

BIRMINGHAM CITY COUNCIL

**LICENSING AND
PUBLIC PROTECTION
COMMITTEE
15 NOVEMBER, 2023**

**MINUTES OF A MEETING OF THE LICENSING
AND PUBLIC PROTECTION COMMITTEE HELD
ON WEDNESDAY, 15 NOVEMBER, 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, Ziaul Islam, Izzy Knowles, Narinder Kooner, Mary Locke, Saddak Miah, Simon Morrall, Julien Pritchard and Sybil Spence.

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NOTICE OF RECORDING/WEBCAST

- 1559 The Chair advised that this meeting will be webcast for live or subsequent broadcast via the Council's Public-I microsite ([please click this link](#)) 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

- 1560 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.

It was reported that the report on Selective Licensing was for noting only and no decision was being made. The Chair no longer had an interest in this item

Councillor Ziaul Islam declared an interest as he owned a property that was rented out.

Councillor Narinder Kooner declared an interest as she provided support to properties who held a licence. She worked for the D V Sector

APOLOGIES

- 1561 Apologies were received from Councillors Jilly Bermingham, and Dring for non-attendance.
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MINUTES

- 1562 The public minutes of the last formal meeting held on 20 September, 2023 having been previously circulated, were confirmed and signed by the Chair.
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UPDATE REPORT ON UNAUTHORISED ENCAMPMENTS

The following report of the Director of Regulation & Enforcement was submitted.

(See document attached)

Mark Wolstencroft and John Jamieson were present for the report updating the Committee on work being undertaken to further manage unauthorised encampments in the City since the last report on 20 September 2023. Stephen Gabriel, Martin Dando and Superintendent Jill Davenport, WMP were also in attendance for the update.

This report comprises input from Environmental Health (site repossession), Planning (planning policy and site identification) and Housing (site development and management). A dedicated local team had been established to work on unauthorised encampments.

Officers updated on site provision, transit sites and unauthorised encampments as set out in the report. Senior Managers had been contacted to raise awareness and ensure transit sites were on the agenda.

Superintendent Jill Davenport, WMP from Dudley local policing area gave an update advising when police powers could be used. She advised that unauthorised encampments became a policing matter when communities were affected making reference to the related powers and Guidance.

In response to questions regarding when action would be taken by the police, the Committee was advised that WMP had considered circumstances and thresholds when the police could intervene eg the point of incursion and whether any damage had been caused to enter the land.

Councillors raised their concerns about unauthorised encampments experienced in different areas causing distress to residents who were unable to use the amenities owing to the encampment. Reference was made in particular to Woodgate Valley, Billesley Common and Chinnbrook.

Following a comment that even though some of the action police could take was limited, it would be reassuring for WMP to attend the site of the unauthorised encampment, it was noted that it was usual practice for WMP and the Local Authority to attend every unauthorised site to carry out an assessment.

It was felt that it would be useful to have a target date for Proctor Street to be open. It was understood that the size of encampments had increased and feedback was requested when new sites were being considered in the future.

Mark Wolstencroft undertook to discuss Woodgate Valley with colleagues in Parks and Leisure. He also worked with WMP on this increasingly complex issue. Mark Croxford advised that the bar for injunctions had been raised. It was requested that some clear guidance be provided for Councillors to ensure they were aware of their rights in their Wards.

Councillor Sam Forsyth placed on record her disappointment at the lack of operational sites in the City.

1563

RESOLVED:-

That the report be noted.

REVIEW OF LICENSING SERVICE FEES AND CHARGES 2024-2025

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

(See document attached)

Emma Rohomon presented the report advising that the Corporate Charging Policy and Financial Regulations require that fees and charges levied by the Licensing and Public Protection Committee be reviewed on an annual basis to ensure the continued full recovery of costs.

Following a brief discussion it was

1564

RESOLVED:-

- i) That, subject to any statutory advertisement process, the changes to the Licensing Service fees and charges be approved to take effect from 1 st April 2024, including the new fee proposed for Classification of Films at Appendix 4b; and
- ii) That the Licensing Service fees and charges as detailed in Appendix 3b and 4a be noted.

REVIEW OF STREET TRADING CONSENT FEES AND CHARGES 2024-2025

The following report of the Director of Regulation and Enforcement was submitted.

(See document attached)

Shawn Woodcock presented the report highlighting the important points and responded to questions from Members.

During the discussion the following points were made:-

- The fee calculation was based on the latest accounts which were not yet finalised but not expected to change much. The fees were based on full recovery to £45K.
- If was queried whether there could be a contingency given in the current year however explained that officers were following best practice. It was clarified that there had been a reduction in income as there had been less traders.

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RESOLVED:-

- i) That the changes to the Street Trading Service fees and charges as detailed in Appendix 1 be approved to take effect from 1 December 2023 to apply to all consents from 1 April 2024; and
 - ii) That it be noted that Councillor Simon Morrall had voted against.
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REVIEW OF FPN TARIFFS FOR LITTERING, FLY-TIPPING, DUTY OF CARE, FLY POSTING AND GRAFFITI

The following report of the Director of Regulation and Enforcement was submitted.

(See document attached.)

Russell Davey presented the report to the Committee requesting that Members review the fixed penalty notices for the offences of littering, fly-tipping, duty of care, graffiti and fly-posting having consideration to new legislation which came into force on 31 July 2023 increasing the maximum tariff for these fixed penalty notices

Some Members felt that the maximum fine of £400 for unauthorised deposit of waste from a domestic premises did not act as a deterrent and gave examples of fly tipping in their Wards. They also sought clarity about the responsibility of residents to ensure the person they paid to collect their waste was legitimate and discussed enforcement for the offences.

Members gave their views whether the maximum fine for domestic premises should be raised to £1000 instead of £400 adding that this should be for people that were caught in the act of fly tipping. Councillor Sam Forsyth asked the Committee to note that the LGA should be lobbied to increase the maximum fine for commercial or industrial premises from £1000.

It was proposed by the Chair and seconded by Councillor Donaldson that the maximum fine of £400 for the unauthorised deposit of waste from a domestic premises should be raised from £400 to £1000 be put to the vote.

Following a vote on the above it was carried 7 in favour to 4 against and

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RESOLVED:-

- i) That the tariff for fixed penalty notices relating to littering, fly-tipping, duty of care, graffiti and fly-posting maximum fine of £400 for unauthorised deposit of waste from a domestic premises be raised to £1000; and

- ii) that the new tariffs commence on the 1st January 2024.
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**SELECTIVE AND ADDITIONAL PROPERTY LICENSING SCHEMES
UPDATE**

The following report of the Director of Regulation and Enforcement was submitted.

(See document attached)

Simon Williams presented the report giving a detailed update on the current position with the Selective and Additional Licensing Schemes which became a legal requirement in Birmingham on the 5 June 2023, which is the date the designations came into force.

Full details were as set out in the report and included the City-wide distribution of the applications by ward. The process was ongoing. Simon Williams responded to questions from Members informing that the Housing Options team worked with both Landlords and tenants.

1567

RESOLVED:-

That the report be noted.

PROSECUTIONS & CAUTIONS – JULY AND AUGUST 2023

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

(See document attached)

Sajeela Naseer presented the report summarising the outcome of legal proceedings taken by Regulation and Enforcement during the months of July and August, 2023 which included a significant case.

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RESOLVED:-

That the report be noted.

CHAIRS AUTHORITY REPORT – AUGUST 2023

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

(See document attached)

1569 **RESOLVED:-**

That the report be noted

DATE AND TIME OF NEXT MEETING

1570 To note the date and time of next formal meeting on 17 January, 2024 at 1030 hours **in Committee Room 6.**

OTHER URGENT BUSINESS

1571 Mark Croxford reassured Members that officers made themselves available to deal with unauthorised encampment issues. They were available for Ward Committees etc.

AUTHORITY TO CHAIRMAN AND OFFICERS

1572 **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 1247 hours.

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CHAIR