

BIRMINGHAM CITY COUNCIL

LICENSING AND PUBLIC PROTECTION COMMITTEE 12 APRIL 2017
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**MINUTES OF A MEETING OF THE LICENSING
AND PUBLIC PROTECTION COMMITTEE HELD
ON WEDNESDAY 12 APRIL 2017 AT 1000
HOURS IN COMMITTEE ROOMS 3 AND 4,
COUNCIL HOUSE, BIRMINGHAM**

PRESENT: - Councillor Barbara Dring in the Chair;

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

NOTICE OF RECORDING

- 831 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

- 832 Apologies were received from Councillors Basharat Dad and Penny Holbrook for their inability to attend the meeting.

MINUTES

- 833 The Minutes of the meeting held on 15 March October 2016, having been previously circulated were confirmed as a correct record and signed by the Chairman.

REVIEW OF CHARGES FOR HIGHWAY SERVICES FOR 2017/2018

The following report of the Assistant Director, Highways and Infrastructure was submitted:-

(See Document No. 1)

Officers made introductory comments relating to the report and responded appropriately to questions from Members of the Committee.

834

RESOLVED:-

That the fees and charges set out in Appendix 1 to the report are approved as follows:-

- City Council retained fees and charges with effect from 12 April 2017
- Highways Maintenance and Management Private Finance Initiative (HMMPFI) Service Provider, Amey retained fees and charges with effect from 7 June 2017.

(Councillor Rob Sealey wished to be record as abstaining from voting on the above resolution)

REGULATION AND ENFORCEMENT SERVICE PLAN 2017/2018

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

(See Document No. 2)

The Acting Director of Regulation and Enforcement made introductory comments relating to the report and responded appropriately to questions from Members of the Committee. Following concerns expressed by Councillor Gareth Moore relating the lack of priority given to dealing with fly posting by businesses, the Head of Environmental Services undertook to report back to the Committee of work being undertaken in that area.

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RESOLVED:-

- (i) That approval be given to the service plans as presented for 2017/2018, namely:-

Appendix 1 Coroners and Mortuary
Appendix 2 Environmental Health
Appendix 3 Licensing
Appendix 4 Register Office
Appendix 5 Trading Standards

- (ii) That the Acting Director of Regulation and Enforcement report further on the work being undertaken in respect of fly posting by businesses.
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CONDITIONS OF LICENCE FOR PRIVATE HIRE OPERATORS

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

(See Document No. 3)

Chris Neville, Head of Licensing, made introductory comments relating to the report and advised the Committee that he had received a letter that morning from a2z Licensing on behalf of Star Cars which sought to change Private Hire Operator Conditions 10 and 23 as set out in the attached schedule:-

(See Document No. 4)

During the debate Members expressed concern relating the operation of drivers from other areas and the notable increase in drivers from Wolverhampton. Reference was made to those drivers caught speeding undertaking speed awareness courses and for the need for the drivers to still alert the Licensing Department in such circumstances. Reference was made the proposed change to condition 23 made by a2z Licensing and it was felt that this would lead to problems. The issue of having appropriate insurance and the contractual relationship between drivers and firms such as Uber was raised.

Chris Neville, Head of Licensing, responded appropriately to the comments and questions from Members of the Committee indicating that he would seek to meet with officers from other Authorities to discuss cross border working.

In conclusion Members felt that the proposed changes to the Private Hire Operator Conditions suggested by a2z Licensing should not be considered at this stage given the late submission.

The recommendations were put to the meeting and by 11 votes for to 1 vote against it was-

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RESOLVED:-

- (i) That having considered the proposed updated conditions for private hire operators at Appendix 1 to the report the Committee agrees to implement them with effect from the implementation date of the proposed policy on vehicle; and
- (ii) that Outstanding Minute No. 648 be discharged in so far as it relates to private hire operators.

(Councillor Des Flood wished to be recorded as having voted against the above resolution)

CONDITIONS OF LICENCE FOR PRIVATE HIRE DRIVERS AND VEHICLES

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

(See Document No. 5)

Chris Neville, Head of Licensing, made introductory comments relating to the report and advised the Committee that he had received a letter that morning from a2z Licensing on behalf of Star Cars which sought to change Private Hire Driver and Vehicle Condition 17 as set out in the schedule referred to in the previous item at Document No. 4.

Members were of the same view as in the previous item regard the changes proposed by a2z Licensing.

At the suggestion of the Chair it was agreed to include the word 'hospitals' in condition 16.

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RESOLVED:-

- (i) That having considered the proposed updated conditions for private hire drivers and vehicles at Appendix 1 to the report the Committee agrees to implement them with effect from the implementation date of the proposed policy on vehicle signage subject to the inclusion of hospitals in condition 16; and
- (ii) that Outstanding Minute No. 648 be discharged in so far as it relates to private hire drivers and vehicles.

IMPLICATIONS OF THE CASEY REPORT FOR LICENSING

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 responded to comments and questions from Members.

Councillor Gareth Moore suggested that schools and other groups such as the Birmingham Education Partnership and the Birmingham Safeguarding Board should be consulted.

838

RESOLVED:-

- (i) That Outstanding Minute 720 (iii) be discharged;
- (ii) that the action plan in the Appendix be noted;

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- (iii) that the proposals in paragraphs 7.1 to 7.3 to consult on a policy requiring all licensed drivers and operators to attend safeguarding training be approved;
 - (iv) that the proposals in paragraphs 7.1 to 7.3 to consult on a policy requiring all licensed vehicles to carry CCTV recording equipment be approved;
 - (v) that a further update report be presented in October 2017 with final recommendations to this Committee.
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REGULATING FACE TO FACE FUNDRAISING INSTITUTE OF FUNDRAISING SITE MANAGEMENT AGREEMENT

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

(See Document No. 7)

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

At 1212 hours the meeting was adjourned.

At 1217 hours the meeting was reconvened.

Councillors Neil Eustace and Rob Sealey did not return to the meeting.

Chris Neville, Head of Licensing, responded to comments from Members and explained that the matter could be reviewed in a year. He noted that it was the intention to discuss the introduction of Site Management Agreement for suburban town centres

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RESOLVED:-

- (i) That approval be given to a Site Management Agreement for the city centre with the Institute of Fundraising based on the new proposals identified in Section 6 of this report; and
 - (ii) that the officers be authorised to bring forward proposals for Site Management Agreements for any other suburban town centres in Birmingham where an identified demand is recognised
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ACTIONS TAKEN BY THE CHAIR OF THE LICENSING AND PUBLIC PROTECTION COMMITTEE DURING MARCH-APRIL 2017

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

(See Document No. 8)

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

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RESOLVED:-

That the report be noted.

PROSECUTIONS AND CAUTIONS DURING FEBRUARY 2017

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

(See Document No. 9)

The Acting Director of Regulation and Enforcement highlighted several notable cases within the report and explained why there were no Trading Standard cases within the report. Councillor Gareth Moore particularly welcomed the Animal Welfare Cases reported.

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RESOLVED:-

That the report be noted.

FIXED PENALTY NOTICES ISSUED FEBRUARY 2017

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

(See Document No. 10)

Mark Croxford, Head of Environmental Services, made introductory comments relating to the report. He noted that Department for Environment Food & Rural Affairs had brought out a consultation on changes to fixed penalties and littering offences and, following comments from Members, he undertook to consult Members electronically.

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RESOLVED:-

That the report be noted.

OUTCOME OF APPEALS AGAINST SUB COMMITTEE DECISIONS: FEBRUARY 2017

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

(See Document No. 11)

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

843

RESOLVED:-

That the report be noted.

SCHEDULE OF OUTSTANDING MINUTES

The following schedule of Outstanding Minutes was submitted:-

(See Document No. 11)

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

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RESOLVED:-

That Outstanding Minute Nos. 648 and 720 (iii) be discharged and all other Outstanding Minutes be noted.

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. Electronic Cigarettes

Councillor Gareth Moore requested an update on legislative changes relating to the sale of e-cigarettes and it was-

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RESOLVED:-

That the Acting Service Director of Regulation and Enforcement be requested to report on legislative changes relating to e-cigarettes.

B. Non-attendance of drivers

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Councillor Gareth Moore noted there were incidences where drivers were not attending meetings of Licensing Sub-Committees and he wondered if the department should be charging a penalty in such circumstances. Chris Neville, Head of Licensing, indicated that he could look at the options in that regard and report back to the Committee.

It was-

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RESOLVED:-

That the Acting Service Director of Regulation and Enforcement be requested to report on the options for charging drivers for non-attendance at Sub-Committees.

C. Statutory Guidance issued under section 182 of the Licensing Act 2003

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The Committee Lawyer noted that the Statutory Guidance issued under section 182 of the Licensing Act 2003 had been revised and he would be circulating it to Members.

Chris Neville, Head of Licensing, briefly explained the revisions and indicated that he would be reporting them to Committee.

D. MPs giving references to applicants for Licences

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Councillor Lynda Clinton asked if anything could be done to stop MPs giving references to applicants. A discussion took place during which it was noted that MPs did not have to abide to the Councillors Code of Conduct and therefore could not be prevented from giving references. The Head of Licensing undertook to write to MPs highlighting that they may wish to consider their position on this issue.

Before moving on to Authority to Chairman and Officers and noting that the meeting was the last in the Municipal Year, the Chair thanked Members and officers for their work over the year. Councillor Mike Leddy thank the Chair for her Chairmanship of the meetings of the Committee throughout the year.

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.

The Committee Meeting ended at 1241 hours.

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CHAIRMAN