

BIRMINGHAM CITY COUNCIL

LICENSING AND PUBLIC PROTECTION COMMITTEE 18 JANUARY, 2023

MINUTES OF A MEETING OF THE LICENSING AND PUBLIC PROTECTION COMMITTEE HELD ON WEDNESDAY, 18 JANUARY, 2023 AT 1030 HOURS AT THE COUNCIL HOUSE, BIRMINGHAM B1 1BB

PRESENT: - Councillor Phil Davis in the Chair;

Councillors Diane Donaldson, Sam Forsyth, Adam Higgs, Zafar Iqbal, Izzy Knowles, Narinder Kooner, Mary Locke, Saddak Miah, Julien Pritchard

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NOTICE OF RECORDING/WEBCAST

- 1 The Chair advised 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.

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

DECLARATIONS OF INTEREST

- 1501 Members are reminded they must declare all relevant pecuniary and other registerable interests arising from any business to be discussed at this meeting. If a disclosable pecuniary interest is declared a Member must not participate in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.

If other registerable interests are declared a Member may speak on the matter only if members of the public are allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation. If it is a 'sensitive interest', Members do not have to disclose the nature of the interest, just that they have an interest.

Information on the Local Government Association's Model Councillor Code of Conduct is set out via <http://bit.ly/3WtGQnN>

This includes, at Appendix 1, an interests flowchart which provides a simple guide to declaring interests at meetings.

There were no declarations made.

APOLOGIES

- 1502 Apologies were received from Councillors Barbara Dring, Ziaul Islam and Penny Wagg for non-attendance.
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MINUTES

- 1503 The minutes of the last meeting held on 16 November, 2022, having been previously circulated were confirmed and signed by the Chair.
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REVIEW OF LICENSING AND PUBLIC PROTECTION FEES AND CHARGES 2023-24

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

(See document no. 1)

Mark Croxford gave a summary of the report.

- Members discussed the need to raise awareness that residents had a responsibility to check that anyone collecting their waste was genuine. The amount of fines issued was queried.
- It was clarified that the Pest Service was free for dealing with rats. Where there was a huge infestation, statutory powers allowed for a notice to be served on the relevant properties and the cost could be recharged. Some Local Authorities did not offer any services but if Birmingham City Council wished to offer more services, extra resources would be required.
- Mark Croxford undertook to send out a list of Neighbourhood Offices.
- An enquiry will be made with the registry office regarding the costs related to booking an additional room after the application had been agreed.
- It was noted that appendix 6A was referred to but was not included in the report. A report will be brought back to the Committee.

- 1504 **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 2023;

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- 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 2023;
- 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 2023;
- 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 2023;
- 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 2023;
- 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 2023;
- 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 2023;
- ix) That the changes to the fees and charges for Statutory Team (Acivico - Building Consultancy) as detailed in Appendix 5, are approved to take effect from 1 April 2023;
- x) That a report on the changes to the fees and charges for Highway Services as detailed in Appendix 6 to take effect from 1 April 2023 be re-submitted to the Committee for approval to include appendix 6A of the report; and
- xi) That authority be delegated to the 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.

REVIEW OF STREET TRADING CONSENT FEES AND CHARGES 2023-2024)

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

(See document no. 2)

Sajeela Naseer gave a summary of the report highlighting that the proposed fees took into account the deficit accrued in the last 2 years.

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- In response to questions from Members Sajeela Naseer accepted that the increase in cost was significant however it was hoped that it would not deter traders.
- The fees had been set to include recovery of the ring-fenced budget deficit over a one year period however it was possible to split the increase over more than one year to reduce the annual increase.
- Members gave their views and generally felt that the increase was a significant amount to pay. It was suggested that the percentage increase deficit be spread over a 3 year period to bring the cost down. Sajeela Naseer explained that the fees each year could go up or down. The Committee needed to agree the fees for 2023/2024 today owing to the timescales however they will continue to receive reports to set the fees each year.
- Members requested that in future more information be provided in the report and that the options available could be included.

1505 **RESOLVED:-**

- i) That the percentage increase be split over a 3 year period to reduce the annual increase; and
 - ii) That the changes to the Street Trading Service fees and charges as detailed in Appendix 1 (as amended on 18 January, 2023) be approved to take effect from 1 April 2023.
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NEW LEGISLATION RESTRICTING PROMOTIONS OF PRODUCTS HIGH IN FAT, SUGAR OR SALT REPORT

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

(See document no. 3)

Rebecca Callender gave a presentation on the new legislation on restricting the promotion of HFSS products by volume price (for example, multibuy offers such as 'buy one get one free') and location, both online and in store

- With reference to paragraph 4.5 it was noted that there were a number of food banks in the City that were not charities also some that had been set up as community organisations.
- Mark Croxford said that a lot of organisations were already addressing the issue and changing their recipes. The regulations introduced seek to assist nutritional labelling. It was hard for the Local Authority to influence statutory labelling.
- There was no extra resources for the Local Authority to carry out this work.

1506 **RESOLVED:-**

That the report be noted.

**COMMUNITY SAFETY TEAM CITY CENTRE PUBLIC SPACE
PROTECTION ORDER REPORT**

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

(See document no. 4)

Pam Powis presented the report providing the Committee with information related to the City Centre Public Space Protection Order (CCPSPO) introduced by Birmingham Community Safety Team and brought into force on 25th January 2022.

- They were looking at the implication of all the PSPO's. They had seen a reduction of 20% to 30% in localities. Pam Powis undertook to follow up the PSPO in Moseley and Kings Heath.
- In response to a comment about Sandwell Recreation ground Pam Powis said that the old alcohol restriction zones were now PSPO's.
- With regard to enforcement they had an agreement with the police to enforce Community Safety PSPO's. There were 6 officers in the team. They needed to ensure they had the resources to enforce a PSPO before it was implemented. A copy of the breach process was in the report.
- The issue of graffiti was raised and that it was rarely reported as a crime.

1507 RESOLVED:-

That the content of the report be noted.

CITY CENTRE NOISE PUBLIC SPACE PROTECTION ORDER REPORT

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

(See document no. 5)

Mark Croxford presented the report providing the Committee with an update on work being undertaken to address noise problems within two areas of the City Centre: New Street in the vicinity of Tesco's, and the junction of New Street and High Street by the Rotunda.

The Council's Environmental Health Officers use powers mainly under the Environmental Protection Act 1990, and the control of Pollution Act 1974 and the Anti-social Behaviour, Crime and Policing Act 2014. Following a brief discussion it was

1508 RESOLVED:-

That the report be noted

PROSECUTIONS AND CAUTIONS - SEPTEMBER & OCTOBER 2022

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

(See document no. 6)

Sajeela Naseer presented the report summarising the outcome of legal proceedings taken by Regulation and Enforcement during the months of September and October 2022.

- The details in the report were from the information held. It was requested that information about prosecutions in the Wards be shared.

1509 RESOLVED:-

That the report be noted.

DATE AND TIME OF NEXT MEETING

1510 RESOLVED:-

It was noted that the next formal meeting of the Licensing and Public Protection Committee was scheduled to take place on Wednesday, 15 March, 2023 with an informal meeting taking place on 15 February, 2023.

OTHER URGENT BUSINESS

1511 There was no urgent business.

AUTHORITY TO CHAIRMAN AND OFFICERS

1512 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'.

The meeting ended at 1216 hours.

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CHAIR