

**BIRMINGHAM CITY COUNCIL**

**HOUSING AND NEIGHBOURHOODS O&S COMMITTEE –**

**PUBLIC MEETING**

**1400 hours on Thursday 25 July 2019, Committee Room 2**

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**Present:**

Councillor Penny Holbrook (Chair)

Councillors Deirdre Alden, Marje Bridle, Roger Harmer, Mahmood Hussain, Shabrana Hussain and Mary Locke

**Also Present:**

Councillor John Cotton, Cabinet Member for Social Inclusion, Community Safety and Equalities

Jaz Bishop, Inclusion Services Manager, Complex Needs & Rough Sleepers Outreach

Superintendent Ian Green, West Midlands Police

Uyen-Phan Han, Planning Policy Manager

Rob James, Acting Director, Neighbourhoods

Carly Jones, Chief Executive, SIFA Fireside

Chris Kuriata, Say No to the Birmingham PSPO Campaign

Emma Poursain, Team Leader, Systems Change & Development, Rough Sleepers Initiative and Liaison & Diversion Services, Shelter

Pamela Powis, Senior Service Manager – Community Safety

Joanne Shemmans, Say No to the Birmingham PSPO Campaign

Alastair Wallace, Community Law Partnership

Jayne Bowles, Scrutiny Officer, Scrutiny Office

Emma Williamson, Head of Scrutiny Services

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**1. NOTICE OF RECORDING/WEBCAST**

The Chairman advised that this meeting would be webcast for live or 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.

**2. APOLOGIES**

None.

### 3. DECLARATIONS OF INTERESTS

None.

### 4. ACTION NOTES

(See document 1)

#### **RESOLVED:**

The action notes of the meeting held on 4 June 2019 were agreed.

### 5. PUBLIC SPACE PROTECTION ORDERS

(See document 2)

In an opening statement to Committee, Councillor John Cotton, Cabinet Member for Social Inclusion, Community Safety and Equalities, made clear that whilst there is a need to tackle anti-social behaviour to ensure the city centre environment is safe, there is no desire to introduce any measures which criminalise or penalise vulnerable people simply for being homeless.

He went on to say that since the first session was held in June, he has continued to have discussions with frontline homelessness organisations, including what form a charter of care to protect vulnerable people might take, and conversations have taken place with city centre Business Improvement Districts and other stakeholders.

As part of this process, there is a willingness to re-visit the wording of some of the clauses in the proposed PSPO and to look at what other powers are available, and the contribution of Overview and Scrutiny is an important part of the process in hearing evidence and making recommendations.

The Committee then heard evidence from Chris Kuriata and Joanne Shemmans from the Say No to the Birmingham PSPO Campaign, Alastair Wallace, Community Law Partnership, Carly Jones, Chief Executive of SIFA Fireside, Emma Poursain, Shelter, and Jaz Bishop from Complex Needs and Rough Sleepers Outreach. In summary, the following points were made:

- The consultation had not been widely publicised and was conducted mostly online;
- The locations for some of the consultation stands were deemed unsuitable and suggestions from partner agencies to relocate the stands were not taken on board, nor were those who attended provided with a copy of the draft order or proposed map of geographical location;
- There was a lack of consultation and engagement with key stakeholders – for example Shelter, who had not received any direct communication from BCC and had no response to an offer they made to host consultation with service users;
- It was of major concern that service users were not aware of the proposal;

- The consultation did not meet the requirements of the Consultation Principles 2018;
- More information is needed with regard to the proposed Charter of Care – what will it look like, what will the cost be and who will implement it;
- What assurances can be given that the PSPO will not target the homeless and criminalise vulnerable people;
- It is essential to ensure that vulnerable people are protected whatever measures are taken and that the hand of friendship is offered;
- There is a cohort of people not entitled to statutory support for whom there would be no route out of a PSPO;
- Concern was expressed about the potential for discrimination and how the Council would address inconsistencies;
- Those in breach of an order who do not have funds for penalty payments will be criminalised;
- There is also the dispersal element to consider, making it difficult to keep track of those people who have refused help and making them more vulnerable;
- The proposal is contrary to LGA and Home Office Guidance – this measure should not be used to tackle homelessness or rough sleeping; other powers should be used for tackling anti-social behaviour;
- A specific request was made for two paragraphs in the proposal to be removed – (2) Obstructing footpaths and highways and (7) Begging;
- Further consideration should be given to the proposal, including bringing together all key stakeholders to discuss the wording and address some of the ambiguity, in order to ensure vulnerable people are protected.

Having heard the evidence, Members made the following points:

- There was a huge failing by the Council in not consulting with key stakeholders and Members pointed out that there should have been engagement with them before the process started;
- There is obviously a community safety issue which needs addressing but it is essential that the Council works with organisations and service users to co-produce solutions;
- The whole consultation process needs to be looked at;
- It is clear that the PSPO is not ready to be implemented yet and further work needs to be undertaken.

Rob James, Acting Director, Neighbourhoods, told Members that the proposal for a PSPO came about due to some of the anti-social behaviour occurring in the city but the consultation and today's session has highlighted the potential impact on homeless individuals and this needs to be addressed through further consultation and meeting with key partners.

There are other PSPOs in the city which do work and offer a partnership approach, which does have the desired effect.

He went on to say he was not aware key stakeholders had not been consulted with and will investigate this and provide evidence to the committee of who was

consulted with, how and when, and will bring proposals back to address the concerns raised.

Superintendent Ian Green, West Midlands Police, told committee that a PSPO provides measures to start engaging with individuals and puts positive requirements on them to access support.

Councillor Cotton thanked both Members and those who had attended to give evidence for their contribution and acknowledged that the proposal needs to be taken away and reconsidered to get the balance right.

In concluding the session, the Chair informed those present that whilst Scrutiny understands the purpose and need for a PSPO, the recommendation from the Committee will be that the PSPO should not be implemented until further work has been undertaken and meaningful engagement has taken place with key stakeholders to address the issues discussed. There should then be a report back to Scrutiny and other interested parties.

**RESOLVED:**

- That the Chair writes to the Cabinet Member for Social Inclusion, Community Safety and Equalities setting out the Committee's concerns and recommendations; and
- that a further report be brought back to Scrutiny.

## **6. HOUSES IN MULTIPLE OCCUPATION – ARTICLE 4 DIRECTION**

(See document 3)

Uyen-Phan Han, Planning Policy Manager, attended for this item to give Members an update on the plans for a city-wide Article 4 Direction following the report which went to Cabinet on 14 May 2019.

The following were amongst the main points raised:

- There will be a report back to Cabinet in the autumn following the consultation and if confirmed the Article 4 Direction will come into force on 8<sup>th</sup> June 2020;
- It is intended that the next stage of statutory consultation will be done in November, subject to Cabinet approval;
- The next step will then be to submit to the Secretary of State as a statutory development plan; the intention is to submit this early next year and it will then be in the hands of the Planning Inspectorate in terms of timing;
- The Article 4 Direction will benefit the city in terms of being able to better manage the distribution and concentration, particularly of small HMOs;
- The Chair asked that Scrutiny be kept informed of developments, with a report back when it gets to Planning Inspectorate stage.

**RESOLVED:**

That a further report be brought back to Committee at the appropriate time.

## **7. WORK PROGRAMME**

(See document 4)

The work programme was discussed and the following agreed:

- September – Annual Report of the Community Safety Partnership and Cabinet Member for Street Scene and Parks;
- October – Localisation;
- Performance Monitoring to be programmed.

Councillor Harmer requested that Committee looks at the plans for ensuring that existing buildings and housing stock owned by the Council fit with the 2030 zero-carbon pledge. The Chair suggested this could be a potential item for November.

### **RESOLVED:**

The work programme was noted.

## **8. DATE OF NEXT MEETING**

The date of the next meeting was noted.

The Chair proposed, and Members agreed, to change the start time of meetings to 1300 hours with effect from September.

## **9. REQUEST(S) FOR CALL IN/COUNCILLOR CALL FOR ACTION/PETITIONS RECEIVED (IF ANY)**

None.

## **10. OTHER URGENT BUSINESS**

None.

## **11. AUTHORITY TO CHAIRMAN AND OFFICERS**

### **RESOLVED:**

That 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 meeting ended at 1548 hours.