

BIRMINGHAM CITY COUNCIL

**LICENSING AND
PUBLIC PROTECTION
COMMITTEE
13 FEBRUARY 2019**

**MINUTES OF A MEETING OF THE LICENSING
AND PUBLIC PROTECTION COMMITTEE HELD
ON WEDNESDAY 13 FEBRUARY 2019 AT 1000
HOURS IN COMMITTEE ROOMS 3 AND 4
COUNCIL HOUSE, BIRMINGHAM**

PRESENT: - Councillor Barbara Dring in the Chair;

Councillors Bob Beauchamp, Nicky Brennan, Neil Eustace, Adam Higgs, Nagina Kauser, Mike Leddy, Bruce Lines, Hendrina Quinnen, Mike Sharpe, Sybil Spence and Martin Straker-Welds.

NOTICE OF RECORDING/WEBCAST

- 1120 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

- 1121 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.

There were no declarations of interest.

APOLOGIES

- 1122 Apologies were received from Councillors Olly Armstrong and Mary Locke for non-attendance.
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MINUTES

- 1123 The Minutes of the meeting held on 16 January 2019, having been previously circulated were confirmed as a correct record and signed by the Chairman.
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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 AND CHARGES 2019/2020

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

(See Document No. 1)

Mark Croxford, Head of Environmental Health, made introductory comments relating to the report and Appendix 1.

The Chair put the recommendation 2.1 to the meeting which was unanimously agreed.

Mark Croxford, Head of Environmental Health, made introductory comments relating to Appendix 2.

At 1012 hours Councillor Bruce Lines attended the meeting.

The Chair put the recommendation 2.2 to the meeting which was unanimously agreed.

Mark Croxford, Head of Environmental Health, made introductory comments relating to Appendix 2(a).

The Chair put the recommendation 2.3 to the meeting which was unanimously agreed.

Mark Croxford, Head of Environmental Health, made introductory comments relating to Appendix 2(c) relating to Pest Control Services. He confirmed that all domestic rat treatments were free of charge and that squirrels were pests as they caused damage if they entered the loft space of a premise. In response to a question from Councillor Mike Sharpe relating to people not been able to afford treatment for bedbugs, Mr Croxford explained that an assessment would be made and if a payment was not forthcoming then a charge would be put on the property. For Council owned properties Environmental Health would work with the Housing Department.

The Chair put the recommendation 2.4 to the meeting which was unanimously agreed.

Mark Croxford, Head of Environmental Health, made introductory comments relating to Appendix 3. Chris Neville, Acting Director of Regulation and

Enforcement, referring to the £11 statutory fee for the issue of a birth, death, marriage and Civil partnership certificate, explained that due to the fact it had led to the removal of the two tier cost system it was anticipated that there may be a £60,000 pressure on the Register Office budget.

Councillor Mike Leddy expressed concern that at Citizenship Ceremonies attended by the Lord Mayor and the Lord Lieutenant or their representatives the City attempts to sell photographs of the participants as a commercial exercise. He did not believe that to be appropriate and suggested that 3 photographs should be included in the price of the Ceremony. Chris Neville, Acting Director of Regulation and Enforcement, indicated officers would investigate that suggestion.

The Chair put the recommendation 2.5 to the meeting which was unanimously agreed.

The Chair put the recommendation 2.6 to the meeting which was unanimously agreed.

Mark Croxford, Head of Environmental Health, made introductory comments relating to Appendix 4.

The Chair put the recommendation 2.7 to the meeting which was unanimously agreed.

Mark Croxford, Head of Environmental Health, made introductory comments relating to Appendix 5.

Councillor Mike Leddy sought information on the grade of the employee on which the charges were calculated and on being advised that that information was not available requested that consideration of the appendix be deferred. It was suggested and agreed to see if the appropriate officer was available to attend the meeting later. (Minute No. 1126 below refers)

The Chair put the recommendation to defer consideration of appendix 5 until such time an officer can attend the meeting to the meeting which was unanimously agreed.

The Chair put the recommendation 2.9 to the meeting which was unanimously agreed

Therefore it was-

1124

RESOLVED:-

- (i) That the changes to the fees and charges for Trading Standards Services, as detailed in Appendix 1, be approved to take effect from 1 April 2019;
- (ii) that the changes to the fees and charges for Environmental Health Services, as detailed in Appendix 2, be approved to take effect from 1 April 2019;

- (iii) that the changes to the fees and charges for Environmental Health Fixed Penalty Notices, as detailed in Appendix 2(a), be approved to take effect from 1 April 2019;
- (iv) that the changes to the fees and charges for Pest Control Services, as detailed in Appendix 2(c), be approved to take effect from 1 April 2019;
- (v) that the changes to the fees and charges for Register Office Services, as detailed in Appendix 3, be approved to take effect from 1 April 2019;
- (vi) that the statutorily set charges for the Register Office, as detailed in Appendix 3(a) be noted;
- (vii) that the changes to the fees and charges for Coroner's Services as detailed in Appendix 4, be approved to take effect from 1 April 2019;
- (viii) that consideration of appendix 5 be deferred until such time an officer can attend the meeting; and
- (ix) 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.

(NB. See minute No. 1126 below.)

REVIEW OF LICENSING SERVICE FEES AND CHARGES 2019/20

The following report of the Acting Director of Regulation and Enforcement together with a corrected appendix 1(b) was submitted:-

(See Document No. 2)

Emma Rohomon, Acting Head of Licensing, made introductory comments relating to the report. In response to comments from the Chair relating to the knowledge test for hackney carriage and private hire, she explained that the low cost was to encourage more people to obtain a licence from Birmingham rather neighbouring authorities. She emphasised that the tests were now carried out with multi applicants rather than on a one to one basis to bring in efficiencies and there had been no reduction in the standard of the tests.

Councillor Bruce Lines questioned the actual costs of the tests, which he felt was too high. He continued that if the fee was to be lower than the actual cost which other fees were absorbing the difference. Councillor Lines asked if the cost of enforcement was included in licence fees. Emma Rohomon, Acting Head of Licensing, explained that the reduction had to happen and the fees had to take in to account enforcement work. With the knowledge tests the costs reflected the need for officers to check that the questions reflected correctly the situation on the ground such as road changes and building closures. With regard to the verbal communication test Chris Neville, Acting

Director of Regulation and Enforcement, explained that not many such tests were taken, normally requested by a Sub-Committee, and were on a one to one basis. For this reason the overheads were higher. He indicated that the Committee could defer approving the fees in paragraph 1.26 to allow officers to reconsider the issue. That was agreed.

Councillor Mike Leddy noted that during a recent hearing at a Sub-Committee, Members had been advised that it took 24 weeks to obtain a drivers licence in Birmingham which compared unfavourably with other Authorities including Wolverhampton. Emma Rohomon, Acting Head of Licensing, indicated that if a driver had undertaken all the correct checks and tests they would get a licence within a week. It was often the case delays were caused by the applicants who had not completed all of the tests etc. before they applied. Officers indicated that they would investigate the matter.

At 1117 Councillor Hendrina Quinnen attended the meeting.

The Chair put the recommendation 2.1 without the inclusion of paragraph 1.26 to the meeting which, with 11 votes for to none against with one abstention, was agreed.

The Chair put the recommendation 2.2 to the meeting which was unanimously agreed.

The Chair put the recommendation 2.3 to the meeting which was unanimously agreed.

The Chair put the recommendation 2.4 with the deletion of paragraph 1.26 to the meeting which was unanimously agreed.

1125

RESOLVED:-

- (i) That the changes to the Licensing Service fees and charges be approved to take effect from 1 April 2019 as detailed in Appendices 1 with the exception of paragraph 1.26, 1(a), 1(b) as corrected & 1(d);
- (ii) that the Licensing Service fees and charges as detailed in Appendix 1(c), and 1(e) be noted;
- (iii) that the calculation of licence fees utilises brought forward credit balances for Hackney Carriage and Private Hire that have been allocated on the basis set out in paragraph 1.23; and
- (iv) that the pricing strategy as detailed in paragraphs 1.25 and 1.27 to 1.31 of Appendix 1 be approved and/or retained.

REVIEW OF LICENSING AND PUBLIC PROTECTION FEES AND CHARGES 2019/2020 (continued)

Stuart Hancox, Principal Client Consultant (Allied), attended the meeting and in response to Councillor Mike Leddy's question as to who was doing the work

and whether they were a chartered surveyor or engineer, confirmed that the costs were based on a composite rate based on grades 5, 6 and 7 which made it easier for member of the public to understand. The officers were qualified Building Surveyors and qualified Building Control Officers or others holding professional qualification.

The Chair put the recommendation 2.8 to the meeting which was unanimously agreed.

1126

RESOLVED:-

That the changes to the fees and charges for Birmingham Account Team (formerly Surveying Services) as detailed in Appendix 5, be approved to take effect from 1 April 2019.

LICENSING AND PUBLIC PROTECTION BUDGET MONITORING 2018/19 - QUARTER 3

The following report of the Acting Director of Regulation and Enforcement Corporate Director Finance and Governance was submitted:-

(See Document No. 3)

Chris Neville, Acting Director of Regulation and Enforcement, made introductory comments relating to the report and responded to comments and questions from Members relating to costs of the 1974 Inquest and the pressures in pest control. He undertook to speak again to the Ministry of Justice in respect of the payments to the City.

The Chair put the recommendations in the report to the meeting which were unanimously agreed.

1127

RESOLVED:-

- (i) That the latest Revenue budget position at the end of December 2018 (Quarter 3) and Forecast Outturn as detailed in Appendix 1 be noted;
 - (ii) that the position for the Savings Programme for 2018/19 as detailed in Appendix 2 be noted;
 - (iii) that the expenditure on grant funded programmes and Proceeds of Crime Act as shown in Appendix 3i and Appendix 3ii be noted;
 - (iv) that the position on Capital projects, as detailed in Appendix 4 be noted; and
 - (v) that the position on reserves and balances, as detailed in Appendix 5 be noted.
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PROSECUTIONS AND CAUTIONS – DECEMBER 2018

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

(See Document No. 4)

Chris Neville, Acting Director of Regulation and Enforcement, made e introductory comments relating to the report and at the request of the Chair expanded on paragraph 5.4. He confirmed that Waste Enforcement was a separate service to the refuse collection service and some of the cases related to fly tipping.

The Chair put the recommendation to the meeting which was unanimously agreed.

1128 **RESOLVED:-**

That the report be noted.

**OUTCOME OF APPEALS AGAINST SUB COMMITTEE DECISIONS:
DECEMBER 2018**

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

(See Document No. 5)

Emma Rohomon, Acting Head of Licensing, made introductory comments relating to the report.

The Chair put the recommendation to the meeting which was unanimously agreed.

1129 **RESOLVED:-**

That the report be noted.

**ACTION TAKEN BY THE CHAIR OF THE LICENSING & PUBLIC
PROTECTION COMMITTEE: JANUARY 2019**

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

(See Document No. 6)

Emma Rohomon, Acting Head of Licensing, made introductory comments relating to the report and advised that the Chair had had taken action in respect of two further licences as follows:-

On the 5 December 2018 the Licensing Enforcement Section was informed by West Midlands Police that a driver reference 6374 had been arrested for processing of a firearm with the intent to endanger life following a firearm incident. In the interests of public safety the Acting Director Regulation and Enforcement acting in consultation with the Chair revoked the private hire licence held by the driver with immediate effect in accordance with sections 61(1)(b) and 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976.

On the 8 February 2019 the department was informed that a driver had collapsed at the wheel causing an accident although there were no persons injured. In the interests of public safety the Acting Director Regulation and Enforcement acting in consultation with the Chair suspended the private hire licence held by the driver with immediate effect in accordance with sections 61(1)(b) and 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976 until such time he/she could provide medical evidence he was fit to drive.

The Chair put the recommendation to the meeting which was unanimously agreed.

1130 **RESOLVED:-**

That the report and verbal update be noted.

FIXED PENALTY NOTICES ISSUED DECEMBER 2018

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

(See Document No. 7)

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

The Chair put the recommendation to the meeting which was unanimously agreed.

1131 **RESOLVED:-**

That the report be noted.

SCHEDULE OF OUTSTANDING MINUTES

The following schedule of Outstanding Minutes was submitted:-

(See Document No. 8)

1132 **RESOLVED:-**

That all Outstanding Minutes be continued.

OTHER URGENT BUSINESS

The Chair was of the opinion that the following item be considered as a matter of urgency in order to expedite consideration thereof and instruct officers to act if necessary.

Government Consultation on Statutory Guidance to be Issued to Taxi and Private Hire Vehicle (PHV) Licensing Authorities

- 1133 Councillor Mike Leddy noted that the Government planned to consult on Statutory Guidance to be issued to Taxi and Private Hire Vehicle (PHV) Licensing Authorities and he requested that the authority make representations on the cross border issue.

Emma Rohomon, Acting Head of Licensing, indicated that she would be working with the institute of licensing and would report the intended response to the Committee in due course.

AUTHORITY TO CHAIR AND OFFICERS

- 1134 **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 1147 hours.

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CHAIRMAN