

# BIRMINGHAM CITY COUNCIL

<b>LICENSING AND PUBLIC PROTECTION COMMITTEE 17 JULY 2019</b>
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**MINUTES OF A MEETING OF THE LICENSING  
AND PUBLIC PROTECTION COMMITTEE HELD  
ON WEDNESDAY, 17 JULY 2019 AT 1400  
HOURS IN COMMITTEE ROOM 2,  
COUNCIL HOUSE, BIRMINGHAM**

**PRESENT:** - Councillor Phil Davis in the Chair;

Councillors Olly Armstrong, Bob Beauchamp, Nicky Brennan,  
Mike Leddy, Mary Locke, Majid Mahmood, Simon Morrall,  
Chauhdry Rashid, Mike Sharpe and Martin Straker-Welds.

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**NOTICE OF RECORDING/WEBCAST**

- 1197 The Chair advised that the meeting would be webcast for live and subsequent broadcast via the Council's internet site ([www.civico.net/birmingham](http://www.civico.net/birmingham)) and that members' of the press/public may record and take photographs except where there were confidential or exempt items.

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**DECLARATIONS OF INTEREST**

- 1198 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.

Councillor Chauhdry Rashid declared an interest in respect of Item 7 on the agenda relating to Recommendations of the working group for amendments to private hire vehicles signage.

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**APOLOGIES**

- 1199 Apologies were received from Councillors Neil Eustace, Adam Higgs, Nagina Kauser and Bruce Lines for non-attendance.

**CHAIRMAN’S ANNOUNCEMENT**

**Trading Standards – British Hallmarking Council Special Award**

1200 The Chair commended the excellent work undertaken by Sajeela Naseer and her team and the positive outcome which had resulted in the above-mentioned award.

**Chairman’s Welcome**

The Chair introduced Paul Lankester, Interim Assistant Director of Regulation and Enforcement and welcomed him to the meeting.

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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.**

**ANNUAL REPORT 2018-2019**

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

(See Document No. 1)

Paul Lankester, Interim Assistant Director of Regulation and Enforcement made introductory comments to the report highlighting that it informed the Committee of the wide and varied scope of work and also the successes and challenges, that had been concluded over the last 12 months.

Mark Croxford, Head of Environmental Health, provided a presentation which illustrated the areas of work that had been covered and subsequently responded to Members’ comments.

(See Document No.2)

He confirmed that while there had been further complaints relating to travellers’ sites, the welfare needs claimed by travellers were justifiable and were often supported by significant evidence. He added that they were looking at a bespoke traveller’s transit site opening shortly in the city.

He confirmed that while officers when possible did work with the RSPCA, subsequently explained instances whereby officers would have to work in isolation given the circumstances.

He referred to the litter reduction controlled areas and how they operated, confirming that they could only be declared where evidence of widespread problems occurred, and further explained how noise complaints were dealt, with and the rapid response rota that was in place to deal with these issues, adding that the only delay was the tape recorders being distributed.

He updated on the unauthorised encampments confirming that the one site was almost ready for use and that they were working with colleagues in order

to bring the other site (Tameside) back into use. He added that they were aware of the site located by the Queen Elizabeth Hospital and was happy to consider any site that could be identified as a transit site, albeit the only ones that were being supported by the city were those listed in the Birmingham Development Plan (BDP).

He referred to restricted covenant and confirmed that action could only be taken if it fell within the definition of 'statutory nuisance'.

He further referred to the food issues relating to the 3 parks and confirmed that they were working with the Parks Department in trying to progress these issues.

He alluded to the dynamic changes in the city and where areas were becoming more residential and whereby noise could be an issue, confirming that they would try to mitigate the issue at the beginning of the planning stage, rather than later on.

He confirmed that with regard to food hygiene, they did look at repeat offenders, however due to the non-license requirement, explained the difficulties this posed.

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Sajeela Naseer, Head of Trading Standards, provided a detailed presentation of the work that had taken place over the past 12 months and subsequently responded to Members' comments.

(See Document No.3)

She updated on the successful result of 'Operation Egypt' and while it had been a significant case which had resulted in custodial sentences, highlighted some of the difficulties in obtaining assets while confirming that the investigation in this respect had not ceased.

She explained how the cold calling zones were designated through police intelligence however was willing to investigate additional areas across the city.

She referred to the work that had been taking place in addressing rogue package tour operators, and subsequently, agreed to look into similar issues regarding other pilgrimages whereby rogue tour operators had been active.

She referred to the Proceeds of Crime Money (POCA) and the positive results that were fed back into the justice system through this way. She further referred to knife crime, and highlighted, that a further report detailing the department's investigations would be provided and that there may be increased investigations this year, depending upon access to funding.

Sajeela responded to comments relating to the Clean Neighbourhoods and Environment Act 2005 and vehicles for sale, and while explaining the difficulties in dealing with this area of work, confirmed that all complaints received, were investigated.

In response to further comments from the Chair and members, Paul Lankester agreed to investigate the possibility of members observing test purchasing and that work was being undertaken with colleagues on how best to address the staffing resources in order to meet work level demands.

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Joyce Amadedon, Head of Operations and Bereavement Services, provided a presentation on the service and highlighted the various challenges and successes that had taken place over the past 12 months.

(See Document No.4)

At this juncture, members commended the work undertaken by staff regarding registration, burials and especially the well performed Citizenship Ceremonies that welcomed new citizens.

Joyce Amadedon thanked members for their positive comments, and alluded to the work that would be taking place regarding the relocation of cemeteries from Handsworth to Sutton Newhall and Kings Norton.

She highlighted the challenges that they would be facing which included accommodating service delivery within certain timescales and the importance of working with colleagues, to ensure that there was a budget in place that was fit for purpose for the city.

The Chair while highlighting that the Bereavement Service came under the remit of the Cabinet Member for Housing and was conscious of ensuring that there was a dialogue with officers, in order that it provided an opportunity for members to question the service on behalf of the residents of the city.

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Emma Rohomon, Acting Head of Licensing, provided a presentation that illustrated the work that was covered by the Licensing Department and subsequently responded to Members' comments.

(See Document No.5)

Emma referred to the taxi licensing and the improvements that needed to be made regarding out of city drivers and subsequently highlighted the various ways in which they were contributing to the various bodies in order for the changes to the legislation to be made. She added that they would continue to work with colleagues in neighbouring authorities, to ensure that all of the public were protected from whichever licensing authority the drivers were registered at.

At this juncture, the Chair attended a DfT event whereby he referred to the constructive discussions that had taken place with senior civil servants and other bodies, regarding the over provision of drivers from Wolverhampton, and the possible measures in tackling this issue.

Emma referred to the associated issues of the TENS notices and confirmed that she regularly wrote to the Home Office and was due to write again in this

regard. She highlighted that only Environmental and West Midlands Police could make their objections known, adding that if there were any applications that had a past history, due consideration was taken into account.

Emma highlighted that the summary of existing policies was submitted to the meeting every year which included all of the delegations made to officers and who makes the decisions.

At this juncture, the Chair suggested that if members wished to feed in their various issues in a structured way with regard to the licensing policy which could result in the policy being tweaked, then it would be beneficial if that opportunity was provided and that officers take back for consideration, as part of the review.

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Joyce Amadedon, Head of Operations and Bereavement Services, presented on the Coroners and Mortuary Service and the work that had taken place over the past 12 months and subsequently responded to members' comments.

(See Document No.6)

At this juncture, the Chair confirmed that there would be additional information in the future being provided from Councillor Thompson, Cabinet Member for Homes and Neighbourhoods on the CTPM arrangements.

Joyce Amadedon confirmed that the CTPM facility had been available for the past 2 weeks and subsequently detailed the costs and highlighted that the at present, the company responsible for the facility, was not prepared to re-locate from Sandwell to Birmingham at this given time, due to the lack of facilities.

She confirmed that it was the Coroner that determined the cause of death, stating that the Coroner was concerned about suicide levels, and that part of her work in all death cases, was making recommendations about how certain deaths could be prevented, especially suicide deaths, which was one of the areas that was focused on, and therefore, there was the expectation that the Suicide Prevention Plan would filter through.

She concluded by referring to the building repairs and the intention of bringing it up to a standard fit for purpose.

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Tony Quigley, Head of Illegal Money Lending Team, reported that the England Illegal Money Lending Team was hosted by Birmingham City Council, tackling illegal money lenders (loan sharks) across communities in England, and subsequently provided a brief presentation on the work undertaken by the team.

(See Document No.7)

He added that a more detailed report would be forthcoming at the meeting in September 2019.

Members commended the excellent work that had been undertaken by the team.

Tony Quigley confirmed that the funding was ring-fenced for this particular Service and the funding received from Treasury in this respect, was closely monitored.

He reported that they had been lobbying the Treasury in respect of having more of the proceeds of crime (POCA) in order to provide additional community events, and as a result of that, at the last governance meeting the item had been raised as a suggestion, and it was agreed that it would be taken back for consideration.

The Chair concluded by highlighting the importance of this work and subsequently thanked Tony for the report.

1201

**RESOLVED:-**

That the report be noted.

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**FOOD LAW ENFORCEMENT PLAN 19-20**

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

(See Document No.8)

Nick Lowe, Operations Manager Food, made introductory comments to the report, and subsequently provided an overview of the work undertaken and what would be taking place in the future, and subsequently responded to Members' comments.

Following the Chair's enquiry relating to the implications of resources detailed in 5.1 of the report, Paul Lankester, Interim Assistant Director of Regulation and Enforcement, confirmed that together with the Heads of Service, they were looking into the requirements and that it would be progressed through the corporate network.

He highlighted his concerns relating to the food standard agency and the importance of getting the right balance for this year and for following years.

The Chair highlighted the need to ensure that it was brought to the attention of the Leadership.

Nick referred to the legislation that came in which was providing the relevant information to consumers with regard to allergies, and confirmed that they were now moving to a stage where if businesses did not know their allergenic ingredients, then they would be issued with food information act notices whereby they would have to act appropriately.

He referred to the issue of cross-contamination, and confirmed that this was being dealt with, as well as checking with businesses to determine whether they were able to fulfil their duty in serving a consumer with an allergy, and if believed that this was not the case then they would be required to stop. He added that by notice they were requiring them to put in place the measures to do it safely in the future, and that a much stricter, robust line was being taken in this regard.

He referred to the issues regarding people with allergies, and confirmed that there had been a lot more studies undertaken regarding food allergies and hidden ingredients, adding that one of the problems with children was not being introduced to allergenic ingredients at an earlier enough age.

He referred to the advice that they gave to businesses when they made their visits which included useful online information and the online training tools that was available from the Food Standard Agency Website.

He referred to the future developments regarding the Commonwealth Games, and confirmed that they were in discussion with various partners with regard to expectation and resources requirements. He further referred to the German Market and confirmed that a great deal of planning was involved in supporting the annual event.

Following Councillor Mahmood's enquiries relating to 1.2, 4.1 and 5.2 of the report, the Chair suggested that a written response be forwarded directly to Councillor Mahmood.

Nick referred to the events policy, and the manual, advising that all businesses in or outside of Birmingham, were required by the organisers to submit a list of the traders a month in advance of the event, and subsequently detailed the ratings, confirming that if they did not reach the required level of rating, they would not be allowed to attend the event.

The Chair concluded by thanking Nick for the presentation and update.

Upon further consideration, it was

1202

**RESOLVED:-**

That the Food Law Enforcement Plan be agreed.

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**HEALTH AND SAFETY LAW ENFORCEMENT PLAN (HSLEP) 2019/2020**

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

(See Document No.9)

Mark Croxford, Head of Environmental Health made introductory comments to the report, highlighting that it sets out the City's Health and Safety work Programme for 2019 – 2020.

Mark briefly explained that the national and local priorities were evidenced based and that part of the reason why Shisha bars were highlighted, was due to the number of reported incidents relating to the bars that were significant public health risks.

Upon further consideration, it was

1203

**RESOLVED:-**

That the report is noted and the Health and Safety Law Enforcement Plan for 2019/2020 be approved.

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**RECOMMENDATIONS OF WORKING GROUP FOR AMENDMENTS TO PRIVATE HIRE VEHICLE SIGNAGE**

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

(See Document No.10)

Chris Arundel, Principal Licensing Officer, made introductory comments to the report and subsequently referred to the proposals detailed in 5.1 of the report.

A general discussion ensued relating to the signage policy being reviewed.

The Chair put the recommendation to the meeting and following a show of hands it was six in favour and two against and was therefore carried:-

A review of the signage policy would be reviewed 12 months after the introduction of the emissions policy.

Upon further consideration, it was

1204

**RESOLVED:-**

Members considered the recommendations made at 5.1 i. to vi. and agreed they should be incorporated into the policy for private hire vehicle signage, and

That a review of the signage policy be reviewed 12 months after the introduction of the emissions policy.

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**PROSECUTIONS AND CAUTIONS REPORT – MAY 2019**

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

(See Document No.11)



## **Licensing and Public Protection Committee – 17 July 2019**

Paul Lankester, Interim Assistant Director, Regulation and Enforcement made introductory comments to the report and subsequently thanked colleagues in Legal Services for their support.

Upon further consideration, it was

1205 **RESOLVED:-**

That the report be noted.

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### **OUTCOME OF APPEALS AGAINST SUB COMMITTEE DECISIONS: MAY 2019**

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

(See Document No.12)

Mark Croxford, provided a breakdown of the report and highlighted that the courts had supported all of the actions taken by committee.

Upon further consideration, it was

1206 **RESOLVED:-**

That the report be noted.

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### **FIXED PENALTY NOTICES ISSUED APRIL - MAY 2019**

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

(See Document No.13)

Mark Croxford, Head of Environmental Health, introduced the report and subsequently agreed to investigate the possibility of patrols in Erdington and other areas across the city.

Upon further consideration, it was

1207 **RESOLVED:-**

That the report be noted.

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### **SCHEDULE OF OUTSTANDING MINUTES**

The following schedule of Outstanding Minutes was submitted:-

(See Document No.14)

Paul Lankester, Interim Assistant Director of Regulation and Enforcement, referred to the Outstanding Minute No 1169 and confirmed that a report would be submitted to the committee meeting in September 2019.

1208 **RESOLVED:-**

That all Outstanding Minutes be continued.

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**IMLT UPDATE COMMITTEE REPORT**

1209 The following report of the Interim Assistant Director of Regulation and Enforcement was submitted:-

(See document No.15)

At this juncture, the Chair reported that this item would be deferred until the next meeting.

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**DATE AND TIME OF NEXT MEETING**

1210 The next meeting is scheduled to take place on Wednesday, 11 September 2019 at 10:00 hours in Committee Rooms 3 and 4.

As it was highlighted that there was a meeting clash on the above-mentioned date, the Chair suggested that it be investigated as to whether the meeting date for the next meeting could be rescheduled.

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**OTHER URGENT BUSINESS**

1211 No urgent business report.

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**AUTHORITY TO CHAIR AND OFFICERS**

1212 **RESOLVED:-**

In an urgent situation between meetings, the Chair jointly with the relevant Chief Officer has authority to act on behalf of the Committee.

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The meeting concluded at 1645 hours.

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CHAIRMAN