

BIRMINGHAM CITY COUNCIL

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

21 SEPTEMBER 2022
ALL WARDS

REGULATION & ENFORCEMENT ACTIVITY REPORT
APRIL/MAY/JUNE (QUARTER 1) 2022-23

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 and June 2022.

2. **Recommendation**

- 2.1 That the content of the report be noted.

Contact Officer: Sajeela Naseer, Director Regulation & Enforcement
Telephone: 0121 675 2495
E-mail: sajeela.naseer@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 and June 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.

DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: Nil

REGULATION & ENFORCEMENT ACTIVITY REPORT **APRIL, MAY, JUNE 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 April to 30 June 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 1 (April, May, June 2022)

Environmental Health and Trading Standards

Activity	Environmental Health (including litter but not WEU)			Trading Standards		
	Q1	Q2	Q3	Q1	Q2	Q3
Prosecution agreed*	119			1		
Simple Cautions	0			1		

Environmental Health

The following table shows the total number of RFA (requests for assistance) received by quarter (RFA Recd) and how many were responded to in time (PI met).

	Q1		Q2		Q3		Q4		Year Total
Work type	RFA Recd	PI met	RFA Recd	PI met	RFA Recd	PI met	RFA Recd	PI met	RFA Total
H&S Accidents	122	100%							
Dogs	633	99.5%							
Infectious Disease	199	100%							
Pest Control	3,976	79.2%							
Request for Assistance	4,695	81.3%							
Total	9,625	82.2%							

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	720	91%						
Major Schemes	105							

Licensing

170 matters have been finalised through the delegated process, which would have ordinarily come before the sub-committee, 30 of which were finalised in April/May/June.

During quarter one of 2022/23 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:

- Oasis Lounge, 30-31 Lower Tower Street, Birmingham, B19 3NH.

Activity	Licensing		
	Q1	Q2	Q3
Prosecution agreed*	0		
Simple Cautions	6		

Activity	Licensing							
	HCPH				General			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Licence applications	753				730			
Licence sub-committees	n/a				22			
Of which were reviews:								
Interim steps	n/a				1			
Expedited	n/a				1			
Standard	n/a				3			
Licence renewals	1228				9			
Requests for Actions Received	455				70			
Requests for Actions closed	390				76			

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	525	466						
Hackney Carriage	52	56						
Private Hire	403	334						
Licensing Act 2003	63	66						
Gambling Act 2005	0	2						
Scrap Metal Dealers	3	3						
Sexual Entertainment Venues	0	0						
Massage & Special Treatments	2	3						
Charitable Street Collections	1	1						
Street Trading	0	0						
Skin Piercers	1	1						

Scrap Metal Dealers

There are currently 60 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	30
Scrap Metal Collector Licences	30

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

Type of Enforcement	Apr 22	May 22	Jun 22	Jul 22	Aug 22	Sep 22	Oct 22	Nov 22	Dec 22	Jan 23	Feb 23	Mar 23
Complaints	2	0	0									
Inspections	1	1	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 1159 requests for Assistance in the first 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	84				
Age Restricted Sales	36				
Product Safety	51				
Counterfeit Goods	69				
Car Sales	87				
Advice and Assistance	440				

Prosecution

Rogue Trader Prosecution

A rogue trader was sentenced to 6 years at Birmingham Crown Court on 16 May 2022.

Waheed Butt (49) of Waylen Street, Reading RG1 7UP, was jailed after pleading guilty to an offence of fraudulent trading under the Companies Act 2006. He was also disqualified from being a company director under the Company Directors Disqualification Act 1986 for eight years.

Following his guilty plea, Butt agreed to pay part refunds for 12 victims, including supplier companies, totalling £152,500.

Birmingham City Council's Trading Standards team launched an investigation in December 2019 after receiving numerous complaints from Butt's victims across the West Midlands, about WB Infrastructure Ltd based at Salisbury Drive, Water Orton, Birmingham, B46 1QJ, which had been contracted for various building works to their properties between February 2019 and September 2020.

Thousands of pounds were paid for extensions to be built, kitchens to be replaced, roofing, electrical and plumbing work to be done but in most cases, little or no work took place and it was alleged the work that had been carried out was found by an independent building surveyor to be in a dangerous condition and required demolition.

The case was widely publicised in the local and the national press.

Tobacco Prosecution

An inspection of Sam Mini Market 898 Bristol Road South, Northfield, Birmingham, had resulted in the discovery of 900 packs of illicit cigarettes and 218 pouches of illicit tobacco. The defendant Shirkou Jaff the owner of the business pleaded guilty to all matters at Birmingham Magistrates Court on 23 June 2022 and the matter was sent up to the Crown Court for POCA and sentencing.

Licensing

Following discovery of non-compliant tobacco and fireworks without a licence at Maral Mini Market Soho Hill, a licence review was submitted. On 25 April 2022 the Licensing Sub-Committee decision was to revoke the licence and that Mr Sirwan Ibrahim Rashid be removed as Designated Premises Supervisor.

Licensing Appeal

On 20 January 2022 the Licensing Sub-Committee revoked the premise licence for Super Choice News and removed Mr Sajjad as Designated Premise Supervisor. The background to this case was that on 16 October 2022 an underage volunteer was sold alcohol during a test purchase exercise.

Mr Sajjad appealed the decision. On 20 June 2022 in Birmingham Magistrates Court the District Judge refused the appeal and costs of £2,500 were awarded to the Council.

Enforcement exercises

Visits with police to retailers for Age restricted products

On 4 April 2022 TS officers worked with Bordesley Green police on age restricted advice and gave warnings to businesses regarding the sale of items to underage persons.

Execution of warrant for counterfeit clothing

On 4 May 2022 TS assisted the RIT team for Op Beorma in a factory producing large quantities of counterfeit clothing. Items of suspected counterfeit clothing was seized.

Execution of warrant for builder complaints

On 25 May 2022 TS executed a warrant on a premise in Warwickshire and a suspect builder who I had 6 consumer complaints. The builder was later interviewed and charged to appear Magistrates.

Weights and Measures Verification & Measure Checks

On 10 May 2022 Trading Standards officers tested and stamped as being passed as fit for use for trade 4 petrol pumps at a petrol station in Bordesley Green and charged approximately £400.00 for the work.

Four other petrol stations were also visited across the city where measure checks were carried out on pumps to follow-up complaints, but the outcomes were all satisfactory with the measures being correct.

Counterfeit wine seized

On 21 June 2022 TS Officers visited an off-licence in Birmingham to follow up on a consumer complaint. Officers seized 24 bottles of Counterfeit Yellow Tail wine. The investigation is on-going, and a possible licence review will follow.

Civil Redress

A Complaint regarding a recall washing machine was received through a Councillor. After negotiation with the business the Officer managed to get a settlement of £141.43 for the complainant.

Scams

NTS referrals Scams project

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 are doing full background checks on victims to see if any further support is required by Adult Social Care. TS continue to provide scam awareness advice to those who have entered bogus prize draws and other scams.

Scam Alerts

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.

Scam Awareness Fortnight

TS supported Scam Awareness fortnight 13-26 June 2022; the theme was scams around the cost of living crisis. The aim was to create a network of confident, alert consumers who know what to do when they spot a scam. TS promoted the campaign on their Twitter account. The social media campaign was well received, and one tweet alone earned 3,792 impressions.

ACG Award

On 16 June 2022 The Anti-Counterfeiting Group (ACG) announced the winners of the 2022 ACG Awards for Excellence in Anti-Counterfeiting Enforcement at an event hosted by Phil Lewis, Director General at the ACG at the Chartered Trading Standards Institute (CTSI) Conference in Bristol.

ACG Special Awards were awarded to CENTSA Regional Investigations Team with special mention to Mohammed Tariq.

Mohammed Tariq, a Senior Trading Standards Officer from Birmingham Trading Standards also won the highly commended 'Dave Hankinson Memorial Award for Individual Excellence' in recognition of his specific contributions to anti-counterfeiting enforcement work during 2021/22.

POCA

During the period April 2022 to June 2022 the following three Confiscation Orders have been made:

Ali Dyar Mahmood (Wolverhampton TS job) - £1 nominal Order with a declared benefit of £48k. May not want to include.

Inderjit SANGU – Order made for £75,000.00 (RIT Job)

Mohammed ASGHAR – Order for £30,000.00 (TS Job)

Payments have continued to be made re the Orders of Panesar (E-Tickets) and Op Swarm (RIT eco job) with all the money going to compensate the respective victims.

AFI Officers have submitted two S16 statement supporting a Fraud in Coventry and two S16 statements regarding a Wolverhampton counterfeiting job. We are continuing to offer support to other Centsa Authorities.

AFI's have obtained several Restraint Orders, Production Orders and Disclosure Orders regarding various ongoing investigations both TS and RIT.

AFI's also assisted in the BUTT case which hopefully will have seen £152k refunded to victims. I had restrained the equivalent in his wife's account.

One of our AFI's continues to the Chair both the National and Regional LA FI groups who both met during this period.

England Illegal Money Lending Team (IMLT) (Amended by RW 17.8.22)

In April, May and June 2022, the England Illegal Money Lending Team (IMLT) received a total of 126 reports of illegal money lending (IML), an increase of 13 compared to the last quarter and an increase of 27 compared to the quarter 1 of the previous year.

48 of these referrals can be directly attributed to work carried out by the teams LIAISE officers., through their community engagement, with 60 victims provided with either direct or indirect support from the team

The referrals/intelligence received resulted in 35 new operations -an increase of 10 from the last quarter.

The team conducted 5 operations, executed 8 warrants, and made 6 arrests, where the subjects were released under investigation for further enquires to be completed in the following locations:

OPERATION GARDEN (EETSA) - Suffolk.
OPERATION ZARIBA (CENTSA) - Oldbury.
OPERATION ABSINTHE (EETSA) - Hemel Hempstead.
OP WILDWOOD (CENTSA)- West Bromwich.
OP WAPITI (NORTH WEST) - Colne, Lancashire.

OP ILLINOIS (YORKSHIRE & HUMBERSIDE) – Scarborough, where the subject received a formal Police caution.

Awareness raising work also continues with 3300 people trained on how to spot and support someone who has borrowed from an illegal lender during this quarter. The Stop Loan Sharks Community Fund opened for bids in April and 140 were received. Community groups, charities and statutory agencies can bid for up to £5000 for projects that help identify the victims of illegal lenders or stop people using them in the first place.

Work is also continuing with the consumer credit industry. IMLT have spoken at the CCTA conference and are booked to speak at several others. A number of companies have reached out for training, including Amigo Loans and H and T Pawnbrokers. Work has started with GAIN Finance to look at their automated loans process and see where an illegal money lending victim could hit a trigger to refer them for a manual decision on their loan (and a conversation with the loans officer about IML).

There are multiple projects running to look at whether illegal lenders, or their victims, can be identified through open banking data analysis. The first, with a social enterprise lender, has yielded information that may result in warrants taking place. Work is ongoing with a number of open banking providers, including Equifax and Lending Metrics, to identify within their systems places where loan shark victims may appear. The aim is to get a flag put on the system at this point – and train the agencies using

the open banking data to ask the right questions of the person applying for a loan to see if the reason they need access to credit is because of a loan shark debt.

Registration Service

Death Registrations

The Service had been 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 24 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 have had an adverse impact on the timeliness of death registrations. The table below shows the level of death registrations for April 2021 to March 2022 compared to Quarter 1 for 2022/23.

Deaths	2021/22	2022/23	% change
April	811	789	-2.72
May	812	1139	+40.27
June	771	807	+4.67
July	826		
August	877		
September	978		
October	869		
November	1109		
December	1006		
January	1184		
February	922		
March	800		
Total (to date)	10965	2735	

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 23 June 2022, there were 3680 outstanding birth registrations, of which 1696 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 Quarter 1 for 2022/23. It was necessary for the Service to divert staffing resources from birth to death registrations in order to register deaths quicker to limit the distress experienced by families waiting to arrange funerals.

Birth Registrations	2021/22	2022/23	% change
----------------------------	----------------	----------------	-----------------

April	1959	1193	-39.10
May	1651	1629	-1.33
June	1833	1745	-4.80
July	1402		
August	1405		
September	1732		
October	1579		
November	1958		
December	1365		
January	1515		
February	1989		
March	1843		
Total (to date)	20231	4567	

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 of 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 Quarter 1 April – June 2022/23.

Ceremonies	2021/22	2022/23
April	103	132
May	131	145
June	172	147
July	210	
August	193	
September	194	
October	192	
November	171	
December	113	
January	88	

February	128	
March	99	
Total (to date)	1794	424

Notice of Marriage and Civil Partnership	2021/22	2022/23
April	646	579
May	603	833
June	699	706
July	704	
August	585	
September	452	
October	499	
November	465	
December	511	
January	492	
February	579	
March	789	
Total (to date)	7024	2118

Adults Attending Citizenship Ceremonies	2021/22	2022/23
April	397	331
May	387	354
June	531	301
July	424	
August	434	
September	267	
October	293	
November	381	
December	216	
January	358	
February	556	

March	874	
Total (to date)	5118	986

The Service was responding to significant challenges in Quarter 1. It was still in Covid 19 recovery and experiencing an increase in demand for most of its statutory services against a backdrop of significantly reduced staffing levels. A recruitment drive was underway to enable the Service to better respond to service demands.

Paul Lankester
Interim Director Regulation and Enforcement