

BIRMINGHAM CITY COUNCIL

LICENSING AND PUBLIC PROTECTION COMMITTEE 14 DECEMBER 2016

**MINUTES OF A MEETING OF THE LICENSING
AND PUBLIC PROTECTION COMMITTEE HELD
ON WEDNESDAY 14 DECEMBER 2016 AT 1000
HOURS IN COMMITTEE ROOMS 3 AND 4,
COUNCIL HOUSE, BIRMINGHAM**

PRESENT: - Councillor Barbara Dring in the Chair;

Councillors Bob Beauchamp, Alex Buchanan, Neil Eustace,
Des Flood, Jayne Francis, Mike Leddy and Gareth Moore.

NOTICE OF RECORDING

768 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.

The whole of the meeting would be filmed except where there were confidential or exempt items.

APOLOGIES

769 Apologies were received from Councillors Nawaz Ali, Lynda Clinton, Basharat Dad, Penny Holbrook, Nagina Kauser, Habib Rehman, and Rob Sealey for their inability to attend the meeting.

MINUTES

770 The Minutes of the meeting held on 16 November 2016, having been previously circulated were confirmed as a correct record and signed by the Chairman.

PROSECUTIONS AND CAUTIONS DURING OCTOBER 2016

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

(See Document No. 1)

The Acting Director of Regulation and Enforcement provided a comprehensive breakdown of the report and highlighted several notable cases.

771

RESOLVED:-

That the report be noted.

FIXED PENALTY NOTICES ISSUED OCTOBER 2016

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

(See Document No. 2)

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

772

RESOLVED:-

That the report be noted.

OUTCOME OF APPEALS AGAINST SUB COMMITTEE DECISIONS TAKEN DURING OCTOBER 2016

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

(See Document No. 3)

Chris Neville, Head of Licensing, introduced the report and highlighted the 2 cases that had progressed to the magistrates' court whereupon both had been dismissed by the court.

773

RESOLVED:-

That the report be noted.

TEST PURCHASE EXERCISE UNDER THE EQUALITIES ACT 2010

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

(See Document No. 4)

Sarah Lavender, Licensing Officer, made introductory comments relating to the report.

In response to the Chair's enquiries with regard to appendix 1 of the report relating to the 2 drivers that had tried to charge extra for carrying a dog and not wearing their badges, Sarah Lavender confirmed that both were being investigated and would be taken to committee.

Following concern that the drivers should be made aware that they should not be charging extra for dogs, Chris Neville confirmed that it could be helpful if it was made known to the trade as widespread as possible, that this survey had been undertaken and as result of that reiterate to them what their obligations were.

774

RESOLVED:-

That the report be noted.

UPDATE REPORT ON UNAUTHORISED ENCAMPMENTS

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

(See Document No. 5)

Mark Croxford, Head of Environmental Services, whilst making introductory comments relating to the report confirmed that he would circulate to members after the meeting a copy of the unauthorised encampment protocol.

In response to an enquiry relating to 7.1 and 7.2 of the report, Mark Croxford detailed how the family on Tameside Drive came to have residency rights following a court case, and as there were more pitches than what the existing family were paying for, colleagues in housing were looking into bringing back the additional sites at the location in order that they could be used for transit purposes.

Following a discussion relating to travellers and associated issues, Mark Croxford confirmed that due to the deregulation of travellers' sites there was now only the requirement to provide transit sites where there was a need. He highlighted the demand for these sites in the city and stated that they needed to be made fair for everybody in that travellers paid for the services when they occupied the sites and were able to undertake work lawfully, adding that the community open spaces which included parks and football pitches were not then affected when they moved on from the sites.

In response to a concern relating to Druids Heath and the need to take into account the whole of the open space in the area, Mark Croxford agreed to investigate the specifics and respond accordingly.

In response to Woodgate Valley Country Park being considered and the need to include generally the whole geographical area rather than just specifics, Mark Croxford agreed to speak off line as at present he did not have the appropriate evidence.

In response to a concern from the Chair regarding St Georges playing fields, Mark Croxford confirmed that they were included within the overall picture stating that all sites across the city that were owned by Birmingham City Council were receiving the same attention. He added that only the three sites within Selly Oak had been included in the trial for the injunction.

Mark Croxford referred to the areas of work that they were undertaking which was bringing the transit sites into use and the introduction of the seven day service, adding that colleagues in Housing were looking into the management of these sites.

Following an expression of appreciation that there had been improvements made to the service and that this would undoubtedly continue when the seven day service came into effect, Mark Croxford confirmed that officers were working extremely hard with evictions and agreed to pass on the vote of thanks. He added that he would circulate the message to the district leads with regard to ensuring the gates to parks and protected spaces were locked.

Mark Croxford confirmed that encampments were not illegal however the term 'unauthorised encampments' meant that people had not got the authority from the landowner to occupy them. In addressing this, the city used their powers in order to seek possession of the land and to move the encampments off the site. With regard to them moving a few yards further down the road, Mark Croxford agreed to look into the matter. He subsequently referred to the notices the police used regarding the three month protection order and confirmed that the city was looking to use similar powers in addressing this issue.

Following a comment regarding the introduction of new bylaws in helping to address the issue, Stuart Evans, Head of Economy (Legal) suggested that a briefing paper be brought to Licensing and Public Protection Committee setting out in more detail how the legal processes worked, and in the same situation, what could be done in dealing with the position of bylaws.

The Chair concluded by suggesting that the second recommendation of the report be amended with a further report being brought to Licensing and Public Protection Committee in February 2017.

The Committee was in agreement of the amendment.

Upon further consideration, it was:-

775

RESOLVED:-

That outstanding minute number 640(ii) be discharged and replaced.

That Committee agreed to the amendment that a further report be brought in February 2017 rather than in six months' time to update on the various work items contained within this report.

FRANKFURT CHRISTMAS MARKET AND CRAFT FAIR

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

(See Document No. 6)

In response to a concern relating to increased noise levels at the Christmas Market, Mark Croxford confirmed that although he had not received any complaints, agreed to investigate in order to ensure that this was not repeated next year.

Chris Neville, Head of Licensing confirmed that there had been a complaint received regarding the high level of noise from the band situated outside the Council House which he confirmed had been addressed. He added that they he would look at the licensing agreement with regard to the 10 pm finish.

Concerns were raised by the Chair; regarding the increased number of drinking tables located outside the Council House, the access issue around the side of the Council House and the increased litter problems associated with the market

In response to the above, Chris Neville confirmed that the number of stands were reviewed thoroughly every year before the next market event was arranged and adjustments were made accordingly in order for improvements to be made. He further confirmed that he would take the comments back to the Safety Advisory Group (SAG).

Mark Croxford agreed to address the litter issue and Chris Neville agreed to investigate the issue regarding bomb alerts and evacuation plans for the Council House and the Christmas Market.

776

RESOLVED:-

That the report be noted.

SCHEDULE OF OUTSTANDING MINUTES

The following schedule of Outstanding Minutes was submitted:-

(See Document No. 7)

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

777

RESOLVED:-

That Outstanding Minute No. 640 (ii) be discharged and replaced with Minute No. 775 and all other Outstanding Minutes be noted.

DATE OF NEXT MEETING

- 778 The date of next meeting was scheduled for Wednesday, 18 January 2017 at 1000 hours in Committee Rooms 3 & 4, Council House.
-

OTHER URGENT BUSINESS

A. E Cigarettes and Vaping

- 779 Councillor Moore requested that an update be provided to the Committee relating to the above-mentioned items in light of the advice from Public Health England.
-

780 **B. Bevington Road, Aston**

Chris Neville confirmed that a briefing note had been prepared for the above-mentioned item and would be circulated to members in due course.

AUTHORITY TO CHAIRMAN AND OFFICERS

781 **RESOLVED:-**

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

EXCLUSION OF THE PUBLIC

782 **RESOLVED:-**

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 3

The Committee adjourned at 1115 hours for a comfort break and reconvened at 1130 hours.
