

BIRMINGHAM CITY COUNCIL

**LICENSING AND
PUBLIC PROTECTION
COMMITTEE
12 FEBRUARY 2020**

**MINUTES OF A MEETING OF THE LICENSING
AND PUBLIC PROTECTION COMMITTEE HELD
ON WEDNESDAY, 12 FEBRUARY 2020 AT 1030
HOURS IN COMMITTEE ROOMS 3 AND 4,
COUNCIL HOUSE, BIRMINGHAM**

PRESENT: - Councillor Phil Davis in the Chair;

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

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NOTICE OF RECORDING/WEBCAST

1270 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.

The Chair advised that he had invited Justin Varney, Director of Public Health, to advise the meeting on the current situation on the coronavirus in private session. Therefore the meeting would go in to private at the end.

DECLARATIONS OF INTEREST

1271 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

1272 An apology was received from Councillor Chauhdry Rashid for non-attendance. It was noted that Councillors Simon Morrell and Mike Leddy would be late attending the meeting.

MINUTES

1273 The Minutes of the meeting held on 18 December 2019, having been previously circulated were confirmed and signed by the Chair.

The Minutes of the meeting held on 15 January 2020, having been previously circulated were confirmed and signed by the Chair.

CHAIRS ANNOUNCEMENTS

A. Member Training

The Chair advised that due to insufficient business the Meeting of the Committee scheduled to be held on 11 March had been cancelled. However, it was proposed to hold a training session relating to Licensing Sub-Committees on that day, details of which would be circulated in due course.

B. Expedited Review

The Chair explained that representations against interim steps in respect of an Expedited Review had been received. The Committee Manager advised that it would be necessary for a Licensing Sub Committee to be arranged the following day and he sought members availability. The Chair and Councillor Mary Locke indicated their ability to sit on the Sub-Committee.

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

REVIEW OF LICENSING AND PUBLIC PROTECTION FEES & CHARGES 2020 - 2021

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

(See Document No. 1)

Following a suggestion by Paul Lankester, Interim Assistant Director, Regulation and Enforcement, the Chair took each appendix to the report separately:-

Appendix 1

Members agreed the fees and charges detailed in appendix 1.

Appendix 2a

Members agreed the fees and charges detailed in appendix 2a.

Appendix 2b

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Mark Croxford, Head of Environmental Health, responded to a question from Councillor Majid Mahmood relating to the fees for dealing with stray dogs and that charged to Solihull Metropolitan Borough Council.

Members agreed the fees and charges detailed in appendix 2b.

Appendix 2c

Councillor Majid Mahmood proposed that the fines for graffiti and flyposting and littering should be set at the maximum of £150 which was seconded. In response, Mark Croxford, Head of Environmental Health, indicated that the Committee could put up the fine for graffiti and flyposting if it so wished. In respect of littering he drew Member's attention to paragraph 2.17. He went on to respond to a query by Councillor Nicky Brennan relating to how fines for flyposting were imposed by explaining that flyposting was always prosecuted and the number of incidences of flyposting by the same person/organisation was taken in to account with fines ranging from £1000 to £2000.

A debate ensued relating to graffiti during which the need for partnership working to combat graffiti was identified. It was noted that the reduction of resources needed to reverse to overcome the increase in graffiti. It was noted that it was not in the power of the Local Authority to undertake restorative justice. The link between crime and grime was noted.

Councillor Majid Mahmood suggested that a working group of the Committee be set up to look at the problem of graffiti or perhaps the matter be looked at by a Task and Finish Overview and Scrutiny Committee.

Paul Lankester, Interim Assistant Director, Regulation and Enforcement, suggested that a recommendation be made to Overview and Scrutiny that a Task and Finish Overview and Scrutiny relating to graffiti be established.

Members agreed the fees and charges detailed in appendix 2c subject to the Fixed Penalty Notice for Graffiti and Flyposting and litter being increased to £150. Members also agreed the recommendation to Overview and Scrutiny that a Task and Finish Overview and Scrutiny relating to graffiti be established.

Appendix 2d

Mark Croxford, Head of Environmental Health, responded to a question from Councillor Mike Sharpe relating to who got the bill for pest services at rented and student accommodation.

Members agreed the fees and charges detailed in appendix 2d.

Appendix 3

Members agreed the fees and charges detailed in appendix 3.

Appendix 4

Members agreed the fees and charges detailed in appendix 4.

Appendix 5

In response to a question from Councillor Majid Mahmood Paul Lankester, Interim Assistant Director, Regulation and Enforcement, explained that Acivico had put forward fees which they believed were competitive and he felt that they would come back to the Committee requesting changes if they felt they were not.

Members agreed the fees and charges detailed in appendix 5.

Appendix 6

Members agreed the fees and charges detailed in appendix 6.

1274

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 2020;
- (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 2020;
- (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 2020;
- (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 2020;
- (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 2020;
- (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 2020;
- (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 2020;
- (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 2020;
- (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 2020;

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- (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; and
- (xii) that Overview and Scrutiny be requested to establish a Task and Finish Overview and Scrutiny relating to graffiti.

LICENSING AND PUBLIC PROTECTION BUDGET MONITORING 2019/20 - QUARTER 3

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

(See Document No. 2)

David Jones, Finance Manager – Services Finance, made introductory comments relating to the report and in response to a query from Councillor Majid Mahmood as to what the budget for public rights of way was used for, he explained that it was part of the Inclusive Growth Directorate and he undertook to put that question to the Director.

Paul Lankester, Interim Assistant Director, Regulation and Enforcement, responded to questions from Councillor Majid Mahmood relating to monies due from the Home Office, use of surplus licensing money to fund the provision of CCTV in private hire vehicles and hackney carriages and extra finance for food safety work.

In respect of the relocation of the Mortuary, Paul Lankester, Interim Assistant Director, Regulation and Enforcement, note that that was an area of work within the Cabinet Member's Portfolio and for that reason reports would not be submitted to the Committee. He referred to the work being undertaken in respect of the Mortuary and forthcoming reports on the situation. He undertook to circulate to Members the reports when they became available.

1275

RESOLVED: -

- (i) That the latest Revenue budget position at the end of December 2019 (Quarter 3) and Forecast Outturn as detailed in Appendix 1 be noted;
- (ii) that the position for the Savings Programme for 2019/20 as detailed in Appendix 2 be noted;
- (iii) that the position on Capital projects as detailed in Appendix 3 be noted; and
- (iv) that the position on reserves and balances, as detailed in Appendix 4 be noted.

UPDATE REPORT ON UNAUTHORISED ENCAMPMENTS

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

(See Document No. 3)

Mark Croxford, Head of Environmental Health, made introductory comments relating to the report.

Councillor Neil Eustace sought clarification regarding the Tameside Drive site and Paul Lankester, Interim Assistant Director, Regulation and Enforcement, indicated that it would be appropriate to brief Members in the private part of the meeting.

Mark Croxford, Head of Environmental Health, questions from Councillor Bruce Lines relating to the use of private bailiffs by private land owners. Paul Lankester, Interim Assistant Director, Regulation and Enforcement, indicated that officers would investigate the issue raised by Councillor Lines and respond via email.

Councillor Majid Mahmood sought clarification as to why travellers encamped in Balsall Heath had declined to use the transit site. He suggested that a transit site should be provided close to the Queen Elizabeth Hospital as he felt there was a need for such a facility.

1276

RESOLVED:-

- (i) That the report is noted and outstanding minute number 1231 be discharged.
- (ii) That Committee requests a further report to be brought in 3 months to update on the various work items contained within this report.

CONSULTATION ON STRENGTHENING POLICE POWERS TO TACKLE UNAUTHORISED ENCAMPMENTS

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

(See Document No. 4)

Paul Lankester, Interim Assistant Director, Regulation and Enforcement, and Mark Croxford, Head of Environmental Health, made introductory comments relating to the report. The Head of Environment Health responded to questions from Members relating to the impact on residents of unauthorised encampments, the needs of the travelling community and a City-wide injunction.

1277

RESOLVED:-

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That the proposed responses to the consultation be considered by members and that officers be advised of any amendments that the committee wish to be made to the proposed responses.

UPDATE ON CIVIL PARTNERSHIPS, MARRIAGES AND DEATHS (REGISTRATION)

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

(See Document No. 5)

Paul Lankester, Interim Assistant Director, Regulation and Enforcement, made introductory comments relating to the report and Andrea Haines, Superintendent Registrar/Operations Manager responded to questions from Members.

Councillor Mike Leddy felt that a Committee visit should take place to the Registrar Office.

1278 **RESOLVED:-**

That the attached briefing is noted for information.

OUTCOME OF APPEALS AGAINST SUB COMMITTEE DECISIONS: DECEMBER 2019

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

(See Document No. 6)

Sajeela Naseer, Head of Licensing, Markets and Registration, responded to a query from Councillor Majid Mahmood as to why the two cases that went to Magistrates' Court could not have been dealt with at the Licensing Sub-Committee.

1279 **RESOLVED:-**

That the report be noted.

PROSECUTIONS AND CAUTIONS – DECEMBER 2019

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

(See Document No. 7)

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Paul Lankester, Interim Assistant Director, Regulation and Enforcement, made introductory comments relating to the report during which he indicated that the Authority always sought to prosecute and were successful in in such matters.

Councillor Majid Mahmood referring to littering felt that the implications of littering should be promoted, and he suggested that roadside Digital Advertising Broads should be used particularly as they had a social responsibility element to them.

In respond to a query from Councillor Majid Mahmood, Sajeela Naseer, Head of Licensing, Markets and Registration, indicated that she would check the situation regarding Councillors providing character references and advise Members.

1280 **RESOLVED:-**

That the report be noted.

SCHEDULE OF OUTSTANDING MINUTES

The following schedule of Outstanding Minutes was submitted:-

(See Document No. 8)

1281 **RESOLVED:-**

That Outstanding minute No.1231 be discharged.

OTHER URGENT BUSINESS

1282 There was no other urgent business.

AUTHORITY TO CHAIR AND OFFICERS

1283 **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

1284 **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:-

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<u>Agenda Item etc.</u>	<u>Relevant Paragraph of Exempt Information Under Revised Schedule 12A of the Local Government Act 1972</u>
Public Health Update	6
Tameside Drive Transit Site	2