

BIRMINGHAM CITY COUNCIL

LICENSING AND PUBLIC PROTECTION COMMITTEE 10 MARCH, 2021

**MINUTES OF A MEETING OF THE LICENSING
AND PUBLIC PROTECTION COMMITTEE HELD
ON WEDNESDAY, 10 MARCH, 2021 AT 1030
HOURS AS AN ONLINE MICROSOFT TEAMS
MEETING**

PRESENT: - Councillor Phil Davis in the Chair;

Councillors Olly Armstrong, Bob Beauchamp, Neil Eustace, Adam Higgs, Nagina Kauser, Mike Leddy, Mary Locke, Majid Mahmood, Simon Morrall, Chauhdry Rashid, Mike Sharpe and Martin Straker Welds.

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NOTICE OF RECORDING/WEBCAST

- 1351 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

- 1352 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

- 1353 An apology was given on behalf of Councillor Olly Armstrong however he later attended the meeting.

MINUTES

- 1354 The public minutes of the meetings held on 18 November, 18 December, 2020 and 13 January, 2021 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 BUDGET MONITORING 2020/21 - QUARTER 3

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

(See document no. 1)

David Jones made introductory comments relating to the report giving a summary of the report and financial position outlining the main service areas.

In response to questions from Members he indicated that the Covid-19 related funding was monitored corporately on an on-going basis. This was for additional costs owing to Covid-19. The grant for compliance with enforcement was separate to this grant and also ringfenced to that particular programme. The support to businesses was related to fish exports and any certificates required for Europe. They were looking to respond to any additional requests for assistance with certification from businesses in Birmingham. This was in the fees and charges budget and they were hoping to make it self sustainable in the future.

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RESOLVED:-

- i) Note the latest Revenue budget position at the end of December 2020 (Quarter 3) including Forecast Outturn and COVID-19 response implications as detailed in Appendix 1.
- ii) Note the analysis of both COVID-19 and Non-COVID-19 related pressures as set out in Appendix 2
- iii) Note the position for the Savings Programme for 2020/21 as detailed in Appendix 3.
- iv) Note the position on Capital projects, as detailed in Appendix 4.
- v) Note the position on reserves and balances, as detailed in Appendix 5.

LPPC 2021-22 BUDGET REPORT

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

(See document no. 2)

Licensing and Public Protection Committee – 10 March, 2021

David Jones made introductory comments relating to the report and gave a summary of the report, explaining the details in the report. In response to questions from Members, Mark Croxford informed that staff undertook 15 hours of training and this would be accommodated for and carried out regularly. Sajeela Nasser added that any costs incurred in developing the policy and any potential judicial review costs were accounted for when setting the fees and charges. The fees were set according to what the costs were on a rolling process. This should be at no cost to Birmingham City Council.

1356

RESOLVED:-

That the Licensing and Public Protection Committee –

- i) Note the 2021/22 Revenue Budget Changes as detailed in Appendix 1.
- ii) Note the 2021/22 Service and Subjective Budget in Appendix 2.
- iii) Note the Budget 2021/22 to 2024/25 in Appendix 3.
- iv) Note the latest 2021/22 Reserves position as detailed in Appendix 4.

REGULATION & ENFORCEMENT ACTIVITY REPORT DECEMBER 2020 & JANUARY 2021

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

(See document no. 3)

Paul Lankester, Interim Assistant Director, Regulation made introductory comments relating to the report during which he indicated that since writing the report, it should be noted that there had been a reduction in the registration of deaths over the past few weeks.

Councillor Mary Locke thanked staff for the work they had undertaken during the pandemic. She was concerned about the increase in the number of cases as the lockdown eased. In response to a comment from the Chair regarding the impact on services Paul Lankester referred to the Government's road map to 21 June, 2021. The Department had been set up to deal with this. The funding for the Covid-19 Marshalls finished at the end of February, 2021 however funding had been secured through the Director of Public Health to retain those services.

Members placed on record their thanks to all the staff over this period. In response to comments and questions from Councillor Majid Mahmood, Mark Croxford replied that the £889K ringfenced grant had all been spent. They will now be able to fund the extra enforcement officer for whistleblowing and were working with the police dealing with illegal gatherings etc. Enforcement officers were tackling businesses and giving them advice on compliance. Sajeela Nasser advised that inspections had been carried out with partners including the police.

Tony Quigley informed that they were aware of the fake negative Covid -19 certificates and were investigating and awaiting further information. With regard to the Illegal Money Lending Team, they had a draft of the boards game that will go in the parks. These were subject to permission from the parks to ensure they could be incorporated into any design or plan. This could will be looked into for Councillor Majid Mahmood. Councillor Locke's mention of the Friend's of Parks was noted. The considerations were where the board game could be safely installed avoiding other play areas and not breaching the covenant of the park.

Paul Lankester reported that the Government had announced that they were extending Pavement Licences for a further year to September, 2022. He hoped to give another briefing to the Committee on all of the work done on Covid-19 and in addition on the income from enforceable activities. The Chair agreed that a post Covid-19 review was required.

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RESOLVED:-

That the content of the report be noted.

LICENSING FEES AND CHARGES REPORT 2021-22

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

(See document no. 4)

Emma Rohoman made introductory comments relating to the report and gave a summary of the report during which she indicated that an amendment should be made to paragraph 2.1 – the date 5 April should be amended to 1 April. It was noted that the format of the report had been changed.

In addition it was noted that a letter of support had been received from a person representing one of the larger Private Hire Operators regarding the fees proposed for the Hackney Carriage and Private Hire area and this had been forwarded to Members. The letter was supportive of the proposals however they reserved judgement on the proposals for the two new large operators fees.

With regard to comparative information with other Local Authorities the Chair informed that BCC had been in dialogue with other Local Authorities.

In reply to Councillor Majid Mahmood's comment regarding the consideration of a 5 or 10 year renewal period for licences, Emma Rohoman advised that the duration of licences was set by legislation. A full review of Hackney Carriage and Private Hire licences had been proposed. One of the proposals to consider was a 3 year default licence and what options will be made available. The new licences will allow efficiencies in all areas. Benchmarking against all other Local Authorities was not straight forward as all the other LA's had slightly different ways in administrating their licences. Following the review BCC will be able to be more cost effective.

Councillor Majid Mahmood noted that some other LA's had used their Covid-19 grant to reduce costs. There had been a number of queries from drivers following the £1,000 grant being offered by BCC. A number of issues had been highlighted in particular:-

1. The delay in the Covid-19 grant being paid.
2. Non payment of the Covid-19 grant for taxi drivers under the Clean Air Zone upgrade.
3. Non payment of the Covid-19 grant to citizens who were licenced outside Birmingham
4. Non payment of the Covid-19 grant for BCC licence holders who lived outside the City
5. The feasible discretion grant scheme for licence holders and the gap between making the recommendation and payment of the grant for CAZ compliant vehicles.
6. The review of Uber by the Supreme Court and whether operator licences will be reviewed to ensure they are now compliant with the ruling

The Chair suggested that as there were a lot of complex issues raised Councillor Majid Mahmood should put his queries in writing to Paul Lankester for a response. He added that the Cabinet Member for Transportation and the Deputy Leader will be taking an overview of issues with Covid-19 grants. Paul Lankester undertook to look into and respond to the issues raised. The Chair undertook to speak to the Cabinet Members and to report back to Licensing and Public Protection Committee as appropriate.

It was proposed and seconded

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RESOLVED:-

- i) That the changes to the Licensing Service fees and charges as detailed in Appendix 1(a-e) be approved to take effect from 1 April 2021.
- ii) That the new Private Hire Operator Licence Fees detailed in Paragraph 4.1 and Appendix 1a be agreed and, subject to the statutory advertising process as outlined in Paragraph 6, to take effect from 1 May 2021.
- iii) That the Prescribed fees detailed in Appendix 1(e) and (f) be noted.

REGULATION AND ENFORCEMENT FEES AND CHARGES REPORT 2021-22

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

(See document no. 5)

Mark Croxford, Head of Environmental Health and Tony Quigley , Trading Standards presented the report. Councillor Majid Mahmood was supportive of the recommendation to remove the early payment discount for fixed penalty notices. The Committee was informed that the saving with regard to pest control for fleas and bedbugs was as a result of changing the product used.

It was

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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 2021.
 - 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 2021.
 - 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 2021.
 - 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 2021.
 - 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 2021.
 - vi) That the changes to the fees and charges for Register Office Services, as detailed in Appendix 3, are approved to take effect from 1 April 2021.
 - vii) That the statutorily set charges for the Register Office, 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 2021.
 - 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 2021.
 - x) That the changes to the fees and charges for Highways Services as detailed in Appendix 6 are approved to take effect from 1st April 2021.
 - xi) 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.
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MORATORIUM EXEMPTION EXTENSION REPORT

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

(See document no. 6)

Sajeela Nasser made introductory comments relating to the report and in response to a question undertook to look into support given to drivers through the CAZ team and also enquire whether BCC had committed to buying any new vehicles. The Chair suggested that an update be circulated to Members.

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RESOLVED:-

- i) The Committee approve the proposal to extend the limited exemption from the requirements of the moratorium, for those vehicle proprietors meeting the criteria detailed at 5.3, until 1 January 2024.
- ii) The parameters and requirements set out at paragraphs 5.2 to 5.4 in this report be approved.

PROSECUTIONS AND CAUTIONS – NOVEMBER & DECEMBER 2020

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

(See document no. 7)

Councillor Majid Mahmood suggested a that a fine be considered as a deterrent for drivers caught plying for hire. In response to comments made Paul Lankester, Interim Assistant Director, Regulation and Enforcement informed that they were concerned about the different level of costs and disparity between cases for prosecutions and cautions. Regular meetings needed to held with the Magistrates Court to understand this. They could consider a wall of shame as part of the review of the enforcement policy, but take into account the legislation for the right to be slation after a period of time. He agreed with the Chair that the media attention around food safety was a good deterrent and detrimental to a business however they preferred businesses to be compliant. The less inspections were carried out the more non-compliance there was. He also agreed with Councillor Majid Mahmood that the safety of citizens was paramount

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RESOLVED:-

That the report be noted.

CHAIRS AUTHORITY REPORT – JANUARY 2021

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

(See document no. 8)

1362 **RESOLVED:-**

That the report be noted.

DATE OF NEXT MEETING

1363 It was agreed that the meeting on 14 April, 2021 will be an informal briefing for Members.

OTHER URGENT BUSINESS

1364 There was no other urgent business.

AUTHORITY TO CHAIR AND OFFICERS

1365 **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

1366 **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

Minutes

5 and 6