

BIRMINGHAM CITY COUNCIL

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

29 JUNE 2022
ALL WARDS

**REGULATION & ENFORCEMENT ACTIVITY REPORT
JANUARY/FEBRUARY/MARCH (QUARTER 4) 2021-22**

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 January, February, March 2022.

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 January, February, March 2022 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
JANUARY, FEBRUARY, MARCH 2022

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 January to 31 March 2022. While services are seeking to enter the recovery phase, many services are reliant on changes to Government legislation and guidance.

Detailed Action

The table below sets out the activities undertaken in Quarter 4 (January, February, March 2022)

Environmental Health and Trading Standards

Activity	Env. Health				Trading Standards			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Prosecution agreed*	22	199	400	190	1	1	6	2
Simple Cautions	0	5	1	0	0	1	1	1
Statutory Notices served	77	111	62	96	1	0	0	1
Coronavirus Enforcement	9	0	0	0	0	0	0	0
Requests for Assistance Received	12,463	12,253	8,832	8,168	1,393	1,338	988	1,186
Requests for Assistance closed	10,886	8,364	5,863	7,645	1,385	1,207	952	1,175

Environmental Health

	Q1		Q2		Q3		Q4		Year Total
Work type	RFA Total	PI Target met	RFA Total	PI Target met	RFA Total	PI Target met	RFA Total	PI Target met	RFA Total
H&S Accidents	91	100%	113	100%	138	100%	102	100%	444
Dogs	537	100%	581	99.5%	607	99.7%	630	100%	2,355
Infectious Disease	187	98.4%	228	98.3%	211	97.6%	184	98.4%	810
Pest Control	4811	89.2%	4,801	81.4%	3,569	81.5%	3335	80.1%	16,516
Request for Assistance	6837	79.5%	6,530	80.2%	4,307	90.3%	3917	86.1%	21,591
Total	12,463	85.5%	12,253	82.1%	8,832	87.7%	8,168	85.2%	41,716

Analysis of Requests for Assistance (RFA)

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

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

Work Type	Q1		Q2		Q3		Q4	
	QTY	%	QTY	%	QTY	%	QTY	%
Planning Consultations	758	99%	849	89%	838	94%	816	93%
Major Schemes	123		120		96		130	

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, 39 of which were finalised in February/March.

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

- Cross Keys Banqueting and Catering, 81 Steward Street, Springhill, Birmingham, B18 7AF

Activity	Licensing							
	HCPH*				General			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Prosecution agreed								
Simple Cautions								
Licence applications	650	656	641	544	544	639	699	644
Licence sub-committees	n/a	n/a	n/a	n/a	38	47	48	28
Of which were reviews:	n/a	n/a	n/a	n/a				
Interim steps					0	7	2	1
Expedited					0	2	4	1
Standard					4	10	3	3
Licence renewals	1384	1064	1413	1137	23	15	16	18
Requests for Actions Received	477	479	434	378	110	102	74	79
Requests for Actions closed	406	376	454	356	83	78	75	130

Analysis of RFAs

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

	Q1		Q2		Q3		Q4	
	Received	Closed	Received	Closed	Received	Closed	Received	Closed
Total	587	489	581	454	508	529	457	486
Hackney Carriage	68	59	63	54	77	74	66	62
Private Hire	409	347	416	322	357	380	312	294
Licensing Act 2003	96	76	100	70	61	66	69	121
Gambling Act 2005	0	1	0	0	1	1	5	2
Scrap Metal Dealers	10	3	2	6	3	5	3	3
Sexual Entertainment Venues	0	0	0	0	2	1	0	1
Massage & Special Treatments	0	1	0	0	2	1	2	0
Charitable Street Collections	2	0	0	1	2	1	0	0
Street Trading	1	1	0	1	2	0	0	0
Skin Piercers	1	1	0	0	1	0	0	3

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:

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

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

Type of Enforcement	Apr 21	May 21	Jun 21	Jul 21	Aug 21	Sep 21	Oct 21	Nov 21	Dec 21	Jan 22	Feb 22	Mar 22
Complaints	1	0	0	0	0	0	0	0	0	0	0	0
Inspections	2	2	1	0	0	2	1	0	0	0	0	0

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

Trading Standards

Trading Standards received 1186 requests for Assistance in the final quarter. These again are across a broad range of issues, from car trade, building work, product safety, scams, supply of illicit tobacco and alcohol as well as underage sales and other consumer frauds. Some of the jobs require direct intervention whilst others are logged for intel purposes. The table below shows just a selection of the 37 categories of jobs received:

	Q1	Q2	Q3	Q4	Year Total
Work type	RFA	RFA	RFA	RFA	
Consumer Fraud	209	186	91	105	
Age Restricted Sales	37	41	23	45	
Product Safety	50	56	64	51	
Counterfeit Goods	79	67	52	61	
Car Sales	108	81	63	72	
Advice and Assistance	435	399	333	391	

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

Enforcement Operations

On 12 January 2022 a team of Trading Standards officers assisted by West Midlands Police and Trademark owner representatives executed warrants at 2 addresses - a business address in Birmingham and a residential address. This was following intelligence that a trader was selling via a website and Facebook. It was alleged that the seller was supplying significant amounts of suspected counterfeit goods.

During the search officers found a large number of copy branded items such as mirrors, clocks, rugs, vases, teacups, duvet covers, lamps, sunglasses, blankets, earrings, hair clips, slippers. They bore unauthorised trademarks e.g. Chanel, LV, Dior, Versace, Tommy Hillfiger, Gucci and Disney.

Officers removed the suspected contravening items and laptops as evidence of illegal trading. An investigation is underway.

Op Ce Ce

On 26 January 2022 TS Officers as part of Op Ce Ce targeting illicit tobacco visited 8 retail premises in the City the premises were inspected with assistance of a dog handler and sniffer dogs and assistance of WM Police Licensing unit. 4 premises were found to contain illicit tobacco this included branded cigarettes and tobacco, and tobacco not complying with labelling requirements the businesses are being investigated.

Guardian Project

On 16 February 2022 TS worked with WM police on a youth crime reduction exercise and involved members of the City Centre Police Cadets. Officers visited several city centre retailers to promote responsible selling of knives and vapes. The Cadets gave literature to ensure lawful compliance and delivered a clear message to retailers to check ID. All the retailers visited were extremely cooperative and welcomed the initiative.

Underage sales Exercise

On Saturday 19 March TS carried out a test purchase exercise for age restricted products namely alcohol and vapes to 11 retail premises in the City. A young volunteer carried out the test purchases. No sales took place which shows that the advice given by TS is being taken seriously by the businesses.

Placarding March 2022

Officers conducted another exercise tackling illegal placards across the City. Officers removed a total of 100 placards these were attributable to various businesses ranging from online dating services, martial arts, builders, blinds, and other trades. The businesses will be contacted and advised not to conduct illegal placarding in the future.

Work with the Office of Product Safety (OPSS) for safety of Insulation Boards

TS have been working with OPSS on a project to assess compliance of insulation boards within the provisions of the Construction Product Regulations. Samples were selected from Kingspan a manufacturing company of insulation products by Birmingham Trading Standards Officers these samples were submitted for testing. The results indicated the batch was not of the fire classification claimed. Due to the safety issue the OPSS issued Prohibition notices. The work was highlighted in the press the link to the article: -

<https://www.insidehousing.co.uk/news/kingspan-ordered-to-halt-sales-of-widely-used-insulation-product-following-fire-test-failures-74079>

OPSS issued further summary of their actions in relation the prohibition Notices:

<https://www.gov.uk/product-safety-alerts-reports-recalls/regulatory-statement-kingspan-insulation-products>

Licence Reviews

Super Choice News

On 16 October 2021 TS Officers carried out a test purchase with a 15-year-old volunteer at the time a bottle of WKD 700ml bottle was sold to the underage person.

The application by Trading Standards for the Review of a Premises Licence under the Licensing Act 2003, in respect of Super Choice News was considered by Licensing Sub-Committee B of Birmingham City Council on 12 January 2022.

The Licensing sub-committee decision was:-

- that the Licence be revoked
- Mr Mohammad Sajjad be removed as Designated Premises Supervisor

One Stop Food and Wine

Following a complaint two volunteers aged 15 and 16 were instructed to enter the premises of One Stop Food and Wines, Birchfield Road, Perry Barr, Birmingham and attempt to purchase a bottle of alcohol from the premises. The two volunteers were sold a bottle of Blue Alcohol mix.

The application by Trading Standards for the Review of a Premises Licence under the Licensing Act 2003, in respect of Super Choice News was considered by Licensing Sub-Committee B of Birmingham City Council on 17 January 2022.

The Licensing sub-committee decision was:-

- that the Licence be revoked
- Ashiq Hussain be removed as Designated Premises Supervisor

MAX Convenience Stores

TS Officers carried out an inspection of the premises of, after receiving a complaint from a member of the public of concerns that the Yellow Tail wine was not genuine. On inspection officers found 12 bottles of counterfeit Yellow Tail wine. The case is being investigated. A licence review application was submitted by TS.

On 8 March 2022 the Licence Review was heard by the Licensing sub-committee for MAX Convenience Stores, 135 Monyhull Hall Road, Kings Heath B30 3QG. The licence was revoked by the Licensing sub-committee.

NTS referrals Scams project

TS continue to provide scam awareness advice to those who have entered bogus prize draws. TS are receiving around 5 monthly scam victim referrals. TS are updating the National Trading Standards Scams Team on the outcome of the referrals.

TS have been as always posting scam alerts of current scams on their twitter account and supporting the NTS Scams Team on campaigns on social media.

Twitter

TS have over 3000 followers on @bhamts Twitter account. TS posted over 100 tweets each month.

England Illegal Money Lending Team (IMLT)

During quarter 4 (January-March 2022), the England Illegal Money Lending Team (IMLT) received 113 reports of illegal money lending, leading to 25 new investigations and 93 new illegal money lenders being identified.

The team executed 13 warrants across Local Authorities within England, with 10 people arrested and 73 victims provided direct or indirect support from the team.

January

- Op Raddle, Salford – One male arrested and questioned
- Op Lyrical, Middlesbrough – One male arrested and questioned
- Op Enrich, Middlesbrough – One female arrested and questioned
- Op Domino, Middlesbrough – One male arrested and questioned
- Op Sutton Park, Greater London – no arrest due to subject overseas.

February

- Op Valerian, Liverpool – Two females arrested and questioned
- Op Ridgpole, Liverpool/Lancashire – A couple were arrested and questioned

March

- Op Illinois, Scarborough – One male arrested and questioned
- Op Yeomanly, Widnes – One female arrested and questioned

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

Court results

OPERATION BUSH HILL (GREATER LONDON) - Two women who ran an illegal lending racket worth more than £4 million have been sentenced. The two women lent over £4.2 million to fellow Filipinos across South London, including many working at a London hospital. Appearing for sentencing at Kingston Crown Court, Villar was sentenced to 18 months, suspended for two years, and ordered to carry out 220 hours of unpaid work. Manipol was handed a 15-month prison sentence, suspended for two years with 200 hours of unpaid work. The defendants had pleaded guilty to illegal money lending and money laundering charges between July 2003 and October 2019 at an earlier hearing.

OPERATION SHOREHAM (NORTH EAST) - An elderly couple who ran an illegal money lending business have been ordered to repay tens of thousands of pounds. Mr & Mrs Fromson of Stockton on Tees, were handed a 10-month prison sentence, suspended for two years in November 2020. They had previously pleaded guilty to illegal money lending. At a confiscation hearing on in January 2022 at Teesside Crown Court, the couple were ordered to repay £136,623 in the next three months, or they face custody for 18 months.

OPERATION BIRCH GROVE (GREATER LONDON) - Kyaw MIN appeared before Recorder Bale-Williams at Harrow Crown court, he was sentenced to a total of 17 months suspended for 18 months. The confiscation order was made at Harrow Crown Court in January 2022 where MIN ordered to repay £136,623, or face custody for 18 months.

OPERATION SANDIWAY – Brenda & Graeme Lamb (mother & son) both entered guilty pleas to illegal money lending and money laundering. The case is ongoing.

Registration Service

Death Registrations

The service was processing death registrations in line with emergency provisions under The Coronavirus Act 2020 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. From midnight on 24th March 2022 the emergency provisions ceased and death registrations were carried out in accordance with The Births and Deaths Registrations Act 1953 in that they were to be undertaken in person. The transmission of documents electronically was permitted to continue under secondary legislation. These changes impacted on the timeliness of death registrations. The table below shows the level of death registrations for April 2021 to March 2022 compared to the period April – March 2020-21.

Deaths	2020/21	2021/22	% change
April	2260	811	-64
May	982	812	-17
June	767	771	+ .52
July	800	826	+3.25
August	714	877	+22.83
September	804	978	+21.64
October	903	869	-3.77
November	1132	1109	-2.03
December	1134	1006	-11.28
January	1564	1184	-24.29
February	1391	922	-33.71
March	967	800	-17.26
Total	13418	10965	-18.28

Birth Registrations

The Government reintroduced the registration of births in June 2020, with an optional alternative procedure, both procedures require face to face meetings. For operational reasons the service followed the standard process and was fully operational from mid-June. As of 28 March 2022 there were 2984 outstanding birth registrations, of which 1088 were over the statutory 42 days registration period. The table below shows the level of birth registrations for April 2021 through to March 2022 compared to the same months in 2020-21.

Birth Registrations	2020/21	2021/22	% change
April	5	1959	+39080
May	16	1651	+10218.75
June	543	1833	+237.57
July	2820	1402	-50.28
August	2048	1405	-31.39
September	2375	1732	-27.07
October	2464	1579	-35.91
November	2540	1958	-22.91
December	1950	1365	-30
January	1864	1515	-18.72
February	1660	1989	+19.81
March	2161	1843	-14.71
Total	20446	20231	-1.06

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 March 2022 compared to the same months in 2020-21.

Ceremonies	2020/21	2021/22
April	0	103
May	0	131
June	3	172
July	52	210
August	71	193
September	132	194
October	123	192
November	12	171
December	94	113
January	5	88
February	2	128
March	14	99
Total	505	1794

Notice of Marriage and Civil Partnership	2020/21	2021/22
April	0	646
May	2	603
June	141	699
July	405	704
August	368	585
September	373	452
October	478	499
November	518	465
December	416	511
January	405	492
February	424	579
March	584	789
Total	4114	7024

Adults Attending Citizenship Ceremonies	2020/21	2021/22
April	0	397
May	0	387
June	0	531
July	156	424
August	246	434
September	170	267
October	214	293
November	203	381
December	338	216
January	155	358
February	217	556
March	274	874
Total	1973	5118

The Service was having to deal with significant challenges in quarter 4 as it was in Covid 19 recovery, was experiencing an increase in demand for most of it's statutory services all against a backdrop of significantly reduced staffing levels.

Paul Lankester
Interim Assistant Director Regulation and Enforcement