

BIRMINGHAM CITY COUNCIL

**LICENSING AND
PUBLIC PROTECTION
COMMITTEE
23 JUNE, 2021**

**MINUTES OF A MEETING OF THE LICENSING
AND PUBLIC PROTECTION COMMITTEE HELD
ON WEDNESDAY, 23 JUNE, 2021 AT 1030
HOURS AT BMI, LYTTLETON THEATRE,
MARGARET STREET, BIRMINGHAM**

PRESENT: - Councillor Phil Davis in the Chair;

Councillors Alex Aitken, Nagina Kauser, Mike Leddy, Mary Locke, Mike Sharpe.

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NOTICE OF RECORDING/WEBCAST

1370 The Chair advised that this meeting will be webcast for live or subsequent broadcast via the Council's meeting You Tube site (www.youtube.com/channel/UCT2kT7ZRPFCXq6_5dnVnYlw) and that members of the press/public may record and take photographs except where there are confidential or exempt items.

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

CHAIRMAN'S ANNOUNCEMENTS

1371 The Chair advised that owing to adjustments for the meeting a number of Councillors were unable to attend this meeting. It was also noted that attendance at a Sub-Committee meeting counted towards the Member's attendance record.

For the municipal year there will be a mix of formal meetings and informal briefings for Members.

The Chairman announced that Abdool Rohomon who was in attendance at the meeting with a colleague was retiring from West Midlands Police after 30 years service. Abdool Rohomon had been lead licensing officer from West Midlands Police for the past 20 years working with Birmingham City Council Licensing. The work that the police carried out with BCC was crucial and his input had been valuable.

Abdool Rohomon responded to the comments and thanked BCC for all the work they had undertaken together some of which had been challenging and difficult. Together they had done a sterling job and attitudes had been changed in Birmingham.

The Chairman presented Abdool Rohomon with a gift as a mark of thanks for the work he had done.

DECLARATIONS OF INTEREST

- 1372 Members were reminded that they must declare all relevant pecuniary and non pecuniary interests relating to any items of business to be discussed at the meeting. If a pecuniary interest was declared a Member must not speak or take part in that agenda item. Any declarations would be recorded in the minutes of the meeting.

There were no declarations made.

APOLOGIES

- 1373 Apologies were received from Councillors Diane Donaldson, Adam Higgs, Bruce Lines and Martin Straker-Weld for non-attendance.
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APPOINTMENT OF LICENSING AND PUBLIC PROTECTION COMMITTEE

- 1374 The appointment by the City Council of the Committee and Chair for the Municipal Year 2021/2022 was noted as follows:-

Labour Group (10)

Councillor Alex Aitken
Councillor Olly Armstrong
Councillor Nicky Brennan
Councillor Phil Davis (**Chairman**)
Councillor Diane Donaldson
Councillor Nagina Kauser
Councillor Mike Leddy
Councillor Mary Locke
Councillor Chauhdry Rashid
Councillor Mike Sharpe

Conservative Group (4)

Councillor Bob Beauchamp
Councillor Adam Higgs
Councillor Bruce Lines
Councillor Simon Morrall

Liberal Democrat Group (1)

Councillor Neil Eustace

It was further noted that at the City Council meeting on 22 June, 2021 the following amendment to the membership was agreed:-

Councillor Martin Straker-Weld to replace Councillor Olly Armstrong.

Councillor Diane Donaldson was welcomed as a new Member. It was noted that she had undertaken the training for Members.

The Chair advised that he had invited the opposition group to nominate a Member to serve on the Statement of Licensing Policy Task and Finish Working Group. Members on the group will be Councillor Davis, the Deputy Chair of LPPC, and Councillors Nicky Brennan and Nagina Kauser.

ELECTION OF DEPUTY CHAIR

It was proposed and seconded

1375 **RESOLVED:-**

That Councillor Leddy be appointed as Deputy Chair of the Committee for the Municipal Year 2021/22. The Chair thanked Councillor Mike Leddy for his support as Deputy Chair the previous year.

FUNCTIONS, POWERS AND DUTIES

The following schedule was submitted:-

(See Document No. 1)

1376 **RESOLVED:-**

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

DATES OF MEETINGS OF THE LICENSING AND PUBLIC PROTECTION COMMITTEE

1377 **RESOLVED:-**

That meetings of the Licensing and Public Protection Committee be held on the following Wednesdays at 1030 hours at the BMI, Margaret Street, Birmingham.

8 September, 2021
10 November, 2021

Licensing and Public Protection Committee – 23 June, 2021

19 January, 2022

9 March, 2022

Informal briefings to be held on the following dates

14 July, 2021

20 October, 2021 – 1430 hours

1 December, 2021

9 February, 2022

LICENSING SUB-COMMITTEES 2021/2022

1378

RESOLVED:-

- i) To note the membership of Sub-Committees A.B and C appointed by the City Council for the Municipal Year 2021/2022 as detailed below.
- ii) That each Sub-Committee comprises 3 Members (with a quorum of 3) and will determine matters relating to the Licensing Act 2003. the Gambling Act 2005, Hackney Carriage Licences, Private Hire Licences and such other business as may be referred to them by the Director of Regulation and Enforcement Services.
- iii) That any Sub-Committee Member may appoint a nominee (Substitute) from their respective party group on the Licensing and Public Protection Committee to attend in their place. Any Member nominated must have had formal training as set out in Paragraph 9.6 of the Licensing Committee Code of Practice for Councillors and Officers set out in the Constitution.

Licensing Sub-Committee A - Mondays (1000 hours)

Councillors

Phil Davis (Chairman)	Lab	Billesley Ward
Nagina Kauser	Lab	Aston Ward
Bob Beauchamp	Con	Perry Common Ward

Licensing Sub-Committee B - Tuesdays (1000 hours)

Councillors

Diane Donaldson	Lab	Bromford & Hodge Hill Ward
Mike Sharpe	Lab	Pype Hayes Ward

Licensing and Public Protection Committee – 23 June, 2021

Adam Higgs

Con

Highters Heath
Ward

Licensing Sub-Committee C - Wednesdays (1000 hours)

Councillors

Nicky Brennan

Lab

Sparkhill Ward

Mary Locke

Lab

Stirchley Ward

Neil Eustace

Lib

Yardley East
Ward

MINUTES

- 1379 The public section of the Minutes of the meeting held on 10 March, 2021 having been previously circulated were confirmed as a correct record:-

(See Document No. 2)

LICENSING POLICIES, PROCEDURES AND DELEGATIONS

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

(See Document No. 3)

Emma Rohomon made introductory comments relating to the report giving a summary of the report.

The Chairman stated that he would welcome a briefing on the regulation of scrap metal.

- 1380 **RESOLVED:-**

- i) That the Committee considers and agrees the proposals detailed in Paragraph 5.3-5.6 to the report concerning the temporary alterations to policy matters introduced in the response to the Covid pandemic.
- ii) That the Committee Considers the proposal in paragraph 5.7 concerning hackney carriage and private hire delegations and determines whether to
 - a) Withdraw the delegation and return the matters to the sub-committee meetings held 'in-person' from September 2021.
 - b) Continue the delegation with a further review to be presented to the Committee in September 2021, or
 - c) Confirm the delegation as standard, subject to annual reporting with all other delegations.

- iii) That the Committee considers and agrees the alterations detailed in paragraphs 6.1 and 6.2.
- iv) That the report be noted.

COMMITTEE CODE OF PRACTICE FOR COUNCILLORS AND OFFICERS

The following Committee Code of Practice for Councillors and Officers was submitted:-

(See document no. 4)

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RESOLVED:-

That the Licensing Committee Code of Practice for Councillors and Officers be noted.

**ANNUAL REPORT 2020/21 – TRADING STANDARDS/LICENSING
/REGISTER OFFICE**

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

(See document no. 5)

Paul Lankester made introductory remarks relating to the annual report for each of the services adding that he was proud of the achievements made this year during the pandemic and placed on record his thanks to all the staff involved.

Tony Quigley gave a summary of the report also placing on record his thanks to the staff who had supported the service and continued to operate in difficult circumstances. The Chair echoed the comments made.

In response to questions Paul Lankester replied that there had been a significant reduction in staff from 70 staff reduced to 12. Councillor Mary Locke gave her thanks to staff. In response to her question whether there were any plans to recruit more staff Paul Lankester replied that this could be looked at in the Task and Finish Group. They would be making representations to the Government about the impact of the national shortage of qualified regulatory staff as this had not been recognised. Paul Lankester advised that they had bid for resources in relation to additional staff owing to the new legislation for the Commonwealth Games. There was a new graduate trainee scheme. Tony Quigley advised that interviews were currently being held for apprentices.

Andrea Haines gave an update on the Registry Office. In response to a question from Councillor Mike Leddy regarding what help and support had been provided by BCC to enable staff to cope, The Committee was advised that the Employee Assistance Programme was available to staff also some courses had been identified that were available. The significant increase in the level of work in the Registry Office had led to excessive weariness in staff. The change to a computer system for registration had led to further staff concerns. As a team

they had tried to give support to staff and someone needed to be brought in for bereavement support. The service in terms of performance was better than it was in April 2020 which was a credit to the team. The Chair supported the remark. A question had been asked in February regarding the number of funerals and not deaths. Data will be produced on a monthly basis.

Emma Rohomon gave an update on the impact of Covid 19 on the service and gave credit to staff for keeping the service going.

In reply to questions there had been a lot of issues with the IT system however they would work differently in the future. Members will be given an update when normal service has been resumed. The Chair thanked officers for their work. Paul Lankester reported that the support from IT had allowed BCC staff to work from home. They were working on revising the Hackney Carriage and Drivers Licence Policies.

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RESOLVED:-

That the report of the Interim Assistant Director of Regulation and Enforcement be noted.

STREET TRADING – JUDICIAL REVIEW

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

(See document no. 6)

Paul Lankester made introductory remarks relating to the report. The review of Street Trading in Birmingham was a challenge. There will be a review of the policy in due course. Councillors were welcome to submit any questions in writing.

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RESOLVED:-

That the report of the Interim Assistant Director of Regulation and Enforcement be noted.

TACKLING ILLEGAL PLACARDING

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

(See document no. 7)

Tony Quigley made introductory remarks relating to the report. Members should let Tony Quigley know any problems they had in their Wards.

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RESOLVED:-

That the report of the Interim Assistant Director of Regulation and Enforcement be noted.

REGULATION AND ENFORCEMENT ACTIVITY REPORT – FEBRUARY AND MARCH 2021

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

(See document no. 8)

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RESOLVED:-

That the report of the Interim Assistant Director of Regulation and Enforcement be noted.

PROSECUTIONS & CAUTIONS – JAN, FEB, MARCH & APRIL, 2021

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

(See document no. 9)

Mark Croxford made introductory remarks relating to the report. Councillor Leddy suggested that there should be a Chair's or Director's award available for Environmental Officers in recognition of the work carried out. This was seconded by Members and agreed that this should be looked into. The Lord Mayor could be asked to write to officers as a thank you. Following a further brief discussion it was

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RESOLVED:-

That the report of the Interim Assistant Director of Regulation and Enforcement be noted.

CHAIRS AUTHORITY REPORT – APRIL 2021

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

(See document no. 10)

Emma Rohomon advised that Chairs authority had been sought to revoke with immediate effect the private hire driver licence held by driver reference 5142. The Chairman undertook to have a discussion with Emma Rohomon about revocations and suspensions.

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RESOLVED:-

That the report of the Interim Assistant Director of Regulation and Enforcement be noted.

OTHER URGENT BUSINESS

1388 There was no other urgent business.

AUTHORITY TO CHAIRMAN AND OFFICERS

1389 **RESOLVED:-**

That 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

1390 **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 Paragraphs 5.

PRIVATE

MINUTES

- 1391 The private minutes of the meeting held on 10 March, 2021 having been previously circulated were confirmed and signed by the Chair.

OTHER URGENT BUSINESS (EXEMPT INFORMATION)

There was no other urgent business (exempt information.)

The meeting ended at 1200 hours.

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CHAIRMAN