

BIRMINGHAM CITY COUNCIL

LICENSING AND PUBLIC PROTECTION COMMITTEE 14 SEPTEMBER 2016
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**MINUTES OF A MEETING OF THE LICENSING
AND PUBLIC PROTECTION COMMITTEE HELD
ON WEDNESDAY 14 SEPTEMBER 2016 AT
1000 HOURS IN COMMITTEE ROOM 6,
COUNCIL HOUSE, BIRMINGHAM**

PRESENT: - Councillor Barbara Dring in the Chair;

Councillors Nawaz Ali, Bob Beauchamp, Lynda Clinton, Neil Eustace, Des Flood, Jayne Francis, Nagina Kauser, Mike Leddy, Gareth Moore, Habib Rehman and Rob Sealey

NOTICE OF RECORDING

713 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

714 Apologies were received from Councillors Alex Buchanan, Basharat Dad and Penny Holbrook for their inability to attend the meeting.

MINUTES OF THE LAST MEETING – 13 JULY 2016

Matters arising

715 A point was raised by Councillor Gareth Moore with regard to page 485 of the Minutes held on 13 July, namely that where the Conditions mentioned the requirements for marshals, the location and numbers should be noted, not just the wearing of jackets. Members agreed to note the revised Minutes.

That, subject to the above amendment, the public Minutes of the meeting held on 13 July, having been previously circulated to Members were noted.

LICENSING AND PUBLIC PROTECTION – BUDGET MONITORING 2016/17 (MONTH 04)

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

(See Document No. 4)

David Jones, Finance Manager, introduced the report, and highlighted the salient points – in particular regarding the £800,000 pressure on the year forecast, cost-cutting, the Coroner's Inquest into the Pub Bombings, Pest Control, the Registry Office, the Licensing budget and savings regarding Animal Welfare.

Councillor Nawaz Ali asked a question about table 5.1 and depreciation, and also 5.4 and what the review had entailed. Councillor Gareth Moore raised a question about the variations in the Licensing budget for Hackney Carriages, and also Dog Wardens.

David Jones responded to Members' satisfaction regarding the depreciation budget, the budget for the Coroner's Inquest and the variations in the Licensing budget.

In response to a point raised by Councillor Gareth Moore regarding funding from Corporate Resources, the Finance Director confirmed that he would seek clarification.

It was -

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RESOLVED:-

- (i) That the latest Revenue budget position at the end of July 2016 (Month 4) and Forecast Outturn as detailed in Appendix 1 be noted;
- (ii) that the position with regard to the Savings Programme for 2016/17 as detailed in Appendix 2 be note;
- (iii) that the expenditure on grant funded and Proceeds of Crime funded programmes in Appendix 3; and
- (iv) that the position on reserves and balances, as detailed in Appendix 4 be noted

CODE OF CONDUCT FOR MEMBERS AND OFFICERS

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

(See Document No. 5)

Emma Rohomon, Licensing Operations Manager, introduced the presentation and advised on various aspects of the Code, including regarding exertion of influence by Members (including provision of character references).

She addressed queries raised by Members regarding 'cross questioning' between applicant and objector, and also about the applicability of the Code.

In response to a question raised by Councillor Lynda Clinton she confirmed that the Code will be circulated to all Members and in due course it will be put before Full Council for approval in the normal manner.

It was -

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RESOLVED:-

- (i) That the Draft Code of Conduct for Members and Officers of the Licensing Committee at Appendix 1 be approved;
- (ii) that the Committee recommend the adoption of the Code by way of ratification by Full Council as part of revisions to the Constitution;
- (iii) that the necessary revisions to the Constitution as detailed in paragraph 5.9 be presented to the Council Business Management Committee to be considered for inclusion in the Constitution; and
- (iv) that outstanding minute 618(ii) be discharged.

TRADING STANDARDS SERVICE NEW OPERATING MODEL

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

(See Document No. 6)

Sajeela Naseer, Head of Trading Standards, introduced the presentation and outlined the new Operating Structure in the context of reduced workforce and budget. She responded to Members' comments regarding updates on enforcement action, Citizens' Advice Bureaux, examples of precedent/template forms for use in Small Claims. Regarding a Highways issue, relating to encroachment onto the highway by car traders, she confirmed that this was currently under review at strategic level.

In response to an observation from Councillor Mike Leddy she confirmed that the graphs within Document No. 6 would be improved.

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RESOLVED:-

That the report be noted.

PROPOSED AMENDMENTS TO THE KNOWLEDGE TEST FOR PRIVATE HIRE DRIVERS

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

(See Document No. 7)

Chris Arundel, Principal Licensing Officer, presented the proposed Amendments and responded appropriately to Member questions about the differences in the Knowledge Test and purpose of the changes. An officer from Licensing also attended to address questions about how the test would be conducted in practice. Officers were keen to assure Members that the examples given in the Report were not actual questions to be used in the Test.

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RESOLVED:-

That Committee

- i. Approves the style and format of the new Knowledge Test for Private Hire Drivers.
- ii. Approves the style, format and introduction of a new section for customer service orientated questions.
- iii. Agrees the proposed start date of 3 October 2016.

IMPLICATIONS OF CASEY REPORT FOR LICENSING

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

(See Document No. 8)

Chris Neville, Head of Licensing, introduced the report and responded to Member comments about the implications of the Casey Report for Licensing.

Members noted that in light of the outstanding action points / target completion dates, the draft Report ought only to be accepted as an Interim Report. Members were content to agree the Recommendations set out in the Report on the basis that a new Minute would be drafted, requesting that officers come back to report to Committee on the outstanding actions set out in Appendix 2.

It was –

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RESOLVED:-

- (i) That outstanding Minute No. 599(ii) be discharged;
- (ii) That the Action Plan be approved; and

- (iii) that the Acting Service Director of Regulation and Enforcement be requested to report further on the outstanding actions set out in Appendix 2 of the report.
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**LICENSING AUTHORITY POLICIES, PROCEDURES AND DELEGATIONS
CORRECTION (VERSION 2016/2)**

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

(See Document No. 9)

Emma Rohomon, Licensing Operations Manager, introduced the presentation and rehearsed the content of paragraph 4 within the Report, relating to:

- (a) Renewal of a drivers licence after the late renewal period where the circumstances for the lateness are on medical grounds only
and
(b) Consideration of suitability of evidence as to good character where the applicant is from a failed state and cannot comply with requirement to provide a DBS.(Criminal Record Check)

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RESOLVED:-

That the the amendment to the Policies, Procedures and Delegations Report as version 2016/2 be agreed.

UPDATE ON BIRMINGHAM BUILDING WATCH

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

(See Document No. 10)

Russell Davey, Environmental Health Officer, introduced the report and highlighted the salient points, and responded appropriately to Member comments on derelict buildings, for example abandoned public houses, and the associated anti-social behaviour and general blight that is associated with such buildings. Mark Croxford, Head of Environmental Health, confirmed to Members that officers would consider devising an Action Plan regarding derelict buildings.

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RESOLVED:-

That on the basis that the Head of Environmental Health would consider an Action Plan, that the report be noted.

**OUTBREAK OF CRYPTOSPORIDIOSIS AT COCKS MOOR WOODS
LEISURE CENTRE**

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

(See Document No. 11)

Nick Lowe, Operations Manager (Food), introduced the report and responded to Members comments regarding the Pool Management Course and also the arrangements that apply for non-City Council pools .

723 **RESOLVED:-**

That the report be noted.

PROSECUTIONS AND CAUTIONS DURING MAY AND JUNE 2016

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

(See Document No. 12)

Alison Harwood introduced the report and highlighted the significant cases, notable sentences and media coverage. Councillor Gareth Moore and Councillor Habib Rehman passed on their thanks to officers for action taken.

724 **RESOLVED:-**

That the report be noted.

**OUTCOME OF APPEALS AGAINST SUB COMMITTEE DECISIONS
DURING JULY 2016**

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

(See Document No. 13)

Chris Neville, Head of Licensing, introduced the report and provided Members with the salient points of the only matter for the relevant period.

725 **RESOLVED:-**

That the report be noted.

**ACTIONS TAKEN BY THE CHIEF OFFICER IN CONSULTATION WITH
CHAIR OF LICENSING AND PUBLIC PROTECTION COMMITTEE DURING
JULY AND AUGUST 2016**

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

(See Document No. 14)

Chris Neville, Head of Licensing, introduced the report and highlighted the cases set out within paragraphs 5.1 and 5.2 of the Report. Mark Croxford, Head of Environmental Health, addressed members on the matter set out at paragraph 4.

726

RESOLVED:-

That the report be noted.

FIXED PENALTY NOTICES ISSUED MAY, JUNE AND JULY 2016

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

(See Document No. 15)

Mark Croxford, Head of Environmental Health, addressed members on the salient points and in particular the nuisance caused by litter on a ward by ward basis.

727

RESOLVED:-

That the report be noted.

SCHEDULE OF OUTSTANDING MINUTES

The following schedule of Outstanding Minutes was submitted:-

(See Document No. 16)

The Acting Director of Regulation and Enforcement made comments on Outstanding Minutes as follows:-

That Outstanding Minute No. 365, which is linked to another Report, be put back to November for consultation.

That Outstanding Minute No. 603 be put back to January 2017.

That the Outstanding Minute relating to Shisha premises be put back to October 2017.

That Outstanding Minute No. 620 relating to Sexual Entertainment Venues be put back as a further meeting is pending which will enable it to be discharged.

In respect of Outstanding Minute No. 633 the post could now be restored as funding had been made available and the Outstanding Minute could be discharged.

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RESOLVED:-

That Outstanding Minutes Nos. 599 (ii), 618 (ii) and 633 be discharged and all other Outstanding Minutes be continued

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. Tourism Action Plan Proposed Deregulation and Community Alcohol Notices

Emma Rohomon, Licensing Manager, addressed the Members on the national meeting she had attended in London, involving the Home Office and the Department of Transport, in which a 'Tourism Action Plan' was proposed which has implications for Private Hire Drivers.

She also addressed the Members on Community Alcohol Notices which had implications for alcohol sales. It had been proposed that small quantities of alcohol could be sold by accommodation providers to their guests, and also at 'community events' (to attendees), without the need for any Licence.

It was agreed that officers report to Central Government the Members' views that:

- (i) they do not support the proposed deregulation of drivers who work for hotels, for B&Bs, and/or in tourism generally
- (ii) they strongly object to the proposed deregulation of alcohol licensing

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RESOLVED:-

That the verbal report be noted and the Head of Licensing arrange for Member views, set out above, to be reported to Central Government.

B. Biomass Boilers

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Councillor Lynda Clinton then raised a question regarding the City's stance on biomass boilers. In response to this, Mark Croxford confirmed that Mark Wolstencroft, Operations Manager, would confirm the position.

AUTHORITY TO CHAIRMAN AND OFFICERS

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RESOLVED:-

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

EXCLUSION OF THE PUBLIC

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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