

**BIRMINGHAM CITY COUNCIL**

**LICENSING AND  
PUBLIC PROTECTION  
COMMITTEE  
30 SEPTEMBER, 2020**

**MINUTES OF A MEETING OF THE LICENSING  
AND PUBLIC PROTECTION COMMITTEE HELD  
ON WEDNESDAY, 30 SEPTEMBER, 2020 AT  
1030 HOURS AS AN ONLINE MICROSOFT  
TEAMS MEETING**

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

Councillors Bob Beauchamp, Nicky Brennan, Neil Eustace,  
Adam Higgs, Mike Leddy, Mary Locke, Majid Mahmood, Simon  
Morrall, Chauhdry Rashid, Mike Sharpe and Martin Straker  
Welds.

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**NOTICE OF RECORDING/WEBCAST**

1288 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**

1289 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.

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**APOLOGIES**

1290 An apology was received from Councillors Olly Armstrong and Bruce Lines for non-attendance.

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**MINUTES**

1291 The Minutes of the meeting held on 12 February, 2020, having been previously circulated were confirmed and signed by the Chair.

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

**THE ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014:  
PROPOSALS TO EXTEND AND VARY THE DOG RELATED PUBLIC  
SPACE PROTECTION ORDERS**

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

(See document no. 1)

Mark Croxford, Head of Environmental Health, made introductory comments relating to the report during which he indicated that there was a slight modification to the Public Space Protection Orders related to dogs on leads on footpaths.

In response to Councillor Brennan, Marc Croxford confirmed that areas included children's play areas. In reply to comments from Councillor Majid Mahmood that the vast majority of dog owners were responsible owners and his disappointment at the low numbers of feedback and participation levels to which Councillor Mary Locke added that there were different ways of carry out consultation, Marc Croxford explained that a lot of people were reluctant to respond to consultations. The RSPCA had been one of the stakeholders involved. In reply to Councillor Adam Higgs' comment about dog fouling he added that some people felt there were areas that were natural for dog fouling as it would break down. There was a minority of irresponsible dog owners therefore there was a need for the powers.

1292

**RESOLVED:-**

- i) That the Committee considers there is a necessity for the following proposed Public Space Protection Orders to be extended by the Cabinet Member - Social Inclusion, Community Safety & Equalities having had regard to the outcome of the consultation.
    - a) Fouling of Land by Dogs
    - b) Dogs on Leads to be varied to exclude designated park land
    - c) Dogs on Lead by Direction
    - d) Dogs Exclusion
    - e) The Dogs (Specified Maximum)
  - ii) that the Cabinet Member - Social Inclusion, Community Safety & Equalities be requested to extend, for a period of 3 years, the PSPOs listed in a), c), d) and e) and the PSPO in b) amended as described,
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**IMPACT OF CAZ**

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

(See document no. 2)

Sajeela Nasser, Head of Licensing, Markets and Street Trade gave a summary of the report explaining the three potential options for the Committee to consider which were explained in detail at paragraph 6.1 of the report. Sajeela Nasser indicated that the Cabinet Member was supportive of Option 3 and would continue to protect jobs in the City and support taxi drivers. The Committee's views were requested on the 3 options.

Councillor Leddy queried how this compared with the resolutions passed at City Council in September with regard to carbon emissions. Members expressed their views on the 3 options and agreed there was a need for the infrastructure to be available in the City. Councillor Majid Mahmood felt it would be helpful to have details of the charging points installed on a regular basis and queried the numbers of hybrid vehicles.

Sajeela Nasser responded that the long term aim would have positive effects on the City. Owing to the impact of Covid 19 there had been some reassessment of proposals. A balance needed to be made to try to improve the air quality. Officers could look at other options if Members so wished. Sajeela Nasser undertook to arrange for a presentation to the Committee on the infrastructure in the City. It was suggested that option 3 should be subject to the decision of the City Council in September 2020.

Option 2 was put to the vote and lost.

Option 3 as amended, subject to the decision of the City Council in September 2020, was put the vote and approved.

1293

**RESOLVED:-**

- i) That the Committee adopts Option 3 – Amend the requirement to require newly licensed vehicles be required to be ULEV from 1 January 2026 subject to the decision of the City Council in September 2020 with regard to carbon emissions.
  - ii) That minute 1153 point 2.3 be discharged; and
  - iii) That a further review the availability of ULEV's in the summer of 2024 to ensure that option 3 is a viable option for the trade and to consider the availability of suitable vehicles and charging infrastructure.
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**POSTPONING THE 2020 HACKNEY CARRIAGE UNMET DEMAND SURVEY**

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

(See document no. 3)

Emma Rohoman, Licensing Operations Manager made introductory comments relating to the report and indicated that a new survey would normally be required during 2020 however owing to the impact of Covid 19 the results would not be a true reflection of the trade in Birmingham or the levels of demand for hackney carriage vehicles. It was suggested that the survey be deferred to the following year until traffic levels returned and a meaningful survey could be carried out. In reply to comments from Councillor Majid Mahmood, Emma Rohoman informed that the current guidance was that the survey should be carried out every 3 years.

1294

**RESOLVED:-**

- i) That Members agree that the unmet demand survey is postponed until such a time as traffic levels return to normal levels; and
- ii) that the moratorium on new hackney carriage vehicle licences continues until a review can be conducted that includes data from the unmet demand survey.

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**CORONAVIRUS AND ENFORCEMENT**

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

(See document no. 4)

Paul Lankester, Interim Assistant Director, Regulation and made introductory comments relating to the report and suggested that the Committee may want a representative from West Midlands Police to attend a future meeting. Paul Lankester thanked officers working on enforcement who were going an extra mile in carrying out their duties. Mark Croxford gave an update on the work of the Environmental Health Team in tackling Coronavirus in Birmingham giving a summary of the report.

The Chair on behalf of the Licensing and Public Protection Committee thanked officers from Environmental Health and Licensing for their response to recent events and into uncharted territory and asked that the Committee record its thanks to all staff at all levels.

Members spoke about keeping citizens safe and the rising number of deaths in the UK. The Committee was informed that a number of events had continued to be held in the City in breach of Government guidelines and some examples were given. With regard to demonstrations a risk assessment was always

required by the City Centre Manager who was in contact with the police and organisers who generally complied with the requirement. As a result some demonstrations had not taken place in order to keep people safe.

In reply to Councillor Majid Mahmood Marc Croxford said that he could not comment about the event mentioned as it was in Solihull and not Birmingham. West Midlands Police have attended some events or gatherings following receiving a complaint. They were then required to provide evidence.

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**RESOLVED:-**

That the report be noted.

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**REGULATION AND ENFORCEMENT REPORT TO END AUGUST 2020**

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

(See document no. 5)

Paul Lankester, Interim Assistant Director, Regulation and Enforcement made introductory comments relating to the report and informed the Committee that a report regarding Covid 19 will be incorporated in the future.

In reply to comments from Members, Paul Lankester advised that a risk assessment had been carried out to establish the situation with regard to temporary pavement licences.

With regard to placarding Tony Quigley, Trading Standards informed that the majority of the companies contacted had ceased placarding however there were now some new companies who had been asked to take their placarding down. An enforcement notice was served on the second occasion. Officers had done some publicity to deter businesses from placarding.

In relation to the business grants, Tony Quigley, Trading Standards said that Birmingham Audit were cross referencing applications and had highlighted a number of businesses were not eligible. Going forward they would support any investigation by Birmingham Audit in the early stages.

In reply to questions different ways of working had been introduced for the Registration Service and was being monitored. It would take the rest of the financial year to clear the backlog of births registered and additional working hours had been undertaken to deal with it. Births were required to be registered face to face and was restricted by the number of people allowed in the registry office per day.

Pavement licences were temporary until September 2021. Paul Lankester undertook to liaise with colleagues regarding a joint report by Ward. Stratford Road in particular was mentioned. The issue had been looked at through an Enforcement sub-group and there was a priority street list for officers to visit to speak to traders. Enforcement action could be taken by officers. Sajeela

## **Licensing and Public Protection Committee – 30 September, 2020**

Nasser undertook to feedback Member's concerns and query the strategies for dealing with the issue of encroachment onto the pavement.

1296 **RESOLVED:-**

That the report be noted.

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### **NATIONAL TRADING STANDARDS REGIONAL INVESTIGATIONS TEAM (CENTRAL ENGLAND)**

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

(See document no. 6)

Tony Quigley, Trading Standards briefly introduced the report providing an update on the work carried out and showing some examples recent cases. Members acknowledged the good work carried out by the team

1297 **RESOLVED:-**

That the report be noted.

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### **PROSECUTIONS AND CAUTIONS - FEBRUARY 2020**

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

(See document no. 7)

It was agreed that the 2 reports should be taken together. Paul Lankester, Interim Assistant Director, Regulation and Enforcement made introductory comments relating to the report. Following some comments by Councillor Majid Mahmood it agreed by the Chair that it would be useful to have information on how work was prioritised Paul Lankester informed that they had explored the situation with litter enforcement. Officers had been threatened and given false names. Work on signage at gateways to the City for displaying information was being monitored and a report will be brought to the Committee in the future.

1298 **RESOLVED:-**

That the report be noted.

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### **PROSECUTIONS AND CAUTIONS – MARCH 2020**

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

(See document no. 8)

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**RESOLVED:-**

That the report be noted.

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**ACTION TAKEN BY THE CHAIR OF THE LICENSING AND PUBLIC PROTECTION COMMITTEE: JANUARY TO AUGUST 2020**

The following report of the Interim Assistant Director for Regulation and Enforcement.

(See document no. 9)

Emma Rohomon, Licensing Operations made introductory comments relating to the report. In response to Councillor Majid Mahmood she informed that the source of information was from West Midlands Police or other persons. Information from WMP was reported to the Chair. They always sought to clarify information with WMP. The Licensing Committee had the right to suspend or revoke a licence if they believed a person was not a fit and proper person. If the person was exonerated or it proved to be a mistake they could fast track an application to put the person in the position they was in.

There had been one further suspension since the report and it will be included in the following report. In reply to Councillor Majid Mahmood Emma Rohomon reported the following -

You must notify the Licensing Office, in writing, within 7 days if you,

- a) are convicted of any criminal or motoring offence
- b) are cautioned for any criminal or motoring offence (by the Police or any other agency)
- c) receive a Magistrates' Court summons
- d) receive a fixed penalty notice for any criminal or motoring offence
- e) receive a police warning or court order in relation to harassment or any other form of anti-social behaviour
- f) receive a civil or family law injunction
- g) are arrested for any offence (whether or not charged)
- h) are charged with any criminal offence.
- i) are refused any type of licence by any other regulatory authority or any such licence is suspended, revoked or not renewed and provide the following information:
  - a. The name of the council.
  - b. The licence number(s) of the licence(s) suspended or revoked.
  - c. The date of the decision.
  - d. A copy of the decision notice issued by the other council giving the grounds for the action taken.
- j) change your home address
- k) keep the vehicle when it is not in use at an address that is not specified on your licence

1300 **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. 10)

A report had been submitted to the Committee in February.

1301 **RESOLVED:-**

That Outstanding minute No.1231 be discharged.

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**DATE OF NEXT MEETING**

1302 The date of the next meeting to be held on 18 November, 2020 at 1030 hours was noted.

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**OTHER URGENT BUSINESS**

1303 There was no other urgent business.

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**AUTHORITY TO CHAIR AND OFFICERS**

1304 **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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**EXCLUSION OF THE PUBLIC**

1305 **RESOLVED:-**

That, in view of the nature of the business to be transacted, which includes exempt information of the category indicated, the public be now excluded from the meeting:-

Agenda Item etc.

Relevant Paragraph of Exempt  
Information Under Revised  
Schedule 12A of the Local  
Government Act 1972

Private section of the Minutes of the  
meeting 12 February, 2020

2 and 6

**PRIVATE MINUTES**

1307 The private section of the Minutes of the meeting held on 12 February, 2020 were noted and the minutes as a whole, having previously been circulated, were confirmed as a correct record and signed by the Chair.

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The meeting ended at 1242 hours.