

BIRMINGHAM CITY COUNCIL

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

21 JUNE 2017
ALL WARDS

REGULATION AND ENFORCEMENT
ANNUAL REPORT 2016/2017

1. Summary

- 1.1 The report advises on the work undertaken during the year April 2016 to March 2017 by the Regulation and Enforcement Sections: Environmental Health, Trading Standards, the Register Office, Licensing, the Coroners and Mortuary service and the England Illegal Money Lending Team which report to your Committee.

2. Recommendation

- 2.1 That the report be noted.

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3. Background

3.1 The sections of Regulation and Enforcement that report to your Committee are:

- i. Environmental Health.
- ii. Trading Standards.
- iii. Register Office.
- iv. Licensing.
- v. Coroners and Mortuary Service
- vi. England Illegal Money Lending Service.

3.2 Regulation and Enforcement underwent a significant restructure in 2010/2011. During this restructure the delivery of all services was reviewed. The final operating model has continued throughout 2012/2013, 2013/2014 and 2014/2015 to deliver both statutory and other services that fulfil the corporate priorities of Birmingham City Council.

3.3 The Environmental Health section delivers services in the areas of: public health; food safety; health and safety at work; environmental protection; animal welfare; statutory nuisance; drainage; and pest control.

3.4 The Trading Standards section delivers consumer protection and business support services in the areas of: consumer advice and assistance; commercial investigations; product safety; underage sales; consumer credit; internet crime; proceeds of crime; metrology; and fair trading.

3.5 The Register Office Service is responsible for the registration of births, marriages and deaths, the legal preliminaries to marriages (other than those in the Church of England), the arranging and conducting of civil marriage ceremonies, the issuing of certified copies of register entries and the legal preliminaries to and registration of civil partnerships.

3.6 The Licensing Service consists of the General Licensing, Hackney Carriage and Private Hire Licensing and Licensing Enforcement teams.

3.7 The Coroners Service and the Public Mortuary provide support staff to the Senior Coroner for Birmingham and Solihull.

3.8 Birmingham City Council Regulation and Enforcement continue to host the National Illegal Money Lending Team for England and also the regional Scambusters team.

3.9 Administrative support, management information and the co-ordination of legal proceedings with the Chief Legal Officer is undertaken by Regulation Support Services and the staff are (where appropriate) designated in accordance with the Corporate Professional Support Services.

3.10 The NHS Primary Care Teams was disbanded in April 2013 and the public health role was moved into the Local Authority. Officers continue to work

closely with the Director of Public Health to deliver significantly on public health outcomes in Birmingham.

4. Implications for Resources

4.1 The activities detailed in this report were undertaken within the reduced resources available to your Committee.

4.2 The Illegal Money Lending project for England and the regional Scambusters team are currently fully funded by Central Government by the Department of Business, Innovation and Skills (BIS) through a governance arrangement with the National Trading Standards Board. The budgets for these projects have been reduced and the consequences managed through staff reductions and reduced expenditure. These resources are ring fenced for this specific activity and claimed through an expenditure invoicing procedure.

4.3 There has been a reduction in resources available to deliver services within Environmental Health and Trading Standards over recent years in order to deliver the efficiencies required.

Service	£ K 2010/2011	£ K 2011/2012	£ K 2012/2013	£ K 2013/2014	£ K 2014/2015	£ K 2015/2016	£ K 2016/17	£ K 2017/18
Licensing	204	376	490	215	(139)	(874)	(764)	(8)
Environmental Health	6,337	5,593	5,153	3,836	4,036	3,532	3,532	4,047
Trading Standards	3,414	3,133	2,857	2,004	1,931	1,593	1,566	1,454
Register Office	1,167	1,195	1,205	835	741	386	450	877
Coroners Mortuary		1,642	1,662	1,460	1,386	1,025	1,122	1,196
Pest Control	0	0	(67)	(73)	(355)	(1,720)	(3)	4

4.4 This has also resulted in a reduced number of budgeted FTEs within two service areas following the implementation of the Environmental Health and Trading Standards Future Operating Model, this is detailed below:

Service	FTE	FTE	FTE	FTE	FTE	FTE	FTE
	2010/2011	2011/2012	2012/2013	2013/2014	2014/2015	2015/2016	2016/17
Environmental Health	122.0	108.0	93.6	91.0	87.6	82.7	83
Trading Standards	57.7	41.1	35.1	38.8	36.4	33.4	33

5. Implications for Policy Priorities

5.1 The services delivered through your Committee contribute to the Birmingham City Council Business Plan 2016+.

- 5.2 Our aim is to create a sustainable, future-proof model of local public services – focused on supporting the needs of people, partnership working, empowered staff, and community engagement.
 - 5.3 Our values are putting residents first; acting courageously; being true to our word, and achieving excellence.
 - 5.4 The vision is based on the fundamental ideals of prosperity, fairness and democracy set out in previous years. Within this, there are six key strategic outcomes: a strong economy, safety and opportunity for all children, a great future for young people, thriving local communities, a healthy, happy population and a modern council.
6. Public Sector Equality Duty
- 6.1 The various actions identified in the report were undertaken in accordance with the Regulation and Enforcement's enforcement policies which ensure that equalities issues have been addressed.
7. Consultation
- 7.1 Consultation is undertaken with members of the public, traders and elected members wherever possible to ensure that our services are delivered and tailored to the needs of our customers and stakeholders.

ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

Background papers: Various files and computer records in the Licensing, Environmental Health, Trading Standards and Register Office Services.

ENVIRONMENTAL HEALTH

Background

Environmental Health provides a range of interventions at a local and city wide level with the principle aims of protecting public health and the environment as well as supporting businesses to succeed. The range of services includes food hygiene, health and safety, pest control, infectious disease control, noise nuisance, environmental protection, animal welfare, defective drains, dangerous trees, and environmental crime including fly tipping, littering, and fly posting. Most of our services are statutory i.e. the City Council has a legal obligation to deliver them and they are reported through the Licensing and Public Protection Committee.

All of Environmental Health's services contribute towards the public health agenda helping to protect the health of our residents, with the ultimate aim of reducing inequalities in health.

Officers deliver both reactive and pro-active services, e.g. delivering the food, health and safety and environmental protection inspection programmes as well as providing reactive services responding to requests for assistance from members of the public, elected Members and partner agencies. Our officers are highly skilled and ensure that work is prioritised according to public health risk, the impact on peoples' lives and our statutory responsibilities. There are a wide range of options available to officers to bring about improvements including the provision of education and advice or where necessary, taking proportionate enforcement action.

Officers are also responsible for initiating and managing projects aimed at improving identified problem areas. Proactive projects have been deployed on both a citywide basis focussing on specific topics, and at a local level tackling issues that have been raised through residents, community groups, forums and Ward Committee meetings. Officers are involved at all stages of project working from planning and consultation to co-ordination of partnership working and implementation. These projects have benefited greatly from partnership working with both internal departments and external partnership organisations including; the West Midlands Fire Service, Police and National Health Service. This joint working is in line with the city council's focus on integrated working and has proved efficient, effective and mutually beneficial to all of the participating organisations involved, to businesses, the residents of Birmingham and to the wider public.

Customer Satisfaction with the services has been excellent. More details are contained in the final appendix of the full report; Pest Control's overall satisfaction is 95% and 71% for Environmental Health which is good considering the regulatory nature of the work. Environmental Health have fluctuated this year in their satisfaction rates and it is felt that this is attributable to less resources being available to negotiate disputes/neighbourhood problems which are not reaching the threshold for statutory interventions.

The work undertaken by the Environmental Health Service is précised in the table below and more descriptive detail is given in the following pages:

All Environmental Health and Pest Control Requests for Assistance		
Total Jobs		68,627
	Env Health RFAs total	31,114
	Pest Control RFAs total	14,867
	All Inspection Total	19,051
	Other Jobs not RFAs	3,595
Environmental Health Breakdown		
Waste related enquiries	RFAs	9,398
	Waste Incidents not subject to complaint	2,967
Statutory nuisance	Noise	4,783
	All others	1,428
Animal Welfare	Dog Wardens	3,375
	Animal Welfare (not dogs)	324
Food complaints		3,863
Infectious diseases		1,196
Licensing enquiries		346
Health and Safety	Enquiries	526
	Incidents (Accidents)	592
Unauthorised encampments	On council land	359
Other		4,924
Source of RFAs	Cllr, MP, CX & SD	1,010
	Public	30,104
Pest Control Breakdown		
Rats	Rat in Garden	6,034
	Rat in House	3,813
	Mice reported as Rat in House	509
Pests other		4,511
Source of RFAs	Cllr, MP, CX & SD	55
	Public	14,812

Environmental Health Inspections Breakdown		
Inspections	Food Inspections	7,946
	Food Standards Inspections	2,234
	Health and Safety	2,572
	Environmental Protection	125
	No Smoking Compliance	2,537
	Duty of Care	3,469
	Animal Welfare	168

Number of Criminal Prosecutions undertaken by Environmental Health:

CASES FINALISED BY LEGISLATION 2016/2017

LEGISLATION	CASES	OFFENCES	FINES	COSTS AWARDED	OTHER PENALTY
Pet Animal Act 1951	1	1	-	£500	12mth conditional discharge. Disqualified from keeping a pet shop for 24 months
Clean Neighbourhoods & Environment Act 1995	2	2	£515	£385	12mth conditional discharge
Dogs on Leads Order 2014	4	5	£2,210	£1,190	
The Fouling of Land by Dogs Order 2014	2	2	£375	£500	
Section 33	45		£69,793	£28,616	+ 8 month prison sentence, + 6 week community order with curfew, + 4x 12 month conditional discharges, = 1x 6 month conditional discharge; clean-up costs recovered £815
section 34					
Section 46					
Section 80	2	4	£2,250	£1,700	12 month conditional discharge
Section 87	574	574			
Food Safety and Hygiene (England) Regulations 2013	63	153	£687,629	£100,866	16wk prison sentence suspended for 12mths
Health Act 2003	1	2	£180	£275	
Health and Safety at Work etc. Act 1974	3	3	£13,480	£507	12mth suspended prison sentence + 100 hrs unpaid work
Prevention of Damage by Pests Act 1949	1		£50	£2,591	
Town & Country Planning Act 1990	1	9	£80	£3,175	
TOTALS	699	755	£776,562	£140,305	

Litter Reduction Initiatives

During the year a programme to support continued reductions in litter levels was run across the city that involved anti-litter and free printed matter distribution scheme compliance patrols. Working with the support of West Midlands Police, a total of 6,306 Fixed Penalty Notices were issued which is an increase of 451 over last year. During the year 574 criminal prosecutions were instigated against persons who committed litter offences and who declined to discharge their liability to prosecution by paying a fixed penalty amount. The average fines and court costs imposed by the court on conviction were £193.19 plus costs of an average £181.37.

Over the course of the year 208 consents were issued to permit the distribution of free printed matter in the City's designated control areas. These consent zones continue to be an effective tool in reducing defacement from discarded promotional material.

Street Litter Control

Environmental Health has been promoting the voluntary agreement in relation to fast food take aways and street litter. The programme involves both statutory enforcement and roll out of a Voluntary Agreement for businesses to adopt in order to proactively undertake litter deterrent and clearance activities. Partnership working has been carried out with bodies such as business improvement districts and both small and large businesses. Businesses and local authorities play a vital role in educating the public not to drop litter and setting a good example through existing practice (an example would be where a business organizes their staff to litter pick in the vicinity of the premises on a regular basis). 20 zones were surveyed by Environmental Health which included multiple businesses the action has resulted in 5 notices being served and 70 businesses joining up to the Voluntary agreement. This is a well-received initiative and Environmental Health is continuing partnership working with businesses and using enforcement where required. The street litter control – voluntary agreement has been successful in 90 McDonald franchises joining the Voluntary Agreement and a further 40 Subways within Birmingham also joining the voluntary agreement in relation to helping keep the streets litter free. This has continued with 56 William Hills that have joined up to the voluntary agreement which includes litter picks of cigarette butts & receipts. There is continues work with regards to re-surveying areas to ensure compliance of the voluntary agreement.

Waste Enforcement Unit – (Commercial and Household Waste Enforcement)

Waste related offending including fly-tipping and non-compliance with business waste disposal requirements creates a significant financial burden for the city due to the clean-up costs involved and environmental blight caused. The Waste Enforcement Units primary focus is to investigate and apply criminal sanctions where offences can be evidenced to the court standard, including where witnesses to offending are prepared to give evidence in court.

During the year just over ten thousand waste related complaints and requests for assistance were received. Through a team of 14 officers enquiries were managed and triaged through a series of investigation and evidence gathering processes. This includes investigation of small scale local offending through to complex investigations involving multi-agency involvement through the Government Agency Intelligence Network (GAIN).

The enforcement team is supported by a Waste Prevention team whose primary roles are to support correct household waste presentation, to promote household recycling and to facilitate community involvement, including community clean-ups and schools engagement. This team also undertook a programme of local environmental quality assessments aimed at assisting management of waste

hotspots and delivery of street cleansing resources through the ward waste management teams and plans.

From enforcement operations, 5 persons suspected of involvement in fly-tipping were arrested with support from West Midlands Police, 11 fly-tipping vehicles were seized, 40 waste related cases were concluded at Birmingham magistrate's court and a total of 96 cases were submitted to the City's solicitors for consideration of criminal proceedings. The summary of enforcement interventions for the period is shown below:

Waste Investigations/Interventions	2016/2017
Investigations into suspected commercial waste disposal offences and offences	652
<u>Section 34 Environmental Protection Act</u> – statutory trade waste information demand notices issued	536
<u>Section 34 Environmental Protection Act</u> - Fixed penalty notices issued to businesses (£300)	185
<u>Section 87 Environmental Protection Act</u> - Fixed Penalty notices issued for commercial and residential litter related waste offences (£80)	71
<u>Section 33 Environmental Protection Act</u> - Fixed penalty notices issued for fly tipping (£400)	33
Number of prosecution files submitted to legal services	96
Vehicles seized for suspected involvement in fly-tipping	11

Fly Posting and Placarding

Environmental Health has continued to undertake a range of education and enforcement interventions with regards to illegal advertising. As a result criminal proceedings are currently being progressed against a number of individuals and companies in relation to offences that have occurred during the course of the year. In addition to criminal proceedings, your Officers employ a range of civil remedies in order to try and bring about a reduction in illegal advertising. Such action includes charging beneficiaries of the advertisement for costs incurred in removing their illegal advertisements. Environmental Health continues to work with Amey under the terms of the City Council's PFI contract and with the Department's Pest Control section who assist in removal of illegal advertising for Civil Debt Recovery purposes.

A number of changes have been made to the City Council's website and contact centre scripting which should make it easier for members of the public to report incidents of flyposting and should speed up response/removal times.

During the course of the year, Officers from Regulation and Enforcement have made representation with regards to eight premises licence reviews which has resulted in specific conditions being imposed on the premises licences designed to control illegal advertising.

Safety of Void Commercial Properties

In 2016/2017 Officers continued to work with colleagues from West Midlands Fire Service, West Midlands Police and Acivico on tackling problems associated with void and insecure commercial buildings. During the year, action was taken to investigate and deal with the highest risk buildings that posed an imminent injury to both fire crews and persons who might enter the building (in particular rough sleepers). The work of Building Watch runs in parallel to the City Council's Empty Property Strategy, which targets interventions at void residential buildings.

Domestic Noise Complaints

This section deals with noise problems impacting on residents caused by loud amplified music, intruder alarms, barking dogs, and mechanical noise, from either a domestic, industrial or commercial source.

During 2016/2017 a total of 4,783 noise complaints were received. Many of these were resolved through informal action. Where informal action proves unsuccessful and the noise is continuing, evidence of the noise is gathered from installing noise monitoring equipment into the complainant's property and/or by officers visiting the resident's property to listen to the noise during the day or at night. Environmental Health provides an out of hours service which operates between the hours of 19:00 hours until 01.00 hours Sunday to Thursday and from 20:00 hours until 03:00 hours on Friday and Saturday. This provides an invaluable service to residents to enable evidence of the noise to be gathered at unsociable hours.

89 noise abatement notices were served for noise offences affecting residents and 14 seizures of sound equipment took place following breaches of notices. After 28 days those who pay for the full costs incurred by the city in undertaking the seizure of the noise equipment, have their property returned. In cases where further breaches of notices occurs after seizure i.e. where new or returned equipment is used to create a further problem, criminal proceedings are taken against the offender.

This service continues to be an effective way of preventing noise nuisance, and our actions have a dramatic impact on those members of the community whose lives are impacted by noisy neighbours.

Smoke Free Birmingham

Environmental Health and Trading Standards work closely with other partners to control illicit and counterfeit tobacco products, underage sale and inappropriate use and sale of tobacco in Birmingham, including Shisha and E-cigs. Tobacco control requires an integrated approach with partners because as well as being more cost effective there are other factors that require consideration:

1. Reducing smoking prevalence reduces the harm to people's health and contributes to reducing health care and economic costs (worklessness) associated with early onset of morbidity and mortality from smoking related diseases. Reducing the availability of tobacco products to young people under the age of 18 contributes to reducing the uptake and subsequent addiction to tobacco.
2. Securing tobacco control has a direct economic benefit to Birmingham which is directly linked to reducing/preventing the impact from counterfeit and non-duty paid tobacco on society.
3. A regulatory focus on responsible smoking and tobacco-use directly supports compliance and tackles unfair competitive advantage within businesses [smoke free] premises, and underpins community safety initiatives relating to reducing crime and increasing safety at venues and on public transport.

The core tobacco control activities that Trading Standards and Environmental Health contribute to are:

- Protecting people from harm (from illicit tobacco; second hand smoke).
- Helping people to quit (smoke free environments and policies; working with stop smoking services).
- Preventing people from starting smoking (underage sales, point of sale displays; smoke free).
- Smoke free workplaces and public places (businesses; services and travel).

Environmental Health has responsibilities for enforcing the smoke free provisions contained in the Health Act 2006. This prohibits smoking in public places that are indoors or publicly shared vehicles or commercial vehicles. To facilitate this during 2016/2017 we continued and implemented a number of targeted interventions which included:

- Proactive inspection of businesses and work vehicles to check compliance with smoke free legislation.
- Education and enforcement exercises involving the smoking of shisha, working extensively within a multi-agency setting.
- Raising awareness of shisha business compliance and public health associated issues with other agencies.
- Working with other West Midlands Local authorities and Public Health England to produce effective harm reduction messages and platforms to inform shisha users
- Maintained partnership working with planning to ensure Environmental Health is a consultee with planning applications with any proposed smoking shelter.

These activities were also supported by Trading Standards around the under-age sales and Health Warnings, and by Her Majesty's Revenues & Customs in relation to illegal importation of tobacco based products. Planning, Public Health, West Midlands Fire Service and Police Service have also provided support.

Inspections in relation to checking compliance with no-smoking legislation have continued. During 2016/2017 2715 premises were inspected. 13 complaints were received and investigated regarding smoke free non-compliance. In total 14 people received fixed penalty notices for contravening the Health Act 2006, which required payment of the statutory fee of £50 or £30 if paid early. There has been one summons issued, relating to businesses not complying with the Smoke free regulations under the Health Act 2006 legislation.

Shisha Premises

Shisha is a sweetened form of tobacco and involves the use of a pipe or hookah which is used to inhale the smoke once it has been passed through water. The list of health effects associated with shisha is similar to those associated with cigarettes. The tobacco used in the pipes or hookahs contain tar and nicotine, and results in exposure to much higher levels of carbon monoxide. The practice of smoking shisha is not in itself illegal. However, businesses are still required to comply with the same smoke free legislation that relates to smoking in any premises where the public have access to.

Compliance and safety of Shisha premises in Birmingham has continued to be a priority. Working collectively with Trading Standards, Licensing, Public Health, West Midlands Fire Service, West Midlands Police Service and Planning, these agencies form a cohesive working partnership, working with both businesses and residents to increase the safety and compliance of the businesses and increase resident's confidence in their neighbourhood.

Last year, compliance inspections were undertaken of 11 shisha premises within the city. Five health and safety prohibition notices were issued in respect of dangerous equipment and practices in these premises. The majority of these inspections have been undertaken with other agencies. Work in this area continues during 2017/2018.

City Centre Project 2015/2016

Environmental Health continued in 2016/2017 to provide assistance with reducing impacts from noise levels and antisocial behaviour within the City Centre. The Guide to Busking and Street Entertainment was approved by Licensing and Public Protection Committee and the Cabinet member for Transparency, Openness and Equality and was launched in October 2016. Business, residents, buskers and entertainers have been provided with the guidance which includes advice on how noise and antisocial behaviour related issues are dealt with. Should these behaviours not be adhered to then this forms the basis for action against individuals under the Community Protection Notice (CPN) procedure (Anti-Social behaviour, Police and Crime Act 2014). To date no CPN has been served for this activity, however, a number of warning letters have been served on individuals.

In November 2016 Environmental Health contracted two Anti-Social behaviour officers to assist with dealing a number of antisocial behaviour activities within a defined footprint of the City Centre. This activity includes assisting rough sleepers into support services, evidencing any criminal behaviours for further action; assisting

with waste issues in alleyways; first actions around noise from buskers and preachers. The ASB officers work closely with West Midlands Police; Retail and Colmore BID's; Health related services; homelessness and support services.

Pest Control

During 2016/2017, the Pest Control Section continued to offer a range of services to both domestic and commercial customers in the city. In domestic premises we continued to include free treatment for rats. The section also continued to provide free advice on the control of all other pests and supplied free poison for the treatment of mice. The latter is available through all Birmingham City Council Neighbourhood Offices. In addition, between July and October the section offered a chargeable service for the treatment of wasps' nests to both domestic and commercial customers.

Commercially the section provided a wide range of competitively priced pest control services which are reported in the City Council's Fees and Charges Policy. The section has treated all pests (except rats at domestic properties) on a chargeable basis to all private non-food businesses and all City Council Departments. We have successfully obtained new contracts and continue to expand our portfolio of chargeable treatments. During 2016/2017 we continued to operate chargeable services for squirrels, ants, bird control, fleas, cockroaches and bed bugs. By far the greatest change has been with the continued expansion of the Land and Property Clearance Service. This has again helped to alleviate budgetary pressures. Officers continue to look for Pest Control opportunities by working closely with internal and external partners.

Furthermore, the section provided specialist support services to the Environmental Health Section and other City Council Departments. These included the clearing of 'filthy and verminous' premises and the disinfection and cleaning of areas which may have become contaminated with bodily fluids.

Key achievements of the Pest Control section during 2016/2017 include:

- The section has dealt with a total of 14,866 requests for assistance (RFA) from residents of Birmingham. Of these 9847 were to resolve problems associated with rats either in gardens or within domestic properties.
- Pest Control has continued to liaise and promote our Property Clearance Service to internal and external partners. The role has grown in terms of capability, size of land and size of contracts. Work enquires for clearance work have increased from 363 enquires in 2014 to 721 enquires. Staff working in this area has increased from 6.5 to 15 full time equivalent officers working 5 days per week.
- The take up of pest control treatments from internal council departments has fallen; however, the Service has received very positive feedback from those contracts which we hold. This has resulted in more opportunities being made available from existing income streams. We continue advertise and seek opportunities offered outside Birmingham City Council.

- 321 domestic premises were proactively approached to undertake an inspection for the presence of rats. Those premises in hotspot areas which were identified as having rat infestations were treated to eradicate the problem and others were given proofing advice to prevent problems in the future.
- Working with Environmental Health to remove flyposting/placarding across the City of Birmingham 1500 have been taken down.

Complaints relating to bedbugs have significantly increased. Each job is likely to take two to three times as long to complete as dealing with an average rat in garden job due to what is involved in delivering the treatment. In 2008 we received 249 requests for this service, in 2013/2014 this had increased to 595. Officers are now dealing with 816 requests for assistance in 2014/2015. As we are now charging for bedbugs from April the levels of enquires during 2015/2016 are 358 and for 2016/2017 317

Food Safety Inspections

More than 3,600 food hygiene inspections and over 2,200 food standards inspections were carried out during 2016/2017. This represents 94% of the programmed inspections that were planned for the year. Items covered during inspections include hygiene of premises and practices, compositional standards, claims and advertising, traceability, food fraud, sampling and training.

Food Hygiene Rating Scheme

Following the launch of the National Food Hygiene Rating Scheme in November 2012, the scheme has grown in popularity. The new ratings website where hygiene scores for businesses are displayed features over 6,200 Birmingham food businesses. As part of the scheme officers provide window stickers for all businesses in the scheme. The scheme, in addition to providing information to consumers, is seen as a useful tool to encourage businesses to improve. This is demonstrated by the increasing number of businesses applying for a rescore after making improvements, over 150 made such an application in 2016/2017.

Food Enforcement Action

During 2016/2017, 92 premises were found to present an imminent risk to health and were closed immediately until all necessary works were carried out. This is significantly higher than the average number of closures which are normally carried out in Birmingham. Although this could be considered a large number, compared to the total number of inspections carried out, 3,641, it only represents 2.52% of premises which seriously failed to meet basic hygiene requirements and put their customers at risk.

Throughout 2016/2017, 63 prosecutions were finalised for food hygiene and food labelling related offences, with total fines amounting to £687,629 and costs recovered of over £100,000. In addition 10 businesses received a simple caution.

Primary Authority Partnerships

Officers from the Food Lead Team and Health and Safety Team have been taking steps to improve business compliance through the promotion of the Primary Authority Partnership Scheme, in conjunction with the Better Regulation Delivery Office. Regardless of its size, a business operating across council boundaries can form a Primary Authority Partnership with a single Local Authority in relation to regulatory compliance. By working closely with the business, a Primary Authority can advise on the principles of the food regulations and health and safety regulations to the businesses specific circumstances. This provides robust and assured advice and this advice must be respected by all regulators enabling the business to operate with assurance and confidence. Any activities undertaken by the Local Authority as part of the Primary Authority Partnership are recharged to the business on a cost recovery basis (the scheme does not allow for an element of profit). Partnerships have been signed with:

For food safety and standards matters partnerships have been signed with: Mondelez, Handmade Burger Company, Virgin Trains, Interstate Hotels and Resorts, Valerie Patisserie Holdings, Thai Leisure Group, and Wing Yip, with further partnerships being developed with Cross Country Trains, Chiltern Trains, and Walter Smith Butchers.

For health, safety and welfare matters partnerships have been signed with: Marks & Spencer, The John Lewis Partnership, Claire's Accessories, Valerie Patisserie Holdings, Philpotts and Gala Bingo.

Sampling

Complimentary to the inspection activity already detailed as part of the City Council's statutory responsibilities we also undertake a range of proactive food related surveys. These include investigations into the microbiological safety of food products as well as composition and labelling to check that food sold in Birmingham is safe to eat and meets the statutory requirements.

As part of this programme, 8 food and water surveys were carried out comprising of 121 samples in total; this is a reduction from the 122 samples taken in the previous year. Of these 121 samples 23 were unsatisfactory. This is a slightly higher failure rate than in previous years which demonstrates the improved targeted and intelligence led programme. All of the issues identified were raised with the companies concerned and their home or primary authorities and follow up action was taken to ensure that problems were rectified and where necessary food products removed from sale.

Infectious Diseases and Food Poisoning

All sporadic cases and outbreaks of gastro-enteritis are investigated. During 2016/2017, 1,196 sporadic cases and 7 outbreaks were investigated. Investigations of outbreaks of gastro-intestinal disease includes the promotion of regular hand washing and disinfection of surfaces as well as other controls in order to reduce the spread of infection as quickly as possible. Officers work with the Health Protection

Unit to ensure a joined up approach to controlling the spread of gastro-enteritis and food poisoning.

Outdoor Events

Officers have worked in partnership with the Council's Events Division. An officer was appointed to offer specialist advice concerning food safety at the major outdoor events which took place in the City including the Christmas German Market, the Vaisakhi celebrations and the Carnival. Over 250 inspections were carried out of food premises at events to ensure that they are a success. The demand in this area of work is hugely increased and for 2016 included very high profile events in the city.

Health and Safety Regulation

The City Council has the responsibility for enforcing health and safety law in approximately 21,000 commercial premises. During 2016/2017 there were 3,690 health and safety related interventions made, these included inspections; dealing with requests for assistance; investigating accidents, incidents and cases of occupational disease; and targeted interventions (project work).

Inspections

During the 2016/2017, 291 premises received proactive inspections. These were undertaken in accordance with the National Local Authority Enforcement Code ('the Code'). Inspections comprised of: high-risk rated business sectors; activities identified nationally as high-risk by the Health and Safety Executive; and high risk sectors and activities identified using local intelligence. They included:

- Inspecting 36 warehouses and tyre fitting premises to ensure that risks from falls from height and workplace transport are controlled. This activity was a national priority as defined by the HSE.
- Carrying out interventions at 20 distribution premises to assess the controls in place to prevent employees and members of the public being struck by moving vehicles. Again this activity was a national priority as defined by the HSE.
- Undertake intervention work with all 9 of the cooling towers, in Birmingham, for which the council has enforcement responsibility so as to ensure that the risk from legionella is being controlled.
- Inspections of Shisha bars have been undertaken to assess the risks to the health of employees and health and safety of members of the public. As a result of these inspections a number of prohibition notices were served.
- Checks of gas appliances and catering equipment identified a number of unsafe catering appliances. 5 Prohibition notices were served to prevent the use of unsafe equipment.
- Further work has been undertaken to carry out inspection of machinery at all food businesses. Prohibition Notices were served where unsafe food machinery was found (e.g. safety guards were missing or not used). As a result of ongoing concerns and reported accidents this work will continue in the forthcoming year.

Requests for Health & Safety Assistance

During 2016/2017 officers responded to 334 requests for assistance concerning working conditions or practices. These included concerns regarding staff welfare and dangerous work practices.

Incident Investigations

There were 592 notifications of accidents, dangerous occurrences and cases of occupational disease reported during 2016/2017. Whilst not all of these required investigation, 74 investigations into serious incidents were either begun or continued during the year. Some of these investigations take a considerable investment of time and have included working with expert witnesses and other regulators.

This year, incident investigations included:

- Two investigations of employees falling over 4 metres through sky lights at two separate premises over the year.
- A reported accident causing seriously injury to an employee when a chain cutting machine fell.
- An employee falling 4 metres down a lift shaft whilst moving stock.
- An incident where an employee fell 2.5 metres from a delivery hatch.
- A contractor falling from a ladder and down a flight of stairs causing injury to his back and neck.

Enforcement Action

As a result of enforcement activities, 55 Prohibition Notices were served requiring the cessation of dangerous activities. These related to areas such as defective fork lift trucks, dangerous gas appliances, unguarded catering equipment, employees working at height without edge protection and dangerous electrical systems and 34 Improvement Notices were served, requiring improvements in safety standards.

Successful legal proceedings undertaken during 2016/2017 include:

- The owner of a restaurant was fined £13,000 for failing to comply with an improvement notice in relation to gas safety requiring improvements to be made. Officers had found unsafe procedures being used in relation to the operation of gas equipment during an inspection.
- Two owners of a food business were sentenced for breaching a machinery guarding Prohibition Notices which had been served during previous inspections. Against one of the owners the Court imposed a 12 month suspended sentence and ordered him to carry out 100 hours unpaid work and the other owner was fined £480. In both cases the defendants were ordered to pay the costs for the action.
- The owners of a supermarket were prosecuted for failing to protect employees when a worker was seen using a baler machine with his hands inside the unit whilst it was operating and for obstructing the investigating officer. Following the request by the company for an adjournment, the case had to be withdrawn when the company was taken over by receivers.

A further 7 files are currently being prepared for the instigation of legal proceedings.

Role in National Health and Safety Agenda

Birmingham City Council continues to maintain a prominent role in the national health and safety agenda. On a regional and national level we have been prominent in representing local authorities on groups including:

- Officers representing the Council as chair of the West Midlands Health and Safety Liaison Group and member of the Midlands Health and Safety Regulators Group
- We continue to work closely with our Primary Authority Partners and have provided a positive impact through the generation of inspection plans and assured advice to reduce unnecessary inspections.
- Our officers contributed to the Primary Authority Supermarket Group which consists of local authority Primary Authority Partners who work with supermarkets. We have helped to direct consistent assured advice across the sector.
- Two business forums with local businesses to offer assistance and support in dealing with health and safety requirements.

Environmental Protection

During 2016/2017 the Environmental Protection Unit (EPU) worked to safeguard public health and the environment from adverse emissions across all environmental media (land, air, and water), including emissions of noise / vibration and the control of waste. EPU comprises of four disciplines that contribute to this aim: Acoustics, Air Quality, Contaminated Land and Pollution Control.

Acoustics

The development of policy and provision of services to address problems concerning both noise nuisance and environmental noise continued to play an important role in our work during 2016/2017. EPU Acoustics continue to provide expert advice and noise monitoring services to support noise/vibration complaint investigations, planning and licensing consultation issues. The primary work delivered by the service for Environmental Health covered:

Receiving 479 requests for noise monitoring to support noise nuisance complaint investigations (a slight increase on the previous year) and installing equipment at 364 residential properties across the city. The waiting time for installation of noise monitoring equipment was been maintained at 1 week.

Continuing to provide support to the wider Environmental Health on technically complex noise nuisance cases and noise reports presented in support of planning applications, and also provide support to the Licensing Section with regards to outdoor events.

The provision of advisory support to premises licence holders when setting noise limiters imposed as conditions on premises licences.

In addition EPU Acoustics provided assistance to other Council departments, housing associations and local authorities on a fee paying basis.

During 2016/2017 this assistance brought in around £7900, which can be broken down as follows.

EPU Acoustics received requests for noise monitoring from other Council departments (including Housing Anti-Social Behaviour officers and Social Services). In these cases EPU Acoustics install the equipment and provide analysis facilities. The investigating department then determined the appropriate level of enforcement action.

An EPU officer continues to provide acoustics support, on a fee-earning basis, to a nearby Local Authority. This support resulted in additional income of £1,289.

Air Quality

The monitoring and improvement of air quality across the City has continued to be an important aspect of the role of the EPU with attention on local and national air quality being focussed by the European Commission commencing infraction proceedings against the UK Government for ongoing breaches of the EU Air Quality Directive.

The work carried out during 2016/2017 focused on two pollutants, nitrogen dioxide (NO₂) and particles [(coarse particles (PM₁₀) and fine particles (PM_{2.5})]. In December 2015 the UK government announced that they intend to mandate that Birmingham implements a Clean Air Zone to address exceedances of the Air Quality objective for NO₂ in the City Centre. During the year it became clear that the Government's Air Quality Plan would need to be revised following the scandal around vehicular emissions, reported in the media as the Volkswagen Scandal, and by continued legal challenges by the environmental legal group Client Earth.

Officers from the service have worked closely with colleagues from a range of other Council services, specifically within Transportation, to progress the Clean Air Zone obligations, this including working with Defra to devise a framework for a scoping study to devise a baseline position for the City and ultimately to predict changes to that baseline arising from technical interventions. By the close of the financial year the preliminary work around the scoping study was completed and the scoping study would commence in earnest within the following financial year.

The year also saw the establishment of governance around air quality with the creation of an Air Quality Members Steering Group comprising key Cabinet Members (Clean Streets, Recycling & Environment, and Transport, and Health & Social Care, as well as the Chair of Licensing & Public Protection) supported by an officer level steering group. The focus of the groups was to deliver on the Council's obligations and also to ensure that air quality is mainstreamed across all Council decision making processes.

In order to demonstrate the quality of the air in Birmingham the service maintained the following monitoring network:

- Air quality was continuously monitored at five locations across the City with a data capture rate maintained in excess of the Department of the Environment Food and Rural Affairs (Defra) target of 90%.
- Officers from the service undertook non-continuous monitoring of nitrogen dioxide using diffusion tubes at around 90 sites around the city.
- Birmingham continues to contribute to the national polycyclic aromatic hydrocarbon and Black Carbon monitoring networks for which the Council receives payment.

The outputs from the monitoring are used to demonstrate compliance (or otherwise) with legislative limits.

Monitoring of PM10 is undertaken at 2 sites and demonstrates that the City remains below the legally defined objective level. The monitoring of NO2 levels showed that busy roadside locations and certain parts of the city centre continued to exceed the national annual mean objective level (of 40µg/m3). Although the levels exceed the national standard, they continue to show an encouraging downward trend at some locations.

Despite some encouraging signs, the challenges around the Clean Air Zone will necessitate a revision of the network and plans commenced to relocate two air quality stations to within the city centre area and also to revise the tube network once the CAZ baseline study is complete. The revision of the network will be completed in the following financial year.

Contaminated Land

The work carried out by the Contaminated Land Function includes fulfilling the Council's obligations in respect of Part 2A of the Environmental Protection Act 1990. This involves implementation of the Contaminated Land Inspection Strategy, and ensuring that the legacy of historic land contamination is addressed during the regeneration of the City.

- A revised Contaminated Land Inspection Strategy has been drafted but challenges relating to financing as a result of the loss of Government funded grants require consideration before this can be formally progressed.
- During the year officers continued to review site assessments and/or remediation strategies in response to applications for planning consent. The majority of these related to the redevelopment of brownfield sites.
- There were 78 formal requests for environmental information to support conveyancing reports. This work is income generating and resulted in revenue of over £6,000 (a reduction on the previous year).

Pollution Control

The work of the Pollution Control Officers covers the proactive regulation of emissions from industrial processes, the investigation of complaints relating to

environmental emissions from industrial and construction sites and licensed entertainment premises in the city centre, and providing consultation responses to both Planning Management and Licensing on environmental matters. Significant achievements in 2016/2017 included:

The emissions produced by 220 industrial and commercial processes were regulated, ranging from petrol stations to the Jaguar car manufacturing plant. During 2016/2017 we conducted 125 inspections, but due to resources only achieved 90% completion of the planned inspection programme. The remaining processes will be inspected in the next financial year.

The prevention of future environmental problems is also an important element of work. During 2016/2017 Planning Management consulted us in relation to the environmental consequences of proposed developments relating to 2,497 requests for comment on specific planning applications. These included major developments which can have significant consequences within the city. One particular application related to an application for residential adjoining the new markets site at the Hub in Aston. Environmental Protection recommended refusal on noise grounds, a stance which was supported by Planning officers and Committee. The developer subsequently appealed the decision and the case was heard by a Planning Inspector who, following presentations by our officers, ruled in the Council's favour purely on noise grounds.

Officers are asked to comment on applications made under the Licensing Act 2003. They assessed 200 licence applications for new Premises Licences or variations of existing licences. Officers also assisted in assessing Temporary Event Notifications. Officers regularly raised representation and attended the relevant Committee to explain their concerns. This further assists in preventing future noise problems. Pollution Control Officers were also been involved in the investigation of nuisances arising from industrial premises and from licensed entertainment premises within the city centre and also assisted the Environmental Agency in investigations pertaining to permitted waste installations.

The response to notifications of illegal or unauthorised encampments, principally due to travelling families, is also a function led by this service. In 2016/2017 officers dealt with 117 such encampments on Council land. This year was especially challenging with the number of encampments effectively doubling that of the previous year and this produced significant challenges for the service and for affected citizens. The service has refreshed the support available and now employs a new company of enforcement agents (bailiffs) to enforce evictions and also to provide cover for officers when not in work (weekends, holidays). Furthermore, the drive to find a site that can act as a transit site and thereby relieve pressure on more sensitive land, whilst affording both the Council and West Midlands Police with additional powers to repossess sites has continued, and a cross service working group comprising all landowning departments has been established to consider the problem and deliver a sustainable solution.

Low Emissions Towns and Cities Programme

The Low Emissions Towns & Cities Programme (LETCP) was established in 2011 and is governed by a Board comprising all West Midland Authorities which meets bi-monthly. The LETCP is directed by a part-time Co-ordinator employed by Walsall with additional strategic and technical support contracted by Walsall and Birmingham. The objective of the LETCP is to produce and implement a West Midlands Low Emission Strategy (LES) to both encourage low emission vehicle uptake while discouraging the use of high emission vehicles.

The programme is grant funded through Defra and awards have been issued over three years, giving rise to three distinct phases to the project. Phase one has effectively completed with the finalisation of the Low Emissions Vehicle Strategy, whilst Phase two completed back in 2015. Phase three is not yet scoped and with the focus on Clean Air Zones the LETCP has been otherwise engaged. It is proposed to revisit the role and function of the LETCP, along with the remaining funding (Phase three) in the new financial year, following publication of the new Air Quality Plan by Government.

Animal Welfare

The Animal Welfare Team is responsible for a wide range of inspection and enforcement activities. These involved a variety of pet animal and livestock keepers, including licensed premises such as dog breeders, commercial kennels and catteries, pet shops, horse riding establishments, exotic and dangerous wild animal keepers, people who use and train performing animals, zoos and animal transporters. Significant achievements in 2016/2017 included:

- Fulfilling the service level agreement with the Children, Young People and Families Directorate to effect an assessment of a dog when kept by a prospective adoptive or foster parent, resulted in 74 assessments being carried out and reports being submitted. This resulted in additional income of £6,577.52.
- A total of 84 licences were issued to animal establishments following inspection and a further 3 performing animal certificates issued.
- Disease restrictions continued to affect the transport of farm animals and a total of 1,407 activities involving inspections and enquiries were recorded on the Defra databases. Some 13 animal transport vehicles were inspected, of which 4 were found to be defective.
- A total of 87 visits were made to the five abattoirs in the city to ensure compliance with animal movement controls and the safe disposal of animal by-product waste.
- The Dog Warden service received 3,349 requests for assistance and advice. A total of 796 stray dogs were seized, of which 710 were impounded at kennels and 86 returned directly to their owners. A total of 299 dogs were claimed by owners, which resulted in additional income in respect of claim charges of £5,525. A further £2,127 was recovered by the DWEO, from those dog owners whose dogs were returned to them direct.
- Concerns over the fouling of public areas by dogs resulted in 803 complaints. A total of 75 proactive dog fouling surveillance enforcement exercises were

undertaken and 18 Fixed Penalty Notices being issued to owners who failed to clear up after their pets and some 50,000 poop-scoop bags were handed out to dog owners.

- Other initiatives to deal with dog fouling nuisances, involve the use of anti-dog fouling stencils, spraying dog faeces with high visibility paint with associated posters displayed on lamp posts and the use of posters produced by Keep Britain Tidy, depicting eyes that glow in the dark. Improved statistical reporting now allows for the identification of dog fouling hot spots, in order to target surveillance and proactive work effectively.
- The DWEO worked in partnership with housing associations, residents groups, schools, West Midlands Police and other residents groups to promote and support dog fouling initiatives.

Dog Control Orders

The 5 Dog Control Orders came into effect on 1 March 2014 and continue to be effective tools in tackling irresponsible dog owners who fail to control and clean up after their pets. The Orders have been implemented by the DWEO through educational and enforcement means. Some 12,000 signs have been affixed to lamp posts across the city and 493 warning letters sent to dog owners. The team have also issued a total of 28 (£80) Fixed Penalty Notices, 18 for dog fouling offences, 8 for dogs that have been seen straying off leads on public road and a further 2 for dogs that were found in children's play areas or school land, contrary to the dog exclusion order. One person has also been reported for failing to have their dog on a lead on a public road, for failing to put the dog on a lead when instructed to do so by an authorised officer and also for obstructing officers by failing to provide a name address and date of birth.

Promoting Responsible Dog Ownership

Promoting responsible dog ownership is seen as essential in reducing the problems associated with the control and care of dogs and also in reducing the numbers of stray and unwanted dogs. In addition to the 75 dog fouling surveillance exercises the DWEO have also participated in a range of local community events. The 15 events undertaken involved action/enforcement days, all out days and free dog micro chipping events and were aimed at raising awareness to dog owners of their legal and social responsibilities. There was an emphasis on promoting dog micro chipping, as compulsory micro chipping for all dogs came into force on 6 April 2016. All events involve partner organisations, including West Midlands Police, Dogs Trust, and People's Dispensary for Sick Animals, Park Rangers and Housing Officers. Activities involve educational and enforcement patrols, the issue of discounted dog neutering vouchers and free dog micro chipping.

The DWEO have enforced the provisions of the dog micro chipping regulations, following its implementation. This has resulted in a total of 67 Notices being issued to keepers of dogs, where it was discovered that their dog was not micro chipped in accordance with the new regulations. Of these Notices 42 were complied with, 17 were withdrawn as the keeper no longer had the dog and one person was reported for prosecution and a further 7 are pending further action. One person was also reported for prosecution as she sold a puppy that was not micro chipped and another

person was reported for obstructing an authorised officer seeking to check a dog for a microchip.

In line with the introduction of compulsory micro chipping a new process has been developed and is now in place to ensure that all cats and dogs found deceased across the city are now scanned for a microchip. Officers in the Animal Welfare Team collate and retain any information on these animals and will also notify the animal's owner. This is a service improvement and whilst many animal owners are upset to learn that their pet is deceased, it nonetheless provides closure.

Animal Related Complaints and Other Activities

The DWEO assisted with 33 eviction and forced entry processes. This assisted the Council's Housing Department, Housing Associations, estate agents, and private landlords. This support resulted in additional income of £2, 848.00

The service in relation to dog cruelty complaints temporarily ceased, but was subsequently reinstated. This resulted in a reduction in recorded animal cruelty complaints; however officers investigated a total of 129 requests for assistance in relation to poor living conditions, abandonment, lack of veterinary treatment or the malnourishment of dogs. As a result of these enquires, 3 persons were reported for prosecution for 4 offences of animal cruelty.

The DWEO continued to be part of the 'dogs at risk' scheme sponsored by the Dogs Trust. The scheme aims to reduce the numbers of unwanted puppies being produced by the distribution of discounted dog neutering vouchers. The team were able to obtain further vouchers and a total of 62 vouchers were issued.

Importation of Animals

The importation of dogs and puppies continues to be an issue of concern. Officers investigated 7 enquiries regarding dogs illegally imported into the UK. Six puppies were found to fail the import rules and were therefore seized and placed into quarantine kennels as required by legislation. All expenses incurred being paid by the dogs' owners.

Officers also investigated 25 reports of commercially imported dogs, which had been referred by Defra. The necessary additional requirements for commercially imported dogs were found to be in place.

TRADING STANDARDS SERVICE

The Trading Standards Service deal with a wide range of enforcement activities. They deliver services through an intelligence operating model that targets resources to ensure they tackle high risk issues (e.g. product safety, fraud etc.), the protection of vulnerable consumers and investigating organised crime groups. Business advice is offered on a first line basis but more bespoke advice can be offered through the development of a Primary Authority Partnership (PAP). Details of our priority areas are provided below.

Age Restricted Products

The prevention of the supply of age restricted products to minors remains a priority for the Service. Prevention work includes advisory visits to retailers where complaints may have been received, or to those who may have applied for a licence to supply alcohol. The majority of this work is reactive rather than proactive due to resources. Intelligence led test purchase exercises with the assistance of young volunteers are still undertaken. Where sales are made enforcement action as well as licence reviews would be considered.

Last year a total of 21 complaints were received for a whole range of age restricted products. This is a slight reduction on last year's figures. All premises where complaints have been made have been visited by officers and advised of their duties and obligations under the law. These premises are usually subject to a test purchase in due course. The number of complaints is encouraging when you consider how many retail premises sell age restricted products. This could be due to the amount of work undertaken over the years to advise businesses, but also the firm approach we take when sales have been made. However, we must also consider that incidents are under reported.

Alcohol - Six complaints were received relating to the alleged sale of alcohol to under 18s. All premises that were subject to a complaint received a visit from an officer. Advice, along with a warning notice and information pack would be issued reminding retailers of their obligations. Three of these premises were subject to an attempted test purchase; all resulted in no sales to the volunteer. Of the remaining three, one had closed down, and the other two will be tested in due course.

Tobacco - 11 complaints were received relating to the alleged sale of tobacco to under 18s. All would have been visited by an officer and advised in the same way as those subject to alcohol complaints. Six were subject to a test purchase exercise; of which one sold and is currently being investigated. Five of the premises were engaged in the supply of illicit tobacco products so were not considered suitable for our young volunteers to attempt a test purchase on a risk basis, but are in the process of being investigated.

Fireworks - The number of specialist premises selling fireworks continues to decline as most fireworks are sold through larger supermarkets. West Midlands Fire Service is responsible for registration of premises to sell fireworks/explosives. We do, however, continue to engage with both the Fire Service and the Police during 'Firework Season' and they have a point of contact should any issues arise. We have had input to information that the Fire Service have produced.

Trading Standards only received one complaint about Fireworks and this concerned licensing issues which the Fire Service dealt with. However, two enquires were received from West Midlands Police concerning the alleged sale of fireworks not to minors but to adults. A joint inspection was carried out; only one of the premises sold a small quantity of fireworks, but were not licenced, this was dealt with by the Fire Service. In addition they were also found in possession of a very small amount of illicit tobacco; this resulted in a warning and information was logged on our intelligence databases.

Knives and other products - No complaints concerning underage knife sales were received. One complaint was received concerning alleged offensive weapons, in reality it was a toy gun and the retailer removed the item voluntarily. Also one complaint was received regarding the supply of a computer games; this was dealt with by a comprehensive advice visit .

One complaint was received concerning Electronic-cigarettes being sold to minors it was visited during a test purchase exercise and no sale took place.

In April 2016 two officers assisted the Police in Castle Vale as part of an Age Restricted Product Awareness programme for local retailers. Seven premises were visited and comprehensive inspections carried out with trader advice packages issued; this was well received by the retailers and was a good example of continued partnership working.

Used Car Crime

Buying a vehicle remains one of the single most expensive purchases a consumer will make (apart from property). Consumers are entitled to know 'material information' regarding a vehicle's condition and history before making a decision to buy. They need to be assured that the vehicle is correctly described and most importantly safe. Unfortunately it is common for unscrupulous traders to mislead consumers when describing vehicles in advertisements whether they appear on business websites or advertisements that are placed on specialist websites such as Autotrader Gumtree or Piston Heads or even on vehicles that are advertised at the roadside. Trading Standards have a crucial role in identifying vehicles which may have been mis-described. The Service received 560 complaints in relation to car issues, these range from minor issues through to allegations that vehicles were unroadworthy. The Trading Standards Service advises businesses on how they can ensure they meet their obligations when selling vehicles. Trading Standards will also investigate incidents where vehicles have been mis-described. Officers also participate in sharing intelligence and developing joint initiatives on a regional basis in relation to used car sales.

Successful outcomes:

1. In July 2016 Mr. Mahood HUSSAIN a Director of **M.A. Trade Centre**, a company based in Yardley pleaded guilty to offences under the Road Traffic act 1988 for supplying a dangerous and unroadworthy vehicle and the Consumer Protection From Unfair Trading Regulations 2008 for placing a misleading advertisement. Following a complaint the vehicle was examined

by an independent vehicle examiner who commented that the vehicle was supplied in a dangerous and Unroadworthy condition due to the fact that the wheel securing nuts were loose on the rear wheels, the brake servo pipe was incorrectly fitted and the vehicle had sustained collision damage that would require extensive repairs. HUSSAIN and his company were ordered to pay fines and court costs totalling £7500.

Trading Standards also supported the consumer in a Small Claims action against the trader. The consumer won the case against the company but was forced to obtain a High Court writ to enforce the judgement. The case was covered by the TV series "The Sheriffs Are Coming" which was aired on 4th April 2017. The programme highlighted the difficulties that consumers and enforcement officials share when dealing with traders of this type.

2. In April 2017 Mr Mahood HUSSAIN appeared in Magistrates Court again following another complaint for similar offences. On this occasion HUSSAIN received fines totalling £2,397.
3. In October 2016 Mr Sohail Vikaas AHMED a Director of **CIA Motors Limited** who are based in the Tysely area of the city pleaded guilty to offences under the Road Traffic Act 1988, for selling a vehicle that was unroadworthy, The General Product Safety Regulations for selling an unsafe product and the Consumer Protection From Unfair Trading Regulations 2008 for placing a false advertisement.

In accepting AHMED'S guilty pleas the Court accepted that he did not sell the vehicle personally. He received fines of totalling £2,998. This highlights the fact the company directors are responsible for the activities of their companies

4. In another case a car trader was found to have supplied an unroadworthy Bentley for £29k. The consumer had instigated a civil action and also contacted Birmingham Trading Standards. An independent examination confirmed the vehicle was unroadworthy and therefore dangerous. The owner of the vehicle was interviewed; he was subsequently cautioned after giving a full refund and costs.
5. The directors of **French Car Spares Ltd** (Safraz HUSSAIN, Sherbaz HUSSAIN & Mohammed Aamir HUSSAIN) have recently pleaded guilty to misleading consumers as to the availability of spare car parts which creates offences under the Consumer Protection from unfair Trading Regulations 2008. Sentencing is expected in June 2017.

The case was instigated after numerous complaints to both police and Trading Standards from aggrieved consumers who had made online orders for spare car parts which then did not arrive. Customers were encouraged to pay for these parts by direct transfer into an account in the name of, or controlled by brothers. The company also used other trade names and customers were also given other false information. Many customers received nothing at all. Trading Standards obtained numerous witness statements from disgruntled consumers. A warrant was executed at the business

address and police also carried out a search at the home address. The three Directors were subsequently interviewed.

Other - Officers have also carried out other investigations and issued advice and warnings where appropriate. One extremely serious incident that came to the attention of this Service was when a consumer purchased a vehicle that was held together using a scaffolding pole that had been welded in place. In this instance no enforcement action was possible because the trader disappeared. However, this only emphasises the dishonest nature of some of those involved in the car trade and highlights the advice that consumers receive to do their checks into a vehicles history before they buy. This is why investigating used car crime complaints remain a priority.

Clocked Cars

Vehicles are commonly mis-described in relation to their mileage readings. Traders will falsify mileages by altering the odometer reading; this is known as “clocking”. This is done in order to make the vehicle more appealing to a prospective purchaser and hence add financial value on the sale. Thus the seller makes a financial gain by altering the history.

Altering the history or description of a vehicle is a criminal offence under the Consumer Protection from Unfair Trading Regulations 2008 and can also be an offence under the Fraud Act 2006. Car clocking is a wide-spread fraud which often involves numerous individuals conspiring together in a gang. They often use internet selling sites to reach buyers all over the country. The ease of setting up on-line accounts allows the rogue seller to hide their own identity and use false accounts to cover up their tracks.

Car clocking is a serious criminal activity that can affect anyone who purchases a used car. When purchasing used vehicles mileage is a major selling point. Where consumers unknowingly purchase a vehicle that has been clocked not only are they purchasing a vehicle that has been misrepresented they are also more often than not purchasing a vehicle that can have major mechanical problems that lead to expensive repair bills in the future. Again consumers are advised to carry out all necessary checks into a vehicles history before they purchase. Anyone who thinks that they have purchased a clocked vehicle from a trader in Birmingham should report the matter immediately

Intelligence Led Approach

Over the last 12 months as well as responding to requests for assistance from members of the public Birmingham Trading Standards Service have targeted a number of car traders. A review of complaints is undertaken and an action plan devised to target those that have had a high numbers of complaints.

Interventions have varied in approach from visiting car traders and advising them both in person and in writing about their obligations under various pieces of

legislation in order to try to educate traders. Where implemented this has seen a reduction in the number of complaints received

In a more direct approach this service has visited two unrelated car traders that were suspected of failing to adhere to the requirements of the Consumer Rights Act 2015. Numerous complaints had been received about each business with allegations that cars were either misdescribed, faulty or even unroadworthy and where they were failing to address complaints; thereby potentially restricting consumers' rights.

During the visits officers were accompanied by an independent vehicle engineer capable of identifying dangerous and unroadworthy vehicles. The visits resulted in the seizure of 15 vehicles from one trader and 6 vehicles from another trader that were identified as being potentially unroadworthy. The vehicles were removed to a safe location whilst investigations continued.

In the case where 15 of the vehicles inspected on the forecourt were found to be unroadworthy criminal proceedings have been instigated and the case is expected to come before the courts over the summer.

Consumer advice and assistance

The Service no longer provides general consumer advice.

Members of the public requiring consumer advice are referred to the Citizens Advice Consumer Service (CACS).

CACS provide consumers with advice about their rights and what actions are open to them to resolve their civil disputes.

Referrals will be made to our Service by the CACS where it is considered that there is a criminal element to the complaint or where the consumer is considered vulnerable.

A total of 4,372 requests for assistance were received by the service last year. Approximately a quarter of these requests had an element of civil dispute in the complaint.

Product Safety

Trading Standards enforce the provisions of the Consumer Protection Act and the General Product Safety Regulations aimed at ensuring all consumer products are safe to use. In addition to this there are a number of Regulations aimed at specific products.

The Trading Standards Service received 238 safety related enquiries over the year; these included toys, cosmetics and other household goods. The highest number of complaints related to electrical goods.

Cosmetics and products containing chemicals

In recent years Birmingham Trading Standards has discovered non-compliant cosmetics in particular aimed at the Asian and Afro Caribbean market. A number of cases have been instigated over the past year including:

1. Officers carried out inspections at two premises on the Coventry Road and Stratford Road belonging to **Chaudhry Cash and Carry Ltd**. Non-compliant cosmetics such as henna hair dye and henna paste were found contravening the provisions of The Cosmetic Products Enforcement Regulations 2013. Officers also discovered wooden rolling pins and mashers used in the preparation of food painted with excessive levels of lead in the paint. These contravene the requirements of the General Product Safety Regulations 2005. Criminal proceedings were instigated. The company and two directors Mohammed Zaman CHAUDHRY and Mohammed Dilpazir CHAUDHRY were pleaded guilty at Birmingham Magistrates court. The company was fined £3,500 for one specimen offence for an item containing excessive lead and £2,500 for one specimen offence of henna contravening labelling provisions under the Cosmetics Regulations. Each Director was also fined £3,500; costs of £2,802 were also awarded and all the goods seized being forfeited.
2. Following a complaint an inspection was undertaken at a business on Soho Road various cosmetics were identified and seized which did not comply with The Cosmetic Products Enforcement Regulations 2013 and The Consumer Protection Act 1987. A number of electrical hair products were seized for testing to see if they complied with the Electrical Equipment (Safety) Regulations 1994. The cosmetics tested failed to comply with The Cosmetic Products Enforcement Regulations 2013 and The Consumer Protection Act 1987 and the Stella Pro Curler failed to comply with the Electrical Equipment (Safety) Regulations 1994. All the goods were forfeited and the owner of the business was cautioned.
3. At another inspection at a business on the Coventry Road various cosmetics were found not to comply with The Cosmetic Products Enforcement Regulations 2013 and The Consumer Protection Act 1987. These cosmetic products were seized by the officers. The cosmetic samples were sent to Birmingham City Laboratories to be tested. The cosmetics tested failed to comply with The Cosmetic Products Enforcement Regulations 2013 and The Consumer Protection Act 1987. Criminal Proceedings have been instigated and the matter is expected to come before the courts shortly.
4. In February 2017 an officer visited 5 sites in Birmingham dealing with Volatile Organic Chemicals and the supply of solvent based paints to the public which is prohibited in most cases. These premises had been identified by the British Coating Federation. All the sites visited were found to be compliant and had the necessary paperwork and knowledge in place. One site had closed down and moved out of the area.

Electrical

Following intelligence from the port authorities a business in Marston Green was visited; officers found a number of extension leads not compliant with the Electrical Safety Equipment Regulations. The company was formally interviewed and cautioned and the goods forfeited.

Hover boards

Hover boards had been particularly prevalent in previous year with an influx being imported but many not being fully safety compliant.

The port authorities alerted us to further consignments; some of these resulted in suspension and forfeiture. In other cases such as below other options were considered:

1. Following intelligence from the port authorities a visit was made to a trading Estate in Sutton Coldfield. There was suspicion that the Hoverboards failed the safety provisions of the Consumer Protection Act 1987 and The Supply of Machinery (safety) Regulations 2008.

The company had imported 1,200 hover boards; these were put under suspension. The company produced technical documentation indicating that the goods were compliant however further examination put the validity of these in doubt.

An agreement was reached where the company employed the services of an accredited test house in the UK. Working together with the test house and officers the products were brought into compliance with the Machinery Regulations by ensuring they met the Health & Safety Requirements of carrying out of risk assessments, providing the requisite technical file, EC declaration of conformity and CE marking. They made proposals to have all the products modified, including a new power supply which the test house assessed and approved. In addition they were to affix labelling identifying themselves as the importer.

Ultimately after the necessary changes had been made the goods were deemed to be compliant and the suspension was lifted.

Toys

A regional safety project commenced in the previous year resulted in discovery of a children's doll called Gong dolls; they were identified as being unsafe. They failed to meet safety provisions of the Toy (Safety) Regulations 2011. The dolls contained phthalates which exceeded the acceptable levels. If ingested when a toy is chewed the chemical, used to soften plastics, can lead to an increased risk of cancer, asthma and fertility problems in later life.

The retailers were asked to indicate their supplier who was subsequently interviewed resulting in a caution with the goods being forfeited.

Electrical Garage Door

A complaint was received regarding the sale and supply of an unsafe garage door. This is a specialised area of work that we had not come across before. This particular garage door was fitted with one safety feature which is known as a photocell. According to expert advice the standard for any automated garage door this photocell alone is not a sufficient safety device. In order for the door to comply it would have needed either a light curtain, a safety edge or needed to be operated by a hold to run system. The danger of not having these features could have led to a potential injury to both pets and homeowners. An investigation was conducted and the company was formally interviewed. A Caution was issued to both the Company and Director regarding this issue.

As a result of this work one of the Operations Managers was asked to attend a meeting of the Door and Hardware Federation (Garage Doors Division) and give a presentation on the work of Trading Standards. This was well received and has resulted a better understanding of the technical issues but also the legal issues in taking cases forward.

Second Hand Nursery Products sold on line

As part of a regional survey we made six online test purchases of second hand nursery products; these included a pushchair, travel system (pushchair and car seat combined), playpen, travel cot, stair-gate and a highchair.

The products supplied were inadequately packaged and therefore damage could potentially occur in transit. No instruction booklets/leaflets were supplied, although some could be obtained online. All items had a used appearance. All sellers declared themselves as traders but sold a variety of second hand items. There were adequate descriptions of the products in the adverts and mention was made of consumers' cancellation rights and how to return goods.

Of these test purchases two items were never delivered. The seller did not send the highchair as he discovered it was faulty and so refunded us. The travel system was delivered to the wrong address and never found its way to us.

Some of the items were submitted for testing and the playpen and pushchair failed to meet safety standards.

Each of the sellers will receive written warnings and advisory leaflets on The Consumer Protection Act 1987, General Product Safety Regulations 2005 and The Toy (safety) Regulations 2011.

The project highlights the risk in purchasing second hand nursery products especially on line, where you don't get the opportunity to examine the goods and check the instructions first.

National Consumer Week 28 November – 2 December 2016

This year's theme focused on and promoted the campaign 'Switched On' to raise consumer awareness to their rights when buying electrical goods such as smart TVs, tablets and washing machines. The aim was to make it clear to consumers what protection customers have when they buy goods in stores or online which are later found to be faulty under the Consumer Rights Act 2015.

Birmingham Trading Standards held 4 events over the week in Birmingham. We carried out events in Supermarkets and Community Centre's. Information packs were given out to consumers with information from the Chartered Trading Standards Institute and the Citizens Advice Bureau about consumer rights in relation to buying electrical goods and their rights under the Consumer Rights Act 2015 as well as general consumer advice, together with freebies including pens, pencils and key rings, and Safety Chains kindly donated by Betterware.

In addition to this a media press article was released promoting the event and twitter was updated on a daily basis with details of the events and one of the Operations Managers did a TV interview with the TV Station, Made in Birmingham, at one of the events.

This has been a very successful event, and through the guidance given consumers can hopefully pass on information to their family and friends. At events we also use the opportunity to also provide information on scam prevention.

Rogue Traders - Rapid Response

Trading Standards have continued to provide a rapid response service for consumers who are being targeted by rogue traders. This was initially provided for residents within the nominated No Cold Calling Zones; however we will respond to all citizens who are in need of a quick response.

A dedicated telephone number has been made available and Officers will respond immediately to assist consumers in dealing with the problem trader; 9 such responses have been conducted by the service this year.

The Police are also aware that building complaints are not just civil matters and are starting to deal with these matters as fraud themselves as well as reporting to Trading Standards.

During these responses officers also use the opportunity to assess a householder's vulnerability to further bogus caller visits. Officers will provide practical advice on how to prevent such problems arising again and will supply the consumer with warning stickers and notices to deter any rogue traders from calling at their premises in the future. Officers will also gain information from any business cards that may be left or flyers and this is shared with the trading standards community. This helps build an intelligence picture to enable appropriate targeting of resources. It is known traders work together and they are becoming serious organised crime groups. Intelligence logs are now a priority and the numbers of logs have increased throughout the year.

We continue to revisit victims that are perceived to be particularly vulnerable in order to ensure no further incidents have occurred and to reiterate advice previously given with the aim to increase their confidence at saying no at the door.

Victims that have come to our attention may have also been referred to the Adults Safeguarding, as some victims are at risk of being financially abused by rogue traders and therefore need extra care and attention to help overcome these issues.

Rapid Response can be generated by a call from a concerned relatives, neighbours or even banks. One intervention resulted in traders leaving a residents property and the prevention of a withdrawal of large sums of money.

On one other occasion a rapid response revealed a vulnerable consumer had been the victim of a rogue builder and was also then targeted by someone purporting to be a Trading Standards Officer offering to get money for the poor building work. This turned out to be a complete fraud perpetrated by an organised crime group. This matter was referred to the Economic Crime Unit of the Police as it appeared the organisation was operating across the country.

No Cold Calling Zones

There are currently three established No Cold Calling Zones in Sparkhill, Yardley and Garretts Green/Sheldon. We continue to conduct perception surveys within the zones. The results were positive in the fact that residents welcomed the No Cold Calling Signs to be in place as they felt on average the number of cold callers had reduced over the years. The majority indicated that they still did not want uninvited callers at their door, they supported the use of the signs and that they felt safer being in a NCCZ. They felt they had more confidence to say no to uninvited callers and they would not approve of the signs being removed.

Since introducing the zones, resources have reduced significantly and less work proactive work has been carried out within the zones. We still provide a reactive service to residents within a no cold calling zone. As protecting vulnerable residents is a priority we will attempt in this coming year to raise the profile of the zones.

Rogue Trader Cases

1. A cowboy builder who took nearly £40,000 in cash for over-priced and poor quality work on a pensioner's home in Birmingham was jailed for 37 months at Birmingham Crown Court in September 2016.

George Thomas Humberstone, 33, of Clees Caravan Park, Walsall Road, Great Wyrley, pleaded guilty to an offence under the Criminal Law Act 1977,

The case was brought after Trading Standards officers received complaint from a 71-year-old man, stating Humberstone demanded more money for work previously carried out at a property in south Birmingham.

Humberstone carried out work at the pensioner's home, which ranged from £180 to £2,700 for repairs between 10 April 2013 and 10 November 2015 totaling just under £40,000.

An independent building survey, carried out as part of Trading Standards' investigation, revealed the property was in a good condition and it could have been completely re-roofed for just £5,250.

As we are all aware that having building work carried out can be stressful and expensive but in this case George Humberstone misled an elderly vulnerable man over a two and a half year period. The case was further aggravated by the fact Humberstone has previous convictions for similar offences. He had also been advised in the past by other trading standards services and this particular criminality was committed while he was on licence.

Elderly and vulnerable people are often targeted by rogue traders, who make unsolicited visits to people's homes to carry out repairs to their property, convincing them to pay extortionate prices for substandard or incomplete work which is often unnecessary.

When a trader calls unsolicited, consumers are advised be polite but firm and to say that they don't want any work doing there and then. It is important that consumers do not become pressured into making decisions on the doorstep.

2. Magical Kitchens and Builders

Between April and June 2015 the service received 6 referrals from Action Fraud regarding Magical Kitchens and Builders. Action Fraud is the UK's national fraud and internet crime reporting center.

The referrals were from homeowners who had paid large sums of money to Mr Devlin in order for building work to be carried out. In five referrals work has been started but has never been completed. In one referral money had been paid for building work but to date no work has ever been done. An investigation was undertaken and it became apparent that the owner of the business Scott Devlin has been made bankrupt. Due to the sums of money involved with one homeowner paying over £100,000 we decided to pursue the matter.

A trial was listed for week commencing May 2017, however on 25th April 2017, Scott Devlin decided to plead guilty to a number of Fraud Offences. The other party involved in the business, is due to plead guilty to two money laundering offences on the 26th June 2017. Both defendants are due to be sentenced on this date.

Scams

National Scam Month

National Scam Month takes place in July. Four venues across the city hosted events (north, south, east and west) these included 3 large supermarkets and a leisure centre. Two officers attended the events for half a day. During this time officers engaged with over 300 members of the public giving advice on scams and how to avoid them. Information was available on postal, telephone, doorstep and internet scams. Media was generated using Twitter. All these events were very well received and it gave officers the opportunity to interact with the general public as well as sign post them where appropriate to other Council services, such as waste collection, animal welfare and Council tax.

Scam Education

Seven Scam awareness/educational talks were delivered to various community groups and one sheltered housing complex. Over 150 consumers were given detailed scam awareness information; primarily how to avoid and recognize them and what to do when caught by out by a scam. After each session there is always a lively question and answer session where many concerns, queries and experiences are shared and debated.

National Scams Hub Referrals

The National Scams Hub (NSH) is a project that is being run on behalf of National Standards by East Sussex Trading Standards; it is now known as the National Scams Team. Though it started off as a small project aimed at raising awareness of scams and creating links between different agencies to try and spot victims of scams it has increased its media profile through campaigns such as 'Think Jessica' which deals with postal scams, as well as referring increasing numbers of individuals to its partners for intervention work, and acting as a 'Knowledge' hub.

It must be remembered that most scams and in particular postal scams are highly addictive, the most common phrase mentioned to the officer was 'I feel so ashamed' and it is this emotion that the scammers play on.

18 postal scam referrals were made and followed up by officers; these were personal visits where information was given on how to stop being a scam victim and what to do with any new scam contact. This service is highly personalized and great skill is needed by the officers to delicately broach the subject that the person visited has been a victim of a scam.

Officers are working with Adults Safeguarding and a report was presented by the Head of Service to the Adults Safeguarding Board. The report set out the issues faced by scam victims with a view to services working more collaboratively to ensure that potentially vulnerable citizens were not overlooked and were protected from scams.

As a consequence the lead officer for scams has carried out a number of joint visits with an officer from West Midlands Fire Service. 18 referrals were received but visits to these individuals did not begin until the 31/3/2017. However the details have been included here. This small project was seen as a great success and will provide a model for future operations; by working with partners we can ensure that the best service is provided to safeguard the citizen's wellbeing. Of the 18 visits done two were referred to Adults Safeguarding and a further one to West Midlands Fire Service for a 'Safe and Well' visit. Apart from the two referrals to Adult Safeguarding one of the more unusual visits was to a Convent home for retired nuns where it was discovered that one of the retired nuns had been sending personal information to postal scammers. The officer along with the manager of the Convent discussed the matter at great length with the victim and information given to the home in general on Scams.

Frauds and Scams

The service works closely with Central England Trading Standards Authorities (CEntSA) and is a member of its Regional Intelligence Group. The group is used to identify emerging criminal threats and prolific offenders who operate across the CEntSA region and allows authorities within the region to pool resources in order to tackle serious and organised crime.

The service continues to receive referrals from CACS relating to potential scams, many of which relate to on-line transactions. Many of them emanate from outside the EU and are virtually impossible to trace. Intelligence is logged and referrals are made to Action Fraud and the National e-crime unit.

Illegal Alcohol

All visits to trade premises are now intelligence led usually as the result of consumer complaints or intelligence received from other sources such as crimestoppers.

During 2016/2017 174 bottles of illicit spirits were seized worth over £2200 from 5 licenced premises across the city. Most of these items were counterfeit back label product which is diverted non-duty product that has fake duty stamps and labels attached by criminal networks to avoid paying duty. This is a considerable part of the purchase price accounting for over 75% cost of an average bottle of whisky, vodka, rum or gin. There were also 47 bottles of totally non-duty spirits seized as well. Of these 5 premises 3 were subject to licence reviews and had their licences revoked. The two others were subject to cautions and voluntary licence variations to prevent similar occurrences in the future.

This is due in main to the intervention by Trading Standards in main by conducting licence reviews and prosecuting premises where there have been significant seizures.

In February 2017 officers from the service were involved in a joint initiative operation with HMRC targeting off-licence premises highlighted by HMRC. On this operation officers helped HMRC seize nearly 5,000 cans of non-duty beer and over 500 bottles of non-duty wine from two premises. These may also be subject to licence reviews.

There is no doubt that the amount of complaints and occurrences of illicit alcohol has reduced significantly over the last 4 years.

Role of Responsible Body under the Licensing Act 2003

Trading Standards is designated as a responsible authority for the purposes of the Licensing Act 2003.

Licensed premises who make applications for new or varied licences must serve a copy of their application to Trading Standards as well as the other responsible authorities to enable them to raise objections or suggest measures for improvements. In 2016/2017 222 applications were received and reviewed; these included new applications and variation requests. Several were objected to due to previous enforcement activities which resulted in re-applications or modifications and in some cases other agencies were asked to contribute to help with recommendations.

This year Trading Standards submitted eight licence reviews for premises found to be selling or stocking illicit alcohol and/ or tobacco.

A new initiative has been to undertake reviews for premises stocking illicit tobacco this is due in part because the new revised guidance issued under section 182 of the Licensing Act 2003 specifically states that reviews can be undertaken “for the sale or storage of smuggled tobacco and alcohol”

Of the eight reviews heard by the licensing sub-committee all have had their licences revoked, 6 were for illicit alcohol and two were for seizures of illicit tobacco which were hidden in purpose built enclosures.

Officers also attended Magistrates court on two occasions and successfully defended previous appeals against revoked licences.

Trading Standards has made strong contacts with all of the other responsible bodies including the new centralised police licensing unit to ensure that local knowledge and intelligence is shared by those who can best use it. We have also begun to develop strong links with neighbouring local authorities where we have found great advantages in joint working including in one case an officer from another authority attending a licence review to assist in identification of individuals. Trading Standards also assisted the police with one of their licensing reviews and were able to help towards a successful revocation of the licence.

Also during the year Trading Standards received complaints about lap dancing clubs and has used this as an opportunity to engage with Licensing in their upcoming review of sexual entertainment venue, (SEV) policy.

Illicit Tobacco

In May 2016 new tobacco legislation was introduced which meant a major change in the way Tobacco can be sold and advertised in the UK. The Tobacco and related products Regulations 2016 (made under the Consumer Protection Act 1987) brought

in Standardised packaging also known as plain packaging, this refers to packaging where the attractive, promotional aspects, including logos and graphics are removed and the appearance of all tobacco packs on the market is standardised. This includes the shape and colour of the packaging and the typeface and colour of all text of tobacco products such as cigarettes and Hand rolled tobacco.

Retailers and manufactures were given 12 months in which to get rid of existing and old stock, we are now at the point where only plain packaged tobacco can be legally sold in the UK.

There continues to be concern from tobacco companies and enforcers that the changes would make it easier for counterfeiter, however, most would agree that health factors and reducing the levels of young people taking up smoking is far more important than the protection of brands.

This year Birmingham Trading Standards has continued to carry out its activities in enforcing the law in relation to sales of illicit tobacco from retail premises.

During this period Trading Standards have received over 80 complaints alleging sales of illicit tobacco from retail premises this has resulted in Officers carrying out over 60 inspection/ advice visits in relation to intelligence received.

The advice visits have then been followed up by a number of joint operations working with West Midlands Police and HMRC, in some instances a Tobacco sniffer dog was used to enhance the inspection. Trading standards has seized 2,137,460 cigarettes which equates to 106,873 packets and 250 pouches of hand rolling tobacco with a street value of approx. £500,000. There have been a number of enforcement outcomes resulting in 8 prosecution cases, a number of which are still ongoing, 4 simple cautions being offered and a number of official warnings issued.

Where the premises was found to be a licensed, a review of the licence was carried out and due to overwhelming evidence provided by Trading Standards each of these reviews resulted in the revocation of the premises licence. (Detail of which can be found in the licensing section of this report).

So far 2 of the 8 prosecution cases have gone to court and have resulted in successful convictions.

Illegal Tobacco factory

One of the joint operations mentioned earlier resulted from intelligence received by Birmingham Trading Standards. We then shared this intelligence with partners in HM Revenue and Customs (HMRC) and acted as the driver to ensure this matter was given appropriate priority and resource. The outcome is detailed below.

A suspected illicit cigarette-processing factory has been dismantled in Birmingham during a raid by HM Revenue and Customs (HMRC) and Birmingham Trading Standards.

The machinery was believed to be capable of producing 35 million cigarettes a month, at a potential cost to taxpayers of almost £138 million in lost duty and taxes a year.

HMRC officers, working with Birmingham City Council Trading Standards, Immigration Enforcement, the Government Agency Intelligence Network (GAIN) and West Midlands Police, shut down the suspected plant at an industrial unit on the outskirts of the city centre on Tuesday 8 November and Wednesday 9 November.

Four lorry loads of processed and raw tobacco, cigarettes and packaging materials were seized and shipped away from the site. A range of machinery to process the cigarettes, and paperwork, was also seized and removed throughout the week, ending on Friday evening. A nearby residential address was also searched.

After the operation, ten men aged 26 to 40 from Brazil and Paraguay were arrested by Immigration Enforcement officers for immigration offences. All ten are detained while steps are taken to remove them from the UK.

Counterfeiting - Intellectual Property Theft

Anti-counterfeiting activities are intelligence led and prioritised towards safety related matters. Where matters are not safety related referrals are made to trade mark owners to investigate and take their own legal action.

Trading Standards work hard to combat the manufacture, sale and supply of counterfeit consumer goods. Counterfeiting is harmful to the economy and national research indicates that UK manufacturing loses £11 billion a year as a result of counterfeit products. Tackling the sale of counterfeit goods provides a level playing field for Birmingham businesses which in turn supports local jobs and improves the local economy.

Throughout the year, 247 complaints have been investigated in relation to various household products, including: toys, electrical goods, clothing, alcohol, tobacco, and cosmetics. Priority has been given to goods which may have an impact on consumer safety, in particular tobacco and alcohol.

There are a number of cases under investigation and other matters going through the court process awaiting final sentencing.

A national online auction seller of alleged counterfeit and unsafe children's novelty costumes has been targeted and entry warrants executed at a residential address where a quantity of goods were seized.

Whilst in another case intelligence led to a business supplying counterfeit Vaseline cream. Whilst at the premises officers also discovered non-compliant cosmetics and prescription medicines. The company have been interviewed and report submitted with a view to instigating criminal proceedings

Meet (UK) Ltd – following intelligence 180 counterfeit items including designer watches, sunglasses and purses were seized bearing trademarks for Apple, Chanel,

ICE and Michael Kors. Meet (UK)Ltd trading as Kings Watches Great Hampton Street, Hockley – and Meet Singh Alwadi, (24), of West Park Road, Smethwick, both pleaded guilty to six offences under the Trade Marks Act 1984 at a hearing held in Birmingham Magistrates Court. The company is due to be fined shortly 2017, while Alwadi was given a community order for 12 months and 75 hours unpaid work.

Proceeds of Crime 2016/2017

Trading Standard has two dedicated Financial Investigators who seek to confiscate money and assets from offenders under the Proceeds of Crime Act 2002, to prevent them from benefiting from their crimes. This has increased our capacity to support other investigations and ensure that criminals are targeted and their ill-gotten gains confiscated.

All criminal cases taken by the Directorate are considered for their applicability for a Proceeds of Crime confiscation investigation. In addition the Financial Investigators powers are also used to assist Trading Standards investigators in securing evidence.

Throughout last year over 38 cases were referred to the Financial Investigators from Trading Standards and other sections within the City Council. As a result over 50 applications were made for Productions Orders to enable financial data to be obtained from banks and building societies. All applications for Orders were granted. Though no Restraint Order was obtained existing ones were managed to ensure the payment of previous Orders.

During the period 2016/2017 11 Proceeds of Crime Act confiscation hearings with 22 defendants were held at the Crown Court, all of which were found in favour of Birmingham City Council. In total, 22 Confiscation Orders valued at £462,456.87 were made. Out of this £47,879.75 was ordered to be paid as compensation to victims who gave evidence as part of the respective case. This included victims of car clocking, Hajj and fraud cases.

During the same period over £350,000.00 was received from various defendants which represented payments to satisfy Orders from this year and previous years. Cash seizures totaling over £20,000.00 have also been made.

All funds that are confiscated during these investigations are reinvested into the criminal justice system, with Trading Standards receiving 37.5% under the Asset Recovery Incentivisation Scheme.

Hajj

For the Muslim community the Hajj pilgrimage to Mecca in Saudi Arabia is one of the most important and spiritual experiences in their lifetime.

The Saudi authorities control the amount of pilgrims that can attend from each country through a quota and visa system, in the UK this being 25,000 annually. Anyone wishing to undertake a pilgrimage, however, has to book a package through specialist Hajj and Umrah travel operators who can typically charge individuals between £3,000 and £5,000.

Unfortunately there has been a prevalence of unscrupulous traders taking advantage of would be pilgrims giving misleading indications as to the quality of the travel and accommodation; in some cases letting them down totally having taken the money.

Over the past 5 years Birmingham Trading Standards has proactively sought to raise awareness of the issues amongst the Muslim community and to improve compliance amongst the Hajj and Umrah travel operators. In previous years the work undertaken has attracted considerable publicity including amongst Asian satellite channels. Trading Standards has also continued liaison with the locally based Association of British Hujjaj.

A number of cases instigated in previous years reached their outcomes at court over the last year, examples include:

The director of **Al Safah Tours** in Alum Rock was found guilty of 16 offences under the Consumer Protections from Unfair Trading Regulations and was sentenced to 12 months imprisonment. This case had resulted following from numerous pilgrims about misleading descriptions and poor standards of accommodation. In a further outcome, proceeds of crime proceedings have resulted in a £110,000 Confiscation Order

In another case from previous year, **Al Hashmi Hajj** and Umrah Tours Limited of Aston were guilty for offences in relation to failure to have a valid Air Travel Operators Licence (ATOL) and sentenced to £14000 fine. Two directors Mr Choudhury and Mr Odud were also found guilty and fined £7,000 each. Costs of £16,484 were also awarded as well as a Confiscation Order of £7,500 against Mt Choudhry.

In 2015 Birmingham Trading Standards had taken the lead role nationally in tackling Hajj fraud and had worked with other Trading Standards and City of London Police across the country. Birmingham Trading Standards had instigated proceedings in two cases which came before Crown Court:

In one case, **Ashton Hajj and Umrah of Tameside** had been the subject of numerous complaints from across the country over the years. A Birmingham led investigation in conjunction with City of London Police and the local Trading Standards resulted in the Director, Babbur Hussain being found guilty and sentenced to 14 months imprisonment. Another associated in the business, Sabir Raza received 11 month suspended sentence and was ordered to do 180 hrs unpaid work. The offences related to false claims the business had ATOL protection and also misleading customers about the quality of accommodation.

In another case carried out in conjunction with City of London Police Holy Makkah Tours Ltd based in London and its Director Mr Nozir and Mr Chowdry were found guilty of offences in relation to failure to have ATOL. Sentencing and Proceeds of Crime proceedings are expected to be concluded shortly.

Weights and Measures

Weights and Measures continue to be one of the traditional functions carried out by the Trading Standards service. Trading Standards officers continue to visit large

packers of food or other consumer goods based in the city to ensure compliance with average weight legislation. These companies include several large confectionary companies and packers of various food items. Officers continue to give first line advice and assistance how to comply with legislation as well as improving their systems to develop their businesses and make them more effective.

Officers have dealt with various short weight complaints over the year including food and other consumer items. As usual the majority are about short measure beer and petrol. Several visits are made by officers where it appears that trade premises need advice or enforcement activity.

Several days were devoted to following up short measure petrol complaints and several pubs were visited following short measure beer complaints and test purchases were made to check quantities. In one case a formal warning was issued to the pub to improve.

A BSI auditor accompanied two officers to show how a short measure beer complaint is undertaken including equipment used and actions taken.

As usual officers inspected the Frankfurt German market to ensure their compliance with UK legislation and tested a wide range of weights and measures equipment including weighing machines, spirit measures and beer dispensers.

The service continues to maintain and use a variety of test equipment that is used by officers to undertake weights and measures complaints such as weights, both small and large from 0,1g up to 150kg, as well as weighing machines, measures for beer, wine and spirits and a variety of length measures including one used to measure taxi measures miles.

We received over 40 notifications from self-verifiers of petrol pumps and weighbridges across the city which was checked for compliance. We also tested and stamped 2 petrol pumps this year with a revenue of over £200. However, as many other nearby authorities have cut back on their metrology activities we currently have processed nearly £2,000 of revenue already this year with more due. This could become quite a significant source of revenue over 2017/2018. Work is being undertaken to ensure all the Trading Standards officers are proficient to deal with this work.

An officer from Birmingham attended the Centsa metrology group which met every quarter at a different host authority where trends across the region are discussed and expertise is shared. To save time and resources this will now become a virtual group only but with a desire to keep up contact and ensure expertise is not diluted.

Essential Packaging

During the year a short –term essential packaging project was set up following complaints from members of the public about excessive packaging of consumer items. There were two broad areas that the project fell into.

Firstly packaging of items sent through the post and by courier firms, so-called secondary packaging which is over and above the primary packaging that the items are put in when prepared for retail sale.

A number of items were ordered on-line to see what secondary or postal packaging was used.

Some of the worst examples were ordered again to make sure this was not a one-off situation. The poorest examples of over packaging have resulted in letters of advice and warning being sent to the companies in question.

The second area of work was undertaken following a consumer complaint about a Mondelez product, 78g Milk Tray chocolates.

Gift confectionary chocolates were identified as an area of consumer products where packaging did appear to be excessive.

A survey of similar items involved making test purchases of 17 packs of gift confectionary chocolates was made during the Christmas period.

The six poorest examples were sent to an expert to comment on the suitability of the packaging. Unfortunately the results were inconclusive, but we are working with a local manufacturer to limit and risk on non-compliance.

The local home authority for the other manufacturers has been written to advising them of the exercise and of the results of the expert with a view to them advising the manufacturers in their area.

Also as part of the project the home authorities of all the main gift confectionary manufacturers were written to and invited to a mini seminar that was held in Birmingham in November 2016. Unfortunately this was not seen as a priority by the other local authorities.

The seminar was a successful sharing of experience with the lead officer from the previous Lincolnshire Trading Standards essential packaging team discussing issues they came across as well as a member of WRAP, (Waste and Resources Action Programme) a registered charity who advise businesses how to be resource efficient in packaging and eliminate waste.

Noroguetradershere.com

Trading Standards has formalised its agreement with Noroguetradershere.com, an internet based scheme that seeks to promote reputable traders. An official primary authority partnership was launched between BCC and NRTH.com on 6th March 2017

Traders joining the scheme still have to be agreed to be vetted by Trading Standards. Checks are made to ensure the trader is complying with Consumer Protection legislation and that there are no unresolved justified complaints against the trader.

We continue to promote this scheme at all events where we are helping to prevent citizens becoming victims of rogue builders. We also provide information of the scheme to victims of rogue builders. The scheme is expanding regionally and has taken on traders across the region.

Frankfurt Market

Trading Standards carries out inspections at the stalls at the pre-Christmas Frankfurt and craft markets.

Prior to the event traders are sent an advice pack in advance. Stalls are checked for compliance for a range of Consumer Protection legislation, including weights and measures, pricing and product safety. Generally the level of compliance is high with only a few minor issues that were resolved.

Working with partners – events

Officers attend a number of Safety Advisory Group meetings for key events that are facilitated by the Council. This is a collaboration of interested parties that include licensing, police, fire service, transport services, central safety services, St Johns Ambulance, events team and the event organisers. We ensure that consideration is given to the safety of products being sold at events and information packs are provided to any potential stall holders.

We also inspect at events especially ensuring that goods being offered for sale are safe and where alcohol is being sold to ensure systems are in place to prevent young people having access.

We have attended the Fusion Festival, Vaisakhi, Frankfurt Christmas and Craft Market, St Patricks Day Parade and Pride.

These events bring thousands of visitors into the city so it is important that they are well run and that goods being provided are compliant. By engaging with our partners both from within the authority and other organisations we are ensuring the safety

Trading Standards BSI Accreditation

Birmingham Trading Standards are externally accredited with British Standards to ISO 9001: 2015 for Quality Critical Services with exclusion to design and development, as these elements are not an integral factor to Regulation and Enforcement. We are externally audited by BSI twice a year (June and December) to ensure that we comply with the Standards and maintain our accreditation.

The Golden Thread running through the European Foundation for Quality Management (EFQM) knits together both the new standards and the Council's values (amongst others) to put citizens first and achieve excellence. This demonstrates our commitment to customer focus which is at the forefront of everything we do and is evidenced by our customer satisfaction results which are displayed on the council's website.

Our Quality system is fully supported by senior management who strongly believe the system must be fully embedded within the culture of the organisation. Internal audits are conducted twice yearly (March and September) to ensure the system is operating efficiently and to identify any areas of non-conforming services. We have a service plan encompassing the Council's strategic outcomes with the leader's objectives, and it includes customers' and partners' views in determining our Key Performance Indicators for the future. Review of our procedures are identified through the forward planning process and discussed prior to conclusion at bi-monthly senior management meetings.

Trading Standards Website

The Trading Standards website consists of 25 pages within the BCC website. The pages cover a variety of subjects and include useful information and links for consumers. The pages and content are regularly updated by the Trading Standards editors. Currently the content management system is Jaddu which was implemented in July 2106. The total number of views of the Trading Standards website was 34,174 in the last year. On the landing page there is a live Twitter feed which was created so the newest tweet appears on the page.

Twitter

The @bhamts twitter account has 1,960 followers which is an increase of 375 new followers from last year. Many advisory tweets are put on each day covering mainly scam awareness, electrical safety including whatever is current. A total of 2,647 tweets were put on for this year and 1,521,300 impressions created this equates to 7 tweets a day and 4,167 impressions a day. In July 2016 during National Scams Month the #ScamAware tweets created on average 1.979 impressions. TS support various campaigns on twitter e.g. Gas Safety week, Cyber Aware, National Consumer week, Electrical safety week, National CSE day, Mental Health week, Dementia week, new Business companion launch, Home Office campaign Fire Kills. The TS twitter account also supports the main Birmingham City twitter account on various campaigns i.e. elections, cleaner streets and events in the city and other service areas within the council.

Centsa newsletter & National Scams Team monthly newsletter

The service's good work this includes prosecutions, licence reviews, POCA results, Scam prevention work and community events have been mentioned in the quarterly Centsa newsletters with a lot of good coverage. In addition to this TS scam prevention working including a Rogue trader prosecution has been published in the NTS Scams newsletter.

Trading Standards Outputs 2016/2017

The work of Trading Standards positively impacts the entire 1,073,045 Birmingham residents, 30,380 businesses and 33,000,000 visitors to the city each year.

A total of 4,372 requests for assistance were received by the service last year. 144 of these were requests for advice from businesses. The service supported or

intervened for consumers to enable the return of £86,466.35 as redress for poorly delivered goods or services.

13 successful prosecutions and 7 cautions were concluded. Total fines amounted to £37,250, while custodial sentences totalling 20 years and five months were imposed. In addition suspended sentences amounting to 53 months and community orders for 995 hours of unpaid work were made. Four defendants were disqualified from being directors and one defendant was made the subject of a Criminal Behaviour Order for a term of six months. We were also successful in being awarded 48% of our costs totalling £27,534. In total, 22 Confiscation Orders valued at £462,456.87 were made. Out of this £47,879.75 was ordered to be paid as compensation to victims who gave evidence as part of the respective case. This included victims of car clocking, Hajj and fraud cases.

Trading Standards Cases Heard 2016/2017:

Legislation	Cases	Offences	Fines	Costs	Other Penalty
Consumer Protection from Unfair Trading Regs 2008***	3	39	£33,100	£21,834	
Fraud Act 2006 **	5	123	-	£1,500	13 years & 5 months imprisonment 28 months suspended sentence for 2 years 11 months suspended sentence for 18 months 760 hours unpaid work
Theft Act 1968	1	25	-	POCA timetable set	7 years imprisonment
Trade Marks Act 1994****	4	47	£4,150	£4,200	14 months suspended sentence for 2 years 235 hours unpaid work
Totals	13	234	£37,250	£27,534	See above

** includes 2 Theft Act offences, 1 POCA offence & Anti-Social Behaviour Crime & Police Act

*** includes 4 RTA offences & 1 General Product Safety offence

**** includes 1 Tobacco Products (Manufacture Presentation and Sale) (Safety) Regs offence & 1 General Product Safety offence

REGISTER OFFICE

The Registration Service is a statutory function which Birmingham City Council is required by law to provide in terms of accommodation and adequate staffing to register all civil events within a specified national time frame. These events include the registration of births, deaths, stillbirths, marriages and civil partnerships, conversions of civil partnership to marriage, attesting the legal preliminaries to marriages, civil partnerships and conversions, the provision of a certificate service and the provision of citizenship ceremonies. All events to be registered are those which occurred within the boundary of the City. In discharging these functions, registration employees officiate at ceremonies at the Register Office in addition to approximately 60 approved premises. They also attend and register marriages taking place at religious buildings. The service also provides the statutory citizenship ceremonies, a Nationality Checking Service, other non- statutory civil ceremonies. The Service is directed by the Registrar General, whose General Register Office is part of HM Passport Office. It is administered locally by Birmingham City Council and the Proper Officer for Registration Matters is Jacqui Kennedy, Corporate Director of Place Directorate.

Service Successes

Event	2015/16	2016/17	% Difference
Birth registrations	22,278	24,534	8.75+
Still –birth registrations	151	157	4+
Death registrations	9894	10,265	3.75+
Birth re-registrations	585	584	0.2-
Marriages	1742	1855	6.5+
New British Citizens	2335	2760	18.2+
Primary Customers	66,516	69,055	3.8+

In total 1,855 marriages were celebrated and registered in the city, comprising of 1,397 marriages at the Register Office and the Ceremony Suite. Staff attended 9 marriages at religious buildings and 440 at the City's approved venues. There have been 9 marriages under the Registrar General's Licence Act which allows a person who is terminally ill, and cannot be moved to a place where marriages take place, to get married wherever they are.

Registration staff made 208 S24 reports of possible offences relating to sham marriages during the year.

11 civil partnership ceremonies took place in the City over the year, with 226 same sex notices of marriage reflecting the increasing trend of same sex customers choosing to marry rather than form a civil partnership. 26 civil partnerships have been converted to marriages.

7,853 notices of marriage and 29 notices of civil partnership were given during the year.

86,829 certificates of birth, marriage, death and civil partnership were issued to the public at first time registrations

21,707 certificates issued from the registers which date back to 1837.

151,252 legal documents were issued to the public over the year. These documents will include birth, death, marriage, civil partnership and conversion certificates issued from the registers which date back to 1837, citizenship certificates, Superintendent Registrar's certificates for marriages, certificates of no impediment allowing people to marry abroad and Registrar's certificates for burial or cremation, certificates for worship and registration of religious buildings for marriages and approval of premises.

There have been 10 applications received from trustees of buildings to register the buildings as places of worship, 3 applications for the solemnization of marriages. These applications were processed by the staff at the Register Office in conjunction with General Register Office.

The Nationality Checking Service has assisted approximately 900 customers with their applications to become a British Citizen.

Over the financial year ending 31st March 2017, employees have generated - £1,908,469.75 in income an increase of £142,126 on the previous year.

In addition officers have:

- Attended Faith Advocacy and NHS Bereavement Group meetings.
- Assisted the General Register Office in changing national Registration policy.
- Attended various homes, hospitals, and secure units to obtain a birth or death registration in emergency circumstances.
- Participated in valuable partnership working with central government bodies such as UKBA, DWP and the General Register Office.
- Participated in more local partnership working with organisations such as Gateway Family Services, BCC Children Centres, Approved Premises and religious bodies as well as supported MacMillan Nurses as the staff member's nominated charity.
- Continued to report suspected Sham marriages and Civil Partnerships and fraudulent applications for certificates

The Registration Service has continued to provide the Emergency Bereavement Service to enable families to bury their deceased relatives or to repatriate the body to a Country outside of England and Wales within a very short period of time when required by religion or culture.

Furthermore, the Service has provided a 365 day service for marriages and civil partnerships, where one party is terminally ill, in accordance with the Registrar General's Licence Act.

The Registration Service continued to help students make their first step into the working environment by accommodating work experience students from Birmingham-based schools and colleges as well as supporting the Department of Work and Pensions work placements. Service managers have continued to offer

DWP work placements and work with other service areas to help resource the Register Office.

Challenges to Service Provision

The continuing heavy workload of the Registration Service and limited employee resource remain a significant challenge. In order to respond to the high volumes of birth registrations a further review of the birth appointment system has taken place providing more appointment slots. This has brought the average birth appointment waiting time down by over three weeks and the service has significantly improved its KPI percentage figures.

It is to be noted, however, that despite these improvements the requirement to undertake non Birmingham resident registrations resulting from the closure of non Birmingham maternity hospitals, continues to put great pressure on the service and it continues to miss the required KPI standards. Due to the failure of the service to meet its KPI targets, the General Register Office reviewed the service and concluded that even with the revision of the diary appointment system that without additional staffing resource the service will continue to fail to meet its statutory KPI targets.

The service commenced negotiations with Sandwell Registration Service with a view to entering into a partnership arrangement which will enable registrations for Sandwell residents to be undertaken by Sandwell.

As a Designated Register Office (DRO) Birmingham Register Office is one of only two districts in the West Midlands which deal with citizens who are subject to immigration control. These particular customers are required to attend a Designated Register Office regardless of where they reside. Birmingham is the largest and most central DRO in the country and consequently the ceremony service area continually deals with customers and telephone calls from all over England and Wales, and from British and non-British subjects all over the world who wish to marry in England and Wales.

Service managers have strengthened partnership working with faith advocacy groups, GPs and hospitals to help reduce factors which delay the death registration process.

Improvements

An electronic cash book was introduced in April as part of the streamlining of procedures.

The citizenship ceremonies were reviewed in the autumn and the service has subsequently been enhanced. A representative from the Lord Lieutenants Office and the Lord Mayor or Deputy now attend each ceremony.

The provision of death registration appointments has been revised to increase the availability of urgent appointments and a new bespoke electronic index system has been introduced.

In January 2017 an electronic card payment facility was piloted which helped with service efficiencies.

In February the service participated in a death care event presented to the members which aimed to explain the death registration process and the potential causes of delay.

Income Generation

As the fees are mainly of a statutory nature it is difficult to achieve additional income. The provision of a birth or death registration has to be given free at the point of service. A birth or death certificate, which is optional, costs on £4.00. Whereas many in the service believe that the fee for a registration and certificate should be much higher, the final decision for what is charged belongs to the Treasury. Following a government-led review of the funding of the local registration service many of the statutory fees remain at their current level. Registration Districts will however be able to apply fees to a range of services which are currently provided free of charge. The date when these new fees may be applied has not yet been set and the cost of provision of statutory services continues to be cost ineffective.

The fees and charges were reviewed and following a benchmarking exercise a number of none statutory fees were revised which has helped improve the services' financial position.

Private Citizenship ceremonies were introduced which have proved popular and helped to bring in additional income.

LICENSING

Background

The Licensing Service consists of the General Licensing, Hackney Carriage and Private Hire Licensing and Licensing Enforcement teams.

All three teams are located at Ashted Lock, Building 1-3, Birmingham Science Park, Dartmouth Middleway, Birmingham, B7 4AZ. The service moved to its new location from its former premises at Crystal Court on 7th December 2015.

The Licensing Service operates to an ISO 9002 BSI accredited Quality Management System, is an Investors in People employer and in 2015/2016 we retained the Customer Service Excellence award that recognises high standards of customer care.

General Licensing

The General Licensing Team is responsible for administering over 11,000 licences registrations and permits across a wide range of licensing functions, which includes amongst others, sales of alcohol, late night refreshment, regulated entertainment, sex establishments, charitable collections, amusement machines, gambling premises, skin piercers and scrap metal dealers.

The number of licences, registrations and permits issued by the team during the year 1st April 2016 until 31st March 2017 can be broken down as follows:

FUNCTION	LICENCE TYPE	NUMBER ISSUED
Licensing Act	Premises New	189
	Variation	49
	Variation DPS	615
	Transfer	191
	Provisional	0
	TENs	1302
	Personals	713
	Minor Variation	99
	Club Premises New	2
	Club Premises Variation	2
	Club Premises Minor Variation	2
Gambling Act	Premises New	1
	Premises Transfer	8
	Premises Re-Instatement	1
	Premises Variation	2
	Gaming Machines Alcohol New	28
	Gaming Machines Alcohol Transfer	1
	Gaming Machines Alcohol Variation	13
	Prize Gaming Permit	0
	Gaming Machines Club Fast Track Conv.	2
	Gaming Machines Club New	1

FUNCTION	LICENCE TYPE	NUMBER ISSUED
	Provisional Licence	0
	TUNs	0
	OUNs	1
Sex Establishments		
Sex Shop/Cinema	Grant	0
	Renewal	8
	Transfer	0
	Variation	0
	Short Term	0
Sexual Entertainment Venue	Grant	0
	Renewal	6
	Transfer	1
	Variation	0
	Minor Variation	0
Massage & Special Treatments		
1 level	Grant	16
	Renewal	71
2+ levels	Grant	8
	Renewal	39
	Variation (Additional Treatments)	0
	Transfer	1
Societies Lotteries	Grant	26
Street Collections	Grant	149
House to House Collections	Grant	15
Skin Piercers	Grant	180
Scrap Metal - Collectors	Grant	11
	Renewal	0
Scrap Metal - Sites	Grant	2
	New Site Manager	1
	Renewal	0
	Minor Variation	1
Total for year		3757

The figures shown do not reflect the number of current licences, registrations or permits at any given time, but detail the number of applications completed during the period 1 April 2016 – 31 March 2017.

Hackney Carriage and Private Hire Licensing

The Hackney Carriage and Private Hire Licensing Team issued 9,350 licences during 2016/2017, and conducted a further 4,292 transactions, when replacement, transfer and other sundry transactions are taken into account.

The number of licensed operators fluctuated throughout the course of the year but at the end of March 2017 the number was 89 (compared to 79 in 2015/2016).

The team is responsible for the Hackney Carriage Driver Knowledge Test which incorporates the Verbal Communication Test (VCT) as well as the combined verbal communication and knowledge test for private hire drivers.

Licences are required for Hackney Carriage and Private Hire drivers, Hackney Carriage and Private Hire vehicles and Private Hire operators.

Licence holders' details are shared with the City Council's Data Warehouse to prevent and detect benefit fraud and to cross reference information about individual licence holders to verify its accuracy.

Licensing Policy

During 2016/17 the Licensing & Public Protection Committee consulted on and renewed its conditions of licence for private hire operators, drivers and vehicles. It agreed a Site Management Agreement to control face to face fundraisers in the city centre, revised the knowledge test for private hire drivers, began a public consultation on a new emissions policy for all licensed vehicles to correspond with the Council's wider Air Quality Plan, and it reviewed its Cumulative Impact Policy areas under its Statement of Licensing policy.

Licensing Enforcement

The Licensing Enforcement Team is responsible for the inspection of licensed vehicles and premises, as well as dealing with requests for assistance in respect of general licensing, hackney carriage and private hire matters.

In addition to the team's own Licensing Enforcement Officers, a Police Officer is seconded to the team as Taxi Liaison Officer. PC David Humpherson joined Licensing early in January 2013.

PC Humpherson has recruited and trained a team of Special Constables to assist our officers on plying for hire investigations. They have been trained in taxi and private hire legislation and to act as evidence gatherers by taking un-booked journeys in private hire vehicles. The additional resource that these officers provide adds to the impact that our own officers can make in respect of dealing with illegal plying for hire. It also addresses the problem that most drivers recognise our own officers. This year officer Humpherson has installed a number of warning signs on street furniture in the Night Time Economy areas of the city to warn private hire drivers that it is illegal to ply for hire and that they are being watched by CCTV cameras, the evidence of which can be used in court. A number of investigations are underway based on the results of evidence from CCTV cameras.

The team undertakes regular exercises to combat the persistent problem of illegal plying for hire, as well as conducting targeted stop check exercises to check compliance with vehicle and driver conditions. Where non-compliance is discovered, the team takes appropriate legal action according to the circumstances and whether the non-compliance relates to a breach of a licence holder's conditions of licence or amounts to a criminal offence, in accordance with Regulation and Enforcement's approved Enforcement Policy.

The team also investigates more complex issues including unlicensed vehicles, false insurance documents, false insurance claims, and applicants making false or misleading representations on application forms.

Apart from the routine matters of illegal plying for hire and driving without insurance, the following are some examples of cases that were concluded in 2016/2017:

- Two private hire drivers were separately prosecuted under the Equality Act 2010 for failing to carry a passenger because the passenger was accompanied by an assistance dog.
- Two people were separately prosecuted for 'touting' for customers: i.e. they were soliciting members of the public to take journeys in private hire vehicles when the member of the public had not made a booking.
- A licensed driver pleaded guilty to using a forged insurance document under the Forgery & Counterfeiting Act 1981 with the intention of inducing Birmingham City Council to accept that it was genuine. He was sentenced to 6 months imprisonment, suspended for 18 months and 120 hours of unpaid work.

In response to complaints about drivers refusing to take passengers in wheelchairs or with assistance dogs, Enforcement Officers organised a series of test purchases to measure drivers' willingness to take a wheelchair passenger and a passenger with an assistance dog. Eight ranks were approached by a passenger in a wheelchair in on every occasion the taxi drivers agreed to take the passenger in his chair. Eight bookings were made with private hire operators by a passenger with an assistance dog. In each case the operator was not advised that the passenger was accompanied by a dog. All 8 drivers agreed to take the passenger with the dog.

Officers were pleased to note that on 6th April 2017 Section 165 of the Equality Act was enacted to create a criminal offence for a driver in a wheelchair accessible vehicle to refuse to carry a passenger in a wheelchair.

One of the primary duties and responsibilities of the team is to ensure all requests for assistance received are investigated fully and fairly. This is carried out in accordance with the Regulation and Enforcement BSI accredited management system and published service standards.

Requests for Assistance (RFAs) are categorised and coded in order to identify possible trends. This also makes it possible to identify repeat offenders and take proportionally more severe enforcement action if appropriate.

During the period of 1 April 2016 to 31 March 2017, the team dealt with 879 requests for assistance. In accordance with our Enforcement Policy, based on a risk approach, we routinely inspect Private Hire Operators, sex establishments and premises licensed for sexual entertainment and Massage and Special Treatments. Hackney carriage and private hire vehicles are inspected at unannounced stop-check exercises. In addition 792 licensed premises were inspected in response to either a request for assistance (RFA) from a member of the public or other business or as part of an ongoing assessment of risk.

During the year 18 high visibility stop check exercises were conducted across the city in conjunction with officers from West Midlands Police. Officers from the Central Motorways Patrol Group frequently assisted our officers. At a stop check, vehicles and drivers are inspected to ensure compliance with our conditions of licence. Licensed drivers caught committing non-licensing offences such as not wearing seat belts or other road traffic offences are dealt with by the police. Motorway patrol officers (and the Licensing service's own police officer) are approved vehicle inspectors who are authorised to inspect vehicles to determine their condition under the Road Traffic Act 1988. Twelve of the stop checks also incorporated a plying for hire exercise in which the team of special constables are deployed.

The overall compliance rate during 2016/2017 for safety critical conditions when measured at roadside stop-checks was 78.5% for private hire vehicles and 85.4% for hackney carriage vehicles. This measure was introduced at the beginning of 2012/2013. The greatest single reason for non-compliance was for lights.

The tables below record the percentage of vehicles which were compliant with safety critical conditions when inspected in stop-checks year by year since 2012.

	Hackney Carriage Vehicles % Fully Compliant with Safety Critical Conditions	No of Vehicles Checked	Private Hire Vehicles % Fully Compliant with Safety Critical Conditions	No of Vehicles Checked
2012/2013	83.2%	191	72.7%	959
2013/2014	86.1%	273	78.7%	1213
2014/2015	85.4%	426	81.6%	1307
2015/2016	83.6	390	80.2	1165
2016/2017	85.4	471	78.5	971

During the operational year all licensed private hire operators' businesses inspected. At inspection, the most common failing was the requirement to keep copies of up to date insurance certificates for drivers.

Prosecutions

Numbers of Cases

In 2016/2017 Licensing Officers submitted prosecution reports against 47 defendants and administered 151 simple cautions. During the same period 42 prosecution cases were finalised at Court. The majority of the prosecutions were for plying for hire offences, although two were taken under the Equality Act 2010 for refusing to take passengers with assistance dogs.

Costs and Fines

Fines totalling £13,508 were imposed and costs of £21,351 were awarded to the City Council against requests totalling £28,717 (74%). Offenders received sentences ranging from fines, community punishment orders and imprisonment, detailed below:

- 184 penalty points.
- 36 months disqualification.
- 6 months imprisonment.

LEGISLATION	CASES	OFFENCES	FINES	COSTS AWARDED	OTHER
Criminal Justice & Public Order Act 1964	3	3	£395	£1,000	
Equalities Act 2010	6	6	£1,468	£3,132	
Forgery & Counterfeiting Act 1861	1	2		£2,868	6 months imprisonment suspended for 18 months, 120 hrs unpaid work
Local Government (Miscellaneous Provisions) Act 1976					
Section 48	1	1	£57	£469	
Section 54	1	1	£145	£288	
Road Traffic Act 1988***	1	5	£660	£431	30 points & 2 years disqualification
Town Police Clauses Act 1847 (plying)	27	54	£9,128	£10,568	154 penalty points, 12 months disqualification
TOTALS	42	75	£13,508	£21,351	

Appeals against Sub Committee Decisions

The following tables list the number of cases proceeding to Court during the period 1 April 201 to 31 March 2017, together with outcomes and costs recovery:

Outcome	Magistrates' Court	Crown Court	Total
Dismissed	23	4	27
Allowed	4	1	5
Allowed in part		2	2
Withdrawn pre- or at Court	4	3	7
Other	2 x Consent Order agreed 1 x Allowed with conditions		3
Total	34	10	44

Note: These figures demonstrate that in 77% of cases, the decisions of the sub-committees were either supported by the Courts, or the appellants withdrew their appeal altogether. In 2015/16 that figure was almost identical at 79%.

Appeal Costs	Requested	Ordered	Percentage
PH/HC	£15,892.80	£9,685.80	61%
Licensing Act	£34,353.42	£25,360.42	73.8%

Work of the Licensing Sub-Committees

During the period 1 April 2016 to 31 March 2017 a total of 301 hackney carriage and private hire cases were referred to Licensing Sub Committees for consideration (in 2015/2016, 327 cases were referred to the Sub Committee). Part of the reduction is due to the decision to delegate to officers certain decisions including the consideration of suitability of evidence as to good character where the applicant is from a failed state and cannot comply with the requirement to provide a DBS (Criminal Record Check).

Sub Committees also considered 84 applications under the Licensing Act, these were for:

- Grant of Licence 39
- Variation 3
- Temporary Event Notice 7
- Personal 1
- Expedited Review 23
- Review 1
- Transfer 3

Service Delivery Plan 2016/2017 – Outturn

The Service Delivery Plan identifies targets and levels of performance. In order to ensure the delivery of quality services, the Licensing Service operates within the Regulation and Enforcement ISO9002 accredited management system (REMS). The Licensing Service is committed to a programme of activities designed to ensure that our Service Provision and Service Standard targets are met.

Service Provision	Acceptable Quality Level	Annual Outturn
We will respond to all General Licensing applications in a timely manner: Percentage of applications processed within 60 days* *Subject to tests and Committee timetable	90%	96.4%
We will respond to all HC & PH Licensing applications in a timely manner:	100%	100%
We will respond to Requests for Assistance (RFA's): Percentage of RFA's responded to within 5-day target	97.5%	79.3%

Service Provision	Acceptable Quality Level	Annual Outturn
We will submit all reports within two thirds of the time allowed us by law	98%	55.8%
Percentage of successful licensing prosecutions	95%	91.3%
Percentage of personal callers to Licensing seen within 15 minutes of their appointment time	97%	100%

CORONERS AND MORTUARY

2016 (the Coroner's Service operates a calendar year for statistical data) saw a significant increase in the number of deaths notified to the Coroner. The number rose to 5,080, an increase of 5.7% on 2015 (19% over the last two years) and represented 44% of all deaths in Birmingham and Solihull (up from 41% in 2015 and 37% in 2014). 1,566 Post Mortems were carried out on the order of the Coroner.

In relation to inquests the number conducted increased by 24% on the previous year to 746. 93% of inquests were completed within 6 months, the same as in 2015 with less than 1% of inquests not completed within 12 months, well below the national average. The average time to completion remained at 12 weeks against the national average of 18 weeks.

The service compared favourably with national averages in relation to the percentage of deaths that were inquested, the percentage that were subject to post mortem analysis and the amount of histological and toxicological testing that was carried out.

Efforts were made to reduce the time taken from notification of a death to the release of the deceased to the family for them to arrange funerals. The average time where no post mortem was required fell from 2.3 to 1.6 days through the year and for those where post mortems were carried out the reduction was from 4.3 to 2.9 days.

Customer satisfaction with the service remained excellent.

ENGLAND ILLEGAL MONEY LENDING TEAM

The England Illegal Money Lending Team is hosted by Birmingham City Council, tackling loan sharks across communities in England. The team moved under the governance of the National Trading Standards Board in 2012.

The team consists of 32 Investigators and Regional Liaise Officers that support individuals and communities being exploited by loan sharks.

The England team receives approximately 600 intelligence / information reports each year that are investigated and risk assessed. The risk assessment will include action to be taken as well as any perceived or real risk in respect of our duty of care to the complainant / victim.

Every intelligence report is investigated to ensure that any decision about further action is informed and considered. The process is underpinned by the requirement to continually review all information to ensure the team has not underestimated or failed to act on the information.

In 2016/2017 work undertaken by the team included:

- 43 warrants executed.
- 61 Arrests.
- All cases received either a custodial or suspended custodial sentences.
- Value of the loan books identified £9,708,900.

Examples of completed cases include:

- Operation Boniface. A hospital Consultant at Central Middlesex and Northwick Park Hospitals in Harrow, pleaded guilty to two counts of illegal money lending at an earlier hearing on 8th September 2016. He had issued loans, totalling more than £1million to hospital colleagues over a period of approximately five years. During an interview he admitted to issuing loans ranging from £500 to £50,000 to his customers since 2011. He said that he knew he was acting illegally but was of the view that it would take too long to obtain a license which would have curtailed his money making. An examination of records revealed that victims had often had loans totalling thousands of pounds. Dr Savani was also ordered to pay £525,000 proceeds of crime.
- Operation Japanese Windflower. A 47 year old male, who operated an illegal money lending business from casinos located in Teesside and Leeds, was sentenced to 38 months in prison by His Honour Judge S R G Hickey following a hearing at Durham Crown Court on 1st April 2016.
- Operation Jodo. A 41 year old male who operated an illegal money lending business to over 100 customers for a period of six year, charging interest rates of 100% in the Brinnington area of Stockport was sentenced to 33 months in prison by HHJ Potter following a hearing at Minshull Street Crown Court in Manchester on 28th July 2016.

In 2016/2017 there were 1,957 victims identified, the LIAISE team had 1075 contacts with victims and witnesses. Of the 100 victims that completed the team's questionnaire, 15% said they had felt suicidal in the last year; 5% because of the

loan shark. This reduced to 0% after the team's intervention. Every witness that engages with the team is risk assessed and appropriate measures are put in place to ensure their safety.

In 2016/17 the LIAISE staff trained 10,400 frontline staff. This is instrumental in giving people the skills and knowledge to encourage their clients to report activity.

Over 260 pieces of intelligence can be directly attributed to the work of LIAISE officers in 2016/17

Over 100 community projects were funded by proceeds of crime money in 2016/2017.

These included:

- A sofa being upholstered in Stop Loan Sharks fabric and going on tour in Manchester.
- A Stop Loan Sharks mosaic being designed and unveiled at a shopping centre.
- Graffiti murals on Youth Centres in Bradford.
- The development on a Stop Loan Sharks card game for people with autism to play.
- Design a piggy bank workshops being run for people with head and brain injuries.

Over 1000 credit union accounts were offered a £25 savings incentive through proceeds of crime money. These accounts were opened by people at risk of borrowing from loan sharks, and for many represented saving for the first time.

The stop loan sharks website went live in January 2017. With over 4000 hits in the first two months, it provides a new method for people to get information about the team and report loan shark activity.

Lesson plans about financial capability skills that are delivered around the Stop Loan Sharks message are now being delivered in 5000 schools across England.

Three organisations won the Stop Loan Shark Champions Awards 2016/2017. They were:

- Work out Your Money – Havant CAB – worked to deliver the Stop Loan Shark lesson plans to 100 children from 8 schools, and adapted it for delivery to adults.
- Hull and East Yorkshire Credit Union - Stop Loan Shark campaign in Goole and Hull – work in schools, supermarkets and a credit union incentive scheme
- Shotton Colliery Community Centre – ran a week of action and promoted a credit union incentive with fantastic results.



“People that had never been able to save joined the Incentive Programme and found it very easy to keep coming into the centre during the 10 weeks putting as much as they could afford. One lady was overjoyed that her Christmas Dinner expenses would be sorted out and she could afford a Turkey and the trimmings as it was her first year on her own and did not know how she would cope. Young people also joined the Credit Union and one young girl wanted to save for a mobile phone. Her brother told her not to save as she could get a new phone on contract, she decided to join as she had never had a mobile of her own which had not been passed down, each time this girl saw the Centre Manager she would give her half of her baby sitting money. One young lad decided to withdraw some of his savings in December so that he could buy his mam a Christmas present as he had never bought something that she had not paid for herself. He has continued to save and is now looking forward to his holiday.”

This year the Treasury announced that the team would be funded via an industry levy collected by the Financial Conduct Authority. The levy will be in place by 2017/2018 and will afford a degree of consistency over a sustained period.