

BIRMINGHAM CITY COUNCIL

LICENSING AND PUBLIC PROTECTION COMMITTEE 20 APRIL 2016
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**MINUTES OF A MEETING OF THE LICENSING
AND PUBLIC PROTECTION COMMITTEE HELD
ON WEDNESDAY, 20 APRIL 2016 AT 1000
HOURS IN COMMITTEE ROOM 6,
COUNCIL HOUSE, BIRMINGHAM**

PRESENT: - Councillor Barbara Dring in the Chair;

Councillors Bob Beauchamp, Alex Buchanan, Lynda Clinton, Basharat Dad, Mahmood Hussain, Nagina Kauser, Tony Kennedy, Mike Leddy, Gareth Moore, Rob Sealey and Anita Ward.

NOTICE OF RECORDING

- 642 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. The whole of the meeting would be filmed except where there were confidential or exempt items.

APOLOGIES

- 643 Apologies were received from Councillors Bruce Lines, Neil Eustace, Nawaz Ali and Councillor Rob Sealey for non-attendance and Nagina Kauser for having to leave the meeting prematurely.

DECLARATIONS OF INTEREST

- 644 There were no declarations of interest submitted by Members.

MINUTES OF THE LAST MEETING – 16 MARCH 2016

- 645 At this juncture due to copies of the above-mentioned minutes not being available to members at this time of the meeting, it was agreed that they would be considered towards the end of the meeting when members had received and read the minutes during the meeting.
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REVIEW OF CHARGES FOR HIGHWAY SERVICES FOR 2016/17

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

(See document No. 1)

Kamyar Tavassoli, Highways Infrastructure Manager, whilst providing a comprehensive breakdown of the report specifically highlighted in 4.4 of the report the introduction of a non refundable £75.00 application fee for certain licenses.

He stated that over the years people applied for permits and then half way through the process abandoned the application which had resulted in the local authority carrying out the work. It was envisaged with the introduction of the fee, that this would reduce abortive applications as the customer was investing in the process, and it would also enable the recovery of approximately £65,000 overall with an increase of revenue of £54,000 to the local authority.

Upon further consideration, it was:-

- 646 **RESOLVED:-**

That the fees and charges set out in Appendix 1 were approved as follows:

City Council retained fees and charges with effect from 20 April 2016.

Highways Maintenance and Management Private Finance Initiative (HMMPFI) Service Provider retained fees and charges with effect from 7 June 2016.

REGULATION AND ENFORCEMENT SERVICE PLAN 2016/2017

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

(See document No. 2)

Chris Neville, Head of Licensing, made introductory comments to the report informing members that it sets out the business plans for regulation and enforcement for the coming year and subsequently detailed the areas that this covered. He highlighted that it sets out the priorities ahead which took into account local, national and regional issues as well as corporate priorities.

He referred to Appendix 5 of the report which detailed the Trading Standards Service Plan and the challenges for the year ahead in adapting to the pressures faced by the reduction in size of the workforce as a result of savings delivering of £242,000 achieved through the loss of 7 posts which would be responded to by a revision of priorities with a greater reliance of intelligence led investigations to ensure maximum effectiveness with the resources available. Once they had been identified and finalised the priorities would be brought back to committee for oversight and approval. He made reference to one of the recommendations adopted through the future council programme which formed part of the budget consultation, was for trading standards to develop a commercial model for business support to underwrite the cost of delivering what was a non statutory function for the department in terms of advising businesses. As a result of this, the service would no longer be offering free advice to businesses and as part of a business support package, were planning to expand the collaboration with the 'no rogue traders here' website and trader approval scheme and place on a more commercial footing.

He reported that another important development for Trading Standards was to see whether neighbouring authorities in the West Midlands would be interested in using the West Midlands Combined Authority as a vehicle to deliver a joined up trading service across the country.

He referred to the Licensing Service Plan detailed in Appendix 3 and highlighted that they had now completed the move into new council owned office accommodation. He stated that in order to deliver the recommendations of the service review for licensing, it had streamlined the application process for drivers by removing itself from administering appointments for drivers with the disability resource centre, the driving test centre at Montague Street and occupational health had also stopped taking cash payments for taxi and private hire licences which has reduced the need for high levels of security within office and reduced costs.

He reported that as part of the modernisation process, it had recently identified a supplier for a replacement computer system which would link the licence application process to enforcement and eventually, it would enable all applications for licences including hackney carriage and private hire to be made on line.

In 2016/17 Licensing would renew the conditions for hackney carriage and private hire drivers and operators and it would also refresh the requirements of vehicle signs. It was noted that some of the most significant work ahead for licensing was to develop an omissions policy that would link vehicle licensing to the clean air zone and the need for Birmingham to meet air quality standards.

Mark Croxford, Head of Environmental Health, reported on the Environmental Health Service Plan illustrated in Appendix 2 of the report. He detailed the number of inspections that had been undertaken and highlighted that most of the statistics were up until January and therefore more would be added up until March. He highlighted that in addition to the statutory inspections carried out there had been a number of non-statutory inspections undertaken due to complaints or new businesses that had set up and required inspections.

He referred to 2.4 of the report which detailed the budget and following the pest control reduction for earnings the department had managed to balance the budget across Environmental Health and Pest Control. Reference was made to the freeze on recruitment and training and that only essential expenditure was being approved. He stated that in 2016/17 there was a £24,000 saving to be made which was the reduction in the dog welfare investigations and in addition to that, there was a £10k income target from joint working with Trading Standards to try and sell some advisory services. The pest control income target had been reduced now in the core budget standing at £0.9m which was still significant, but was more achievable than the previous year's target.

He referred to 2.5 of the report relating to the service improvements which included the work of the Waste Enforcement Unit which would continue. He referred in his report to partnership working with transportation and other colleagues in the city and outside the city to establish the clean air zones which was going to become more demanding.

It was reported that Pest Control would be looking to maximise the commercial offer and had been working well with other departments within the Council as well as looking at external contracts. Reference was made to the introduction of dog micro-chipping for all dogs in Birmingham although the information on the micro chip did not have to be kept up to date. It was noted that this item would be reported back next year.

It was highlighted that there was still continuing pressures on teams to deliver the statutory programmes however work would be prioritised and there was an assurance that inspections for high risks premises would be completed before low risk premises.

He referred to 2.10 of the report and referred to the issues relating to the provision of the data relating to the fixed penalty report and the environmental health and pest control statistics which appeared to be connected with the data entry. He highlighted that they had recently lost 3 pest control officers and 5 environmental health officers and would be reviewing shortly how many of those the department could afford to replace.

He concluded by referring to page 35 highlighting that next year the work programme would be similar to last year.

At this juncture, Andrea Haynes, Head of Coroners and Mortuary, Registration and Bereavement Services, referred to the Service Plan detailed in Appendix 1 of the report.

She referred to the increase of 12.2% deaths notified to the coroner that provided a driver to the service to make further improvements to processes and procedures. She subsequently detailed the improvements that had been made in 2015/16 with the appointment of a full time area coroner which reduced the need, for assistant coroners covering absences. There was the introduction of a new IT system CIVICA which met the needs of the service and in time would provide greater efficiency and improve services to the

bereaved. She referred to the successful TUPE transfer of west Midlands Police Staff that had moved over to the city council which provided a more managed service.

It was reported that there had been the re-finalisation of the bank holiday out of England service which met customer needs and legal requirements. There has also been the introduction of access to a non-invasive CTPM facility for the bereaved families.

She reported that in 2016 there were challenges for the service which the service would need to respond to and there would be further enhancement to the CIVICA system which would provide a greater efficiency and include closer working with hospitals. To ensure 95% of inquests were completed within 6 months and other performance indicators were in line with national averages, there would be the need to manage the increase of referrals of DOLS cases and ensure that compliance was met with the chief officer's coroners' guidelines.

She reported that due to the challenging budget for 2016/17 they were working in finance to look to introduce a video link in the coroner's court which should reduce the need to call witnesses and also reduce the need for their expenses. It was noted that the contract for removal of bodies was expiring this year and they were looking to see whether any savings could be made when the contract went out for renewal. The coroner worked closely with doctors and hospitals to improve the education around referrals and hopefully this should help to reduce the number of referrals that came into the coroner's service. There had been a change in legislation so there may be the potential to increase income from the public mortuary and there may be arrangements that could be made with the local authority and neighbouring authorities which would allow post mortems to take place in the public mortuary.

She referred to the intensive workload of the registry office in 2015 which had provided the driver for the service streamlining its processes and procedures. The main improvements included the Stopford electronic diary system which was a web based application which takes birth registration appointments on line and since it was implemented, it had helped in reducing the number of customer phone calls to the service and it was in keeping with the city council as a priority to channel shift.

It was reported that last year the service had worked towards becoming self sufficient and various initiatives had been introduced which included up front payments for notices of marriage and some income generation schemes. The service had successfully implemented changes in marriage and civil partnership legislation, and the emergency bereavement out of hours' service has also been enhanced with the out of England removal orders. The provision of death registration appointments had been revised to improve the availability of urgent emergency appointments and a new bespoke index system had been introduced.

She referred to the need to respond to the financial challenge for 2016/17 and was therefore finding alternative ways of resourcing the registry office which included working with DWP in offering work experience placements and also

introducing more flexibility to job roles. The service would continue to work to becoming more self-sufficient by the introduction of new income generation schemes which included the provision of enhanced marriage ceremonies. It was noted that the service would continue to make effective use of the Stopford electronic diary system by the introduction of the online notification of the marriage appointment facilities and work towards the online death registration appointments for a further channel shift. In addition the service would be looking to consider extending the number of registration appointments made available during the normal working week and look to implement a full registration service on Saturdays.

In response to Councillor Kennedy's questions and comments the following points were made.

Mark Croxford referred to the dog welfare issue and confirmed that they were signposting new jobs to the RSPCA whilst trying to complete the existing jobs, adding that the service had ceased on 1 April 2016. He referred to the reduction in staff and the transferral of some existing workloads to officers that had taken place in order for savings to be made. With regard to the MAPPS system he agreed to make subsequent arrangements for Councillor Kennedy to visit the department.

Chris Neville confirmed that they had worked in partnership with 'No Rogue Traders' for a number of years and it was the organisation that had invited the city council to work alongside them. Although aware of other organisations that provided trader assurance schemes, 'No Rogue Traders' offered a greater level of scrutiny of businesses compared to others. However, if others approached and wanted to work alongside the city council, 'No Rogue Traders' had never been guaranteed any sort of exclusive contract. He referred to the area of work they were looking to do in terms of increasing revenue which was charging for checking businesses with 'No Rogue Traders' before they were approved which currently did not happen

Chris Neville referred to DOLS and confirmed that he could not foresee a problem writing to the Government Minister or local MPs addressing the legislative aspect and subsequently agreed to do this.

Councillor Moore referred to the number of food inspections and whilst appreciated priority should be given to the high risk premises highlighted the importance of not forgetting the higher quality ones that could start slipping with their standards.

Mark Croxford confirmed, that whilst completing the statutory minimum programme this year, they did struggle with a further 90 inspections that were carried out, which were the ones carried over from the previous computer system and had caused difficulties. He referred to the high level of changes to new businesses and reiterated that whilst they had struggled they had completed the statutory programme.

In response to further comments and questions from Councillor Moore the following points were made.

Mark Croxford highlighted that 'Building Watch' was an excellent programme, which consisted of partnership working between the city council, West Midlands Fire Service and other partners in trying to protect buildings as well as people who were using derelict buildings. He referred to the work that had taken place in sealing and securing buildings to ensure that they were not brought into use. At the moment, there was no funding however where it was identified that somewhere was a high risk, the city council should still be looking to have it secured and there was the need to look to colleagues in Planning, regarding whether buildings could be brought into use or demolished.

Chris Neville referred to the challenge with the budget savings for Licensing and for the department the overspend was occurring in the general licensing section where fees were largely capped at the moment and that they were maintaining vacancies where posts would not be filled. He stated that they were discussing with colleagues in Finance, to see whether there was scope around the allocation of central establishment charges in the city council, where departments had charged for the use of centralised services and the appropriateness of licensing paying for some of those services, in order to see if that numbers could be reduced which would reduce pressure on the licensing budget. He added that they were definitely aware there was an issue and were looking at ways of addressing this.

In response to Councillor Dad's enquiry relating to the new case management system, Andrea Haynes, confirmed that the purpose of the system was to help with the inputting of papers when they had referrals. She stated that it was a management system. They were hoping to move forward by linking with local hospitals so they could download information in advance which would reduce time. She further stated that she could not provide accurate timescales regarding the building of the partnerships with the hospitals however the coroner was discussing with various hospitals as a means in trying to move forward this year.

The Chair suggested that the department presented a further report to Committee.

Following a further comment from Councillor Dad regarding how elected members could contribute in working together with the coroner's service in helping to make improvements, Andrea Haynes confirmed that she met with the coroner regularly and at the next meeting, would look to putting together a programme of interested parties and how they could work effectively.

In response to comments and questions from Councillor Clinton the following points were made:-

Mark Croxford referred to the animal welfare issue and the financial cuts and stated that although Mr Kalsi, Assistant Director of Finance was looking into this area the savings had to be implemented now. He stated that if funding was recovered they would have to recruit to deliver the service again. He confirmed that they had lost an officer from another section and his work had transferred to the dog wardens at the moment. Dealing with stray dogs

required two officers to work together due to the need to maintain health and safety, as it was too dangerous to reduce to one officer on their own.

Mark Croxford referred to the chipping of dogs and although thought that it would make matters easier highlighted that it was proving to be somewhat of a challenge. He further referred to the national research programme whereby a number of local authorities were involved and subsequently agreed to submit a report to committee that addressed a number of these issues.

In response to the Chair's request for a commitment from the department to progress what was happening with the questions raised at the last meeting regarding the dog warden, Mark Croxford referred to the petition that had been submitted to city council and confirmed that Alison Harwood was working hard with Mr Kalsi and others to respond to the petition which was all interlinked.

The Chair put the recommendation contained in the report at agenda item No. 5 to the meeting and this was agreed unanimously.

647

RESOLVED:-

That the Committee considered and approved the service plans as presented for 2016/17.

CONDITIONS OF LICENCE FOR PRIVATE HIRE OPERATORS, DRIVERS AND VEHICLES

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

(See document No. 3)

Shawn Woodcock, Licencing Operations Manager, made introductory comments to the report relating to the proposal of a new set of conditions to the licences issues in respect of private hire operators. He subsequently highlighted that the main changes to the conditions; were the removal of the legal requirements, a change to signage conditions and the introduction of new technology. Guidance had been produced to assist operators which included legal requirements and suggestions of what might be best practice. This was attached in appendix 3 of the report.

He reported that if committee approved the new set of conditions, it would come into effect following the introduction of the proposed vehicle signage policy, but due to the fact that the department could only issue the conditions on grant, or renewal of licences which it would take at least 12 months before all operators would be operating under these new proposed conditions.

In response to Councillor Moore's comments and concerns regarding the incompleteness of the consultation, Shawn Woodcock confirmed that the committee had not seen the first draft which had contained a great many conditions. He confirmed that having taken on board the responses from the trade, the enforcement team and some legal advice, it was considered not

legal for the city to place conditions on private hire operators that operated hackney carriages from out of town. He added that those conditions could not be introduced and that was why some of the responses referred to conditions that councillors had not seen because the conditions had been removed completely.

In response to the Chair's enquiry as to whether the main response was from Star Cars, Shawn Woodcock confirmed that they had only received 3 responses and reiterated the legal view was that the city could not stop out of town hackney carriages carrying out private hire work. He stated that operators that operated in the city were allowed to employ and give private hire work to hackney carriage drivers not licensed by the city.

The Chair commented that many operators were setting up offices outside the city in neighbouring towns then using those offices to take bookings from the city and sending their drivers to work in the city.

Mr Woodcock agreed that was what was happening, however, confirmed that this was not the practice with hackney carriages. They were using private hire and subsequently provided an example: that if a company (A cars) had an operators base in Birmingham to operate private hire, and then if they set up (B cars) in another town and employed private hire drivers from that town, they could now since the Deregulation Act sub-contract work from A cars to B cars and carry out work in Birmingham and there was nothing the city could do to prevent this from happening.

Following further comments and queries raised by Councillor Moore and Kennedy relating to the report, the Chair suggested that as there needed to be a greater understanding within the report, that it be deferred and submitted to a future meeting when clarification had been sought.

Chris Neville confirmed that it would not be a problem even if the Committee agreed to the new conditions today they would not be applied, as it was dependent upon the other sets of conditions relating to the signage and therefore the actual implementation date would be some time away. He confirmed that there was still time to resubmit the report in a slightly different format. He added that Shawn had tried to provide the most recent version in order to avoid presenting lots of iterations of the same document, but that officers could go back to the starting point and present it that way.

The Chair confirmed that it was a wise decision to defer the report as she was constantly being lobbied and receiving letters from drivers of how operators were distributing the work.

648

RESOLVED:-

That the report be deferred for a more comprehensive report to be submitted to committee.

**SETTING THE FIXED PENALTY NOTICE AMOUNT FOR THE
UNAUTHORISED DEPOSIT OF WASTE (FIXED PENALTIES)
REGULATIONS 2016**

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

(See document No. 4)

Mark Croxford, Head of Environmental Health made introductory comments to the report relating to the unauthorised deposit of waste (Fixed Penalties) Regulations 2016 which would come into force on 9 May 2016. These regulations introduced a new fixed penalty notice and the local authority was requested to set an alternative fixed penalty amount to the default tariffs set within the regulations. He highlighted that they were not trying to move away from their enforcement policy but use this as an alternative, adding that it would be case dependant.

Councillor Kennedy highlighted the importance of deterring people from these acts and the need to publicise to the public at large that people were being prosecuted when caught committing these crimes. He suggested that officers should look at what could be done internally to publicise this area of work.

Mark Croxford confirmed that one of the most visited areas on the council's web site was the prosecutions pages and subsequently agreed to take members' comments on board.

Councillor Moore confirmed that there needed to be tougher action taken and suggested that the maximum fine of £400 should be introduced which was seconded by Councillor Ward.

Following concern highlighted by Councillor Leddy relating to the dumping of asbestos, Mark Croxford stressed that the department did take into consideration the public risk element.

In response to further comments from members, Mark Croxford stated that the signage was out of date and would have to be replaced as time progressed. He referred to the efforts made by officers in addressing fly-tipping and the Waste Enforcement Unit that were tracking people. He added that in order that more prosecutions could take place there needed to be the assistance of residents providing local intelligence which was sometimes lacking.

He highlighted that he was not sure if the lower amount would be more effective and although he did not envisage a great many tickets being issued, was more than happy to review over time. He subsequently explained the administrative difficulties that had occurred when there had been a reduced fixed penalty amount.

Following further comments from members regarding how the council were going to tackle this major issue which affected areas all across the city, Mark Croxford highlighted that Jacqui Kennedy, Director of Place was working extremely hard to try and tie all of the services together in addressing this issue. He confirmed that they were increasing their enforcement activity and

catching more people than before. He stated that the education of the public was proving difficult but that they were doing all that they could and that efforts were being made in all departments in tackling this issue, including the collection of waste.

Chris Neville reiterated the importance that co-operation from the public was needed and subsequently provided an example where a resident would not provide the necessary information for fear of repercussions.

Mark Croxford concluded that in responding to the Leader of the council, the priorities now across the board were dealing with rubbish and fly-tipping and that resources were being used in a variety of ways in addressing this area of work.

Upon further consideration, it was:-

649

RESOLVED:-

- i. It was agreed unanimously that the Committee determines a fixed penalty amount of £400, as moved by Councillor Moore and seconded by Councillor Clinton, for Section 33(1)(a) Environmental Protection Act 1990 offences. The maximum fine of £400 was recommended, to go some way to covering the costs of the investigation.
- ii. It was agreed unanimously that the Committee did not set any reduced fixed penalty amount and if the case progressed to Court the Court would seek to recover the full costs for what were not trivial offences.

REGULATING FACE TO FACE FUNDRAISING PFRA SITE MANAGEMENT AGREEMENT

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

(See document No. 5)

Chris Neville, Head of Licensing made reference to the report relating to face to face fundraising and provided a brief overview as to why Birmingham's application, for a byelaw, was rejected by the Secretary of State on the grounds that the city had not attempted to control the practice, by signing a Site Management Agreement (SMA) with the Public Fundraising Association (PFRA). He referred to the attached draft agreement that was a revised version which detailed various improvements compared to the first version.

Chris Neville highlighted that the city centre would be divided into 7 zones with up to 4 fundraisers at any one time at each location compared to the 6 per zone that was originally requested. It had also been agreed to limit the number of zones in operation at any given day from 6 down to 3 and therefore through this agreement, the highest number of fundraisers that could be working in the city at any given day would be 12 people. It would also mean that on Wednesdays only 2 zones would operate and none of the zones would join each other on a day when zones were working. It was noted that Victoria Square and also Broad Street had been removed as a zone due to its

proximity to the war memorial, and that New Street would be completely free of fundraisers on Wednesdays and Saturdays.

Chris Neville explained that he had proposed to the PFRA that the maximum number of fundraisers in a given zone should be limited to 2. The PFRA said that it had consulted with its members and had proposed a compromise of 4. It considered that it had moved as far as possible in terms of reaching a compromise with the city council.

He stated that the committee had to balance the needs and ability of charities to raise income against public feeling who often regarded fundraisers as a nuisance. He therefore invited the Committee to consider the PFRA proposals and decide whether to ask it to review the proposals with a view to limiting the number of collectors to 2 per zone or whether to agree the proposals outlined in the appendix. He stated that once the agreement had been signed, there would be an 8 week period before it came into force and would be subject to review in 6 and 12 months time.

Councillor Leddy referred to the issues relating to chuggers and highlighted that the public did not want to be approached by them and that there were too many sites. He stated that it was not promoting a welcoming attitude for people visiting the city and the impact it was having on the overall economy needed to be taken into account.

He therefore proposed a motion which was seconded by Councillor Ward that 2 zones should be made available to the PFRA for 2 days only per week with a maximum of 4 operatives at any one zone. The suggested zones would be named by officers in a report to this committee, following consultation with PFRA, Retail Birmingham and other BID organisations within the city centre and that the zones should be known as sites.

Councillor Moore referred to the past where he had suggested looking at a management agreement with the PFRA and highlighted that the agreement submitted was an improvement. He agreed that chugging was a major issue in the city centre and although would like to see it stopped altogether, it was not an option. He stated there was always going to be an element of having to allow some charities to collect money or details and that these were national organisations that did try and do public good which the committee needed to be mindful of.

He highlighted the importance of reaching an agreement with the PFRA sooner rather than later, as otherwise, the issue would remain unregulated and unresolved. He highlighted that if an agreement was entered into and if it was not working, then discussions could commence with regard to reducing the numbers once the evidence was in place.

Councillor Kennedy commented that the agreement should be able to be reviewed in the future if the committee agreed to the management proposals as they stood, otherwise, believed that once the threshold had been agreed there could be no turning back.

Chris Neville confirmed that what was suggested by Councillor Leddy was acceptable however there was a valid point in what Councillor Moore had raised in reaching an early agreement in order to prevent the practice continuing to be unregulated. He highlighted that it was not an issue in carrying out a consultation then returning to PFRA which in effect would be the counter proposal.

He confirmed that there would be a delay which would be the time it would take to carry out the consultation which they would endeavour to do as soon as possible. He further confirmed that if an agreement was reached today, it would take effect from 8 weeks however, any counter proposals made would involve some time in needing to re-negotiate with the PFRA and if it involved consultation, it would take time to consult and therefore add a little longer to the time.

Stuart Evans referred to the agreement as it stood and confirmed that it would be subject to review after 6 months after it was signed, and then once every 12 months, if necessary, or earlier if there was just cause to do so. It was noted that all amendments would be agreed in writing before becoming effective. Either party could withdraw from this agreement, giving 3 months' notice in writing.

Chris Neville suggested on that basis, that it might be possible for the committee to agree a short term agreement of 3 months with PFRA, whilst the city carried out a consultation as suggested by Councillor Leddy.

Councillor Moore made several comments relating to the number of zones which excluded a great deal of the city centre, and subsequently referred to the new proposal put forward by Councillor Leddy and highlighted the importance of a decision that needed to be taken today. He disagreed with Councillor Kennedy's comment regarding the threshold, adding that any complaints could be addressed as part of the review. He stated that it was better to have something in place now which would significantly reduce the number of fundraisers that were in the city at the moment.

The Chair referred to the complaints from residents with regard to chuggers and the need for the city to act in order to address this issue. She further referred to Councillor Leddy's motion which she suggested could be added to the agreement as it stood, with it operating for a 3 month period and could become part of the negotiation on signing the document.

Councillor Leddy referred to what Chris had suggested regarding a consultation and that an addendum to the resolution that a 3 month agreement was drawn up with PFRA whilst the consultation took place.

Chris Neville confirmed that it would make an improvement to the existing situation and also to try and get something better moving forward based on some consultation.

Stuart Evans referred to the motion that was put forward and clarified that it was based on 4 face to face fundraisers for a 3 month period whilst negotiations take place to try and reduce it down.

In response to Councillor Kennedy's suggestion of a caveat due to ongoing changes to the city, Stuart Evans confirmed that there would be the allowance for discretion for the city in any changes to the city centre.

Chris Neville detailed the timeline for the introduction of the agreement whereupon there would be an 8 week period leading up to the agreement whilst the PFRA organised their charities and schedules. He confirmed that nothing would be taking place on the streets for 8 weeks, and then there would be the 3 month trial period which allowed a 5 month time period to carry out the consultation.

Upon further consideration, it was:-

650

RESOLVED:-

- i. It was agreed unanimously, that the Committee agreed the acceptance of the Site Management Agreement between PRFA and Birmingham City Council which limited the number of face to face fundraisers in any zone at any point in time to a maximum of 4 with no more than 3 zones in operation at any one time for a 3 month period, as moved by Councillor Leddy and seconded by Councillor Ward.
- ii. It was agreed unanimously, that the Committee resolved to ask officers to consult with the PRFA, Retail Birmingham and other BID management organisations within the city centre during the 3-month period of the agreement with a view to reducing the number of sites to 2 for 2 days per week with a maximum of 4 workers per site at any one time.

PROPOSALS FOR VEHICLE EMISSION STANDARDS FOR HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES

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

(See document No. 6)

Chris Neville, Head of Licensing, provided a comprehensive breakdown of the report.

The Chair highlighted the importance of acting now and the fact that there was a four-year timescale to bring the city's fleet of hackney and private hire vehicles up to a standard that was going to meet the requirements of the Clean Air Zone. She added that the sooner action was taken the better rather than leaving it to the last minute where problems could be encountered.

Chris Neville clarified that the report referred to the city centre and stated that if standards for vehicles were not set, this could result in a zone which only the cleanest vehicles could enter, thereby displacing the more polluting vehicles into the suburbs.

He confirmed that standards also applied to light goods vehicles, heavy goods vehicles and buses whereby Transportation Section were addressing this by developing policies and discussing with transport providers. He confirmed that a great deal of work was being done on how that element of it would be managed. He highlighted that the concern of the committee was the taxi and private hire element.

Mark Croxford, Head of Environmental Health, referred to the dilution factor and with reduced numbers of vehicles using the zone due to restrictions this would reduce the amount of pollution. He further referred to one of the air monitoring stations that had been moved to the inner city which would provide a more accurate idea of standards and the requirements that were to be met and therefore work was now being undertaken by the environmental protection unit. He stated that he would in time be able to provide updates as work progressed.

Councillor Moore commented that Option 3 was possibly the best way forward in tackling this issue. He appreciated that there was a huge financial burden on the trade for those who had to meet the requirements, if they wished to enter the clean air zone without any additional cost, however added that it would be a more improved service for the public travelling in newer and cleaner vehicles in addition to the health benefits.

Following further comments from Councillor Moore relating to the impact on the out of town hackney carriages operating as private hire in the city which could have an adverse impact due to the clean air zones, Chris Neville stated that if they came into the city centre they would have to pay whatever the penalty charge was which could make it economically unviable for them.

The Chair put the recommendations contained in the report at agenda item No. 10 to a vote and these were agreed unanimously.

651

RESOLVED:-

- i. That the Committee considered the implications of a policy to set emissions standards for hackney carriages and private hire vehicles to meet the standards that will apply to Clean Air Zone in Birmingham; namely Euro 4 for petrol engines and Euro VI /6 for diesel engines.
- ii. That officers be instructed to produce a draft policy for a future meeting based on the outcome of the Committee's deliberations.
- iii. That officers engaged with the neighbouring West Midlands Licensing authorities to discuss proposals for a regional emissions standard for hackney carriages and private hire vehicles.

PROSECUTIONS AND CAUTIONS FEBRUARY 2016

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

(See document No. 7)

Mark Croxford, Head of Environmental Health, provided a comprehensive breakdown of the report.

Councillor Moore expressed his disappointment with the low level fine for the dumping of a three piece suite which he added was an item that was disposed of on a regular basis across the city. He highlighted that it was good to see a few more dog offences recorded with regard to the health and safety aspect in protecting the public. He further highlighted the importance of not discounting visiting eating establishments that had passed the standard however in time could slip.

In response to Councillor Kennedy's enquiry relating to the contract that had been passed by Cabinet for littering, Mark Croxford stated that they were looking at letting the contract for litter and it was citywide. He confirmed that it was called fixed penalty patrols 1 and 2 whereby (1) pertained to the city centre, and (2) pertained to the outer city.

He stated that if anybody identified ongoing problems with littering, the department were more than happy to direct the fixed penalty patrols to those areas. He added that they worked across the city and should there be any ongoing problems they would deal with them.

Upon further consideration, it was

652

RESOLVED:-

That the report be noted.

ACTION TAKEN BY THE CHIEF OFFICER IN CONSULTATION WITH THE CHAIR OF LPPC

653

Chris Neville, Head of Licensing confirmed that there had not been cause for action to be taken by the Chief Office in consultation with the Chair of Licensing and Public Protection Committee outside of these meetings.

OUTCOME OF APPEALS AGAINST SUB COMMITTEE DECISIONS TAKEN DURING FEBRUARY 2016

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

(See document No. 8)

Chris Neville, Head of Licensing provided a detailed breakdown of the report. He highlighted that it had been a busy period with ten appeals progressing to magistrates and one appeal progressing to crown court. It was noted that three cases had been allowed by the magistrates and one allowed in part.

The Chair put the motion contained in the report at agenda item No. 11 to the meeting and this was agreed unanimously.

654 **RESOLVED:-**

That the report be noted.

FIXED PENALTY NOTICES ISSUED FEBRUARY 2016

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

(See document No. 9)

Mark Croxford, Head of Environmental Health, provided a comprehensive breakdown of the report highlighting that at the next meeting there would be a full review of the year as well as the outturn for March 2016.

The Chair put the motion contained in the report at agenda item No.12 to the meeting and this was agreed unanimously.

655 **RESOLVED:-**

That the report be noted.

At this juncture the chairman sought confirmation that members had read the minutes whilst circulated during the meeting whereby members agreed that they had.

MINUTES

16 March 2016

656 The Minutes of the meeting held on 16 March, having been circulated during the meeting, were confirmed as a correct record and signed by the Chairman.

MATTERS ARISING

Animal Welfare Post (Minute No. 633)

657 In response to Councillor Kennedy's enquiry relating to the above, Mark Croxford confirmed that as a result of this it had been recorded as an outstanding minute and two actions had been identified.

Travellers

Licensing and Public Protection Committee – 20 April 2016

- 658 With regard to the above, Mark Croxford confirmed that a report would be submitted to committee in June 2016.
-

Counter-Terrorism Preparedness for Sports Grounds

- 659 Mark Croxford was unable to update on this issue. He confirmed that Alistair Campbell was in contact with Alison Harwood and subsequently provided assurance that any feedback relating to this would be submitted to the Chair and Councillor Kennedy.
The Chair stressed that the issue raised by Councillor Kennedy was extremely important as there was a definite need to ensure the public were safe when visiting venues and highlighted the requirement for the submission of a report to this committee.
-

Cumulative Impact Policy

- 660 In response to Councillor Moore's enquiry relating to the above-mentioned policy, Chris Neville confirmed that there had been no consultation as yet however, agreed to discuss with the department when this would be taking place.
-

Licensing Sub Committees

- 661 In response to Councillor Clinton's enquiry relating to a planning representation, Chris Neville confirmed that he was not familiar with the case however, would presume in their role as a responsible authority under the Licensing Act that they would be allowed to make representations.
-

Chair's Vote of Appreciation

- 662 The Chair thanked the committee for their co-operation and support and subsequently wished all members well that were standing for re-election.
-

SCHEDULE OF OUTSTANDING MINUTES

The following scheduled of Outstanding Minutes was submitted:-

(See document No. 10)

The Chair put the motion contained in the report at agenda item No. 14 to the meeting and this was agreed unanimously

- 663 **RESOLVED:-**

That all outstanding Minutes be continued to the June 2016 meeting.

AUTHORITY TO CHAIRMAN AND OFFICERS

664

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 12:30 hours.

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CHAIRMAN