

## **BIRMINGHAM CITY COUNCIL**

<b>LICENSING AND PUBLIC PROTECTION COMMITTEE 17 JUNE 2015</b>
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**MINUTES OF A MEETING OF THE LICENSING  
AND PUBLIC PROTECTION COMMITTEE HELD  
ON WEDNESDAY, 17 JUNE 2015 AT 1000  
HOURS IN COMMITTEE ROOMS 3 AND 4,  
COUNCIL HOUSE, BIRMINGHAM**

**PRESENT:** - Councillor Barbara Dring in the Chair;

Councillors Bob Beauchamp, Alex Buchanan, Lynda Clinton, Basharat Dad, Neil Eustace, Mahmood Hussain, Nagina Kauser, Tony Kennedy, Mike Leddy, Bruce Lines (part way through the meeting), Gareth Moore, Rob Sealey and Anita Ward.

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### **NOTICE OF RECORDING**

- 506 The Chair advised that the meeting would be webcast for live and subsequent broadcast via the Council's internet site ([www.birminghamnewsroom.com](http://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.

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### **APOLOGIES**

- 507 Apologies were received from Councillors Nawaz Ali and Bruce Lines

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### **DECLARATIONS OF INTEREST**

- 508 There were no declarations of interest submitted by Members

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### **APPOINTMENT OF LICENSING AND PUBLIC PROTECTION COMMITTEE**

- 509 The appointment by the City Council of the Licensing and Public Protection Committee (LPPC) for the Municipal Year 2015/16 was noted and agreed.

**ELECTION OF DEPUTY CHAIR**

Nominations were put forward for Councillor Alex Buchanan proposed by Councillor Anita Ward, seconded by Councillor Mike Leddy and for Councillor Gareth Moore proposed by Councillor Bob Beauchamp and seconded by Councillor Rob Sealey.

With 9 votes Councillor Buchanan was elected as Deputy Chair – to act on behalf of the Chair in her absence.

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**FUNCTIONS, POWERS AND DUTIES**

- 510 The Functions, Powers and Duties of the LPPC Committee as agreed by the City Council were noted.

(See attached document No.1)

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**DATES OF MEETINGS OF LICENSING AND PUBLIC PROTECTION (LPPC) COMMITTEE**

- 511 The dates of meetings of the LPPC Committee were noted.
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**LICENSING SUB-COMMITTEES 2015/16**

- 512 The membership, chairs and meeting times of Sub-Committees A, B and C appointed by the City Council for the Municipal year 2015/16 were noted.
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**MINUTES**

**15 April 2015**

Councillor Moore pointed out an error on Minute no. 339 regarding Councillor Ali's first name which was amended accordingly.

- 513 The Minutes of the meeting held on 15 April, having been previously circulated and amended as agreed at the meeting, were confirmed as a correct record and signed by the Chairman.
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**SCHEDULE OF NOMINATIONS TO SERVE ON OUTSIDE BODIES**

- 514 The nomination of representatives for 3 Advisory Groups to Aston Villa, and Birmingham City Football Clubs and Warwickshire County Ground were appointed and approved by the Sub-Committee:

**Aston Villa Football Club**

Councillors Robert Alden, Bob Beauchamp, Roger Harmer, Tony Kennedy (Chairman), Mike Leddy and Mike Sharpe.

**Birmingham City Football Club**

Councillors Randal Brew, Andy Cartwright, Lynda Clinton (Chairman), Zafar Iqbal, Ron Storer and Mike Ward.

**Warwickshire County Cricket Club**

Councillors Vivienne Barton, Neil Eustace, Mahmood Hussain, Nagina Kauser, Majid Mahmood (Chairman) and Habib Rehman.

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**NATIONAL SCAMS HUBS PROJECT**

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

(See document No.2)

Donna Bensley, Operations Manager Trading Standards and Chief Inspector of Weights and Measures, made introductory comments relating to the report and highlighted the work carried out in conjunction with Trading Standards and Adults Safeguarding to protect vulnerable adults who had been victims of scams costing them thousands of pounds over lengthy periods.

Members questioned the budget and resources for this work and were advised that the work was undertaken within current budgets and in response to information provided by Councillor Kennedy regarding work with Experian and other public sector agencies on the 'Healthy Villages' project and the integrated data sharing protocols within this group, which would be meeting the following day. Ms Bensley stated that she would be keen to meet with them.

Councillor Moore questioned why the national scams project had not been accessed earlier, given that it had been in operation since 2012 and there were no associated costs, and was advised that while the scheme had commenced in 2012 a lot of work had been carried out locally prior to this with vulnerable residents and the service had dealt with 35 referrals since 2012.

The Chair put the recommendations contained in the report at agenda item No 11 and these were agreed unanimously.

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**RESOLVED:-**

- (i) That Committee welcomes the report and recommends that Birmingham City Council Trading Standards Service signs the Service Level Agreement with the National Scams Hub after ensuring that compliance with the Data Protection Act has been confirmed.
- (ii) That the report be shared with the Strategic Director for People to ensure closer collaboration with colleagues working in Adults Social

Care. Additionally the report should be shared with the Cabinet Member for Health and Social Care.

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**UPDATE ON ACTIONS/INTERVENTIONS TAKEN TO CONTROL ILLEGAL ADVERTISING – FLY-POSTING AND PLACARDING**

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

(See document No. 3)

Mark Croxford, Head of Environmental Health introduced this report and informed Members of the work undertaken by Regulatory Services in partnership with other public agencies with regard to 'illegal advertising' via placards and fly-posting with regard to enforcement work undertaken to both prevent and penalise offenders.

Members welcomed this report and the enforcement action undertaken but felt that this was an area which needed to be maintained to prevent escalation of illegal advertising. Questions were raised regarding future action, the status of cautions regarding these offences, the status of religiously and politically offensive stickers, the level of work carried out in each ward and the source of the figures for wards with regard to fly-posting and placarding.

Mr Croxford advised Members that cautions were kept on record and taken into account should a further offence be committed and that a large amount of the stickers – that had been mainly put up in the lead to the elections had been removed and the service were attempting to remove any outstanding ones. Members were informed that in terms of removal the team were more active in areas of higher levels of problems with fly-posting and placarding and were provided with these figures for each ward by Fleet and Waste Management. With regard to future action regular would be brought to the Committee with information regarding percentages for each ward and regarding any interventions, including injunctions that had been undertaken.

The Chair put the recommendation contained in the report at agenda item No 5 to the meeting as amended at 2.2 to include other areas of the city and with 10 votes for, declared them carried.

516

**RESOLVED:-**

- (i) That the report be noted and outstanding minute number 405 (ii) be discharged.
- (ii) That Committee approve the attached Flyposting Enforcement Approach.

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**REVISED HEARING PROCEDURAL RULES – LICENSING ACT 2003**

## **Licensing and Public Protection Committee – 17 June 2015**

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

(See document No. 4)

Parminder Bhomra, Committee Lawyer made introductory comments relating to the report advising Members of the revised hearing procedural rules for applications made under the Licensing Act 2003.

In response to questions Ms Bhomra advised Members that currently additional documentation for hearings in the day before a hearing was accepted by Licensing Services but documents presented on the day or lost in transit accepted at the discretion of the Chair. With regard to expedited reviews members were advised that these hearings had to be held within 48 hours of the request, but ideally on the same day of the request.

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

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### **RESOLVED:-**

That Committee notes and agrees the attached set of hearing Procedural Rules for applications heard under the Licensing Act 2003.

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## **ACTION TAKEN BY THE CHAIR OF LPPC – MARCH, APRIL & JUNE 2015**

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

(See document No.5)

Chris Neville, Head of Licensing introduced the report and informed Members of action taken by the Chair under authority from Licensing and Public Protection Committee and why this authority was used.

Councillor Moore queried the possibility of a taxi driver case being sent to Licensing Sub-Committee in the event of an accusation of sexual assault without any further action taken by the Police. Mr Neville stated that if the licensing services felt there was sufficient evidence to cause doubt about their actions within the role as a result of an accusation the case would be directed to a Sub-Committee hearing – however each case would be dealt with on an individual basis,

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### **RESOLVED:-**

That the report be noted.

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## **PROSECUTIONS AND CAUTIONS – MARCH & APRIL 2015**

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

(See document No. 6)

Jacqui Kennedy, Director of Regulation and Enforcement, made introductory comments relating to the report,

Members stressed their appreciation regarding the work being undertaken by Regulatory Services regarding unhallmarked jewellery as this was an industry that was critical to the prosperity of the City and expressed their hope that the efforts being made by the service would be reflected in the prosecutions undertaken as a result. Councillors also welcomed the work identified within the report regarding Hajj Packages and the sales of meat falsely represented as halal.

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**RESOLVED:-**

That the report be noted.

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**FIXED PENALTY NOTICES ISSUED – APRIL 2014 – MARCH 2015**

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

(See document No.7)

Mark Croxford, Head of Environmental Health informed Members that 4095 fixed penalty notices had been issued in 2014-2015.

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**RESOLVED:-**

That the report be noted.

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**FIXED PENALTY NOTICES ISSUED – APRIL 2015**

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

(See document No.8)

Mark Croxford, Head of Environmental Health informed Members that 605 fixed penalty notices (FPN) had been issued in April 2015 and that these were now also identified areas of residents issued with an FPN who were outside of the Birmingham area.

Councillor Lines expressed his concern that of the FPNs issued in this month, only 17 were issued in areas on the outskirts of Birmingham and felt there should be a dispersed resource of patrols across the City. Furthermore, for the

year 2014-2015 no FPNs had been issued in Bartley Green, parts of which had littering problems. He was assured by Mr Croxford that resources were deployed in areas which were identified as having littering problems and that he would take details of the areas concerned from Councillor Lines and deploy patrol teams as required.

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**RESOLVED:-**

That the report be noted.

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**LPPC PROVISIONAL OUTTURN 2014/2015**

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

(See document No.9)

David Jones, Finance Manager, made introductory comments relating to the report advising Members of the provisional outturn overspend of £0.620m, the delivery of the savings programme for 2014/15 and the balances and reserves.

The Chair sought clarification to the transfer of the Service Birmingham Budgets from Regulatory Services to a central budget as to whether the service had been transferred with the budget and was advised that although the budget had been transferred the services continued to be provided.

Councillor Kennedy queried the breakdown of services provided by Service Birmingham for the costs incurred, the Pest Control income increases, the pressures on the Registrars Service budget and the source of the Place Directorate savings to balance the budget.

Ms Kennedy advised Members that Bereavement Services had overachieved on their income targets which would help towards the budget pressures.

With regard to Pest Control, income had increased as a result of reduced expenditure on transport and increased income and the service were currently looking at methods of increasing income in partnership with other directorates.

Members were also informed of the high income target that had been set for the Registrars Service; the effects of changes in legislation and immigration upon the income for the service an point of delivery services which were provided for the registration of births and deaths which was free of charge.

Ms Kennedy felt that it would be useful for her to provide an Information Report to a meeting of the Committee on the challenges facing the Pest Control and Registrar Services.

Mr Jones stressed that the detail regarding the Service Birmingham costs would also benefit from a further note to the Committee.

The Chair put the recommendations contained in the report at agenda item No 19 and these were agreed unanimously.

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**RESOLVED:-**

- (i) To note the provisional revenue outturn overspend of £0.620m as detailed in the report.
  - (ii) To note the delivery of the savings programme for 2015/15 as detailed in the report.
  - (iii) To note the balances and reserves as detailed in the report.
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**REGULATION & ENFORCEMENT – ENFORCEMENT POLICY REVIEW**

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

(See document No.10)

Jacqui Kennedy, Director of Regulation and Enforcement made introductory comments relating to the report advising Members of the revised enforcement policy, the risk assessment framework in the policy to improve standardisation of approach and to assure the potential for inconsistency of enforcement decision making was minimised.

Councillor Moore asked if the section of the enforcement policy regarding the suspension and revocation of a licence had been adopted and was advised by Ms Kennedy that this was case.

The Chair put the recommendation contained in the report at agenda item No 20 to the meeting and this was agreed unanimously.

523

**RESOLVED:-**

- (i) That Committee consider the revised Enforcement Policy attached to the report.
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**REGULATION & ENFORCEMENT – ANNUAL REPORT 2014/2015**

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

(See document No. 11)

Jacqui Kennedy, Director of Regulation and Enforcement, made introductory comments relating to the report on the work undertaken during the year April 2014 to March 2015 by the Regulation and Enforcement sections reporting to the Licensing and Public Protection Committee.



Members thanked Ms Kennedy for a very comprehensive report on the work of the Regulation and Enforcement Service and for the amount and variety of work undertaken given the financial difficulties faced by the service – including surveillance of faith healers and spiritualists who preyed on vulnerable people.

Councillor Moore questioned the low take up of pest control service by internal council departments and the low speed of service for Trading Standards (TS) and Environmental Health (EH) identified in the Customer Satisfaction survey and was advised by Ms Kennedy that the reduction in the number of council buildings had led to a reduced internal service and that the slower speed of service for the TS and EH services was due to a reduction of staff and service requests were batched together on a geographical basis for efficiency and this sometimes led to a slower service. However, both these services were working hard led by a pro-active management.

In response to questions from Councillor Lines regarding notice of test purchasing and responsibility for dumped rubbish on private land Ms Kennedy responded that no advance notice was given regarding test purchase by Trading Standards and that rubbish on private land was the responsibility of the land owner.

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**RESOLVED:-**

That the report be noted.

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**OFFICER DELEGATIONS FOR HACKNEY CARRIAGE AND PRIVATE HIRE SUB-COMMITTEE HEARINGS**

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

(See document No.12)

Jacqui Kennedy, Director of Regulation and Enforcement, made introductory comments relating to the report consulting the Committee on a proposal to change the delegations associated to determining licenses for the taxi and private hire trade with a view to: increasing the delegations to officers enabling more matters to be determined by them and to reduce the number of sub-committees held.

Members discussed this matter in detail and felt that they agreed with the proposal in theory although there was a need to proceed with caution in delegating authority to officers and it would be more beneficial for these proposals to be looked at via a working group who would then report back to the Committee. It was therefore agreed that 3 meetings would be set up for a working group open to all of the Committee – with the requirement to attend all 3 meetings – which would discuss these proposal and put together a briefing note for the Committee.

## **Licensing and Public Protection Committee – 17 June 2015**

The Chair put the recommendations contained in the report at agenda item No 22 to the meeting and these were agreed unanimously.

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### **RESOLVED:-**

- (i) That the Committee approve in principle the proposal to research further the opportunity to increase officer delegations and consequently reduce the number of sub-committees held.
- (ii) That the Committee establish a short life working group of officers and elected members to develop detailed proposals for presentation to the September Licensing and Public Protection Committee.

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### **SCHEDULE OF OUTSTANDING MINUTES**

The following scheduled of Outstanding Minutes was submitted:-

(See document No. 13)

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### **RESOLVED:-**

That Outstanding Minute No. 405 (ii) be discharged and all other Outstanding Minutes be continued.

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### **OTHER URGENT BUSINESS**

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There was no other urgent business.

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### **AUTHORITY TO CHAIRMAN AND OFFICERS**

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### **RESOLVED:-**

That the Chairman is hereby authorised to act until the next meeting of the Committee except that, in respect of the exercise of the Council's non-Executive functions, the appropriate Chief Officers are hereby authorised to act in consultation with the Chairman and that the Director of Legal and Democratic Services is authorised to affix the Corporate Seal to any document necessary to give effect to a decision of the said officers acting in pursuance of the power hereby delegated to them; further that a report of all action taken under this authority be submitted to the next meeting and that such report shall explain why this authority was used.

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The meeting ended at 1225 hours.

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CHAIRMAN