

BIRMINGHAM CITY COUNCIL

**REPORT OF THE INTERIM ASSISTANT DIRECTOR OF
REGULATION AND ENFORCEMENT
TO THE LICENSING AND PUBLIC PROTECTION COMMITTEE**

19 JANUARY 2022
ALL WARDS

**REGULATION & ENFORCEMENT ACTIVITY REPORT
OCTOBER/NOVEMBER/DECEMBER (QUARTER 3) 2021**

1. Summary
 - 1.1 Birmingham City Council's Regulation and Enforcement Division covers a range of statutory functions including enforcement activities.
 - 1.2 The purpose of this report is to provide the Committee with information as to the scale and type of activities that have been ongoing in the current financial year. This period covers the months of October, November and December 2021.

2. Recommendation
 - 2.1 That the content of the report be noted.

Contact Officer: Paul Lankester, Interim Assistant Director Regulation & Enforcement
Telephone: 0121 675 2495
E-mail: paul.lankester@birmingham.gov.uk

3.0 Background

3.1 The range of functions exercised by officers on behalf of the City Council are varied and occur across all parts of the city. The overview of activities in October, November and December 2021 is set out in the Appendix to this report.

4. Consultation

4.1 No public consultation has taken place, as this is an information report.

5. Implications for Resources

5.1 None

6. Implications for Policy Priorities

6.1 None

7. Public Sector Equality Duty

7.1 No further equality issues have been identified, as all enforcement activities are carried in accordance with the adopted enforcement policy, which was the subject of an equalities impact assessment.

INTERIM ASSISTANT DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: Nil

REGULATION & ENFORCEMENT ACTIVITY REPORT
OCTOBER, NOVEMBER & DECEMBER 2021

Introduction

The way the Council enforces its regulatory activities under the terms of the relevant legislation has altered significantly since the Covid 19 pandemic. Changes have been made to comply with national guidance and the introduction of new legislation. This report provides a snapshot of enforcement activity for the services in Regulation and Enforcement since 1 October to 31 December 2021. While services are seeking to enter the recovery phase, many services are reliant on changes to Government legislation and guidance.

Detailed Action

The table below sets out the activities undertaken in Quarter 3 (October, November and December 2021

Environmental Health and Trading Standards

Activity	Env. Health				Trading Standards			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Prosecution agreed*	22	199	400		1	1	6	
Simple Cautions	0	5	1		0	1	1	
Statutory Notices served	77	111	62		1	0	0	
Coronavirus Enforcement	9	0	0		0	0	0	
Requests for Assistance Received	12,463	12,253	8,832		1,393	1,338	988	
Requests for Assistance closed	10,886	8,364	5,863		1,385	1,207	952	

Environmental Health

	Q1		Q2		Q3		Q4	Year Total
Work type	RFA Total	PI Target met	RFA Total	PI Target met	RFA Total	PI Target met	RFA Total	RFA Total
H&S Accidents	91	100%	113	100%	138	100%		
Dogs	537	100%	581	99.5%	607	99.7%		
Infectious Disease	187	98.4%	228	98.3%	211	97.6%		
Pest Control	4811	89.2%	4,801	81.4%	3,569	81.5%		
Request for Assistance	6837	79.5%	6,530	80.2%	4,307	90.3%		
Total	12,463	85.5%	12,253	82.1%	8,832	87.7%		

Analysis of Requests for Assistance (RFA)

The analysis of the types of activity in Environmental Health is shown above.

The Environmental Health team also respond to consultation requests from Planning Management covering a wide range of large scale and major developments. The number of applications (QTY) and the percentage responded to in time (%) is shown in the following table. The number of major schemes are also shown (these are included in the QTY and % for the Planning Consultations).

Work Type	Q1		Q2		Q3		Q4	
	QTY	%	QTY	%	QTY	%	QTY	%
Planning Consultations	758	99%	849	89%	838	94%		
Major Schemes	123		120		96			

Licensing

Activity in the Licensing Service has increased of late and the service is close to returning to 'business as usual', though lockdown restrictions do impact on this extensively. Activity in Licensing Sub Committees did increase following the opening of the hospitality sector.

140 matters have been finalised through the delegated process, which would have ordinarily come before the sub-committee, 29 of which were finalised in December /January.

During quarter two of 2021/22 five Summary / Expedited Review applications were submitted by West Midlands Police under section 53A of the Licensing Act 2003 as amended by the Violent Crime Reduction Act 2006 which related to the following premises:

- Casey Joes Public House & Restaurant, 1293 – 1295 Warwick Road, Olton, Birmingham, B27 6PU
- Pavo Birmingham (Formerly Latin Pavo Bar and Restaurant), 88 – 90 Vittoria Street, Jewellery Quarter, Birmingham, B1 3PA
- Bambu, 1st Floor Kotwall House, Wrottesley Street, Birmingham, B5 4RT
- Simply Local, Unit 8 Norfolk House, 84 – 86 Smallbrook Queensway, Birmingham, B5 4EG
- The Rocket Club, 258 Broad Street, Birmingham, B1 2HF

Activity	Licensing							
	HCPH*				General			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Prosecution agreed								
Simple Cautions								
Licence applications	650	656	641		544	639	699	
Licence sub-committees	n/a	n/a	n/a		38	47	48	
Of which were reviews:	n/a	n/a	n/a					
Interim steps					0	7	2	
Expedited					0	2	4	
Standard					4	10	3	
Licence renewals	1384	1064	1413		23	15	16	
Requests for Actions Received	477	479	434		110	102	74	
Requests for Actions closed	406	376	454		83	78	75	

Analysis of RFAs

The breakdown of types of Requests for Assistance in Licensing is shown below.

	Q1		Q2		Q3		Q4	
	Received	Closed	Received	Closed	Received	Closed	Received	Closed
Total	587	489	581	454	508	529		
Hackney Carriage	68	59	63	54	77	74		
Private Hire	409	347	416	322	357	380		
Licensing Act 2003	96	76	100	70	61	66		
Gambling Act 2005	0	1	0	0	1	1		
Scrap Metal Dealers	10	3	2	6	3	5		
Sexual Entertainment Venues	0	0	0	0	2	1		
Massage & Special Treatments	0	1	0	0	2	1		
Charitable Street Collections	2	0	0	1	2	1		
Street Trading	1	1	0	1	2	0		
Skin Piercers	1	1	0	0	1	0		

Scrap Metal Dealers

There are currently 63 licences issued in Birmingham under the Scrap Metal Dealers Act 2013. The breakdown of licences issued is as follows:

Type of Licence	Number of active licences
Scrap Metal Site Licences	32
Scrap Metal Collector Licences	31

There have been the following actions taken with regards to Scrap Metal Site licences:

Type of Enforcement	Apr 2021	May 2021	Jun 2021	Jul 2021	Aug 2021	Sep 2021	Oct 2021	Nov 2021	Dec 2021
Complaints	1	0	0	0	0	0	0	0	0
Inspections	2	2	1	0	0	2	1	0	0

Nb. This section is included for completeness, but enforcement of scrap metal dealer licensing is the responsibility of the Cabinet.

Trading Standards

Trading Standards received 988 requests for Assistance in the third quarter. These again are across a broad range of issues, from car trade, building work, product safety, scams, supply of illicit tobacco and alcohol as well as underage sales and other consumer frauds. Some of the jobs require direct intervention whilst others are logged for intel purposes. The table below shows just a selection of the 37 categories of jobs received.

	Q1	Q2	Q3	Q4	Year Total
Work type	RFA	RFA	RFA		
Consumer Fraud	209	186	91		
Age Restricted Sales	37	41	23		
Product Safety	50	56	64		
Counterfeit Goods	79	67	52		
Car Sales	108	81	63		
Advice and Assistance	435	399	333		

In addition to dealing with the above requests for assistance other activities of note during the last quarter include:

- On 16 October 2021 an underage sales exercise in five premises was undertaken with a 15-year-old volunteer- one underage alcohol sale resulted.
- On 27 October 2021 test purchases in five premises were carried out with underage police cadet volunteers. Two premises sold to underage volunteers, one alcohol sale and one tobacco sale. The businesses who sold to the underage volunteers are pending licence reviews for the licensed premises.
- On 30 November 2021 TS officers with WM Police carried out test purchases of knives, 12 premises were visited and 10 retailers sold these, including an assortment of carving knives, meat cleavers and a combat/survival style knife. The retailers were reminded about challenge 25.
- Officers visited the city centre several times in respect of peddlers, and have seized quantities of counterfeit perfumes, unsafe toys and balloons.
- Mohammed Tariq, Trading Standards Officer, was awarded the Chartered Trading Standards Institute TSI Hero award in recognition of his work regarding intellectual property and consumer protection.

Proceeds of Crime

Payment has been received from a defendant convicted of a fraudulently taking money from consumers for non-existent flight tickets. This money is being forwarded to the victims, who were witnesses in the case.

Notable Convictions and Outcomes:

Just Clear It Ltd & Hasan Beha Hasan (Co-defendants)

The company had put out placards across the city not only advertising their services but also falsely claiming to be associated with Birmingham City Council. Despite receiving warnings some signs were still not removed. Mr Hasan pleaded guilty and was fined £800 and costs of £2,672.25 were awarded. The Magistrates firmly reminded Mr Hasan that he needs prior written permission to use logos on advertisements and he should not be fixing placards on street furniture in the future

Pricemark Motors

On 15 November 2021 in Birmingham Magistrates Court Pricemark Motors UK Ltd and its director, Mr Shivam Chudasama, were convicted of selling an unroadworthy vehicle, a VW Polo, to a consumer. The director of the company was found guilty of offences for supplying an unroadworthy vehicle to a consumer. The sentence for the defendant director was a £1,000 fine: a compensation order in favour of the victim in the sum of £8,721.34 and costs in favour of Birmingham City Council in the sum of £11,364.75 were awarded. A victim surcharge of £100 applies.

BCC v W Mamadsi

On 29 November 2021 in Birmingham Magistrates Court, Walee Mamadsi pleaded guilty to offences for possessing illegal tobacco, seized by City Council officers during inspections on 20 September 2020 and 12 March 2021 at the premises of Zahir Supermarket, Bordesley Green, Birmingham B9 5NS. The court imposed a fine of £400 costs of £1,250, victim surcharge of £40, with an order to pay within 14 days.

Licence Review Maxi Food 6 Wood End Road Birmingham

The licence review was brought about due to a complaint received in October 2021, alleging that the business was “selling illegal tobacco and alcohol every day, children from the local school buy these items”. On 11 October 2021 in a joint operation with West Midlands Police, City Council officers went to the premises to give advice and to warn about the implications of selling illicit alcohol and tobacco, particularly to persons under the age of 18. Whilst in the shop illicit tobacco and alcohol was found.

A Review of a Premises Licence was made under the Licensing Act 2003, in respect of Maxi Food. This was considered by Licensing Sub-Committee on Tuesday 30 November 2021 and it was decided: -

- that the Licence be revoked
- Mr Farhad Mohammed Razaye be removed as Designated Premises Supervisor

England Illegal Money Lending Team (IMLT)

During quarter 3 (October-December 14/12/2021), the England Illegal Money Lending Team (IMLT) received 91 reports of illegal money lending, leading to 46 new investigations and 73 new illegal money lenders being identified.

The team executed 6 warrants across Local Authorities within England, with seven people arrested and 17 victims provided direct or indirect support from the team.

OCTOBER

- Op Pinball, Liverpool – One arrested and questioned

NOVEMBER

- Op Animation, Leeds – Two arrested
- Op Zither, Watford – One arrested and charged

DECEMBER

- Op Accrue, Bedfordshire – One arrested and released under investigation (RUI)
- Op Victual, Merseyside – One arrested and cautioned
- Op Humberston, Northampton – One arrested and questioned

The IMLT continued to assist with the investigation into fraudulent Covid business grants as part of Operation Sander.

Irene Murunge, 51, of Koban Court, Watford Way, Barnet, was sentenced at Harrow Crown Court on November 8. She was convicted on September 13 after a jury found her guilty of a single offence of unlawfully engaging in money lending between 1 April 2014 and 20 February 2018. Her 18-month sentence was suspended for two years and she was ordered to complete 200 hours of community work.

Registration Service

Death Registrations

The service is processing death registrations in line with the Coronavirus Act and the direction of the General Register Office (GRO). In late March 2020 a new process for registering was enacted and the service implemented this and honed the processes to improve performance. The table below shows the level of death registrations for April to 13 Dec 2021 compared to the period April - December in 2020-21.

Deaths	2020/21	2021/22	% change
April 2021	2260	811	-64.12
May	982	812	-17.31
June	767	772	+0.67
July	800	826	+ 3.25
August	714	877	+22.83
September	804	979	+21.77
October	904	869	-3.87
November	1132	1109	-2.00
December	1134	1012	-12
Year to date	9497	8067	-15.1%

Birth Registrations

The Government reintroduced the registration of births in June 2020, with an optional alternative procedure, both procedures require face to face meetings. For operational reasons the service followed the standard process and was fully operational from mid-June. As of 13 December 2021 there were 2741 outstanding birth registrations, of which 511 were over the statutory 42 days registration period. The table below shows the level of birth registrations for April 2021 through to 13 December 2021 compared to the same period in 2020-21.

Birth Registrations	2020/21	2021/22
April 2021	5	1959
May	16	1650
June	543	1832
July	2820	1402
August	2048	1405
September	2375	1732
October	2464	1579
November	2542	1958
December	1950	1308
Running Total	14,763	14,825

Ceremonies

Following the first national lockdown in 2020, the Government announced ceremonies could recommence in Covid 19 secure venues from July 2020. In line with national guidance the Register Office implemented measures to recommence ceremonies from 4 July 2020. Registrar General Licence Marriages were permitted to take place during the lockdown. During April – May 2021 citizenship ceremonies continued to be delivered by a combination of socially distance ceremonies and virtual ceremonies. The Service resumed the holding a citizenship ceremonies at the Register Office from June 2021. The tables below show the level of ceremonies and notices from April 2021 to 13 December 2021 compared to the April to December period in 2020-21.

Ceremonies	2020/21	2021/22
April 2021	0	103
May	0	131
June	3	172
July	52	210
August	71	193
September	425	373
October	123	192
November	12	171
December	42	113
Running Total	728	1,658

Notice of Marriage and Civil Partnership	2020/21	2021/22
April 2021	0	644
May	2	603
June	141	684
July	405	700
August	368	585
September	373	425
October	478	499
November	518	465
December	168	511
Running Total	2,453	5,116

Citizenship Ceremonies	2020/21	2021/22
April 2021	0	397
May	0	387
June	0	531
July	156	424
August	246	434
September	170	267
October	214	293
November	203	381
December	338	67 to 13 Dec
Running Total	1327	3181

Paul Lankester
Interim Assistant Director Regulation and Enforcement