

**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**