

## **BIRMINGHAM CITY COUNCIL**

<b>LICENSING AND PUBLIC PROTECTION COMMITTEE 19 SEPTEMBER 2018</b>
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**MINUTES OF A MEETING OF THE LICENSING  
AND PUBLIC PROTECTION COMMITTEE HELD  
ON WEDNESDAY 19 SEPTEMBER 2018 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,  
Adam Higgs, Mike Leddy, Hendrina Quinnen, Sybil Spence,  
and Simon Morrall.

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**NOTICE OF RECORDING/WEBCAST**

- 1048 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**

- 1049 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.

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**APOLOGIES**

- 1050 Apologies were received from Councillors Neil Eustace, Nagina Kauser, Mary Locke, Mike Sharpe and Martin Straker-Welds for non-attendance.
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**MINUTES**

- 1051 Referring to the first bullet point on page 709 of the previous Minutes, Councillor Nicky Brennan indicated that the word 'girl' should be replaced with word 'woman'.

Subject to the above amendment, the Minutes of the meeting held on 23 July 2018, having been previously circulated were confirmed as a correct record and signed by the Chairman.

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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.**

In the absence of the presenting officer, the Chair indicated her intention to postpone consideration of agenda item 5 and move on to agenda item 6.

**REQUEST TO INTRODUCE ADVERTISING ROOF SIGNS FOR HACKNEY CARRIAGE VEHICLES**

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

(See Document No. 1)

Charles Jepson and Nick Smith, Wedooh Ltd attended the meeting.

Chris Arundel, Principal Licensing Officer, made introductory comments relating to the report.

Charles Jepson and Nick Smith outlined the company's proposals to the Committee as set out in the presentation in the appendix of the report.

The Chair indicated that she had concerns relating to the content of the advertising and the brightness of the screens which she felt would cause distraction if too bright.

Charles Jepson and Nick Smith responded to questions from Members of the Committee by making the following points:-

- a) The taxi tops were owned by the company and had a life expectancy of 7 years. They were made of recyclable materials with a light level of 300 candela and had two light sensors.
- b) The system operated on 5G network in London so would be compatible if and when 5G was introduced in Birmingham.
- c) The company had heard from taxi drivers in London that the income from the taxi tops offset their insurance costs for the year.

- d) Adverts will be screened by the company to ensure they comply with regulations/the law. Political messages would not be allowed in Birmingham.
- e) There would be no videos and movement would be kept to a minimum in the adverts. There were six adverts in a loop and customers could pay to have adverts shown by post code or at a certain time of day on a first come first served basis.
- f) The Company provided 24/7 access to a call centre for assistance and operated from Edgbaston Stadium. Routine servicing of the units would be undertaken at this location and would require the driver to visit whilst the unit was exchanged.
- g) The Company had 30 double-sided units that would be positioned on the taxi so that pedestrians could view the adverts. There was a on off switch in the cab to allow the driver to turn off the unit when he was, say, returning home late at night.
- h) It was the intention to supply 100 units in Birmingham.
- i) Complaints would be handled through the call centre, email or phone. Complainants would receive a reference number and it was the intention to reply within 4 days.
- j) The intention in Birmingham was not to make payments to the Council following advice from officers but some airtime could be made available for Community and emergency content. The average spend of clients was between £1,000 to £2,000. It was estimated that there was 75% of repeat business.
- k) The company was willing to accept the officers' additional requirements in respect of the proposals.
- l) From the experience in London there were no issues of public safety as rigorous testing had been carried out on the units before they were accepted by TfL. The brightness emitted was lower than what it would be normal to prevent distraction.
- m) The units were approximately 600mm height which was determined by height restrictions at London Euston Station and it was the intention to use the same type of units. A small sticker in the cab would remind the driver of the height of his vehicle.

In respect to the last point, Chris Arundel advised that it was the intention to only fit the units to TX type London taxis as the units were designed for that type of vehicle.

The Chair put the recommendations to the meeting and they were unanimously agreed.

1052

**RESOLVED:-**

- (i) That the request put forward by Wedooh Ltd in relation to roof top advertising signage on Birmingham hackney carriage vehicles be agreed; and
  - (ii) that the recommendations made at paragraph 5.1 in this report be adopted.
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At 1052 hours the meeting was adjourned.

At 1057 hours the meeting was reconvened.

The Chair indicated her intention to return to agenda item 5.

**LICENSING AND PUBLIC PROTECTION BUDGET MONITORING 2018/19 – QUARTER 1**

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

(See Document No. 2)

The Committee was advised that the meeting had not been entered in the Finance Officer's diary and Chris Neville, Acting Director of Regulation and Enforcement, made introductory comments relating to the report.

The Chair indicated that the report was good news and Councillor Mike Leddy congratulated officers in achieving balanced budget for the first quarter of the financial year. He requested a report be presented to Committee outlining why the reserves in appendix 5 were been held and why. Chris Neville gave a brief response but indicated that a report giving more detail would be presented to a future meeting of the Committee.

Councillor Bob Beauchamp welcomed the contents of the report but queried what the problem was to cause the pressure for Highway Licensing and Chris Neville indicated that it was because of increased payments to an external contractor.

1053

**RESOLVED:-**

- (i) That the latest Revenue budget position at the end of June 2018 (Quarter 1) and Forecast Outturn as detailed in Appendix 1 be noted;
- (ii) that the position for the Savings Programme for 2018/19 as detailed in Appendix 2 be noted;
- (iii) that the expenditure on grant funded programmes in Appendix 3 be noted;
- (iv) that the position on Capital projects, as detailed in Appendix 4 be noted;

- (v) that approval be given to the appropriations to and from reserves relating to Proceeds of Crime Act; and
- (vi) that the position on reserves and balances, as detailed in Appendix 5 be noted.

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**CARD PAYMENTS IN HACKNEY CARRIAGE VEHICLES – RESULTS OF PUBLIC CONSULTATION**

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

(See Document No. 3)

Chris Arundel, Principal Licensing Officer, made introductory comments relating to the report and responded to questions from Members relating to the card terminals available, drivers not being able to pass on the service charge, the continuation of other payment methods and that drivers would bear the costs associated with the proposals.

The Chair put the recommendations to the meeting and, following a show of hands, by 8 in favour to 0 against with 1 abstention it was-

1054

**RESOLVED:-**

- (i) That it be agreed that with effect from 1 January 2020, provision of card payment facilities will be compulsory in all Birmingham licensed hackney carriage vehicles;
- (ii) that drivers and proprietors have the freedom of choice as to which processing company or agent they use to provide their credit card processing equipment;
- (iii) that the conditions of licence should be amended to reflect the new requirement with effect from 1 January 2020 as agreed at (i), with the new condition as at paragraph 5.5 in the re[port applying to all licences on renewal, after that date; and
- (iv) that Outstanding Minute 920 be discharged.

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**CONDITIONS OF LICENCE FOR HACKNEY CARRIAGE VEHICLES**

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

(See Document No. 4)

Shawn Woodcock, Licensing Operations Manager, made introductory comments relating to the report confirming he would now include in the

conditions those relating to roof advertising and credit card payments agreed earlier in the meeting.

At the invitation of the Chair Mr Rashid, Birmingham and Solihull Taxi Alliance, which represented hackney carriage drivers, private hire drivers and private hire operators, explained that views expressed at trade meeting were not reported to the Committee. In addition responses from the trade to consultation were gathered by the organisation were not taken in to consideration by the Council.

Shawn Woodcock responded to comments made by Councillor Armstrong relating to the low response to the consultation and in respect of Mr Rashid's comments emphasised that Mr Rashid had responded to the consultation, referred to on page 78 of 192 in the document pack, but had failed to provide evidence of the survey undertaken. Had such information been forthcoming then it could have been considered.

The Chair put the recommendation to the meeting and it was unanimously agreed:-

1055 **RESOLVED:-**

That the Committee approve the proposed conditions for Hackney Carriage Vehicles and these are introduced with effect from Monday 24<sup>th</sup> September for both new and renewed vehicle licences.

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### **VEHICLE ENGINE SIZES**

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

(See Document No. 5)

Shawn Woodcock, Licensing Operations Manager, made introductory comments relating to the report and responded to comments and questions made by Members relating to licensing very small vehicles, which would still fail to meet other conditions for example the number of doors and vehicles exempted from the current engine size policy.

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

1056 **RESOLVED:-**

- (i) That it be agreed to remove the policy requirement for private hire vehicles to have a minimum engine size with immediate effect; and
  - (ii) that Outstanding Minute No. 992 be discharged.
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**REPORT ON THE CHANGES FOLLOWING THE INTRODUCTION OF THE ANIMAL WELFARE (LICENSING OF ACTIVITIES INVOLVING ANIMALS) (ENGLAND) REGULATIONS 2018**

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

(See Document No. 6)

Vikki Allwood, Senior Animal Health and Welfare Officer, made introductory comments relating to the report and responded to comments and questions made by Members relating to how domestic breeders would be identified and the cost of licences. Chris Neville, Acting Director of Regulation and Enforcement, added that the cost of licences were determined on a cost recover basis similar to other licences and to prosecute individuals would not provide a income to the Council as the money derived from fines when to Central Government.

Councillors Bob Beauchamp and Simon Morrell felt that the cost of the licences would drive activities underground with Councillor Morrell noting the impact on small businesses.

Councillors Nicky Brennan and Olly Armstrong spoke in support of the proposals

The Chair put the recommendations to the meeting and, following a show of hands, by 6 in favour to 0 against with 2 abstentions it was-

1057

**RESOLVED:-**

That the proposed new fees in the appendix to the report be approved and the report be noted.

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**PENALTY POINTS SYSTEM FOR LICENSED DRIVERS AND VEHICLE PROPRIETORS**

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

(See Document No. 7)

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

Councillor Mike Leddy commented that the proposals did not go far enough to make the taxi operators who took the drivers on responsible for the actions of those drivers and the maintenance of standards. Shawn Woodcock emphasised that operators rarely owned vehicles and it was the drivers responsibility to ensure the vehicle was roadworthy. He added that operators were subject to inspection.

The Chair had reservations about the proposals in paragraphs 5.4 to 5.8 creating Officer Review Meetings as she felt this should be in the remit of the Licensing Sub-Committees and would be more transparent. Shawn Woodcock explained the reasoning behind the proposals for the creation of Officer Review Meetings.

Shawn Woodcock responded to further member questions relating to how the number of points for each misconduct was determined, the benefits and pitfalls in operation of similar systems in other authorities and how some misconduct such as smoking/use of mobile phones could be identified.

In response to a further comment that the proposals may encourage drivers to apply for a licence in other authorities and work in Birmingham, the Chair indicated that she did not believe that Birmingham should lower its standards.

The Chair put the recommendation in paragraph 2.1 to the meeting and, following a show of hands, which were unanimously agreed.

The Chair then put the recommendation in paragraph 2.2 to the meeting and, following a show of hands, by 7 in favour to 0 against with 1 abstention it was agreed.

Therefore it was-

1058

**RESOLVED:-**

- (i) That approval be given to the introduction of a penalty points system attached at Appendix 1 of the report for licensed drivers and vehicle proprietors; and
- (ii) that the administration of the scheme be delegated to Licensing Enforcement Officers and above as described in paragraphs 5.4 – 5.8 of the report.

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**PROSECUTIONS AND CAUTIONS – MAY, JUNE AND JULY 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 highlighting some the cases.

In response to a comment from Councillor Mike Leddy relating to the lack of detailed information on the recovery of costs, Chris Neville indicated that following previous requests from the Committee work had been undertaken to correctly identify and allocate costs recovered and he would present a further report to Committee on the issue.



1059      **RESOLVED:-**

That the report be noted.

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**OUTCOME OF APPEALS AGAINST SUB COMMITTEE DECISIONS: JUNE-JULY 2018**

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

(See Document No. 9)

Chris Neville, Acting Director of Regulation and Enforcement, made introductory comments relating to the report and in response to a comment from Councillor Olly Armstrong indicated that the Councillor would be able to establish which previous appeals had been allowed by looking at previous reports on line.

1060      **RESOLVED:-**

That the report be noted.

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**ACTIONS TAKEN BY THE CHAIR OF THE LICENSING AND PUBLIC PROTECTION COMMITTEE DURING AUGUST 2018**

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

(See Document No. 10)

Chris Neville, Acting Director of Regulation and Enforcement, made introductory comments relating to the report.

1061      **RESOLVED:-**

That the report be noted.

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**FIXED PENALTY NOTICES ISSUED MAY TO JULY 2018**

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

(See Document No. 11)

Chris Neville, Acting Director of Regulation and Enforcement, made introductory comments relating to the report.

1062      **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.12)

Chris Neville, Acting Director of Regulation and Enforcement, commented on various Outstanding Minutes.

1063      **RESOLVED:-**

That Outstanding Minute Nos. 920 and 992 be discharged and all other Outstanding Minutes be continued.

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**OTHER URGENT BUSINESS**

1064      There were no items of Other Urgent Business.

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**AUTHORITY TO CHAIR AND OFFICERS**

1065      **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 ended at 1253 hours.

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CHAIRMAN