

**BIRMINGHAM CITY COUNCIL**

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

**16 NOVEMBER 2022**  
**ALL WARDS**

**REGULATION & ENFORCEMENT ACTIVITY REPORT**  
**JULY/AUGUST/SEPTEMBER (QUARTER 2) 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 July, August, September 2022.

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 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** **JULY, AUGUST, SEPTEMBER 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 July to 30 September 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 2 (July, August, September 2022)

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

Activity	Environmental Health (Including litter but not WEU)			Trading Standards		
	Q1	Q2	Q3	Q1	Q2	Q3
Prosecution agreed*	281	390		3	5	
Simple Cautions	0			1	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%	86	100%					
Dogs	634	99.5%	711	99.6%					
Infectious Disease	199	100%	319	92.8%					
Pest Control	3,976	79.2%	4,159	83.2%					
Request for Assistance	4,695	81.3%	5,265	80.9%					
<b>Total</b>	<b>9,625</b>	<b>82.2%</b>	<b>10,540</b>	<b>83.6%</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	720	91%	759	93%				
Major Schemes	105		80					

### **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 two 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:

- Selly Acre News, 1049-1051 Pershore Road, Stirchley, Birmingham, B30 2YH.

Activity	Licensing			
	Q1	Q2	Q3	
Prosecution agreed*	1	1		
Simple Cautions	10	14		

Activity	Licensing							
	HCPH				General			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Licence applications	753	693			730	694		
Licence sub-committees	n/a	n/a			22	25		
Of which were reviews:								
Interim steps	n/a	n/a			1	1		
Expedited	n/a	n/a			1	0		
Standard	n/a	n/a			3	2		
Licence renewals	1228	1875			9	10		
Requests for Actions Received	455	472			70	88		
Requests for Actions closed	390	416			76	74		

## 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	560	490				
Hackney Carriage	52	56	43	31				
Private Hire	403	334	429	385				
Licensing Act 2003	63	66	74	62				
Gambling Act 2005	0	2	2	2				
Scrap Metal Dealers	3	3	7	4				
Sexual Entertainment Venues	0	0	0	0				
Massage & Special Treatments	2	3	3	4				
Charitable Street Collections	1	1	0	0				
Street Trading	0	0	2	2				
Skin Piercers	1	1	0	0				

## Scrap Metal Dealers

There are currently 61 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	31
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	0	1	0						
Inspections	1	1	0	2	0	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 1387 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
<b>Work type</b>	RFA	RFA	RFA	RFA	
Consumer Fraud	84	90			
Age Restricted Sales	36	34			
Product Safety	51	60			
Counterfeit Goods	69	76			
Car Sales	87	73			
Advice and Assistance	440	430			

### **Hand sanitiser safety case Prosecution (Subject to Appeal)**

After a three-day trial, Big Living Ltd the seller of a hand sanitiser during the Covid Pandemic period, was found guilty on 20 July 2022 for offences under the General Product Safety regulations, Business Protection from Misleading Marketing Regulations and Consumer Protection from Unfair Trading Regulations for selling an unsafe product. The amount of ethanol contained in the “Chemistplus” hand sanitiser was false and untruthful. All three directors of the company were found guilty of offences. The hand sanitiser was branded with “Chemistplus”, which was a mark owned by Big Living, which meant Big Living could be classed as a producer.

At the order of the Judge the case was sent to Crown Court for sentencing. The Judge also praised the investigation in the face of a very complex issue. However, the defendants have now lodged an appeal which will be heard next year.

### **Tobacco Prosecutions**

An inspection of Sam Mini Market 898 Bristol Road South, Northfield, Birmingham, had resulted in the discovery of 900 packets 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.

In September following a trial at Magistrates Court, Abdul Armani was found guilty of being in possession of various brands illicit tobacco. He was found guilty of 7 offences and fined a total of £2500. Costs of £2468 were awarded as well as forfeiture of the seized tobacco.

### **Letting Agent Final Penalty Notice**

A Property Agent had been issued with a Final Penalty Notice of £9450 for failing to be a member of an approved client money protection scheme. The business had appealed to the first tribunal; however the appeal was dismissed. The business has now agreed to pay the full amount over 12 months.

### **Rogue Trader Conviction**

In an unusual case Robert Taylor of XConstruction had failed to carry out building work from a victim from whom he had taken payment. He had then also sent malicious and threatening messages to the victim and his mother after they complained.

In a case where offences for malicious communications were brought by CPS, and joined with offences concerning failure to carry out the work after payment had been made, Mr Taylor pleaded guilty.

He was given a custodial sentence of 14 weeks and ordered to pay £750 for the distress caused to the victims.

### **Operation Ce Ce Tobacco inspections**

On 7 July 2022 TS Officers with assistance from WM Police and Wagtail sniffer dogs carried inspections of 6 retail premises for illicit tobacco. The inspections resulted in discovery of illegal vapes, illicit tobacco and counterfeit trainers. The businesses will be investigated.

In September 2022, also as part of operation CeCe, a team of Trading Standard officers together with a sniffer dog carried out an inspection of a retail premises, which intelligence indicated was selling illicit tobacco products. Trading Standards had been to this shop in February 2022 as part of Operation CeCe. However on that occasion, there had been a discovery of only a handful of illicit tobacco products.

On this occasion however it was discovered that the person behind the counter had an electronic key fob release – this was used with a magnet release in a concealed space behind the tea cupboard in the kitchen area – the cupboard was lifted and a large concealment of illicit tobacco products was discovered. A sizeable amount of concealed illegal vapes. An investigation is being conducted.

## **Vapes Project**

In August Trading Standards commenced a project tackling the supply of illegal Ecigs or Vapes. The supply of vapes has increased tremendously in recent years, however there is a prevalence of non-compliant vapes which are in excess of the maximum permitted tank sizes, or nicotine content or fail to comply with labelling requirements of UK legislation. There is also concern that vapes are being supplied to young person under the age of 18.

Correspondingly the number of outlets supplying vapes has increased exponentially, many of whom may not be aware of the regulatory provisions.

The first phase of the project has seen officers visiting over 150 retailers giving out information leaflets and advising shop owners of their responsibilities. The visits have also been used to build up intelligence to identify wholesalers and other significant distributors. Some of these shops will be revisited to assess compliance.

One wholesaler identified as a local supplier was inspected in late September, nearly 10,000 illegal vapes with a street value of approximately £100, 000 were seized. Samples of the seized stock will be sent for laboratory testing; an investigation is being conducted.

Further significant distributors were likely to be visited in the future.

## **Commonwealth Games**

Trading Standards staff were designated as the authorised officers to enforce the provisions of Birmingham Commonwealth Games in respect of unauthorised trading and advertising in the designated controlled area.

Officers working with colleagues from across Regulation and Enforcement and with police assistance to ensure compliance. Officers dealt with issues of street trading peddlers operating in the controlled zones, buskers in the controlled zones. The individuals were advised and moved out of the controlled zones. In some cases, notices were issued and in one case sound equipment was seized.

In respect of goods in breach of the registered trademarks as well as general counterfeit goods. Officers seized some goods that were being sold from the controlled zones with notices being issued. Officers also seized toys that did not comply with product for safety law. Several businesses in the controlled zones were advised about additional activities that were deemed in breach of the additional provisions.

In another example one person insisted on setting up a food stall in the controlled area near the Alexander Stadium, he was initially warned to move. However, after he set up again, he was issued with a notice and the goods were removed



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

In July, August and September 2022, the England Illegal Money Lending Team (IMLT) received a total of 99 reports of illegal money lending (IML), a decrease of 27 compared to the last quarter and an increase of 13 compared to the quarter 2 of the previous year.

30 of these referrals can be directly attributed to work carried out by the teams LIAISE officers., through their community engagement, with 110 victims provided with either direct or indirect support from the team

The referrals/intelligence received resulted in 24 new operations a decrease of 11 from the last quarter.

The team conducted 6 operations, executed 7 warrants, and made 9 arrests. The subjects were released under investigation for further enquires to be completed in the following locations:

OPERATION HALLMARK (LONDON) - Essex  
OPERATION ZOOM (SOUTH WEST) - Bristol  
OP ECHOIC (NORTH EAST)- Middlesbrough  
OP GARMIN (LONDON) - Hounslow  
OP TOPAZ (CENTSA) – Wednesbury  
OP URBAN (NORTH WEST) – Stockport

OP SUTTON PARK (LONDON) - where the subject was interviewed and received a formal Police caution.

In Quarter 2 the following court hearing results:

OP SHOREHAM (NORTH EAST): In early August a judge ordered Alan and Joyce Fromson to pay back £64,000 in 7 days or face 12 months in prison. All funds have been paid on time and the case is now closed.

OP IVER (GREATER LONDON): In August at Harrow CC the following Order was made against Irene Murunge. The Court ordered as follows: Benefit assessed by agreement at £76,768.58; Available amount assessed by agreement as: £22,540.00; 3 months to pay, 9 months in default.

Over 4,000 frontline staff have been trained in Quarter 2. This training aims to help agencies who work with vulnerable people identify those who may be the victim of a loan shark.

In September IMLT held Stop Loan Sharks Week 2022. The week was themed “Let’s talk loan sharks” and invited agencies to ask all clients about any involvement with illegal money lenders. The week was a success with lots of online engagement and discussion on social media. IMLT are expanding their social media presence and are sharing content on Tiktok and Instagram. There will be a social media campaign in the run up to Christmas and to celebrate International Credit Union Day in October.

Victim support in quarter 2 has included help with housing, county court and debt issues. One victim described leaving his job because the lender was in the same workplace. He has split from his girlfriend and is trying to move out of the area due to fear.

A proceeds of crime funded project in Birmingham took place in August when a beach came to Kings Norton. People were told to watch out for the sharks and shown video content from IMLT.

## **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 in the initial months. The number of registrations which took place in September 2022 was reduced due to the additional Bank Holiday. The table below shows the level of death registrations for Q1 and Q2 2021/22 compared to Q1 and Q2 for 2022/23.

<b>Deaths</b>	<b>2021/22</b>	<b>2022/23</b>	<b>% change</b>
<b>April</b>	811	789	-2.72
<b>May</b>	812	1139	+40.27
<b>June</b>	771	807	+4.67
<b>July</b>	826	832	+0.73
<b>August</b>	877	947	+7.98
<b>September</b>	978	964	-1.43
<b>October</b>	869		
<b>November</b>	1109		
<b>December</b>	1006		
<b>January</b>	1184		
<b>February</b>	922		
<b>March</b>	800		
<b>Total (to date)</b>	<b>10965</b>	<b>5478</b>	

## 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. The table below shows the level of birth registrations for Q1 and Q2 2021/2022 compared to Q1 and Q2 for 2022/23. It was necessary for the Service to divert staffing resources from birth to death registrations in Q1 order to register deaths quicker to limit the distress experienced by families waiting to arrange funerals. The Service continues to experience a backlog of outstanding birth registrations however during Q2 was able to increase the volume of birth registrations.

Birth Registrations	2021/22	2022/23	% change
April	1959	1193	-39.10
May	1651	1629	-1.33
June	1833	1745	-4.80
July	1402	1560	+11.27
August	1405	1599	+13.81
September	1732	1929	+11.37
October	1579		
November	1958		
December	1365		
January	1515		
February	1989		
March	1843		
<b>Total (to date)</b>	<b>20231</b>	<b>9655</b>	

## 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 in Q1 and Q2 2021/2022 compared to Q1 and Q2 2022/23.

<b>Ceremonies</b>	<b>2021/22</b>	<b>2022/23</b>
April	103	132
May	131	145
June	172	147
July	210	177
August	193	187
September	194	161
October	192	
November	171	
December	113	
January	88	
February	128	
March	99	
<b>Total (to date)</b>	<b>1794</b>	<b>949</b>

<b>Notice of Marriage and Civil Partnership</b>	<b>2021/22</b>	<b>2022/23</b>
April	646	579
May	603	833
June	699	706
July	704	610
August	585	498
September	452	441
October	499	
November	465	
December	511	
January	492	
February	579	
March	789	
<b>Total (to date)</b>	<b>7024</b>	<b>3667</b>

<b>Adults Attending Citizenship Ceremonies</b>	<b>2021/22</b>	<b>2022/23</b>
April	397	331
May	387	354
June	531	301
July	424	330
August	434	386
September	267	
October	293	
November	381	
December	216	
January	358	
February	556	
March	874	
<b>Total (to date)</b>	<b>5118</b>	

The Service continues to respond to significant challenges and remains in Covid 19 recovery. It is however now able to issue copy certificates and births, death and marriage within statutory KPI timescales and its recruitment drive is proving successful. The backlog of outstanding notices of marriage or to form a civil partnership is being targeted.

**Sajeela Naseer**  
**Director Regulation and Enforcement**