

BIRMINGHAM CITY COUNCIL

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

NOVEMBER 2020
ALL WARDS

Regulation and Enforcement Report - September 2020

1. Summary
 - 1.1 Birmingham City Council's Regulation and Enforcement Division covers 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 month of September 2020.
2. Recommendation
 - 2.1 That the content of the report be noted.

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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 September 2020 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 a equalities impact assessment.

INTERIM ASSISTANT DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: Nil

REGULATION & ENFORCEMENT REPORT – SEPTEMBER 2020**Introduction**

The way the Council enforces its regulatory activities under the terms of the relevant legislation has altered significantly since the outbreak of Covid 19. 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 lockdown. While services are seeking to enter the recovery phase, many services are reliant on changes to Government legislation and guidance.

As more data becomes available this report will be updated in future months- feedback is welcomed.

Detailed Action

The table below sets out the activities undertaken in Q1 (April, May, June accumulative); July/August 2020 and September 2020

Environmental Health, Licensing and Trading Standards

Activity	Env. Health			Licensing						Trading Standards		
	Q1	July/ Aug	Sept	HCPH*			General			Q1	July/ Aug	Sep
				Q1	Jul/ Aug	Sep	Q1	Jul/ Aug	Sep			
Prosecution agreed	57	76		8						7	7	
Simple Cautions	4	4		16								
Statutory Notices served	26	34	24									
Coronavirus Enforcement	254	632	1,077	33								
Licence applications				195	331	181	196	264	133	126		
Licence sub-committees							14	20	11	17		
Of which were reviews:												
Interim steps							1	1	0			
Expedited							2	0	1			
Standard							3	0	0			
Licence renewals				343	890	648	9	15	11			
Requests for Actions Received	10,809	9,159	4,514	166	199	116				1,114		

Requests for Actions closed	8,446	5,775	2,496	287	163	105				1,251		
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Environmental Health

Analysis of Requests for Assistance (RFA)

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

	Q1	July /August		September		Q2
Work type	RFA Total	Total	PI Target met	Total	PI Target met	RFA Total
Accidents	92	64	64	20	20	84
Dogs	415	372	366	79	79	445
Infectious Disease	122	110	98	26	25	136
Pest Control	4,022	3,612	3,173	730	707	4,342
Request for Assistance	6,158	5,001	3,718	1467	915	6,468
Total	10,809	9,159	7,419	2,322	1,746	11,481

Currently it is predicted that the complaint rate will be 30% higher for the second quarter than the first.

The Service continues to undertake inspections and provide advice on Covid compliance. Through monies provided by the Director of Public Health we are recruiting 8 extra officers solely focused on Covid compliance checks.

In addition, the Government has announced nationally the investment of £30m for increased Enforcement and Compliance checks. Birmingham's share of this is £889k to be spent in the next 4 months. At present we are drafting a plan for this money which is a mix of enforcement activity and education. We are looking to recruit a further 15 enforcement officers to undertake inspections, advise on risk assessments and respond to complaints. The educational side will support the deployment Covid Marshalls across the city as well as increased presence on advertising and social media campaigns to explain the restrictions under the current Covid Tier and to promote disease control steps.

The courts are now sitting, and hearing submitted prosecution cases and we are again looking to submit cases rather than deal with matters via simple cautions in-line with our enforcement policy. We are undertaking limited inspections of high risk food

premises and food complaints on a risk assessment basis as required by the Food Safety Agency.

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 has markedly increased following the opening of the hospitality sector. This is expected to continue for the remainder of the year.

40 matters have been finalised through the delegated process, which would have ordinarily come before the sub-committee.

Outcome of Licensing Act 2003 Reviews (Q2: July – September)

PB's, 54 – 57 Key Hill, Hockley, Birmingham, B18 5NX

On 18th August 2020, Superintendent Morris, of West Midlands Police, applied for a review, under Section 53A of the Licensing Act 2003 (as amended by the Violent Crime Reduction Act 2006), of the Premises Licence granted to Nickeshia Reid-Davidson in respect of the above premises as a result of the premises being found not to be operating in a Covid safe manner at approx. 1.30am on Saturday 15th August 2020 despite previous engagement with the licensee on at least 7 occasions.

A Licensing Sub Committee was required to convene within 48 hours of receipt of the application to determine whether to take any interim steps.

On 19th August 2020 Licensing Sub-Committee B met and having heard from both the licensee and representatives of WMP resolved that the Designated Premises Supervisor (DPS) be removed and that the Premises Licence be suspended pending the full review hearing.

The review application was advertised, by the Licensing Authority in accordance with the regulations; representations were received from Public Health and Environmental Health as responsible authorities under the Licensing Act 2003.

On the 14th September 2020 Licensing Sub Committee A, met to consider the full review and having heard evidence from the licence holder, West Midlands Police, Public Health and Environmental Health resolved to revoke the premises licence, remove the DPS and to maintain the interim step of suspension pending the outcome of any appeal to the Magistrates Court.

Analysis of RFAs

The breakdown of types of RFAs in Licensing is shown below.

	July/August		September	
	Received	Closed	Received	Closed
Total	199	163	116	105
Hackney Carriage	15	9	9	10
Private Hire	130	116	76	59
Licensing Act 2003	50	30	26	33
Gambling Act 2005	0	0	0	0
Scrap Metal Dealers	3	6	4	3
Sexual Entertainment Venues	0	0	0	0
Massage & Special Treatments	1	2	1	0

Trading Standards – September 2020

September 2020 RFAs

Trading Standards received 427 Requests for Assistance in September, an 11% increase on the previous month.

Coronavirus Related RFAs

Reports of businesses breaching the coronavirus restrictions continue to reduce, with five RFAs received in September – 50% fewer than the previous month. All five related to social distancing and the appropriate use of PPE.

Trading Standards continue to receive enquiries about alleged non compliant face masks. Officers follow these up by contacting the suppliers including importers and requesting documentation to check their safety certification and import documentation.

Core TS Activities

The core Trading Standards activities – product safety, underage sales, rogue traders and car sales all remain largely consistent. However, complaints about consumer fraud have increased this month. Of these, the highest sub-categories are scam websites and telephone calls / text messages and doorstep selling. There appears to be an increase in tradespeople going door-to-door offering their goods and services.

Second-hand car cases continue to be a source of complaints, in a couple of cases where the vehicle was alleged to be dangerous and unroadworthy, the vehicle has been examined by an independent expert and investigations are proceeding.

Financial Investigation

In terms of COVID-19 related work, the two Financial Investigators (FIs) remain focused on fraudulent Coronavirus Business Grant applications. Interviews with suspects in these cases are set to commence in joint investigations with Birmingham

Audit. Both FIs are conducting work on behalf of Sandwell MBC and Wolverhampton CC, in a shared approach to undertaking financial investigation. In terms of Sandwell, this also relates to suspected fraudulent claims for Coronavirus Business Grants, along with a large-scale car clocking scam and tracing and recovering funds stolen from a school by a rogue business manager.

Outstanding Proceeds of Crime hearings continue to be adjourned at the Crown Courts, with administrative hearings held via video link wherever possible.

Regional Investigation Team (RIT)

Officers from the RIT assisted other law enforcement bodies with an exercise at an outdoor market known for selling counterfeit products. Summonses were issued to a Birmingham based clothing manufacturer for his part in the counterfeit clothing manufacturing chain. He is next due to appear at Birmingham Magistrates Court on 30 November.

In the last update, reference was made to the sentencing of three individuals for their part in a home improvement scam. A fourth person involved in this case and who had failed to attend court, has been arrested and is now in the court system.

Several other investigations are currently being conducted. All of the investigations involve a significant number of alleged victims, with those victims being spread across the central region and beyond.

England Illegal Money Lending Team (IMLT)

During September, the IMLT received 49 reports of illegal money lending (IML), an increase of 31 reports to the previous month, and an increase of 12 reports from last year. 18 new illegal lenders were identified.

Enforcement activity during September saw the IMLT execute five warrants in four Operations. These were at addresses located in Kent, the Wirral, Milton Keynes and Oldham. This saw six individuals arrested, all of whom have been released under investigation to allow for further enquiries.

There has been one hearing during this time where a male was convicted of two offences for IML in St Albans as part of the IMLT operation Three Rivers. Mr Solimar Barrera was sentenced to 12 months imprisonment on each offence to be served concurrently. In respect of a Proceeds of Crime Act offence, Mr Barrera was sentenced to 2 months custody to be served consecutively, i.e. a total of 14 months, but suspended for 18 months. A contribution to costs of £400 was ordered.

LIAISE work has continued through September with online virtual training being made available for partner agencies, with 913 staff receiving training. Bespoke one to one LIAISE support has been provided to 42 victims of loan sharks and the team have generated 15 pieces of IML intelligence.

The applications for the annual LIAISE POCA funding have been finalised with £200,000 being granted for community grassroot projects to promote the IMLT message across the UK.

The IMLT have launched a new smartphone app for victims and partner agencies to report loan sharks. Users can also access information and advice about Stop Loan

Sharks and other support services. The team are using geofencing to send push notifications about recent arrests and court cases to app users in a specific area or location. The app featured in Martin Lewis' Money Tips weekly email which was sent to 12 million people. One social media user tweeted about the app and shared links with his 15.6K followers. The app has over 300 active users and is free to download on both iOS and Android.

Registration Service

Births

The Government reintroduced the registration of births, with a revised process. The procedure still requires face to face meetings, the service was fully operational from mid-June. As at 28 September there was a backlog of birth registrations of 4613, of which 2311 were over 42 days. The table below shows the level of birth registrations for June through to September compared to 2019, when the service recommenced.

Birth Registrations	2019	2020	% change
June	1,819	543	-70.15
July	1,880	2,820	+50.9
August	1,647	2,045	+24.2
September	1956	2376	+21.5
Running Total	7302	7784	+6.6%

Deaths

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 registration compared to 2019.

Deaths	2019	2020	% change
April	819	2260	+176
May	863	983	+13.9
June	762	767	+0.65
July	802	800	-0.25
August	793	714	-9.95
September	802	804	0.25
Running Total	4,841	6,226	+28.6%

Ceremonies

The Government announced that marriage and civil partnership notices of marriage and civil partnerships and ceremonies could recommence from July, provided the venue is COVID 19 secure. Following this announcement and in line with the guidance issued in late June by the GRO, Birmingham Register Office implemented measures to enable ceremonies to take place from 4 July. The tables below show the level of ceremonies and notices from July to September compared to 2019.

Ceremonies	2019	2020	% change
July	188	45	-76.1%
August	224	63	-72.75%
September	150	121	-19.35%
Running Total	562	229	-59.25%

Notice of Marriage and Civil Partnership	2019	2020	% change
July	610	430	-29.95
August	522	365	-30.1
September	621	373	-39.95
Running Total	1753	1168	-33.35%

Citizenship Ceremonies	2019	2020	% change
July	268	156	-41.75
August	199	246	+33.2
September	281	170	-39.45
Running Total	748	572	23.55.%

City Centre Operations - Temporary Pavement Licences

The City Centre Team process pavement licences in the city centre only, with new legal provisions enacted in July 2020. An on-line application process was launched on 30 July 2020. The table below shows the activity that has taken place to the end of September 2020.

2020/21	Jul	Aug	Sep
Received	3	34	8
Approved	2	29	7
Refused/Returned/Withdrawn	1	5	1

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18 November 2020