

BIRMINGHAM CITY COUNCIL

**LICENSING AND
PUBLIC PROTECTION
COMMITTEE
17 JANUARY, 2024**

**MINUTES OF A MEETING OF THE LICENSING
AND PUBLIC PROTECTION COMMITTEE HELD
ON WEDNESDAY, 17 JANUARY, 2024 AT 1030
HOURS AT THE COUNCIL HOUSE,
BIRMINGHAM B1 1BB**

PRESENT: - Councillor Phil Davis in the Chair;

Councillors Diane Donaldson, Sam Forsyth, Ziaul Islam, Izzy Knowles, Saddak Miah, Julien Pritchard and Sybil Spence and Penny Wagg.

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NOTICE OF RECORDING/WEBCAST

1573 The Chair advised that this meeting would 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 could record and take photographs except where there were 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

1574 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.

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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 provide 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

- 1575 Apologies were received from Councillors Adam Higgs and Mary Locke for non-attendance.
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MINUTES

- 1576 The minutes of the last formal meeting held on 15 November, 2023 having been previously circulated, were confirmed and signed by the Chair.
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REGULATION & ENFORCEMENT - REVIEW OF FEES AND CHARGES 2024-25

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

(see document attached)

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. It was noted that some of the fees relating to areas which come within the Committee's remit were set nationally through statute, and these cannot be varied by the Committee. These were indicated in the report. All fees and charges had been set with the objective of maximising income so far as is possible within legal constraints. This report deals with all fees and charges within the control of the LPPC Committee.

Appendix 1 – Review of Charges for Trading Standards.

Appendix 2(a) – Review of Charges for Environmental Health

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Appendix 2(b) – Review of Animal Welfare charges

Appendix 2(c) – Review of Charges for FPNs issued by Environmental Health

Appendix 2(c) – Review of Charges for Pest Control

Appendix 3 – Review of Charges for Register Office, including statutory fees to note - (Table 5).

Appendix 4 – Review of Charges for the Coroner's Service

Appendix 5 – Review of charges for Birmingham Account Team (Acivico - Building Consultancy) (formerly Surveying Services)

Officers reported on the various services set out in the report and during the discussion that ensued responded to questions from Members:-

In particular Members made reference to the cost of living crisis. It was confirmed that Appendix 2(b) – Animal Welfare Services had not been impacted by XL Bullies as they were not currently included.

Appendix 2(d) - Cllr Sam Forsyth opposed the proposed introduction of £24 for the cost of the Domestic treatment of Rats owing to the impact on people's lives and asked that this cost be deleted. This was seconded by Councillor Diane Donaldson

Members spoke in support of Councillor Sam Forsyth's proposal and generally agreed that the introduction of the fee would be a false saving as it would act as a deterrent, resulting in residents failing to report the problem owing to the cost making matters worse. It was agreed that this was a public health issue and felt that the Council should continue to offer a free service.

Officers reported that the charge for Rats for Commercial Services was separate to Domestic Services. The proposed charge was contributory and had been set to not negatively impact upon citizens.

The Chairman put the proposal by Councillor Sam Forsyth to the vote which was seconded by Councillor Donaldson and by a show of hands it was unanimously agreed that the Licensing and Public Protection Committee did not approve the introduction of a new contributory charge (£20 plus £4 VAT) for the provision of pest control treatments for domestic rats in the house or garden. The treatment for domestic rats in the house or garden should therefore be free.

Councillor Pritchard noted that some of the increases were more than 10% increases and that there were no allowances for people on benefits. He suggested that the fees should be increased by 10% and be approximately £95 and not as suggested in the report.

Councillor Davis asked if Members were in favour of the fees at 2.16 in the report being amended to be increased by 10% from the previous year with

the exception of wasps, to be £65 (total) for 2024/2025 and domestic rats in the house or garden to be free and this was agreed.

1577

RESOLVED:-

1. 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 2024.
2. That the changes to the fees and charges for Environmental Health Services, as detailed in Appendix 2(a), be approved to take effect from 1 April 2024.
3. That the changes to the fees and charges for Animal Welfare Services, as detailed in Appendix 2(b), be approved to take effect from 1 April 2024.
4. That the changes to the fees and charges for Environmental Health Fixed Penalty Notices, as detailed in Appendix 2(c), be supported having been previously approved to take effect from 1 April 2024.
5. That the changes to the fees and charges for Pest Control Services, as detailed in Appendix 2(d), be approved to take effect from 1 April 2024 subject to the following:-

Members resolved that in respect of fees relating to domestic services to treat cockroaches, bedbugs, mice, fleas and other insects that this charge should be £95 for each treatment inclusive of VAT rather than £150 per treatment inclusive of VAT proposed in the report.

Members approved the fee relating to domestic service to treat wasps at £65 for each treatment inclusive of VAT.

Members resolved that in respect of the proposed new fee relating to a domestic service to treat rat in house or garden that the service should be provided free rather than at £24 per treatment inclusive of VAT proposed in the report.

6. That the changes to the non-statutory fees and charges for the Registration Service, as detailed in Appendix 3, be approved to take effect from 1 April 2024.
7. That the statutorily set charges for the Registration Service, as detailed in Appendix 3 – Table 5 be noted.

8. 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 2024.
9. That the changes to the fees and charges for Statutory Team (Acivico – Building Consultancy) as detailed in Appendix 5, be approved to take effect from 1 April 2024.
10. That authority be delegated to the Director of Regulation and Enforcement (in respect of all fees and charges) and relevant Heads of Service (in respect of fees and charges that fall within their portfolio/service area) to authorise the negotiation of variations to the relevant fees and charges identified in this report, in the interests of commercial flexibility.

THE IMPACT OF EMPTY PROPERTIES AND THE ROLE OF PRIVATE RENTED SERVICES

The report of the Director of Regulation & Enforcement (Presenting Officer: Sajeela Naseer).

Deborah Moseley gave a summary of the report setting out the work of the Empty Property Team (EPT) within the Private Rented Service aimed at bringing empty properties back into use where possible. The report detailed the enforcement used and highlighted the collaborative working across different Council teams, community groups, the police etc. to identify the owner of an empty property to start the formal process to try to bring properties back into use. The Empty Property Strategy 2019 – 2024 was attached at appendix 1.

In response to Member's comments the target had been reduced in 2022/2023 owing to the service going through a period of change and there had been a reduction in the number of staff. It was felt it would be useful if action could be taken before a property became run down. The team was thanked for the work they had undertaken.

1578

RESOLVED:-

That the report be noted.

TRADING STANDARDS FINALISED PROSECUTIONS BETWEEN APRIL - NOVEMBER 2023

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

(See document attached)

Tony Quigley introduced Sobia Akhtar, a former police officer of 14 years and also Martin Williams who had joined the Trading Standards team to the Committee.

Tony Quigley gave a summary of the report summarising the outcome of legal proceedings taken by the Trading Standards service between 1 April 2023 to 30 November 2023 and gave a background of the service outlining the four key priorities for the trading standards service alongside the broad and varied work undertaken by the service. Legal costs recovered were utilised by the service to undertake investigations and projects in prioritised areas. There were financial implications for legal services in that costs could not be a consideration when taking legal action.

Martin Williams gave an overview of a few of the cases during the year informing that there had been a successful conviction. Carrying out investigations were time consuming, however they were worthwhile. They had been successful in assisting a vulnerable person in having their money returned. It was noted that Trading Standards did not always recover all their costs. It was felt that more could be done to educate people about rogue traders such as literature that Councillors could hand out to residents. Nitrous Oxide was now a police matter as it was a Class C drug. The increase in 24 hour shops was a planning matter.

Tony Quigley informed the Sub-Committee that they hoped to gain 6 further staff however this was nowhere near the amount of staff employed in 2010.

1579

RESOLVED:-

That the report be noted.

PROSECUTIONS & CAUTIONS – SEPTEMBER AND OCTOBER 2023

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

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(See document attached)

Sajeela Naseer presented the report summarising the outcome of legal proceedings taken by Regulation and Enforcement during the months of September and October 2023. The report outlined the amount of costs requested and awarded for the year.

1580 **RESOLVED:-**

That the report be noted.

DATE AND TIME OF NEXT MEETING

1581 The date and time of the next formal meeting on 13 March, 2024 at 1030 hours in Committee Rooms 3 & 4 was noted.

OTHER URGENT BUSINESS

1582 There was no other urgent business.

AUTHORITY TO CHAIRMAN AND OFFICERS

1583 **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 1201 hours.