

# **BIRMINGHAM CITY COUNCIL**

## **LICENSING AND PUBLIC PROTECTION COMMITTEE**

**WEDNESDAY, 08 SEPTEMBER 2021 AT 10:30 HOURS**  
**IN BMI MAIN HALL, 9 MARGARET STREET, BIRMINGHAM, B3 3BS**

### **A G E N D A**

**1     NOTICE OF RECORDING/WEBCAST**

The Chair to advise/meeting to note that this meeting will be webcast for live or subsequent broadcast via the Council's meeting You Tube site ([www.youtube.com/channel/UCT2kT7ZRPFCXq6\\_5dnVnYlw](http://www.youtube.com/channel/UCT2kT7ZRPFCXq6_5dnVnYlw)) and that members of the press/public may record and take photographs except where there are confidential or exempt items.

**2     DECLARATIONS OF INTERESTS**

Members are reminded that they must declare all relevant pecuniary and non pecuniary interests arising from any business to be discussed at this meeting. If a disclosable pecuniary interest is declared a Member must not speak or take part in that agenda item. Any declarations will be recorded in the minutes of the meeting.

**3     APOLOGIES**

To receive any apologies.

**3 - 12**     **4     MINUTES**

To confirm and sign the Minutes of the meeting held on 23 June, 2021.

**13 - 24**     **5     LPPC 2020-21 OUTTURN REPORT**

Report of Interim Assistant Director of Regulation & Enforcement

**25 - 36**     **6     LPPC 2021-22 QUARTER 1 FINANCIAL PERFORMANCE**

Report of the Interim Assistant Director of Regulation & Enforcement

<b><u>37 - 80</u></b>	7	<b><u>ANNUAL REPORT – ENVIRONMENTAL HEALTH/IMLT/RIT</u></b>	Report of Interim Assistant Director of Regulation & Enforcement
<b><u>81 - 86</u></b>	8	<b><u>IMPACT OF STREET TRADING POLICY 2020</u></b>	Report of the Interim Assistant Director of Regulation & Enforcement
<b><u>87 - 92</u></b>	9	<b><u>ANNUAL SAFETY AT SPORTS GROUNDS</u></b>	Report of Interim Assistant Director of Regulation & Enforcement
<b><u>93 - 104</u></b>	10	<b><u>REGULATION &amp; ENFORCEMENT ACTIVITY REPORT – APRIL/MAY/JUNE 2021 (QUARTER 1)</u></b>	Report of Interim Assistant Director of Regulation & Enforcement
<b><u>105 - 134</u></b>	11	<b><u>PROSECUTIONS AND CAUTIONS – MAY/JUNE 2021</u></b>	Report of Interim Assistant Director of Regulation & Enforcement
<b><u>135 - 138</u></b>	12	<b><u>CHAIRS AUTHORITY REPORT – JULY 2021</u></b>	Report of Interim Assistant Director of Regulation & Enforcement
	13	<b><u>OTHER URGENT BUSINESS</u></b>	To consider any items of business by reason of special circumstances (to be specified) that in the opinion of the Chair are matters of urgency.
	14	<b><u>AUTHORITY TO CHAIR AND OFFICERS</u></b>	Chair to move:-  'In an urgent situation between meetings, the Chair jointly with the relevant Chief Officer has authority to act on behalf of the Committee'.

## BIRMINGHAM CITY COUNCIL

<p><b>LICENSING AND PUBLIC PROTECTION COMMITTEE 23 JUNE, 2021</b></p>
---

**MINUTES OF A MEETING OF THE LICENSING  
AND PUBLIC PROTECTION COMMITTEE HELD  
ON WEDNESDAY, 23 JUNE, 2021 AT 1030  
HOURS AT BMI, LYTTLETON THEATRE,  
MARGARET STREET, BIRMINGHAM**

**PRESENT:** - Councillor Phil Davis in the Chair;

Councillors Alex Aitken, Nagina Kauser, Mike Leddy, Mary Locke, Mike Sharpe.

.....

**NOTICE OF RECORDING/WEBCAST**

- 1370 The Chair advised that this meeting will be webcast for live or subsequent broadcast via the Council's meeting You Tube site ([www.youtube.com/channel/UCT2kT7ZRPFCXq6\\_5dnVnYlw](http://www.youtube.com/channel/UCT2kT7ZRPFCXq6_5dnVnYlw)) and that members of the press/public may record and take photographs except where there are 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.**

---

**CHAIRMAN'S ANNOUNCEMENTS**

- 1371 The Chair advised that owing to adjustments for the meeting a number of Councillors were unable to attend this meeting. It was also noted that attendance at a Sub-Committee meeting counted towards the Member's attendance record.

For the municipal year there will be a mix of formal meetings and informal briefings for Members.

The Chairman announced that Abdool Rohomon who was in attendance at the meeting with a colleague was retiring from West Midlands Police after 30 years service. Abdool Rohomon had been lead licensing officer from West Midlands Police for the past 20 years working with Birmingham City Council Licensing. The work that the police carried out with BCC was crucial and his input had been valuable.

Abdool Rohomon responded to the comments and thanked BCC for all the work they had undertaken together some of which had been challenging and difficult. Together they had done a sterling job and attitudes had been changed in Birmingham.

The Chairman presented Abdool Rohomon with a gift as a mark of thanks for the work he had done.

---

**DECLARATIONS OF INTEREST**

- 1372 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 made.

---

**APOLOGIES**

- 1373 Apologies were received from Councillors Diane Donaldson, Adam Higgs, Bruce Lines and Martin Straker-Weld for non-attendance.
- 

**APPOINTMENT OF LICENSING AND PUBLIC PROTECTION COMMITTEE**

- 1374 The appointment by the City Council of the Committee and Chair for the Municipal Year 2021/2022 was noted as follows:-

**Labour Group (10)**

Councillor Alex Aitken  
Councillor Olly Armstrong  
Councillor Nicky Brennan  
Councillor Phil Davis (**Chairman**)  
Councillor Diane Donaldson  
Councillor Nagina Kauser  
Councillor Mike Leddy  
Councillor Mary Locke  
Councillor Chauhdry Rashid  
Councillor Mike Sharpe

**Conservative Group (4)**

Councillor Bob Beauchamp  
Councillor Adam Higgs  
Councillor Bruce Lines  
Councillor Simon Morrall

**Liberal Democrat Group (1)**

Councillor Neil Eustace

It was further noted that at the City Council meeting on 22 June, 2021 the following amendment to the membership was agreed:-

Councillor Martin Straker-Weld to replace Councillor Olly Armstrong.

Councillor Diane Donaldson was welcomed as a new Member. It was noted that she had undertaken the training for Members.

The Chair advised that he had invited the opposition group to nominate a Member to serve on the Statement of Licensing Policy Task and Finish Working Group. Members on the group will be Councillor Davis, the Deputy Chair of LPPC, and Councillors Nicky Brennan and Nagina Kauser.

---

**ELECTION OF DEPUTY CHAIR**

It was proposed and seconded

1375 **RESOLVED:-**

That Councillor Leddy be appointed as Deputy Chair of the Committee for the Municipal Year 2021/22. The Chair thanked Councillor Mike Leddy for his support as Deputy Chair the previous year.

---

**FUNCTIONS, POWERS AND DUTIES**

The following schedule was submitted:-

(See Document No. 1)

1376 **RESOLVED:-**

That the Committee's functions, powers and duties, as agreed by City Council and set out in the attached schedule be noted.

---

**DATES OF MEETINGS OF THE LICENSING AND PUBLIC PROTECTION COMMITTEE**

1377 **RESOLVED:-**

That meetings of the Licensing and Public Protection Committee be held on the following Wednesdays at 1030 hours at the BMI, Margaret Street, Birmingham.

8 September, 2021  
10 November, 2021

19 January, 2022

9 March, 2022

**Informal briefings to be held on the following dates**

14 July, 2021

20 October, 2021 – 1430 hours

1 December, 2021

9 February, 2022

---

**LICENSING SUB-COMMITTEES 2021/2022**

1378

**RESOLVED:-**

- i) To note the membership of Sub-Committees A.B and C appointed by the City Council for the Municipal Year 2021/2022 as detailed below.
- ii) That each Sub-Committee comprises 3 Members (with a quorum of 3) and will determine matters relating to the Licensing Act 2003. the Gambling Act 2005, Hackney Carriage Licences, Private Hire Licences and such other business as may be referred to them by the Director of Regulation and Enforcement Services.
- iii) That any Sub-Committee Member may appoint a nominee (Substitute) from their respective party group on the Licensing and Public Protection Committee to attend in their place. Any Member nominated must have had formal training as set out in Paragraph 9.6 of the Licensing Committee Code of Practice for Councillors and Officers set out in the Constitution.

**Licensing Sub-Committee A - Mondays (1000 hours)**

**Councillors**

Phil Davis (Chairman)	Lab	Billesley Ward
Nagina Kauser	Lab	Aston Ward
Bob Beauchamp	Con	Perry Common Ward

**Licensing Sub-Committee B - Tuesdays (1000 hours)**

**Councillors**

Diane Donaldson	Lab	Bromford & Hodge Hill Ward
Mike Sharpe	Lab	Pype Hayes Ward

## **Licensing and Public Protection Committee – 23 June, 2021**

Adam Higgs	Con	Highters Heath Ward
------------	-----	------------------------

### **Licensing Sub-Committee C - Wednesdays (1000 hours)**

#### **Councillors**

Nicky Brennan	Lab	Sparkhill Ward
Mary Locke	Lab	Stirchley Ward
Neil Eustace	Lib	Yardley East Ward

---

#### **MINUTES**

- 1379 The public section of the Minutes of the meeting held on 10 March, 2021 having been previously circulated were confirmed as a correct record:-

(See Document No. 2)

---

#### **LICENSING POLICIES, PROCEDURES AND DELEGATIONS**

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

(See Document No. 3)

Emma Rohomon made introductory comments relating to the report giving a summary of the report.

The Chairman stated that he would welcome a briefing on the regulation of scrap metal.

- 1380 **RESOLVED:-**

- i) That the Committee considers and agrees the proposals detailed in Paragraph 5.3-5.6 to the report concerning the temporary alterations to policy matters introduced in the response to the Covid pandemic.
- ii) That the Committee Considers the proposal in paragraph 5.7 concerning hackney carriage and private hire delegations and determines whether to
  - a) Withdraw the delegation and return the matters to the sub-committee meetings held 'in-person' from September 2021.
  - b) Continue the delegation with a further review to be presented to the Committee in September 2021, or
  - c) Confirm the delegation as standard, subject to annual reporting with all other delegations.

- iii) That the Committee considers and agrees the alterations detailed in paragraphs 6.1 and 6.2.
- iv) That the report be noted.

---

**COMMITTEE CODE OF PRACTICE FOR COUNCILLORS AND OFFICERS**

The following Committee Code of Practice for Councillors and Officers was submitted:-

(See document no. 4)

1381

**RESOLVED:-**

That the Licensing Committee Code of Practice for Councillors and Officers be noted.

---

**ANNUAL REPORT 2020/21 – TRADING STANDARDS/LICENSING  
/REGISTER OFFICE**

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

(See document no. 5)

Paul Lankester made introductory remarks relating to the annual report for each of the services adding that he was proud of the achievements made this year during the pandemic and placed on record his thanks to all the staff involved.

Tony Quigley gave a summary of the report also placing on record his thanks to the staff who had supported the service and continued to operate in difficult circumstances. The Chair echoed the comments made.

In response to questions Paul Lankester replied that there had been a significant reduction in staff from 70 staff reduced to 12. Councillor Mary Locke gave her thanks to staff. In response to her question whether there were any plans to recruit more staff Paul Lankester replied that this could be looked at in the Task and Finish Group. They would be making representations to the Government about the impact of the national shortage of qualified regulatory staff as this had not been recognised. Paul Lankester advised that they had bid for resources in relation to additional staff owing to the new legislation for the Commonwealth Games. There was a new graduate trainee scheme. Tony Quigley advised that interviews were currently being held for apprentices.

Andrea Haines gave an update on the Registry Office. In response to a question from Councillor Mike Leddy regarding what help and support had been provided by BCC to enable staff to cope, The Committee was advised that the Employee Assistance Programme was available to staff also some courses had been identified that were available. The significant increase in the level of work in the Registry Office had led to excessive weariness in staff. The change to a computer system for registration had led to further staff concerns. As a team



they had tried to give support to staff and someone needed to be brought in for bereavement support. The service in terms of performance was better than it was in April 2020 which was a credit to the team. The Chair supported the remark. A question had been asked in February regarding the number of funerals and not deaths. Data will be produced on a monthly basis.

Emma Rohomon gave an update on the impact of Covid 19 on the service and gave credit to staff for keeping the service going.

In reply to questions there had been a lot of issues with the IT system however they would work differently in the future. Members will be given an update when normal service has been resumed. The Chair thanked officers for their work. Paul Lankester reported that the support from IT had allowed BCC staff to work from home. They were working on revising the Hackney Carriage and Drivers Licence Policies.

1382

**RESOLVED:-**

That the report of the Interim Assistant Director of Regulation and Enforcement be noted.

---

**STREET TRADING – JUDICIAL REVIEW**

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

(See document no. 6)

Paul Lankester made introductory remarks relating to the report. The review of Street Trading in Birmingham was a challenge. There will be a review of the policy in due course. Councillors were welcome to submit any questions in writing.

1383

**RESOLVED:-**

That the report of the Interim Assistant Director of Regulation and Enforcement be noted.

---

**TACKLING ILLEGAL PLACARDING**

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

(See document no. 7)

Tony Quigley made introductory remarks relating to the report. Members should let Tony Quigley know any problems they had in their Wards.

1384

**RESOLVED:-**

That the report of the Interim Assistant Director of Regulation and Enforcement be noted.

---

**REGULATION AND ENFORCEMENT ACTIVITY REPORT – FEBRUARY AND MARCH 2021**

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

(See document no. 8)

1385

**RESOLVED:-**

That the report of the Interim Assistant Director of Regulation and Enforcement be noted.

---

**PROSECUTIONS & CAUTIONS – JAN, FEB, MARCH & APRIL, 2021**

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

(See document no. 9)

Mark Croxford made introductory remarks relating to the report. Councillor Leddy suggested that there should be a Chair's or Director's award available for Environmental Officers in recognition of the work carried out. This was seconded by Members and agreed that this should be looked into. The Lord Mayor could be asked to write to officers as a thank you. Following a further brief discussion it was

1386

**RESOLVED:-**

That the report of the Interim Assistant Director of Regulation and Enforcement be noted.

---

**CHAIRS AUTHORITY REPORT – APRIL 2021**

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

(See document no. 10)

Emma Rohomon advised that Chairs authority had been sought to revoke with immediate effect the private hire driver licence held by driver reference 5142. The Chairman undertook to have a discussion with Emma Rohomon about revocations and suspensions.

1387

**RESOLVED:-**

That the report of the Interim Assistant Director of Regulation and Enforcement be noted.

---

**OTHER URGENT BUSINESS**

1388      There was no other urgent business.

---

**AUTHORITY TO CHAIRMAN AND OFFICERS**

1389      **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’.

---

**EXCLUSION OF THE PUBLIC**

1390      **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:-

Minutes – Exempt Paragraphs 5.

**PRIVATE**

**MINUTES**

- 1391 The private minutes of the meeting held on 10 March, 2021 having been previously circulated were confirmed and signed by the Chair.

**OTHER URGENT BUSINESS (EXEMPT INFORMATION)**

There was no other urgent business (exempt information.)

---

The meeting ended at 1200 hours.

.....  
CHAIRMAN

<b>Report to:</b>	<b>LICENSING AND PUBLIC PROTECTION COMMITTEE</b>	
<b>Report of:</b>	<b>INTERIM ASSISTANT DIRECTOR REGULATION AND ENFORCEMENT AND CHIEF FINANCIAL OFFICER</b>	
<b>Date of Committee:</b>	<b>08 SEPTEMBER 2021</b>	
<b>SUBJECT:</b>	<b>LICENSING AND PUBLIC PROTECTION – FINANCIAL OUTTURN 2020/21</b>	

<b>1. Purpose of Report:</b>
<p>1.1 This report sets out the outturn income and expenditure for 2020/21 incurred on services that are the responsibility of the Licensing and Public Protection Committee.</p> <p>1.2 The Cabinet approved the City Council's Outturn Report for 2020/21 on 29 June although the figures are still subject to audit by the City Council's approved external auditors.</p>

<b>2. Decision(s) Recommended:</b>
<p>The Licensing and Public Protection Committee is requested to:</p> <p>2.1 Note the revenue outturn non-Covid related underspend of £0.270m shown in Appendix 1.</p> <p>2.2 Note the expenditure on ring-fenced licensing services in Appendix 2</p> <p>2.3 Note the expenditure on grant funded programmes in Appendix 3.</p> <p>2.4 Note the position on reserves, as detailed in Appendix 4.</p>

<b>Lead Contact Officer(s):</b>	<b>David Jones, Finance Manager – Services Finance</b>
<b>Telephone No:</b>	0121 675 0580
<b>E-mail address:</b>	<a href="mailto:david.jones@birmingham.gov.uk">david.jones@birmingham.gov.uk</a>

<b>3. Consultation</b>	
3.1	<p><u>Internal</u></p> <p>The Revenue and Capital Outturn position for the City Council as a whole was considered by Cabinet on 29 June 2021. The Chair of Licensing and Public Protection Committee, the Interim Assistant Director of Regulation and Enforcement and the Chief Financial Officer have been consulted in the preparation of this report.</p>
3.2	<p><u>External</u></p> <p>Not applicable.</p>

<b>4. Compliance Issues:</b>	
4.1	<p><u>Are the recommended decisions consistent with the Council's policies, plans and strategies?</u></p> <p>The budget is integrated with the Council Business Plan, and resource allocation is directed towards policy priorities.</p>
4.2	<p><u>Financial Implications (Will decisions be carried out within existing finances and Resources?)</u></p> <p>This Licensing and Public Protection Financial Outturn report gives details of monitoring of service delivery within available resources of the Place Directorate.</p>
4.3	<p><u>Legal Implications</u></p> <p>Section 151 of the Local Government Act requires the Chief Financial Officer (as the responsible officer) to ensure proper administration of the City Council's financial affairs. This report forms the concluding part of the Council's budgetary control cycle for 2020/21. Budgetary control, which includes the regular monitoring of and reporting on budgets, is an essential requirement placed on Cabinet Members, Committees, and Members of Executive Team by the City Council in discharging this statutory responsibility. There are no specific implications in relation to other policies.</p>
4.4	<p><u>Public Sector Equality Duty</u></p> <p>There are no additional specific Equality Duty or Equality Analysis issues beyond any already assessed and detailed in the budget setting process and monitoring issues that have arisen in the year to date. Any specific assessments will be made by the Directorates in the management of their services.</p>

## 5. Relevant Background/Chronology of Key Events:

### Revenue Budget 2020/21

- 5.1 The City Council approved the overall budget on 25 February 2020. The Licensing and Public Protection Committee noted the original net revenue budget allocation of £6.471m (as detailed in Appendix 1) on 18 November 2020.
- 5.2 There were two key adjustment to budgets in Quarter 2 as noted by Licensing and Public Protection Committee on 10 March 2021.
- 5.3 For the final quarter two Corporately led adjustments were made allocating additional budget for the pay award to staff (2.75%, originally budgeted at 2.50%) and an allocation to fund each service areas contribution to the Apprenticeship Levy.

	£m
<b>Budget at Start of Year</b>	<b>6.471</b>
Centralisation of budgets (and charges) for internally recharged services	(0.258)
Restructure of posts within Regulation and Enforcement (Assistant Director Post)	(0.046)
<b>Budget as at 31 December 2020</b>	<b>6.167</b>
Allocation to fund contribution to Apprenticeship Levy	0.048
Originally unbudgeted element of 2020/21 pay award (0.25%)	0.043
<b>Budget as at 31 March 2021</b>	<b>6.258</b>

- 5.4 The approved budget for this Committee at the year-end therefore remained at £6.258m.

### Revenue Outturn

- 5.5 The provisional revenue outturn expenditure for the Licensing and Public Protection Committee is £7.041m, which represents an overall overspend of £0.783m – However, of this figure £1.053m relates to Covid response work carried out by your services. Therefore, the “business as usual” outturn is an underspend of £0.270m. This has been incorporated into the overall Neighbourhoods Directorate year end position.
- 5.6 The table below sets out a high-level summary of the year end overspend by service (full details in Appendix 1) and how this is comprised of over the savings programme and base budget pressures.

Outturn Year End Variations			
Services	Covid-19 Response Pressures £'m	Base Budget (underspend) / Pressures £'m	Total (underspend) / Pressures £'m
Environmental Health	0.006	(0.258)	(0.252)
Pest Control	0.168	0.017	0.185
Register Office	0.705	(0.262)	0.443
Coroners	0.174	(0.084)	0.090
Trading Standards	-	(0.027)	(0.027)
Licensing & Street Trading	-	0.300	0.300
Highways	-	0.044	0.044
<b>TOTAL</b>	<b>1.053</b>	<b>(0.270)</b>	<b>0.783</b>

5.7 The key components include:

- **Environmental Health (£0.258m surplus)**

Environmental Health surplus was generated through a combination of factors. Most of the core staff were engaged in Covid response work and as such some of their time was recharged to these projects.

In addition, litter patrols restarted earlier than predicted reducing expected income loss through Fixed Penalty Notices (FPN), also other income streams re-opened earlier such as export health certificates again reducing predicted income shortfalls.

- **Pest Control (£0.017m overspend)**

The Pest Control team were unable to deliver commercial contract work for most of the early part of 2020/21 and are currently expected to be without a significant source of income during that time.

This is a noticeable improvement in the latter part of the year and mitigating activity was actively progressed in response to Covid restrictions and businesses being shut or scaled down.

- **Registration Service (£0.262m net underspend)**

The Registration Service has played a key role in Covid responses with death registrations continuing throughout the pandemic. This included a clear shift in focus to respond to the change in workload that Covid and the restrictions relating to it required.

Additional hours have had to be contracted from staff. Equipment and infrastructure have been installed to enable public access to the building.

In addition, the service has suffered a reduction in income from cancelled and re-configured weddings that would have been a major income source over the summer.

However, results in the last half of the year led to an improved forecast position with higher than anticipated income being drawn through the Search Room service and from most statutory services being reinstated after the first lockdown period.

- **Coroners Courts (£0.084m pressure)**

The Coroners service has a number of pressures this year, which is mainly the cost of additional coronial staff (£0.154m), this is a combination of additional Coroners, admin support and extension to contracted hours for investigators.

Further costs also incurred through the need to hire additional rooms to ensure social distancing at inquests.

There were underspends due to the reduction or delay in inquest cases where juries and witnesses would be required as part of pandemic restrictions.



- **Trading Standards (£0.027m saving)**

Whilst Trading Standards continued to utilise additional income sharing costs of officers assigned to projects and secured external funding for anti-counterfeiting operations.

- **Licensing and Street Trading (£0.300m pressure)**

Within Licensing: Hackney Carriage and Private Hire, plus Entertainment and General Licensing are ring fenced services where income is only used to cover the reasonable and proportionate costs of providing the service.

This has been implemented in actuals and set out in Appendix 2.

The budget set corporately is not net neutral (this is being addressed for 2021/22 onwards) and so this creates a variation between actual and budget at year end. This has been the case for a number of years and does not affect the postings to and from reserves which are based on the actuals.

### **COVID-19 Compliance and Enforcement**

- Environmental Health had been coordinating a city-wide compliance and enforcement programme including shopping areas, Business Improvement Districts, parks, universities and faith groups.
- The programme was funded through a specific ring-fenced grant of £0.889m. This required a quick build and delivery to meet the demands of the December to March Covid peak. The work was delivered on time and directed to areas of need, there was a small underspend of £0.042m. This has been transferred to a specific grant reserve and MHCLG have been advised. A response in relation to this underspend is awaited.

## **6. Grant Funded Programmes**

6.1 There are two grant funded programmes: Illegal Money Lending and Regional Intelligence Team (Scambusters).

6.2 The expenditure and income for each is shown in Appendix 3

### **Illegal Money Lending**

6.3 The Illegal Money Lending Team (IMLT) England investigates and takes action against Illegal Money Lending or “Loan Shark” perpetrators across the whole of England.

6.4 The project was funded through specific grant from HM Treasury, with resources of up to £4.150m in 2020/21.

6.5 The revenue outturn for 2020/21 was £4.026m with the remaining £0.124m transferred to a ringfenced grant reserve with the permission of HM Treasury. This will be utilised in 2021/22 during which time it is expected that the teams activity will increase as Covid measures and restrictions on businesses are gradually lifted.

### **Regional Intelligence Team**

- 6.6 The Regional Intelligence Team (Scambusters) investigates and takes action against fraudsters operating across council boundaries in the central region.
- 6.7 Funding increased in the year due to the combination of £0.313m core RIT grant plus the inclusion of £0.124m Operation Beorma counterfeiting grant funding as part of the team's responsibilities.
- 6.8 The expenditure at the end of 2020/21 was £0.416m with the remaining £0.021m transferred to a ringfenced grant reserve. This is likely to be reclaimed back by the funding organisation during 2021/22.

### **7. Balances and Reserves:**

- 7.1 The balances and reserves at the end of the financial year are shown in Appendix 4.
- 7.2 The balances at the start of the year (1 April 2020) totalled £1.290m and these are all specific ring-fenced resources.
- 7.3 For licensing there is a deficit balance in reserves and this is being addressed for 2021/22
- 7.4 This will include licensing reserves being reported at more detailed levels – for example Private Hire Operators, Drivers, Vehicles – to be reported as individual balances along with similar detail for other licence types. Work is underway to facilitate this in time for the committee's first quarter report.
- 7.5 This will support greater transparency and allow more specific management of individual categories along with the calculation of their fees and charges.
- 7.6 Proceeds of Crime Act (PoCA) reserves have been utilised for Trading Standards, Regional Intelligence Team and Illegal Money Lending. These service areas have continued to receive awarded income in 2020/21 however this is lower than in previous years and have delivered spend above that level. There is a **net** reduction in these reserves of £0.225m.

Reserves have reduced by a **net** £0.796m resulting in a closing balance of £0.494m.

### **8. Evaluation of Alternative Option(s):**

- 8.1 This report sets out the Outturn position for 2020/21 and all the issues, financial risks and options were reported during the year to the Licensing and Public Protection Committee.

### **9. Reasons for Report:**

- 9.1 The Report informs the Licensing and Public Protection Committee of the Revenue Budget for 2020/21 and the outturn position at the year end.
- 9.2 The position in respect of the Licensing and Public Protection Committee's use of reserves, the Savings Programme and the risks are also identified.

**Signatures**

Paul Lankester

Interim Assistant Director Regulation and Enforcement .....

Rebecca Hellard

Chief Financial Officer .....

Date .....

**List of Background Documents used to Compile this Report:**

Licensing &amp; Public Protection - Revenue and Capital Budget 2020/21 – 18 November 2020

Licensing &amp; Public Protection – Budget Monitoring 2020/21 – Quarter 2 – 13 January 2021

Licensing &amp; Public Protection – Budget Monitoring 2020/21 – Quarter 3 – 10 March 2021

**List of Appendices accompanying this Report (if any):**

1. Appendix 1 - Financial Performance Statement at Outturn
2. Appendix 2 - Summary of ring-fenced licensing services
3. Appendix 3 - Summary of externally grant funded services.
4. Appendix 4 - Balances and Reserves

<b>Report Version</b>	4.0	<b>Dated</b>	24 August 2021
-----------------------	-----	--------------	----------------

## Licensing and Public Protection Committee - Outturn 2020/21

### Analysis A - Total per Service Area

CBP620 - Corporate Monitoring Report - Revenue	2020/21 Year End				
	Budget at Quarter 3	Budget at Outturn	Actual Outturn	Covid Related	Non-Covid Variance
	£'000	£'000	£'000	£'000	£'000
<b>Neighbourhoods Directorate</b>					
Environmental Health	3,095	3,106	2,854	6	(258)
Pest Control	274	277	462	168	17
Registration Service	715	724	1,167	705	(262)
Coroners	1,519	1,524	1,614	174	(84)
Trading Standards	954	957	930	0	(27)
-					
Licensing (see Appendix 2)	(308)	(259)	41	0	300
Grant Funded and PoCA (Appx 3)	(33)	(22)	(22)	0	0
<b>Inclusive Growth Directorate</b>					
Public Rights Of Way	49	49	62	0	13
Highway Licences	(42)	(42)	(39)	0	3
NRSWA Licences	(56)	(56)	(28)	0	28
<b>Net Expenditure</b>	<b>6,167</b>	<b>6,258</b>	<b>7,041</b>	<b>1,053</b>	<b>(270)</b>

### Analysis B - Total per Type of Expenditure/Income

CBP620 - Corporate Monitoring Report - Revenue	Year End				
	Budget at Quarter 3	Budget at Outturn	Actual Outturn	Covid Related	Non-Covid Variance
	£'000		£'000		£'000
Employees	14,549	14,592	14,766	295	(121)
Premises	913	913	855	0	(58)
Transportation	243	243	391	0	148
Supplies and Service	2,802	2,802	3,277	55	420
Capital Financing	203	203	203	0	0
Recharge Expenditure	744	744	903	0	159
<b>Total Expenditure</b>	<b>19,454</b>	<b>19,497</b>	<b>20,395</b>	<b>350</b>	<b>548</b>
Rev Income	(13,084)	(13,084)	(12,441)	703	(60)
Capital Funding, levies, interest	(203)	(155)	(163)	0	(8)
Appropriations to/from Reserves	0	0	(750)	0	(750)
<b>Net Expenditure</b>	<b>6,167</b>	<b>6,258</b>	<b>7,041</b>	<b>1,053</b>	<b>(270)</b>

## Licensing and Public Protection Committee - Outturn 2020/21

## Expenditure on Licensing Ring Fenced Activities

## VAN04F1200 Licensing Hackney Carriage Private Hire

CBP620 - Corporate Monitoring Report - Revenue	Actual Outturn
	£'000
Employees	550
Premises	0
Transportation	56
Supplies and Service	74
Recharge Expenditure	846
<b>Total Expenditure</b>	<b>1,526</b>
Income from Licensing	(979)
<b>Net Expenditure</b>	<b>547</b>

## VAN04F1300 Licensing Entertainment &amp; General

CBP620 - Corporate Monitoring Report - Revenue	Actual Outturn
	£'000
Employees	272
Premises	0
Transportation	0
Supplies and Service	0
Recharge Expenditure	566
<b>Total Expenditure</b>	<b>838</b>
Income from Licensing	(669)
<b>Net Expenditure</b>	<b>169</b>

## Licensing and Public Protection Committee - Outturn 2020/21

Expenditure on Grant Funded Activities  
England Illegal Money Lenders Team

CBP620 - Corporate Monitoring Report - Revenue	Year End			
	Budget at Quarter 3	Budget at Outturn	Actual Outturn	Variance
	£'000	£'000	£'000	£'000
Employees	3,437	3,437	3,214	(223)
Premises	74	74	96	22
Transportation	77	77	65	(12)
Supplies and Service	441	441	376	(65)
Capital Financing	50	50	50	0
Recharge Expenditure	90	90	249	159
<b>Total Expenditure</b>	<b>4,169</b>	<b>4,169</b>	<b>4,050</b>	<b>(119)</b>
Grant Income	(4,150)	(4,150)	(4,150)	0
Capital Funding, levies, interest	(39)	(39)	(44)	(5)
Appropriations to/from Reserves	0	0	124	124
<b>Net Expenditure</b>	<b>(20)</b>	<b>(20)</b>	<b>(20)</b>	<b>0</b>

## Regional Intelligence Team

CBP620 - Corporate Monitoring Report - Revenue	Year End			
	Budget at Quarter 3	Budget at Outturn	Actual Outturn	Variance
	£'000	£'000	£'000	£'000
Employees	229	229	233	4
Premises	2	2	2	0
Transportation	2	2	29	27
Supplies and Service	72	72	137	65
Capital Financing				0
Recharge Expenditure	21	21	14	(7)
<b>Total Expenditure</b>	<b>326</b>	<b>326</b>	<b>415</b>	<b>89</b>
Grant Income	(320)	(320)	(437)	(117)
Capital Funding, levies, interest	(7)	(7)	0	7
Appropriations to/from Reserves	0	0	21	21
<b>Net Expenditure</b>	<b>(1)</b>	<b>(1)</b>	<b>(1)</b>	<b>0</b>

## Licensing and Public Protection - Reserves at Outturn 2020/21

	Balance at 01Apr2020	Use of Reserves in 2020/21	Contribution to Reserves in 2020/21	Balance at 31Mar2021
	£'000	£'000	£'000	£'000
<b><u>Ring-Fenced Licensing Reserves</u></b>				
Hackney Carriage and Private Hire	317	547	0	864
Entertainment and General	0	169	0	169
<b><u>Ring-Fenced Grant Reserves</u></b>				
England Illegal Money Lending Team	(284)	0	(124)	(408)
Regional Intelligence Team	(22)	0	(21)	(43)
<b><u>Ring-Fenced Proceeds of Crime Act</u></b>				
Trading Standards (Birmingham)	(470)	30	(54)	(494)
Regional Intelligence Team (Midlands)	(1)	0	0	(1)
Illegal Money Lending (England)	(830)	348	(99)	(581)
<b>Total</b>	<b>(1,290)</b>	<b>1,094</b>	<b>(298)</b>	<b>(494)</b>
		Total Appropriation Transactions In Year	796	





## PUBLIC REPORT

<b>Report to:</b>	<b>LICENSING AND PUBLIC PROTECTION COMMITTEE</b>	
<b>Report of:</b>	<b>INTERIM ASSISTANT DIRECTOR REGULATION AND ENFORCEMENT AND INTERIM DIRECTOR FINANCE</b>	
<b>Date of Decision:</b>	<b>08 SEPTEMBER 2021</b>	
<b>SUBJECT:</b>	<b>LICENSING AND PUBLIC PROTECTION FINANCIAL MONITORING 2021/22 - QUARTER 1</b>	

<b>1. Purpose of Report:</b>
<p>1.1 This report sets out the position on the Licensing and Public Protection Committee's Revenue Budgets at the end of June 2021 (Quarter 1) and the forecast position for the year end. It highlights any issues that have arisen and informs the Licensing and Public Protection Committee of any action being taken to contain spending within the approved cash limits.</p> <p>1.2 The report also details the latest performance within the Licensing and Public Protection Committee including progress against the approved Savings Programme for 2021/22.</p> <p>1.3 The report is in line with the current City Council established financial monitoring framework to ensure that expenditure is managed within cash limits.</p>

<b>2. Decision(s) Recommended:</b>
<p>The Licensing and Public Protection Committee is requested to:</p> <p>2.1 Note the latest Revenue budget position at the end of June 2021 (Quarter 1) including Forecast Outturn £0.469m and COVID-19 response implications as detailed in Appendix 1.</p> <p>2.2 Note the analysis of ring-fenced Licensing expenditure and income set out in Appendix 2</p> <p>2.3 Note the analysis of ring-fenced grant funded services as set out in Appendix 3</p> <p>2.4 Note the position on reserves and balances, as detailed in Appendix 4.</p>

<b>Lead Contact Officer(s):</b>	<b>David Jones, Finance Manager – Services Finance</b>
<b>Telephone No:</b>	0121 675 0580
<b>E-mail address:</b>	<a href="mailto:david.jones@birmingham.gov.uk">david.jones@birmingham.gov.uk</a>

<b>3. Consultation</b>
<p>3.1 <u>Internal</u></p> <p>The financial position on the revenue and capital budget is reported on a monthly basis to the Management Team and the Interim Assistant Director of Regulation and Enforcement is briefed on the major financial issues, as required in line with the Council's framework.</p> <p>3.2 <u>External</u></p> <p>There are no additional issues beyond consultations carried out as part of the budget setting process for 2021/22.</p>
<b>4. Compliance Issues:</b>
<p>4.1 <u>Are the recommended decisions consistent with the Council's policies, plans and strategies?</u></p> <p>The budget is integrated within the Council's Financial Plan 2021+, and resource allocation is directed towards policy priorities.</p> <p>4.2 <u>Financial Implications (Will decisions be carried out within existing finances and Resources?)</u></p> <p>The Licensing and Public Protection Financial Monitoring 2021/22 - Quarter 1 report provides details of monitoring of service delivery within available resources.</p> <p>4.3 <u>Legal Implications</u></p> <p>Section 151 of the 1972 Local Government Act requires the Interim Director of Finance (as the responsible officer) to ensure proper administration of the City Council's financial affairs. Budgetary control, which includes the regular monitoring of and reporting on budgets, is an essential requirement placed on directorates and members of Corporate Management Team by the City Council in discharging the statutory responsibility. This report meets the City Council's requirements on budgetary control for the specified area of the City Council's Directorate activities.</p> <p>4.4 <u>Public Sector Equality Duty</u></p> <p>There are no additional specific Equality Duty or Equality Analysis issues beyond any already assessed and detailed in the budget setting process and monitoring issues that have arisen in the year to date. Any specific assessments will be made by the Directorates in the management of their services.</p>

## 5. Relevant Background/Chronology of Key Events:

### Revenue Budget 2021/22

5.1 The City Council approved the overall budget on 23 February 2021. The Licensing and Public Protection Committee noted the net revenue budget of **£6.445m** on 10 March 2021.

5.2 There were adjustments in the first quarter – as set out below

<b>Budget Movements from April 2021 - Quarter 1</b>	
Description	£'m
<b>Budget at start of year – LPPC 10 March 2021</b>	<b>6.445</b>
Licensing Street Trading – remaining funding transfer	0.063
Additional funding for increments (part of corporate allocation)	0.251
Approved transfer from Register Office to Mortuary to support funding of CTPM programme	(0.080)
<b>Budget at Quarter 1</b>	<b>6.679</b>

5.3 The current approved budget for this Committee is now **£6.679m**.

5.4 The City Council has well-established arrangements for monitoring spending against the cash limited budgets allocated to Directorates and Committees.

5.5 Reports are presented to Cabinet on a quarterly basis on the overall city-wide financial position. The Licensing and Public Protection Committee will normally receive quarterly financial performance reports during the financial year.

### Revenue – Financial Review and Year End Projections (Appendix 1)

5.6 An overall year end net pressure of £0.469m is being forecast formally.

5.7 Of this forecast net pressure £0.451m pressure is directly attributable to the COVID-19 responses of these service areas.

5.8 Mitigating action has been implemented in most service areas – including additional contract work that has been delivered by Pest Control. All COVID-19 pressures reported here are also included in the corporate reporting of the overall Council responses.

5.9 Budgets continue to be managed rigorously. Any changes will be reported in future reports.

5.10 The table below is a high-level summary of the projected year end by service (details in Appendix 1) and how this is comprised of Base budget and Covid related pressures.

<b>Forecast Year End Variations – Quarter 1</b>				
	<b>Savings Programme</b>	<b>COVID-19 Pressures</b>	<b>Base Budget Pressures</b>	<b>Total Pressure</b>
<b>Budget Head</b>	<b>£'m</b>	<b>£'m</b>	<b>£'m</b>	<b>£'m</b>
Environmental Health	0.000	0.010	0.000	0.010
Register Office	0.000	0.148	0.000	0.148
Coroners Courts	0.000	0.131	0.018	0.149
Trading Standards	0.000	0.162	0.000	0.162
<b>TOTAL</b>	<b>0.000</b>	<b>0.451</b>	<b>0.018</b>	<b>0.469</b>

The key components of the projection include:

- **Registration Service (£0.148m pressure)**

The Registration Service continues to play a key role in COVID responses with death registrations continuing throughout the pandemic. Additional hours have been contracted from staff. Equipment and infrastructure have been installed to enable public access to the building.

The service is working to mitigate a reduction in income from the decision to refund venue licences to support local business and also a number of weddings cancelled following the decision of a local hotel to convert itself into a red-quarantine centre.

- **Coroners Court Service (£0.149m pressure)**

As part of the COVID-19 response, the Coroners have an increased workload and have contracted additional staff and additional hours to ensure that there is continuous cover.

Additional venues have had to be hired to ensure that inquests can be facilitated with the correct social distancing requirements.

Non-COVID-19 pressure follows a review of the Service Level Agreement with South Staffordshire that identified a small repayment of £0.018m that is to be made.

- **Trading Standards (£0.162m pressure)**

Trading Standards have had reduced income through the courts due to the slowdown and changes to the way courts are being administered.

In addition, the team are also spearheading several investigations onto COVID-19 related financial fraud.

### **Savings Programme**

5.11 There are no items on the Corporate Savings Programme for 2021/22 for this committee.

### **Mitigations and Management Actions 2021/22**

- Managers of services reporting to this committee are involved in a number of actions this financial year to mitigate budget pressures for current and future financial years.

### **Licensing and Street Trading**

5.12 Within Licensing: each category is a separately ring-fenced service where income is only intended to be used to cover the reasonable and proportionate costs of providing the service.

5.13 This is being implemented in actual expenditure and income and set out in Appendix 2.

5.14 The budget set corporately is not currently net neutral (this is being addressed in 2021/22) and so this creates a variation between actual and budget in some reports. This does not affect either the operation of the ring-fence nor postings to and from reserves which are based on the actuals.

## **COVID-19 Compliance and Enforcement**

- Environmental Health are coordinating a council-wide compliance and enforcement programme. For 2021/22 this is entirely funded through the Director of Public Health's Track and Trace programme.

### **6. Grant Funded Programmes (Appendix 3)**

- 6.1 Within Regulatory Services, there are two grant funded programmes: Illegal Money Lending and Regional Intelligence Team.

#### **Illegal Money Lending**

- 6.2 The Illegal Money Lending Team (IMLT) England investigate and take legal action against Illegal Money Lending or "Loan Shark" perpetrators across the whole of England.
- 6.3 The project is funded through specific grant from HM Treasury, with resources of up to £4.254m in 2021/22.
- 6.4 The expenditure at the end of June 2021 was £0.943m (22%) this is a reasonable level for a quarter way through the year - and it is anticipated that the programme will fully spend the grant allocated and has a good track record of achieving this.

#### **Regional Intelligence Team**

- 6.5 The Regional Intelligence Team (Scambusters) investigate and take legal action against fraudsters operating across council boundaries in the central region.
- 6.6 Funding has been confirmed at £0.327m for 2021/22.
- 6.7 The expenditure at the end of June 2021 was £0.065m (20%) again, reasonable level for quarter way through the year - and it is anticipated that the programme will fully spend the grant allocated and has a good track record of achieving this

### **7. Proceeds of Crime Act**

- 7.1 Regulatory Services secures funding through the Proceeds of Crime Act 2002 (PoCA) in response to financial investigations undertaken following sentencing by the courts.
- 7.2 PoCA monies are held by the Local Authority and ring-fenced for expenditure on community and crime prevention projects
- 7.3 Expenditure specifically recorded as planned PoCA items will be funded routinely through a combination of appropriations from PoCA reserves and income received during the year.
- 7.4 For Birmingham Trading Standards the balances brought forward were £0.493m.
- 7.5 For England Illegal Money Lending the balances brought forward were £0.581m.

<b>8. Balances and Reserves (Appendix 4):</b>
8.1 The reserves are shown in Appendix 4. These currently total £0.741m.
8.2 All planned income and expenditure on reserves will be reported to this Committee.
8.3 The current balance for Hackney Carriage and Private Hire is deficit £0.863m and it is anticipated that at least 1/3 <sup>rd</sup> of this value (£0.290m) will be incorporated into the fee calculations.

8.4 The current balance for Entertainment and General Licensing is a deficit £0.169m and as with the above, it is anticipated that at least 1/3 <sup>rd</sup> of this value (£0.060m) will be incorporated into the fee calculations.
---

<b>9. Evaluation of Alternative Option(s):</b>
9.1 During the year ahead the financial position will continue to be closely monitored and options identified to resolve budgetary pressures as necessary.

<b>10. Reasons for Report:</b>
10.1 The Report informs the Licensing and Public Protection Committee of the Revenue Budget for 2021/22, and the forecast outturn, including COVID-19 response financial implications for Quarter 1
10.2 The latest position in respect of the Licensing and Public Protection Committee's use of reserves, Savings Programme and risks are also identified.

<b>Signatures</b>
Paul Lankester Interim Assistant Director Regulation and Enforcement .....
Rebecca Hellard Interim Director of Finance .....
Date .....

<b>List of Background Documents used to Compile this Report:</b>
Licensing & Public Protection - Revenue and Capital Budget 2021/22 – 10 March 2021

<b>List of Appendices accompanying this Report (if any):</b>			
Appendix 1 - Financial Performance, Forecast Outturn Quarter 1 Appendix 2 - Ring Fenced Licensing Services Appendix 3 - Ring Fenced Grant Funded Services Appendix 4 - Ring-Fenced Balances and Reserves			
<b>Report Version</b>	3.1	<b>Dated</b>	25 August 2021

## Licensing and Public Protection Committee - Quarter 1 2021/22

### Analysis A - Total per Service Area

CBP620 - Corporate Monitoring Report - Revenue	2021/22 Quarter 1					
	Current Budget 2021/22	Budget Profile at Quarter 1 2021/22	Actual Quarter 1 2021/22	Variation at Quarter 1 2021/22	Forecast Covid 2021/22	Forecast Non-Covid Variance 2021/22
	£'000	£'000	£'000	£'000	£'000	£'000
<b>Neighbourhoods Directorate</b>						
Environmental Health	3,198	824	830	6	10	0
Pest Control	280	73	56	(17)	0	0
Registration Service	712	298	187	(111)	148	0
Coroners Courts	1,612	544	910	366	131	18
Trading Standards	1,047	272	270	(2)	162	0
<u>Licensing:</u>						
Hackney Carriage / Private Hire	(30)	(113)	0	113	0	0
Entertainment and General	(33)	(5)	120	125	0	0
Street Trading	(16)	(22)	5	27	0	0
Illegal Money Lending	(33)	(22)	(132)	(110)	0	0
Regional Intelligence	(2)	3	65	62	0	0
Proceeds of Crime Act	0	0	4	4	0	0
<b>Inclusive Growth Directorate</b>						
Public Rights Of Way	49	12	0	(12)	0	0
Highway Licences	(47)	(59)	(103)	(44)	0	0
NRSWA Licences	(58)	(14)	(22)	(8)	0	0
<b>Net Expenditure</b>	<b>6,679</b>	<b>1,791</b>	<b>2,190</b>	<b>399</b>	<b>451</b>	<b>18</b>

### Analysis B - Total per Type of Expenditure/Income

CBP620 - Corporate Monitoring Report - Revenue	2021/22 Quarter 1					
	Current Budget 2021/22	Budget Profile at Quarter 1 2021/22	Actual Quarter 1 2021/22	Variation at Quarter 1 2021/22	Forecast Covid 2021/22	Forecast Non-Covid Variance 2021/22
	£'000	£'000	£'000	£'000	£'000	£'000
Employees	15,210	3,803	3,545	(258)	182	0
Premises	914	398	291	(107)	0	0
Transport and moveab	243	61	73	12	0	0
Supplies and Service	2,955	680	402	(278)	94	0
Capital Financing	212	53	53	0	0	0
Recharge Expenditure	744	25	0	(25)	0	0



<b>Total Expenditure</b>	<b>20,278</b>	<b>5,020</b>	<b>4,364</b>	<b>(656)</b>	<b>276</b>	<b>0</b>
Rev Income	(13,387)	(3,176)	(2,129)	1,047	175	18
Capital Funding, levies, interest	(212)	(53)	(45)	8	0	0
Appropriations to/from Reserves	0	0	0	0	0	0
<b>Net Expenditure</b>	<b>6,679</b>	<b>1,791</b>	<b>2,190</b>	<b>399</b>	<b>451</b>	<b>18</b>

## Licensing and Public Protection Committee - Quarter 1 2021/22

## Expenditure on Grant Funded Activities

## England Illegal Money Lenders Team

CBP620 - Corporate Monitoring Report - Revenue	2021/22 Quarter 1			
	Current Budget	Budget Profile at Quarter 1	Actual Quarter 1	Variance
	£'000		£'000	£'000
Employees	3,549	886	819	(67)
Premises	74	19	2	(17)
Transport and moveab	77	19	11	(8)
Supplies and Service	431	97	96	(1)
Capital Financing	58	15	15	0
Recharge Expenditure	90	20	0	(20)
<b>Total Expenditure</b>	<b>4,279</b>	<b>1,056</b>	<b>943</b>	<b>(113)</b>
Grant Income	(4,254)	(1,063)	(1,063)	0
Capital Funding, levies, interest	(58)	(15)	(12)	3
Appropriations to/from Reserves	0	0	0	0
<b>Net Expenditure</b>	<b>(33)</b>	<b>(22)</b>	<b>(132)</b>	<b>(110)</b>

## Regional Intelligence Team

CBP620 - Corporate Monitoring Report - Revenue	2021/22 Quarter 1			
	Current Budget	Budget Profile at Quarter 1	Actual Quarter 1	Variance
	£'000		£'000	£'000
Employees	230	58	42	(16)
Premises	2	0	0	0
Transport and moveab	2	0	0	0
Supplies and Service	71	22	23	1
Capital Financing				0
Recharge Expenditure	22	5	0	(5)
<b>Total Expenditure</b>	<b>327</b>	<b>85</b>	<b>65</b>	<b>(20)</b>
Grant Income	(327)	(82)	0	82
Capital Funding, levies, interest	(2)	0	0	0
Appropriations to/from Reserves	0	0	0	0
<b>Net Expenditure</b>	<b>(2)</b>	<b>3</b>	<b>65</b>	<b>62</b>

## Appendix 3

### Licensing and Public Protection Committee - Quarter 1 2021/22

	Balance at 01Apr2021	Forecast Use of Reserves in 2021/22	Forecast Contribution to Reserves in 2021/22	Forecast Balance at 31Mar2022
	£'000	£'000	£'000	£'000
<b><u>Ring-Fenced Licensing Reserves</u></b>				
Hackney Carriage and Private Hire *	863	0	(290)	573
Entertainment and General *	169	0	(60)	109
<b><u>Ring-Fenced Grant Reserves</u></b>				
England Illegal Money Lending Team	(348)	0	0	(348)
Regional Intelligence Team	(43)	43	0	0
<b><u>Ring-Fenced Proceeds of Crime Act</u></b>				
Trading Standards (Birmingham)	(493)	0	0	(493)
Regional Intelligence Team (Midlands)	(1)	0	0	(1)
Illegal Money Lending (England)	(581)	0	0	(581)
<b>Total</b>	<b>(434)</b>	<b>43</b>	<b>(350)</b>	<b>(741)</b>
		Forecast Net appropriations in 2021/22	<b>(307)</b>	

\* Hackney Carriage / Private Hire - 1/3 debit balance to be included in the licence fee calculations



**BIRMINGHAM CITY COUNCIL**

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

**8 SEPTEMBER 2021**  
**ALL WARDS**

**REGULATION AND ENFORCEMENT  
ANNUAL REPORT FOR WORK DELIVERED IN 2020/21**

1. Summary

- 1.1 This report advises on the work undertaken during the year April 2020 to March 2021 by the Regulation and Enforcement Sections: Environmental Health, Pest Control, Mortuary Service, Illegal Money Lending Team and the Regional Intelligence Team. The remaining sections reported on their activities at July's Committee.

2. Recommendation

- 2.1 That the report be noted.

Contact Officer: Paul Lankester, Interim Assistant Director of Regulation  
and Enforcement  
Telephone: 0121 675 2495  
Email: paul.lankester@birmingham.gov.uk

### 3. Background

3.1 The services of Regulation and Enforcement that report to the Committee are:

- i. Environmental Health.
- ii. Trading Standards.
- iii. Register Office.
- iv. Coroners and Mortuary Service
- v. Licensing and Street Trading.
- vi. England Illegal Money Lending Service.

3.2 The service areas that are included in this report are Environmental Health, Pest Control, Mortuary Service, Illegal Money Lending Team and the Regional Intelligence Team. The remaining sections reported on their activities at July's Committee.

3.3 The operating model for Regulation and Enforcement implemented in 2010/2011 continues to deliver both statutory and other services that fulfil the corporate priorities of Birmingham City Council. Focus in 2020/2021 has been on dealing with the pandemic in all areas, as well as trying to maintain normal services as far as possible.

3.4 The Environmental Health section delivers services in the areas of: public health; food safety; health and safety at work; environmental protection; animal welfare; statutory nuisance; drainage; and pest control.

3.5 The Public Mortuary provides support to the Senior Coroner for Birmingham and Solihull.

3.6 The Regional Scambusters team are currently fully funded by Central Government by the Department of Business, Innovation and Skills (BIS) through a governance arrangement with the National Trading Standards Board.

3.7 The Illegal Money Lending project for England are fully funded by Central Government (the Treasury) and they are to set up to tackle "loan sharks" across England.

### 4. Implications for Resources

4.1 The activities detailed in this report were undertaken within the resources available to your Committee.

### 5. Implications for Policy Priorities

5.1 The services reporting to this Committee contribute to the Birmingham City Council Delivery Plan 2020-2022. The aim is to create a sustainable, future-proof model of local public services– focused on supporting the needs of

people, partnership working, empowered staff and community engagement. The values (in common with the City Council) are putting residents first; acting courageously; being true to our word and achieving excellence.

- 5.2 The Council re-evaluated its goals during 2020/2021 producing a delivery plan for April 2022. The contribution of the individual services to this plan is identified in the relevant Appendix.
- 5.3 The main operating base for the Division moved from Manor House to Ashted Lock in October 2020, with satellite sites for Markets, Pest Control and IMLT. This impacted on the Trading Standards and Street Trading Services (as well as Environmental Health, Pest Control and IMLT).

## 6. Public Sector Equality Duty

- 6.1 The various actions identified in the report were undertaken in accordance with the Regulation and Enforcement's enforcement policies which ensure that equalities issues have been addressed. This policy was reviewed in the course of the year.

## 7. Consultation

- 7.1 Consultation is undertaken with members of the public, traders and elected members wherever possible to ensure that our services are delivered and tailored to the needs of our customers and stakeholders.

## **INTERIM ASSISTANT DIRECTOR OF REGULATION AND ENFORCEMENT**

Background papers:

Various files and computer records in the Environmental Health, RIT and IMLT Services.

## APPENDIX 1

### ENVIRONMENTAL HEALTH

The normal business as usual work of Food Inspections; Health and Safety Inspections; Integrated Pollution Control Inspections; Nuisance and domestic complaints were all affected by the need to transfer officers in to Covid Enforcement and Compliance work throughout 2020/21. This demand reduced the available number of officers to deliver day to day service. The service was assisted by a £889k grant for Increased Enforcement and Covid Compliance in November 2020 which lead to the employment of Covid Marshals as well as an additional dozen enforcement officers.

The Environmental Health team enforces legislation to control matters that affect the public health of residents and visitors to Birmingham. This includes powers to deal with communicable diseases and therefore something which has been an important, yet little known capability of Environmental Health, suddenly became the rightful dominant demand for 2020-21.

The work undertaken by the Environmental Health Service is précised in the table below and more descriptive detail is given in the following pages:

All Environmental Health and Pest Control Requests for Assistance		2019/20	2020/21
Total Jobs			
	Env Health RFAs total	15,337	26,470
	Pest Control RFAs total	15,382	16,874
	All Inspection Total		

Environmental Health Breakdown		2019/20	2020/21
Waste related enquiries	RFAs & Waste Incidents not subject to complaint	233	699
Statutory nuisance	Noise	6,397	10,066
	All others	1,236	2,751
Animal Welfare	Dog Wardens	2,422	2,070
	Animal Welfare (not dogs)	277	306
Food complaints		4,115	3,600
Food Business Registrations		1,222	1,709
Infectious diseases		1,246	603
Licensing enquiries		257	232
Health and Safety	Enquiries	256	246
	Incidents (Accidents)	504	373
Unauthorised encampments	On council land	435	91
Other		2,061	2,111
Covid related work		n/a	6,367

Pest Control Breakdown		2019/20	2020/21
Rats	Rat in Garden	6,934	9,057
	Rat in House	4,722	5,440
	Mice reported as Rat in House	224	93
Pests other		3,502	2,284
Source of RFAs	CIlr, MP, CX & SD	24	42
	Public	15,358	16,832

Environmental Health Inspections Breakdown		2019/20	2020/21
Inspections	Food Inspections	2,313	958
	Food Standards Inspections	1,732	453
	Health and Safety	1,660	509
	Environmental Protection		
	No Smoking Compliance	1,888	559
	Duty of Care	1,695	544
	Animal Welfare		



## Enforcement Activity

CASES FINALISED BY LEGISLATION 2020/21									
LEGISLATION	CASES	OFFENCES	FINES	COSTS AWARDED	OTHER PENALTY				
Animal Welfare Act 2006	1	1		£1,800	18mth community order, 100hrs unpaid work & 10yr disqualification from keeping animals				
Food Hygiene (England) Regs 2006	22	187	£145,077	£32,213					
Health & Safety at Work etc Act 1974	3	7	£460,000	£14,586	20wk suspended sentence for 12 mths & 12wk curfew				
<b>TOTALS</b>	<b>26</b>	<b>195</b>	<b>£605,077</b>	<b>£48,599</b>					
Total number of prosecutions submitted - 37									
Total number of cautions submitted - 16									
Total number of food closures - 19									

## Litter enforcement

CASES FINALISED BY LEGISLATION 2020/21									
LEGISLATION	CASES	OFFENCES	FINES	COSTS AWARDED	OTHER PENALTY				
Environmental Protection Act 1990									
Section 87	379	379	£94,190	£51,194	1 Absolute Discharge				
<b>TOTALS</b>	<b>379</b>	<b>379</b>	<b>£94,190</b>	<b>£51,194</b>					
Total number of prosecutions submitted - 454									

## Health Protection

Environmental Health's Health Protection response includes investigating infectious diseases and disease outbreaks (including contact tracing to reduce further spread), and IPC (Infection, prevention and control) inspections of infection risk workplaces and businesses to ensure infection prevention risk assessments, control and mitigations are in place. In non Covid times this relates to food borne and non-food borne infectious diseases.

Providing a delivery response to the Covid 19 pandemic was the dominant workflow for Environmental health during this year which included responding to outbreaks of positive Covid cases in workplaces, businesses, hostels, care facilities and tertiary education establishments. Additionally, officers assisted Public Health England and BCC Public Health with the management of persons within the community not isolating following a positive Covid test and assisting with contact tracing for case contacts and variants of concern.

Much of the emergency Covid Legislation was made under either the Health & Safety at Work etc. Act 1974 or the Public Health (Control of Disease) Act 1984. At one point there was an estimation that over 120 iterations of these powers had been made enforceable by both your officers and Police Officers.

Environmental Health (EH) had strong working relationships with WM Police (WMP) and together broke down the work into education (undertaken by both) and enforcement. EH led on enforcement around premises/ businesses such as closure and assessment of risk assessment whereas WMP led around enforcement against the individual. Areas of corner being found through a dedicated whistle blowing line; enquiries and referrals to the council and joint enforcement patrols. The quantum of work was as follows:

### Enforcement

Business Compliance Visits - 2061

Enforcement notices served (trader notices & prohibition notices) – 244

COVID Direction notices Served - 8

### Referrals to EH

Complaints from members of the Public - 5647

Workplace Outbreaks - 342

Assisting with Case Tracing - 152

In the November 2020 to February 2021 the EH team spent £889k on increased Enforcement and Compliance with Covid restrictions. More detail on this work was reported in the informal Licencing and Public Protection Committee in July 2021 as well as the Leaders Local Covid Outbreak Engagement Board Meetings.

The headline activities were as follows:

Temporary staff - Covid Marshals and Enforcement Officers	£342,733.00
PPE and uniform	£6,374.00
IT spends	£74,686.00
Operational costs - including van hire, cleaning, Covid controls and mitigations, office costs, training; Covid related park security	£52,024.00
Covid Graffiti removal (Covid-19 Remove misinformation) and cleaning costs	£30,000.00
Sound Equipment	£34,894.00
media, web communications including signage and park signage	£64,487.00
Barrister spend	£4,518.00
University mitigations, controls and enforcement spend	£122,911.00
Faith setting project	£33,110.00
Taxis project	£25,470.00
Cemetery Covid security	£56,930.00
underspend	£41,610.00
	£889,747.00

With regards the Covid Marshals their role was focused as the Councils front facing friendly communicators and persuaders to try and guide people into making good choices in preventing spread of Covid. This uniformed service engaged many people by offering free face coverings; providing queue management at shops, schools, food banks and places of worship. They also undertook surveys and patrols of the city through street walks to find non-compliant businesses and referred these to the enforcement officer team. Where possible they advised on improvements to achieve Covid compliance e.g. out-door seating areas or encouraging business that could not trade, to adopt on-line delivery of sales and tried to spread good working practice from one business to another. Though the whole of Birmingham was covered, Marshals were particularly deployed in those wards with the highest infection rates at any one time.

### Covid Marshal Interactions

Face Coverings distributed – 27,000

Covid Marshal interactions – 8,800 of which 3,500 were Business Interactions

Enforcement Patrols – 19,100 businesses checked, 760 Non-compliant,

Overall average compliance – 96.18%

EH Managers and Officers also attended IMT's (Incident Management Teams) which were meetings regarding outbreak control. These were attended by Public Health England, BCC's Public Health Team as well as EH. These discussed anything from improvements in cleaning and risk assessments to closure of the premises and isolation of contacts. The EH team and Police were the delivery arm of making these changes (including the closure of the Stone Road Hostel) and improvements in workplaces to stop spread and closure of businesses. The service also had to commit officers to several hotels, hostels, care homes during outbreaks to prevent a wider spread to the community and slow and stop the internal spread.

### **Business as Usual**

This section deals with a wide range of Environmental and Public Health issues. The most significant demand is investigating complaints concerning noise problems impacting on residents caused by loud amplified music, intruder alarms, barking dogs, and mechanical noise, from either a domestic, industrial or commercial source. Investigations are also carried out for complaints about bonfires, odour, accumulations causing pest issues, unsafe food or food premises, filthy and verminous premises and dangerous trees. The impact of the pandemic resulted in increased numbers of noise and bonfire complaints as more people were home based for extended periods of time.

This has been a particularly challenging year for the officers involved in this service area. This was primarily as a result of covid restrictions impacting on how service is provided, and the redeployment of significant resources to the covid response. Officers have maintained service during the pandemic, delivering this often on site. This has necessitated the need for continual reviews of how the service can be maintained and delivered safely, regular reviews and updating of risk assessments, and adapting service to meet changing covid rules.

During 2020/2021 a total of 26,470 requests for assistance were received, this included 10,066 noise complaints. This was an increase of around 66% on the previous year. This reflects that many more people were at home during the lockdown and working from home since. It is a statutory function of the local authority to investigate nuisance but many of these were simply from the increased use of gardens and houses during these difficult times and not statutory nuisances. Where informal action proves unsuccessful and the noise is continuing, evidence of the noise is gathered from installing noise monitoring equipment into the complainant's property and/or by officers visiting the resident's property to listen to the noise during the day or at night. Environmental Health provides an out of hours service which operates between the hours of 19:00 hours until 01.00 hours Sunday to Thursday and from 20:00 hours until 03:00 hours on Friday and Saturday. This provides an invaluable service to residents to enable evidence of the noise to be gathered at unsociable hours.

## **Food Inspections**

Following the commencement of the Covid 19 lockdown in March 2020, much of the planned food enforcement work was suspended. This was in part due to the large number of food premises being closed, to implement safety protocols for staff, and to facilitate the redeployment of officers to other more pressing duties.

Once businesses started to reopen, the emphasis from the Food Standards Agency (FSA) was placed on undertaking assessments remotely, where possible. Further FSA instructions were subsequently released encouraging the recommencement of food enforcement activities where resources and local restrictions permitted.

As stated above, significant proportion of the services resources were redeployed to Covid activities. Due to this the Service set up a Food Restart Project Team using the remaining resources, this team undertook food activities in accordance with FSA priorities. Emphasis was placed on sector specific controls (products of animal origin) and enforcement of high risk issues including allergens.

For programmed inspections the period for temporary deviation from the prescribed intervention frequencies set out in the Food Law Code of Practice extended beyond March 2021. This covered visits to registered and approved establishments where the frequency of inspection and other onsite interventions are determined using the Food Establishment Intervention Rating Schemes set out in the Food Law Code of Practice. It included food establishments that have already been risk rated, those that are registered and awaiting the initial inspection/intervention and any 'new' businesses registering with the local authority.

As such, and in accordance with FSA guidance, EH prioritised its activities taking into account a range of risk factors. The focus remained on physical onsite interventions for high risk and noncompliant establishments.

The highest priority was given to:

- Ongoing proactive surveillance obtaining an accurate picture of the local business landscape. Where new and emerging risks are identified, undertaking appropriate interventions, e.g. where there are concerns around public health/consumer protection – this included at new businesses, those opening after prolonged closure and those changing the nature of their operations;
- Urgent reactive work including following up on food incidents and investigating foodborne disease outbreaks or complaints; and,
- Follow up with establishments subject to ongoing formal enforcement action and those overdue/due an enforcement revisit.

Medium priority was given to undertaking planned due/ overdue interventions of high risk and poorly compliant establishments that do not fall into the high priority category above.

For the lowest risk establishments, due interventions were deferred.

This authority therefore utilised its resources on the highest priority matters, but in addition carrying out medium priority functions when possible. This meant that a proportion of programmed inspections continued to be undertaken as appropriate in risk and date order. Due to the increasing demand of urgent reactive work from October 2021 onwards, the focus was almost entirely on the highest priority functions. The inspections carried out during the year was 958.

The service has been successful in agreeing a Primary Authority Partnership with Marks & Spencer PLC covering food safety, food hygiene and food standards. This adds to the current partnership with the company covering health and safety at work.

The service has provided an officer to support health and safety compliance, including Covid compliance, at the Birmingham Wholesale Market. The officer is undertaking individual health and safety and covid assessments at business units, in addition to reviewing site management practices covering Covid security, traffic management, waste collection services and pedestrian site access. This activity is reported by the Managing Director City Operations to the Wholesale Markets Board.

## **Health and Safety**

As with other service areas from the introduction of the Coronavirus restrictions, local authorities were required to significantly reduce the proactive inspection of businesses across the city.

Whilst a vast amount of legislation was introduced implementing the Covid 19 restrictions the majority of the controls within a workplace were established through health and safety legislation requiring businesses to risk assess their environment and implement suitable control measures to protect their staff and members of the public. Further expansion of this is found within the section on Covid 19 work undertaken through the year in the health protection section of this report.

The environmental health service continued to receive incident notification and health and safety complaints through the year and these matters were investigated and dealt with appropriately in accordance with our procedures and considering the need protecting staff and members of the public through the pandemic.

The investigation of complaints and inspections resulted in 52 health and safety enforcement notices being served 42 of which were issued where officers found there was a risk of serious personal injury primarily where there was found to be a lack of adequate guarding to machinery but also included risks of a fall from height.

Several investigations where criminal proceedings are considered have also commenced or have been continued over 2020/21 these include

The issuing of summons on Vue Entertainment Limited following the investigation into the fatal incident where a customer died after being trapped under a mechanised chair. The company pleaded guilty in July 2021 and was subsequently fined £750,000.

The continuing investigation into the fatal accident at Birmingham Wheels, where a sponsor was hit by a tractor during a gala event. Evidence was presented to the coroner's court and the investigation continues.

A building supply company pleaded guilty to work at height offence and has been fined £40,000 plus costs. The company are subsequently lodged an appeal and we await a hearing date for this.

Investigation following the partial amputation of a butchers finger due to the provision and use of an unguarded bandsaw. The company and the director both pleaded guilty to be sentenced in August.

Other investigation are also continuing and will be reported through the Regulation and Enforcement, Enforcement Report.

### **Environmental Protection Unit**

The Environmental Protection Unit (EPU) works to safeguard public health and the environment from adverse emissions across all environmental media (land, air, and water), including emissions of noise / vibration. EPU comprises of four disciplines that contribute to this aim: Acoustics, Air Quality, Contaminated Land and Pollution Control and these are utilised to cover core environmental health work as well as providing advice and assistance to Planning Management and Licensing with regards to relevant applications for planning consent or premises licences / temporary event notices respectively.

During 2020/2021 the service was heavily impacted by the Coronavirus pandemic with the requests for service initially reducing whilst some functions were suspended. This changed with the initial easing of restrictions and the subsequent cycle of lockdown and recovery as new ways of working were introduced to promote and support businesses whilst safeguarding the public. Officers have adhered to the Service's risk assessments which has allowed them to continue to deliver critical services both on the ground and in the field all the while being mindful of their own and other persons safety.

#### **Acoustics**

The provision of services to address problems concerning both noise nuisance and environmental noise continued to play an important role in our work during 2020/21. EPU continue to provide expert advice and noise monitoring services to support noise/vibration complaint investigations, planning and licensing consultation issues.

The Covid pandemic saw the importance of responding to nuisance investigations through the installation of noise monitoring equipment due to the need to socially distance. The service was able to maintain the offer to install noise monitoring equipment in citizen's houses and made 80 installations, which whilst a 50% decrease on the previous year was reflected in the need to quarantine instruments for one week upon return to the office to minimise the risk of transmitting the virus. Officers were therefore able to maintain a service and support citizens who were being increasingly exposed to neighbourhood nuisances during the lockdown.

The ability to deliver a service during lockdown was further reflected through supporting the City Housing service to procure equivalent noise monitoring instruments. This allowed that service to respond in a similar way for tenants living in the Council's own housing stock.

Support is provided to the wider EH service on technically complex noise nuisance cases and noise reports presented in support of planning applications responses.

#### Air Quality

The monitoring and improvement of air quality across the City has continued to be an important aspect of the role of EPU and has been of increasing import during this financial year.

Officers have worked in partnership with the Clean Air Zone (CAZ) team to prepare for the launch of the CAZ, in readiness for the 2020 launch date (ultimately delayed due to the impact of the pandemic to June 2021). Environmental Protection are leading on the air pollution aspect of monitoring and evaluation of the CAZ and are working closely with internal and external colleagues to develop a process to track this through. A draft monitoring and evaluation plan has been formulated along with a baseline report. The mechanism for ongoing reporting of the CAZ was scripted during 2020/2021 in time for the launch in June 2021.

In order to demonstrate the quality of the air in Birmingham the service maintained the following monitoring network:

- Air quality was continuously monitored at eight locations across the city, most being within or around the city centre. This included the newly commissioned Moor Street Queensway site. All stations operated by the City Council reported high data capture for the calendar year (2020).
- Officers from the service undertook non-continuous monitoring of nitrogen dioxide using diffusion tubes at around 90 sites across the city. Data capture at these sites was high for the calendar year (2020).
- Birmingham continues to support the national polycyclic aromatic hydrocarbon and Black Carbon monitoring networks for which the Council receives payment.

The monitoring outputs are used to demonstrate compliance (or otherwise) with legislative limits.

Air quality was increasingly important in 2020/2021 with the concerns arising from the impact of Covid in areas of poor air quality. It is recognised that Birmingham has increased mortality arising from air pollution– the Public Health Outcomes Framework includes an indicator for the fraction of mortality attributable to particulate air pollution (PM2.5) with the latest value for Birmingham being 5.83%, compared to 5.31% for West Midlands and 5.13% for England. The relevance of reducing air quality to promote public health was highlighted during the pandemic with numerous scientific studies identifying links between poor air quality and increasing adverse health outcomes including mortality in patients suffering from Covid-19.

There was significant interest in the impact arising from reductions in traffic due to the lockdown and officers produced regular statistics to inform on how concentrations were responding to reductions in traffic, including providing a context on associated confounders e.g. some of the unseasonable weather experienced during the year.

The City's Air Quality Action Plan was completed this financial year incorporating updated actions capturing the direction of the Council with regards to regulating air quality for the next five years (2021-2026). The AQAP can be downloaded at [https://www.birmingham.gov.uk/downloads/download/4061/birmingham\\_city\\_council\\_air\\_quality\\_action\\_plan\\_2021-2026](https://www.birmingham.gov.uk/downloads/download/4061/birmingham_city_council_air_quality_action_plan_2021-2026)

The service expanded the air pollution website ensuring all air quality monitoring conducted by the Council was visible and accessible to citizens. This continues to be maintained and plans are in place to expand the site to include third party data using indicative sensors. The site can be access via [www.birminghamairquality.co.uk](http://www.birminghamairquality.co.uk) .

#### Contaminated Land

The work carried out by the Contaminated Land function includes fulfilling the Council's obligations in respect of Part 2A of the Environmental Protection Act 1990. This involves implementation of the Contaminated Land Inspection Strategy and ensuring that the legacy of historic land contamination is addressed during the regeneration of the City.

A revised Contaminated Land Inspection Strategy has been drafted but challenges relating to financing, due to the loss of Government funded grants, require consideration before the strategy can be progressed. There has been no progression on this from 2019/2020. During the year the service continued to review site assessments and/or remediation strategies in response to applications for planning consent. The majority of these related to the redevelopment of brownfield sites.

#### Pollution Control

The Pollution Control Team's work covers the proactive regulation of emissions from industrial processes, the investigation of complaints relating to environmental emissions from industrial and construction sites and city centre licensed entertainment premises and providing consultation responses to both Planning Management and Licensing on environmental matters.

The emissions produced by 216 industrial and commercial processes were regulated, ranging from petrol stations to the Jaguar car manufacturing plant. During 2020/2021 the aim was to conduct 142 inspections, but due to the pandemic 137 inspections were completed. The remaining five will be undertaken in 2021/2022. Inspections were conducted complying with Defra guidance safeguarding officers and citizens during the pandemic and minimising the risk of any spread of the virus.



The prevention of future environmental problems is an important element of the Team's work. During 2020/2021 the Planning Service consulted the Team in relation to the environmental consequences of proposed 2,980 developments. Whilst this was a slight increase on the previous year the responses in time to Planning were improved from 78% to 93% due in part to both filling outstanding vacancies and through the provision of two posts funded by Planning Management (for two years) to reflect the priority placed on the Local Planning Authority function and the need to deliver timely responses to promote development and investment in the city.

The type of applications considered were all significant developments, which can have significant consequences on the city. The more complex cases tend to relate to mixed use schemes in the city centre or residential apartment blocks near existing noise sources, especially entertainment venues. These have been increasingly difficult to assess this year as the pandemic has prevented monitoring of the actual noise sources. Work involved either simulating noise exercises or relying on anticipated noise based on other schemes; both have complications and have resulted in more involved discussions with developers' consultants.

The Team comments on applications made under the Licensing Act 2003, whether for a new or revised application or for a temporary event (TEN). Whilst the pandemic restrictions initially reduced the amount of such applications, once the recovery phases commenced, the applications received were increasingly complex as they needed to include Covid controls. The need for social distancing resulted in more outdoor events applications and striking a balance with Government guidance on supporting the recovery and Covid restrictions. This service were also involved in helping shape the controls around temporary pavement licensing to assist businesses and safeguard citizens and ultimately bring some measure of normality back to the city.

As well as undertaking proactive work, officers deal with complaints about environmental nuisances, mostly in the form of noise from industrial and commercial premises. Support is provided to other agencies to deal with noise affecting citizens including providing significant assistance to the Environment Agency (EA) in relation to one of their permitted sites, Speciality Minerals in Kings Norton. The issue related to noise from the site and by providing expert advice and guidance to EA, both Agency enforcement and proposed company remediation strategies were received. The case remains on-going with continued support is being provided.

#### Commonwealth Games

The service is supporting the Division's preparations for the Commonwealth Games. Work includes:-

- Working with Public Health England on air pollution to undertaking additional air pollution monitoring;
- Assessing the many planning applications supporting the wider development in the area;
- Working with existing noisy and odorous premises to ensure emissions are controlled and do not impact on the events.

### **Unauthorised Encampments**

EH leads on the response to notifications of unauthorised encampments, principally due to travelling families and members of the Gypsy, Romany and Traveller (GRT) communities. In 2019 the opening of the Proctor Street Transit Site (PSTS) was expected to result in a reduction of unauthorised encampments. However, the impact is hard to determine as the March 2020 lockdown significantly reduced travelling.

The pandemic has created issues as the PSTS has been in almost permanent occupation and some travelling groups have accessed the site without consent. It has been reported there are issues both on the site and in the locality e.g. damage to the site and local anti-social behaviour. This has been difficult to address when adhering to Government guidance preventing effective action.

Attendance at Magistrates Court has been necessary several times to seek orders for removal of travellers as well as injunctions to prevent anti-social behaviour in the County Court and at High Court where a group of travellers sought to judicially review the Council's actions against them.

These issues have highlighted the need for more effective site management. Colleagues in the City Housing are addressing this, whilst Environmental Health revert to their primary role of dealing with unauthorised encampments.

### **Animal Welfare**

The Animal Welfare Team is responsible for a wide range of educational and enforcement activities involving a variety of domestic, exotic and farm animals kept across the City and includes the Dog Warden Service. There are licensing arrangements in place for pet shops, commercial kennels and catteries, home dog boarders, dog day care facilities, riding establishments, dog breeders, Zoos, Dangerous Wild Animal keepers and people who train and exhibit animals. Significant achievements in 2020/2021 included:

#### **Dog Warden Service**

The Dog Warden/Enforcement Officers (DWEO) responded to 2,057 requests for assistance. It has proved challenging at times to maintain a prompt and safe service during the pandemic due to team members having to isolate.

303 stray dogs were seized and impounded at contracted kennels and a further 21 dogs returned directly to their owners. 154 dogs were subsequently claimed by owners, resulting in income of £3,600 in claim charges.

Concerns over the fouling of public areas by dogs resulted in 521 complaints being investigated. Approximately 10,000 signs were affixed to lamp posts across the city advising dog owners of their legal responsibilities to clear up after their dogs and anti-dog fouling stencils have been applied to the pavements where regular problems occur. The service works in partnership with other services operated by the City Council and private housing providers and West Midlands Police to promote responsible dog ownership.

Officers conducted two proactive dog fouling surveillance enforcement exercises with one Fixed Penalty Notice being issued to an owner who failed to clear up after their pet. The reduced number of enforcement work was due solely to prevailing COVID restrictions.

Dog cruelty and neglect is an emotive and high-profile issue. Officers investigated 242 requests for assistance, relating to poor living conditions, abandonment, lack of veterinary treatment or the malnourishment of dogs. As a result, two persons were reported for prosecution for animal cruelty offences. In some circumstances, legal action against an owner is inappropriate, but animals need to be removed from premises on welfare grounds. Some 50 animals were removed under these circumstances, with their owners' agreement and included 29 dogs, 13 cats, 4 rabbits, 2 birds and 2 lambs. All these animals went to rescue centres for rehoming.

The DWEO provide the Dog Warden service for Solihull Metropolitan Council and responded to 31 requests for assistance, with 22 dogs being seized and impounded and an additional income of £2,371.50.

The service level agreement with the Children, Young People and Families Directorate to ensure the safety of children being adopted or fostered, resulted in nine assessments being carried out on animals kept by prospective carers and reports being submitted. This resulted in additional income of £1,366.22.

DWEO assist in the emergency removal and boarding of animals should their owners be taken to hospital or detained under the Mental Health Act. This valuable service involves vulnerable people, often in difficult and complex circumstances. Officers liaise with an array of organisations including Social Services, Funerals and Protection of Property, hospital staff, police and private kennels and catteries. 40 referrals were dealt with, involving a variety of animals. This resulted in additional income of approximately £4,045.00.

The DWEO have continued to promote and enforce the compulsory dog micro chipping regulations and to ensure that all cats and dogs found deceased across the city are scanned for a microchip. Officers collate and retain any information on these animals and will also notify the animal's owner.

#### Public Space Protection Orders

The five Public Space Protection Orders (PSPO) continue to be effective in tackling irresponsible dog owners who fail to control and clean up after their pets. All PSPO last three years and the five Orders were re-declared in October 2020, following a full public consultation in August 2020. The Orders have been implemented by the DWEO through educational and enforcement means. Under these Orders' provisions officers have sent 116 warning letters and issued three Fixed Penalty Notices, one for a dog fouling offence and two for dogs seen straying off the lead on a public road.

## Animal Related Complaints and Other Activities

Examples of the types of work undertaken are as follows:-

- 53 animal related licences were issued to animal establishments with an income of £15,059 derived.
- Response to an animal welfare complaint regarding 26 goats in a private back garden, resulted in all goats being relocated to more suitable farm premises.
- Attending one of the City's hospitals, who called for assistance to deal with a member of the public with mental health concerns, who had walked into the Accident and Emergency department and after becoming agitated, brought a three-foot snake out of his coat pocket in order to threaten the staff.
- Following concerns over an increase in dog theft, additional care has been taken to scan dogs for microchips in all circumstances. In responding to one dog cruelty complaint, an officer discovered that the dog he was dealing with had been stolen some weeks earlier. The dog (and her three puppies) were subsequently reunited with the distraught owner.
- A small puppy found by a member of the public and collected by the service, turned out to be a fox cub which was then taken to a wildlife rescue centre.
- The huge increase in the price of puppies and kittens seen during lockdown has resulted in a rise in breeding and on-line sales. There has been an increase in complaints regarding unlicensed traders or puppies and kittens being sold in poor condition. Officers provide advice to buyers, hobby breeders and interrogate websites involved in the selling of animals- this has led to several unannounced visits being made to check not only the welfare conditions, but also identify any unlicensed activity. An unlicensed dog breeder identified through these enquiries, has now made the relevant application and a person breeding and selling kittens was issued with a licence to sell animals as pets, following the application and inspection process. This is the first licence issued for this type of activity.
- Disease restrictions continued to affect livestock owners and 45 enquiries led to activities involving the keeping and transport of pet and commercially kept farm animals and in relation to the safe disposal of animal by-product waste.

## **PEST CONTROL**

The team continued to work through the pandemic although in the early stages many of the officers were only treating outdoor problems and poison were passed across to residents for use within their properties. This was not an ideal situation. As we learnt more about Covid we started to use the higher levels of PPE usually used for chemical spray treatments to ensure their safety and we managed to return to a much more stable delivery model. In total 16,832 RFAs were received and responded to.

When we could not undertake treatments and commercial work, ten officers moved to work with cemetery staff at different sites around Birmingham, some were digging graves manually whilst others where security on the gates, but all officers helped where they could and moved around the city as required. These officers also helped setup the temporary mortuary working weekends and bank holidays, fencing the site off, carry out pest control checks and moving office equipment over to the site from our offices.

Commercial Officers continued to support temporary accommodation work, and schools that remained open for key workers children. In addition although much of the income generating work was suspended, from mid-summer through to 31<sup>st</sup> March this work picked up enabling pest control to balance its budget for 2020/21.

When the Division moved out of Manor House to Ashted Lock, the commercial team won the contract to empty the building for handing over for demolition. As a precursor to this they also did much of the office moves saving monies from using industrial removal companies. Pest Control also relocated themselves from Manor House to the Fort industrial estate.

## **Mortuary & Coroners**

### **Coroners & Mortuary Service**

#### **Statutory requirements**

The City Council's Coroner's and Mortuary Service provide the Coroner's service for Birmingham and Solihull together with the Public Mortuary facilities for the city. Both services are required by statute and supported with guidance from the Chief Coroner for England and Wales.

The Coroners and Justice Act 2009 places a statutory duty on the city council to appoint and pay a Senior Coroner and, dependent upon the size of the jurisdiction, one or more Area Coroners (Birmingham and Solihull) together with casual/self-employed Assistant Coroners to discharge the functions of the Coroner. The Senior Coroner's statutory duty is to establish the cause of and circumstances of deaths in their area where:

- The deceased died a violent or unnatural death.
- The cause of death is unknown.
- The deceased died in custody

The Senior Coroner orders post mortems, conducts investigations and enquiries into the death (which are presented at inquests in the Coroner's Court) authorises bodies to be taken out of England and makes recommendations based on their findings with a view to improving health and wellbeing.

The statutory duties on the City Council in relation to the Senior Coroner are to:

- Secure the provision of whatever officers and other staff are needed by the Senior Coroner to carry out the function– it is the Senior Coroner who dictates what these requirements are and the local authority cannot interfere with the judicial role of the Senior Coroner and, therefore, has to provide and pay for what is asked for. In the case of Birmingham this has included the provision of Birmingham City Council staff.
- Provide and maintain accommodation that is appropriate to the needs of the Senior Coroner – the Coroner's Courts and offices to accommodate the Senior Coroner, Area Coroners and Assistant Coroners together with BCC staff.
- Pay the expenditure associated with the Senior Coroner and cannot refuse to pay the expenditure incurred by the Senior Coroner.
- Provide prescribed performance information in the form of statutory returns to the Ministry of Justice.

The City Council's statutory duties under the Public Health Act 1936 include:

- The provision of a mortuary for the reception and storage of bodies of people who have died in Birmingham and Solihull where the Senior Coroner orders a Post Mortem.
- Additionally the Human Tissue Act 2004 regulates how Post Mortems are conducted and the security of the bodies and associated tissues.

The services provided for the Senior Coroner by the Council include:

- Appointment of the Senior Coroner, Area Coroners and Assistant Coroners (who are paid a daily rate) including salary/pension;
- Provision, maintenance and management of the Coroner's Court in the city centre (and availability of a second court) together with associated office accommodation, secretarial, front of desk and comprehensive telephone, IT and administrative services for Coroners, the public and partners;
- Receipt of all deaths notified to the Senior Coroner and their entry onto the CIVICA system for processing and conducting all investigations required to enable the Senior Coroner to perform her legal duties;
- Word Processing resources for all staff in preparing files for investigations;
- Opening inquests, all in one inquest, comprehensive witness support and Jury arrangements and dealing with all correspondence and administration relating to inquests, and witness, pathologists and expert witness fees;
- Presenting evidence to the Coroners in inquests;

- Liaising with Register Offices, hospitals, lawyers, families, police, emergency services, prisons and the military in relation to coronial matters;
- Dealing with all certification resulting from coronial involvement – death certification and removals out of England; and
- Providing statutory information required by the Ministry of Justice on performance.

The service provided by the mortuary staff (which is licensed by the Human Tissue Authority, (HTA)) includes:

- Admitting and properly handling bodies with dignity, respect and traceability.
- Arranging the attendance of pathologists and assisting them in undertaking post mortems.
- Taking blood and tissue samples for analysis and administering their processing through to disposal in accordance with HTA requirements.
- Preparing bodies to facilitate viewings and identifications of the deceased by the bereaved and release to undertakers.
- Providing a 24/7 call out service to accept bodies in liaison with police, ambulance, hospitals etc.
- Securing personal belongings.
- Release of bodies to funeral directors.
- Cleaning of the mortuary and laundry of clothing used.
- Supporting the Designated Individual in respect of HTA requirements

### **Birmingham and Solihull Coroner's Service**

The Coroner's and Mortuary services are provided by Birmingham City Council for the Birmingham and Solihull Coroner's Area. Solihull Metropolitan Borough, through agreement, is not involved in the management of these Services, but contributes to the net cost of the service by an annual payment based on the relative population of the Borough– currently Solihull MBC pays 16.1% of the net cost of the services provided. Birmingham and Solihull is one of the busiest and most complex Coronial areas in the country covering a population of over 1.3million.

All figures in this report include deaths in Birmingham and Solihull.

### **Quantity of work and Key performance Indicators**

The following tables indicate the workload of the service compared with National Indicators– these are figures required to be submitted by each Coronial Area to the Ministry of Justice– they cover a calendar year.

## Number of deaths notified to the Coroner and Inquests completed

Year	Number of deaths notified to the Coroner	Year on Year increase	Increase on 2014 baseline	% of all Birmingham and Solihull deaths notified to Coroner	National % of deaths notified to Coroner	% resulting in inquest	National average%	Number of inquests
2014	4,284	-	-	36.6%	45%	14%	14%	1,135
2015	4,805	12.2%	12.2%	40.9%	45%	12%	14%	601
2016	5,080	5.7%	18.6%	43.9%	46%	15%	16%	746
2017	5,203	2.4%	21.5%	44.0%	43%	16%	14%	810
2018	5,327	2%	24.3%	44.3%	41%	14%	13%	708
2019	5362	0.6%	25.1%	45.8%	40%	13%	14%	757
2020	5693	6.2%	32.9%	40.4%	34%	14%	16%	794

Overall the number of deaths notified to the Coroner has shown a sharp increase since 2014, when the baseline figure was recorded. The figure of 5,362 for notified deaths in 2019 represented 45.8% of all deaths registered in Birmingham and Solihull. The 2020 figure of 5,693 represents 40.4% of all deaths registered in Birmingham and Solihull and remains higher than the national figure of 34%.

The Chief Coroner issued guidance early in the pandemic to advise that COVID is to be treated as a naturally occurring disease and considered a natural cause of death. In a large majority of cases there was no need to be referred to the Coroner. Increased referrals to the service have arisen because GPs had been unable to see their patients during lockdown, and/or suspected COVID19 but could not be certain this was the cause of death meaning the death had to be referred to the Coroner.

Despite the pandemic, the service has maintained an excellent service in regard to the time the bereaved have had to wait for inquests with 94% of Inquests in 2020 being completed within the target 6 months as opposed to the national average of 62% (90% in 2019 against national average of 63%)

Birmingham and Solihull have a higher than national average rate of jury cases with many Inquests planned during 2020. However, the COVID 19 pandemic lockdown and subsequent need for social distancing meant the Jury Inquests and many other complex cases could not proceed.



From June 2020 the service was able to resume inquests via Microsoft Teams with the Coroner in court, as required by law, and all parties attending online. The service did undertake limited Jury Inquests at an alternative venue in the latter part of 2020 and continues to work through outstanding Jury Inquests due to the pandemic and restrictions on facilitating them in the current fixed seating court at Newton Street

Throughout the Pandemic the service has striven to continue with business as normal for more straightforward cases. With natural deaths being processed on average within a day, cases requiring post mortem are usually processed within three or four days and those cases requiring an inquest usually conclude within 12 weeks. Very straightforward cases are normally concluded within three to four days. These timeframes compare very favourably to most other areas.

**Urgency** – The service has processes in place to allow urgency requests to be considered and the vast majority are prioritised, within the confines of the Coronial functions. This was more challenging during the two COVID 19 waves, however cases were still prioritised.

#### The Out of England Service

Year	Number of Out of England Forms Issued
2014	141
2015	176
2016	227
2017	241
2018	233
2019	233
2020	149

Applications are shown in the table above.

#### Current Organisational Assessment

The ethos of the Coroners service 'is to put the family at the heart of the process and to have an independent, open and transparent service.

The Coroner's service played a key role in the response to the COVID 19 pandemic. When dealing with the excess deaths that occurred due to COVID19, we set clear principles to ensure that people who lost their lives were treated with dignity and respect throughout and that their families were kept fully informed at all times and treated with care and compassion. In 2020 the service had to manage a large number of death referrals, many COVID related.

## **Mortuary**

Birmingham Central Mortuary operates a 24 hour service 365 days a year. The small team of staff comprises 4 qualified anatomical pathology technicians (including the manager) and the service has employed two trainee technicians who are studying to qualify as anatomical pathology technicians across the next 18-24 months. The team have worked tirelessly throughout 2020 to ensure that the service has continued to provide an excellent service ensuring that the deceased are treated with upmost dignity and respect whilst in our care.

### **The Number of Post Mortems (PMs)**

Year	Number of PMs	% of PMs with toxicology	% of PMs with histology
2014	1,562	19.2	12.9
2015	1,702	16.0	10.5
2016	1,542	20.3	14.4
2017	1,762	21.3	14.0
2018	1,768	22.3	13.6
2019	1,689	24	14
2020	1,665	25	15

The number of PMs undertaken increased in 2019 reflecting the impact of the pandemic and increased number of referrals to the Coroners' service and the percentage of referrals that required a PM to establish the cause of death, and has remained at a similar level in 2020.

The percentage of reported deaths resulting in post mortem has also remained the same for 2019 at 33%, (below the national average of 39%) and at 29% in 2020 which was 10 % below the national average of 39%. This reflects the desire of the Senior Coroner to conduct PMs, where the cause of death cannot be established.

## **Computed Tomography Post Mortems (CTPM)**

Following the 12 month trial from July 2019 for 250 cases to undergo a computed tomography post mortem(CTPM), via a scanner, rather than an invasive post mortem, a further 12 month agreement was reached in July 2020 to extend the provision for a further year to end of June 2021, for a minimum of 500 cases. This provides a digital post mortem via a scanner (located in Sandwell and owned by iGene) for Coroner selected cases (against a criteria, of cases proven to be most suitable for CTPM such some trauma, road traffic accident cases or those agreed by the Coroner for the Police) to assist with establishing cause of death without the need for an invasive post mortem.

It is not possible for the Coroner to authorise CTPM for all cases, families that want a CTPM for cases which do not meet the criteria are able to request them and the coroner will consider each request. In these cases the family are responsible for the costs, at the rate agreed for the trial between BCC and Igene.

CTPM can often take longer than a standard post mortem as we have to wait for the scan to be completed and reported before we can determine if there is an acceptable cause of death.

If the scan and radiologists report of the scan do not provide conclusive evidence of cause of death, an invasive post mortem is still required to establish the cause of death. The City Council or Family is only charged if the CTPM does establish the cause of death.

### **CTPM' s undertaken for 2020**

There were 535 CTPM's undertaken in 2020, of which 4 were on behalf of the Police and 3 were the result of a family request. 259 of these CTPM's established the cause of death and 276 cases required and invasive post mortem. Evidencing a success rate of 48% for 2020.

BCC undertook 1,665 PM examinations during 2020, of that, 535 were CTPMs. The service identified that CTPM was a good way of identifying COVID19 in patients who had not been swabbed during lifetime. CTPMs continue to be performed on other cases where it is likely to provide assistance to confirming the cause of death.

The Coroner's team and Igene meet regularly and with pathologists are working together to improve the success rate and currently it has a success rate of around 50%.

### **Temporary Mortuary Provision**

The City Council's response to the coronavirus pandemic and increased pressure on mortuary capacity was to erect a bespoke mortuary storage facility with the grounds of a City Council cemetery. The public mortuary staff oversaw the development of

this and staffed the facility from the small team, supported by other staff from Regulation and Enforcement. In addition, the service increased the storage capacity within the public mortuary itself using racking when demands on the service increased. The team provided support (both officer and management) to the Regional mortuary when in use, whilst maintaining provision of mortuary and PM services at the request of HM Coroner.

### Regional Mortuary

Chief Executives for the seven metropolitan authority areas, including Birmingham and Solihull) and Warwickshire County Council agreed to the development of 'West Midlands and Warwickshire Regional temporary mortuary at Birmingham Airport', facilitated by a multi-agency group, with Birmingham City Council being key stakeholders and responsible for the mortuary HTA licence.

The facility was open from 15 April to 4 September 2020 then mothballed on standby in the event it was needed for storage of the deceased. In early 2021 it was reopened from 5 February 2021 to 16 April 2021.

Your officers are responsible for obtaining, maintaining and ensuring compliance with the HTA licence standards. Working with the Coventry NHS mortuary manager and West Midlands police staff to ensure the facility met the exacting standards of the HTA ensured continued operation of the appropriate licence. The three partners have worked together well to ease the pressures on the NHS mortuaries and funeral directors who were finding difficulty in looking after bodies prior to funerals.

**ENGLAND ILLEGAL MONEY LENDING TEAM**

**Background**

The grant-funded project was initially piloted in 2004 with teams from Birmingham and Glasgow operating across a specific region. The purpose was to identify if illegal money lending was in operation and, if so, investigate and institute proceedings against those involved. The project was commissioned for an initial period of two years, being further extended year to year following a number of high-profile, successful investigations.

National Teams are in place covering England (hosted by Birmingham City Council), Scotland, Wales and Northern Ireland. All teams regularly hold meetings, currently virtual, to share best practice and current initiatives. The IMLT operates across England using the legislative powers contained in the Consumer Rights Act 2015.

IMLT's brief remains to investigate and prosecute illegal money lenders and to provide support to victims and communities under the control of illegal money lenders, and by working with partner agencies to deliver this support.

From an initial team of seven officers, the team has grown in size and now employs 58 staff in various roles and recently recruited three apprentices to work across the intelligence and intervention sections.

Initially, officers gather and develop intelligence by working with local services with the aim of corroborating information, warrants are executed, and, where appropriate, cases taken into the court process. Another branch of the team (LIAISE officers) supports loan shark victims throughout the process and raises awareness, with local, regional, and national services, regarding the team's work.

Since its inception, the team has secured over 408 prosecutions for illegal money lending and related activity, leading to 593 years' worth of custodial sentences. These actions have resulted in writing off £87 million of illegal debt and helped over 31,000 people.

The primary legislation governing the consumer credit industry is the Financial Services and Markets Act 2000 (FSMA), previously the Consumer Credit Act 1974. The Trading Standards Service has a duty to enforce this legislation within its area.

The Financial Services Act 2012 amended the legislation to move the authorisation process under FSMA. It retained the enforcement provisions regarding unauthorised business for Trading Standards. The Financial Services Act makes provision for trading standards services to operate nationally to make the administration process easier for the IMLTs.

A fundamental requirement of FSMA is all potential credit providers must possess appropriate authority issued by the Financial Conduct Authority. To operate a credit business without authority is a criminal offence that carries a maximum penalty of a £5,000 fine and/or up to two years in prison.

Illegal money lenders, or "loan sharks" as they are more commonly known, have long been recognised as the most unacceptable part of the illegitimate consumer credit industry. Targeting vulnerable communities and individuals, charging exorbitant rates of interest, and using whatever means including, at times, fear and intimidation to recover monies 'owed'. Controlling lives and the community are common traits that illegal money lenders will exhibit during their operations.

Initially, there was little knowledge about the scale of illegal money lending, either in the number of individuals involved or the number of possible victims across the country. As a result, illegal money lenders were rarely, if ever, prosecuted due to victims being reluctant to come forward. Birmingham City Council has now prosecuted over 400 individuals and disrupted many more illegal lenders, stopping the pernicious enterprise.

As well as the team's work, the Government commissioned Independent research by Bristol University (POLICIS) in 2010, showing that around 310,000 households across the UK were indebted to illegal money lenders. Work carried out by the team indicates that each person borrowing from an illegal money lender typically has an average loan of £350 each time and pays back double the amount. Rollover loans are typical, and this means that a person will have 3 ½ loans annually from the illegal lender. This equates to £1,225 borrowed, paying back £2,450.

Typically illegal money lenders:-

- Start out being friendly – they are often heard of via friends. It is only when repayments are missed their behaviour changes.
- Offer little or no paperwork.
- Increase the debt or add additional amounts.
- Refuse to tell the borrower the interest rate, how much they still owe, or how long they will be paying back. (We have seen APR's as high as 4.5 million %).
- Take items as security - this may include passports, driving licences, or even bank or post office cards with the PIN to withdraw directly from borrower's accounts.
- Sometimes resort to intimidation, threats, or violence.

Throughout its life, the project has been funded by Central Government. This funding was on a yearly basis and subjected to annual submissions. In 2016 it was announced that a levy would be applied to credit businesses. This funding commenced on 1 April 2017 and has secured the work of investigating illegal lenders. The current budget for the team's activities is £4,253,249.

#### Operating the Illegal Money Lending Team

Many successes can be attributed to factors such as, the quality of the intelligence gathered, the hotline and dedicated website, social media, partner engagement and partner participation. These relationships are developed and grown by the Liaise Officers (Leads in Awareness, Intelligence, Support, and Education).

The Stop Loan Sharks brand was first introduced back in 2004 and has continued to be developed since its inception. The team has a significant social media presence, including Facebook, YouTube, Instagram, Snapchat, and Twitter accounts, as well as its own website and LinkedIn accounts.

The approach used is fully agile and flexible to tackle this type of criminality, recognising that "one hat size does not fit all" circumstances. The legal changes under the Consumer Rights Act provide authorisation for Birmingham City Council to operate across England and Wales in respect of offences under the Financial Services and Markets Act 2000 (FSMA), changes that were introduced to lighten the team's administrative burden and allow full functionality in all geographical areas.

The Team's Head of Service and Operational Managers have delegated authority to proffer charges at police stations, institute proceedings through the reporting process and make decisions regarding the outcome of investigations throughout the process. This authority speeds up the court process, allowing suspects to be arrested, interviewed and charged the same day. In some instances, the defendant has been brought before the courts within 24 hours.

Recognising the importance of communication in all aspects of the team's work has also been a key priority. The hotline is 24/7 and staffed by the team members. This promotes reassurance and allows for information to be fed directly to lead investigating officers regarding the actions of the suspected illegal money lenders. In addition, the IMLT has launched a Live Chat service on their website, enabling victims to access support discreetly and talk online with a Stop Loan Sharks Support Officer, safely and in confidence.

Live Chat provides a valuable route to support and has allowed people who are isolating and do not want their partner to know about the debts to engage with IMLT. A smartphone app has been launched to help loan shark victims. The Stop Loan Sharks App offers support and information for anyone who may be involved with a loan shark or those concerned about someone they know. The App has had over 1,000 active users, and the IMLT has the functionality to send push notifications about loan shark arrests and court cases based on the user's location.

#### **Paid social media campaign**

The IMLT delivered a paid media campaign in March/April 2021 on Facebook and Instagram. The campaign used both PPC (pay per click advertising) and paid ads. The campaign targeted locations across England to raise awareness of the dangers of loan sharks and encourage people to seek help and report illegal money lending to IMLT. It received over 54,000 impressions, 552 link clicks and reached more than 28,000 people. The findings of this campaign have developed an insight into the relevant audience for Stop Loan Sharks and how they interact with campaigns.

The most engaged demographics were those aged 65 plus, who are known to be a more vulnerable age group, alongside more females than males engaging with the campaign. Across both Facebook and PPC, the most engaged audience were located within 6 miles of the Hackney region of London, with other locations being more evenly distributed across click-throughs.

Learning from the campaign include both the landing page forms and live chat function served their purpose in fulfilling the need for people to easily contact and reach out for support where needed after clicking through to the landing page.

#### Valentine's campaign to target loan sharks

The IMLT delivered a social media awareness campaign around Valentine's Day following reports loan sharks were targeting vulnerable people through dating sites. The criminals set up online dating profiles to lure victims into fake romances before trapping them in a dangerous cycle of debt.

In one case, a victim was tricked into taking out a loan after telling her new love interest about her financial problems. She borrowed £3,000, but her debt soon spiralled out of control. The loan shark demanded £10,000 and sexual favours to pay off her debt. In other cases, victims have been blackmailed on social sites used by the LGBTQ community. Users have been targeted by loan sharks threatening to download and share private photographs, if they fail to pay their debts.

#### SHARK Interactive Film

The IMLT has released a new interactive film showing the dangers of loan sharks on social media created by Perception Theatre. The new film called 'SHARK' is being rolled out to all secondary schools, colleges and universities, and all other partners as part of a drive to educate young people about the risks associated with borrowing from loan sharks on social media.

The film, which has decision-making pauses where the viewer can decide what route they choose, has been funded from cash recovered from loan sharks under the Proceeds of Crime Act (POCA). In the film, Liam is introduced to a loan shark on Snapchat, and viewers can choose the central character's choices. The storylines are based on the real-life experiences of victims of illegal money lending.

The trailer and to view SHARK use this link [www.perceptiontheatre.com/shark](http://www.perceptiontheatre.com/shark)

The investigations have resulted in many high-profile court cases including those with serious criminal offences investigated and prosecuted by the City Council. The strategy to prosecute for all matters has resulted in prosecuting crimes that may not typically be associated with a Trading Standards Service. The decisions to prosecute offences such as rape, blackmail, kidnapping, wounding and assault were made after careful consideration and consultation with Legal Services. It was recognised these offences were directly linked with illegal money lending and occurred as a direct result of involvement with this activity.

Raising awareness of the team with the public and other interested parties has been critical for gathering the right intelligence. In addition, the involvement of the police and their support in the operations has been extremely beneficial. Embedded Police Officers have given the team an added dimension to its investigatory powers.



Some recent cases include:-

#### OPERATION CHARNWOOD FOREST – DONCASTER

A loan shark who used Snapchat to promote his illegal money lending business was jailed for 16 months on 30 June 2021. Rovin Mavunga from Doncaster, paid a Snapchat influencer to advertise his services online and even used social media to threaten his victims when they could not afford to make repayments. He charged almost 100% interest on short-term loans to about 130 people. Mavunga would send messages with payment reminders, adding interest and arbitrary charges if borrowers failed to pay on time. One woman, a single mother of two, was slapped after a man approached her in the street demanding she repay the money she owed. She fled to a nearby shop, and the police were called, but she was so traumatised she eventually moved from the area.

Mavunga visited a victim's neighbourhood and sent an image of a house and car he believed belonged to his mother. The man was sent messages from an individual introduced by the defendant, threatening to burn his house down and kill him.

#### OPERATION CORSICA – BRIXHAM

Three people involved in running an illegal money lending business were given suspended sentences. Jamie Grant from Brixham, was sentenced to two years' imprisonment, suspended for two years after pleading guilty to illegal money lending and money laundering offences at Exeter Crown Court on 23 June 2021. This follows the previous sentencing on 14 July 2020 at Exeter Crown Court, where Mahli Binmore, and Simon Saunders, both of Brixham, were sentenced for illegal money lending and money laundering offences.

Grant was known to lend money, always charging "double bubble" on repayments the following week plus any interest he wanted to charge. He was known to pick up his victims from home and escort them to a bank to ensure payments were made, threatening with violence if payments were short or missed and causing many to have to immediately borrow from him again as he had taken all of their income and left them nothing to live on. Binmore knowingly allowed the use of her bank accounts for victims to make payments. She was sentenced to 20 months imprisonment, suspended for 18 months, and 150 hours of unpaid work.

The court heard Saunders had delivered loans and collected repayments from other victims in the Brixham area. He received an 8-month prison sentence, suspended for 18 months, and ordered to complete 150 hours of unpaid work. Grant was told by the judge had it not been for his guilty pleas and his personal circumstances, he would have been sentenced to at least three years immediate custody.

#### OPERATION BIRCH GROVE – BRENT

A Brent man who ran an illegal £128,000 money lending business was given a suspended sentence. Kyaw Min was sentenced for running an illegal money lending scheme for seven years, in which he dealt interest-only loans without permission from the Financial Conduct Authority (FCA).

He was sentenced to 17 months in prison, suspended for 18 months, and ordered to do 200 hours of unpaid work in May 2020. Min had been running the illegal business since April 2011. During this period, he issued 124 loans amounting to £128,935.00, and the total interest repaid was £53,607. Loans were given at 10% interest on the outstanding capital each month. Victims were forced to pay off the interest on the loan every month until the total amount could be repaid.

**OPERATION YEARLING** – An Exeter man who illegally lent money to vulnerable people was given a suspended sentence on 4 November 2020. Robert Ferguson, of Exeter, admitted running an unlawful money lending business and was jailed for 30 weeks, suspended for two years at Exeter Crown Court. He was also ordered to do 180 hours of unpaid community work and pay £300 costs. Ferguson had been running his illegal money lending scheme between April 2014 and November 2019. He charged exorbitant rates of interest to friends or people he met in pubs and received tens of thousands of pounds in loan repayments from more than 20 people.

**OPERATION SHOREHAM** – A husband and wife team ran a lucrative illegal money lending business in the Stockton area and netted over £500,000 in loan repayments. Alan and Joyce Fromson were both sentenced to 10 months in prison, suspended for two years at Teesside Crown Court on 17 November 2020. The pair pleaded guilty to two charges of illegal money lending between July 2007 and October 2019.

The pair had left Provident and established their own money lending company called JFA Personal Credit in 1997. They ran a legitimate business until 2007, when they failed to renew their licence to loan money to customers. They did not pay any tax on their earnings while running their illegal business. They issued loans worth around £382,800, earning £214,044 in interest payments and netting a total of £573,457 over 12 years. Specialist officers executed a search warrant at the couple's home in October 2019, where evidence and records were seized. In interview, Alan told investigators, "the money goes straight into our pockets, and we could get away with it, so we did" and "we have had a very, very good living out of it."

**OPERATION THREE RIVERS** – On 3 September, at St Albans Crown Court, Mr. Barrera pleaded guilty in respect of illegal money lending offences. He was sentenced to 12 months custody on each to be served concurrently. Regarding a Proceeds of Crime Act offence, Mr. Barrera was sentenced to 2 months' custody to be served consecutively, a total of 14 months. The sentence was suspended for 18 months. A contribution to costs was ordered in the sum of £400.

A Teesside mother, who fell into the clutches of an unscrupulous loan shark, was awarded a CTSI Hero Award in September 2020 for sharing her experience to encourage other victims to come forward. The mum of five, Becky\* was nominated for the award by the IMLT. Becky found herself in financial hardship and borrowed £50 from someone she considered a friend to buy school uniforms for her children but ended up paying an estimated £35,000. Survivor Becky bravely spoke about her horrific ordeal of becoming entrapped by a loan shark, which led to attempts to take her own life after falling in debt and receiving terrifying threats from an ominous "Big Man."

Becky and her husband were both unemployed at the time, and with no access to a bank account, credit cards, or able to get a loan, she felt she had no option but to accept the cash from the woman posing to be her friend. Becky said: "I had the £50 in 15 minutes. It seemed like easy money, but I didn't realise the dangers. "The first time I was in arrears, she added another £150 on top. So, you could borrow £50 one week and owe £100 the next. But if you couldn't pay it would be £250 in a fortnight, £400 in three weeks. "The most I ever owed was £1,500. She was taking hundreds a week off me, and I had to use food banks."

The loan shark would text her kids if she was late with payments and warned them they would be coming to visit unless she paid up. Her case was investigated by the England Illegal Money Lending Team, with Becky and her children moved away from the loan shark, and the lender has been investigated.

Between April 2020 and August 2021, the team conducted 14 operations resulting in 25 arrests. However, the team, like all agencies, has been hindered by the current pandemic.

#### Victim Contacts

There were over 400 contacts with victims in 2020-21. Many of these offered emotional support and safety advice, but there were also referrals to credit unions, housing, debt advice, and mental health services. The team dealt with £450,000 of new victim debt in 2020-21.

#### Victim Profile and Statistics 2020

The gender split of borrowers was 50% female and 50% male. In addition, 45% of victims supported were parents with an average of two children per family. 44% of clients had long-term health conditions.

- 15% said they had a physical illness.
- 14% had mental health issues.
- A further 15% said they suffered from both mental and physical illness.
- 3% of borrowers said they acted as a carer for someone over 18.
- 30% of victims said that they had considered suicide during their lifetime, including 16% who had attempted suicide.
- 91% of borrowers said that they were in a state of worry, stress, depression, or severe anxiety because of their involvement with a loan shark, and 55% told us that they had been abused verbally and/or threatened with physical harm (or actually harmed) by the loan shark.
- 80% of respondents paid rent for their home, either to a social landlord or private property owner.
- 23% of respondents said they had visited a debt advisor; this is 9% more than in 2018.

- 33% of those who had accessed debt advice said they had told the debt advisor about the loan shark; Comments made by victims who said they hadn't mentioned the lender included "I was too scared," "I didn't think they could help" or "the advisor didn't ask about loan shark debt."
- 18% had heard of the term "Credit Union," including 4% who were already members. The remainder had never heard of a Credit Union.
- 64% of victims were claiming benefits. 38% of respondents claiming benefits were on Universal Credit.
- 29% of clients told us that they had priority debts, including rent, mortgage or council tax arrears.

48% of those supported during 2019 were unemployed— an increase of 17% on the previous year. 46% were in work – either full or part-time, while the remainder were retired, home carers, or students. 12% of the victims met the illegal lender in either the lender's or the victim's workplace. Victims may be forced to give personal documentation that may be needed for work, such as passports or vehicle registration certificates, and may have to take time off due to mental health issues caused by the lender. 11% of borrowers met the LS via social media. Those under 25 were more likely to get to know LS via social media than any other age group; those over 55 were more likely to access via a friend or family member.

48% of victims supported during 2020 were told about the loan shark by friends or family members, a decrease of 21% on the previous year.

The median amount borrowed was £2,000 –£1,500 lower than the previous year. The median amount repaid was £10,000 –5 times the amount borrowed.

57% of borrowers believed the loan shark was their friend at the point of borrowing. 28% of victims had payments collected from their home –an increase of 6% on 2019. 13% of victims made payments at the lender's home –an increase of 5% on 2019.

9% of borrowers repaid at a pre-arranged venue in their local area and 11% at either their workplace or that of the lender. 36% of payments were made via electronic bank transfer compared to 46% in 2019.

33% of victims said their relationship with the loan shark was affected by the Covid pandemic. Either they had to borrow more because of loss of income, or the lender increased threats over non-payment.

The lowest amount borrowed from a loan shark was £60 for new baby expenses. One person who borrowed £75 paid back over £13,000 over eighteen months and still had an outstanding balance of £600. Another borrower received £300 from the loan shark. After repaying £15,000 over two years, the lender was demanding a further £170.

The victim statistics for the first six months of 2021 have shown some interesting trends.

- The youngest client offered one-to-one support was 19, and the oldest was 81 years of age.
- 72% of clients saying they had long term health conditions - up 28% on last year.
- 92% of borrowers said that they were in a state of worry, stress, depression, or severe anxiety because of their involvement with a loan shark- up 1% from last year and 8% in 2019.
- 70% of borrowers said they had been threatened by the lender- up 14% on last year.
- 88% were in rented accommodation up 8% on last year's figure– 6% were owner-occupiers.
- 82% of those we've offered support to this year are on incomes of under £20,000.
- 79% of clients were claiming benefits - the highest amount recorded since IMLT started collating statistics.
- 31% are employed, including self-employment - 17% less compared to last year's figure.
- 50% had used a food bank in the previous 12 months - the highest figure since IMLT started recording in 2014 (the year before was 14%). 24% had applied to the local authority for some form of financial help in the last year - the highest amount ever. 58% went without food, fuel, or missed rent or mortgage payments to repay the loan shark - the highest amount ever.
- 13% met the lender at work.
- 6% met them on social media sites.
- 52% of borrowers supported during the first half of 2021 were told about the lender.
- By friends or family members.
- One client borrowed £4,000 from the loan shark ten years ago. He has repaid over £170,500, and the lender says he still owes £80,000, a total of over half a million may have been paid if the borrower hadn't sought support.
- An illegal lender was taking almost all of a borrower's benefit money, leaving them with just £7 a week to live on.

### **Training – Partners**

In 2020-21, the team trained over 12,000 frontline staff online. New training sessions have been developed and delivered:

- What is a Loan Shark? – looking at the crime of illegal lending and how to identify a victim.

- Overcoming Victim Barriers and Changing Lives – going into more detail about the reasons people don't engage with IMLT and overcoming them.
- What is a Credit Union, and how do they help in the fight against loan sharks? – looking at partnership arrangements with CUs and how they can help steer people away from loan sharks.
- Reflective training – become a Stop Loan Shark SPOC – a three-session training event with "homework" allowing a small group to really engage with the issues facing victims of illegal lenders.

Some outcomes from the training:

- Before the training, 36% of participants were aware of the IMLT. This is interesting as it shows the majority of the people on the training had not engaged with the team before, suggesting online training is reaching a new audience.
- Before the training, 93% of participants were aware of what a loan shark is.
- 82% participants scored the training a 8 or higher (out of 10) for being beneficial to their work.
- 92% of participants said they were now aware of the dangers of loan sharks (allocating a score of 8 out of 10 or higher).

### **Partner Recognition**

The Illegal Money Lending Team has launched a Partner Recognition Scheme to reward partners who support the work to stop people from using loan sharks. Organisations can apply for one of two awards by hitting five of the following criteria:

#### **PARTNER**

1. Regular IMLT training of appropriate staff.
2. Have publicity available at offices for service users.
3. Have an IMLT presence on your web and intranet site.
4. Promote credit union to staff and service users.
5. Allow IMLT use of local office space to facilitate statement taking.
6. Have a single point of contact to co-ordinate IMLT work.
7. Publicise our campaigns via your comms channels.
8. Run regular awareness sessions for service users.
9. Promote the use of our reporting app

#### **PARTNER PLUS+**

10. Have a policy in place to recognise loan shark victims and a co-ordinated response.
11. Referred intel to IMLT.
12. Run a credit union incentivisation scheme for service users.
13. Run regular awareness sessions for service users.
14. Have a payroll deduction scheme for your organisation's staff with your local credit union.
15. Run a dedicated social media campaign.
16. Incorporate use of IMLT education packs as part of your work.

17. Have a partner charter signing.
18. Run an IMLT event for service users.

So far, the following agencies have been awarded Partner status:

- .
- Runcorn Police
- Prima Group.
- Rhubarb Farm.
- Just Credit Union.
- Cheshire East Trading Standards.
- East Sussex Credit Union.
- Together Housing Group.
- Staffordshire Citizen's Advice.
- Citizen's Advice Wirral.
- North Warwickshire Borough Council.
- Nuneaton and Bedworth Borough Council.

#### Partnerships

IMLT are working with It Takes Balls men's mental health campaign to:

- Have a link on the It Takes Balls website and a blog item on IMLT.
- IMLT information in It Takes Balls' training.
- Campaign - May 10-16 May - walkabout with Sid the Shark mascots
- Facebook Live session.
- Campaign - June 14-20 June - IMLT to pull together a draft social media campaign with an overview of men's health/loan shark issues.
- Link into other men's health forums across England.

The Gambling Commission (GC) has agreed to make it a licence condition for operators (bingo hall, casinos, bookies, etc.) to report illegal lending to the GC (who will then pass to IMLT). They must also have provisions within their working framework to ensure staff are aware of IMLT, and operators could face enforcement action from GC should they fail in this area.

LIAISE have been undertaking weeks of action online.

#### Gateshead

- Work ongoing with Gateshead Council and NE First Credit Union. Planned 4-week targeted Facebook Campaign. Press release published by Gateshead Council and video of a cabinet member promoted.
- Discussed incentive for Gateshead Council staff to be launched in January.
- Delivered two training sessions for Gateshead Council staff, including the Union Rep who worked with the member of staff who was a victim of a loan shark.
- Delivered two training sessions for Gateshead Housing Company staff (with two more in December), and they are going to pass details over to other teams such as ASB, neighbourhoods, etc.

- The current case meant LIAISE spoke to a social worker who has passed on details to the training team.

SERCO contacted the team after sitting on the same Organised Crime Group. As a result, training has started for staff, and the agency is looking at setting up payroll deduction savings with a credit union as part of their financial wellbeing programme. In addition, SERCO is looking to achieve Partner Recognition status.

LIAISE are working with the National College of Policing to raise the team's profile with Forces in England. Information is being sent to Contact Centres, and potential training links are being explored.

Livewest Housing has received training on how to spot a loan shark and are now looking at Partner Recognition status. As part of this, they have recorded a podcast with IMLT so that staff who could not attend the training (especially maintenance staff who work out and about) can receive the information.

LIAISE worked as floating mentors during an FCA techsprint looking at developing financial solutions for women in vulnerable situations. They will now work with projects to ensure products are valid for loan shark victims and can flag up concerns.

#### Credit Union Work

Credit Union Incentives (where IMLT offers £25 of proceeds of crime money as an incentive for people to join and start saving with the credit union) have been a challenge during the Covid restrictions. Some credit unions have shut offices, and people may have had less income. Despite this, the team has "sponsored" over 1,000 credit union accounts in 2020-21. The incentives are targeted at cohorts who are "at-risk" of using illegal lenders.

IMLT launched payroll materials for credit unions in July and is working with Chambers of Commerce to target companies and get them to sign up for payroll deduction schemes with the credit union.

The Black Country Chamber is signed up already with work about to start elsewhere in the country, including Swindon and Sheffield. The material, which has all been professionally designed, will enable credit unions to approach local employers to get them on board.

A group of credit unions in London and Kent bid for some proceeds of crime money to develop and launch a website for child benefit loans, [www.childbenefitloans.co.uk](http://www.childbenefitloans.co.uk). This enables people to borrow against their child benefit, with mandatory savings built into the process. The aim is that then people have become credit union members, so look to other credit union products in the future. 2 more credit unions, Darlington and NE First, are due to join the scheme later this year

Through conversations with the sector, IMLT ascertained that many credit unions felt they under-utilised social media, either through lack of expertise or time. As a result, IMLT use proceeds of crime money to fund a social media toolkit that credit unions can access free of charge from the stop loan sharks website <https://www.stoploansharks.co.uk/social-media-toolkit-for-credit-unions/>



The toolkit includes a calendar of events to link to, social media posts and images, a guide to each platform and information on the tone of voice and hashtags.

In the ten days since it has been launched, the toolkit has achieved:

- 506 total page views
- 201 clicks to download files

#### Stop Loan Sharks Week

Stop Loan Sharks week ran from 30 November 2020. This year's theme was to stop online loan sharks after 1 in 5 of the victims the team supported in the first half of 2020 met the loan shark online. The hashtag #sharkfreesurfing was used with graphics and video for partners to promote. The team did a Facebook Live session with staff from money advice at Newcastle University Student's Union.

The early results of the campaign were:

#### Website:

- Visits 3.7K (Up 78%)
- Bounce Rate has dropped 20.7% – visitors are spending more time on website

#### Facebook:

People reached 51,202 – up 463%

- 2,814 video views – up 1185%
- 63 new page followers – up 97%

#### Twitter:

122K tweet impressions - up 364.6%

- 5,005 profile visits - up 233.7%
- 236 mentions/tags - up 60.5%
- 3,808 followers - up 52

As part of Stop Loan Sharks week, the team launched a short story competition, "7 days of sharks". Seven winners had their stories recorded and launched as podcasts.

#### Proceeds of Crime

42 projects were awarded proceeds of crime funding through the Stop Loan Sharks Community Grant Programme in 2020-21. Funding awarded this year has to be spent by August 2021. This extension (it usually is 31 March) is due to restrictions caused by the lockdown. However, some projects have already been completed and have stayed within Covid guidelines to do so.

One of these was a project in St Helens undertaken by UC Crew and Graffiti Kyng. Skate parks in 3 play areas were given a loan shark make-over. Local young people were involved in designing the images. In Wolverhampton, a theatre group, adapted to Covid restrictions by limiting numbers in their rap/film. Salford 92 Foundation used football to engage the community in issues around illegal money lending. Community Outreach and Network Services have designed a mural for a community centre in Leyland.

The British Deaf Association worked with IMLT to produce a video with signed translation and information targeted to the deaf community. Whitesocks theatre company are running projects in Stoke and Sandwell.

#### Watch out sharks about – Stoke

Primary schools targeting years 4,5 and 6 (*7-11-year olds*).

- 20 educational establishments offering the sessions free of charge.
- Looking to deliver in February or March 2021.
- Interactive 1 Hour online session highlights issues that affect people involved in illegal money lending, exploring budgeting and financial management.
- Prospero platform - making choices and selecting options on the screen to move the session along.
- The show takes the format of a game show where we guide two families (teams) through their monthly budget.
- Highlight how to avoid the traps and pitfalls of Illegal Money Lending in later life by exploring some of the real-life stories.
- The school will have access to the programme for seven days before it expires.
- Mascot Sid and Glenda are in attendance.
- Schools to dedicate at least one follow up session on our education resource to embed the loan shark message includes filling in a feedback form.

#### Borrowed time Sandwell

Secondary Schools – targeting 12-16 years.

- 20 educational establishments offering the sessions free of charge.
- One hour online interactive workshop using Prospero platform, challenging misconceptions of money lending and educate young people against the dangers of becoming involved.
- Looking to deliver in February or March 2021.
- Highlight issues that affect people involved in illegal money lending and exploring real-life stories.
- Look at options available to young people to start saving and highlighting how to avoid the traps and pitfalls of Illegal Money Lending in later life.
- Schools to dedicate at least one follow up session in their PSHE/Life Skills lessons to explore in more depth the Stop Loan Sharks message and use the relevant IML resource packs includes filling in a feedback form.
- The school will have access to the programme for seven days before it expires.

Blowin' a Hooley theatre company performed a Stop Loan Sharks pantomime in North Tyneside schools.

Perception Theatre has developed an interactive online film, where people are put in the shoes of the victim of a loan shark and get to decide what the characters should do, which affects the story's outcome. It was launched in April, targeting schools, colleges, universities, and young people not in employment, education, or training. [www.perceptiontheatre.com/shark](http://www.perceptiontheatre.com/shark) The film has had nearly 3,000 views already.

### Funding

The IMLT project is currently funded by the Treasury. The project's governance consists of representatives from the Financial Conduct Authority (FCA), Treasury, and the hosting authorities involved (England, Northern Ireland, Scotland, and Wales).

### Implications for Resources

The Illegal Money Lending Team is grant-funded, and therefore, all costs for the service are recovered through this provision. Any income and proceeds of crime monies are ring-fenced to the team and utilised for the ongoing work.

### Implications for Policy Priorities

Enforcement action taken against illegal money lenders protects legitimate traders from unfair trading practices and improves the quality of life for those individuals caught within the grips of a loan shark and, as a result, within the poverty trap.

Illegal money lenders prey on the most vulnerable groups, and enforcement action to remove them from communities and encourage more sustainable credit sources such as credit unions is essential. Prosecution and removal of illegal money lenders from communities will reduce the fear of intimidation and violence.

### Public Sector Equality Duty

Illegal Money lenders prey on the most vulnerable members of society. They target people who may be financially excluded and, in many instances, people over whom they can exert power and control. Removing an illegal lender and introducing alternatives helps those individuals that have been trapped by the illegal lender into paying high interest or being forced into carrying out activities, under normal circumstances, they would not commit.

### RIT

#### Background

The grant funded project was initially piloted in 2006. At that pilot stage there were 3 teams, one based within Central England (CEnTSA), one in the North East (NETSA) and the third team covering London, the South East and East Anglia (TRS). The CEnTSA Team was hosted at that time by Solihull MBC on behalf of the Region.

The Teams were introduced following a Government White Paper on consumer protection in which it was identified that Regional Investigation Teams (RIT's) might be better placed to tackle certain offending. The rationale was to ensure cross border operations could be undertaken without hindrance and perpetrators operating across boundaries could be brought to justice under one investigation.

The three Teams were set up to run a 2 year pilot project. At the end of that trial period, and following the success of the 3 Teams, funding was made available to extend the project across all Regions, including Scotland, from 2008 for a 3 year period. Since 2011, funding has been on an annual cycle, and has varied from between £250,000 and £320,000 per year. Since May 2013, the CEnTSA RIT has been hosted by Birmingham City Council. The core budget for 2021-22 is £309,000.

The CEnTSA RIT operates across the Region using legislative powers under the Consumer Rights Act 2015. The RIT work on behalf of both the National Trading Standards (NTS) and the 14 local authorities that make up CEnTSA. The RIT receive their work via a formal tasking process, introduced as part of the Intelligence Operating Model (IOM). Whilst work can be tasked down by NTS, most of the work is tasked to the Team by one or more of the 14 local authorities within CEnTSA.

Within CEnTSA, the RIT take on the case and then submit any prosecution files that may follow through the City Council. This is paid for through the annual grant. For this reason, a significant amount of the annual funding is allocated to, and used up on, legal costs.

The RIT currently comprises two 'core' members of staff but with those numbers bolstered on an 'as needs' basis with experienced investigators employed through agency. The service is currently taking steps to recruit some additional people into the Team to assist with existing work.

Cases are referred to the Team because intelligence shows that a trader is having a negative impact upon consumers within the Region. In most cases, the trader will also be based within CEnTSA but also, in most cases, consumers affected will be from much further afield than just this area.

Most of the intelligence used to identify 'problem' traders comes from access to the Citizens Advice complaints database. Citizens Advice now act as the 'front line' for providing consumer advice and for flagging issues of concern to Trading Standards through the Citizens Advice Consumer Service (CACS) reporting line (0808 223 1133). Trading Standards have access to the CACS portal and can run a variety of reports to assist in identifying potentially problem traders.

The Regional Intelligence Analyst (RIA) (based in Warwickshire Trading Standards) produces a Tactical Assessment (TA) every 6 weeks. This TA will, amongst other things, highlight traders of possible concern to the Region as well as potential emerging threats. The 'core' offences considered by the RIT are typically contained within the Consumer Protection from Unfair Trading Regulations 2008, but there are, in addition, a host of other potential offences regularly included within case files, including offences under the Fraud Act 2006, Companies Act 2006, Proceeds of Crime Act 2002 and the Trade Marks Act 1994.

Some examples of recent cases include:-

- Operation Coffee POCA – this case followed a successful criminal prosecution against two individuals and a company with a registered office address in Birmingham and resulted in the recovery of POCA to the value of £405,107. Approximately £180,000 of this has been used to compensate victims who were witnesses in the criminal prosecution.
- Operation Swarm POCA – this case followed a successful criminal prosecution against three individuals and an associated company and has resulted in the two main defendants having a 'benefit figure' of £334,694 and a 'realisable figure' of £98,889. These funds are to be paid by September 2021, with default sentences of between 9 and 20 months. In addition, the third defendant was ordered to pay back £8,000 to go towards costs and compensation, this has been received. This will mean that the 51 victims who gave evidence as part of the case will be able to be compensated for the losses suffered as a result of the dishonest trading of the company and individuals.
- Operation Beorma – much work has been done over the last 12 months as part of Operation Beorma, an investigation into the operation of persons involved in the manufacturing, importation, wholesale and retail sale of counterfeit items (clothing, footwear, electrical goods, perfumes and cosmetics). Counterfeiting is often considered to be effectively a 'victimless' crime insofar as the affected brands are considered to be wealthy enough to not be affected by the counterfeiting. However, this should not be the way to consider the harm that this activity causes, which has an adverse effect in wider ways.
  1. The brands have spent considerable money and time to build and improve their brands, including putting funds into research and development to progress and improve their products. The counterfeiters obviously have done none of this but ride on the back of this work and investment.

2. Traders who sell non-branded products are adversely affected because they find it very difficult to compete against those who sell counterfeit branded goods. Clearly by allowing the sale of counterfeit goods, there is not a 'level playing field'. This means that honest and law-abiding traders suffer detriment.
3. The 'successful' operation by one counterfeiter will be seen by others and will encourage others to also engage in such dishonest activity (the 'broken window' effect). This can be seen to have happened at some of the most significant weekend markets operating in the UK, where there is a proliferation of sellers of counterfeit goods.
4. Finally, there is a significant loss to 'UK Ltd' because the world of counterfeiters is one of cash transactions, the avoidance of tax and other lawful duties owed and generally trading 'in the shadows'. The Intellectual Property Office (IPO) publish an annual report and in the 2019-20 report stated that the 'imports of counterfeit and pirated goods to the UK accounted for ....£13.6bn in 2016'.

As part of the investigations the service has:-

- Investigated a significant Birmingham based manufacturer of counterfeit clothing, a person who was supplying goods to multiple wholesalers and retailers across the midlands and beyond. He has pleaded guilty and is due to be sentenced in late August 2021.
- Investigated a six-handed organised crime group (OCG) which is currently in the court system.
- Investigated and charged two brothers who are suspected of multiple incidents of supplying counterfeit goods from 'underground' venues across Birmingham. The trial is currently scheduled for early 2022.
- Investigated and charged two others who again are suspected of multiple incidents of supplying counterfeit goods both by 'underground' venues as well as assorted online platforms. The case is part concluded as some guilty pleas have been entered, but there is still a crown court trial scheduled for the outstanding matters, with this matter to be heard in February 2022.
- Led on a multi-agency warrant (with the City's TS, IMLT, Leicestershire Police, Immigration and the Gangmasters and Labour Abuse Authority) in relation to a major manufacturing ring based in the East Midlands. The raid was described by the Anti-Counterfeiting Group (ACG) as the largest of its kind for a decade and resulted in the recovery of approximately £5m worth of stock and in the region of 500,000 loose counterfeit labels waiting to be attached to blank items. Investigations are continuing.
- Been involved in over 40 warrants or other enforcement exercises connected to Operation Beorma.

- Submitted intelligence resulting in over 840 intelligence logs.

#### Implications for Resources

The RIT is grant funded and therefore all costs for the service are recovered through this provision.

#### Implications for Policy Priorities

Enforcement action taken against dishonest traders protects not only affected consumers and potential future victims but can help to protect legitimate traders. Often the victims are members of the most vulnerable groups and therefore enforcement action helps to protect many that often cannot help themselves. Prosecution of dishonest traders protects consumers and opens opportunities for honest traders.

#### Public Sector Equality Duty

It is often the case that the traders subject to investigation by the RIT prey on the most vulnerable members of society. Certain traders target people who may be extremely vulnerable, either through age or infirmity or for other reason. Taking robust enforcement action in these circumstances helps to protect not only those consumers but also the wider public.

## **INTERIM ASSISTANT DIRECTOR OF REGULATION AND ENFORCEMENT**





**BIRMINGHAM CITY COUNCIL**

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

**8 SEPTEMBER 2021**  
**ALL WARDS**

**IMPACT OF STREET TRADING POLICY 2020**

1. Summary

- 1.1 On 3<sup>rd</sup> November 2020 Birmingham City Council approved the Street Trading Policy 2020 (the Policy). Prior to this no specific policy was in place above the designation of all street as consent streets (where street trading is permissible) which was made in 1991.
- 1.2 The new Policy introduced clarification of the issues that are considered when administering the authorisation scheme and provided specific designations for prohibited streets and consent streets. It also excluded 51 Birmingham City Council Parks and Open Spaces from any designation.
- 1.3 On 18 November 2020 this Committee approved a new fees and charges structure for all applications for consents made under the new Policy.
- 1.4 The Policy was fully implemented from 1 April 2021.
- 1.5 This report shows that since the implementation of the Policy that while the overall number of street traders has decreased, there has been a significant increase in new traders.

2. Recommendations

- 2.1 That the report be noted.

Contact officer: Sajeela Naseer, Head of Licensing, Markets and Registration Services  
Telephone: 0121 303 6112  
Email: [sajeela.naseer@birmingham.gov.uk](mailto:sajeela.naseer@birmingham.gov.uk)

### 3. Background

- 3.1 The legislation that applies to street trading is contained in the Local Government (Miscellaneous Provisions) Act 1982 and the Pedlars Act 1871. Some exceptions are contained in the Police, Factories etcetera (Miscellaneous Provisions) Act 1916 relating to charitable street collections.
- 3.2 The 1982 Act allows local authorities to adopt provisions to control street trading as follows: -
- Prohibited Streets- where no street trading is allowed;
  - Consent Streets- where trading is allowed when a consent is issued;
  - Licensed Streets- whereby trading is allowed from a designated pitch- this is often used for street markets.
- 3.3 Birmingham City Council (the Council) adopted the 1982 Act street trading provisions in 1991 and classified all streets as 'consent streets' for the purposes of street trading. No formal street trading policy had ever been implemented until the Policy.
- 3.4 On 3 November 2020 the Council approved the Street Trading Policy 2020. Birmingham. This introduced prohibited streets, consent streets and excluded 51 Birmingham City Council Parks and Open Spaces from any designation.
- 3.5 In January 2021 two long standing street traders applied to bring an expedited judicial review against the Council. The judicial review was heard by the High Court on 7 and 8 April 2021.
- 3.6 On 7 May 2021 the judgement was handed down. That being that the judicial review was dismissed in its entirety.
- 3.7 On 19 December 2020 the application process for consents for 2021/22 opened and the Policy was fully implemented from 1 April 2021.

### 4.0 **The Need for Change**

- 4.1 The Policy was introduced to ensure that the street trading offer in Birmingham reflected the current infrastructure. Public safety, the prevention of crime, disorder and public nuisance, and appropriate consumer protection are at the heart of the considerations to approve, revoke, or vary a consent.
- 4.2 In addition the Policy also ensures that the Council is compliant with the EU Services Directive 2006 and the Provision of Services Regulations 2009 in that any authorisation scheme in respect of the provision of a service within the Directive (which street-trading is) must not be "dissuasive" *i.e.* of new entrants to the market who wish to provide the service in question.

- 4.3 Prior to the Policy being implemented there were significant issues relating to the previous locations and sizes of trading units not always compatible with current infrastructure, leading to potential issues with nuisance and obstruction of the highway, obstruction of the visibility and entrance to shops, and public safety in terms of clear passage through highly pedestrianised areas.
- 4.4 This also hindered the capacity of traders to safely move the trading units daily after trading. This in turn exacerbated the issues described in paragraph 4.3 above and enabled the visual deterioration of the mobile units in terms maintaining them in good condition. Some units within prime shopping areas had graffiti or were in poor condition but the previous consent conditions and renewal process did not support appropriate action to be taken.
- 4.5 The nature of the previous application and renewal process, including the essentially automatic renewal of existing consents, had resulted in very little change over decades in terms of the consent holders or product offer across the city. There was no capacity for new applications for consents in the city centre or for match day/football club trading.
- 4.6 The Policy can be accessed via [https://www.birmingham.gov.uk/downloads/file/17375/birmingham\\_city\\_council\\_street\\_trading\\_policy\\_2020](https://www.birmingham.gov.uk/downloads/file/17375/birmingham_city_council_street_trading_policy_2020)

## **5 Key Policy Issues**

- 5.1 The introduction of annual and occasional consents.
- 5.2 Introduction of design brief for trading units for annual consents over 12 weeks.
- 5.3 All street trading units to be at least 30m apart except for match day traders.
- 5.4 Public safety, the prevention of crime, disorder and public nuisance, and appropriate consumer protection (including enhancing the retail offer provided by street traders).
- 5.6 The criteria that will be considered at application and renewal seek to prevent nuisance/obstruction of the highway, ensure retail business visibility and enable Birmingham City Council to ensure the location, size and appearance of trading units are appropriate and quality goods are offered for sale.
- 5.7 The process enables revocation if consent conditions are not adhered to or for any other reason. There is no statutory appeal against revocation, variation, non-renewal or refusing the application.

However, in relation to first applications under this new policy the Council introduced an internal appeals process to senior officers against an adverse decision on a consent application.

## **6. Impact of Policy**

6.1 All applications under the Policy are considered by a cross departmental team from Street Trading, Transport and Highways, Planning, and City Centre Management. West Midlands Police provide feedback for each application and Business Improvement Districts are consulted where appropriate.

6.2 The data so far is:

- 54 applications have been received
- 24 applications were approved
- 17 applications were approved after a solution was found to an initial refusal
- 8 applications were refused with no alternative solution being found
- 1 application was withdrawn
- 4 applications are ongoing
- 5 appeals were lodged against an adverse decision, but none were upheld
- Of the 54 applications received 14 were from new traders

6.3 The reasons for refusal were:

- Location not compliant with Highways legislation
- Size of unit not suitable for the location
- Location not suitable
- Location on a prohibited street

6.4 There are currently 41 street trading consents within Birmingham with 4 applications ongoing. Of these 6 are in the city centre, 7 are sports stadia consents and 28 are consents in the suburbs.

6.5 This compares to an analysis of consents in November 2020 (prior to the Policy being implemented) that identified that of the 71 consents normally held, 44 of those were non-football (non-sports stadia) consents and 27 were football consents.

Of the non-football consents, 15 of these were in the city centre and 29 in the suburbs.

6.6 The Policy has clearly encouraged new entrants to the market.

6.7 The greatest reduction in consents has been in city centre trading (a reduction from 15 to 6). Potentially this was to be expected as many of the previous locations and sizes were not appropriate. However, new locations with different sized stalls have been supported and will continue to be supported. Only four previous city centre traders have applied for a consent and three of these have been approved. A further three new traders applications were

approved. All traders are removing their trading units after trading. This overcomes the previous issues relating to units being kept on site overnight (e.g. attracting graffiti, units being in poor condition, closed units negatively impacting on the active retail environment)

## 7. Consultation

- 7.1 There is no requirement to consult in relation to this update report.

## 8. Implications for Resources

- 8.1 The delivery of the Policy is consistent with the budget for 2021/22 for the Licensing and Public Protection Committee. This ensures that the services continue to be managed within the approved cash limits and in line with the financial regulations relating to these services.

## 9. Implications for Policy Priorities

- 9.1 The issues addressed in this report underpin the City Council Vision, Birmingham is an entrepreneurial city to learn, work and invest in, Birmingham is an aspirational city to grow up in, Birmingham is a great city to live, Birmingham is a fulfilling city to age well in.
- 9.2 Regulation and Enforcement will be a key service in ensuring Birmingham residents gain the maximum benefit from hosting the Commonwealth Games by supporting legitimate business.
- 9.3 The Policy will be reviewed in 2021/22 and will be submitted to the Leader for consideration and approval.
- 9.4 The Policy supports Regulation and Enforcement Mission Statement: Locally accountable and responsive fair regulation for all – achieving a safe, clean, green and fair trading city for residents, business and visitors.

## 10. Public Sector Equality Duty

- 10.1 The Policy relates to all applicants and consent holders regardless of their protected characteristics. An initial Equalities Assessment was undertaken with regards to this Policy.

## **INTERIM ASSISTANT DIRECTOR OF REGULATION AND ENFORCEMENT**

Background Papers: Street Trading Policy 2020



**BIRMINGHAM CITY COUNCIL**

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

**8 SEPTEMBER 2021**  
**ALL WARDS**

**SAFETY AT SPORTS GROUNDS ANNUAL REPORT 2020/2021**

1. Summary

- 1.1 The purpose of this report is to provide an annual update on the regulatory activities associated with designated stadia under the Safety at Sports Grounds Act.
- 1.2 While this year has been somewhat exceptional with the national Coronavirus restrictions dictating elite sports generally take place behind closed doors, action has still been taken to ensure venue operators comply with the conditions of safety certificates.

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 Background

3.1 The City Council introduce a new form of operation during 2019/2020 in respect of its enforcement arrangements under the Safety at Sports Grounds Act 1975. This included adoption of a new policy approach political arrangements for the role of elected members on the Safety Advisory Groups operating in respect of each designated stadium. The City has three designated stadia; Villa Park, (Aston Villa FC); St Andrews, (Birmingham City FC) and Edgbaston (Warwickshire County Cricket Club).

3.2 Under the new arrangements the Regulation and Enforcement Division took responsibility for all statutory requirements under the Act, commissioning inspections through Acivico and issuing safety certificates in respect of the venues. Each site has a designated lead officer, with a nominated deputy from either the Environmental Health or Licensing Services. Colleagues in the Resilience Team took responsibility for Safety Advisory Group process.

#### 3.3 Villa Park (AVFC)

AVFC have taken a very pragmatic and safety conscious approach to hosting matches during this pandemic situation. They have provided excellent communication of changes they have made to arrangements necessitated by the move to 'behind closed doors' football, ensuring everything complies with the requirements of the safety certificate.

Plans have been produced for the eventual return to fans in the grounds, with an absolute priority on safety. Feedback is provided on every match in a detailed and timely manner. AVFC continues to engage in a very proactive and constructive way.

The revised SAG arrangements had had very little time to take effect before the pandemic outbreak, but the use of teams and email has worked well to continue meaningful engagement.

#### 3.4 Edgbaston Cricket Ground (WCCC)

The revised safety certificate was re-issued in time for the 2020 season and the process of sorting out plans for the 2019/2020 season were severely impacted by the Covid pandemic. This was due to the constantly changing situation and the WCCC's hope the restrictions would have been lifted to allow spectators.

The season started under a 25% capacity restriction, there have been two events as part of the Government's Event Research programme, with capacities set at 70% and then 80%. The first was a test match against New Zealand, the second a one day international against Pakistan. Both events were subject to extensive negotiations with the club to agree on how they would run, checks were carried out both in advance and during the matches, and both were considered to be successful in terms of the research programme.



Since the lifting of restrictions, the club has been operating under a full capacity certificate.

### 3.5 St Andrew's Stadium (BCFC)

For the period of this report the venue housed two Championship Football Clubs BCFC and Coventry City Football Club (CCFC). After the 2020/2021 season CCFC have returned to play at the Coventry Building Society Arena.

The operation of two clubs from the same venue did give rise to issues raised by the general public prior to the pandemic e.g. car parking and highways controls. With the closure of sporting venues to spectators, these issues were not raised as an issue during 2020/2021.

While the attendance at matches was controlled, issues did arise in 2021 following receipt of a confidential engineers' report undertaken as part of the club's periodic inspection programme. Following consideration of the findings it was decided with the agreement of the club to formally prevent admission to two of the four stands- this was reflected in a revised safety certificate being issued. This restriction will continue until the issues raised are remedied to the satisfaction of the lead officer.

### 3.6 Other venues

The new operating model has enabled proper oversight of other regulated sport venues within Birmingham, namely, Moseley Rugby Club and Perry Barr Speedway (Dual venue) each have a regulated stand under the Act.

### 3.7 Safety Certificates

A consistent approach was taken to the issuing of safety certificates. Officers worked with the respective venues and issued revised certificates. This included an appendix which detailed the Coronavirus restrictions required at the venues. This approach appears to have been welcomed by the Clubs.

### 3.8 Safety Advisory Group (SAG)

The City Council's revised approach to safety at sports grounds was put in place to ensure a more consistent and accountable review of the safety management systems at the City's sports venues, ensuring a minimum of three SAGs per season for the major venues, with the appropriate documentation being shared and considered. In 2020 the focus of the SAGs significantly changed to COVID measures and providing public health input to venues. At the end of 2020 the focus developed to reviewing capacity and the safe return of spectators to sports grounds.

The SAG meetings process is run by officers (in line with the adopted policy), ensuring an independent safety advisory process for sport, venues and major events. The SAG Chair is the City Council's Head of Resilience. The lead officers and the Head of Resilience have developed strong relationships with a range of core safety partners, the safety certificate holders and the Safety at Sports Ground Authority (SaSGA).

The role of the SAG is to provide independent advice to the local authority and venue, in relation to the safety management systems. It also ensures multi-agency engagement in the safety process and reviews the Club/Operator's required documentation in support of their capacity figures. It is not the regulator for the sites, with the Regulation and Enforcement Division providing that role, taking into account the views of the SAG, its partners and the SaSGA.

The SAG process has had good multi-agency engagement and has been able to overview safety management practice in all major venues– it has also been able to support developments and improvements based on new thinking e.g. Manchester Arena Enquiry, COVID.

### 3.9 Future Activity

During the 2021/2022 financial year there are changes anticipated in this field of work. All existing safety certificates will be reviewed in light of changes in Coronavirus restrictions and any other material issues that come to light. A further stadium is likely to be designated (the Alexander Stadium) following its major rebuild. The Head of Environmental Health will be taking the lead in co-ordination of all regulatory activities associated with designated stadia and the planned approach to enforcement and regulation of the sites.

An extensive SAG programme is in place for the Commonwealth Games, working with a range of partners to ensure venue safety in Birmingham and across the Game's footprint.

## 4. Consultation

- 4.1 No public consultation is required in respect of this report.

## 5. Implications for Resources

- 5.1 All costs associated with the undertaking of designated stadia inspections is met from the approved budgets.

## 6. Implications for Policy Priorities

- 6.1 The operation of the new policy has been generally welcomed by venues and other stakeholders. It is considered the policy does not need review at this time.

7. Public Sector Equality Duty

- 7.1 No further equality issues have been identified, as all regulatory and enforcement activities are carried in accordance with the adopted enforcement policy (2019), which was the subject of an equalities impact assessment.

**INTERIM ASSISTANT DIRECTOR OF REGULATION AND ENFORCEMENT**

Background Papers: Nil



**BIRMINGHAM CITY COUNCIL**

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

**8 SEPTEMBER 2021**  
**ALL WARDS**

**REGULATION & ENFORCEMENT ACTIVITY REPORT**  
**APRIL/MAY/JUNE (QUARTER 1) 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 April, May, June (Quarter 1) 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 April, May, June (Quarter 1) 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**  
**APRIL, MAY & JUNE (QUARTER 1) 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<sup>st</sup> April to 30<sup>th</sup> June 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 Q1 (April to June 2021)

**Environmental Health and Trading Standards**

Activity	Env. Health				Trading Standards			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Prosecution agreed*	22				1			
Simple Cautions	0				0			
Statutory Notices served	77				1			
Coronavirus Enforcement	9				0			
Requests for Assistance Received	12,463				1393			
Requests for Assistance closed	10,493				1385			

*Activity Table for Environmental Health and Trading Standards*

**Environmental Health**

	Q1		Q2	Q3	Q4	Year Total
Work type	RFA Total	PI Target met	RFA Total	RFA Total	RFA Total	RFA Total
H&S Accidents	91	100%				
Dogs	537	100%				
Infectious Disease	187	98.4%				
Pest Control	4811	89.2%				
Request for Assistance	6837	79.5%				
<b>Total</b>	<b>12,463</b>	<b>85.5%</b>				

### *Analysis of Requests for Assistance (RFA)*

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

### **Covid compliance**

Throughout this reporting period the Covid 19 legislation and guidance for businesses changed regularly as part of the stepped move out of Covid restrictions. The Service continued to undertake inspections and provide advice on Covid compliance to many businesses across the city. This work has continued to be funded through monies provided by the Director of Public Health (DPH) including the Covid Marshal team. The DPH is keen to keep some resilience incase of further variants of concern

The Environmental Health Covid Response Team (Enforcement, compliance, outbreaks and contact tracing) consists of temporary Enforcement Officers and Covid Marshals. These additional temporary staff continue to compliment the Environmental Health substantive Covid response team and management.

Enforcement actions reduced over quarter 1 as the majority of businesses reopened and a move to supporting businesses recommenced to ensure they operated safely. Enforcement activity did continue at some premises who were still prohibited from reopening. Included was an operation between officers from Environmental Health and West Midlands Police at a premises who breached the lockdown restriction on several occasions and where the final course of action was to seizure equipment to stop the business trading.

This team has been pivotal in the work around contact tracing undertaking visits to all people who had tested positive or self-isolating for which Public Health England had not been able to contact at their isolating address to ensure compliance. Alongside this work 242 Covid outbreaks were reported to the team where investigations were undertaken to help control the spread of the virus.

Covid Marshals continue to provide a presence within the wards which have the highest number of Covid cases and in high activity shopping areas to support to the public and businesses in being Covid compliant by promoting social distancing, supplying face covering and advising businesses on other measures to ensure Covid security.

During this period other programmed regulatory activity within environmental health has been primarily limited to investigation of complaints, accidents and other potential causes of ill health as required by Government.

### **Food Hygiene**

The Food Standards Agency (FSA) have confirmed that proactive food inspections will start in October. In the period July to September food authorities are required to plan for this, particularly in assessing unrated businesses and prioritising them for inspection. Officers have been successful in securing a grant of approximately £43,000 to assist with this assessment and prioritisation.



Until the commencement of the food programme in October inspections of food businesses continue in accordance with guidance from the FSA. Inspections have been prioritised and include manufacturers and premises where a complaint has been made, in addition to appropriate follow up activities e.g. revisits. Officers are providing substantial support to businesses to enable them to continue trading safely at this time.

The food statistics for April to June 2021:

• Programmed Inspections completed	243
• Enforcement revisits undertaken	127
• Ratings revisits requested and carried out	6
• Food business closures	7
• Statutory notices served	42
• Allergen stop requirements issued	84

In conjunction with Public Health England (PHE), an officer has been appointed to support the Commonwealth Games (CWGs) preparations. The Officer is hosted by Environmental Health but seconded to and funded by PHE. The aim is to provide dedicated support to PHE in meeting their aims for the CWGs, particularly around food safety and infection control.

### **Health and Safety**

Between April and June 2021, 91 health and safety accidents have been reported to Environmental Health and categorised in accordance with standard convention and investigated accordingly. Several cases have been concluded within this period including the fatal investigation of a local resident, who died in 2018 after being trapped under a mechanical reclining chair at Vue Cinema, Star City. The company pleaded guilty to health and safety offences and in July were fined £750,000.

Work is ongoing to plan for the recommencement of the inspection programme within premises where the City Council is responsible for regulating health and safety, this will be in line with national code set by the Health and Safety Executive. This code identifies the sectors and activities local authorities should prioritise their programme.

### **Animal Welfare**

The interest in buying puppies which started during lockdown continues, with a similar trend developing with the sale of kittens. High prices have resulted in an increase in breeding and on-line sales of puppies and kittens. In June a person breeding and selling kittens was issued with a licence to sell animals as pets, following the application and inspection process. This is the first licence issued for this type of activity. Officers continue to provide advice to hobby breeders and interrogate websites involved in the selling of animals, this has led to several unannounced visits being made to check not only the welfare conditions, but also identify any unlicensed activity. An unlicensed dog breeder has been identified through these enquiries, who has now made the relevant application.

The Animal Welfare Team continues to respond to a variety of complaints and enquires in relation to stray and lost dogs, dog fouling, microchipping, animal cruelty and animal related licenced premises. This has resulted in a range of activities involving verbal advice, visits and inspections. From April to June activities involved:-

- A response to 249 stray dog complaints, seizure of 68 stray dogs and a further six stray dog complaints referrals from Solihull Council.
- Some 123 dog fouling complaints dealt with, including 12 proactive dog fouling exercises undertaken in dog fouling hot spots.
- Investigating 72 animal cruelty complaints, resulting in the removal and voluntary handing over of five dogs to Birmingham City Council for rehoming.
- The inspection of six animal-related licensed premises, resulting in three licences issued.
- Emergency animal boarding, where the owner has been taken to hospital or detained for mental health reasons— four referrals, involving three dogs and one cat.
- Assisting colleagues in housing in relation to 15 evictions and forced entries.
- Carried out six assessments in relation to the suitability or otherwise of dogs kept by persons looking to adopt or foster children.

During one dog cruelty complaint investigated in June, it was discovered the female dog found on site had been reported as stolen. This led to the seizure of the dog, together with four puppies she had given birth to (she had been pregnant when stolen). The dog has been returned to its rightful owner and the matter of theft is being investigated by West Midlands Police.

### **Regional Mortuary**

Following the peak in Covid cases through December and January there was a significant increase in deaths across the seven metropolitan authority areas, (Wolverhampton to Coventry) and Warwickshire County Council.

As a result, a decision was made by the authorities' Chief Executives to reopen the West Midlands and Warwickshire Regional temporary mortuary at Birmingham Airport. Your officers are responsible for obtaining, maintaining and ensuring compliance with the Human Tissue Authority (HTA) licence standards. The team pulled together to reopen the facility within 48 hours, on 5 February 2021. The operational side is run by Coventry Hospital and Birmingham Central Mortuary staff, with West Midlands Police leading on security and control of access to the facility. The three partners have worked together extremely well to ease the pressures on the NHS mortuaries and any funeral directors who were finding difficulty in looking after bodies prior to funerals.

An application to extend the Regional Mortuary licence for a further 12 months from April 2021 was submitted and evidence provided of compliance with HTA standards. The licence was granted to April 2022. The temporary mortuary closed on 16 April 2021 back to a 'mothballed status'.

Birmingham Central Mortuary has a small team of staff that operate a 24-hour service, 365 days a year. The team provided support from an officer and management support to the Regional mortuary during this very busy period whilst maintaining provision of mortuary and post mortem services at the request of HM Coroner.

## 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 one of 2021/22 no Summary / Expedited Review applications were submitted by West Midlands Police.

Activity	Licensing							
	HCPH*				General			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Prosecution agreed								
Simple Cautions								
Licence applications	650				544			
Licence sub-committees	n/a				38			
Of which were reviews:	n/a							
Interim steps					0			
Expedited					0			
Standard					4			
Licence renewals	1384				23			
Requests for Actions Received	477				110			
Requests for Actions closed	406				83			

## 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
<b>Total</b>	<b>587</b>	<b>489</b>						
Hackney Carriage	68	59						
Private Hire	409	347						
Licensing Act 2003	96	76						
Gambling Act 2005	0	1						
Scrap Metal Dealers	10	3						
Sexual Entertainment Venues	0	0						
Massage & Special Treatments	0	1						

<b>Charitable Street Collections</b>	2	0						
<b>Street Trading</b>	1	1						
<b>Skin Piercers</b>	1	1						

### **Scrap Metal Dealers**

There are currently 64 licences issued in Birmingham under the Scrap Metal Dealers Act 2013. The breakdown of licences issued is as follows:

<b>Type of Licence</b>	<b>Number of active licences</b>
Scrap Metal Site Licences	32
Scrap Metal Collector Licences	32

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

<b>Type of Enforcement</b>	<b>April 2021</b>	<b>May 2021</b>	<b>June 2021</b>
Complaints	1	0	0
Inspections	2	2	1

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 1,393 requests for assistance in the first quarter. These cover a broad range of issues e.g. car trade, building work, product safety, scams, supply of illicit tobacco and alcohol as well as underage sales and other consumer frauds. The table below shows a selection of the 37 categories of jobs received.

	<b>Q1</b>	<b>Q2</b>	<b>Q3</b>	<b>Q4</b>	<b>Year Total</b>
<b>Work type</b>	<b>RFA</b>				
Consumer Fraud	209				
Age Restricted Sales	37				
Product Safety	50				
Counterfeit Goods	79				
Car Sales	108				
Advice and Assistance	435				

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

- Investigations continue as part of Operation Sander concerning false claims for Covid -19 business grants. In June warrants were executed at premises linked to some suspects. Investigations continue with regard to potential fraud and money laundering.
- Operation Marmite involves tackling rogue traders. In April officers went to a number of City locations and approached traders and households. One rogue trader was identified and is subject to an investigation.
- Two exercises took place as part of Operation Guardian (tackling knife crime). Working with the police, test purchases were carried out to see if shops were selling knives to young persons. 22 shops were visited, with 13 sold knives to the volunteers. The shops have been advised to adopt Challenge 25 initiative as well as sign up for responsible retailer schemes.
- As part of Operation Ce Ce in May two shops were found to have illicit tobacco and counterfeit cigarettes. The shops are the subject of investigations.
- Five licensed premises are subject of investigations surrounding supply of counterfeit wines. Licensing Reviews are being undertaken to examine if it is appropriate to suspend or revoke the Licence.
- In June 2021 officers working with the Police and brand representatives stopped vehicles on their way to market. The vehicles were carrying counterfeit merchandise. Two vehicles were seized, and approximately £0.5 million worth of goods were seized, and one individual was arrested and interviewed.
- Officers conducted an exercise in April aimed at tackling illegal placarding. 73 placards on the highway were taken down. Where possible, the businesses have been contacted and sent warning letters.
- Officers engaged with business in Alum Rock and Ladypool in the build up to Chaand Raath to raise awareness around illegal street trading and supply of unsafe and counterfeit goods. On the evening in May, officers worked with Police and Street Trading Officers advising anyone engaged in illegal street trading and ensuring it was a safe event.

## **Proceeds of Crime**

The City Council's Financial Investigators continue with Proceeds of Crime investigations. In June a Confiscation Order was made against a convicted fraudster, in the sum of £95,000. The suspect will face 15 months' imprisonment, in addition to his original custodial sentence, if he fails to repay the sum. Again in June 2021, a Cash Forfeiture Order was obtained in relation to £6,000 in cash seized during an investigation into rogue trader type offences.

## Convictions

**Forget me Knot, David Bryan case-** The case came about by way of a complainant who bought goods and made donations to the shop Forget me Knot. David Bryan promoted the shop as a charity shop instead of a fundraiser and therefore consumers believed the shop was a registered charity when it was not. In June 2021, Bryan was sentenced to 4 months imprisonment suspended for 12 months. He was ordered to pay £5,000 towards the prosecution costs.

**Amjad Rehman/Rehman Foods Ltd Dual Pricing** - A complainant complained about the price of items during the Covid 19 pandemic. Officers visited the business and found dual priced items. In June 2021, the defendants pleaded guilty in respect of all matters. The court imposed a fine of £300 on the company along with a victim surcharge of £34. A further fine of £180 was imposed in relation to Mr Rehman for the second offence. A conditional discharge was imposed for a period of six months in relation to the first offence along with a victim surcharge of £34. The total costs of £1,435 were distributed between each defendant (£717.50 each).

### Regional Investigations Team

In June 2021, a Birmingham based clothing counterfeiter changed his basis of plea (having pleaded guilty to 26 offences under the Trade Marks Act 1994). This meant a scheduled Hearing was not required. Sentencing has been put back to late August.

An enforcement exercise was conducted on the Coventry Road and at a lock-up in Acocks Green targeting counterfeiters selling counterfeit goods at market in June. Thousands of items were seized from two commercial vehicles and the storage facility and one person was arrested. Four individuals are being interviewed in relation to their role in this matter.

Following information from West Midlands Police, a sizeable quantity of counterfeit goods were seized following intervention by the police into a 'gambling den' which was in breach of covid regulations. Persons are currently being interviewed for consideration of offences.

On 30 June, a warrant was executed at a business as part of an investigation into allegations of dishonest activity around house sales. The investigation is ongoing.

In POCA proceedings linked to a previous criminal prosecution, the two main defendants were ordered to pay back nearly £99,000 and the third defendant offered to pay back £8,000 towards costs and compensation. Consequently 51 victims are now likely to be fully refunded and will be able to pay for any necessary repairs to their properties caused by the work being done.

### England Illegal Money Lending Team (IMLT)

During April, May, and June, the IMLT received 99 reports of illegal money lending- this is similar to the reports for the same period last year. The intelligence received identified 62 new illegal money lenders and 36 further investigations to commence.

During this quarter, the IMLT have:

- Conducted 11 operations and executed 29 Search warrants.
- Arrested 16 suspects and made three services of summons to suspects.
- Charged 4 suspects with criminal offences.
- Supported 91 victims of loan sharks.
- Secured 29 months of custodial sentences. (suspended)
- Written off over £300,000 of debt to victims at the point of intervention.
- Identified a total benefit of illegal money lending of £1,063,179.

### 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 registration for April to June 2021 compared to the same period 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
Year to date	4009	2395	-40.26

#### 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 at 28 June 2021 there were 1,849 outstanding birth registrations, of which 246 were over the statutory 42 days registration period- this is a continued reduction on previous months. The table below shows the level of birth registrations for April 2021 through to June 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
Running Total	564	5441

## 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 June 2021 compared to the same period in 2020-21.

<b>Ceremonies</b>	<b>2020/21</b>	<b>2021/22</b>
April 2021	0	103
May	0	131
June	3	172
<b>Running Total</b>	<b>3</b>	<b>406</b>

<b>Notice of Marriage and Civil Partnership</b>	<b>2020/21</b>	<b>2021/22</b>
April 2021	0	644
May	2	603
June	141	684
<b>Running Total</b>	<b>143</b>	<b>1931</b>

<b>Citizenship Ceremonies</b>	<b>2020/21</b>	<b>2021/22</b>
April 2021	0	397
May	0	387
June	0	531
<b>Running Total</b>	<b>0</b>	<b>1315</b>

8 September 2021

**Paul Lankester**  
**Interim Assistant Director Regulation and Enforcement**



**BIRMINGHAM CITY COUNCIL**

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

**8 SEPTEMBER 2021**  
**ALL WARDS**

**PROSECUTIONS AND CAUTIONS – MAY AND JUNE 2021**

1. Summary
  - 1.1 This report summarises the outcome of legal proceedings taken by Regulation and Enforcement during the months of May and June 2021.
2. Recommendation
  - 2.1 That the report be noted.

Contact Officer: Paul Lankester  
Interim Assistant Director, Regulation and Enforcement  
City Operations Directorate  
Telephone: 0121 675 2495  
E-Mail: **Paul.Lankester@birmingham.gov.uk**

### 3. Results

3.1 During the months of May and June 2021, the following cases were heard at Birmingham Magistrates Court, unless otherwise stated:

- 121 Environmental Health cases were finalised resulting in fines of £88,846. Prosecution costs of £23,539 were awarded. No simple cautions were administered as set out in Appendix 1.
- One Licensing case was finalised resulting in a fine of £440. Prosecution costs of £500 were awarded. Two simple cautions were administered as set out in Appendix 2.
- Two Trading Standards cases were finalised resulting in a suspended prison sentence, a 6 months conditional discharge and a fine of £180. Prosecution costs of 6,434 were awarded. No simple cautions were administered as set out in Appendix 3.
- Ten Waste Enforcement cases were finalised resulting in fines of £4,795. Prosecution costs of £5,495 were awarded. No simple cautions were administered as set out in Appendix 4.
- Appendix 5 lists cases finalised by district from April 2021 to June 2021.
- Appendix 6 lists the enforcement activity undertaken by the Waste Enforcement Team from April 2021 to June 2021.
- Appendix 7 lists Penalty Charge Notices issued by Parking Enforcement specifically for individuals parking on Taxi Ranks across the City from April 2021 to June 2021. Please note this does not include other parking tickets issued anywhere else in the City.

### 4. Consultation

4.1 The Enforcement Policy that underpins the work identified in this report is approved by your Committee. The policy reflects the views of the public and business in terms of the regulation duties of the Council. Any enforcement action[s] taken as a result of the contents of this report are subject to that Enforcement Policy.

### 5. Implications for Resources

5.1 Costs incurred in investigating and preparing prosecutions, including officers' time, the professional fees of expert witnesses etc. are recorded as prosecution costs. Arrangements have been made with the Magistrates Court for any costs awarded to be reimbursed to the City Council. Monies paid in respect of fines are paid to the Treasury.

- 5.3 For the months of May and June 2021 the following costs have been requested and awarded:

Environmental Health (including Waste Enforcement cases)

£41,561 has been requested with £29,034 being awarded (70%)

Licensing

£868 has been requested with £500 being awarded (58%)

Trading Standards

£23,113 has been requested with £6,434 being awarded (28%)

- 5.4 No income has been received so far from the courts in 2021/22.

6. Implications for Policy Priorities

- 6.1 The contents of this report contribute to the priority action of ensuring business compliance with legislation to protect the economic interests of consumers and businesses as contained in the Council Business Plan 2015+.

7. Public Sector Equality Duty

- 7.1 The actions identified in this report were taken in accordance with the Enforcement Policy of the Licensing and Public Protection Committee which ensures that equality issues have been addressed.

**DIRECTOR OF REGULATION AND ENFORCEMENT**

Background Papers: Nil

**ENVIRONMENTAL HEALTH CASES****FOOD HYGIENE OFFENCES**

	<b>Date Case Heard</b>	<b>Name &amp; Address</b>	<b>Offence details (including Legislation)</b>	<b>Fine/Penalty &amp; Costs</b>	<b>Ward of defendant</b>	<b>Ward - Offence committed</b>
1	13/5/21	Al-Shazan (Bham) Ltd 667 Stratford Road Birmingham B11 4DX	Food Safety & Hygiene (England) Regulations 2013  Pleaded guilty to one offence of failing to comply with a hygiene improvement notice at Al-Shazan, 667 Stratford Road, Birmingham, requiring floors, walls, shelving, touch points, fridges and freezers, food storage containers and equipment and utensils to be thoroughly cleaned.	£1,650 fine  £1,047 costs (£1,047 requested)	Sparkhill	Sparkhill
2	14/5/21	Antep Lokantasi Ltd 368-370 Ladypool Road Birmingham B12 8JY	Food Safety & Hygiene (England) Regulations 2013  Pleaded guilty to 24 offences relating to conditions found at Antep, 368-370 Ladypool Road on five separates dates. The premises was not kept clean, open food was stored in areas where cockroaches were active. There was an infestation of cockroaches throughout the premises. There were no permanent procedures based on HACCP.	£12,000  £1,000 costs (£3,568 requested)	Sparkbrook & Balsall Heath East	Sparkbrook & Balsall Heath East
3	27/5/21	Khalid Javed Birmingham	Food Safety & Hygiene (England) Regulations 2013  Pleaded guilty to two offences of failing to comply with two hygiene improvement notices at Spicy Corner, 241 Pretoria Rad, Birmingham, requiring a permanent procedure based on HACCP to be put in place, implemented and maintained and accurate information with regards to the 14 prescribed allergens for all foods and drinks served on the premises to be provided	£5,340 (£2,670 x 2)  £1,016 costs (£1,016 requested)	Bordesley Green	Heartlands

4	10/6/21	ZHSP Ltd Unit 4 3B Business Village Alexandra Road Birmingham B21 0PD	Food Safety and Hygiene (England) Regulations 2013  Pleaded guilty to six offences relating to conditions at China Court Bakery Unit 4, 3b Business Village, Alexandra Road, Birmingham. One offence of failing to comply with an Improvement Notice requiring a permanent procedure based on HACCP to be put in place and maintained. Five offences relating to the conditions found at the premises, there was debris and spillages around shelving and holes in the cladding on the wall. The conveyor belt was damaged and torn, food storage trays were cracked and broken and paintwork on a mixer was flaking. The conveyor belt had a build up of flour on it and storage containers were dirty. Food was stored open and unprotected from contamination in the fridge. There were no procedures based on HACCP.	£8,000  £2,002 costs (£2,002 requested)	Soho & Jewellery Quarter	Soho & Jewellery Quarter
5	28/6/21	Stocktons Bakery Ltd 615 Bordesley Green Birmingham B9 5XZ	Food Safety and Hygiene (England) Regulations 2013 Food Safety Act 1990  Pleaded guilty to 19 offences relating to conditions at Stocktons Bakery, 615 Bordesley Green, Birmingham on three separate dates. Six offences were identified during the first inspection; the standard of cleaning throughout the premises was poor and there was mould on the ceiling in the production area. Utensils and scoops were stored in foods and storage bins and food was stored uncovered in the freezer. Icing bags were mouldy, the conveyor belt and planetary mixer were dirty. Knowledge of food hygiene by food handlers was poor and there were no procedures based on HACCP. Nine offences resulting from the second visit, four of failing to comply with Improvement Notices requiring information to be provided regarding allergens within products, a permanent procedure based on HACCP principles to be put in place, food handlers to be trained and food items to	Total fine £38,000  £9,000 – offences 1-6  £20,000 – offences 7-15  £9,0000 – offences 16-19  £2,559 costs (£2,559 requested)	Heartlands	Heartlands

			be stored at the correct temperatures. Three offences relating to the standard of cleaning which was still poor, one relating to a Full Fat Soft Cheese which was found past its use by date and one relating to cheese which was found to be mouldy in the walk-in. Four further offences resulting from the third inspection; there were still no procedures in place based on HACCP principles, cream was found past its use by date, fresh cream scones were not kept at the correct temperature and the matrix used to provide customers with information regarding ingredients or processing aids was not accurate.			
--	--	--	---	--	--	--

#### **LITTERING OFFENCES – SINGLE JUSTICE PROCEDURE**

<b>Date Cases Heard</b>	<b>Total Number of Cases</b>	<b>Total Fines imposed</b>	<b>Total Costs awarded</b>	<b>Total Costs requested</b>
11/5/21	49	£10,092	£8,350	£8,575
25/5/21	43	£8,954	£3,655	£7,525
8/6/21	11	£2,130	£1,725	£1,925
22/6/21	13	£2,680	£2,185	£2,275

	<b>Date Case Heard</b>	<b>Name</b>	<b>Fine/Penalty &amp; Costs</b>	<b>Ward of defendant</b>
6	11/5/21	Ahmed Almasri Birmingham  Proved in absence	£220  £175 costs (£175 requested)	Sparkbrook & Balsall Heath East
7	11/5/21	Shaun Byrne Birmingham  Proved in absence	£220  £175 costs (£175 requested)	Kings Norton South
8	11/5/21	Emma Bush Birmingham  Proved in absence	£220  £175 (£175 requested)	Handsworth

9	11/5/21	Siobhain Catherine Birmingham  Proved in absence	£220  £175 costs (£175 requested)	Soho & Jewellery Quarter
10	11/5/21	Dene Coley Birmingham  Proved in absence	£220  £175 costs (£175 requested)	Castle Vale
11	11/5/21	Jack Darrell London  Proved in absence	£220  £175 costs (£175 requested)	Out of area
12	11/5/21	Alan Davis Exeter  Proved in absence	£220  £175 costs (£175 requested)	Out of area
13	11/5/21	Naeem Din Birmingham  Proved in absence	£220  £175 costs (£175 requested)	Hall Green North
14	11/5/21	Megan Dodd Worcester  Proved in absence	£220  £175 costs (£175 requested)	Out of area
15	11/5/21	David Dyas Birmingham  Proved in absence	£220  £175 costs (£175 requested)	Handsworth
16	11/5/21	Damian Ebanks Birmingham  Guilty	£40  £100 costs (£175 requested)	Bromford & Hodge Hill

17	11/5/21	Saber El Badaoui Birmingham  Proved in absence	£220  £175 costs (£175 requested)	Bordesley & Highgate
18	11/5/21	Mohammed Javad Haidari Coventry  Proved in absence	£220  £175 costs (£175 requested)	Out of area
19	11/5/21	Huhula He Birmingham  Proved in absence	£220  £175 costs (£175 requested)	Bordesley & Highgate
20	11/5/21	Lukas Horvath Coventry  Proved in absence	£220  £175 costs (£175 requested)	Out of area
21	11/5/21	Haval Hussain Smethwick  Proved in absence	£220  £175 costs (£175 requested)	Out of area
22	11/5/21	Fahima Hussein Birmingham  Proved in absence	£220  £175 costs (£175 requested)	Sparkbrook & Balsall Heath East
23	11/5/21	Joseph Hyland Birmingham  Proved in absence	£220  £175 costs (£175 requested)	Gravelly Hill
24	11/5/21	John Jones Birmingham  Guilty	£40  £175 costs (£175 requested)	Soho & Jewellery Quarter



25	11/5/21	Christian Kelly Redditch  Proved in absence	£220  £175 costs (£175 requested)	Out of area
26	11/5/21	Mudaasser Khan Birmingham  Proved in absence	£220  £175 costs (£175 requested)	Bartley Green
27	11/5/21	Tyrese Lobeau London  Proved in absence	£220  £175 costs (£175 requested)	Out of area
28	11/5/21	Emanuel Luga Birmingham  Proved in absence	£220  £175 costs (£175 requested)	Sheldon
29	11/5/21	George Ormonde Machin Coventry  Guilty	£40  £100 costs (£175 requested)	Out of area
30	11/5/21	Issac Maughan Stoke-on-Trent  Proved in absence	£220  £175 costs (£175 requested)	Out of area
31	11/5/21	Simon Milburn Bedworth  Proved in absence	£220  £175 costs (£175 requested)	Out of area
32	11/5/21	Samone Mindrut Birmingham  Proved in absence	£220  £175 costs (£175 requested)	Hall Green North

33	11/5/21	Hassan Mohamed London  Proved in absence	£220  £175 costs (£175 requested)	Out of area
34	11/5/21	Kifla Mohamed Northampton  Proved in absence	£220  £175 costs (£175 requested)	Out of area
35	11/5/21	Faran Mohammed Birmingham  Proved in absence	£220  £175 costs (£175 requested)	Heartlands
36	11/5/21	Darryl Moreton Stoke-on-Trent  Proved in absence	£220  £175 costs (£175 requested)	Out of area
37	11/5/21	Dorin Natasha Wolverhampton  Proved in absence	£220  £175 costs (£175 requested)	Out of area
38	11/5/21	Abrar Nazir Birmingham  Proved in absence	£220  £175 costs (£175 requested)	Yardley East
39	11/5/21	Marusco Neacsu Birmingham  Proved in absence	£220  £175 costs (£175 requested)	Soho & Jewellery Quarter
40	11/5/21	Andrew Page Smethwick  Proved in absence	£220  £175 costs (£175 requested)	Out of area

41	11/5/21	Antonio Pozzuto London  Proved in absence	£220  £175 costs (£175 requested)	Out of area
42	11/5/21	Patrick Rafferty Dudley  Proved in absence	£220  £175 costs (£175 requested)	Out of area
43	11/5/21	Terry Read Birmingham  Proved in absence	£220  £175 costs (£175 requested)	Edgbaston
44	11/5/21	Ian Rixon Birmingham  Proved in absence	£220  £175 costs (£175 requested)	Sparkbrook & Balsall Heath East
45	11/5/21	Sarah Rushton Telford  Guilty	£146  £150 costs (£175 requested)	Out of area
46	11/5/21	Maria Santos Leicester  Proved in absence	£220  £175 costs (£175 requested)	Out of area
47	11/5/21	John Sherdan Birmingham  Proved in absence	£220  £175 costs (£175 requested)	Newtown
48	11/5/21	Martin Sigley Stoke-on-Trent  Proved in absence	£220  £175 costs (£175 requested)	Out of area

49	11/5/21	Vlad Nicolas Stamescu Birmingham  Proved in absence	£220  £175 costs (£175 requested)	Soho & Jewellery Quarter
50	11/5/21	Columbia Stocia London  Proved in absence	£220  £175 costs (£175 requested)	Out of area
51	11/5/21	Kouadio Tiemele Coventry  Proved in absence	£220  £175 costs (£175 requested)	Out of area
52	11/5/21	Florin Toma Birmingham  Proved in absence	£220  £175 costs (£175 requested)	Lozells
53	11/5/21	Anthony Wood Telford  Guilty	£146  £150 costs (£175 requested)	Out of area
54	11/5/21	Darren Wyatt Birmingham  Proved in absence	£220  £175 costs (£175 requested)	Handsworth
55	25/5/21	James Abdou Solihull  Proved in absence	£220  £85 costs (£175 requested)	Out of area
56	25/5/21	Hamed Amanelyasi Birmingham  Proved in absence	£220  £85 costs (£175 requested)	Sheldon

57	25/5/21	Denis Blazejewski Smethwick  Proved in absence	£220  £85 costs (£175 requested)	Out of area
58	25/5/21	James Paolo Brookes Tamworth  Proved in absence	£220  £85 costs (£175 requested)	Out of area
59	25/5/21	Amy Brown Westcliffe-on-sea  Proved in absence	£220  £85 costs (£175 requested)	Out of area
60	25/5/21	Lei Chu Warwick  Proved in absence	£220  £85 costs (£175 requested)	Out of area
61	25/5/21	Alan Mark Corregar Smethwick  Proved in absence	£220  £85 costs (£175 requested)	Out of area
62	25/5/21	Steven Curtis Croydon  Guilty	£40  £85 costs (£175 requested)	Out of area
63	25/5/21	Alvaro Dorres Birmingham  Proved in absence	£220  £85 costs (£175 requested)	Bordesley & Highgate
64	25/5/21	Matei Dumitru Birmingham  Proved in absence	£220  £85 costs (£175 requested)	Tyseley & Hay Mills

65	25/5/21	David Edwards London  Proved in absence	£220  £85 costs (£175 requested)	Out of area
66	25/5/21	Samir El-Kardali Birmingham  Proved in absence	£220  £85 costs (£175 requested)	Moseley
67	25/5/21	Xie Fan Liverpool  Proved in absence	£220  £85 costs (£175 requested)	Out of area
68	25/5/21	Steven Gannon Scotland  Proved in absence	£220  £85 costs (£175 requested)	Out of area
69	25/5/21	Paige Griffin Willenhall  Proved in absence	£220  £85 costs (£175 requested)	Out of area
70	25/5/21	Dominic Hardy Grimsby  Guilty	£108  £85 costs (£175 requested)	Out of area
71	25/5/21	Alyia Ibrahim Birmingham  Proved in absence	£220  £85 costs (£175 requested)	Small Heath
72	25/5/21	Kulcsar Imrene Birmingham  Proved in absence	£220  £85 costs (£175 requested)	Ladywood

73	25/5/21	Adrean Irimescu Birmingham  Proved in absence	£220  £85 costs (£175 requested)	Ward End
74	25/5/21	Ali Ismain Birmingham  Proved in absence	£220  £85 costs (£175 requested)	Birchfield
75	25/5/21	Callum Joseph Jones Lutterworth  Guilty	£146  £85 costs (£175 requested)	Out of area
76	25/5/21	Viktoria Jonikaite London  Proved in absence	£220  £85 costs (£175 requested)	Out of area
77	25/5/21	Feng Li Dudley  Proved in absence	£220  £85 costs (£175 requested)	Out of area
78	25/5/21	Rosa Lukasz Thame  Proved in absence	£220  £85 costs (£175 requested)	Out of area
79	25/5/21	Lisa Maaraidze West Bromwich  Proved in absence	£220  £85 costs (£175 requested)	Out of area
80	25/5/21	Kevin Mabbley Cannock  Proved in absence	£220  £85 costs (£175 requested)	Out of area

81	25/5/21	Nico Ionel Mihai Birmingham  Proved in absence	£220  £85 costs (£175 requested)	Bordesley Green
82	25/5/21	Ghulam Nabi West Bromwich  Proved in absence	£220  £85 costs (£175 requested)	Out of area
83	25/5/21	Eszter Ocsko Birmingham  Guilty	£100  £85 costs (£175 requested)	Bournville & Cotteridge
84	25/5/21	Ana Pora Wolverhampton  Proved in absence	£220  £85 costs (£175 requested)	Out of area
85	25/5/21	Gemma Preston Telford  Proved in absence	£220  £85 costs (£175 requested)	Out of area
86	25/5/21	Piotr Michal Rymarz Evesham  Proved in absence	£220  £85 costs (£175 requested)	Out of area
87	25/5/21	Kosary Saman Skelmersdale  Proved in absence	£220  £85 costs (£175 requested)	Out of area
88	25/5/21	Mohammed Shakeel Birmingham  Proved in absence	£220  £85 costs (£175 requested)	Sparkbrook & Balsall Heath East



89	25/5/21	Cindy Smith Chatteris  Proved in absence	£220  £85 costs (£175 requested)	Out of area
90	25/5/21	Shannon Stevenson Croydon  Proved in absence	£220  £85 costs (£175 requested)	Out of area
91	25/5/21	Lee Summers Mertyr Tydfil  Proved in absence	£220  £85 costs (£175 requested)	Out of area
92	25/5/21	Safarne Kistot Szidonia Birmingham  Proved in absence	£220  £85 costs (£175 requested)	Ladywood
93	25/5/21	Alexandra Tomescu Birmingham  Proved in absence	£220  £85 costs (£175 requested)	Bordesley & Highgate
94	25/5/21	Vanessa Treverton Solihull  Proved in absence	£220  £85 costs (£175 requested)	Out of area
95	25/5/21	Lee Ware Birmingham  Proved in absence	£220  £85 costs (£175 requested)	Kings Norton South
96	25/5/21	Kevin Weldon Birmingham  Proved in absence	£220  £85 costs (£175 requested)	Bordesley & Highgate

97	25/5/21	Rebecca Woodward Portland  Proved in absence	£220  £85 costs (£175 requested)	Out of area
98	8/6/21	Mohammed Alom Birmingham  Proved in absence	£220  £175 costs (175 requested)	
99	8/6/21	Benjamin Anderson Rugby  Guilty plea	£40  £110 costs (£175 requested)	Out of area
100	8/6/21	Andronika Shivla Badri Birmingham  Proved in absence	£220  £175 costs (£175 costs)	Holyhead
101	8/6/21	Mateo Bradford Birmingham  Proved in absence	£220  £175 costs (£175 costs)	Sutton Roughley
102	8/6/21	Chanel Millinson Wolverhampton  Proved in absence	£220  £175 costs (£175 costs)	Out of area
103	8/6/21	Robbie Newman Solihull  Proved in absence	£220  £175 costs (£175 requested)	Out of area
104	8/6/21	Joseph Nicholas Birmingham  Proved in absence	£220  £175 costs (£175 requested)	Moseley

105	8/6/21	Matthew Reynolds Birmingham  Proved in absence	£220  £175 costs (£175 requested)	Bournville & Cotteridge
106	8/6/21	Michael Reynolds Tamworth  Proved in absence	£110  £40 costs (£175 requested)	Out of area
107	8/6/21	Viron Ruci Birmingham  Proved in absence	£220  £175 costs (£175 requested)	Newtown
108	8/6/21	Vuong Trung Birmingham  Proved in absence	£220  £175 costs (£175 requested)	Bromford & Hodgey Hill
109	22/6/21	Hanza Ahmed Blackburn  Proved in absence	£220  £175 costs (£175 requested)	Out of area
110	22/6/21	Hannah Brecknell Birmingham  Proved in absence	£220  £175 costs (£175 requested)	Holyhead
111	22/6/21	Reece Cunningham West Bromwich  Guilty plea	£40  £85 costs (£175 requested)	Out of area

112	22/6/21	Florentina Duminica Birmingham  Proved in absence	£220  £175 costs (£175 requested)	Aston
113	22/6/21	Khan Hussain Southall  Proved in absence	£220  £175 costs (£175 requested)	Out of area
114	22/6/21	Liam Jones Halesowen  Proved in absence	£220  £175 costs (£175 requested)	Out of area
115	22/6/21	Bartak Kwiatkowski West Bromwich  Proved in absence	£220  £175 costs (£175 requested)	Out of area
116	22/6/21	Krystyna Manning Birmingham  Proved in absence	£220  £175 costs (£175 requested)	Longbridge & West Heath
117	22/6/21	Ionica Petru Birmingham  Proved in absence	£220  £175 costs (£175 requested)	Bordesley & Highgate
118	22/6/21	Eric Riu Birmingham  Proved in absence	£220  £175 costs (£175 requested)	Bordesley & Highgate
119	22/6/21	Aaron Ryan Studley  Proved in absence	£220  £175 costs (£175 requested)	Out of area

120	22/6/21	Valentin Tomescu Telford  Proved in absence	£220  £175 costs (£175 requested)	Out of area
121	22/6/21	Petrisor Tudor Telford  Proved in absence	£220  £175 costs (£175 requested)	Out of area

### **ENVIRONMENTAL HEALTH SIMPLE CAUTIONS**

No simple cautions were administered during May or June 2021.

**LICENSING CASES**

	<b>Date Case Heard</b>	<b>Name &amp; Address</b>	<b>Offence details (including Legislation)</b>	<b>Fine/Penalty &amp; Costs</b>	<b>Ward of defendant</b>	<b>Ward - Offence committed</b>
122	16/6/21	Waseem Ameen Birmingham	<p>Town Police Clauses Act 1847 and Road Traffic Act 1988</p> <p>Pleaded <u>not guilty</u> to three offences; one offence of plying for hire on Ladywell walk, Birmingham, one offence of consequently invalidating his insurance and one offence of using a vehicle in an unsafe condition due to the number of passengers he was carrying (there were five passengers).</p> <p>Case found proved following trial.</p>	<p>£440</p> <p>(£200 – plying, £240 – no insurance).</p> <p>+ 8 penalty points</p> <p>No separate penalty for third offence.</p> <p>£500 costs (£868 requested)</p>	Alum Rock	Bordesley & Highgate

**LICENSING SIMPLE CAUTIONS**

Two simple cautions were administered during June 2021.

**Local Government (Miscellaneous Provisions) Act 1976**

**Section 48(6)** One caution was issued for failing to display a private hire vehicle licence plate

**Licensing Act 2003**

**Section 136** One caution was issued for carrying on a licensable activity otherwise than in accordance with authorisation

**TRADING STANDARDS CASES**

	<b>Date Case Heard</b>	<b>Name &amp; Address</b>	<b>Offence details (including Legislation)</b>	<b>Fine/Penalty &amp; Costs</b>	<b>Ward of defendant</b>	<b>Ward - Offence committed</b>
123	10/6/21	Amjad Rehman Birmingham  Rehman Foods Ltd T/A Food World 728-732 Stratford Road Sparkhill Birmingham B11 4BP	Consumer Protection from Unfair Trading Regulations 2008.  Both the Director and Company each pleaded guilty to two offences; one relating to the sale of a pack of Aroma toilet tissues from Food World at 728-732 Stratford Road, Sparkhill, Birmingham which bore a price of £1 pre-printed on the packaging and a price of £1.49 displayed on the shelf and one offence relating to the sale of Elephant chappati flour (25kg) which bore a price of £12.49 on the packaging and £22 on another sticker. In both cases the consumers were charged the higher price.	Director 6 months conditional discharge – offence 1  £180 fine – offence 2  Company Total fine £300  £1,434 costs (£717.50 each)  (£1,434 requested)	Balsall Heath West	Sparkhill
124	15/6/21 at Birmingham Crown Court	David Mark Bryan Birmingham	Consumer Protection from Unfair Trading Regulations 2008  Pleaded guilty to one offence of engaging in a commercial practice which was misleading in that representations were made that Forget Me Knot Forever, 10-12 Silver Street, Kings Heath, Birmingham was a charity, that people donating to the shop were donating to a charity and that customers who purchased goods from the shop were buying from a charity whereas Forget Me Knot Forever was a fundraising organisation and not a charity. Customers were therefore being misled.	4 months imprisonment suspended for 12 months  £5,000 costs (£21,679 requested)	Out of area	Brandwood & Kings Heath

**TRADING STANDARDS SIMPLE CAUTIONS**

No simple cautions were administered during June 2021.

**WASTE ENFORCEMENT CASES**

	<b>Date Case Heard</b>	<b>Name &amp; Address</b>	<b>Offence details (including Legislation)</b>	<b>Fine/Penalty &amp; Costs</b>	<b>Ward of defendant</b>	<b>Ward - Offence committed</b>
125	10/5/21	Mohanampal Sutharson Birmingham	Environmental Protection Act 1990  Pleaded guilty to two offences; one offence of depositing controlled waste, namely black bags containing waste relating to Subi Supermarket, opposite the public library on Stafford Road, Handsworth, Birmingham and one offence of failing to prevent a Section 33 contravention in that business waste from Subi Supermarket was found on the roadside opposite the public library on Stafford Road, Handsworth, Birmingham.	£350 fine  £1,000 costs (£2,248 requested)	Handsworth	Handsworth
126	13/5/21	Zakariya Abubaker Haji Birmingham	Environmental Protection Act 1990  Pleaded guilty to one offence of depositing controlled waste, namely a fridge, in Baker Street, Birmingham.	£500 fine  £400 costs (£952 requested)	Birchfield	Sparkhill
127	17/5/21	Blake Turner Birmingham	Environmental Protection Act 1990  Pleaded <u>not guilty</u> to one offence of depositing controlled waste, namely a builders tonne bag, from a Volkswagen Golf onto Longdales Road, Kings Norton, Birmingham.  Found guilty after trial	Absolute discharge  No costs awarded (£1,568 requested)	Perry Barr	Kings Norton South
128	27/5/21	Debra Williams Birmingham	Environmental Protection Act 1990  Pleaded guilty to one offence of failing to provide written information as to how the business at Obsessions, 1 Bell Lane, Shard End, Birmingham	£300  £335 costs (£335 requested)	Tile Cross	Glebe Farm & Tile Cross



			disposes of its waste.			
129	10/6/21	Salim Ali Birmingham	Environmental Protection Act 1990  Pleaded guilty to one offence of causing controlled waste, namely sofa cushions and two three seater sofas, to be deposited from a Citroen Dispatch motor vehicle, on All Saints Road, Hockley, Birmingham.	£75  £741 costs (£741 requested)	Aston	Soho & Jewellery Quarter
130	24/6/21	Sunah Ali Birmingham	Environmental Protection Act 1990  Pleaded guilty to one offence of depositing controlled waste, namely building type waste, including plasterboard, panels and cardboard, from a Vauxhall Combo on Reddicap Trading Estate, Birmingham.	£200  £250 costs (£1,841 requested)	Stockland Green	Sutton Reddicap
131	24/6/21	Sukhwinder Sahota Birmingham	Environmental Protection Act 1990  Pleaded guilty to two offences of failing to respond to demands for information relating to a fly-tipping incident on Penshurst Avenue, Handsworth, Birmingham.	£107  £300 costs (£915 requested)	Birchfield	Aston
132	24/6/21	Junction 6 Autocentre Ltd Alexander House 60-61 Tenby Street North Birmingham B1 3EG	Environmental Protection Act 1990  Found guilty of three offences; one offence of depositing controlled waste, namely 12 plastic barrels of oils and cleaning liquids and foam bedding, outside CALFLO Community Centre Cameronian Croft, Bromford, one offence of depositing controlled waste, namely a large container and worktop on land at Sundew Croft, Birmingham and one offence of failing to comply with a demand requiring written information to be provided as to how the business disposes of its waste.	£2,800  £796 costs (£796 requested)	Soho & Jewellery Quarter	Bromford & Hodge Hill

133	24/6/21	Mohammed Zabir Birmingham	Environmental Protection Act 1990  Pleaded guilty to two offences; one of depositing controlled waste, namely five black bags and one white bag containing waste, from a Kia Sportage on Burbidge Road, Birmingham and one of depositing controlled waste, namely two wooden boards and three black bags containing waste, from the same vehicle on a different date on Burbidge Road, Birmingham	£163 – offence 1 No separate penalty for offence 2  £671 costs (£671 requested)	Alum Rock	Highgate
134	28/6/21	DM2Y Limited 301 Fox Hollies Road Birmingham B27 7PS	Environmental Protection Act 1990  Pleaded <u>not guilty</u> to one offence of failing to comply with a demand requiring written information to be provided as to how the business at Dixy Chicken, 301 Fox Hollies Road, Birmingham disposes of its waste.  Found guilty following trial.	£300  £1,002 costs (£1,002 requested)	Tyseley & Hay Mills	Tyseley & Hay Mills

#### **WASTE ENFORCEMENT SIMPLE CAUTIONS**

No simple cautions were administered during May or June 2021.

**CASES FINALISED BY DISTRICT (PLACE OF OFFENCE) – APRIL-JUNE 2021**

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	0	0	0	0	1	0	0	0	0	0	0	<b>1</b>
Environmental Health (FPNs) Not paid and prosecuted	0	0	0	0	172	0	0	0	0	0	0	<b>172</b>
Environmental Health (including WEU)	1	1	4	4	5	2	2	2	3	3	0	<b>27</b>
Trading Standards	0	0	2	0	0	0	0	0	0	1	0	<b>3</b>

**CASES FINALISED BY DISTRICT (DEFENDANT'S HOME ADDRESS/REGISTERED OFFICE) APRIL-JUNE 2021**

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	0	0	0	1	0	0	0	0	0	0	0	<b>1</b>
Environmental Health (FPNs) Not paid and prosecuted	2	5	10	13	19	6	12	4	1	6	94	<b>172</b>
Environmental Health (including WEU)	0	4	2	3	6	1	4	1	2	2	2	<b>27</b>
Trading Standards	0	0	1	0	1	0	0	0	0	0	1	<b>3</b>

**WASTE ENFORCEMENT UNIT – ENFORCEMENT ACTIVITY**  
**APRIL 2021 – MARCH 2022**

Waste Investigation Outcomes													
	Apr-21	May-21	Jun-21	Jul-21	Aug-21	Sep-21	Oct-21	Nov-21	Dec-21	Jan-22	Feb-22	Mar-22	Total
Duty of care inspections into the waste disposal arrangements of commercial premises	19	55	23										
Section 34 Environmental Protection Act demand notices issued:(trade waste statutory information demands)	19	33	17										69
Section 34 Environmental Protection Act Fixed Penalty Notices issued to businesses (£300)	1	0	3										4
Section 87 Environmental Protection Act Fixed Penalty notices issued for commercial and residential litter offences (£80)	0	0	0										0
Section 33 Environmental Protection Act Fixed penalty notices issued for fly tipping (£400)	4	5	6										15
Prosecutions													
Number of prosecution files submitted to legal services, (number produced quarterly.	2	10	6										18

Monthly Parking Pcns Issue for Current  
Financial Year (excludes voids)      Processing

April 2021	103
May 2021	154
June 2021	142
July 2021	
August 2021	
September 2021	
October 2021	
November 2021	
December 2021	
January 2022	
February 2022	
March 2022	
TOTAL	399



**BIRMINGHAM CITY COUNCIL**

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

**8 SEPTEMBER 2021**  
**ALL WARDS**

**ACTION TAKEN BY THE CHAIR OF THE LICENSING  
& PUBLIC PROTECTION COMMITTEE:**  
**June - July 2021**

1. Summary
  - 1.1 This report advises the Committee of action taken by the Chair under authority from the Licensing & Public Protection Committee, together with an explanation as to why this authority was used.
2. Recommendation
  - 2.1 That the report be noted.

Contact Officer: Sajeela Naseer Head of Licensing  
Telephone: 0121 303 6112  
E-mail: [sajeela.naseer@birmingham.gov.uk](mailto:sajeela.naseer@birmingham.gov.uk)

3. Background Information

- 3.1 On 16 March 2007 Section 52 of the Road Safety Act 2006 came into force. This has had the effect of enabling a licensing authority to suspend or revoke a hackney carriage or private hire driver's licence with immediate effect – meaning that the suspension or revocation takes effect immediately once notice of the authority's decision has been given to the driver – where this decision is considered necessary in the interests of public safety.

4. Summary of Action Taken for June – July 2021

- 4.1 On 22 June 2021 authority was sought to suspend with immediate effect the private hire driver licence held by driver reference 3485. On 19 June 2021 Staffordshire Police arrested the driver who had provided a positive breath test whilst carrying a fare paying passenger.
- 4.2 The interests of public safety being considered paramount, an authorisation of the Director of Regulation and Enforcement, acting in consultation with the Chair, was obtained and on 22 June 2021 notice was hand delivered personally to driver 3885's last known address, advising that his private hire driver licence was suspended with immediate effect, in accordance with Sections 61(1)(b) and 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976.
- 4.3 On 28 July 2021 authority was sought to suspend with immediate effect the private hire driver licence held by driver reference 50667. On 15 July 2021 Leicestershire Police arrested the driver who had was believed to be involved in a number of thefts from vulnerable members of the public.
- 4.4 The interests of public safety being considered paramount, an authorisation of the Director of Regulation and Enforcement, acting in consultation with the Chair, was obtained and on 28 July 2021 notice was hand delivered personally to driver 50667's last known address, advising that his private hire driver licence was suspended with immediate effect, in accordance with Sections 61(1)(b) and 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976.
- 4.5 On 28 July 2021 authority was sought to suspend with immediate effect the private hire driver licence held by driver reference 98912. On 20 July 2021 West Midlands Police reported that he had been involved in a collision prior to which he may have had a medical emergency which had caused him to lose control of his vehicle.
- 4.6 The interests of public safety being considered paramount, an authorisation of the Director of Regulation and Enforcement, acting in consultation with the Chair, was obtained and on 28 July 2021 notice was hand delivered personally to driver 98912's last known address, advising that his private hire driver licence was suspended with immediate effect, in accordance with Sections 61(1)(b) and 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976.



5. Implications for Resources

- 5.1 No specific implications have been identified; however, drivers retain the right to appeal through a Magistrates' Court, which may result in the imposition of costs either to or against the City Council.

6. Implications for Policy Priorities

- 6.1 The contents of the report contribute to the City Council's published policy priority of improving the standards of licensed vehicles, people and premises in the City.

7. Implications for Equality and Diversity

- 7.1 The actions identified in this report were taken in accordance with the Regulatory Services enforcement policy, which ensures that equality issues have been addressed.

**INTERIM ASSISTANT DIRECTOR OF REGULATION AND ENFORCEMENT**

