

BIRMINGHAM CITY COUNCIL

**LICENSING AND
PUBLIC PROTECTION
COMMITTEE
9 MARCH, 2022**

**MINUTES OF A MEETING OF THE LICENSING
AND PUBLIC PROTECTION COMMITTEE HELD
ON WEDNESDAY, 9 MARCH, 2022 AT 1030
HOURS AT BMI, CHARLES DICKENS ROOM,
MARGARET STREET, BIRMINGHAM**

PRESENT: - Councillor Phil Davis in the Chair;

Councillors Alex Aitken, Adam Higgs, Nagina Kauser, Mike
Leddy, Mary Locke, Mike Sharpe and Mike Ward

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NOTICE OF RECORDING/WEBCAST

1442 The Chair to advise/meeting to note that this meeting will be webcast for live or subsequent broadcast via the Council's meeting You Tube site (www.youtube.com/channel/UCT2kT7ZRPFCXq6_5dnVnYlw) and that members of the press/public may record and take photographs except where there are confidential or exempt items.

DECLARATIONS OF INTEREST

1443 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

1444 Apologies were received from Councillors Nicky Brennan, Diane Donaldson and Martin Straker-Weld for non-attendance.

MINUTES OF THE LAST MEETING AND MATTERS ARISING

1445 It was noted that Councillor Higgs was not present at the last meeting. Subject to this amendment the minutes of the last meeting held on 19 January, 2022, having been previously circulated, were confirmed and signed by the Chairman.

MATTERS ARISING

The Chairman confirmed that he had spoken to Councillor Cotton regarding the need for a policy on begging at junctions and Councillor Cotton had undertook to write to Councillor Sharpe. Councillor Sharpe said he had been informed the issue had been passed on to the Local Partnership Delivery Group. Councillor Sharpe stressed the need for action to be taken. Members commented on the issue and agreed that the matter should be referred back to the Cabinet Member. It was:-

1446 **RESOLVED:-**

That the Committee continues to be concerned over the issue of begging at junctions in the City and the matter be referred back to the Cabinet Member.

DUGDALE CRESCENT VILLAGE GREEN APPLICATION REPORT

The following report of the Interim City Solicitor was submitted:-

(See document no. 1)

It was noted that Councillor Merion Jenkins was in attendance for this item. Tarndip Sidhu presented the report giving a brief summary and stating that the application was unusual but within the remit of Licensing and Public Protection Committee.

The Application had been received from a local resident in the Sutton New Hall ward (“the Applicant”) on behalf of a group referring to itself as ‘Friends of the Green’ under section 15(2) of the Commons Act 2006 to register the land at Dugdale Crescent, Sutton Coldfield, B75 5EU (“the Application Site”) as a town/village green. No objections had been received. Reference was made to 5.3 and 5.4 of the report relating to the Statutory Test. Councillor Merion Jenkins spoke in support of the application and in response to comments from Councillor Mike Leddy. Councillor Mike Ward also spoke in support of the recommendation. Councillor Merion Jenkins said that the application should be approved.

1447 **RESOLVED:-**

That the application for the registration of a town/village green at ‘The Field’, Dugdale Crescent, Sutton Coldfield, B75 5EU (“the Application Site”) be approved.

LPPC FINANCIAL MONITORING 2021/22 – QUARTER 3

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

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(See document no 2)

David Jones gave a summary of the report to the Committee. Some further information regarding Covid work per service area had been requested at the last meeting and this was set out in appendix 2. Following a brief further discussion it was:-

1448

RESOLVED:-

- i) That the latest Revenue budget position at the end of December 2021 (Quarter 3) including Forecast Outturn pressure of £0.140m including both Covid response and non-Covid implications as detailed in Appendix 1 be noted;
- ii) that the forecast Covid-19 financial pressure for services as set out in Appendix 2 be noted;
- iii) that the analysis of ring-fenced Licensing expenditure and income set out in Appendix 3 be noted
- iv) that the analysis of ring-fenced grant funded services as set out in Appendix 4 be noted; and
- v) That the position on reserves and balances, as detailed in Appendix 5 be noted.

LPPC FINANCIAL BUDGET 2022/23

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

(See document no. 3)

David Jones gave a summary of the report setting out the Licensing and Public Protection Committee's (LPPC) Revenue Budget for the 2022/23 financial year and details of the approved savings programme for 2022/23 and responded to questions from Members.

1449

RESOLVED:-

That the Licensing and Public Protection Committee:-

- i) note the 2022/23 Revenue Budget Changes as detailed in Appendix 1;
- ii) note the 2022/23 Service and Subjective Budget in Appendix 2;
- iii) note the Budget 2022/23 to 2025/26 in Appendix 3; and
- iv) note the latest 2022/23 Reserves position as detailed in Appendix 4.

REGULATION & ENFORCEMENT FEES AND CHARGES REPORT

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

(See document no. 4)

Paul Lankester presented the report and responded to questions from Members. It was pointed out that some areas had no Neighbourhood Office. Sajeela Nasser informed that they were working with the general regulatory office to review the fees to at least meet costs.

1450

RESOLVED:-

- i) That the changes to the fees and charges for Trading Standards Services, as detailed in **Appendix 1**, are approved to take effect from 1 April 2022.
- ii) That the changes to the fees and charges for Environmental Health Services, as detailed in **Appendix 2(a)**, are approved to take effect from 1 April 2022.
- iii) That the changes to the fees and charges for Animal Welfare Services, as detailed in **Appendix 2(b)**, are approved to take effect from 1 April 2022.
- iv) That the changes to the fees and charges for Environmental Health Fixed Penalty Notices, as detailed in **Appendix 2(c)**, are approved to take effect from 1 April 2022.
- v) That the changes to the fees and charges for Pest Control Services, as detailed in **Appendix 2(d)**, are approved to take effect from 1 April 2022;
- vi) That the changes to the non-statutory fees and charges for the Registration Service, as detailed in **Appendix 3**, are approved to take effect from 1 April 2022;
- vii) That the statutorily set charges for the Registration Service, as detailed in **Appendix 3(a)** be noted;
- viii) That the changes to the fees and charges for Coroner's Services as detailed in **Appendix 4**, are approved to take effect from 1 April 2022;
- ix) That the changes to the fees and charges for Birmingham Account Team (Acivico-Building Consultancy) as detailed in **Appendix 5**, are approved to take effect from 1 April 2022; and

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- x) That authority be delegated to the Interim Assistant Director of Regulation and Enforcement and Heads of Service to authorise the negotiation of variations to the fees and charges identified in this report, in the interests of commercial flexibility.

MANDATORY HMOS FEES AND CHARGES 2022-23 REPORT

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

(See document no. 5)

The Committee was given a summary of the details as set out in the report. Details of the Fees were set out in appendix 1. In reply to questions the Committee was informed that exempt accommodation was not included as they did not require a licence. Paul Lankester informed that exempt accommodation was regulated nationally rather than locally. It was suggested that the appropriate representative be invited to a future meeting when a report on exempt accommodation should be submitted to the Committee also looking at how it was dealt with by other Local Authorities. Paul Lankester undertook to make representations to the Government on behalf of the Committee following the Elections. Following some further discussion the Chairman put on record his personal thanks to Sajeela Nasser for the her work in improving the service.

1451

RESOLVED:-

- i) That a report on HMO/Exempt Accommodation be submitted to a future meeting.
- ii) That the changes to the mandatory Houses in Multiple Occupation (HMOs) fees and charges as detailed in Appendix 1 be approved to take effect from 31 March 2022 for applications where a new licence would be issued in the financial year 2022/23 or where a late application was received on 31 March 2022 or later for a licence that expired at any time before

PROSECUTIONS AND CAUTIONS REPORT – DECEMBER 2021 AND JANUARY 2022

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

(See document no. 6)

Paul Lankester made introductory comments relating to the report. A summary of the outcome of legal proceedings taken by Regulation and Enforcement during the month of December 2021 and January 2022 was set out in the report. It was noted that the Chairman was attending the Housing and Neighbourhoods Enquiry to comment on flytipping and fixed penalty notices.

1452 **RESOLVED:-**

That the report of the Interim Assistant Director of Regulation & Enforcement be noted.

REGULATING THE COMMONWEALTH GAMES - FEBRUARY 2022

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

(See document no. 7)

Paul Lankester gave a presentation with the use of slides informing the Committee how the service was involved in the Commonwealth Games and how it had been involved during the 2 year lead up to the games. The Key task for Birmingham City Council was to deliver the plan and have a legacy for the future. During the discussion and following questions from Members Paul Lankester advised that Members were welcome to see how the intelligence database was working. There was also a planned programme of Ward visits as part of the lead up to the games.

1453 **RESOLVED:-**

That the report of the Interim Assistant Director of Regulation & Enforcement be noted.

UPDATE ON FOOD PROGRAMME

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

(See document no. 8)

Nick Lowe, Operations Manager Food presented the Recovery Plan setting out the Food Standards Agency's (FSA) guidance and advice to local authorities for the period from 1 July 2021 to 31 March 2023. The Chairman gave credit to Nick Lowe and his colleagues for ensuring that the programme was now on track. It was:-

1454 **RESOLVED:-**

That the Birmingham City Council Food Recovery Plan be approved, in accordance with the FSA national guidance.

DATE AND TIME OF NEXT MEETING

1455 The date of the next formal meeting was to to be determined.

OTHER URGENT BUSINESS

- 1456 Councillor Sharpe thanked everyone for their help and support throughout the years. The Chairman gave his best wishes and good luck to Members standing in the elections and thanked them for their help over the years. An informal meeting of Committee members would take place on 13 April, 2022.
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AUTHORITY TO CHAIR AND OFFICERS

- 1457 **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 1210 hours.

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CHAIRMAN