tipping and associated issues and confirmed that they continued to target 'hot spots', undertake investigations and follow up on the leads.

He confirmed that they were publishing statistics around prosecution convictions in order try and dissuade people from fly-tipping. He stated that by enlarge, prosecutions were on the increase and that people were being imprisoned, significant fines were being administered and vehicles were being seized in order to help prevent people from re-offending.

Mark referred to civil and criminal penalties and subsequently explained the differences, highlighting that civil penalties were harder to enforce however due to the change in legislation, these could now lead to prosecution.

Mark confirmed that a great deal of work within Environmental Health had moved to reactive rather than proactive. He stated that the forthcoming boundary changes would make little difference to the work that was being undertaken in tackling issues. He confirmed that they were receiving a great deal more complaints and referrals from the public due to them seeing greater enforcement action being taken.

Chris confirmed that with the re-organisation of the wards, they had identified for the Place directorate with Regulation and Enforcement, a named officer for every ward in an effort to assist councillors with a point of contact to report issues that failed to be resolved on a daily basis.

Mark referred to nursing homes and confirmed that if they did not reach the required standard they would be investigated. He emphasised the importance

of ensuring that standards were met and maintained. He added that this also applied to the food inspections undertaken in these establishments.

He made reference to the Food Standards Agency (FSA) and stated that they were considering the way in which inspections were undertaken and who would undertake them. He confirmed that having written to the FSA, it was hoped that they discontinued using the existing structures for carrying out the regulation with regard to star rating.

Emma Rohomon, Acting Head of Licensing, provided a comprehensive breakdown of the Licensing Service Plan 2018/2019.

Joyce Amadedon, Head of Operations and Bereavement Services, provided a comprehensive breakdown of the Register Office Service Plan 2018/2019.

Sajeela Naseer, Head of Trading Standards provided a comprehensive breakdown of the Trading Standards Service Plan 2018/19 and in response to the Chair and members comments the following points were made:-

Sajeela made reference to the consultation relating to offensive dangerous weapons and confirmed that The Association of Chief Trading Standards officers had responded on behalf of all trading standards sections within the Country. She however agreed to provide the written response and circulate to the committee.

The Chair commented that it would have been wise not just for this committee but other committees across the Country to have been given the opportunity to comment on the consultation. She subsequently thanked Sajeela for agreeing to provide and circulate the response to the committee.

Sajeela referred to the difficulty in monitoring corrosive substances due to them being used in many household goods. She stated that it had been muted that there could be some sort of licensing system which may include substances and agreed to update at a later stage.

She referred to fires caused by faulty white goods and stated that they could liaise with the Fire Service to see whether they were aware of any fires that had arisen as a result of this, and furthermore, investigate if there was the appropriate legislation in place to progress to enforcement action being taken with the supplier.

Chis Neville explained the use of pact testing and where the service would take place highlighting that it had little significance in terms of sales of goods.

Sajeela made reference to the Intelligence Analyst they were looking to recruit and stated that they had been using intelligence in targeting work for a number of years. She reported that the post holder would not only work for Trading Standards but also with the Police and their intelligence in order to obtain a more accurate picture of where the consumer criminality lay within the city.

Sajeela made reference to the Financial Abuse officer and whilst explaining the role provided a brief overview of the area of work that it covered which did

not just include scams, rogue traders but other areas of work which were open to abuse.

Sajeela made reference to postal scams and confirmed that the team at Sussex had taken responsibility for this area of work. She highlighted that Trading Standards received information from them on a number of potential victims every month and subsequently explained the process in how this was dealt with. She added, that they still had a local officer and a rapid response team, that when necessary, go out and provide a service in order to protect against financial abuse and criminality.

Sajeela confirmed that they continued to undertake their annual survey of the travel agents within Birmingham and that they did have an improved picture due to the enforcement that had been introduced in the past. She made reference to the National Campaign that they had led and confirmed that they were now part of the All Parliamentary Group Harje and made reference to the improvements they were hoping to achieve as a result of the membership.

Sajeela highlighted that although they had done quite a lot of work with faith healers, they were unable to introduce any specific licensing scheme or limit their activity except the way in which they were trying to promote the services they were providing. She added that a major problem was that victims were reticent in coming forward with their statements and also in coming forward as part of the evidence, which did restrict the ability of the city council in taking enforcement action.

The Chair concluded by thanking all officers for presenting their service plans.

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

1004

RESOLVED:-

The Licensing and Public Protection Committee considered and approved the service plans as presented for 2018/2019, namely:

Appendix 1	Coroners and Mortuary
Appendix 2	Environmental Health
Appendix 3	Licensing
Appendix 4	Register Office
Appendix 5	Trading Standards

At this juncture there was a short comfort break

LICENSING AND PUBLIC PROTECTION MEMBER TRAINING PROPOSALS

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

(See document No. 3)

Licensing and Public Protection Committee – 18 April 2018

Emma Rohomon made introductory comments relating to the report and in response to members' comments the following points were made:-

Emma referred to the first training session that would be taking place which would cover members' rights for voting and would fall under the basic principles of decision making.

Chris Neville made reference to the similarities of the wording of the amendment and the application of the code of conduct, highlighting that members that failed to attend the training would be excluded from meetings where a decision was being taken.

At this juncture, a brief adjournment took place where legal advice was sought.

Emma highlighted that they had not proposed any alternative training for sub-committee members and that all members of the committee would receive the same training. She added that it was important that all received the same training in order to avoid any confusion regarding decision-making by the sub-committees and it also helped in determining any substitutes for sub-committees. With regard to training prior to committee, she stated that they would try and ensure training was provided appropriately however did explain why this could not always be the case.

The Chair highlighted the importance of training and suggested that it was implemented as soon as possible after the Annual General Meeting.

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

1005

RESOLVED:-

That the Licensing and Public Protection Committee agreed that the amendment to the Code of Conduct for Licensing and Public Protection Committee Members identified in Paragraph 4.1 and that officers be requested to make the appropriate arrangements for this to be effected.

PROSECUTIONS AND CAUTIONS – FEBRUARY 2018

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

(See Document No. 4)

Chris Neville, Acting Director of Regulation and Enforcement made introductory comments relating to the report and subsequently referred to various prosecutions and cautions.

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

1006

RESOLVED:-

That the report be noted.

FIXED PENALTY NOTICES ISSUED FEBRUARY 2018

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

(See Document No. 5)

Mark Croxford, Head of Environmental Health made introductory comments relating to the report and highlighted the cases therein.

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

1007

RESOLVED:-

That the report be noted.

OUTCOME OF APPEALS AGAINST SUB COMMITTEE DECISIONS TAKEN DURING FEBRUARY AND MARCH 2018

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

(See Document No. 6)

Emma Rohomon, Acting Head of Licensing made introductory comments relating to the report and highlighted some of the cases therein.

The Chair thanked Emma for reporting.

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

1008

RESOLVED:-

That the report be noted.

ACTIONS TAKEN BY THE CHAIR OF THE LICENSING AND PUBLIC PROTECTION COMMITTEE DURING FEBRUARY AND MARCH 2018

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

(See Document No. 7)

Licensing and Public Protection Committee – 18 April 2018

Emma Rohomon, Acting Head of Licensing made introductory comments relating to the report and highlighted some of the cases therein.

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

1009 **RESOLVED:-**

That the report be noted.

SCHEDULE OF OUTSTANDING MINUTES

The following schedule of Outstanding Minutes was submitted:-

(See Document No. 8)

Chris Neville, Acting Director of Regulation and Enforcement, updated the dates for which reports would be forthcoming in relation to various Outstanding Minutes.

It was -

1010 **RESOLVED:-**

That Outstanding Minutes be continued.

OTHER URGENT BUSINESS

Vote of Appreciation

1011 The Chair thanked members and officers for their co-operation and made reference to the excellent work that had been undertaken throughout the year. She subsequently thanked Councillor Buchanan, Vice-Chair for his most valued support throughout the Municipal Year.

The Chair also thanked Councillor Clinton for all her hard work and support.

Councillor Leddy extended a vote of thanks on behalf of the Committee to Councillor Barbara Dring, Chair of Licensing and Public Protection Committee for all her hard work throughout the Municipal Year and subsequently wished her luck in the forthcoming election.

DATE OF NEXT MEETING

1012 The next meeting was scheduled for Wednesday, 20 June 2018 at 1000 hours in Committee Rooms 3 & 4, Council House.

AUTHORITY TO CHAIR 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 1320 hours.

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CHAIRMAN