

BIRMINGHAM CITY COUNCIL

LICENSING AND PUBLIC PROTECTION COMMITTEE 16 JANUARY 2019
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**MINUTES OF A MEETING OF THE LICENSING
AND PUBLIC PROTECTION COMMITTEE HELD
ON WEDNESDAY 16 JANUARY 2019 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, Mary
Locke, Simon Morrall, Mike Sharpe and Martin Straker-Welds.

NOTICE OF RECORDING/WEBCAST

- 1106 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

- 1107 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

- 1108 Apologies were received from Councillors Bruce Lines, Hendrina Quinnen and Sybil Spence for non-attendance.

MINUTES

- 1109 As a matter arising, Councillor Mike Leddy noted that the Acting Director of Regulation and Enforcement had sent an email that morning inviting Members to nominate themselves on to the Gambling Act Task and Finish Working Group and he urged members to accept the invitation to participate in the Group.

The Minutes of the meeting held on 19 December 2018, having been previously circulated were confirmed as a correct record and signed by the Chairman.

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

At this point in the meeting the Chair advised that she intended to take agenda item No. 6.

THE ENVIRONMENTAL PROTECTION (MISCELLANEOUS AMENDMENTS) (ENGLAND AND WALES) REGULATIONS 2018

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

(See Document No. 1)

Tony Quigley, Head of the Illegal Money Lending Team/Waste Enforcement Unit, made introductory comments relating to the report and in response to questions and comments from Members of the Committee made the following points:-

- a) It was not a new offence but the introduction of a new fixed penalty notice (FPN) for duty of care offences.
- b) The Committee were being asked to determine the amount of the FPN and officers were recommending the amount be £200. This was felt to be a proportionate figure considering that trade waste offences attracted a FPN of £300 and litter FPNs were set at £100. The recommended figure was the default figure and it was felt that the top figure of £400 was too high.
- c) The FPN would be issued to householders and not flytippers. It was intended to 'piggy back' on media coverage undertaken by the Environment Agency and in the local media. Social media would also be used.
- d) Householders should check whether a person or business has a valid registration from the Environment Agency and details of such people can be found on the Agency's website.

- e) Any action taken would be considered on each case merits and should be proportionate.

Following further comments from Members relating to the amount that should be set, Chris Neville, Acting Director of Regulation and Enforcement commented that the Committee would be able to amend the figure set as it could review it when it had been in use for some time.

The Chair put the recommendation 2.1 to the meeting which was unanimously agreed.

The Chair put the recommendation 2.2 to the meeting which was unanimously agreed.

Therefore it was-

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RESOLVED:-

- (i) That a fixed penalty amount of £200 for Section 34(2) (A) Environmental Protection Act 1990 offences be agreed; and
- (ii) That the Licensing and Public Health Committee does not wish to set any reduced fixed penalty amount and agrees that, if the case progresses to Court, the Council will seek to recover full costs.

At this point in the meeting the Chair indicated her intention to return to the original agenda order.

TOBACCO CONTROL: SHISHA UPDATE

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

(See Document No. 2)

Janet Bradley, Operations Manager Environmental Health, made introductory comments relating to the report.

Councillor Nagina Kauser, whilst welcoming the work undertaken to date, noted that there was still further work to be done as the Local Authority did not have any real control over them and legislation was required.

Councillor Olly Armstrong indicated that, along with other community spaces such as cafes and bars, shisha premises did allow people to get together socially and he welcomed the work being undertaken to make them safe and accessible.

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

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RESOLVED:-

- (i) That the report be noted;
 - (ii) that a letter be sent on behalf of the Licensing and Public Protection Committee to Jake Berry MP (Minister for Local Government) highlighting the concerns and supporting the call for better legislation in this area; and
 - (iii) that outstanding minute 934(ii) be discharged.
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A CLEAN AIR STRATEGY FOR THE CITY OF BIRMINGHAM

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

(See Document No. 3)

Mark Wolstencroft, Operations Manager (EPU), made introductory comments relating to the report. In response to comments and questions from Members of the Committee he made the following points:-

- (i) The only costs identified so far were in relation to the consultation. The pledges in the document were part of various work streams across the Council. Pledges and priorities could be refined after the consultation by Cabinet in light of available budgets.
- (ii) Regarding the bus lane on the Tyburn Road this had been included in modelling and the model could be revisited if appropriate. Details would be sent to Councillor Sharpe.
- (iii) The modelling of traffic had been undertaken to establish likely rerouting to avoid the Clean Air Zone.
- (iv) Local modelling around schools had taken place and engagement with them would take place so that they could decide on what measures, such as traffic exclusion zones, were appropriate for their circumstances.
- (v) Central Government were keen to introduce better control relating to the use of wood burners so that the correct fuel was used.
- (vi) Councillor Armstrong had made similar comments at an earlier stage in the process and, whilst he (Councillor Armstrong) may be disappointed that those suggestions/ideas had not come through to the document, Members should be minded that the document was out to consultation and could change again. There was an opportunity to consider the imagery and language in the document and whether more emphasis should be put on walking.
- (vii) He could not comment on issues relating to trees and public transport although he undertook to take the issue of the work to provide a cycle

route on the A38 corridor delaying the introduction of an extended 61 bus service back to officers so that an answer could be provided.

In response to a question from Councillor Olly Armstrong relating to supporting taxi drivers, Chris Neville, Acting Director of Regulation and Enforcement, explained that Committee had taken a decision in 2017 that all licensed vehicles should meet the Euro Emissions standard by 1 January 2020 when the Clean Air Zones would come in to being. It was acknowledged that that had a big impact on the trade. There was currently consultation with the trade and public relating to new emissions standards from 2030. This work would advance the objectives of the City Council around clean air. Licensing officers sat on a City wide officer strategy group to provide an input around licenced vehicles. Mark Wolstencroft indicated the views of the Licensing Section through the group had been built in to the proposals.

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

1112 **RESOLVED:-**

That the report be noted.

PROSECUTIONS AND CAUTIONS – NOVEMBER 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 highlighting some of the cases. In relation to case 1 in appendix 3 he indicated that a presentation would be made outlining the work officers did in the case.

Gary Singh, Principal Trading Standards Officer, and Mick Davies, Enforcement Officer, gave a presentation based on the following powerpoint slides:-

(See Document No. 5)

Following the presentation they responded in detail to Members' questions in particular those relating to how those buying such jewellery could be confident that they were buying genuine pieces, how some of the gold bangles had come to be hallmarked by the Assay Office and what steps the Assay Office were taking to prevent a repeat.

Members congratulated the officers on the investigation that they had undertaken which had resulted in 3 arrests. It was suggested that the case be highlighted in the media to act as a deterrent and also allow information to be made available to those who may have made purchases of gold which was not of the stated carats.

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

1113 **RESOLVED:-**

That the report be noted.

Councillor Nicky Brennan left the meeting.

At this point in the meeting the Chair advised that she intended to take agenda item No. 12A.

OTHER URGENT BUSINESS

The Chair was of the opinion that the following item be considered as a matter of urgency in order to expedite consideration thereof and instruct officers to act if necessary.

Update Report on Unauthorised Encampments

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

(See Document No. 6)

Mark Croxford, Head of Environmental Health, made introductory comments relating to the report and responded to comments from Members concerning proper management of the site and respecting wishes of travelling community.

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

1114 **RESOLVED:-**

- (i) That the report is noted and outstanding minute number 1071 be discharged; and
 - (ii) That Committee requests a further report to be brought in 3 months to update on the various work items contained within this report.
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At this point in the meeting the Chair indicated her intention to return to the original agenda order.

Councillors Simon Morrall and Martin Straker-Welds left the meeting.

**OUTCOME OF APPEALS AGAINST SUB COMMITTEE DECISIONS:
NOVEMBER 2018**

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

(See Document No. 7)

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.

1115 **RESOLVED:-**

That the report be noted.

FPN'S ISSUED OCTOBER & NOVEMBER 2018

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

(See Document No. 8)

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.

1116 **RESOLVED:-**

That the report and verbal update be noted.

SCHEDULE OF OUTSTANDING MINUTES

The following schedule of Outstanding Minutes was submitted:-

(See Document No. 8)

Chris Neville, Acting Director of Regulation and Enforcement confirmed that Outstanding Minutes Nos. 934 (ii) and 1071 could be discharged and Outstanding Minute No. 942 (ii) would be reported upon in February 2019.

1117 **RESOLVED:-**

That Outstanding Minutes Nos. 934 (ii) and 1071 be discharged and all other Outstanding Minutes be continued.

OTHER URGENT BUSINESS (continued)

1118 There were no further items of other urgent business.

AUTHORITY TO CHAIR AND OFFICERS

1119 **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 1235 hours.

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CHAIRMAN