

# **BIRMINGHAM CITY COUNCIL**

<b>LICENSING AND PUBLIC PROTECTION COMMITTEE 18 DECEMBER, 2020</b>
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## **MINUTES OF A MEETING OF THE LICENSING AND PUBLIC PROTECTION COMMITTEE HELD ON FRIDAY, 18 DECEMBER, 2020 AT 1400 HOURS AS AN ONLINE MICROSOFT TEAMS MEETING**

**PRESENT:** - Councillor Mike Leddy in the Chair;

Phil Davis, Adam Higgs, Nagina Kauser, Mary Locke, Majid Mahmood, Chauhdry Rashid, Mike Sharpe and Martin Straker Welds.

(Councillor Phil Davis was unable to join the meeting at the start owing to technical issues and joined the meeting at 1414 hours.)

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### **NOTICE OF RECORDING/WEBCAST**

- 1328 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**

- 1329 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**

- 1330 No apologies had been received for non-attendance.
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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.**

**REVIEW OF STREET TRADING CONSENT FEES AND CHARGES 2021/22**

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

(See document no. 1)

Sajeela Nasser, Head of Licensing, Markets and Trading made introductory remarks in relation to the report during which she indicated that the following amendments should be made to the report:-

Paragraphs

1.4 – 3 responses had now been received.

2.2 - should read - as detailed section 4.7

4.7 - The penultimate paragraph – replace (10 -10 days) with (10-19 days)

Sajeela Nasser gave a summary of the report highlighting paragraph 3.3 the current fees for street trading consents and how it was implemented outlining paragraph 4.7 the proposed fees and charges for 2021/22.

In response to concerns from Councillor Mary Locke about difficulties faced by businesses owing to Covid 19 Sajeela Nasser informed that the only fees being requested at this stage for was the application fee £720 with the other fees being payable monthly in advance instead of annually in advance.

In response to Councillor Adam Higgs' comment that the wider Street Trading Policy was being challenged and his query as to whether any legal advice had been received relating to the fees, Sanjeev Bhopal, Committee Solicitor informed that the legal position was that any reference to the ongoing judicial review and any legal advice relating to that was very likely to be exempt information for the purposes of this meeting. Sajeela Nasser added that the current position was that no judicial review had been received to date. A confidential briefing could be held to discuss this. Paul Lankaster confirmed that legal advice had been received in relation to the fees put forward.

Following advice from the Committee Solicitor, at this point the Chairman, Councillor Mike Leddy said that the meeting should be adjourned to enable Members to fully understand their legal responsibilities with regard to the fees before making a decision.

Councillor Majid Mahmood made some points relating to paragraph 6.3 - breakdown of the costs of the policy and associated legal costs asking for clarification that the fees will be reduced going forward. Following some further comments from Councillor Majid Mahmood in relation to street trading and the increased costs, Sajeela Nasser said this was owing to this being the first year the policy was in place. Current street traders 21/22 would have a

presumption of renewal for the following year and would most highly likely benefit from any potential reduction in those fees.

With regard to illegal street trading, if the trader was on the highway action would be taken against them for illegal street trading as they were required to have the consent to do so. The Commonwealth Games had carried out a consultation and any trading on the street will need to be agreed by the Organising Committee.

Councillor Phil Davis stated that he had discussed this issue with officers. A system had been set up to allow officers to monitor and ensure the public were protected. As Chairman if there was an issue that needed to be addressed he could bring it back to the Committee.

Councillor Mike Leddy referred to the Peddlers Act which was enforced by the police noting that a lot of people in the City were purporting to be peddlers but were in fact street traders.

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### **EXCLUSION OF THE PUBLIC**

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#### **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

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The meeting adjourned at 1439 hours and resumed at 1453 hours.

It was

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#### **RESOLVED:-**

- i) That the introduction of a Street Trading consent application fee be approved to take effect from 19 December 2020 in relation to applications made to commence trading from 1 April 2021 as detailed in section 4.5; and
- ii) That the new street trading annual and occasional consent fees be approved to take effect from 19 December 2020 in relation to consents granted for any period from 1 April 2021 as detailed in section 4.5.

Councillor Adam Higgs voted against the decision.

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**DATE OF NEXT MEETING**

1333 The date of the next meeting to be held on 13 January, 2021 at 1030 hours was noted.

It was requested that the meeting dates be reconsidered. .

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**OTHER URGENT BUSINESS**

1334 There was no other urgent business.

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**AUTHORITY TO CHAIR AND OFFICERS**

1335 **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 Chairman wished all those presents best wishes for the festive season and new year.

The meeting ended at 1459 hours.

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Chairman