

BIRMINGHAM CITY COUNCIL

LICENSING AND PUBLIC PROTECTION COMMITTEE 20 JUNE 2018

**MINUTES OF A MEETING OF THE LICENSING
AND PUBLIC PROTECTION COMMITTEE HELD
ON WEDNESDAY 20 JUNE 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,
Nagina Kauser, Mike Leddy, Bruce Lines, Hendrina Quinnen,
Sybil Spence, Martin Straker-Welds and Simon Morrall.

NOTICE OF RECORDING/WEBCAST

- 1014 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

- 1015 There were no declarations of interest.

APOLOGIES

- 1016 Apologies were received from Councillors Narinder Kaur Kooner, Adam Higgs, Mary Locke and Neil Eustace for non-attendance.

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

APPOINTMENT OF LICENSING AND PUBLIC PROTECTION COMMITTEE

- 1017 The appointment by the City Council of the Committee and Chairman for the Municipal Year 2018/2019 was noted as follows:-

Labour Group (10)

Councillor Olly Armstrong
Councillor Nicky Brennan
Councillor Barbara Dring (**Chairman**)
Councillor Nagina Kauser
Councillor Narinder Kaur Kooner
Councillor Mike Leddy
Councillor Hendrina Quinnen
Councillor Sybil Spence
Councillor Martin Straker Welds

Conservative Group (4)

Councillor Bob Beauchamp
Councillor Adam Higgs
Councillor Bruce Lines
Councillor Simon Morrall

Liberal Democrat Group (1)

Councillor Neil Eustace

ELECTION OF DEPUTY CHAIR

Councillor Kauser nominated Councillor Leddy and seconded by Councillor Spence

- 1018 **RESOLVED:-**

That Councillor Mike Leddy be appointed as Deputy Chair of the Committee for the Municipal Year 2018/19.

FUNCTIONS, POWERS AND DUTIES

The following schedule was submitted:-

(See Document No. 1)

- 1019 **RESOLVED:-**

That the Committee's functions, powers and duties, as agreed by City Council and set out the attached schedule be noted.

DATES OF MEETINGS OF THE LICENSING AND PUBLIC PROTECTION COMMITTEE

1020

RESOLVED:-

That meetings of the Licensing and Public Protection Committee be held on the following Wednesdays at 1000 hours in Committee Rooms 3 & 4 at the Council House, Birmingham.

2018

11 July
19 September
24 October
21 November
19 December

2019

16 January
13 February
13 March
11 April

LICENSING SUB-COMMITTEES 2018/2019

The work of Members previously on the Sub-Committees was acknowledged.

1021

RESOLVED:-

- (i) To note the membership of Licensing Sub-Committee's A, B and C for the Municipal Year 2018/2019 be noted;
- (ii) Each Sub-Committee comprise 3 Members (with a quorum of 3) and that authority be given for each Sub-Committee to determine matters relating to the Licensing Act 2003, the Gambling Act 2005, Hackney Carriage Licences Private Hire Licences and such other business as maybe referred to them by the Director of Regulation and Enforcement; and
- (iii) Any Sub-Committee Member may appoint a nominee (substitute) from their own party group on the Licensing and Public Protection Committee to attend a meeting in their place.

Licensing Sub-Committee A – Mondays (0930 hours)

Councillor Barbara Dring (Chairman)	Lab	Oscott Ward
Councillor Martin Straker Welds	Lab	Moseley Ward
Councillor Bob Beauchamp	Con	Perry Common Ward

Licensing Sub-Committee B – Tuesdays (0930 hours)

Councillor Nagina Kauser (Chairman)	Lab	Aston Ward
Councillor Nicky Brennan	Lab	Sparkhill Ward
Councillor Adam Higgs	Con	Highters Heath Ward

Licensing Sub-Committee C – Wednesdays (0930 hours)

Councillor Mike Leddy (Chairman)	Lab	Brandwood & Kings Heath Ward
Councillor Olly Armstrong	Lab	Northfield Ward
Councillor Neil Eustace	LD	Yardley East Ward

MINUTES

- 1022 The Minutes of the meeting held on 18 April 2018, having been previously circulated were confirmed as a correct record and signed by the Chairman.

SCHEDULE OF NOMINATIONS TO SERVE ON OUTSIDE BODIES.

The following schedule was submitted:-

(See Document No. 2)

Chris Neville, Interim Service Director, reported that as legal advice was being sought with regard to Members' sitting on sports grounds advisory groups, due to the safety aspect and associated issues, requested that the item be deferred until the next meeting.

Councillor Leddy highlighted that as pre-season meetings would shortly be taking place with the groups suggested as an interim arrangement, that names be submitted to sit on the groups until legal advice was received.

Following a brief discussion it was agreed by the Committee

- 1023 **RESOLVED:-**

That Members' that had been nominated last year remain on the sports advisory groups for the interim period until legal advice had been received;

That Councillor Leddy (Aston Villa Football Club) and Councillor Iqbal (Birmingham City Football Club) chair their respective groups due to the change in membership.

Aston Villa Football Club

Councillors Bob Beauchamp, Roger Harmer, Mike Leddy (Chairman) and Mike Sharpe.

Birmingham City Football Club

Councillors Zafar Iqbal (Chairman) and Mike Ward.

Warwickshire County Cricket Club

Councillors Robert Alden, Neil Eustace, Mahmood Hussain, Nagina Kauser, Ewan Mackey, Majid Mahmood (Chairman).

LICENSING AND PUBLIC PROTECTION – OUTTURN 2017/18

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

(See Document No. 3)

David Jones, Finance Manager, provided a comprehensive breakdown of the report and highlighted that written confirmation had now been received regarding the 1974 Inquest which would be funded through the Government, adding that it had taken a period of two years to reach this point in time.

The Chair referred to the lobbying that had taken place in order to prevent pressure being placed on the Committee's budget, adding that the positive response received had subsequently been circulated to all parties.

She thanked David and officers for all their hard work.

1024

RESOLVED:-

- (i) That the revenue outturn overspend of £0.309m as detailed in Appendix 1 be noted;
 - (ii) that the expenditure on grant funded programmes in Appendix 2 be noted;
 - (iii) that the position on Capital projects, as detailed in Appendix 3 be noted; and
 - (iv) that the position on reserves, as detailed in Appendix 4 be noted.
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REGULATION AND ENFORCEMENT ANNUAL REPORT 2017/2018

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

(See Document No. 4)

Chris Neville, Acting Director of Regulation and Enforcement made introductory comments to the report highlighting that it informed the Committee of the work that had been concluded over the last 12 months.

Mark Croxford, Head of Environmental Health, referred to Appendix 1 of the report and provided a brief presentation and subsequently responded to Members' comments.

He referred to the discussions that were ongoing with Amey and the work with pest control relating to placards which should transfer to Amey as it was their responsibility. With regard to tyre fitting bays, confirmed that the inspections had been based on risk assessment and that the majority were found to be compliant.

He provided a brief update regarding transit sites whereupon Tameside Drive should potentially become a shared site between settled tenants and also usage as a transit site, adding that there was the potential in the future for a further 2 sites.

He provided a brief explanation of where ground maintenance responsibility lay with regard to the residents and the City Council; referred to the joined up working relating to health and safety with West Midlands Police, Fire Service and City Council regarding Shisha bars, and agreed to provide the requested information to all members relating to domestic noise complaints and partnership working.

Sajeela Naseer, Head of Trading Standards, whilst providing a brief presentation made reference to Appendix 2 of the report and subsequently responded to the Chair and Members' comments.

She referred to the past issue relating to the Jewellery Quarter and provided a brief explanation as to why it was a low level priority due to the high level of compliance. She highlighted that the focus was more on safety and vulnerability and subsequently reported on the joined up working that was taking place, in order to tackle national and regional counterfeiting issues.

Sajeela explained the actions that were taken by the department at major events if brand holders raised concerns and the various areas of work that would be taking place with regard to preparing for the Commonwealth Games.

Joyce Amadedon, Head of Operations and Bereavement Services, provided a presentation by referring to Appendix 3 of the report. She detailed the various reasons as to why pressures on the service had increased and as a result of this staff was working smarter and harder to meet the business demands.

Emma Rohomon, Acting Head of Licensing, provided a presentation by referring to Appendix 4 of the report.

She referred to the reduction in stop checks and stated that the police had the power to stop motorists and not the department. With regard to benchmarking in terms of compliance rates with other local authorities, she confirmed that this had not taken place due to the terms of the license varying from other local authorities. She added that in terms of the operators not complying with their conditions, they would be dealt with in the same way as anybody else would be dealt with for non-compliance.

She referred to the number of expedited reviews and confirmed that it was the decision taken by the police on how they dealt with premises, highlighting that the department would continue to discuss with the police the most appropriate form of action taken for the premises. She referred to the recent reinstatement of the responsible authorities working group and explained the way in which they worked in order to prevent issues escalating, adding that the department maintained a good working relationship with colleagues in all of the responsible authorities.

Joyce Amadedon, Head of Operations and Bereavement Services, made introductory comments to Appendix 5 of the report.

In response to the Chair's comment, she referred to the new portal system which allowed doctors at the hospital to enter death notifications straight onto the system which in turn would be fed directly to the Coroner, adding that it was a more efficient way of working.

Chris Neville, Acting Director of Regulation and Enforcement provided a brief overview of the work undertaken by the England Illegal Money Lending Team by referring to Appendix 6 of the report.

He highlighted that when prosecutions took place against loan sharks the cases were publicised by the media which included; newspapers, radio and television, adding that it was an important route for the team to use in highlighting the dangers of getting involved with loan sharks.

The Chair highlighted that the proceeds of crime monies was ring-fenced and circulated back into the communities.

1025

RESOLVED:-

That the report be noted.

At this juncture the Chair agreed to vary the order of the agenda.

MODERNISING CONSUMER MARKETS CONSUMER GREEN PAPER

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

(See Document No. 5)

Sajeela Naseer, Head of Trading Standards, provided a comprehensive breakdown of the report.

The Chair put the recommendations to the meeting and following a show of hands it was 9 in favour and 2 abstentions.

Upon further consideration, it was

1026 **RESOLVED:-**

That the report be noted.

That a formal response to the consultation document “Modernising Markets” Green Paper be submitted to the Government based on the proposed responses to questions 9, 15 and 16 which are directly relevant to the work of Birmingham Trading Standards and which are contained in the Appendix 1 to this report.

LICENSING AUTHORITY POLICIES AND PROCEDURES DELGATIONS

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

(See Document No. 6)

Emma Rohomon, Acting Head of Licensing, provided a comprehensive breakdown of the report. She confirmed that the demand survey was carried out and the moratorium did stay in effect and the policy was revised in 2014 and is still currently under review.

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

1027 **RESOLVED:-**

That the Committee noted the policies approved by the City Council:

- Related to the Gambling Act 2005 and approved in 2016
- Regarding Sexual Entertainment Venues and approved in 2014;
- Relating to the Licensing Act 2003 and approved in 2015.

That the Committee approved the Hackney Carriage and Private Hire Policy (including delegations) at Appendix 1.

That the Committee approved the General Licensing Policy (including delegations) at Appendix 2.

PROPOSAL FOR COMBINED HACKNEY CARRIAGE AND PRIVATE HIRE DRIVING LICENCE

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

(See Document No. 7)

Shawn Woodcock, Licensing Operations Manager provided a comprehensive breakdown of the report.

Chris Neville, Acting Director of Regulation and Enforcement highlighted that one of the reasons for the report was in recognition of the greater impact the clean air zone would have on the hackney carriage drivers, and if they decided not to invest in new expensive vehicles, it allowed them to transition into private hire at a reduced cost for them.

The Chair put the recommendations to the meeting and following a show of hands (7 in favour) the following was carried:-

1028

RESOLVED:-

That officers be instructed to devise a timeline for introduction of dual licenses and look into the amendments to policies and licence conditions which would be necessary to accommodate the changes.

CONSULTATION ON PRIVATE HIRE VEHICLE SIGNAGE

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

(See Document No. 8)

Shawn Woodcock, Licensing Operations Manager whilst providing a comprehensive breakdown of the report circulated to the Committee a copy of the consultation document. He confirmed that the survey took into account disability and that any groups representing disability were identified by the way for form had been completed. He further confirmed that the consultation was advertised through trade meetings and the city council's own website.

The Chair highlighted that all drivers should be aware of what was taking place and keeping up to date of what was happening in their industry.

The Chair put the recommendation to the meeting and following a show of hands (2 abstentions) the following was carried:-

1029

RESOLVED:-

The Committee agreed that an officer and members working group be set up to look at the issues raised and to consider the changes which may be appropriate to make to the existing signage requirements.

The Chair highlighted that a working group would be set up and suggested to Members that if they wished to partake to advise Emma.

PROPOSED AMENDMENTS TO THE KNOWLEDGE TEST FOR PRIVATE HIRE DRIVERS

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

(See Document No. 9)

Shawn Woodcock, Licensing Operations Manager provided a comprehensive breakdown of the report.

Emma Rohomon, Acting Head of Licensing, emphasised that the proposed changes to the knowledge test would in no way lower the standard of drivers and instead it was a different way of administering the test in a more efficient and timely manner.

In response to concerns from Representatives, TOA, Chris Neville, Acting Director of Regulation and Enforcement believed that the recommendations would not impact on applicants' abilities to speak English because they would have to understand the questions that were spoken to them, and to read and understand the answers they were submitting.

Shawn confirmed that the removal of the A to Z test would not affect driving ability and the drivers would still be tested on legal requirements and that any drivers not meeting these requirements would not be licensed. He highlighted the differences between drivers that were licensed in Birmingham and worked for an operator based in Birmingham and those that were based outside of the city.

At this juncture, Chris Neville briefly explained the distinction between hackney carriage and private hire drivers and how they both operated differently.

Following further concerns from Representatives, TOA, with regard to issues associated with the Deregulation Act 2015, Chris Neville highlighted that they were doing as much as they could to highlight to the Government the problems the Act was creating on a daily basis.

The Chair reiterated that they would continue lobbying the Government.

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

1030

RESOLVED:-

That the Committee approved the recommended changes to the format of the Knowledge Test for Private Hire Drivers.

Remove the A to Z test.

Introduce multiple candidate testing

Change all questions to a multiple choice format.

Allow changes to be introduced immediately.

At this juncture at the request of the Chair, a 10 minute comfort break ensued.

**DETERMINING THE SUITABILITY OF APPLICANTS AND LICENSEES IN
THE HACKNEY CARRIAGE AND PRIVATE HIRE TRADES including
DRUGS TESTING POLICY**

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

(See Document No. 10)

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

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

1031

RESOLVED:-

That the Committee recognised the Institute of Licensing Guidance as best practice guidance, with a view to implementing the proposals therein.

That all licence applicants and existing licence holders will be required to sign up to the Disclosure and Barring Service Update Scheme.

That all applicants for the grant or renewal of Private Hire Operator or Vehicle Proprietor Licence be required to produce a Basic Disclosure Certificate for consideration.

That Officers produce a Draft Drug Testing Policy as per 7.3 of this report.

That the Coroner should be notified of the matters arising from this report in accordance with the requirements of the Notice at Appendix 1.

FIXED PENALTY NOTICES ISSUED MARCH AND APRIL 2018

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

(See Document No. 11)

Mark Croxford, Head of Environmental Health made introductory comments relating to the report and highlighted the cases therein.

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

1032

RESOLVED:-

That the report be noted.

OUTCOME OF APPEALS AGAINST SUB COMMITTEE DECISIONS TAKEN DURING MARCH AND APRIL 2018

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

(See Document No. 12)

Emma Rohomon, Acting Head of Licensing made introductory comments relating to the report and highlighted some of the cases therein.

The Chair thanked Emma for reporting.

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

1033 **RESOLVED:-**

That the report be noted.

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

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

(See Document No. 13)

Emma Rohomon, Acting Head of Licensing made introductory comments relating to the report and highlighted some of the cases therein.

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

1034 **RESOLVED:-**

That the report be noted.

PROSECUTIONS AND CAUTIONS – MARCH & APRIL 2018

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

(See Document No.14)

1035 **RESOLVED:-**

That the report be noted.

SCHEDULE OF OUTSTANDING MINUTES

The following schedule of Outstanding Minutes was submitted:-

(See Document No.15)

Chris Neville, Acting Director of Regulation and Enforcement, updated the dates for which reports would be forthcoming in relation to various Outstanding Minutes.

It was -

1036 **RESOLVED:-**

That Outstanding Minutes be continued.

OTHER URGENT BUSINESS

1037 **Training Event – Wednesday, 11 July 2018 at 1000 hours in Committee Rooms 3 & 4**

The Chair reported that the July Committee Meeting would not be taking place and instead Members were invited to attend the above-mentioned training event.

AUTHORITY TO CHAIR AND OFFICERS

1038 **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 1355 hours.

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CHAIRMAN