

BIRMINGHAM CITY COUNCIL

**LICENSING AND
PUBLIC PROTECTION
COMMITTEE
18 NOVEMBER, 2020**

**MINUTES OF A MEETING OF THE LICENSING
AND PUBLIC PROTECTION COMMITTEE HELD
ON WEDNESDAY, 18 NOVEMBER, 2020 AT
1030 HOURS AS AN ONLINE MICROSOFT
TEAMS MEETING**

PRESENT: - Councillor Phil Davis in the Chair;

Councillors Olly Armstrong, Bob Beauchamp, Adam Higgs, ,
Mike Leddy, Mary Locke, Majid Mahmood, Mike Sharpe and
Martin Straker Welds.

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NOTICE OF RECORDING/WEBCAST

1308 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

1309 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.

APOLOGIES

1310 Apologies were received from Councillors Nicky Brennan and Simon Morrall for non-attendance.

MINUTES

1311 The public minutes of the meeting held on 30 September, 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.

LICENSING AND PUBLIC PROTECTION – OUTTURN 2019/20

The following Report of the Interim Assistant Director of Regulation and Enforcement and Chief Financial Officer was submitted:-

(See document no. 1)

Councillor Majid Mahmood declared a non pecuniary interest in relation to the outturn report.

David Jones, Finance, made introductory comments relating to the report. Following questions from Councillor Majid Mahmood he informed that the site service Manager would be able to answer questions about the Proctor Street Site. Bereavement services was outside his remit.

Paul Lankester added that the additional spend for Handsworth Cemetery was not covered within this budget. Information for some of the details being requested by Councillor Majid Mahmood was not available to hand and would be followed up outside of the meeting. The Centre of Excellence was being progressed with 8 Authorities and will be reported to Cabinet. There was additional works going on with regard to Duty of Care visits. Paul Lankester could find out more information if the Committee required.

With regard to Proctor Street site Mark Croxford reported that the site was full but there had been a reduction in take up. Some people directed to Proctor Street had not taken up the opportunity. Another site was being considered for Aston.

The Chair requested that any other responses to Councillor Majid Mahmood's questions be sent to him as soon as possible.

1312

RESOLVED:-

- i. That the Licensing and Public Protection Committee note the revenue outturn overspend of £0.272m as detailed in Appendix 1;
- ii. note the expenditure on grant funded programmes in Appendix 2;
- iii. note the position on Capital projects, as detailed in Appendix 3; and
- iv. note the position on reserves, as detailed in Appendix 4.

LICENSING AND PUBLIC PROTECTION – REVENUE BUDGET 2020/21

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

(See document no. 2)

Paul Lankester, Interim Assistant Director, Regulation made introductory comments relating to the report. In reply to Councillor Majid Mahmood, Paul Lankester clarified that the sum of £365K referred to in the report related to an emergency incident situation and was not related to the works at Handsworth Cemetery.

Councillor Majid Mahmood referred to the Environmental Food Programme and ensuring that budget cuts were sustainable in light of the pandemic. He also mentioned theft of converters in his Ward also whether resources could be allocated to ensure metal merchants were complying with the regulations.

Paul Lankester indicated that there were planned budget reductions to try to manage the budget. Time would tell if they were sustainable. The coroner's court had been replaced and the youth court and staff had been transferred. New procedures had been put in place for the service which was working under extreme pressure owing to a significant number of deaths.

In reply to Councillor Majid Mahmood there was no budget for payments to taxi drivers at the moment. If BCC chose to give £200 to each taxi driver it would cost £1M in total. Some of the Local Authorities referred to had received funding from the Government.

The good work carried out by Bereavement Services and the Registrars Office was highlighted.

1313

RESOLVED:-

- i. That the Licensing and Public Protection Committee note the 2020/21 Revenue Budget Changes as detailed in Appendix 1;
- ii. note the 2020/21 Service and Subjective Budget in Appendix 2;
- iii. note the Budget 2020/21 to 2023/24 in Appendix 3;
- iv. note the 2020/21 budgeted employee establishment as detailed in Appendix 4; and
- v. note the latest 2020/21 Reserves position as detailed in Appendix 5.

INTERIM STATEMENT OF LICENSING POLICY 2020 CONSULTATION REPORT

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

(See document no. 3)

Emma Rohomon made introductory comments relating to the report during which she advised that the City Council is required to determine and publish its Statement of Licensing Policy at least every five years. The current policy was dated 2015. The review could not be carried out as planned this year owing to the pandemic and no response had been received in reply to the request to government to defer the policy. The Council's position was that the cumulative impact assessment had not been completed and could not be included. One response had been received from West Midlands Police and this had been included. The draft policy submitted was without the consultation results included. In order to take effect, the policy and scheme of delegations must be submitted to the City Council on 1 December, 2020 for approval.

The Chair added that that this was an Interim Step. He was happy to approve the interim policy as it was clear in terms of the process. Members discussed the suggestion of a 5th licensing objective to cover the Public Sector Equality Duty and Paul Lankester undertook to take this up.

1314

RESOLVED:-

That having undertaken a statutory consultation on the City Council's Statement of Licensing Policy for a 4 week period commencing on Friday 16th October 2020 and having regard to the responses received , The Committee having considered the draft Policy attached at Appendix 1 to this report and, subject to the matters detailed within the report commends the draft Interim Policy to City Council for approval on 1 December 2020.

DEPARTMENT FOR TRANSPORT STATUTORY TAXI AND PRIVATE HIRE VEHICLE STANDARDS ACHIEVING COMPLIANCE

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

(See document no. 4)

Emma Rohomon made introductory comments relating to the report during which she gave a summary of the proposed actions in order to bring the City Council into alignment with the statutory guidance. The Chair was happy to arrange for a separate meeting to be set up to discuss taxi hire issues.

The Chair advised that the issues raised by Councillor Majid Mahmood could be picked up in further discussions. Emma Rohomon said that with regard to the consultation for CCTV they needed to consider the adverse or negative effect and would include as many groups in the consultation as possible for example the police, victim support groups etc. There were some challenges in that some Local Authorities with CCTV being a requirement had their drivers obtaining licences from other LA's and then carrying on driving. Details of any working party set up will be notified to Members.

1315

RESOLVED:-

- i. That the report be noted.
 - ii. The actions identified within Appendix 2 be agreed.
 - iii. The action plan for compliance (Paragraph 8) be agreed.
 - iv. Officers to provide progress updates to the Licensing and Public Protection Committee as appropriate.
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ENFORCEMENT POLICY REVIEW REGULATION AND ENFORCEMENT

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

(See document no. 5)

Paul Lankester, Interim Assistant Director, Regulation and Enforcement made introductory comments relating to the report. In response to a question the prosecution strategy cases were based on their merits. Officers gave people a chance to get things right, however some licensing reviews had taken place and had led to licences being withdrawn and suspended or revoked. With food if there was an imminent risk on the public, immediate action was taken however that would not necessarily be enforcement action straight away. In reply to Councillor Majid Mahmood's comments about regular reports of fly-tipping but limited action being taken against the culprit for various reasons and whether resources could be allocated for this, Paul Lankester reported that Mark Croxford was leading on the strategy for Ambassadors or Marshalls for waste. Unless people were willing to give evidence prosecution was difficult.

Councillor Mary Locke indicated that there was a Housing and Neighbourhoods O & S working group on flytipping and the Committee will make recommendations to City Council in due course. The Chair spoke about problems with litter in his Ward. The Ward Councillors had issued a letter to residents and as a result people had joined the Housing Liaison Board.

1316

RESOLVED:-

That the Committee approve the Enforcement Policy attached at Appendix 1.

REGULATION AND ENFORCEMENT REPORT - SEPTEMBER 2020

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

(See document no. 6)

Mark Croxford, Head of Environmental Health, made introductory comments relating to the report. In reply to Councillor Majid Mahmood he reported that there had been a number of complaints about food. The Director of Public Health had allocated resources for 8 Officers and they were looking to employ a further 12. With regard to the noise monitoring equipment, when the equipment was returned it was required to be cleaned before being reused. They could not always meet the number of requests for action.

With regard to Trading Standards and the Illegal Money Lending Team, Tony Quigley said that the increase of 11% in online activities was in part scams. They were conducting new awareness and introducing a live chat. There was a report on the Illegal Money Lending Team due in December or January.

Officers would find out information regarding the Community Project raised by Councillor Majid Mahmood. It was confirmed that pavement licences were across the City.

1317

RESOLVED:-

That the content of the report be noted.

FOOD ENFORCEMENT DURING COVID-19

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

(See document no. 7)

Mark Croxford, Head of Environmental Health, made introductory comments relating to the report during which he indicated that the guidelines in the table stood until March and the Committee will be informed of progress with the Food Enforcement Plan. In reply to Councillor Majid Mahmood they were aware that some businesses such as restaurant and pubs were operating as food takeaways. They were given advice but were generally good at working with food. At present they had caught up with the inspections and were trying to support businesses. They were aware of some cases of Bird Flu but it was being monitored.

In reply to Councillor Mary Locke, if businesses were not normally food businesses and were now providing takeaways some required training. Businesses were trying to be compliant.

1318

RESOLVED:-

That the report be noted.

PROSECUTIONS AND CAUTIONS: APRIL, 2020 – AUGUST 2020

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

(See document no. 8)

In reply to Councillor Majid Mahmood's comments about littering in particular used masks and gloves on the ground Paul Lankester, Interim Assistant Director, Regulation answered that they could direct litter patrols to the affected areas. Officers carrying out litter exercises in the City Centre were giving advice. Councillors should email Mark Croxford the details. Mark Croxford said signage was being used for Covid 19

1319

RESOLVED:-

That the report be noted.

ACTION TAKEN BY THE CHAIR OF THE LICENSING AND PUBLIC PROTECTION COMMITTEE: SEPTEMBER, 2020

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

(See document no. 9)

1320

RESOLVED:-

That the report be noted.

ENFORCEMENT POWERS PRESENTATION - NOVEMBER, 2020

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

(See document no. 9)

Mark Croxford, Head of Environmental Health presented the report. Officers were thanked for the work carried out during the Pandemic.

In reply to Councillor Higgs the number of fines issued were 20 to 30. The powers being used was mostly closure powers. The police were responding to complaints and were able to issue fines for illegal gatherings. Some high profiled cases had taken place.

1321

RESOLVED:-

That the report be noted.

DATE OF NEXT MEETING

- 1322 The date of the next meeting to be held on Wednesday, 13 January, 2020 at 1030 hours was noted.
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OTHER URGENT BUSINESS

- 1323 Paul Lankester advised that a meeting needed to be arranged to consider the Fees and Charges report which needed to be implemented by 1 April, 2020. As the closing date of the consultation ends in December a meeting date has been agreed for 18 December, 2020 to be confirmed.

Councillor Mike Leddy proposed and it was agreed that a vote of thanks be made to the 20,000 Birmingham City Council employees who had worked hard to keep the City functioning for the last 9 months. He also noted the diligent work of 2 senior officers and their teams included in a TV programme and agreed that they were great ambassadors.

AUTHORITY TO CHAIR AND OFFICERS

- 1324 **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

- 1325 **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

Public Health Update

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