

BIRMINGHAM CITY COUNCIL

**LICENSING AND
PUBLIC PROTECTION
COMMITTEE
13 JULY 2016**

**MINUTES OF A MEETING OF THE LICENSING
AND PUBLIC PROTECTION COMMITTEE HELD
ON WEDNESDAY 13 JULY 2016 AT 1000
HOURS IN COMMITTEE ROOM 6,
COUNCIL HOUSE, BIRMINGHAM**

PRESENT: - Councillor Barbara Dring in the Chair;

Councillors Nawaz Ali, Bob Beauchamp, Alex Buchanan,
Basharat Dad, Des Flood, Jayne Francis, Nagina Kauser, Mike
Leddy, Gareth Moore and Habib Rehman.

NOTICE OF RECORDING

690 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

691 Apologies were received from Councillors Lynda Clinton, Penny Holbrook and Rob Sealey for their inability to attend the meeting.

MINUTES OF THE LAST MEETING – 15 JUNE 2016

692 That the public Minutes of the meeting held on 15 June, having been previously circulated to Members were noted.

Matters arising

693 In response to a question raised by Councillor Gareth Moore with regard to Minute No. 672, page 455 of the Minutes held on 15 June, Chris Neville, Head of Licensing, advised that officers were aware that the Cumulative Impact Policy for the Erdington area was important and that consultative work was

Licensing and Public Protection Committee – 13 July 2016

ongoing. He stated that he would liaise with officers and ensure that the consultation exercise would be undertaken as a matter of urgency.

Councillor Gareth Moore made reference to the nomination of Members to serve on outside bodies and requested that Councillor Robert Alden be nominated to serve in place of Councillor Ewan Mackey on the Warwickshire County Cricket Club,

The Chairman put the recommendation to the Committee and it was agreed unanimously.

(Councillor Robert Alden appointed to serve in place of Councillor Ewan Mackey on the Warwickshire County Cricket Club).

694

A brief discussion took place on the future date for the Member training day and the Chairman advised officers that when liaising with the barrister attention should be paid to the fact that Member availability during the month of August was limited due to the holiday period. She emphasised to Members the importance that a barrister was required in order to provide the training due to recent changes in the various Licensing Laws and Acts.

Councillor Flood expressed concern that the training day should not clash with any other meeting to ensure that he could attend.

The Chairman reminded Councillor Flood that the Licensing and Public Protection Committee should take priority over all other Committees.

REPORT ON THE INTRODUCTION OF COMPULSORY DOG MICRO-CHIPPING LEGISLATION

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

(See Document No. 1)

Vikki Allwood, Senior Animal Health and Welfare Officer introduced the report, highlighted the salient points and responded appropriately to Members comments.

It was -

695

RESOLVED:-

That the report on the Introduction of Compulsory Dog Micro-chipping Legislation be noted.

REGULATION AND ENFORCEMENT ANNUAL REPORT 2015/2016

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

(See Document No. 2)

Alison Harwood, Acting Director of Regulation and Enforcement introduced the presentation and advised in detail on the work undertaken during the year April 2015 to March 2016 by the Regulation and Enforcement Sections: Environmental Health, Trading Standards, the Register Office, Licensing, the Coroners and Mortuary Service and the England Illegal Money Lending Team.

In response to a question raised by the Chairman she stated that she would investigate what the impact of staff reductions in the England Illegal Money Lending Team had had on budget implications and report her findings to the next meeting of this Committee.

Officers responded appropriately to Members comments and it was -

696

RESOLVED:-

That the Regulation and Enforcement Annual Report 2015/2016 be noted.

HEALTH AND SAFETY LAW ENFORCEMENT PLAN 2016/2017

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

(See Document No. 3)

The Chairman made reference to the tragic loss of five employees working at Hawkeswood Metal Recycling Plant in Nechells and requested that the Committee's condolences be expressed to the families of all those involved in the incident at this very sad time.

Mark Croxford, Head of Environmental Health, advised that the scrap yard in question was not a premises inspected by the Local Authority and that the concerns of the Committee would be relayed to the Health and Safety Executive for investigation.

697

RESOLVED:-

That the report be noted and the Health and Safety Law Enforcement Plan for 2016/2017 be approved.

CONDITIONS OF LICENCE FOR PRIVATE HIRE OPERATORS

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

(See Document No. 4)

Members expressed concern that a number of issues had not been addressed and requested that the following points be investigated and incorporated into the report:

- All operators should ensure that private hire and hackney carriage taxi drivers take 'Child Sexual Exploitation' training as part of their conditions of licence.
- Conditions were required to be included in the operators schedule to regulate private hire taxi marshals. Marshals should wear appropriate fluorescent jackets clearly marked with the wording 'MARSHAL' on the back in order to ensure public safety.
- A condition should be added to the operators schedule stating that operators should take responsibility for employees that ply for hire.

698

RESOLVED:-

- (i) That the views and comments of the Committee as stated in the above preamble be incorporated into the report and that the amended report be brought back to Committee for approval prior to the consultation exercise on the proposed updated conditions for private hire operators with trade and members of the public;
- (ii) That Outstanding Minute No. 648 be continued.

The Committee adjourned at 1218 hours for a comfort break and reconvened at 1225 hours.

PROPOSAL TO INTRODUCE A QUALITY RATING SYSTEM FOR PRIVATE HIRE OPERATORS

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

(See Document No. 5)

Shawn Woodcock, Acting Operations Manager introduced the report and amended recommendation 2.2 of the report to read that the report be resubmitted to the Committee in October with a view to implementing the scheme from November 2016.

The Chairman put the amended recommendation 2.2 to the Committee and it was agreed unanimously.

It was -

699

RESOLVED:-

- (i) That the scoring mechanism as outlined in Appendix 1 attached to the report be noted;
 - (ii) That officer's be instructed to consult with the trade and wider public on the proposals and bring the responses to that consultation back to the Licensing and Public Protection Committee in October 2016 with a view to implementing the scheme from November 2016.
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LICENSING AND PUBLIC PROTECTION – BUDGET MONITORING 2016/17 (MONTH 2)

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

(See Document No. 6)

David Jones, Finance Manager, made introductory comments relating to the report advising Members of the latest revenue budget position at the end of May 2016, and the forecast position for the year end.

Members expressed concern and stated that action needed to be taken to ensure that spending was within the approved cash limits. It was suggested that fees for services provided should be increased in order to generate further income and alleviate the budget pressure which was currently overdrawn.

Members felt that they had little or no confidence that the year will end with a balanced budget unless solutions to the problem were addressed and implemented.

Officers responded to Members concerns and advised that a meeting with managers in order to find solutions to alleviate the budget pressure was being implemented.

700

RESOLVED:-

The Licensing and Public Protection Committee:

- (i) Noted the last Revenue budget position at the end of May 2016 (Month2) and Forecast Outturn as detailed in Appendix attached to the report;
 - (ii) Noted the position with regard to the savings Programme for 2016/17 as detailed in Appendix 2 attached to the report;
 - (iii) Noted the expenditure on grant funded and Proceeds of Crime funded programmes detailed in Appendix 3 attached to the report;
 - (iv) Noted the position on reserves and balances as detailed in Appendix 4 attached to the report.
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Licensing and Public Protection Committee – 13 July 2016

FIXED PENALTY NOTICES ISSUED MARCH AND APRIL 2016

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

(See Document No. 7)

Mike Croxford, Head of Environmental Health introduced the report and highlighted the salient points.

701 **RESOLVED:-**

That the report on Fixed Penalty Notices Issued March and April 2016 be noted.

PROSECUTIONS AND CAUTIONS DURING MARCH AND APRIL 2016

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

(See Document No. 8)

Alison Harwood, Acting Director of Regulation and Enforcement introduced the report and responded appropriately to Members comments.

702 **RESOLVED:-**

That the report on Prosecutions and Cautions during March and April 2016 be noted.

At 1316 hours Councillor Jayne Francis left the meeting.

**OUTCOME OF APPEALS AGAINST SUB COMMITTEE DECISIONS
MARCH, APRIL AND MAY 2016**

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

(See Document No. 9)

Chris Neville, Head of Licensing introduced the report and highlighted the salient points.

703 **RESOLVED:-**

That the report on the Outcome of Appeals against Sub-Committee decisions in March, April and May be noted.

ACTIONS TAKEN BY THE CHIEF OFFICER IN CONSULTATION WITH CHAIR OF LICENSING AND PUBLIC PROTECTION COMMITTEE – APRIL, MAY AND JUNE 2016

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

(See Document No. 10)

Chris Neville, Head of Licensing introduced the report and assured Members that drivers convicted of plying for hire were suspended from trading with immediate effect and that officers notified operators straight away to ensure that the driver was not booked for any future work.

It was -

704

RESOLVED:-

That the report on Actions taken by the Chief Officer in Consultation with the Chair of Licensing and Public Protection Committee taken in April, May and June 2016 be noted.

USE OF HOVER BOARDS/BALANCE BOARDS ON ROADS AND PUBLIC FOOTPATHS

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

(See Document No. 11)

A brief discussion took place and it was -

705

RESOLVED:-

- (i) That the briefing note on the use of Hover Boards/Balance Boards on roads and public footpaths be noted;
- (ii) That Outstanding Minute No. 617(ii) be discharged.

At 1322 hours Councillor Habib Rehman left the meeting.

SCHEDULE OF OUTSTANDING MINUTES

The following scheduled of Outstanding Minutes was submitted:-

(See Document No. 12)

Councillor Gareth Moore requested that minute number 680 from the meeting held on 15 June 2016 (proposal paper for the charging of food hygiene rating

Licensing and Public Protection Committee – 13 July 2016

revisits) be included as an outstanding minute on the schedule as a future update report was requested.

706 **RESOLVED:-**

That Outstanding Minute No. 617 (ii) be discharged and that all other Outstanding Minutes itemised on the schedule be continued.

OTHER URGENT BUSINESS

707 No items of other urgent business were raised.

AUTHORITY TO CHAIRMAN AND OFFICERS

708 **RESOLVED:-**

In an urgent situation between meetings, the Chair jointly with the relevant Chief Officer has authority to act on behalf of the Committee.

EXCLUSION OF THE PUBLIC

709 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:-

Minutes – Exempt Paragraphs 3 & 4

Request to Introduce Advertising Roof
Signs for Hackney Carriage Vehicles – Exempt Paragraph 3

The Committee adjourned at 1330 hours for a comfort break and reconvened at 1335 hours.
