

**BIRMINGHAM CITY COUNCIL**

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

**10 NOVEMBER 2021**  
**ALL WARDS**

**REGULATION & ENFORCEMENT ACTIVITY REPORT**  
**JULY/AUGUST/SEPTEMBER (QUARTER 2) 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 July, August, September (Quarter 2) 2021.
2. Recommendation
  - 2.1 That the content of the report be noted.

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### 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 July, August, September (Quarter 2) 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** **JULY, AUGUST & SEPTEMBER (QUARTER 2) 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 July to 30 September 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 Q2 (July to September 2021)

### **Environmental Health and Trading Standards**

Activity	Env. Health				Trading Standards			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Prosecution agreed*	22				1	1		
Simple Cautions	0				0	1		
Statutory Notices served	77	111			1	0		
Coronavirus Enforcement	9	0			0	0		
Requests for Assistance Received	12,463	12,253			1,393	1,338		
Requests for Assistance closed	10,886	8,364			1,385	1,207		

### **Environmental Health**

	Q1		Q2		Q3	Q4	Year Total
Work type	RFA Total	PI Target met	RFA Total	PI Target met	RFA Total	RFA Total	RFA Total
H&S Accidents	91	100%	113	100%			
Dogs	537	100%	581	99.5%			
Infectious Disease	187	98.4%	228	98.3%			
Pest Control	4811	89.2%	4,801	81.4%			
Request for Assistance	6837	79.5%	6,530	80.2%			
<b>Total</b>	<b>12,463</b>	<b>85.5%</b>	<b>12,253</b>	<b>82.1%</b>			

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

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

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

Work Type	Q1		Q2		Q3		Q4	
	QTY	%	QTY	%	QTY	%	QTY	%
Planning Consultations	758	99%	849	89%				
Major Schemes	123		120					

### **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 in case 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 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 (now UK Health Security Agency (UKHSA)) had not been able to contact at their isolating address to ensure compliance. In Q2 the team carried out 201 visits and of these just under 20% were found to be non-compliant and these cases have been referred to West Midlands Police for further intervention. 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.

### **Environmental Protection**

The service continues to monitor air quality at eight real time air quality monitoring stations and around a hundred diffusion tube sites. Officers are working on bringing a further six real time air quality monitoring stations on-line to help monitor the Clean Air Zone (CAZ). Officers also continue to progress the CAZ Monitoring & Evaluation programme by compiling monthly factsheets on the response of the network to/and performance of the CAZ.

The Local Government Ombudsman (LGO) has reported on three cases during this period which involve allegations of Council failings when investigating noise and odour nuisances. In all three cases the LGO has found no fault with the way the Environmental Health service dealt with the investigations. One case involved a mini slaughterhouse in a residential area whilst another case related to a Council owned waste facility. These two cases were complex and involved extensive investigations.

Officers from the service have been monitoring remediation works at residential sites on Foremans Road, Sparkhill following a large fire in April at a set of nearby industrial units from which asbestos was released into nearby gardens. Officers served legal notice on owners of the land requiring the clean-up of the land and to the best of our understanding this has now been completed.

### **Food Hygiene**

The Food Standards Agency (FSA) confirmed that proactive food inspections will start in October. In the period July to September food authorities are required to plan for this, we have therefore been assessing unrated businesses and prioritising them for inspection. Officers were 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 July to Sept 2021:

• Programmed Inspections completed	193
• Enforcement revisits undertaken	93
• Ratings revisits requested and carried out	20
• Food business closures	6
• Statutory notices served	69
• Allergen stop requirements issued	86

New allergen rules were introduced, coming into force on 1<sup>st</sup> October 2021. These require the labelling of foods that are designated as pre-packed for direct sale such as grab and go foods, sandwiches etc with a name and full list of ingredients with allergens highlighted. Env. Health have undertaken training of officers, developed enforcement protocols and supported businesses in preparation for this new legislation.

### **Health and Safety**

The section has recommenced the health and safety inspection programme which will look at a number of different work activities across various sectors which we are responsible for regulating. This work will be in line with the national code set by the Health and Safety Executive and includes managing the risks from work at height, workplace transport and exposure to a range of breathable dusts and fumes which can cause ill health.

As more businesses are reopening after the Covid 19 restrictions we have seen an increase in formal incident reports between July and September with 113 health and safety accidents having been reported to Environmental Health and categorised in accordance with standard convention and investigated accordingly. Of the cases concluded during this period they include the prosecution of a butchers following the partial amputation of an employee's finger whilst using an unguarded bandsaw. The company was fined over £46,000 and the director given a 12-week suspended prison sentence. In another investigation a landlord was fined over £16,000 and their tenant over £26,000 for allowing a dangerous lift to be used. The lift was discovered during a routine inspection and found to have significant defects putting staff at risk of falling and being trapped by the lift. In both case the court also awarded the investigation costs to the Council

### **Animal Welfare**

Officers in the Animal Welfare Team continue to respond to a variety of complaints and enquires in relation to stray and lost dogs, dog fouling, microchipping and animal cruelty. The team is also responsible for animal related licensed premises, including Pet Stores, Animal Boarding Establishments, Dog Breeders, Riding Schools, Zoos and people who train and exhibit animals. This involves a wide range of activities involving verbal advice, visits and inspections.

The on-line sales of puppies and kittens remain a significant cause for concern. This can involve people breeding and selling animals without a licence or the illegal importation and subsequent sale of animals. In one such case officers investigated a report of an illegally imported Doberman puppy at a Birmingham address, the puppy had been moved to premises in Staffordshire, the matter was referred to the relevant local authority and the puppy was subsequently seized and taken to quarantine kennels. A further referral from Dover Port Authorities involved the importation of five pregnant bitches, two of which were destined for addresses in Birmingham. All dogs had been seized by the Port Authorities under the Animal Welfare Act in respect of poor transport conditions. Our officers investigated the addresses provided and found the information/addresses to be incorrect.

As a result of this the Port Authorities did not release the animals to the purported owners. Officers investigated a further complaint regarding the selling of kittens in poor conditions. The address provided to a major on-line animal sales website was again found to be false. The seller has been blocked from the site and officers continue to look at other information provided in order to identify the seller and the trading address.

From July to September 2021 activities included: -

- A response by the Dog Wardens to 329 complaints concerning stray and lost dogs, uncontrolled dogs, resulting in the seizure of 79 stray dogs. Two Notices were served on dog owners where it was discovered their dogs were not microchipped in accordance with regulation.
- Some 127 dog fouling complaints dealt with, involving visits, affixing appropriate signage, request for additional street cleansing and 13 pro-active surveillance exercises being undertaken in dog fouling hot spots.
- Investigating 102 animal cruelty complaints.
- Processing 12 animal-related licence applications, resulting in 3 licences being issued with the remainder ongoing.
- Emergency animal boarding, where the owner has been taken to hospital or detained for mental health reasons– 3 referrals all involving cats.
- Assisting colleagues in housing in relation to 16 evictions and forced entries.
- A total of 4 assessments being carried out in relation to the suitability or otherwise of dogs kept by persons looking to adopt or foster children.

### **Unauthorised Encampments**

The number of unauthorised encampments in the second quarter saw an increase from Q1 (19 in Q2 as opposed to 12 in Q1). The majority of these appear to be from a single group of around 16 caravans moving from park to park in the south of the city.

Another group have taken up occupation of housing land in Ward End and officers have prepared documentation for the Courts to repossess that site. This is complex as the group is mixed and one family have certain protected characteristics which complicate proceedings.

The final issue relates to the Proctor Street Transit Site which is under occupancy by a group who have been aggressive to both the Council officers and West Midlands Police. Officers have again prepared papers to progress this through the Courts whilst more strategic discussions are underway between the Council and the Force.

## 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 two of 2021/22 five Summary / Expedited Review applications were 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:

- Casey Joes Public House & Restaurant, 1293 – 1295 Warwick Road, Olton, Birmingham, B27 6PU.
- Pavo Birmingham (Formerly Latin Pavo Bar and Restaurant), 88 – 90 Vittoria Street, Jewellery Quarter, Birmingham, B1 3PA
- Bambu, 1<sup>st</sup> Floor Kotwall House, Wrottesley Street, Birmingham, B5 4RT
- Simply Local, Unit 8 Norfolk House, 84 – 86 Smallbrook Queensway, Birmingham, B5 4EG.
- The Rocket Club, 258 Broad Street, Birmingham, B1 2HF

Activity	Licensing							
	HCPH*				General			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Prosecution agreed								
Simple Cautions								
Licence applications	650	656			544	639		
Licence sub-committees	n/a	n/a			38	47		
Of which were reviews:	n/a	n/a						
Interim steps					0	7		
Expedited					0	2		
Standard					4	10		
Licence renewals	1384	1064			23	15		
Requests for Actions Received	477	479			110	102		
Requests for Actions closed	406	376			83	78		



## 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>	<b>581</b>	<b>454</b>				
<b>Hackney Carriage</b>	68	59	63	54				
<b>Private Hire</b>	409	347	416	322				
<b>Licensing Act 2003</b>	96	76	100	70				
<b>Gambling Act 2005</b>	0	1	0	0				
<b>Scrap Metal Dealers</b>	10	3	2	6				
<b>Sexual Entertainment Venues</b>	0	0	0	0				
<b>Massage &amp; Special Treatments</b>	0	1	0	0				
<b>Charitable Street Collections</b>	2	0	0	1				
<b>Street Trading</b>	1	1	0	1				
<b>Skin Piercers</b>	1	1	0	0				

## Scrap Metal Dealers

There are currently 63 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	33

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

Type of Enforcement	April 2021	May 2021	June 2021	July 2021	August 2021	September 2021
Complaints	1	0	0	0	0	0
Inspections	2	2	1	0	0	2

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 1338 Requests for Assistance (RFA) in the first quarter. They are across a broad range of issues, including car sales, household repairs, product safety, scams, supply of illicit tobacco and alcohol as well as underage sales and consumer frauds. Some RFAs 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			
Consumer Fraud	209	186			
Age Restricted Sales	37	41			
Product Safety	50	56			
Counterfeit Goods	79	67			
Car Sales	108	81			
Advice and Assistance	435	399			

## **Proceeds of Crime**

- Our Financial Investigators continue with Proceeds of Crime investigations.
- Some payment has been received from a defendant convicted of fraudulently taking money from consumers for non-existent flight tickets. This money is being forwarded to the victims who were witnesses in the case.

## **Notable Convictions and Outcomes**

- On 28 July 2021 in Birmingham Crown Court Mohammed Asghar trading as Priory Square Phone Shop was sentenced to 18 months community order with 20 days Rehabilitation requirement and an Early evening curfew for 12 weeks. Mr Asghar had in possession for supply around 700 Apple brand accessories in his business. The items were found to be counterfeit contrary to the Trade Marks Act 1994. The court ordered forfeiture of the products. The proceeds of crime proceedings continue.

- On 4 August 2021 DC Mini Market's alcohol licence was revoked. The case was brought following an inspection on 12 March 2021 by TS with tobacco detection dogs. During the inspection 107 packets of illicit tobacco was found hidden behind a display unit. The tobacco found was both counterfeit products and products with no duty paid.

### **England Illegal Money Lending Team (IMLT)**

During quarter 2, the England Illegal Money Lending Team (IMLT) received 86 reports of illegal money lending leading to 28 new investigations and 62 new illegal money lenders being identified.

The team executed 11 warrants across Local Authorities within England, with 11 people arrested and 87 victims provided direct or indirect support from the team.

#### **JULY**

- Operation Vantage, Liverpool – One arrested and Released Under Investigation (RUI).
- Operation Chart Hills, Southwark – Two arrested and RUI.

#### **AUGUST**

- Op Calcium, Romford – One arrested and RUI.
- Op Redwing, Manchester – One arrested and RUI.
- Op Pentane, Salford – One arrested and a warning given.

#### **SEPTEMBER**

- Operation Mallard, Preston – One arrested, and a warning given.
- Operation Pacific, Cumbria – One arrested, and a police caution was given.
- Operation Abalone, Croydon – Voulantry interview to be arranged.

The IMLT continued its investigation into fraudulent Covid business grants as part of Operation Sander. As a result, two further warrants were executed, which led to four arrests and all suspects being charged.

During September, Irene Murunge, aged 51, of Watford Way in Barnet, was found guilty of illegal money lending by a jury following a week-long trial at Harrow Crown Court. Jurors heard evidence from two victims during the trial and unanimously found Murunge guilty. She is due to be sentenced on 8<sup>th</sup> November 2021. (Greater London region)

During this quarter, the total amount of loan capital and interest due, written off at the point of IMLT intervention, was £882,848.70

## 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 September 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
July	800	826	+ 3.25
August	714	877	+22.83
September	804	979	+21.77
Year to date	6327	5077	-19.76

### 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 27 September 2021 there were 2763 outstanding birth registrations, of which 518 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 September 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
July	2820	1402
August	2048	1405
September	2375	1732
Running Total	7807	9980

### 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 September 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
July	52	210
August	71	193
September	425	373
<b>Running Total</b>	<b>551</b>	<b>1182</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
July	405	700
August	368	585
September	373	425
<b>Running Total</b>	<b>1289</b>	<b>3641</b>

<b>Citizenship Ceremonies</b>	<b>2020/21</b>	<b>2021/22</b>
April 2021	0	397
May	0	387
June	0	531
July	156	424
August	246	434
September	170	267
<b>Running Total</b>	<b>562</b>	<b>2440</b>

10 November 2021

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Interim Assistant Director Regulation and Enforcement