

BIRMINGHAM CITY COUNCIL

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

23 JUNE 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: Trading Standards, Register Office and Licensing, which report to the Committee. The remaining sections will report on their activities to the next Committee.

2. Recommendation

- 2.1 That the report be noted.

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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 Trading Standards (Appendix 1); Register Office (Appendix 2) and Licensing (Appendix 3). Remaining service areas will present their report to a later 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 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 Trading Standards Service delivers consumer protection and business support services in the areas of: consumer advice and assistance; commercial investigations; product safety; underage sales; consumer credit; internet crime; proceeds of crime; metrology; and fair trading.

3.5 The Register Office Service is responsible for the registration of births, marriages and deaths, the legal preliminaries to marriages (other than those in the Church of England), the arranging and conducting of civil marriage ceremonies, the issuing of certified copies of register entries and the legal preliminaries to and registration of civil partnerships.

3.6 The Licensing Service comprises three teams (General Licensing, Hackney Carriage and Private Hire Licensing and Licensing and Street Trading Enforcement). Between them, they are responsible for the administration and compliance of thousands of licensed people places and vehicles. The remit includes taxi and private hire matters, alcohol and entertainment licensing, gambling, street trading, special treatments, skin piercers and sex establishments.

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.
- 5.2 The values (in common with the City Council) are putting residents first; acting courageously; being true to our word and achieving excellence.
- 5.3 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.
- 5.4 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 Licensing, Trading Standards and Register Office Services.

TRADING STANDARDS SERVICE

Background

Birmingham Trading Standards Service comprises two Operational Managers, two Accredited Financial Investigators and 12 frontline officers, who investigate issues and enforce over 250 Acts of Parliament and associated regulations. The service is both proactive and reactive and offers support to vulnerable consumers and first line advice to legitimate businesses. Bespoke advice can be offered through the development of a Primary Authority Partnership (PAP).

Complaints/ service requests (requests for assistance - RFA's) are mostly received via the Citizen's Advice Consumer Service (CACS). CACS referrals may involve a criminal element where a business is operating unlawfully or the consumer is considered vulnerable. The service received 5,056 RFA's by last year.

The service works closely with 14 Central England Trading Standards Authorities (CEntSA) allowing the pooling of resources to tackle emerging threats, assess risk and harm, tackle organised crime groups (OCGs) and share best practice.

Since 2019 the Service has set four key objectives to tackle issues proactively:-

- Underage sales
- Rogue traders
- Tackling the ghost economy
- Placarding (Fly posting)

Protection of vulnerable individuals

Underage sales

The service undertook proactive inspections, advice visits and covert test purchases to establish if underage sales were being made by Birmingham businesses. These sales included products such as knives, alcohol, tobacco and fireworks.

In 2020/21 72 complaints were received about the sale of age restricted products. This is an increase of 14 on 2019/2020; some being multiple complaints about one premises. Where allegations are proved valid, businesses are given advice and warned as appropriate. 14 fireworks retailers were inspected.

Despite not being able to use young volunteers due to covid restrictions, two exercises were undertaken (using younger police officers) to test if the Challenge 25 scheme was being supported. 21 shops were visited that resulted in 11 sales. On all occasions the retailer was revisited and advised they should have asked for proof of age. The shops were educated on best practices and have signed up for The Responsible Retailer Scheme.

Cases

In October 2020 a Director pleaded guilty to supplying a knife to a person under eighteen, he was fined £435 with £1000 costs awarded with forfeiture and destruction of the knife. The Magistrates when agreeing the level of punishment, took into account this was a new business and the difficult trading conditions, but also the fact the offence took place a month after an information pack had been delivered.

In October 2020 at Birmingham Magistrates Court the seller of a knife to an underage volunteer was sentenced to a community order for 18 months with 80 hours unpaid work. Costs of £650 were awarded.

In March 2021 a shopkeeper pleaded guilty to the sale of a knife to an underage person in February 2020 from a supermarket in Bordesley Green Birmingham. As the owner of the business, he was fined £650 and ordered to pay full costs along with a victim surcharge; a total of £2,290.

Tackling rogue traders

The service responded to information of rogue traders targeting vulnerable adults and undertook rapid response visits, area checks, paperwork checks and two significant investigations involving payments totalling over £300,000 in payments for poor or unnecessary building work.

Visits were made to vulnerable adults being targeted by postal scams and the service produced communications warning residents of Birmingham about scam calls, texts and websites.

In February 2021 an officer witnessed his elderly, vulnerable neighbour being hassled by some workmen on his front drive. The officer intervened and discovered that they had started power washing his drive without permission. It is believed they were going to complete the work and then demand money from him. The officer advised he was going to call the police and the workmen drove off.

On 18 March 2021, following the intervention of Trading Standards as part of a criminal investigation, a consumer who had been duped by an alleged builder received £15,980 from her bank. This is the sum she paid to the builder.

Bogus Police Officer - In January 2021 the service dealt with an alleged scam call. The person received a call from someone claiming to be a Staffordshire Police officer. The scam was about obtaining bank cards. It was claimed someone had been caught stealing money from his bank account and his bank card was needed to examine it for fingerprints and DNA. Several calls were made during the day, slowly moving from sending officers to examine the card, to sending a 'driver' to collect it and asked him to have it ready in a sealed envelope. A call to Staffordshire Police and West Midlands Police confirmed that the name and collar number given for the 'officer' were false. After the intervention of Trading Standards (TS), the scammers were advised TS were aware it was a scam and told not to bother the victim any further. Most worryingly, the fraudsters had made their calls appear as though they were coming from the back-up non-emergency number for Staffordshire Police.

Bogus official - In January 2021 a resident who had been a previous victim of a rogue builder advised they had been approached by a man purporting to be from Trading Standards asking for money to take his case forward. The service through their twitter account posted a scam alert message. The message was that the service never asks for money and all staff have official BCC ID that can be checked.

Street scene

Removal of illegal placards- Prevention of illegal advertising and rogue trader intervention was introduced as a priority for consumer protection. Not only was there a need to ensure these adverts were removed from the street scene because of the damage to street furniture and the impact on the street scene, the postings pose a safety issue when attached to railings at junctions. Consumer protection legislation breaches may occur when only a mobile telephone number is being advertised. This was evidenced by the number of traders refusing to provide details when requested.

Illegal placarding or 'fly- posting' is a blight on the city spoiling the local environment and giving a poor image of the city to visitors. It is also a form of illegal advertising giving an unfair advantage over legitimate traders.

Four exercises tackling placarding took place in the year, (July, September, November and February). In the first exercise 140 placards were removed and 35 different individuals /businesses identified. Over the four exercises 396 placards were removed. The businesses identified ranged from builders, gardeners, driveways, kitchen fitters, blinds suppliers and private tuition providers. Officers have contacted the persons responsible and where possible have issued written warnings. In one case legal proceedings are being instigated, not only was there a large number of placards displayed, further placards were found after a warning had been issued and logos were being displayed that the business had no right to use.

Tackling Illicit Product sales

Operation Choke –A two-day blitz in August resulted in visits to 40 premises. Premises had been selected as prior allegations had been received about the sale of selling illegal tobacco. Advice packs and warning letters were given to all. A further four premises were visited in January in preparation for future tobacco inspections.

Operation Ce Ce - TS is actively involved in the disrupting the supply chain of illicit tobacco products due to the organised crime gangs' links with its distribution.

In March 2021 TS Officers visited six business premises with previous history and intel of dealing in illegal tobacco; they had all been visited as part of Operation Choke. Five premises were found to have illicit and counterfeit tobacco and alcohol. Goods with an approximate street value of £2,200 were found and seized.

The businesses are being investigated for offences; some of these are licensed premises and applications for the review of the Premises Licence are being progressed. There will be a further exercises in this financial year.

Sale of counterfeit cigarettes to underage volunteer

Following a seizure of counterfeit cigarettes and tobacco TS visited a Bordesley Greengrocery Store in an underage test purchase exercise of cigarettes. A test purchase in February 2020 identified as well as the illegal sale of cigarettes to someone under 18 the tobacco was confirmed to be counterfeit. Proceedings were instituted against the seller and the owner of the business.

On conviction in March 2021 the magistrates imposed a fine of £225 reduced to £168 for credit (25%) with a costs' contribution of £185 and victim surcharge £32 (total £385). The Counterfeit tobacco sale was considered at Crown Court in March 2021 with the seller being convicted. A 18-month community order was issued with a 15-day rehabilitation requirement. He was ordered to pay £2,400 in costs and a separate victim surcharge.

18 complaints alleging counterfeit alcohol were received and investigated, and premises visited to ensure compliance, resulting in the seizure of counterfeit and illicit goods- over 561 bottles of wine and 19 bottles of vodka. Cases are ongoing and Officers are liaising with the Food Standards Agency Food Crime Unit, HMRC and neighbouring local authorities.

Clothing and accessories were the most complained about with 52 reports made. There are several cases awaiting trial, having been delayed due to covid.

Operation Cure – Branded mobile phones are highly popular in the marketplace. Counterfeiters seek to exploit the demand for cheap mobile phone accessories. This puts legitimate traders supplying genuine goods at a disadvantage and consumers receive cheap poor-quality imitations. Typically, these can be purchased on a variety of online platforms and retail outlets. 12 reports alleging counterfeit mobile phone and accessories were received but this is believed to be an under reporting possibly as many consumers are unaware that they have been sold fake goods.

Five city wholesalers were inspected in the Summer. A large quantity of suspected counterfeit goods such as adaptors, EarPods, batteries, phone cases, mini blue tooth speakers were seized. Over 23,000 items were seized. The street value or loss to the trade of genuine goods would be about £470,000. Some goods, such as adaptors were found not to comply with electrical safety legislation requirements.

Currently five cases mostly for breach of the Trade Marks Act 1994 are being considered for prosecution.

In November 2020 Mohammed Tariq received the Anti-Counterfeiting Group award for excellence in Counterfeiting Enforcement. Further, Birmingham Trading Standards Service and The Regional Investigation Team received an award in this area of work.

COVID IMPACTS

The national lockdown measures came into force on 26 March 2020. During this time businesses were ordered to close that were not deemed to be essential. Work the service was involved in:

- Price hikes and cases of dual pricing.
- Test purchases at premises that should have been closed leading to penalty notices.
- Seizure of unsafe hand sanitiser.
- Advice to businesses, consumers and the council about PPE.
- Seizure of untested PPE.
- Issues emerging regarding the supply of PPE (face masks etc).
- Fake certification of PPE including face masks.
- Fake websites offering PPE, home test kits and other corona virus scams.
- Investigating, tracing and reporting fraudulent grant applicants.

Officers worked with other council services e.g. procurement to ensure the authenticity of companies wishing to provide PPE to the Council including surgical and respirator type face masks, gloves, visors and aprons. Checking documentation accompanying the products being offered for supply, such as the safety test reports and CE conformity certificates and testing equipment to ensure compliance. (in many cases, the paperwork was found to be falsified or non-compliant)

Reactive work

In addition to the proactive work the service has investigated issues concerned with product safety and other priority areas. The Service also ensures that unsafe products are removed from the supply chain. A total of 277 complaints were made of which 78 related to protective equipment; 66 were made regarding electrical goods.

One product safety investigation related to the safety of tricycles being imported by a Birmingham business. Consequently, it was found that the tricycles did not comply with the Toy Safety Regulations 2011 and this resulted in 59 children's tricycles forfeited from the importer for destruction.

Buying a vehicle remains one of the most expensive purchases a consumer makes. Consumers are entitled to know 'material information' regarding a vehicle's condition and history before deciding to buy. Customers must be assured the vehicle is correctly described and most importantly safe. TS are involved in investigating those traders selling on various online platforms not fully disclosing their identity and misleading consumers. When consumers do complain they refuse to provide a repair or refund, ignoring their obligations under the Consumer Rights Act 2015

Complaints about car sales/repairs remains high; a total of 295 were received, with 29 alleging safety concerns, 43 related to misdescriptions, 31 regarding repairs and 14 alleging clocking of the vehicle.

Unroadworthy vehicle sold by Platinum Motors Company Limited

One of the directors pleaded guilty in November 2020 to supplying a car in an unroadworthy and dangerous condition. He was sentenced to a fine of £240 (with credit for early guilty plea) and had to pay £1,000 towards costs.

Redress achieved for consumers

A consumer purchased a car from a trader prior to lockdown. The trader told the consumer no test drive was available due to the consumer not having insurance. Upon receipt of the vehicle the consumer noted several issues wrong and the car broke down requiring roadside assistance. The trader refused to honour a refund, restricting the consumer's rights. After TS intervened a refund of £2500 was given.

A consumer purchased a car online and on delivery various faults were identified. The car lost power on the motorway which could have been dangerous. The seller told the consumer to use the warranty; the warranty company said it was not covered. With TS's intervention, the consumer received a full refund of £7,000.

There are other ongoing investigations involving cars involving traders misleading consumers about their identity and legal position regarding the transaction.

Brexit

During this period the UK left the EU. Consequently, we have had to adapt to new rules on importation and labelling.

Role of Responsible Body under the Licensing Act 2003

TS is designated as a Responsible Authority for the purposes of the Licensing Act 2003. Where illicit goods are found on licensed premises or age restricted products sold to test purchasers an application for a review of the premises licence is made.

The Trading Standards service has applied for two licence reviews that culminated in the licences being revoked.

Proceeds of Crime

TS maintains two accredited financial investigators to investigate money laundering and living off a criminal lifestyle.

During 2020/21 defendants were ordered to pay £339,612 in Proceeds of Crime benefit. That includes POCA cases dealt with on behalf of other City Council Departments and Local Authorities. £544,851 was paid into the Confiscation Unit by Defendants. Of that £544,851 paid, £231,337 was compensation due directly to victims of crime.

Accredited Financial Investigators in TS are assisting colleagues in Audit and Business Rates with investigations into suspected fraudulent applications for COVID-19 business support grants. The team have 11 active investigations. Two individuals have already been charged with fraudulent activity regarding business grants.

Trading Standards Website

The Trading Standards website consists of 20 pages in the Birmingham.gov.uk website. The number of views of the TS website was 63,984 in the last year, which is an increase of 16,456 views from the previous year.

Trading Standards Twitter

The @bhamts Twitter account has 2,996 followers, an increase of 427 followers from the previous year. Many advisory tweets are put on each day covering mainly scam awareness, doorstep crime, financial abuse, electrical safety, weights and measures, hallmarking and any other current issues. A total of 1,575 Tweets were put on for this year and 1,523,600 impressions created. There was a total of 1,316 mentions for the year. In November 2020, during National Safeguarding week one Financial Abuse Tweet alone generated 14,5k impressions.

TS continue to post scam awareness tweets on current scams around these have included scams purporting to relate to Amazon Prime, HSBC bank, Royal mail, TV licensing, DHL, HMRC, NHS, Virgin Media and many others.

Outcomes of legal proceedings.

It should be noted that a number of large cases requiring trials have been severely delayed due to covid so outcomes will not be known for some time.

Legislation	Cases	Offences	Fines	Costs	Other Penalty
Criminal Justice Act 1988	3	3	£1,085	£3,258	18-month community order and 80hrs unpaid work
Trade Marks Act 1994	1	5	£0	£0	4 month suspended sentence.15 days RAR & 150hrs unpaid work
Road Traffic Act 1988	1	1	£240	£1,000	12-month community order, 15 day

REGISTER OFFICE

The Registration Service is a statutory function which Birmingham City Council is required by law to provide in terms of accommodation and adequate staffing to register all civil events within a specified national time frame. These events include the registration of births, deaths, stillbirths, marriages and civil partnerships, conversions of civil partnership to marriage, attesting the legal preliminaries to marriages, civil partnerships and conversions, the provision of a certificate service and the provision of citizenship ceremonies. All events to be registered are those which occurred within the boundary of the City. In discharging these functions, registration employees officiate at ceremonies at the Register Office in addition to approximately 60 approved premises. They also attend and register marriages taking place at religious buildings. The service also provides the statutory citizenship ceremonies, a change of name services and other non- statutory civil ceremonies. The Service is directed by the Registrar General, whose General Register Office (GRO) is part of HM Passport Office. It is administered locally by Birmingham City Council and the Proper Officer for Registration Matters is Paul Lankester Interim Assistant Director Regulation and Enforcement.

Service Successes

2020/21 proved a very challenging year for the Service due to the impact of Covid 19. Birmingham was designated as a “hotspot” by GRO due to the disproportionately high number of deaths which occurred in its registration district. GRO acknowledged that 2020/21 has been an extremely challenging year for the Local Registration Service commenting that Civil Registration has never had a higher profile, or more important role to play in supporting society in responding to the COVID-19 pandemic. It is as a result of the flexibility, hard work, dedication and professionalism of the staff that the delivery of this key public service has been maintained throughout the pandemic.

The table below shows the number of life events handled by the Service for 2020/21 compared to the previous year.

Event	2019/20	2020/21
Birth registrations	21630	20450
Still –birth registrations	109	111
Death registrations	10372	13420
Birth re-registrations	562	75
Notices of marriage/Civil Partnership	6838	4108
New British Citizens	2874	1973

In total 675 marriages were celebrated and registered in the city. Staff attended 1 marriage at a religious building and 60 at the City's approved venues. There have been 20 marriages under the Registrar General's Licence Act which allows a person who is terminally ill and cannot be moved to a place where marriages take place, to get married wherever they are.

Registration staff made 146 S24 reports of possible offences relating to sham marriages during the year.

42 civil partnership ceremonies took place in the City over the year reflecting the trend of same sex customers choosing to marry rather than form a civil partnership.

88318 certificates of birth, marriage, death and civil partnership were issued to the public.

There have been 7 applications received from trustees of buildings to register the buildings as places of worship, 3 applications for the solemnization of marriages. These applications were processed by the staff at the Register Office in conjunction with General Register Office.

In addition, officers have:

- Attended Faith Advocacy Group meetings.
- Attended Coroner's professional meetings
- Attended West Midlands Regional Registration Group meetings
- Participated in the West Midlands Regional Performance Improvement group
- Participated in the Regional Fraud prevention group
- Contributed to the Law Commission Marriage Review which is a comprehensive review of the current marriage laws and is likely to result in significant legislative changes.
- Participated in valuable partnership working with central government bodies such as DWP and the General Register Office and local districts.
- Participated in local partnership working with hospital bereavement teams, the medical examiners service, organisations such as BCC Children Centres, Approved Premises and religious bodies.
- Continued to report suspected Sham marriages and Civil Partnerships and fraudulent applications for certificates.

The Registration Service has continued to provide the Emergency Bereavement Service to enable families to bury their deceased relatives or to repatriate the body to a Country outside of England and Wales within a very short period of time when required by religion or culture.

Furthermore, the Service has provided a 365- day service for marriages and civil partnerships, where one party is terminally ill, in accordance with the Registrar General's Licence Act.

Service managers have strengthened partnership working with faith advocacy groups, GPs, hospitals and Medical Examiners to help reduce factors which delay the death registration process.

Managers worked with the Fees and Funding Joint Working Group to contribute to their work on working with GRO on future funding of Civil Registration.

The Service facilitated the delivery of the European Union Settlement Scheme Checking Service.

Challenges to the Service

Impact of Covid 19

Covid 19 had a significant impact on the Service. Death registrations were carried out 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 under emergency legislation enabling deaths to be registered remotely and documentation to be received electronically. The Service implemented these changes and honed the processes to improve performance. In April 47% of deaths where there was no coronial involvement were registered within 5 days, by the close of the year the figure had increased to 81%. This was a significant achievement, particularly in view of the fact that the volume of deaths registered for the year had increased by 29.39%.

In the early months of the pandemic all but emergency birth registrations were suspended, with the Government lifting the suspension in June. Unlike death registrations, birth registrations require face to face meetings and the Service was providing a birth registration service in a COVID 19 secure environment from mid-June.

Backlogs

Birmingham is the largest registration district in England and Wales and due to the national lockdown had a backlog of 6260 birth registrations, 3741 of which were over the statutory limit of 42 days. The Service made significant inroads in reducing the backlog with the limitations of registering within a Covid 19 secure environment. By the end of March, the outstanding figure had reduced to 2201 and 573 respectively. 73% of births were registered within 42 days during 20-21.

Following the first national lockdown, the Government announced the taking of notices of marriage and civil partnership, and ceremonies could recommence in Covid 19 secure venues from July 2020. Similar to birth registration, the taking of notices requires face to face appointments. The Covid 19 social distancing measures coupled with Government guidelines for those who were extremely or clinically vulnerable hindered the ability of the Service to meet increased demand to give notice and book/rebook ceremonies from couples who had marriages delayed or who had decided to marry. By the close of the year there were 714 couples waiting to give notice.

In line with national guidance the Register Office implemented measures to recommence ceremonies from 4 July. During the second national lockdown, marriage and civil partnership ceremonies were suspended from 5 November to 2 December. Marriages and Civil Ceremonies were again suspended in January 2021 unless there were exceptional circumstances. Citizenship ceremonies resumed in July with many delivered remotely from January. The service successfully offered a citizenship ceremony to all new British citizens within its district within Statutory timescales.

The service was significantly impeded in its ability to issue copy certificates within required timescales, due to a combination of registering deaths remotely, the increase in death registrations and staffing limitations as a result of the pandemic. This led to a backlog of outstanding current death certificate applications and of historic certificate applications. As more staff were able to be returned to work at the Register Office the service was able to issue all current death certificate applications promptly. At the close of the year there remained a backlog with the issuing of historic certificates of approximately 9 weeks.

The continuing heavy workload of the Registration Service and limited employee resource remain a significant challenge and restrict the ability of the Service to achieve statutory key performance indicators (KPIs). Monitoring against the KPIs was suspended by GRO during the pandemic, as was a planned service review in recognition that the focus would be on maintaining service delivery and planning pandemic recovery activity.

As a Designated Register Office (DRO) Birmingham Register Office is currently one of a few districts in the West Midlands which deal with citizens who are subject to immigration control. These particular customers are required to attend a Designated Register Office regardless of where they reside. Birmingham is the largest and most central DRO in the country and consequently the ceremony service area continually dealt with customers and telephone calls from all over England and Wales, and from British and non-British subjects all over the world who wished to marry in England and Wales. Being a DRO proved extremely challenging throughout the pandemic as the demand in this area of service provision increased considerably.

Budget

The service had an income budget of £2.286m. The various lockdowns and suspensions of service streams during the pandemic resulted in a calculated income loss of £535K. The service achieved £1.790m income and therefore a surplus of £39k was achieved.

The service overall had a net budget of £0.724m, outturned at £1.167m, within this Covid pressures were identified pressures of £0.705m. There was therefore an overall (non-Covid / BAU) surplus of £0.262m

Improvements

Due to the emergency legislation and the introduction of internal procedures, the Service has successfully reduced waiting times for death registrations where there is no coronial involvement by 9%. This is a particularly commendable achievement in view of the fact that death registrations increased by 29.39%.

To help reduce the backlog of birth registrations a further review of the diary appointment process took place which resulted in an increase in appointment availability. This proved effective and aided the Service in birth registration recovery since when birth registrations resumed in June, 8% of births were registered within 42 days, by March this figure had risen to 73%.

Other improvements include the further employment of the Stopford electronic system with the introduction of their online certificate ordering system to replace the discontinued Tomkat system. This system proved its worth during the pandemic as it has the functionality to differentiate the type of certificate applied for which enabled the Service to issue death certificates promptly.

The Service streamlined administration processes in respect of marriages and civil partnerships which improved the customer journey and improved staff efficiency.

The move over to Microsoft teams and increased use of its various functions has also aided the Service in becoming more efficient which has benefitted staff and customers alike.

LICENSING

Background

The Licensing Service consists of the General Licensing, Hackney Carriage and Private Hire Licensing and Licensing Enforcement teams.

All three teams are located at Phoenix House, Valepits Road, Garretts Green, Birmingham, B33 0TD. The service moved to its new location from its former premises at Ashted Lock in February 2020.

The Licensing Service operates to an ISO 9001 BSI accredited Quality Management System.

The impact on Covid 19 on the licensing service:

Obviously the impact of the global pandemic has been felt across all service areas. In Licensing, the lockdown restrictions necessitated a fundamental change in the way applications and transactions are dealt with. Officers had to innovate and redesign the processes in a way which meant we could continue to comply with statutory deadlines whilst keeping our staff and customers safe. All within weeks of moving the service to a new location.

Both the general licensing and hackney carriage and private hire teams had previously accepted hard copy applications, with taxi and private hire applications being dealt with as personal callers with physical handover of documents. This could obviously not continue. Steps were taken to move the Licensing Act applications to online-only, and new applications forms and web pages were quickly designed to allow the taxi and private hire trade to submit their applications online. Officers had to act quickly to get the necessary alterations to policies and delegations to ensure normal service standards could be maintained as far as possible.

Matters which would normally be delegated to a 'driver' sub-committee were delegated to senior officer panel to ensure matters of concern, as well as requests for consideration of other circumstances could continue. Licensing Act hearings were moved online, through the use of Teams, which has enabled greater flexibility in terms of member availability and engagement from other parties.

A number of laptops were sourced allowing some officers to work from home, but unfortunately, owing to the antiquity of the SOPRA licensing system, a large number of tasks required officers to be physically present in the office. With a high proportion of staff shielding or having to care for children who could not attend school, there were a handful of staff who met the challenge head on; found new ways of working and took on aspects of other roles which could not be carried out by others.

Officers unable to carry out their own functions assisted colleagues from other service areas by carrying out other tasks such as delivering documents, data collation and even providing security services. Later, officers assisted the team who administered the Covid-support grants which were available to the hackney carriage and private hire trade.

The Head of Licensing was participant in the emergency planning response to Covid and was a member of the Environmental Cell and led a corporate task and finish group on highways obstruction. One of the steps taken by Government to lessen the impact of Covid on the hospitality sector was to introduce temporary Pavement Licences. These licences are administered entirely by colleagues in Highways and City Centre Management. However, officers from Licensing assisted the implementation of the scheme, drawing up a policy and providing advice and assistance in terms of application and interpretation of the requirements.

Pre-covid, the knowledge test for private hire drivers was delivered in-house by officers. The move to new offices had caused issues with a lack of suitable sized room in which to deliver the training in a viable manner and investigations were already underway to seek an alternative yet cost effective location. To ensure the test could be delivered in a covid-secure manner, and in a more flexible and efficient manner this test is now conducted on behalf of the licensing service by TTC 2000 Ltd. This arrangement has proved to work very well and has been positively received by all.

The General licensing team dealt with a number of high-profile matters over the period, including expedited (summary) reviews of licensed premises who had been found in breach of the Covid regulations. Despite various challenges to the process and the decisions of your Committee, including appeals and an application for a stated case, the appeals against the decisions have now been dropped.

Officers have worked with the police and colleagues in environmental health to produce guidance for licensed premises on how to respond to the lockdowns and also the reopening.

The number of applications for new licences, and the number of Temporary Event Notices were understandably reduced, as were the number of renewal and new applications for the taxi and private hire trade. As lockdowns are lifted and restrictions lessen, we do hope to see a return to pre-covid levels over the coming months.

General Licensing

The General Licensing Team is responsible for administering over 16500 Licences, registrations and permits across a wide range of licensing functions, which includes amongst others, sales of alcohol, late night refreshment, regulated entertainment, sex establishments, charitable collections, amusement machines, gambling premises, skin piercers and scrap metal dealers.

The number of licences, registrations and permits issued by the team during the years 1 April 2019 until 31 March 2020 and 1 April 2020 until 31 March 2021 can be broken down as follows:

FUNCTION	LICENCE TYPE	NUMBER ISSUED	
		2019/20	2020/21
Licensing Act	Premises New	155	111
	Variation	43	31
	Variation DPS	507	192
	Transfer	185	180
	Provisional	0	0
	TENs	1218	182
	Personals	493	296
	Minor Variation	76	40
	Club Premises New	1	0
	Club Premises Variation	1	0
	Club Premises Minor Variation	0	0
Gambling Act	Premises New	0	6
	Premises Transfer	29	0
	Premises Re-Instatement	0	0
	Premises Variation	2	0
	Gaming Machines Alcohol New	19	6
	Gaming Machines Alcohol Transfer	1	2
	Gaming Machines Alcohol Variation	1	1
	Prize Gaming Permit	0	0
	Gaming Machines Club Fast Track Conv.	1	0
	Gaming Machines Club New	2	0
	Provisional Licence	0	0
	TUNs	0	0
Gambling Act	OUNs	2	0
Sex Establishments - Sex Shop/Cinema	Grant	0	0
	Renewal	8	6
	Transfer	0	0
	Variation	0	0
Sexual Entertainment Venue	Grant	1	0
	Renewal	6	5
	Transfer	1	0
	Variation	0	0
	Minor Variation	0	0
Massage & Special Treatments	Grant (1 level)	17	13
	Renewal (1 level)	40	37
	Grant (2+ levels)	10	2
	Renewal (2+ levels)	22	14
	Variation (Additional Treatments)	0	1
	Transfer	3	0
Societies Lotteries	Grant	32	18
Street Collections	Grant	148	14

FUNCTION	LICENCE TYPE	NUMBER ISSUED	
		2019/20	2020/21
House to House Collections	Grant	30	17
Skin Piercers	Grant	221	101
Scrap Metal - Collectors	Grant	7	5
	Renewal	0	9
Scrap Metal - Sites	Grant	6	6
	New Site Manager	0	0
	Renewal	1	12
	Minor Variation	1	0
Total for year		3290	1307

The figures shown do not reflect the number of current licences, registrations or permits at any given time, but detail the number of applications completed during the period 1 April 2019 – 31 March 2021.

The dramatic fall in licences issued between the 2 years stated is due to the impact of the Covid pandemic.

Hackney Carriage and Private Hire Licensing

The Hackney Carriage and Private Hire Licensing Team issued 8,413 licences during 2019/2020, and conducted a further 2,284 transactions, when replacement, transfer and other sundry transactions are considered.

There were 6,401 licences issued during 2020/21, with a further 404 transactions conducted.

The number of licensed operators fluctuated throughout the course of the last two years but at the end of March 2021 the number was 100 (compared to 89 in March 2019).

Licences are required for hackney carriage and private hire drivers, hackney carriage and private hire vehicles and private hire operators.

Licence holders' details are shared with the City Council's Data Warehouse to prevent and detect benefit fraud and other fraud and to cross reference information about individual licence holders to verify its accuracy.

Licensing Enforcement

The Licensing Enforcement Team is responsible for the inspection of licensed vehicles and premises and consented street traders. They also deal with requests for assistance in respect of general licensing (including street trading), hackney carriage and private hire matters.

In addition to the team's own Licensing Enforcement Officers, a Police Officer is seconded to the team as Taxi Liaison Officer. This position has been vacant since mid-May 2020 but is in the process of being filled.

A team of Special Constables were trained to assist our officers on plying for hire investigations. They were trained in taxi and private hire legislation and to act as evidence gatherers by taking un-booked journeys in private hire vehicles. The additional resource that these officers provide adds to the impact that our own officers can make in respect of dealing with illegal plying for hire. It also addresses the problem that most drivers recognise our own officers. A number of warning signs are affixed on street furniture in the Night Time Economy areas of the city to warn private hire drivers that it is illegal to ply for hire and that they are being watched by CCTV cameras, the evidence of which can be used in court.

The team undertakes regular exercises to combat the persistent problem of illegal plying for hire, as well as conducting targeted stop check exercises to check compliance with vehicle and driver conditions. Where non-compliance is discovered, the team takes appropriate legal action according to the circumstances and whether the non-compliance relates to a breach of a licence holder's conditions of licence or amounts to a criminal offence, in accordance with Regulation and Enforcement's approved Enforcement Policy.

The team also investigates more complex issues including unlicensed vehicles, false insurance documents, false insurance claims, and applicants making false or misleading representations on application forms.

Over December 2020 the team took part in proactive exercises in the city centre to warn and take evidence of illegal street traders (masquerading as pedlars). Investigations are proceeding in relation to several individuals.

One of the primary duties and responsibilities of the team is to ensure all requests for assistance received are investigated fully and fairly. This is carried out in accordance with the Regulation and Enforcement BSI accredited management system and published service standards.

Complaints and enquiries received by the enforcement team are known as Requests for Assistance (RFAs). They are categorised and coded to identify possible trends. This also makes it possible to identify repeat offenders and take proportionally more severe enforcement action if appropriate.

During the period of 1 April 2019 to 31 March 2020, the team dealt with 927 external requests for assistance. In accordance with our Enforcement Policy, based on a risk approach, we routinely inspect private hire operators, sex establishments and premises licensed for sexual entertainment and Massage and Special Treatments. Hackney carriage and private hire vehicles are inspected at unannounced stop-check exercises. In addition, 28 licensed premises were inspected in response to either a request for assistance (RFA) from a member of the public or other business or as part of an ongoing assessment of risk.

During the year 17 high visibility stop check exercises were conducted across the city in conjunction with officers from West Midlands Police. Officers from the Central Motorways Patrol Group frequently assisted our officers. At a stop check, vehicles and drivers are inspected to ensure compliance with our conditions of licence.

Licensed drivers caught committing non-licensing offences such as not wearing seat belts or other road traffic offences are dealt with by the police. Motorway patrol officers (and the Licensing service's own police officer) are approved vehicle inspectors who are authorised to inspect vehicles to determine their condition under the Road Traffic Act 1988. Nine of the stop checks also incorporated a plying for hire exercise in which the team of special constables are deployed, whilst a further undercover exercise was completed focusing solely on touting.

During the period of 1 April 2020 to 31 March 2021, the team dealt with 726 external requests for assistance. In accordance with our Enforcement Policy, based on a risk approach, we routinely inspect private hire operators, sex establishments and premises licensed for sexual entertainment and Massage and Special Treatments. Hackney carriage and private hire vehicles are inspected at unannounced stop-check exercises. In addition, 8 licensed premises were inspected in response to either a request for assistance (RFA) from a member of the public or other business or as part of an ongoing assessment of risk.

The overall compliance rate during 2019/2020 for safety critical conditions when measured at roadside stop-checks was 82.4% for private hire vehicles and 85.1% for hackney carriage vehicles. This measure was introduced at the beginning of 2012/2013. The greatest single reason for non-compliance was for lights.

The tables below record the percentage of vehicles which were compliant with safety critical conditions when inspected in stop-checks year by year since 2012.

	Hackney Carriage Vehicles % Fully Compliant with Critical Safety Conditions	No of Vehicles Checked	Private Hire Vehicles % Fully Compliant with Critical Safety Conditions	No of Vehicles Checked
2016/2017	85.4	471	78.5	971
2017/2018	84.0%	269	80.9%	763
2018/2019	81.2%	207	79.3%	675
2019/2020	85.1%	94	82.4%	705
2020-2021	See note			

In addition, a further 102 vehicles licensed by other local authorities were inspected at stop check exercises.

During the operational year all licensed private hire operators' businesses were inspected. At inspection, the most common failing was the requirement to keep copies of up to date insurance certificates for drivers.

NOTE: Unfortunately, no stop check exercises were carried out in 2020-2021 due to the Corona virus pandemic

Licensing Policy Matters

During 2019/20 and 2020/21 the Licensing & Public Protection Committee received reports on:

- Medium to Long-Term Emission Standard and Age Policy for Hackney Carriage and Private Hire Vehicles
- Street Trading Policy 2020
- Interim Statement of Licensing Policy 2020 consultation Report
- Clean Air Zone: Mitigation Measures for Hackney Carriage Vehicles
- Moratorium Exemption on New Issue Plate Licences Report
- Recommendations of the Working Group for Amendments to Private Hire Vehicle Signage
- Licensing Policies Procedures and Delegations 2019
- Licensing Service Fees and Charges 2021-22
- Request for an Extension to the Limited Exemption from the Moratorium on the Issue of New Hackney Carriage Plate Licences
- Department for Transport: Statutory Taxi and Private Hire Vehicle Standards Achieving Compliance
- Review of Street Trading Fees and Charges
- Impact of the Clean Air Zone (CAZ) on the Private Hire and Hackney Carriage Trade

Prosecutions

2019/2020

Numbers of Cases

In 2019/2020 Licensing Officers submitted prosecution reports against 36 defendants and administered 134 simple cautions. During the same period 26 prosecution cases were finalised at Court. The majority of the prosecutions were for plying for hire offences, although two were taken under the Equality Act 2010 for refusing to take passengers with assistance dogs and one under the Licensing Act 2003 and one under the Criminal Justice & Public Order Act 1994 for Touting for Hire, where the defendant receive a 6-month conditional discharge but was ordered to pay £1200 in costs

Costs and Fines

Fines totalling £9,633 were imposed and costs of £12,852 were awarded to the City Council.

LEGISLATION	CASES	OFFENCES	FINES	COSTS AWARDED	OTHER
Criminal Justice & Public Order Act 1994	1	1		£1200	6-month conditional discharge
Equalities Act 2010	2	4	£358	£900	
Licensing Act 2003	1	4	£615	£1550	
Local Government (Miscellaneous Provisions) Act 1976					
Section 48	2	2	£690	£1365	
Section 54	1	1	£300	£300	
Section 64(3)	1	1	£147	£100	
Town Police Clauses Act 1847 (plying)**	18	36	£7,523	£7,437	116 penalty points
TOTALS	26	49	£9,633	£12,852	

2020/21

Numbers of Cases

In 2020/2021 Licensing Officers submitted prosecution reports against 14 defendants and administered 8 simple cautions. During the same period 20 prosecution cases were finalised at Court. The majority of the prosecutions were for plying for hire offences, although three were taken under the Equality Act 2010 for refusing to take passengers with assistance dogs and two under the Licensing Act 2003.

Costs and Fines

Fines totalling £3,999 were imposed and costs of £6,491 were awarded to the City Council.

LEGISLATION	CASES	OFFENCES	FINES	COSTS AWARDED	OTHER
Equalities Act 2010	3	3	£507	£1,350	
Licensing Act 2003	2	2	£450	£1,400	
Town Police Clauses Act 1847 (plying)**	15	28	£3,042	£3,741	108 penalty points
TOTALS	20	33	£3,999	£6,491	

Appeals against Sub Committee Decisions

The following tables list the number of cases proceeding to Court during the 19/20 and 20/21 period, together with outcomes:

Appeals against Sub Committee Decisions

	Dismissed	Allowed	Allowed in part	Withdrawn pre- or at Court	Other	TOTAL
General Licensing						
2019/20						
Magistrates' court	0	1		3	2 consent order, 1 referred back to committee.	7
Crown Court						
2020/21						
Magistrates' court	2	1			3 consent order	6
Crown Court						
HCPH						
2019/20						
Magistrates' court	17	3				20
Crown Court	1					1
2020/21						
Magistrates' court	2	7				9
Crown Court	2	1				3

Work of the Licensing Sub-Committees

The following matters were put before the Licensing Sub Committee:

'General Licensing' (LA2003, MST and SEV) matters:	2019/20	2020/21
Total matters scheduled	111	84
Grant of Licence	41	42
Variation	11	8
Transfer	4	2
Designated Premises Supervisor Variation	2	4
Temporary Event Notice	21	7
Personal	4	1
Expedited Review	9	5
Interim Steps Meetings	4	5
Reps back to Interim Steps	2	2
Review	11	6

Closure Order	0	1
Massage and Special Treatments	2	0
Sexual Entertainment Venue	0	1

Hackney Carriage & Private Hire matters	2019/20	2020/21
Total matters scheduled	303	n/a
Matters considered under delegated authority owing to pandemic response.	n/a	158

Service Delivery Plan 2019/2020 and 2020/21 – Outturn

The Service Delivery Plan identifies targets and levels of performance. In order to ensure the delivery of quality services, the Licensing Service operates within the Regulation and Enforcement ISO9001 accredited management system (REMS).

The Licensing Service is committed to a programme of activities designed to ensure that our Service Provision and Service Standard targets are met.

Service Provision	Acceptable Quality Level	Annual Outturn	
		2019/20	2020/21
We will respond to all General Licensing applications in a timely manner: Percentage of applications processed within 60 days* *Subject to tests and Committee timetable	90%	97.9%	85.0%
We will respond to all HC & PH Licensing applications in a timely manner:	90%	100%	100%
We will respond to Requests for Assistance (RFA's): Percentage of RFA's responded to within 10-day target	97.5%	93.5%	96.8%
Percentage of successful licensing prosecutions	95%	100%	95%
Percentage of personal callers to Licensing seen within 15 minutes of their appointment time	97%	100%	*n/a

*** Owing to the COVID-19 Pandemic the Licensing Service ceased to offer a face to face service.**