

BIRMINGHAM CITY COUNCIL

**LICENSING AND
PUBLIC PROTECTION
COMMITTEE
10 APRIL 2019**

**MINUTES OF A MEETING OF THE LICENSING
AND PUBLIC PROTECTION COMMITTEE HELD
ON WEDNESDAY 10 APRIL 2019 AT 1000
HOURS IN COMMITTEE ROOMS 3 AND 4
COUNCIL HOUSE, BIRMINGHAM**

PRESENT: - Councillor Barbara Dring in the Chair;

Councillors Bob Beauchamp, Nicky Brennan, Neil Eustace,
Adam Higgs, Mary Locke Nagina Kauser, Mike Leddy, Bruce
Lines, Simon Morrall and Martin Straker-Welds.

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NOTICE OF RECORDING/WEBCAST

1148 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

1149 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

1150 Apologies were received from Councillors Olly Armstrong, Phil Davis, Hendrina Quinnen and Mick Sharpe for non-attendance.

MINUTES

1151 The Minutes of the meeting held on 13 March 2019, 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.

REVIEW OF CHARGES FOR HIGHWAY SERVICES FOR 2019/2020

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

(See Document No. 1)

Kamyar Tavassoli, Highways Service Manager, presented the report and whilst highlighting the key points made particular reference to 3.2 of the report which detailed the recipient of fees and charges.

He confirmed that they would endeavour to submit the fees and charges earlier next year in order that they became effective as soon as possible.

The Chair put the recommendations to the meeting all were unanimously agreed:-

1152 **RESOLVED:-**

That the Committee;

- 2.1 Approved the City Council retained fees and charges, set out in Appendix 1, with effect from 29 April 2019; and
 - 2.2 Noted the fees and charges retained by the Highways Maintenance and Management Private Finance Initiative (HMMPFI) Service Provider, Amey, provided in Appendix 1, with effect from 7 June 2019.
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MEDIUM TO LONG-TERM EMISSION STANDARD AND AGE POLICY FOR HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES

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

(See Document No. 2)

Chris Neville, Acting Director of Regulation and Enforcement, made introductory comments relating to the report and subsequently provided a detailed up to date presentation on the policy.

(See Document No. 3)

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In response to Members' comments and questions the following points were captured:-

Several members commended the report and for the assistance and consideration from the drivers in the taxi industry for their contribution.

Chris Neville, confirmed that due to the ruling by the Supreme Court the City Council would have to achieve European air quality standards within the shortest time possible and therefore had no choice but to implement the Clean Air Zone (CAZ). He further confirmed that there were 900 deaths per year as a result of the poor air quality.

Chris Neville, referred to Wolverhampton and confirmed that they did not have a Clean Air Zone however they were looking to raise their emission standards, adding that if they did change their policy to a more stringent age level for vehicles, then the City may in light of this, look to review its age policy although were aware of the concerns raised by drivers with regard to the economic impact this could have.

Chris Neville referred to the other cities that were required to put in place a Clean Air Zone and confirmed that not all had adopted CAZ as some had chosen alternative means to try and achieve air quality standards. He further confirmed that Birmingham was the largest geographical CAZ and that other cities had smaller areas due to the nature of pollution.

The Chair stressed that every effort had been made to provide the best offer they could and highlighted the importance of meeting the specified timescales otherwise there was a danger of losing the funding.

She stated that they would not be taking questions from the drivers in attendance, as the item had already been discussed at their trade meeting where she had been in attendance together with the Cabinet Member.

At 11:10 hours there was a fifteen minutes adjournment.

In response to Councillor Eustace's suggestion that the charge received each year as a result of the CAZ that some of the funding should be used to support the taxi drivers' additional costs in the future, Chris Neville agreed to explore the possibility.

The Chair thanked the taxi drivers for attending the meeting.

The Chair put the recommendations in the report to the meeting:-

1153 **RESOLVED:-**

The following Recommendations 2.1 and 2.2 was agreed seven in favour, one against and three abstentions.

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- 2.1 That the recommended policies in Appendix 1 'Hackney Carriage Vehicle Age, MOT and Retrofit Requirements' from paragraphs 1 to 12 be approved; and
- 2.2 That the recommended policies in Appendix 2 'Private Hire Vehicle Age, MOT and Retrofit Requirements' from paragraphs 1 to 12 be approved; and

The following Recommendations 2.3 and 2.4 were unanimously agreed.

- 2.3 That the Committee requested that officers bring a report to a future meeting to consider the consequences of the policy for private hire drivers and owners as it relates to people carriers, and specifically the availability of ULEV people carriers and that exploration of the possibility of additional funding for tax drivers to assist them in the future from the charges received as a result of CAZ.
- 2.4 That the Committee requested that officers bring a report to a future meeting to consider how hackney carriage owners can surrender and retrieve vehicle plate within 2 years from the date of surrender.

DEPARTMENT FOR TRANSPORT STATUTORY GUIDANCE

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

(See Document No. 4)

Emma Rohomon, Acting Head of Licensing, made introductory comments relating to the report.

In response to Members' comments and questions the following points were captured:-

Emma Rohomon confirmed that drug testing was not part of the statutory guidance but agreed to explore the possibility.

Emma Rohomon reported that where the county council had taken on the licensing function they had still retained all the separate licensing committees and the separate licensing policies/conditions, adding that there was no economy of scale, unless they had a separate legislative change in order to make it a unitary authority.

She highlighted that whilst they were working with the neighbouring authorities' there was always room for improvement and in doing so may prevent any potential plans in losing the service in the future.

The Chair highlighted the positive aspect of voices being heard with cross border working.

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Emma Rohomon referred to the merits once statutory guidance came into effect with regard to working with the surrounding local authorities, adding that any real changes to working with other authorities would be after the outcomes relating to the task and finish group and the Government response.

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

1154 **RESOLVED:-**

2.1 That the report be noted.

2.2 That the consultation response be submitted.

CONDITIONS OF LICENCE FOR HACKNEY CARRIAGE VEHICLES

The following report of the Director of Regulatory Services was submitted:-

(See Document No. 5)

Shawn Woodcock, Licensing Operations Manager, made introductory comments relating to the report.

In response to Members' comments and questions the following points were captured:-

Shawn Woodcock, explained the reasoning for change to the conditions disallowing advertisement on the vehicle size windows as it obliterated the view of the passengers travelling inside the vehicle.

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

1155 **RESOLVED:-**

That the Committee approved the proposed amendment to the conditions for Hackney Carriage Vehicles and that they be introduced with immediate effect.

OUTCOME OF APPEALS AGAINST SUB COMMITTEE DECISIONS: FEBRUARY 2019

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

(See Document No. 6)

Emma Rohomon, Acting Head of Licensing, provided a breakdown of the report.

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

1156 **RESOLVED:-**

That the report be noted.

ACTION TAKEN BY THE CHAIR OF THE LICENSING & PUBLIC PROTECTION COMMITTEE: JANUARY 2019

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

(See Document No. 7)

Emma Rohomon, Acting Head of Licensing, made introductory comments relating to the report and advised of the actions taken by the Chair in respect of the following licences:-

On 4 March 2019 the Licensing Enforcement Section received information from West Midlands Police; Driver 3411 was currently under investigation for an allegation of conspiracy to murder, the driver was on Police Bail. In the interests of public safety being considered paramount, an authorisation of the Director of Regulation and Enforcement, acting in consultation with the Chair, was obtained and on 4 March 2019 notice was hand delivered personally to driver 3411's last known address, advising that his private hire driver licence was revoked with immediate effect, in accordance with Sections 61(1)(b) and 61(2b) of the Local Government (Miscellaneous Provisions) Act 1976.

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

1157 **RESOLVED:-**

That the report and verbal update be noted.

PROSECUTIONS AND CAUTIONS – FEBRUARY 2019

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

(See Document No. 8)

Chris Neville, Acting Director of Regulation and Enforcement, provided a detailed breakdown of the report.

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

1158 **RESOLVED:-**

That the report be noted.

SCHEDULE OF OUTSTANDING MINUTES

The following schedule of Outstanding Minutes was submitted:-

(See Document No. 9)

Chris Neville, Acting Director of Regulation and Enforcement, confirmed that there were two reports listed for May 2019.

1159

RESOLVED:-

That all Outstanding Minutes be continued.

OTHER URGENT BUSINESS

SAFETY AT SPORTS GROUNDS ADVISORY GROUPS

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

(See Document No. 10)

Chris Neville, Acting Director of Regulation and Enforcement, introduced the report and briefly explained that as a result of the incident that had taken place at Birmingham City FC ground, highlighted the concern raised regarding elected members being nominated to sit on Sports Advisory Groups (SAG).

Councillor Leddy commented that the incident that had taken place could not have been prevented. He confirmed that SAGS had been introduced some 30 years ago and whilst highlighting the merits of the SAG's, provided a detailed account of the incident that had taken place at Villa Park and the positive outcome as a result of the SAG's intervention and elected members sitting on these groups.

He stated that he could not support the recommendations and suggested that a small working group be set up before the City Council AGM to discuss membership of the SAGs.

Both Councillors Beauchamp and Eustace fully supported Councillor Leddy's comments and subsequently provided examples of where the involvement of elected members, sitting on SAGs, had provided positive results relating to social, environmental and public issues.

The Chair confirmed that she had raised concern relating to SAGs, and all of the aspects relating to them which included bringing them back in-house to this committee. She was of the opinion that members sitting on any future SAG's should be part of this committee and that there should be regular reporting back to this committee. She fully supported the undertaking of a

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review of how the SAGs were working at this time and that it was done promptly before the City Council AGM.

Chris Neville, referred to the proposed review of the working group of members of this committee whereby they would look at the arrangement of SAGs and simultaneously how that fed back to this committee, and to ensure that all the processes were being followed correctly.

The Chair put recommendation 2.1 to the meeting and it was unanimously agreed that it was not carried.

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

1160 **RESOLVED:-**

2.2 That an immediate review of the constitution, terms of reference and procedures for the SAGS be undertaken in accordance with Section 4.5 of the Guide to the Safety Certification of Sports Grounds (Appendix 1).

OTHER URGENT BUSINESS

EVIDENCED BASED INFORMATION

1161 Councillor Lines stated that when there was a policy change in Licensing Committee, suggested that there needed to be a change in approach with regard to more evidence based information, in order to support any changes made. He added that where changes were made relating to the taxi industry, that drivers were also made more aware of the information supporting the actions.

The Chair detailed the actions that had taken place with regard to supporting the drivers and highlighted that the commitment had been met with regard to helping the drivers and that they would be receiving the bulk of the funding in helping them with their transition.

Vote of Appreciation

1162 At this juncture, the Chair thanked Chris Neville on behalf of the Committee and herself for all his effort and hard work in supporting the Committee. She confirmed that he would be greatly missed and wished him well in his future retirement.

Councillor Eustace also thanked Chris for all his support and advice over the years and wished him well.

Chris Neville thanked members for their kind comments and confirmed that they he had thoroughly enjoyed working with elected members and subsequently wished Steve Hollingworth good luck in his new role

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The Chair welcomed Steve Hollingworth to the meeting.

Steve Hollingworth stated that he was delighted to take up his new position as the replacement for Chris and was fully aware of the responsibility of the work that needed to be done.

AUTHORITY TO CHAIR AND OFFICERS

1163

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 1240 hours.

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CHAIRMAN