

BIRMINGHAM CITY COUNCIL

LICENSING AND PUBLIC PROTECTION COMMITTEE 13 SEPTEMBER 2017
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**MINUTES OF A MEETING OF THE LICENSING
AND PUBLIC PROTECTION COMMITTEE HELD
ON WEDNESDAY 13 SEPTEMBER 2017 AT
1000 HOURS IN COMMITTEE ROOM 6,
COUNCIL HOUSE, BIRMINGHAM**

PRESENT: - Councillor Barbara Dring in the Chair;

Councillors Alex Buchanan, Liz Clements, Des Flood, Nagina Kauser, Changese Khan, Mike Leddy and Rob Sealey.

NOTICE OF RECORDING/WEBCAST

- 896 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

- 897 Apologies were received from Councillors Nawaz Ali, Bob Beauchamp, Lynda Clinton, Ian Cruise, Basharat Dad and Carole Griffiths.

MINUTES

- 898 i) The Minutes of the meeting held on 12 July 2017, having been previously circulated were confirmed as a correct record and signed by the Chairman.
- ii) The public section of the minutes of the meeting held on 14 July 2017 were noted.
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SEX ESTABLISHMENT POLICY

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

(See Document No. 1)

Emma Rohomon, Licensing Manager, made introductory comments relating to report. In response to questions from the Chair, she explained that there were no restriction on the age of customers, which remained at 18, proposed as it was felt that this would not be proportionate. In addition she noted that the removal of the requirement for the applicant to demonstrate compliance with business rates was because the onus was placed on other agencies such as Business Rates Section of the Council or other agencies to object to the granting of the licence.

Councillor Rob Sealey was concerned with the removal of the cap on the number of Sexual Entertainment Venues (SEVs) and questioned the meaning of the wording in paragraph 5.10.

Councillor Des Flood commented on the need to protect the public and noted that there had been issues with SEVs recently and there was a need to learn from that. He was concerned relating to the touting for business issue and noted that illegal flyposting was also taking place and should be referred to in the policy. He sought clarification on the removal of the cap and the appeals referred to on page 4 of the report. Councillor Flood felt that having an age restriction of 21 had merits and should be explored further.

Councillor Liz Clements sought clarification relating to part c of paragraph 47. The Councillor queried how the agreed policy would be communicated to stakeholders. She questioned how Burlesque performances would be judged to be relevant entertainment under the policy.

Councillors Alex Buchanan and Changese Khan felt the cap on numbers did hinder the Committee when considering applications for licences and noted that each application should be considered on their merits.

Emma Rohomon, Licensing Manager, responded appropriately to Members comments and questions.

Sanjeev Bhopal, Committee Lawyer, drew Members attention to paragraph 5.9 of the report.

The Chair requested the Committee to decide whether or not to allow the use of business cards by SEVs for the promotion of their business as detailed in paragraph 4.7 of the report and having put it to the vote, by 7 votes for to 1 vote, declared it carried.

The Chair put the recommendations, with the adoption of the condition in paragraph 4.7, to the meeting and by 7 votes for to 1 vote, it was-

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RESOLVED:-

- (i) That the proposed policy for licensing sex establishments, including associated conditions and scheme of delegations and the condition proposed as an addendum to Condition 66 set out in paragraph 4.7 of the report be agreed; and
 - (ii) that it be noted that the agreed new policy will be subject to public consultation, with the results reported back to a future Committee.
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At 1106 hours the meeting was adjourned.

At 1114 hours the meeting was reconvened.

LICENSING AND PUBLIC PROTECTION - BUDGET MONITORING 2017/18 (MONTH 04)

The following report of the Acting Service Director of Regulation and Enforcement Assistant and the Interim Chief Financial Officer was submitted:-

(See Document No. 2)

Parmjeet Jassal, Finance, made introductory comments relating to the report and officers responded to detailed questions from Members relating to the pressures on the Pest Control Service and the Mortuary and Coroners Service insofar as the 1974 inquest was concerned.

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RESOLVED:-

- (i) That the latest revenue budget position at the end of July 2017 (Month 4) and forecast outturn as detailed in Appendix 1 be noted;
 - (ii) that the position with regard to the Savings Programme for 2017/18 as detailed in Appendix 2 be noted;
 - (iii) that the expenditure on grant funded and proceeds of crime programmes in Appendix 3 be noted;
 - (iv) that the position on Capital projects, as detailed in Appendix 4 be noted; and
 - (v) that the position on reserves and balances, as detailed in Appendix 5 be noted.
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**USING THE PROCEEDS OF CRIME TO FURTHER PROTECT CITIZENS
AND SUPPORT COMMUNITIES**

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

(See Document No. 3)

Sajeela Naseer, Head of Trading Standards, made introductory comments relating to the report and responded appropriately to Member's relating to the mechanics of the distribution of, and size of, the grants.

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RESOLVED:-

- i) That the report be noted; and
 - ii) That the proposed method for spending money derived from proceeds of crime cases in the future, as outlined in paragraph 7 of the report be approved.
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**REPORT ON THE RESULTS OF A PUBLIC CONSULTATION ON
PROPOSALS TO INTRODUCE FIVE PUBLIC SPACE PROTECTION
ORDERS**

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

(See Document No. 4)

Mark Croxford, Head of Environmental Health, made introductory comments relating to the report and responded appropriately to comments and questions from Members of the Committee.

During the debate Members gave consideration to the number of dogs that can be walked by one person and agreed that this should be set at 4.

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RESOLVED:-

- i) That the Head of Environmental Health be requested to pursue the declaration of five Public Space Protection Orders to replace the Dog Control Orders that lapse in October 2017;
 - ii) that the Public Space Protection Order that relates to the maximum number of dogs that can be walked by one person be set at four; and
 - iii) that it be noted that the penalty for a breach of the new Public Space Protections Orders will be £100.
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PROSECUTIONS AND CAUTIONS – JUNE 2017

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

(See Document No. 5)

The Acting Director of Regulation and Enforcement made introductory comments relating to the report and made reference to some of the prosecutions and cautions therein.

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RESOLVED:-

That the report be noted

OUTCOME OF APPEALS AGAINST SUB COMMITTEE DECISIONS TAKEN DURING JUNE AND JULY 2017

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

(See Document No. 6)

Chris Neville, Head of Licensing, made introductory comments relating to the report and highlighted some of the cases therein.

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RESOLVED:-

That the report be noted

FIXED PENALTY NOTICES ISSUED JULY 2017

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

(See Document No. 7)

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

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RESOLVED:-

That the report be noted

ACTION TAKEN BY THE CHAIR OF THE LICENSING AND PUBLIC PROTECTION COMMITTEE DURING AUGUST 2017

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

(See Document No. 8)

Chris Neville, Head of Licensing, made introductory comments relating to the report.

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RESOLVED:-

That the report be noted

SCHEDULE OF OUTSTANDING MINUTES

The following schedule of Outstanding Minutes was submitted:-

(See Document No. 9)

Councillor Des Flood commented that the number of reports scheduled to be submitted to the October meeting suggested that the agenda would be a large one.

The Chair agreed and indicated that, due to the items on the agenda particularly the Vehicle Emission Standards one where a number of drivers would attend the meeting, the meeting in October would be a long one. In addition the meeting was to be held in Committee Room 6. She therefore suggested that the meeting be moved to another day when Committee Rooms 3 and 4 were available and Members be prepared to sit all day.

At 1228 hours the meeting was adjourned.

At 1233 hours the meeting was reconvened.

It was report that Committee Rooms 3 and 4 were available on Monday 23 October 2017 all day. Following a short discussion it was –

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RESOLVED:-

That the meeting of the Committee scheduled to be held on Wednesday 18 October 2017 be rescheduled to 1000 hours on Monday 23 October 2017.

Officers updated the dates for which reports would be forthcoming in relation to various Outstanding Minutes. It was agreed that the report on unauthorised encampments would now go to the November meeting and it was -

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RESOLVED:-

That all Outstanding Minutes be noted.

OTHER URGENT BUSINESS

909 There were no items of Other Urgent Business.

AUTHORITY TO CHAIRMAN AND OFFICERS

910 **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

911 That in view of the nature of the business to be transacted which included exempt information of the category indicated the public be excluded from the meeting:-

Minutes – Exempt Paragraphs 3 and 4

PRIVATE MINUTES

- 912 The private section of the Minutes of the meeting held on 14 July 2017 were noted and the minutes as a whole, having previously been circulated, were confirmed as a correct record and signed by the Chair.
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The meeting ended at 1236 hours.

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CHAIRMAN