

BIRMINGHAM CITY COUNCIL

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

30 SEPTEMBER 2020
ALL WARDS

Regulation and Enforcement Report to end August 2020

1. Summary

- 1.1 Birmingham City Council's Regulation and Enforcement Division covers 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 all activities since the national lockdown for the pandemic was effected in March 2020. While there is a separate report on the Agenda about detailed enforcement activities associated with the pandemic, this will be incorporated into future versions of this report.

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 from April 2020 to August 2020 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 a equalities impact assessment.

INTERIM ASSISTANT DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: Nil

REGULATION & ENFORCEMENT REPORT –AUGUST 2020**Introduction**

The way the Council enforces its regulatory activities under the terms of the relevant legislation has altered significantly since the outbreak of Covid 19. 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 lockdown. While services are seeking to enter the recovery phase, many services are reliant on changes to Government legislation and guidance.

As more data becomes available this report will be updated in future months- feedback is welcomed.

Detailed Action

The table below sets out the activities undertaken in Q1 (April, May, June accumulative) and July/August 2020.

Environmental Health, Licensing and Trading Standards

Activity	Env. Health			Licensing						Trading Standards		
	Q1	July	Aug	HCPH*			General			Q1	July	Aug
				Q1	Jul	Aug	Q1	Jul	Aug			
Prosecution agreed	57	43	33	8						7	4	3
Simple Cautions	4	1	3	16								
Statutory Notices served	26	15	19									
Coronavirus Enforcement	254	58	572	33								
Licence applications				195	158	173	196	161	103	126		
Licence sub-committees							15	9	11	17		
Licence renewals				343	501	389	9	6	9			
Requests for Actions Received	10,809	4,497	4,662	166	93	106				1,114		
Requests for Actions closed	7,963	2,420	2,353	287	89	74				1,251		

Environmental Health

The Environmental Health service had to withdraw many litter prosecutions due to the furloughing of the litter officers. As of August, two litter officers have been

returned to the city centre and are operating as usual. They are reporting less persons around and increased difficulty in obtaining identities. This is a direct result of the increase in fine levels that was implemented in April 2020.

The team have served seven directions under the Health Protection (Coronavirus, restriction) (England) (No. 3) Regulations 2020 to stop gatherings outside of government guidance, including the closure of the Stone Road Asylum centre. In addition, a Part 2A Order under the Public Health (Control of Disease) Act 1984. (A fuller explanation of the enforcement under emergency legislation is elsewhere on the Agenda.)

The team have delivered training to 100 small nursing and residential homes on proper use of PPE, and how to prevent the spread of Coronavirus in this type of setting. The opening of the Coronavirus whistleblowing line has seen complaints and requests for assistance increase exponentially in August and figures suggest this is likely to continue through the current quarter. Your officers are also investigating and assisting in approximately 10 Coronavirus outbreaks each day within the City.

Analysis of Requests for Assistance (RFA)

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

	Q1	July		August		Q2
Work type	RFA Total	Total	PI Target met	Total	PI Target met	RFA Total
Accidents	92	31	31	33	33	64
Dogs	415	168	163	204	203	372
Infectious Disease	122	55	50	55	48	110
Pest Control	4,022	2,012	1,708	1,600	1,475	3,612
Request for Assistance	6,158	2,231	1,814	2,770	1,904	5,001
Total	10,809	4,497	3766	4,662	3,663	9,159

Currently it is predicted that the complaint rate will be 30% higher for the second quarter than the first.

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 has markedly increased following the opening of the hospitality sector. This is expected to continue for the remainder of the year.

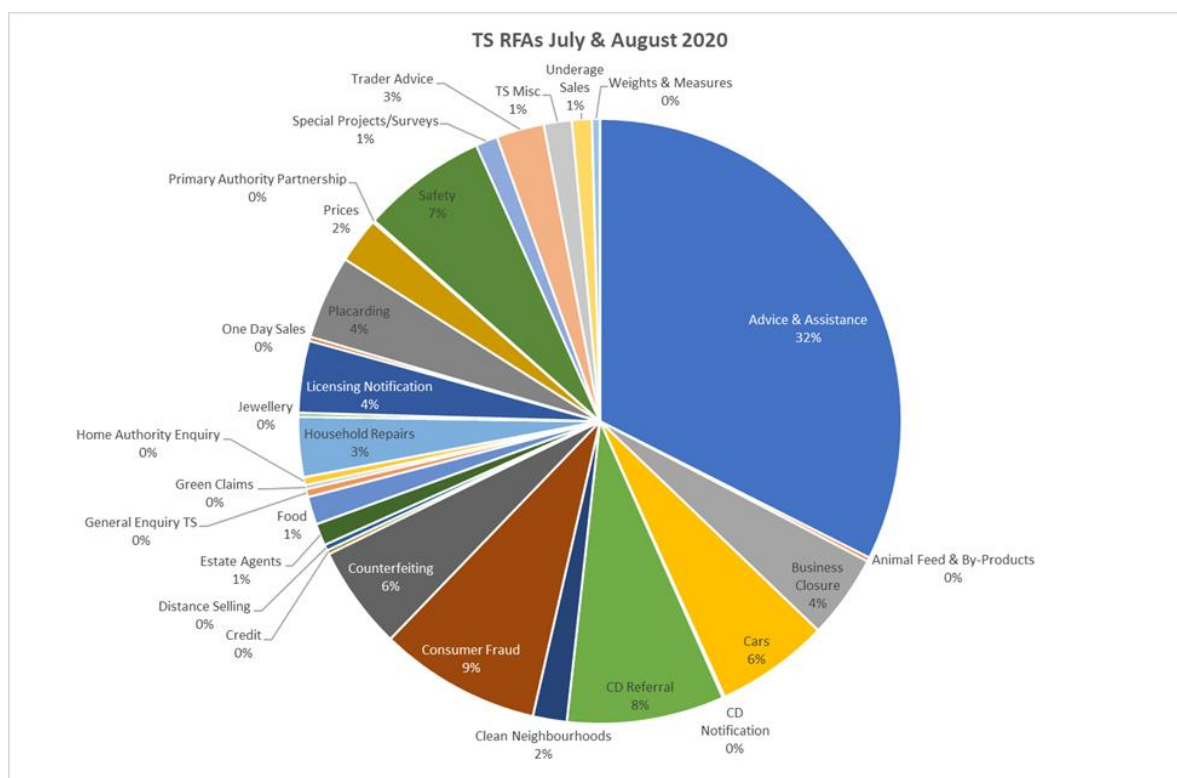
Analysis of RFAs

The breakdown of types of RFAs in Licensing is shown below.

	July		August	
	Received	Closed	Received	Closed
Total	93	89	106	74
Hackney Carriage	7	3	8	6
Private Hire	63	63	67	53
Licensing Act 2003	21	16	29	14
Gambling Act 2005	0	0	0	0
Scrap Metal Dealers	1	5	2	1
Sexual Entertainment Venues	0	0	0	0
Massage & Special Treatments	1	2	0	0

Trading Standards and the Regional Investigation Team (RIT)

The trading standards service is also continuing to have increased demand for its services. The chart below shows the make up of the types of activity.



Trading Standards received 554 Requests for Assistance from consumers in July and 383 in August, higher than average.

Coronavirus Related RFAs

Reports of businesses flouting Coronavirus restrictions in July remained constant from June 2020, including complaints about businesses not adhering to NHS Track & Trace measures, wearing of PPE and social distancing. This however reduced in August, with just 10 RFAs received. Of those, one related to a complaint about the

Eat Out Help Out scheme and the rest were related to social distancing and use of PPE.

Core TS Activities

The core Trading Standards activities – product safety, underage sales, rogue traders and fraud- continue to be reported. Complaints about used car sales have seen an increase, following the reopening of car forecourts have reopened. After an initial surge of requests for trader advice from residents looking to start their own businesses, numbers have now reduced.

Financial Investigation

In terms of COVID-19 related work, the two Financial Investigators (FIs) have moved away from assisting Finance, Procurement and Safety Services with the vetting of PPE and PPE suppliers to the City and are now focusing on potential fraudulent Coronavirus Business Grant applications. Whilst most of the applications have been genuine, there have been a small number of possible fraudulent applications which have seen individuals receive monies that were not entitled to them. In those cases, the FIs have assisted Birmingham Audit. In some instances, the funds have been repaid to their rightful owners, but where this is not the case, joint criminal investigations will be undertaken with Birmingham Audit to hopefully identify the suspects and bring them to justice.

Both FIs are also conducting work on behalf of Sandwell MBC and Wolverhampton CC, including recovering assets to compensate victims of a large-scale car clocking scam and tracing and funds stolen from a school by a rogue employee. Work also continues to assist the Birmingham based Regional Investigation Team with their investigations into counterfeit goods sellers under Operation Beorma.

In terms of outstanding Proceeds of Crime Confiscation cases, unfortunately lockdown has seen a significant backlog of court hearings, with only trials for the most serious offences being heard in Crown Court. This has meant that many cases that should have been heard by now, have been adjourned for many months ahead. The FIs have appeared via video link in some cases and applications for Court Orders continue to be made administratively to ensure any delays are kept to an absolute minimum.

Underage Sales

This issue is still a priority for the service with Project Guardian (Knife Crime). Officers recently worked with West Midlands Police to utilise young looking police officers to see if they were challenged about their age. Retailers have been advised to use the Challenge 25 scheme; in total 13 shops were visited that resulted in seven sales. On all occasions the retailer was then visited and advised that, although no offence had taken place, they should have asked for proof of age. They are also signed up to the responsible retailer scheme. Further exercises are imminent.

Operation Choke – over 40 premises were visited over two days at the end of August. The premises had been selected as complaints had been received about the sale of illegal tobacco. Advice packs and warning letters were given to all. This is in preparation for the Council's next tobacco inspection days.

Premises Licence reviews have been submitted, and one is currently going to an appeal hearing, which related to the sale of alcohol to underage persons.

Placarding

Trading Standards conducted a follow up exercise to one carried out in July tackling illegal placarding. In the first exercise 120 placards were removed and 35 business contacted and advised of the legislation. The second exercise conducted in early September to similar locations across the city resulted in 40 placards being removed and further businesses will be contacted. Of the businesses contacted previously the vast majority had ceased this type of advertising, a few that are still placarding will be contacted again with the possibility of enforcement action if they do not comply. In some locations where the placards had been removed, new signs for different businesses appeared who will now also be contacted and advised.

Other Activity

In August Trading Standards and the Regional Intelligence Team seized approximately 768 counterfeit trainers/footwear. The trainers/footwear had an estimated retail value of £50,000 and would have been supplied at an outdoor market.

Trading Standards continues to advise importers and wholesalers of face masks and hand sanitizers to ensure they are compliant with current legislation.

RIT

Trio sentenced to more than nine years for home improvement scam

Three scammers have been sentenced to a combined total of 9¼ years (111 months) at Birmingham Crown Court for their part in running a fraudulent home improvement company in Stourport on Severn, Worcestershire. The three defendants were found guilty of 34 offences under the Companies Act 2006, The Consumer Protection from Unfair Trading Regulations 2008 and the Proceeds of Crime Act 2002.

During the trial, the court had heard how the defendants all played their part in conning members of the public into paying for overpriced, ineffective or unnecessary home improvement work. The work was often mis-sold, of no benefit or simply never carried out at all. The work focused on wall and roof coatings and solar panel batteries with claims that they would improve energy efficiency and reduce bills. These claims were dismissed by expert witnesses in the trial.

The defendants also refused to refund customers' money when they cancelled within their cancellation period or because the work was never started. The Court heard from over 45 witnesses who had paid around £208,000 but had never had the work completed or their money returned.

The victims targeted by the perpetrators were predominantly older people or people living in vulnerable situations, with a significant number aged in their 80s and 90s. Most victims were in the Midlands, including Birmingham, Worcestershire and Shropshire, although a number were from wider afield including Gloucestershire, Wiltshire and the Isle of Wight.

England Illegal Money Lending Team (IMLT)

During July and August, the IMLT received 50 reports of illegal money lending (IML). 26 of these reports can be directly linked to the work carried out by LIAISE officers, and 22 new illegal lenders were identified. Enforcement activity during July and August saw the IMLT execute warrants for six Operations. These were at addresses located in Sunderland, The Wirral, Plymouth, Oldham, Keighley and Doncaster. This saw 12 individuals arrested, 10 of these have been released under investigation to allow for further enquiries, whilst two have received police cautions.

There has been one hearing during this time where two males were convicted for IML in the South West as part of the IMLT operation Corsica. Mahli Binmore was sentenced to 20 months imprisonment, suspended for 18 months and to complete 150 hours unpaid work. Simon Saunders received an eight-month prison sentence suspended for 18 months and ordered to complete 150 hours unpaid work.

LIAISE work has continued through July and August with online virtual training being made available for partner agencies. Other LIAISE highlights have been weekly live Q & A Facebook sessions, production of a 5-part Podcast series entitled "Your money and your life". The roll out of a new "live chat" function for victims visiting our website to chat anonymously with specially trained IMLT officer. This year's POCA funding application process has been advertised for community groups to bid for funding for localised stop loan shark projects.

Registration Service

Deaths

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 compared to 2019.

Deaths	2019	2020	% change
April	819	2261	+176.1
May	863	993	+15.1
June	762	767	+0.65
July	802	798	-0.5
August	793	708	-10.75
Running Total	4,039	5,527	+36.8%

Births

The Government reintroduced the registration of births, with a revised process. The procedure still requires face to face meetings, the service was fully operational from mid-June. As at 31 August there was a backlog of birth registrations of 4,983, 2,659

of which were over 42 days. The table below shows the level of birth registrations for June through to August compared to 2019, when the service recommenced.

Birth Registrations	2019	2020	% change
June	1,819	543	-70.15
July	1,880	2,820	+50.9
August	1,647	2,045	+24.2
Running Total	5,346	5,408	+1.2%

Ceremonies

The Government announced that marriage and civil partnership notices of marriage and civil partnerships and ceremonies could recommence from July, provided the venue is COVID 19 secure. Following this announcement and in line with the guidance issued in late June by the GRO, Birmingham Register Office implemented measures to enable ceremonies to take place from 4 July. The tables below show the level of ceremonies and notices for July and August compared to 2019.

Ceremonies	2019	2020	% change
July	186	62	-66.75
August	219	130	-40.5
Running Total	405	192	-52.5%

Notice of Marriage and Civil Partnership	2019	2020	% change
July	610	430	-29.95
August	522	365	-30.1
Running Total	1,132	795	-29.75%

Citizenship Ceremonies	2019	2020	% change
July	268	156	-41.75
August	199	264	+33.2
Running Total	467	420	-10.1%

City Centre Operations - Temporary Pavement Licences

The City Centre Team process pavement licences in the city centre only, with new legal provisions enacted in August 2020. An on-line application process was launched on 30 July 2020. The table below shows the activity that has taken place.

	July 2020	August 2020
Received	3	34
Approved	2	29
Refused/Returned/Withdrawn	1	5

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15 September 2020