

BIRMINGHAM CITY COUNCIL

LICENSING AND PUBLIC PROTECTION COMMITTEE 19 DECEMBER 2018

**MINUTES OF A MEETING OF THE LICENSING
AND PUBLIC PROTECTION COMMITTEE HELD
ON WEDNESDAY 19 DECEMBER 2018 AT 1000
HOURS IN COMMITTEE ROOMS 3 AND 4
COUNCIL HOUSE, BIRMINGHAM**

PRESENT: - Councillor Barbara Dring in the Chair;

Councillors Olly Armstrong, Bob Beauchamp, Nicky Brennan,
Neil Eustace, Adam Higgs, Nagina Kauser, Mike Leddy, Bruce
Lines, Mary Locke and Martin Straker-Welds.

NOTICE OF RECORDING/WEBCAST

- 1093 The Chair advised that the meeting would be webcast for live and subsequent broadcast via the Council's internet site (www.civico.net/birmingham) and that members of the press/public may record and take photographs except where there were confidential or exempt items.

DECLARATIONS OF INTEREST

- 1094 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 of interest.

APOLOGIES

- 1095 Apologies were received from Councillors Mike Sharpe and Sybil Spence for non-attendance.
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MINUTES

- 1096 The Minutes of the meeting held on 21 November 2018, having been previously circulated were confirmed as a correct record and signed by the Chairman.
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The business of the meeting and all discussions in relation to individual reports are available for public inspection via the web-stream.

GAMBLING ACT PRINCIPLES - POST CONSULTATION REPORT 2018

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

(See Document No. 1)

Shawn Woodcock, Licensing Operations Manager, made introductory comments relating to the report and in response to questions and comments from Members of the Committee made the following points:-

- a) The revised Statement of Gambling Principles had taken on board comments made in response to the consultation if appropriate.
- b) The Licensing Authority had no control over fixed odds betting machines.
- c) Staff within the industry were trained to spot problem gambling and in some areas a bet watch scheme operated so that details of problem or addicted gamblers could be circulated in order for interventions to take place.
- d) Officers undertook visits to licenced premises to ensure training and other things such as incident books were in place. Whilst officer did not carry out 'test purchases' in a secret shopper type scenario there were organisations such as GamCare who provide assistance to those with gambling addictions.
- e) Within shops machines had limits on both the amount of money played and the time a player had been at the machine. Staff within the shop should intervene to encourage players to take a break.
- f) It was difficult to control gambling addiction as the industry was a legitimate one. The number of premises could not be limited but the introduction of a risk assessment would be beneficial as the amount of premises in a particular area could be considered.
- g) The Safe Guarding Children's Board removed themselves as a responsible authority and was replaced by the Child Protection, Performance and Partnership within the Birmingham Children's Trust who had been consulted. The organisation had named officer who headed a team and who was consulted on in respect of Gambling.

With reference to e) above Chris Neville, Acting Director of Regulation and Enforcement, confirmed that control of an individual's gambling was difficult to control when they moved from premises to premises. Whilst staff individual premises were meant to engage with individuals to discourage them from over gambling this had its own problems if the customer became aggressive towards staff.

Responding to comments from Councillor Mike Leddy, Chris Neville explained the Committee's powers were only in respect of licensing premises and other issues such as online gambling, advertising etc. were under the Gambling Commission. In addition there were no powers under the Gambling Act 2005 for the Licensing Authority to restrict the number of premises as there was in the Licensing Act 2003 by way of a Cumulative Impact Policy. Local Risk Assessments would go some way in assessing the needs of a local area.

Councillor Mike Leddy proposed that a Gambling Act Task and Finish Working Group of the Committee be established to look at the wider perspective of gambling policy to inform officers and Central Government. Councillor Nicky Brennan seconded that proposal.

The Chair put the proposal to establish a Gambling Act Task and Finish Working Group to the meeting and by 8 votes for to no votes against with 3 abstentions it was agreed.

The Chair put the recommendation to the meeting and by 8 votes for to no votes against with 3 abstentions it was agreed.

Therefore it was-

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RESOLVED:-

- (i) That a Gambling Act Task and Finish Working Group be established to look in depth at the Gambling Policy and make recommendations to officers and Central Government; and.
- (ii) that the Committee endorses the Post Consultation Draft Statement of Gambling Principles and recommends the draft document at Appendix 2 to full City Council.

CHRISTMAS EVENTS IN BIRMINGHAM CITY CENTRE

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

(See Document No. 2)

Nick Lowe, Operations Manager Food Team, made introductory comments relating to the report. In response to comments and questions from Members of the Committee he made the following points:-

- a) Problems were mainly found at the City Social and Cathedral Craft Fair. The later had brought forward the opening date to coincide with the Frankfurt Christmas Market so the schedule was rushed and a number of problems were identified which were rectified. The use of the communal wash area for food preparation was a significant concern and monitored.
- b) The pre opening inspection of the Christmas Market worked well in identifying issues with the buildings such as holes that allowed pest access which could be addressed before the opening day.
- c) The issues relating to the lack of allergen advice at two stalls at the Christmas Market were quickly address by the traders as one had allergen advice in English to hand which could be shown to customers and the other re labelled items in English
- d) No public complaints had been received relating to the 3 events.
- e) Issues of emergency access were considered by the Safety Advisory Group for the event and information regarding incidents at the events could be circulated to Members.

Councillor Mike Leddy suggested that Garry Peal, Events Commissioning Manager, be invited to the February Committee Meeting to talk about the Frankfurt Christmas Market.

The Chair put the recommendation in the report to the meeting which was unanimously agreed.

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RESOLVED:-

That the report be noted.

At 1110 hours the meeting was adjourned.

At 1117 hours the meeting was reconvened.

PROSECUTIONS AND CAUTIONS – OCTOBER 2018

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

(See Document No. 3)

Chris Neville, Acting Director of Regulation and Enforcement, made introductory comments relating to the report highlighting some of the cases.

A discussion ensued relating to the recovery of costs and Councillor Bruce Lines suggested that representations be made to the courts in respect of cost recovery. Chris Neville undertook to write a letter on behalf of the Chair.

Reference was made to the successful prosecutions for fly tipping and Members thanked officers for their work.

The Chair put the recommendation to the meeting which was unanimously agreed.

1099 **RESOLVED:-**

That the report be noted.

**OUTCOME OF APPEALS AGAINST SUB COMMITTEE DECISIONS:
OCTOBER 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.

The Chair put the recommendation to the meeting which was unanimously agreed.

1100 **RESOLVED:-**

That the report be noted.

**ACTION TAKEN BY THE CHAIR OF THE LICENSING AND PUBLIC
PROTECTION COMMITTEE OCTOBER 2018**

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

(See Document No. 5)

Chris Neville, Acting Director of Regulation and Enforcement made introductory comments relating to the report and advised that the Chair had had revoked two further licences as follows:-

On the 5 November 2018 driver reference 34304 attended the Licensing office and made an admission of smoking cannabis the previous day. In the interests of public safety the Acting Director Regulation and Enforcement acting in consultation with the Chair revoked the private hire licence held by driver reference 34304 with immediate effect in accordance with sections 61(1)(b) and 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976.

On the 5 November 2018 The Licensing Enforcement Section was informed by West midlands Police that driver reference 6374 had been arrested for an allegation of rape of a female customer on 3 November 2018. Investigations were on going but driver reference 6374 had been released on bail and one of the conditions was that he did not operate as a private hire driver. In the interests of public safety the Acting Director Regulation and Enforcement acting in consultation with the Chair revoked the private hire licence held by driver reference 6374 with immediate effect in accordance with sections 61(1)(b) and 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976.

In response to a question from Councillor Bruce Lines Chris Neville, Acting Director of Regulation and Enforcement advised that licenses were always revoked as the Authority could not suspend and then go on to revoke a licence.

The Chair put the recommendation to the meeting which was unanimously agreed.

1101 **RESOLVED:-**

That the report and verbal update be noted.

SCHEDULE OF OUTSTANDING MINUTES

The following schedule of Outstanding Minutes was submitted:-

(See Document No. 6)

Chris Neville, Acting Director of Regulation and Enforcement, note all 3 Outstanding Minutes would be reported upon in January.

1102 **RESOLVED:-**

That all Outstanding Minutes be continued.

DATE AND TIME OF NEXT MEETING

1103 That it be noted that the next meeting will be held at 1000 hours on Wednesday 16 January 2019.

OTHER URGENT BUSINESS

1104 There were no items of other urgent business.

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 1130 hours.

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CHAIRMAN