

Birmingham City Council

Report to Licensing and Public Protection Committee

26 June 2024



Title:	REGULATION AND ENFORCEMENT ANNUAL REPORT FOR WORK DELIVERED IN 2023/24
Lead Cabinet Portfolio:	N/A
Relevant Overview and Scrutiny Committee:	N/A
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Authorised by:	Sajeela Naseer, Director of Regulation and Enforcement Regulation and Enforcement
Is this a Key Decision?	No.
If this is a Key Decision, is this decision listed on the Forward Plan?	No
Reason(s) why not included on the Forward Plan:	Not Applicable.
Is this a Late Report? Reason(s) why Late:	No
	Not Applicable.
Is this decision eligible for 'call in?'	No

If not eligible, please provide reason(s): Not Applicable.

Wards: All

Does this report contain exempt or confidential information? No

Exempt Information Not Applicable.

Confidential Information Not Applicable.

Has this decision been included on the Notification of Intention to consider Matters in Private? No

Reasons why not included on the Notification: Not Applicable.

1.0. EXECUTIVE SUMMARY

- 1.1. The report advises on the work undertaken during the year April 2023 to March 2024 by the Regulation and Enforcement Sections: Environmental Health, Trading Standards, Private Rented Sector, Property Licensing, the Register Office, Licensing, the Coroners and Mortuary service and the England Illegal Money Lending Team which report to your Committee.

2.0. COMMISSIONERS' REVIEW

- 2.1. This section, as confirmed by the Lead Commissioner, is not required for reports submitted to Licensing and Public Protection Committee.

3.0. RECOMMENDATIONS

- 3.1. That the Committee:

Note the contents of this report which is for information only.

4.0. KEY INFORMATION

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

- i.Environmental Health.
- ii.Trading Standards.
- iii.Register Office.
- iv.Coroners and Mortuary service
- v.Licensing.
- vi.England Illegal Money Lending Team
- vii.Regional Investigations Team (RIT)
- viii.Private Rented Sector Service
- ix.Private Rented Sector Property Licensing

- 4.2 The operating model for Regulation and Enforcement seeks to deliver both statutory and other services that fulfil the corporate priorities of Birmingham City Council. The model enables new services to be integrated within it and most recently the Private Rented Sector service joined in June 2023.

- 4.3 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.

- 4.4 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.

- 4.5 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, citizenship ceremonies, the issuing of certified copies of register entries and the legal preliminaries to and registration of civil partnerships.
- 4.6 The Licensing Service consists of the General Licensing, Hackney Carriage and Private Hire Licensing, Street Trading and Licensing Enforcement teams.
- 4.7 The Coroners Service and the Public Mortuary provide support staff to the Senior Coroner for Birmingham and Solihull.
- 4.8 Birmingham City Council Regulation and Enforcement continue to host the England Illegal Money Lending Team for England and the Regional Investigations Team.
- 4.9 The Private Rented Sector service is responsible for Houses in Multiple Occupation mandatory licensing, bringing empty properties back into use, tackling illegal eviction and harassment and ensuring safety and standards in private rented sector properties.
- 4.10 Property licensing is responsible for ensuring that all private landlords in the Selective Licensing area (25 designated wards within Birmingham) and all private landlords of smaller House in Multiple Occupation (known as Additional HMOs) citywide are licensed and that the licence conditions are met. When non-compliance is found this is raised with the responsible party and where necessary, enforcement action taken.
- 4.11 Within the division, administrative support, management information and the co-ordination of legal proceedings with the Chief Legal Officer is undertaken by appropriate teams and Business Support Services.
- 4.12 Officers continue to work closely with the Director of Public Health and his staff to deliver public health outcomes in Birmingham.

5.0. Proposal and Reasons for Recommendations

- 5.1 The purpose of the report is to publicly inform and record centrally the activities undertaken by the Regulation & Enforcement Division in 2023/24.

6.0. Other Options Considered

- 6.1 No alternative options are applicable

7.0. IMPACT AND IMPLICATIONS

7.1. Finance

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

7.1.2 Funding for 24/25 is detailed below.

Service Area Name	Expenditure	Income	Net Budget 2024/25
	£	£	£
Private Sector Housing	3,391,341	(2,322,840)	1,068,501
Environmental Health	6,319,980	(1,491,332)	4,828,648
Waste Enforcement	1,466,162	(130,000)	1,336,162
Pest Control	1,179,711	(1,010,060)	169,651
Registration Services	3,557,400	(2,520,110)	1,037,290
Trading Standards	1,951,776	(147,896)	1,803,880
Licensing	5,510,389	(5,510,389)	0
IMLT and RIT (grant funded)	5,692,511	(5,692,511)	0
Property Licensing	7,267,000	(10,099,000)	0*
Grand Total			10,344,132

*Surplus income generated in 2024/25 will be taken into reserves, to be used in future year(s). This is a ring-fenced licensing budget.

7.2 Legal

7.2.1 Regulation and Enforcement Division operates within the legal framework of the legislation that is enforced. There is a strong partnership with legal services to ensure compliance. Both divisions work to the publicly published Enforcement Policy on the council's web pages.

7.3 Equalities

7.3.1 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.

7.4 Procurement

7.4.1 There are no specific procurement implications in this report.

7.5 People Services

7.5.1 There are no staffing implications arising from the recommendations in this report.

7.6 Corporate Parenting

7.6.1 There are no implications or opportunities in relation to the Corporate Parenting responsibility arising from the recommendations in this report.

7.7 Other

7.7.1. No other implications have been identified.

8.0 APPENDICES

8.1 The Regulation & Enforcement Annual Report 23/24 is attached as an appendix to this report.

9.0 BACKGROUND PAPERS

9.1 None

REGULATION AND ENFORCEMENT
ANNUAL REPORT FOR WORK DELIVERED IN 2023/24

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 such as littering and fly posting, Air Quality monitoring and Unauthorised encampment evictions.

All our services are statutory such that the City Council has a legal obligation to deliver them, and they are reported through the Licensing and Public Protection Committee.

All 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 are required to 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.

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		42,369
	Env Health RFAs total	19,951
	Pest Control RFAs total	14,209
	All Inspection Total	7,585
	Other Jobs not RFAs	624

Environmental Health Breakdown		
Waste related enquiries	RFAs & Waste Incidents not subject to complaint	214
Statutory nuisance	Noise	7,896
	All others	616
Animal Welfare	Dog Wardens	3,541
	Animal Welfare (not dogs)	261
Food Enquiries		3,522
Infectious diseases		1,243
Licensing enquiries		274
Health and Safety	Enquiries	276
	Incidents (Accidents)	431
Unauthorised encampments	On council land	644
Other		1,033
Source of RFAs	Cllr, MP, CX & SD	225
	Public	15,433

Pest Control Breakdown		
Rats	Rat in Garden	7311
	Rat in House	5,436
	Mice reported as Rat in House	72
Pests other		1,390
Source of RFAs	Cllr, MP, CX & SD	31
	Public	14,178

Environmental Health Inspections Breakdown		
Inspections	Food Inspections	5,058
	Food Standards Inspections	1,546
	Health and Safety	733
	Environmental Protection	107
	No Smoking Compliance	15
	Duty of Care	11
	Animal Welfare	115

Number of Criminal Prosecutions undertaken by Environmental Health:

CASES FINALISED BY LEGISLATION 2023/2024

LEGISLATION	CASES	OFFENCES	FINES	COSTS AWARDED
Environmental Protection Act 1990, Section 80	1	4	£300	£200
Food Hygiene (England) Regs 2006 ***				
	40	377	£378,975	£73,066
Food Information Regs 2014				
	1	3	£3,000	£2,020
Health Act 2006				
	2	3	£1020	£985
Environmental Protection Act 1990 Sec 87 Litter	1388	1388	£294,685	£214,384
TOTALS				
	1432	1775	£676,960	£290,655

Total Submitted Prosecutions 59 EH and 1388 Littering offenders

Total Submitted Cautions 18

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 6,683 Fixed Penalty Notices were issued which is an increase of 143 over last year. During the year 1,388 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 £212.30 plus costs of an average £154.45.

Over the course of the year 56 consents and 4 replacement 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.

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 2023/2024 a total of 7,896 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.

40 noise abatement notices were served for noise offences affecting residents and 6 seizures of sound equipment took place following breaches of notices. In some cases, after 28 days those who pay for the costs incurred by the city in undertaking the seizure of the noise equipment, have their property returned. In cases where further breaches of notices occur after seizure i.e. where new or returned equipment is used to create a further problem, criminal proceedings are taken against the offender and the courts asked to give a forfeiture order for the seized equipment.

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 statutory noise nuisances.

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:

- 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.
- 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.
- 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 2023/24 we continued and implemented a number of targeted interventions which included:

- Enforcement exercises involving the smoking of shisha, working extensively within a multi-agency setting (West Midlands Fire Authority and West Midlands Police).
- 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.

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 tobacco shisha is similar to those associated with cigarettes.

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 using a partnership approach.

Inspections of shisha premises occurs where capacity allows and where complaints of premises are raised.

City Centre Project

Environmental Health continued in 2023/2024 to provide assistance with reducing impacts from noise levels and antisocial behaviour within the City Centre through enforcement of the two City Centre Noise PSPOs. The Orders restrict the use of amplification equipment, musical instruments and items being used as musical instruments within two key areas of the city centre close to residential properties. Patrols are now being undertaken up to 7 days a week (including some late-night patrols) to ensure compliance with the PSPOs. This has resulted in formal enforcement action being taken against a number of individuals for breaches of the PSPOs. Outside of the PSPO areas, Environmental Health are continuing to work with residents and businesses with regards to complaints about noise levels on the street as and when they are received.

Pest Control

During 2023/2024, the Pest Control Section continued to offer a range of services to both domestic and commercial customers in the city. We treated rats in gardens and houses for free. 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.

Furthermore, the section provided specialist support services to the Environmental Health Section and other City Council Departments such as Housing, Birmingham Property Services, Parks and Leisure and the Land and Property team. These included the clearing of 'filthy and verminous' premises; the disinfection and cleaning of areas which may have become contaminated with bodily fluids following a death; Clearing land and buildings; removing faeces and needles.

Key achievements of the Pest Control section during 2023/2024 include:

- The section has dealt with a total of 14,209 requests for assistance (RFA) from residents of Birmingham. Of these 12,747 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.
- We have successfully been working closely with Birmingham Property Services clearing their void properties; clearing land of rubbish or overgrowth; treating pests; and generally assisting in supporting their commercial estates.
- We work with Land and Property Team clearing their land and properties of rubbish and overgrowth.

- We also support the returning of land which has been adversely affected by unauthorised encampments and has waste and human waste on it.

Food Safety Inspections

More than 5,000 food hygiene inspections including over 2,600 programmed inspection and 1,500 revisit inspections to ensure improvements were being made. In addition to these food hygiene inspections over 1,500 food standards inspections were carried out during 2023/2024. Items covered during inspections include hygiene of premises and practices, Compliance with allergen controls, compositional standards, claims and advertising, traceability, food fraud, date coding, sampling and training.

Food Hygiene Rating Scheme

Following the launch of the National Food Hygiene Rating Scheme in November 2012, the scheme continues in popularity with scores displayed on the doors and on the FSA web site. The ratings website where hygiene scores for businesses are displayed features over 10,000 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 250 made such an application in 2023/2024.

There has also been a significant increase in new food registrations being submitted to us. Where new businesses open then they are required to register with their Council. The council in-turn is required to inspect these new businesses within 28 days. Over the last few years, we have been averaging around 1,800 new registrations and struggle to meet this demand. There is no commensurate requirement to de-register a business.

Food Enforcement Action

During 2023/2024, 84 premises were found to present an imminent risk to health and were closed immediately until all necessary works were carried out. Although this could be considered a large number, compared to the total number of premises inspected, 4,521, it only represents about 2% of premises which seriously failed to meet basic hygiene requirements and put their customers at risk.

Throughout 2023/2024, 41 prosecutions were finalised for food hygiene and food labelling related offences, with total fines amounting to over £381k and costs awarded of over £75k.

Officers are increasingly getting involved in dealing with allergen controls, due to the increased number of incidents in this matter.

Primary Authority

Regulatory Services has formal partnerships for food safety and food standards matters with:

- Mondelez Chocolate and confectionery manufacturer
- Wing Yip Chinese importer and wholesaler
- Avanti Trains Catering outlets on train services
- Marks & Spencer Food Retailer
- Asana Leisure Ltd Food Retailer

This is a resource intensive exercise as additional meetings and inspections are required in order to properly advise both the business and other local authorities. Where Primary Authority Partnerships have been agreed, we operate a full cost recovery system from the company.

Infectious Diseases and Food Poisoning

All sporadic cases and outbreaks of gastro-enteritis are investigated. During 2023/2024, 1,236 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 to reduce the spread of infection as quickly as possible. On several occasions in the year officers assisted Birmingham TB services and UKHSA, using powers to request cooperation with TB cases choosing not to undertake treatment and giving rise to risk of spread of TB to others. Here Officers work with the Health Protection Unit to ensure a joined-up approach to controlling the spread of gastro-enteritis and food poisoning.

Health and Safety Regulation

The City Council has the responsibility for enforcing health and safety law in approximately 21,000 commercial premises. During 2023/2024 there were over 1,400 health and safety related activities were recorded, these included inspections; dealing with requests for assistance; investigating accidents, incidents and cases of occupational disease; and targeted interventions (project work).

Inspections

Due to staffing shortages and other work priorities, we were unable to deliver all of the proposed proactive inspections during the 2023/2024 that were hoped to be undertaken. We undertook 36 inspections in accordance with the National Local Authority Enforcement Code ('the Code'). These comprised of premises such as warehousing and storage facilities, leisure and entertainment venues and retail and hospitality sector. Our inspections have looked at risks within businesses such as workplace transport, work at height, carbon monoxide and gas safety controls and high risk practices in the beauty industry.

Requests for Health & Safety Assistance

During 2023/2024 officers responded to 276 requests for assistance concerning working conditions or practices. These included concerns regarding staff welfare and dangerous work practices.

Incident Investigations

There were 431 notifications of accidents, dangerous occurrences and cases of occupational disease reported during 2023/2024. Whilst not all of these required investigation, a number of investigations into serious incidents were either begun or continued during the year including fatal incidents. Some of these investigations take a considerable investment of time and have included working with expert witnesses, the Coroners Court and other regulators.

Enforcement Action

As a result of enforcement activities, 28 Prohibition Notices were served requiring the cessation of dangerous activities. These related to areas such as dangerous electrical systems and gas appliances, unguarded catering equipment, employees working at height without edge protection. In addition, 8 Improvement Notices were served, requiring improvements in safety standards.

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 Marks and Spencer, John Lewis Partnership, Claires Accessories and Gala Bingo which has 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 and the expert panel for warehousing which consists of local authority Primary Authority Partners who work within these sectors helping to direct consistency and improve safety both nationally and within Birmingham.

Environmental Protection

During 2023/2024 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 and these are utilised to cover core environmental health work as well as providing advice and assistance to Planning Management and Licensing with regards to relevant applications for planning consent or premises licences / TENs respectively.

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 the year. EPU continue to provide 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 83 requests for noise monitoring to support noise nuisance complaint investigations and installing equipment at 29 residential properties across the city. Both numbers are a drop (around 50%) on the previous year. The drop in such requests is believed to be in part a reflection of the changing demand for the service coupled with staffing challenges faced within the service. It is anticipated that this will be rectified with a round of new recruitment in the summer following the confirmation of the medium term financial plan.

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 service continues to provide advisory support to premises licence holders when setting noise limiters imposed as conditions on premises licences although with officer reductions this is more desk based and relies on applicants employing competent consultants / engineers who provide relevant reports to review.

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 on-going need to improve air quality at key locations in response to various statutory obligations (Local Air Quality Management, Clean Air Zone) and other duties (Clean Air Strategy, Environment Act 2021).

The work carried out during 2023/2024 focused on two pollutants, nitrogen dioxide (NO₂) and particles [(coarse particles (PM₁₀) and fine particles (PM_{2.5})].

Officers from the service have worked closely with colleagues from a range of other Council services, specifically within the Clean Air Zone Team, to progress the Clean Air Zone (CAZ) obligations now the CAZ has gone live. The CAZ Team fund an officer who works within the EPU and who's primary role revolves around the monitoring and evaluation of the CAZ. To this end the team are now focussing on the monitoring and evaluation with a view to determining at what point success will be determined to have been achieved.

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

- Air quality was continuously monitored at fifteen locations across the city, most being within or around the city centre. This incorporates CAZ specific sites, one Defra site and eight sites belonging to EH. A further Defra site in Acocks Green remains out of commission (it is not operated by EPU). The CAZ sites were established by EPU using CAZ funding and are continually funded (maintenance costs) through the CAZ team. All stations and associated data and reports may be viewed at www.birminghamairquality.co.uk
- Officers from the service undertook non-continuous monitoring of nitrogen dioxide using diffusion tubes at around 155 sites around the

- city. This includes phase two of our tranche monitoring programme looking at air quality on key arterial routes outside the city centre.
- Birmingham continues to support the national polycyclic aromatic hydrocarbon, benzene 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.

Contaminated Land

The work carried out by the team around 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. There has been no progression on this from the previous year.
- 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 57 formal requests for environmental information to support conveyancing reports. This work is income generating and resulted in revenue of over £6,140, a drop of 40% from the previous year.

Pollution Control

The work of the team also 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 2023/2024 included:

The emissions produced by 211 industrial and commercial processes were regulated, ranging from petrol stations to the Jaguar car manufacturing plant. During the year we aimed to conduct 131 inspections, but due to resources only completed 107. The remaining processes are all reduced risk and will be inspected in the next financial year (2024/2025) through a new recruit joining the team to replace officers who have left the team.

The prevention of future environmental problems is also an important element of work. During 2023/2024 Planning Management consulted us in relation to the environmental consequences of proposed developments relating to 2,704 requests for comment on specific planning applications. These included major developments which can have significant consequences within the city. The primary challenges arising are within the city centre and stem from noise concerns due to residential

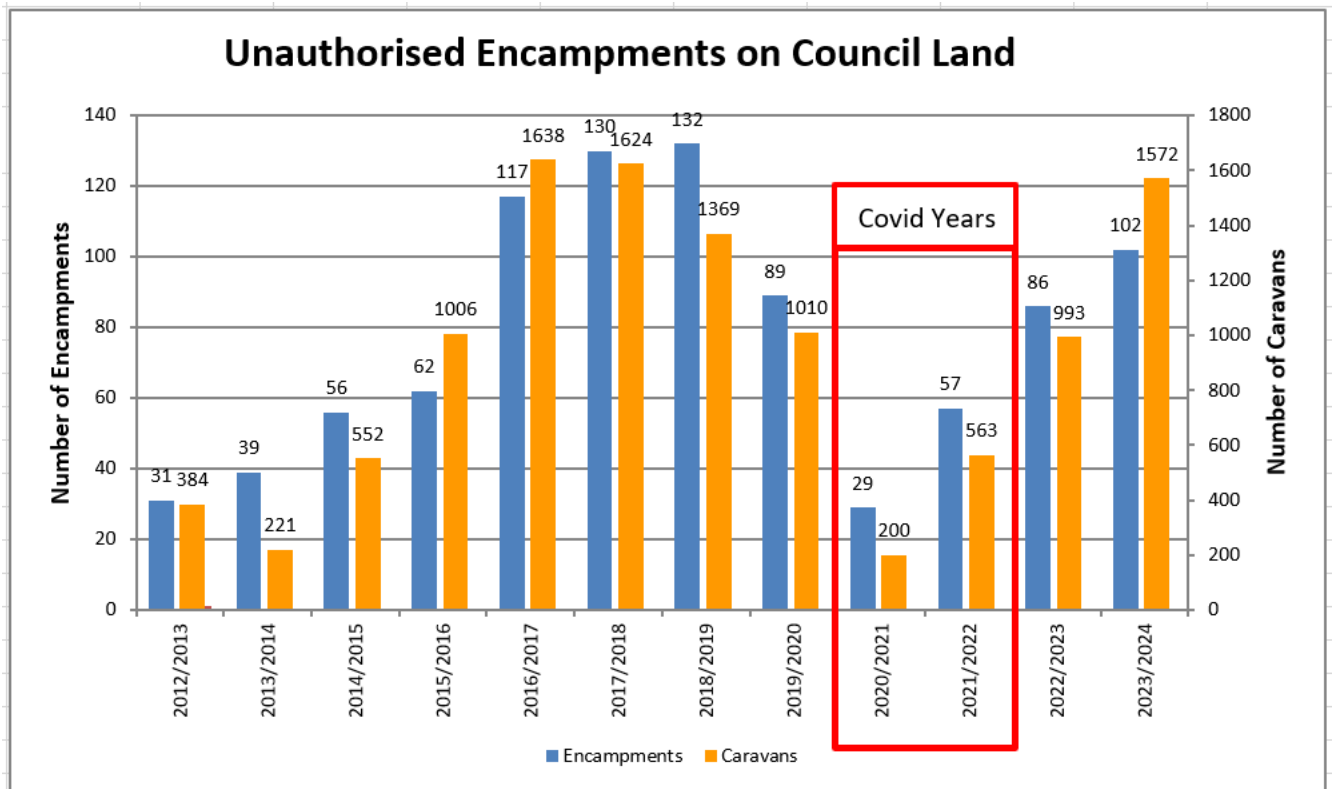
developments being proposed close to existing entertainment uses (pubs, bars, clubs) or due to air quality concerns from residential developments adjacent to major traffic routes. In both cases officers have raised objections but the issue of planning balance is the deciding factor having regards to competing needs for residential units versus the immediate environmental risks. These are demanding cases for officers and take considerable time to complete, often across months and in some cases years.

Officers are asked to comment on applications made under the Licensing Act 2003. They assessed 146 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 with Committee being attended on 4 occasions and representations withdrawn on 6 instances. This further assists in preventing future noise problems.

Officers were also involved in the investigation of nuisances arising from industrial premises and from licensed entertainment premises within the city centre. This year the team have had to deal with a number of more complex cases mostly from licensed entertainment premises. In three instances noise abatement notices were served, two were appealed and then subsequently withdrawn as the operators pursued alternate routes to compliance, whilst in the third case the premises remains non-compliant despite a seizure of equipment and assurances of further action.

Unauthorised Encampments

Environmental Health leads on the response to notifications of illegal or unauthorised encampments (UE), principally due to travelling families. In 2023/2024 officers dealt with 102 such encampments on Council land and increase of almost 20% on the previous year. By the end of the financial year, the transit site at Proctor Street is almost at the stage of reopening which is hoped will relieve pressure on the wider city by allowing for better overall management of unauthorised encampments.



Officers continue to support colleagues in Housing with regards to the Proctor Street Transit Site whilst Housing procure sufficient management function services. Officers are also working with colleagues on a revised Traveller assessment and in the search for further alternate sites.

Animal Welfare

The Animal Welfare Team is responsible for a wide range of inspection and enforcement activities and includes the Dog Warden Service. The team respond to enquiries involving a variety of pet animal and livestock keepers. The Licencing of Activities Involving Animals (England) Order 2018 provides for the licencing of pet shops, commercial kennels and catteries, home dog boarders, dog day care facilities, riding establishments, dog breeders and people who train and exhibit animals. Zoos and Dangerous Wild Animals are dealt with under separate and specific legislation. Due to staffing numbers and additional demands of the Dog Warden Service, the team have had to prioritise work and have not undertaken any proactive work. Significant achievements in 2023/2024 included:

Dog Warden Service

- The Dog Warden service responded to 3,136 requests for assistance and advice, regarding stray and lost dogs, dog fouling and dog welfare issues. This is an increase from 2,734 for the previous year.
- A total of 797 stray dogs were seized a significant increase from 538 stray dogs seized the previous year. Of these dogs, 729 were impounded at kennels and 68 returned directly to their owners. It is thought the increase in stray or unwanted dogs is due to the high numbers of dogs acquired through lockdown, that are no longer

wanted. A total of 185 of the dogs impounded were claimed by owners, which resulted in additional income of £5,075 in respect of claim charges.

- A further challenge for the team is dealing with the repercussions of amendments to the Dangerous Dogs Act, to include restrictions on the ownership of XL bully type dogs. As a result, some 90 XL bully dogs have been collected as strays, almost all of which have been abandoned as only 13 of these dogs being claimed by their owners. In most circumstances, due to health and safety concerns, these dogs must be handled by 2 officers.
- Problems with outbreaks of an infectious canine disease at our contracted stray dog kennels has resulted in a trawl of all local kennels for alternative kennelling arrangements. This has been time consuming not only to find kennels that can support our requirements, but also travel time for our officers, who have regularly needed to take stray dogs as far as Stoke on Trent as there have been no other options available.
- The Dog Warden/Enforcement Officers (DWEO) continues to provide the stray dog collection service for Solihull Metropolitan Council and seized 67 dogs on their behalf, this resulted in additional income of £6,743.31
- Concerns over the fouling of public areas by dogs resulted in 591 complaints. Some 62 warning letters were issued to those reported for failing to clear up after their pets. Approximately 10,000 signs advising dog owners of their legal responsibility to clear up have been affixed to lamp posts in affected areas. Dog fouling hot spots were identified and information provided to litter enforcement agencies for additional patrols.
- Other initiatives to deal with dog fouling nuisances, involve the use of anti-dog fouling stencils and larger enforcement signage. Some 10,000 free poop-scoop bags were also handed out to dog owners, to promote clean up campaigns.
- Other regulatory controls in place under Public Space Protection Orders and the Environmental Protection Act and Dangerous Dogs Act, resulted in 263 warning letters sent in respect of dogs reported to be either dangerous and/or being allowed to stray onto public or private land. This is a significant increase to the 134 letters sent out last year and indicates the heightened concerns members of the public have regarding large and powerful breeds of dogs.
- DWEO continue to promote the legal requirements for compulsory dog microchipping, through discussions with and visits to dog owners.
- Dog cruelty and neglect is an emotive and high-profile issue and officers received a total of 476 requests for assistance, which related to poor living conditions, abandonment, lack of veterinary treatment or the malnourishment of dogs.

Animal Related Complaints and Other Activities

- Some 88 animal related licences remained in place, with 7 new licence applications being processed and approved.
- Complaints regarding illegal trading of non-licenced premises have been undertaken. The 16 complaints related to persons breeding and selling puppies without a dog breeders' licence, breeding and selling kittens without a licence to sell animals as pets and individuals boarding dogs within their home, without a boarding licence. These investigations have resulted in 2 written warnings, 5 people obtaining the relevant licences and the remainder having verbal warnings.
- Fulfilling the service level agreement with the Children, Young People and Families Directorate to effect an assessment of animals (usually dogs) kept by a prospective adoptive or foster parent, resulted in 36 assessments being carried out and reports being submitted. This resulted in additional income of £7,305.16.
- DWEO continue to assist in the emergency removal and boarding of animals should their owners be taken to hospital or detained under the Mental Health Act. This is a valuable service involving vulnerable people, often in difficult circumstances. The Animal Welfare team take the lead on such matters and liaise with Social Services, Funerals and Protection of Property, hospital staff, police and private kennels and catteries. A total of 39 referrals were dealt with, involving a variety of animals. This resulted in additional income of approximately £5,606.03.

Sports Ground Safety

Currently the Environmental Health are issuing the sports ground safety certificates for Aston Villa & Birmingham City Football Clubs, Edgbaston Cricket Ground, Alexander Stadium, Moseley Rugby Club and Perry Barr Greyhound and Speedway stadiums. This work also includes the issuing of Special Safety Certificates for events outside of the normal activities.

WASTE ENFORCEMENT UNIT

The Waste Enforcement Unit (WEU) investigates and enforces against most elements of Waste Crime except for littering. In 2023/4 it was managed by Waste Management but as of 1st April 2024, it will be managed by the Head of Environmental Health. All of its enforcement work has always been reported to LPPC.

Flytipping

The WEU conducts investigations into dumped waste across the City. The Unit carried out 2438 investigations into alleged tipped waste during 23/24. This resulted in 115 fixed penalty notices being issued and prosecuting 17 offences of flytipping. The Unit investigates waste on public and private land which may include the use of overt or covert surveillance techniques, the seizure of vehicles (6 in 23/24), bag searches etc.

Other waste on Land

Officers of the WEU are increasingly tackling waste on private land that may not be the result of flytipping (for example waste in gardens). Steps are being put in place to capture the statistics around this area of enforcement which do not form part of the standard reports to committee. Currently early reports, subject to change, indicate that 39 Community Protection Warning Letters were sent in relation to waste on private land, 7 of these letters escalated to the service of a Community Protection Notice, non-compliance with ongoing requirements included within Community Protection Notices resulted in 18 Fixed Penalty Notices being issued.

Waste in accessways

This waste has proved a difficult issue to resolve. Many access ways are not clearly defined as to their ownership and as a result it has been difficult to identify owners and clear them of waste. Much of the interventions around these parcels of land has come from the Waste Prevention Team under the Love Your Streets days and working closely with colleagues in the Waste Prevention Team. These services ceased at the end of March 2024.

Commercial Waste (Duty of Care)

Any business that transfers waste within the city is required to keep waste transfer notes for 2 years from the transfer. WEU officers regularly conduct inspections of businesses (743 in 23/24) and issue fixed penalty notices 97 in 23/24) or report companies for prosecution (10 in 23/24) where transfer notes are not provided upon request. Inspections are mostly intelligence led, meaning there is evidence to suggest, or direct complaints that a company is failing to control their waste adequately. This change to a reactive approach is in direct response to the volume of work facing the team across the city.

Neighbourhood Enforcement

Over the course of 23/24 there have been significant changes within the Neighbourhood Enforcement Programme. The statistics for 23/24 are as follows:

- Over 500 commercial waste inspections resulting in 55 Fixed Penalty Notices
- Over 500 resident's complaints investigated
- 35 Fixed Penalty Notices for flytipping
- 39 notices for commercial bins out of control resulting in 4 Fixed Penalty Notices
- Over 50 Community Protection Warning letters for waste on private land
- 5 Community Protection Notices for the same
- 4 Love Your Streets days supported
- 340 referrals to street cleansing

Bins on Streets

Bins on streets are a persistent issue across the city. With the decriminalisation of the s46 Environmental Protection Act 1990 process officers are now seeking alternate means of enforcing against persistent offending. Community Protection Powers being previously explored have been found to be inappropriate. The Unit have started a process of applying for a Public Space Protection Order in a pilot area of the city where bins on streets are a particular issue. Outside of Public Space Protection Order processes the engagement with residents around residential bins on streets was a Waste Prevention activity, recent budget decisions to cease the Waste Prevention functions at BCC have removed the ability for the team to engage with residents outside of the Public Space Protection Order Process. Where the bins are commercial the Unit utilises s47 Environmental Protection Act 1990 notices with high levels of compliance.

TRADING STANDARDS SERVICE

The Trading Standards service deals with a wide range of enforcement activities. 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. Work in this area includes the sale of alcohol, cigarettes, vapes, knives, glue and other solvents, spray paints, fireworks and nitrous oxide. For information, In November 2023 Nitrous Oxide was classed as a controlled drug under the Misuse of Drugs Act 1971. Therefore, the responsibility of enforcing Nitrous Oxide now falls within the remit of Police.

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. Most of this work is reactive rather than proactive due to resources. Furthermore, 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 are considered.

This report will outline Trading Standards data between 1st April 2023 – 31st March 2024,

Trading Standards received 180 requests for assistance concerning alleged underage sales of regulated products. This includes:

- 107 related to alleged sales of Ecigs/vapes
- 34 related to alleged sale of cigarettes
- 16 related to alleged sale of alcohol.
- 1 related to Asian Tobacco product
- 5 related to the sale of Knives to underage
- 12 related to solvents
- 2 related to sunbeds
- 1 related to imitation firearms
- 2 related to piercings and tattoos.

A number of test purchase attempts were made for vapes, alcohol and cigarettes. In August 2023, 12 test purchase attempts were made for cigarettes, vapes and alcohol. Results are as follows:

- 3 businesses failed the test and supplied to the young volunteer, namely 1 e-cig and 2 packs of cigarettes.
- 6 businesses refused sale of e-cigs/vapes and 3 businesses refused to sell alcohol to young volunteer.

In a further test purchase exercise conducted in February 2024, targeting vapes, cigarettes and alcohol, 15 premises were visited and 5 businesses failed the test and supplied to the young volunteer, namely 3 e-cig and 2 packs of cigarettes. The remaining premises refused.

Underage Prosecutions

Below are examples of underage prosecutions trading standards conducted:

- **MehranRazakdost:** On 19th October 2023, Mehran Razakdost pleaded guilty to one offence at Birmingham Magistrates Court for the sale of vape to underage person. The court fined him £480.
- **Zaki Supermarket Ltd T/A Zaman Supermarket and Khaystagul Zamankhel:** On 1st June 2023, Mr Zamankhel pleaded guilty to one offence at Birmingham Magistrates Court for the sale of vape to underage person. The court fined Mr Zamankhel £150 and ordered him to pay full prosecution costs in the sum of £708.50 and a victim surcharge of £48. A Collection Order was made. The Company was also fined £1000 and ordered to pay full prosecution costs of £708.50 and a victim surcharge of £400. Total Penalty £2567.
- **Ayub Ahmadi and Sarwar Ahmadi T/A MK General Store:** On 15th December 2023, Ayub Ahmadi and Sarwar Ahmadi was found guilty of selling counterfeit cigarettes and illegal vape to an underage person. Ayub Ahmadi was fined £80 with costs of £300. Sarwar Ahmadi was fined a total of £1,000 with costs £2000 for the sale of vape/cigarettes to underage person.

Nitrous Oxide

There has been considerable concern at the supply of nitrous oxide cannisters. However, the product is not subject to age restricted legislation enforced by Trading Standards. Legislation enforced by the police does not allow a business to supply nitrous oxide to a person who they know does not intend to use it for legitimate purposes. However, this is very difficult to enforce in practice. Trading Standards have undertaken some advisory visits aswell as joint enforcement visits with local police teams to some retail premises. During November 2023, following intelligence Trading Standards and local police conducted joint operation around the supply of Nitrous Oxide for illegitimate use. As a result 828 large cannisters of Nitrous oxide was seized from a trade premise in Small Heath, Birmingham. The total approximate value of £24,840.

Used Car Sales

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 deciding to buy. They need to be assured that the vehicle is safe, correctly described and the status of the seller is not misleading in an attempt to erode the rights of the buyer.

The following are some of the cases Trading Standards have undertaken.

- **Yew Tree Cars Vibart Road - Mohammed Sajid et al:** Birmingham City Council Trading Standards received numerous complaints from unsuspecting motorists. Mohammed Sajad, with two other co-defendants, sold dozens of vehicles, with consumers often being given false and misleading information about the vehicle. After a lengthy investigation, Trading Standards has sought to prosecute the

individuals responsible. At times, the defendant purported to be a private seller using the name 'Adam' or James. A catalogue of complaints included, fake service history, vehicles in dangerous condition such as having corroded fuel tank or holes in the car floor. Cars were often described as in excellent condition, and when consumers complained, they would either be ignored or be met with an angry reaction.

In addition, complaints were also received from neighbours who claimed the trading activity, in what should have been a quiet residential road, was causing a misery to other residents.

Mohammed Sajad pleaded guilty to conspiracy to defraud, conspiracy to launder the Proceeds of Crime and entering into a money laundering arrangement. He was sentenced on 28th June 2023, to two years and 11 months imprisonment. Birmingham Trading Standards also applied for and obtained a Criminal Behaviour Order from the Court – which means that Mohammed SAJAD cannot sell/buy vehicles from any residential premises, (only business premises) for a period of 10 years. Breaching the Order could lead to further prison time.

He has since appealed his sentence which was denied by the Courts.

- **IH Lifestyle Trading Company Ltd - Sufyaan Ghumra:** Guilty plea entered. Vehicles were sold by this car trader which were in poor condition. Purchasers were led to believe they were in good condition. Some vehicles were sold with false service history which had been created by the trader. One was sold with a hole in the fuel tank leading to fuel leaking on a petrol forecourt. In total 14 offences; 2 of making false representations to customers as to the service history of a Volvo C30 and Ford Fiesta which were being sold by IH Lifestyle Trading Company Ltd, 10 offences of providing misleading information when advertising and supplying the vehicles, 1 relating to supplying the Ford Fiesta which was found to be unsafe and 1 of carrying on a business for a fraudulent purpose.

He is due to be sentenced on 20th May 2024.

Civil Redress – Trading Standards, based on circumstances ie vulnerability of complainant support on civil matter. On this occasion, Trading Standards received a complaint from a consumer who purchased a vehicle from a dealer after two days of taking delivery the vehicle broke down. Trading Standards sent an advisory letter to the business. The business has refunded the consumer the full amount paid £15,256.

Clean Neighbourhoods and Environment Act

Trading Standards enforces the provisions of this legislation, which prohibits traders from displaying for sale two or more vehicles within a certain distance or repairing vehicles on the public highway.

There were 125 requests for assistance were received in relation to Clean Neighbourhoods and Environment Act. The complaints involve persons who have started a car sales /repair business trading from their home. 67 of these were allegations relating to cars displayed for sale on the road/highway. 58 of these allegations were in relation to vehicles being repaired on the road/highway. Where a breach has been identified, the seller is given advisory information. In some cases, planning enforcement are also notified as there may be a change of use of the property that requires planning permission. Officers also attend the area and place notices on the vehicles warning the sellers that it is illegal to expose vehicles for sale on the road (if they were acting in the course of a business). This can act as a deterrent to potential buyers and make the sellers aware that trading standards are in the location monitoring cars exposed for sale on the highway.

Rogue traders

Many trades people operate in the city across a broad breadth of professions without issue and without cause for concern. However, there is a minority of individuals that target vulnerable members of our society to scam, mislead and steal from them for personal gain. Trading standards deals with rogue builders, roofers and other home improvement traders due to misleading claims, overcharging for the work carried out, poor or unfinished work, unnecessary work or dangerous repairs. In total 203 calls to service were made to Trading Standards in relation to Doorstep Crime and household repair enquiries including roofers/tarmacers and builders.

Example of some Trading Standards successful prosecutions include:

- **Hickman and Rose builders:** A pair of cowboy builders from Birmingham ripped off customers charging more than £8,000 for shoddy work valued at less than £1,000. Gavin Hickman, who ran the now defunct 24/7 Roofing business, along with employee Matthew Rose 'targeted elderly and vulnerable' people during the Covid-19 pandemic.

They over-charged, recommended unnecessary work, failed to complete jobs, or even turn up on some days. While customers were left with thousands of pounds worth of repair bills from the substandard work that was carried out. But both rogue traders, who are seasoned criminals, avoided being sent to prison. Hickman admitted three offences under the Consumer Protection from Unfair Trading Regulations. He received a 15-month prison sentence suspended for 18 months at Birmingham Crown Court on 17 August 2023. Rose admitted two similar offences and received a 13-month term suspended for 18 months at Birmingham Crown Court on 17 August 2023.

- **Scott Murray Building:** This case concerns a builder known as Scott MURRAY who contracted with a member of the public to do certain building work at their residential dwelling. Scott MURRAY provided a quote and a written contract in March 2020 but used a false name of Chris MURRAY and a false address on the contract. He took a large

amount of money from the householders between March and April 2020 but never completed the work, walked off site without trace and left the building site in a poor state. A subsequent inspection report conducted by chartered building surveyors reported that the work done was of an extremely poor state and was worthless. In addition, there were six further complainants identified as victims of Scott MURRAY and in most cases he used a different false name to avoid detection. In total 7 witnesses gave evidence in court and the total amount of money he took from customers was just under £50,000. Results: On 22 December 2023 in Birmingham Crown Court Scott Murray was sentenced to 3 years 6 months and additional 3 months for the breach of suspended sentence making a total of 3 years and nine months imprisonment. Proceeds Of Crimes Act is being pursued.

- **Silveroak Driveways Ltd:** In January trading standards prevented a resident paying £200k from a loan he had taken out. He was having a driveway put down and the trader persuaded him to have an extension for which he was charging £264k. Trading Standards intervened and visited the complainant. Complainant was advised and notices were stuck on the home address informing trader to stop trading at complainant's house. Complainant had paid £54K through a bank transfer. The bank reimbursed him £50k.

Other Intervention and Outcomes/Redress obtained

- **June 2023:** On 28 June 2023, a consumer contacted TS on behalf of some friends who were concerned about who were going to become the victims of a scammer. A man had come to their house, offered to clear their gutters (£60), and then told them their roof needed repair which he could do for £9,000. They were an older vulnerable couple and the husband agreed to the work. TS contacted the victims and while TS were on the phone to them the business asked them to whom they were talking. On being told Trading Standards, he said he would 'be off then.' The transaction did not go through.
- **October 2023:** A business based in London had taken £27,000 from a complainant for a driveway and landscaping of their garden. The business did not finish the job, walked away and never came back. The complainant based on Trading Standards advice went to the bank and managed to get the full £27,000 back.
- **December 2023:** The business was contracted to do work on the complainant's driveway and side of the house. The business then persuaded the householder to have their roofing done and an extension. In total they priced the job at £12-14,000. They eventually started billing them for £263,000. The Consumers paid the business a total of £65,000. Due to TS intervention TS went and put a notice on the house stating that the

trader is not to come back or harass the householder. TS advised the householder not to allow the business back and to contact the bank and see if they can get any payment back. The bank has refunded the consumers £55,300. The consumers had taken a mortgage out for the building work. The consumers were so happy with TS assistance that they sent a letter of appreciation to the Officer.

- **December 2023:** The business carried out roofing work and fitted a window in the loft for a consumer. The elderly, vulnerable consumer was charged £10,500. The work was incomplete and there were a number of faults: – the window was leaking, tiles incorrectly placed, roof still leaking. The trader then demanded an extra £2000 and started harassing the consumer. TS Officers put a notice on the house stating that the trader is not to harass the householder. Due to Trading Standards intervention the trader has left them alone and the consumer has saved £2000.

SCAMS

TS are receiving around 5 monthly scam victim referrals. Trading Standards are updating the National Trading Standards Scams Team on the outcome of the referrals.

Trading standards also deals with issues regarding targeted scams by letter, telephone calls and text messages and online. Victims of this type of pernicious crime are often elderly or considered vulnerable. Officers have been trained in dealing with victims and use those skills when undertaking visits with them. Trading Standards staff will also use this opportunity to raise awareness about a range of scams to try and empower the individual for the future. Officers will also gain intelligence from any business cards or flyers that may be left, and this is shared with the wider trading standards community. Victims that have come to our attention have, on occasion, also been referred to Adults Safeguarding, as some victims have been and are at further risk of being financially abused by rogue traders. What we have found by doing these referrals is that Adults Safeguarding are not always able to assist with preventing these issues from recurring.

The service visits vulnerable people that have been or are being targeted. The national scams team will send through intelligence of vulnerable people that they have identified in Birmingham. Trading standards visit, and refer if necessary, these individuals for support. This is also the case when dealing with the banking protocol and calls that rogue traders are operating in certain areas of the city and taking their victims to the banks to draw out large amounts of cash.

Preventing scams

Raising awareness and prevention is key in the fight against scams and rogue traders. We rely on those attending our events and presentations to spread the word and become more aware. It is often too late to take enforcement action as often the scammers are untraceable and rogue traders notoriously use bogus details and deal in cash.

- **NTS referrals Scams project:** TS are receiving around 5 monthly scam victim referrals. Trading Standards are updating the National Trading Standards Scams Team on the outcome of the referrals. Trading Standards continue to provide scam awareness advice to those who have entered bogus prize draws and other scams. Trading Standards are working on many projects with NTS Scams team these include Call blockers project, Doorstep project, bank referrals project, No blame no Shame Coercive control, Scam Champion training, Scam Marshall project.
- **Scam Alerts:** Trading Standards has been posting scam alerts of current scams on their twitter account and supporting the NTS Scams Team on campaigns on social media.
- **Scam Awareness Week:** Trading Standards supported Scam Awareness week in May 2023 and July 2023; the theme was scams around the cost-of-living crisis. The aim was what to do if you have been scammed making consumers more Scam Aware. TS promoted the campaign on their Twitter account. The social media campaign was well received.

Examples of successful cases include:

- **Zak Plastics Fraud Case:** The background to the case is a referral was made to TS by WMP relating to fraudulent manufacture and supply of bin bags. It was alleged that these bin bags were a lesser quantity than stated on the labels. Test purchases of bin bags labelled as having 50 bags per roll and 20 bags per roll, were conducted by officers from various retail outlets across the City. The bags were counted and were found to be of a lesser quantity than stated on the label. Those labelled as having 50 bags had 38 or 40 bags per roll and those labelled as having 20 bags only had 16 or 18 bags per roll. On 14 July 2021, Trading Standards executed a warrant, at the trade premises of Zak Plastics Ltd. Samples of bin bags were taken from different pallets and counted. 8 pallets were seized suspected to contain bin bags that were of a lesser quantity than stated on the label. The sum of £19,175 was seized from the safe in the office by an accredited financial investigator. On 24 February 2022 Mr Zakir Husain, the director of Zak Plastics attended a voluntary interview under caution. During the interview under caution Mr Husain advised the rolls of the bin bags seized from his business were for another customer not his own product. He stated it was his customers who were asking for them to be 17 bags per roll. He further stated when he made his own refuse sacks and attached his own Zak plastic's label on them, they would not be short. A prosecution report was submitted to legal services. Subsequently offences of Fraud were laid against Mr Husain. Further counting of the bin bags from the seized pallets revealed that the rolls of bin bags were short by 20% - 25% per roll.

On 13 March 2024 in Birmingham Crown Court Mr Zakir Husain pleaded guilty to 4 offences of Fraud. The sentencing has been adjourned until June 2024.

There is also a further similar case currently awaiting trial.

- **Phone Recycler Case - Asif Mahmood- (Sellanyfone.com/Phone Giant).** Sellanyfone.com owned by Phone Giant were operating as phone recyclers. Consumers were sending their phones to the business given a price for the phone and promised on the website 'same day' payment. Payments were either being made weeks/months later and often not at all. The Director was invited into a meeting at TS Offices in June 2022 regarding his business activities. He promised to amend misleading claims on the website and pay outstanding customers. This never happened hence a prosecution file was compiled. A plea was agreed of 5 Consumer Protection from Unfair Trading regulations 2008 offences-knowingly or recklessly engage in commercial practices which contravened the requirements of professional diligence contrary to regulations 3 and 8 and dropping the s.2 Fraud Act 2006 offence on the basis that he paid all the witnesses monies owed to them and pay all of TS costs. All witnesses were paid on 19 January 2024 Therefore, The Fraud charge was dropped. Asif was fined £4804.75.
- **Paul Merrell:** On 2 February 2024 in Birmingham Crown Court Paul Merrell received a 12-month custodial sentence for advertising and selling illegal IPTV services. The court has issued a confiscation order against Mr. Merrell, seeking the recovery of £91,243. Over a four-year period, from 2017 to 2021, Mr Merrell derived a substantial income from the illegal provision of access to subscription-only streams through his business under the banner of 'Media Maverick'. He would source customers online who, for a fee, were provided with online access enabling them to stream premium television content, including Premier League matches, without the permission of legitimate providers such as BT Sport (now TNT Sports) and Sky TV. The investigation began in July 2019 with intelligence from FACT that pointed to Mr. Merrell's illegitimate supply of access to premium television services. Following further investigation by FACT and a thorough financial investigation conducted by Birmingham Trading Standards, a warrant was executed in January 2021 at Mr. Merrell's home. Several digital devices were seized, and a subsequent forensic examination by FACT provided crucial evidence for the prosecution.

Lettings agents, Landlords and estate agents.

Trading Standards are responsible for ensuring that consumers entering the rental market are protected, that they are not misled and that any monies paid are protected in the appropriate deposit schemes and client accounts.

Lettings agents are required to protect their clients' money and to ensure fair and honest trading is provided in this industry.

Examples of successful estate agency cases include:

- **Mr Jayantilal Chouhan:** The defendant was trading as Jay Bee's (Property Management Letting Maintenance) a property management and letting business. Mr Chouhan was charging tenants for complaints they made in relation to repairing the property they were residing in. Mr Chouhan was found guilty of 3 offences under the Consumer Protection from Unfair Trading Regulations 2008, one of them was considered as an aggressive commercial practice including attending the property unannounced, issuing invoices for inspecting the property after the tenant complained about the damp and shouting at the tenant, blaming them for the presence of damp and mould in the property. He also failed to pay the tenants deposit into a recognised government backed tenants deposit scheme and failed to return he deposit when the tenant vacated the property. On 11 January 2024 at Birmingham Magistrates court, Mr Chouhan was ordered to pay: - £6,000 fine, £1385 compensation to one victim the main tenant, £210 compensation to another witness who paid a holding fee to the landlord which was prohibited. Costs of £2,405 were also awarded.
- **Blackstone Properties Group Ltd:** The company was advised they need to display Energy Performance indicators in their advertisements of property. The company failed to do this, therefore a Penalty Charge Notice under The Energy Performance of Buildings (England and Wales) Regulations 2012 (Regulation 41) was issued. Company ignored to pay the penalty imposed therefore this matter has now been sent to Civil litigation team to issue civil proceedings for recovery of debt.
- **Other Letting/Estate agent Enforcement work – currently in court :** Birmingham Trading Standards received a referral from National Trading Standards Estate & Lettings Team as the Property Redress Scheme (PRS) had informed a letting agent in Erdington had been expelled from the redress scheme. As the website for the Lettings and Management company was still active, the matter was referred to Trading Standards for further investigation. For lettings and property management agents in England, redress membership is required under The Redress Schemes for Letting Agency work and Property Management Work (Requirement to belong to a scheme) (England) Order 2014. A letter was sent the (director) advising about the Redress Scheme, Client Money Protection Membership (CMP) and them displaying an unauthorised logo on their website. The director failed to remove the logo within 7 days and also failed to provide evidence of being members of a redress scheme and the CMP membership by the deadline date. Subsequently, complaints were received by landlords against the Lettings agent in connection to the management of their properties. Witness statements were obtained from three landlords and two tenants. It was alleged that payments were being made by the tenants to the Property Lettings & Management company but these were not being forwarded to onto the landlords. The director has been charged with Fraud Offences. Currently still in Court, awaiting trial.

- **Operation Jupiter**

Birmingham trading Standards continues to work with Centsa and Powys County Council who are hosting the national trading standards Estate and Letting Agency Team (NTSELAT). This team deal with referrals relating to agents that are not part of a property redress scheme (as required by the Redress Schemes for Lettings Agency work and Property management work/ requirement to belong to a scheme etc England order 2014 and client money protection regulations). Birmingham trading standards will look at all applicable interventions and seek to bring agents into compliance. Fixed penalty notices can be issued, depending upon the severity of the breach and may take criminal prosecutions against agents in some cases.

During the period of 2023/2024, 29 agents were checked to see if they were complying with legislation regulating estate agents and letting agent. Out of 29, only 5 were fully complaint. There were a further 2 that were complaint but required advice on placement of things including fees and CMP certificate. This highlighted that there is a very high level on non-compliance in Birmingham. This work will be continued into the next financial year, whereby penalty charge notices will be issued.

Intel Led Approach

The Central England Trading Standards Authorities (CEntSA) is a collaboration of 14 Trading Standards Services from Local Authorities across the West Midlands. The aim is to maximise the impact individual services have by establishing and maintaining good working relationships with a wide range of regional business partners, supporting businesses in the region and by promoting economic growth.

The service works closely with 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. It allows authorities within the region to pool resources in order tackle serious and organised crime.

The service continues to receive referrals from the Citizens' Advice Consumer Service (CACS) about potential scams, many of which relate to on-line transactions. Many of these scams emanate from outside the EU and are virtually impossible to trace. However, intelligence is logged and referrals are made to Action Fraud and the National e-Crime Unit.

The intel indicates for example most complained about traders. An assessment is then made as to what, if any, intervention is required. In the last year two companies based in Birmingham but operating nationally raised a significant number of complaints:

Consumer Advice and Assistance

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 CACS where it is considered that there may be a criminal element to the complaint, or where the consumer is considered to be vulnerable.

A total of 4477 requests for assistance were received by the service last year. In addition to these, many complaints are received directly from Councillors and other elected members including other internal and external service areas.

Product Safety

Trading Standards enforce the provisions of the Consumer Protection Act 1987 and the General Product Safety Regulations 2005, which are both aimed at ensuring all consumer products are safe to use. In addition to this, there are several Regulations aimed at specific products.

Trading Standards received 210 safety related enquiries over the year. These related to various product types, but the highest numbers of complaints were about cosmetics chemicals and electrical goods.

Referrals from Port Authorities

The National Trading Standards (NTS) Safety at Ports and Borders provides direct funding to 15 local authority trading standards teams. Officers inspect items at ports, airports and postal hubs and detain unsafe and non-compliant consumer goods, including electrical goods, cosmetics and toys.

This is the first point of intervention, identifying suspect products entering the UK and carrying out initially screen testing where appropriate. The Ports Authorities are then identified, and contact made with the local Trading Standards Authority where the products were destined.

Birmingham Trading Standards receives many such referrals on a regular basis and where further investigation is required, the trader/importer is contacted. Such interventions can lead to suspension of goods, forfeiture of goods and or prosecution. Majority of these referrals relate to counterfeit items and unsafe goods.

Operation Miasma Vapes / E cigarettes

Following on from the work funded from Public Health England, proactive work was undertaken. The first phase involved raising awareness amongst the retail trade. Over the year some 250 businesses have been visited and advised about the legislation applying to vapes. Evidence from the officers indicated 90% of the businesses visited had at least some non-compliant vapes.

The supply of Vapes /Ecigs has grown significantly in recent years. Evidence indicates there is also significant prevalence of non-compliance amongst vapes suppliers. The two main areas of concern are the non-compliance of the products themselves to UK Legislation, and the supply of vapes to young persons under 18. Legislation imposed a maximum tank size on vapes of 2ml which equates roughly to 600 puffs. However, products with 'puff' counts of 3500 were widely available. Some of the enforcement action taken had led to successful prosecution, including:

- **HS Impex Ltd, 83-84 Great Hampton Street, Birmingham B16 6EW**

Trading Standards Officers seized 8128 illegal vapes after an inspection.. Defendant pleaded guilty to the following - 3 offences under the Tobacco and Related Products Regulations 2016 which failed to comply with product requirements in that the capacity of the tanks exceeded 2 millilitres and the nicotine containing liquid exceeded 20 milligrams per millitre. This matter is still ongoing.

- **Mohammed Ali**

Pleaded guilty to two offences under Consumer Protection from Unfair Trading Regulations 2008, one of possessing for supply disposable electronic cigarettes and one for failing to ensure that the products complied with the Tobacco & Related Products Regulations and one offence of engaging in an unfair commercial practice by creating the impression that the goods could be sold legally when they could not. He was given a community order for 12 months and 75 hours of unpaid work.

Acquisitional Crime

Acquisitional crime relates to Illicit alcohol, cigarettes and counterfeit items. Trading in illicit goods undermines legitimate business, creates a negative perception of the City resulting in a lack of investment in the City, and deprives the public purse of millions of pounds per year. Trading Standards work hard to combat the manufacture, sale and supply of counterfeit consumer goods. 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. Trading standards actively pursue those individuals profiting from the ghost and illegal economy. There is recognition and evidence that this type of activity is operated by organised crime gangs, and that proceeds are used to fuel other activity that exploits individuals to grow the power base of these gangs. Using the intelligence led approach, targeted visits are conducted at premises identified through consumer complaints or via information from other agencies. Throughout the year, numerous consumer complaints were investigated, and premises visited to ensure compliance, resulting in the seizure of Illicit alcohol, cigarettes and counterfeit items.

Below are examples of investigations surrounding Trademark and Copy right infringement:

- **Devinder Singh & Mobile Fone Ltd counterfeit case.**

A complaint was received that counterfeit mobile accessories were being sold at the business premise. TS carried out an inspection of the premises and items including phone backs, branded batteries, USB leads, ear pods were taken away for further analysis. A proportionate sample of these items were sent for further examination to respective trademark holders. The trademark holders returned the examined items, stating that they were counterfeit and produced statements to this effect. On 24 August 2023 in Birmingham Crown Court Mr Singh was sentenced to an 18-month community order with a 25 days activity requirement and 150 unpaid work hours. The limited company

was not sentenced. Costs and forfeiture was adjourned to the conclusion of confiscation.

- **Saqlian Nawaz**

Defendant pleaded not guilty under the Trade Marks Act 1994 namely two offences of having goods, including clothing, footwear and accessories, in possession for sale which bore registered trademarks without the consent of the trademark holders. The offences relate to seizures made by Trading Standards at two commercial premises, 751B, Stratford Road, Sparkhill, Birmingham and Unit 10, The Souk Shopping Centre, 846-848 Stratford Road, Sparkhill, Birmingham and a white Citroen van. Defendant found guilty following trial. He was sentenced to 27 months immediate custody and costs and forfeiture adjourned until conclusion of confiscation proceedings.

- **Counterfeit Alcohol Times Wines - Haunch Lane, Kings Heath**

An Investigation continued following the seizure of 400 bottles of counterfeit wine in 2021. The company, along with others, were charged. The company has pleaded guilty. Following on from this, the individual trader has also been found guilty of offences under the Trade Marks Act 1994. Sentence is due in May 2024.

- **Scott Sutton**

On 1 December 2023 at Birmingham Crown Court Scott SUTTON was sentenced to 9 months suspended for 18 months with the requirement of 20 rehabilitation activity requirement days, a forfeiture order was granted for 4378 items for the supply and possession of counterfeit goods. Proceeds of Crimes Act hearing will follow.

- **Indus Food Ltd - Ahmed Pickles**

This case concerns the defendant company; INDUS Foods Ltd, who had imported a variety of AHMED branded pickle products directly from a manufacturer called Ahmed Foods International, based in Pakistan. However only Ahmed Foods (Private) Ltd have their brand trademark protected in the UK. Consequently, all the 'Ahmed' pickles at Indus were deemed counterfeit, some 14004 jars were seized and a further 3444 embargoed. INDUS FOODS LTD have pleaded guilty to all offences in September 2022 and were fined £2000 and cost awarded £8,499.00. Including a substantial sanction under Proceeds Of Crime Act.

Birmingham Op Georgi visits.

From October 2023 to March 2024 officers from Birmingham Trading Standards participated in an HMRC funded operation to visit off- licenced premises across the city to look for illicit alcohol. HMRC had not done any retail visits for a number of years and were keen to use local knowledge of Trading Standards to target premises where intel had been received.

This was co-ordinated through CENTSA and was a valuable chance to work with regional agencies as well as an opportunity to make pick up on contacts with HMRC in order to better co-ordinate alcohol related matters.

In total 34 premises were visited In all cases shop owners were advised and warned about stocking of illicit alcohol/tobacco/vapes etc. and it was a good opportunity to meet members of the trade and discuss and gain intel on current issues specific to off-licence premises.

In some of the visits Trading Standards were also accompanied by other partner agencies such as Licencing and local police teams where their presence was beneficial to the task

Enforcement activity that followed on from this was further criminal investigation is ongoing for 4 premises where illicit alcohol and vapes were found including one shop in Kings Heath where 46 bottles of illicit spirits and 249 illicit vapes were found. Another in Handsworth where illicit spirits and vapes were found and 3 further for illicit vapes and alcohol.

As well as ongoing criminal investigation a licence review application for each of these premises was also made to Licencing.

Officers also found many examples of suspect illicit customs stamps that was passed the onto HMRC.

On more than one visit bottles of alcohol with supermarket security devices still attached were found and these were passed on to police partners to deal with, in one of these cases a major police investigation is ongoing.

Op Joseph

Op Joseph is a government funded initiative to tackle issues around vaping. The work is targeted at addressing the issues around illegal supply of vapes and in particular to build data and intelligence. This helps form, government policy and development in this area including possible new legislation. Birmingham City Council Trading Standards contribute to the wider landscape by visiting traders offering advice to importers, wholesalers and retailers on their legal obligations surrounding the selling of vapes. Additional work included enforcing the legislation, between year 2023/2024 Birmingham Trading Standards seized approximately 13,000 vapes that were non-compliant with UK legislation. The work also includes targeting the sale of vapes to underage persons.

Operation CeCe Illicit Tobacco

This is a joint initiative between National Trading Standards (NTS) and HMRC and its objective is to stop those that produce and smuggle illegal tobacco products and at a local level, to disrupt this activity including the seizure of illicit tobacco products at local retail premises.

Birmingham Trading Standards focuses on this local disruption activity, working closely with tobacco detection dog teams to target those who supply these products by carrying out enforcement exercises.

Over the course of the year, Birmingham Trading Standards has carried out 5 such enforcement exercises, visiting 15 retail premises, 15 of which were found to be non-compliant and removing/seizing more than 29,160 sticks of illicit cigarettes and 82kg of counterfeit hand rolling tobacco. Where appropriate, Licensing Reviews and prosecution of offenders are being taken forward.

A few prosecutions of note include:

- **Shirkou Jaf Illegal tobacco case**

Following intel that the shop was selling illicit cigarettes and tobacco. Sam Mini Market 898 Bristol Road South, Northfield, Birmingham, B31 2NS was selected as one of the shops to visit with the tobacco detection dog on 24 September 2020. The shop had already been visited by Trading Standards on 5 April 2019 where officers found 6 pouches of illicit tobacco and 32 packs of illicit cigarettes hidden under a tray below the gantry containing genuine tobacco products. Further to that, officers visited the premise again on 24 September 2020 and found illicit tobacco and cigarettes hidden underneath the tobacco gantry again. There were also illicit tobacco products found in the back room of the shop underneath a shelf and in a box in this room. A total of 900 packs of illicit cigarettes and 218 pouches of illicit tobacco were found on the premises on this occasion. Most of the tobacco was counterfeit with a small amount of non-duty smuggled cigarettes included.

On 27 July 2023, Mr Jaf the owner of the business was sentenced to 32 weeks custodial sentence. A Confiscation Order of £6,228 was made and forfeiture order made for the seized tobacco.

- **Nabaz Jalal Hassani**

Defendant pleaded not guilty for offences under Trade Marks Act, namely 12 pouches of tobacco and 18 packets of cigarettes, in possession for supply at Maxi Food, 6 Wood End Road, Erdington, Birmingham, which bore registered trademarks without the consent of the trademark holders and one of having criminal property in possession and also 514 packs of smuggled illicit cigarettes which were not compliant with packaging requirements and 32 bottles of illicit vodka which did not bear UK paid duty stamps. Defendant was found guilty following trial. Hassani was given 4 months custody suspended for 18 months and 120 hours unpaid work (concurrent on all 3 offences).

- **Mohammed Yaqub Selly Oak Superstore Illegal Vapes case**

The background to the case is on 26 January 2023 TS Officers conducted a full inspection of the premises of Selly Oak Superstore 624 Bristol Road Birmingham B29 6BQ. The visit was due to a complaint that illegal cigarettes, tobacco, shisha, and electronic cigarettes were being sold from the premise. TS Officers recovered 418 vapes, 9 packets of cigarettes and 2 packets of rolling tobacco these were taken away for further examination.

On 21 March 2024 in Birmingham Magistrates Court Mr Yaqub entered guilty pleas to both offences under regulation 36 of the Tobacco & Related Products Regulations 2016. The Court ordered a fine of £288 (offence 1, no separate

penalty for other offence). A victim surcharge of £115, Costs of £1,350 (full costs awarded) and a Forfeiture Order granted. Total fine was £1753.

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. This is along with several other agencies including Licencing, planning, local police teams, public health etc. One of the main purposes of this scheme is to ensure that all stakeholder agencies play an active role in ensuring that all licenced premises in their operating area are acting responsibly and have fit and appropriate control and operators.

Applicants for new or varied Premises Licences must serve a copy of their application on each responsible body including Trading Standards to enable them to raise objections or suggest measures for improvements. Applications are received and processed throughout the year to include both off-licence premises as well as on-licence venues such as pubs, clubs and restaurants; these included new applications, and variation for requests and reviews submitted by other agencies where issues had been found by other agencies.

Trading Standards works closely with these other agencies and often engages in joint visits to premises such as in operation Georgi this year as well as participating in responsible bodies meetings throughout the year to discuss issues and premises that may need intervention. This may not be about alcohol issues but could concern other matters about the running of the premises or in the case of Trading Standards the presence of other illicit products such as illicit tobacco and or vapes or the sale of any of the controlled age restricted products to minors.

This year, Trading Standards submitted seven licence reviews to be heard before the Licensing Sub-Committee where Birmingham City councillors sit on the panel. The officers who make the applications must then present their case at the hearing. Several hearings have already been heard for actions this year including resulting in one licence being revoked for the presence of illicit vapes at S&B Stores 1/3 College Rd. Handsworth Wood, Birmingham. Three other premises have had their licences modified to reflect the fact that they must not stock illicit items and several other are in the process of being heard. Appeals of licencing review decisions are heard in the Magistrates court and this year two appeals for previous licence revocations were heard where officers had to give evidence. One has been adjourned but another resulted in the appeal being dismissed for a case going back to November 2020 where Trading Standards received a complaint from two members of the public concerning counterfeit Yellow Tail Wine purchased from KVK Supermarket, 241/3 Eachelhurst Road, Walmley, Birmingham. Officers found a further 42 bottles of counterfeit wine in the shop.

Primary Authority

Primary Authority gives UK based businesses the right to form a statutory partnership with a single local authority regarding areas of regulation. This means they can source assured advice and expertise from Trading Standards officers to ensure their businesses comply with all legislation relevant to their operation.

Birmingham Trading Standards has four such arrangements with the Royal British Legion, Marks & Spencer's, Cadburys and Wing Yip. This also means businesses operating nationwide can have a single source of advice and assistance with just one local authority rather than many up and down the country as well as single points of contact for all other local authority queries and complaints. This works well with businesses viewing it as much more efficient and cost effective for them as issues around legislation and trading will apply to all their outlets irrespective of which part of the UK they trade in. However there have been recent exceptions that have raised more complex issues such as the deposit return scheme for glass bottles and metal can that was due to be implemented in Scotland this year before the rest of the UK and some Brexit issues concerning Northern Ireland.

Operation Beorma – NTS lead by Regional Investigation Team –

Assorted **Operation Beorma** cases have continued, although only some have been heard as we have continued to have cases postponed and re-scheduled.

In one matter, Mohammed Shafiq pleaded guilty to involvement in supplying counterfeit goods and the matter was listed for a Newton Hearing, due to have been heard in late 2023. The Newton Hearing was re-listed on multiple occasions and is now scheduled to be heard in December 2024.

Other Beorma matters are listed for trial or currently sit with Legal.

- **Operation Horizon**

Four defendants have been summonsed for their role in an alarm selling and maintenance company. The matter has been listed to be heard at Crown Court in February 2025.

Allegations involve pressure selling to elderly and vulnerable consumers across the wider Midlands area and beyond.

- **Operation Guava**

Two people have been summonsed for their role in a property maintenance and construction business operating from the Midlands. In total, statements have been taken from consumers across 40 households in 9 of the 14 CEnTSA authorities. The amount of money known to have been obtained by the business in relation to these consumers is in excess of £1.5m, with allegations being made of work simply being left unfinished despite the majority of the payments being made.

The matter has been sent to Crown Court, with a trial anticipated at some point in 2025/26.

- **Operation Momento**

An investigation into a glazing and construction company that is alleged to fail to complete work, or even in some cases do any work for the payments made. In one incident, it is alleged that work done on a property compromised the structural integrity of the property, resulting in a danger of the property collapsing. Statements are being taken from consumers across 26 households covering 11 local authority areas (of which, 9 are within CEnTSA).

Weights and Measures

There were 64 enquires, notifications and requests for assistance about weights and measures issues received by Birmingham Trading Standards this year.

The authority is always notified when third party verifiers calibrate petrol pumps and weighbridges in Birmingham and the test results are vetted accordingly.

Members of the public made fewer complaints about short measure fuel and other products this year. However this is often due to customers being unable to determine if they have actually been undersold and also because of greater control due to better average quantity systems; that is all prepacked items sold in shops have their quantities controlled very accurately by the average quantity legislation under The Weights and Measures Act 1985. This means that in general any short weight product is identified and isolated at the point of production well before it gets to the supermarket shelves. Much advice and expertise in this area is controlled through primary authority,(PAP) systems to ensure adequate compliance. Birmingham Trading Standards still maintains accurate measuring equipment capable of checking if trader's weighing and measuring is accurate and products they sell are the correct weight and measure. This includes petrol pump measures, weighing scales and weights, length measures and beer, wine and spirit measures for use in public houses and the like.

Officers always inspect all stalls at the Frankfurt Christmas Market in the City Centre, to ensure their compliance with all current UK legislation. Officers tested a wide range of weighing and measuring equipment, including spirit measures and beer dispensers and weighing machines.

Frankfurt Christmas Market

As well as testing all weighing and measuring equipment at the German market officers also continue to support the event by inspecting the market for compliance across the range of consumer protection legislation to make sure products they bring to sell from overseas are compliant with UK legislation

Prior to the event opening Trading Standards takes part in many of the multi- agency safety advisory and forward planning group meetings, (SAGS) that are held and assistance and information compiled by Trading Standards is provided to the event organisers for the stall holders. This covers a variety of consumer protection legislation. Officers attend and undertake a presentation to all of the market traders the evening before opening at the council house on all matters of Trading Standards legislation. This also involves question and answer sessions.

Other Trading Standards Work

- **Chand Raath**

On 27 & 28 June 2023 TS Officers with Licensing & EH Officers visited Ladypool Road, Coventry Road and Alum Rock Road to ensure there was no illegal trading. Officers engaged with businesses, residents, community leaders regarding the Chand Raath celebrations and reminded them of their trading obligations to ensure a safe event and raised awareness around illegal street trading.

- **TS Award**

- On 30 June 2023 TS received a City's Operations Award 2023 for outstanding work around Chand raath.

- Following on from National Apprenticeship week in February 2023, A trading Standards apprentice won an award in recognition of their feedback to the apprenticeship programme.

- **Op Elevate**

Op Elevate is a multi agency partnership working designed and part-funded by the Home office to support and regenerate areas most affected by serious and organised crime. The aim is to crack down on criminal activity. This Operation was launched in February 2023 and was focusing on three main areas Clear, Hold and Build.

Clear, Hold, Build is a three-step plan which sees organised criminals and their associates cleared from an area through relentless pursuit activity. The area is then held and stabilised through high visibility police patrols, assistance from partner agencies and community support. As part of Operation Elevate, Birmingham Trading Standards has led a number of operation together with West Midlands Police which resulted in a number of seizures for illicit vapes and counterfeit/illicit cigarettes. These matters are still being investigated by Trading Standards.

- **Op Belfray**

Op Belfray was a joint Operation with Birmingham City Council and West Midlands Police during the month of Ramadan (March 2024). Trading Standards worked with partners inc WM Police, Licensing, Community Safety and Environmental Health patrolling the streets to keep them safe for the community to come together and enjoy the holy month of Ramadan safely.

Results are as follows:

- 1 arrest for illegal street trading & obstruction of Highway
- 1412 fixed penalty notices issued
- 1238 vehicles moved on,
- 6 vehicles seized by police
- 1 trailer seized by Trading Standards under the Highways Act.
- 2 trailers towed off the Highway
- 2 Street Trading Licence applications granted
- Counterfeit items seized by Trading Standards
- Other items seized in breach of food/labelling legislation including abandoned food (public health concern)
- Number of illegal traders stopped and moved on for failing to have the requisite authority or permits to trade.
- Hot food sellers stopped from trading due to obstructing the Highway, Health and Safety grounds and poor food management and hygiene issues.
- A number of traders stopped from trading due to contravening licensing legislation by serving hot food/drinks after 11pm without appropriate consent.
- Charity Collectors challenged and moved on.

Other Enforcement Work – still ongoing

- **24 hour shops**
Following previous intelligence regarding a retailer linked to suspected organised crime groups. On 31 January 2024 TS Officers together with partner agencies carried out inspections of 12 retail premises in Birmingham. TS officers with the assistance of specialist tobacco sniffer dogs seized 1000's of illicit vapes and counterfeit tobacco products estimated to be worth more than £100,000. The inspections were due to concerns from the community regarding anti-social behaviour and illicit items being sold around 24-hour shops. TS are still investigating the matter with a view of prosecuting.
- **Street Sellers**
Birmingham Trading Standards have seized items from illegal street traders operating in the City Centre, largely around New Street and High Street. Items seized from 18 traders over a period of a year including 181 counterfeit perfumes/aftershave. 14 counterfeit Apple watches and 17 counterfeit Apple AirPods. This area of work is being developed.

Trading Standards Website

The Trading Standards website consists of 20 pages within the Birmingham.gov.uk website. The pages cover a variety of subjects and include useful information and links for consumers and businesses. The pages and content are regularly updated by the Trading Standards editor. The total number of views of the Trading Standards website was 22,899 in the last year. On the landing page there is a live Twitter feed, which was created so that our latest Tweets appear on the page.

- **Trading Standards Twitter**

The @bhamts twitter account has 3,085 followers. Many advisory tweets are posted each day on scams awareness, current scam warnings, doorstep crime, financial abuse, electrical safety, weights and measures, hallmarking and other current issues. The account has supported the following campaigns e.g., Summer safety, Christmas safety, Gas safety week, NTS No Blame No shame, Home Office Stop Think Fraud, Scam awareness week, Loan sharks, Child safety week, Kids online safety, Road safety week, NTS call blockers, Take Five scam fraud campaigns every month etc.

The TS account also supports the main Birmingham City Council twitter account on various campaigns such as Mental health awareness week, Cost of Living, Council tax support, International Women's Day, Rough sleepers. Birmingham Pride, Elections.

Between 2023/2024 It attracted 242,362 views.

Proceeds of Crime

Trading Standards has two Accredited Financial Investigators whose roles are to confiscate money and assets under the Proceeds of Crime Act 2002, in order to prevent offenders from benefiting from their crimes.

All criminal cases taken by Trading Standards, along with the wider Councils Regulation and Enforcement functions are assessed to decide whether a Proceeds of Crime confiscation investigation will apply. In addition, the Financial Investigators' powers and skills are also used to assist Trading Standards Officers and other enforcement teams in securing evidence and analysing financial data.

Throughout the past year, 25 cases have been referred to the Financial Investigators from Trading Standards and other enforcement teams within the City Council and other Local Authorities. As a result, 19 applications were made for 56 Productions Orders to enable financial data and information to be obtained from banks, building societies, solicitors' firms and other organisations. All applications for Production Orders were granted. In addition, Statutory powers were used on 80 occasions to obtain financial information to assist investigations. Disclosure Order were obtained in relation to 2 investigations with 36 related Notices issues, again to obtain financial information.

One cash seizure of £32,790.00 was made during the year. This related to a tobacco seizure.

Restraint Orders were made against 2 separate defendants restraining property valued at over £287,000.00. Both cases have not yet been concluded. During the period 2023/2024 there were 9 Proceeds of Crime Act confiscation hearings at the Crown Court, involving 10 defendants. All hearings were found in favour of Birmingham City Council resulting in 10 Confiscation Orders being made, totalling £383,736.92.

Eco Vapours Ltd and its Director were ordered to pay £20,467.83 following their conviction for trading in illegal vapes. This followed a large seizure of 4000 illegal vapes by trading standards officers.

A school headmaster was ordered to pay £91,254.00 following his conviction for re-selling the capability to illegally stream content including sports, films and TV shows.

A mobile phone accessories retailer was ordered to pay £63,854.55 following his conviction regarding trading in unsafe and counterfeit accessories, including headphones and batteries.

During 2023/24, over £280,000.00 was paid in by various defendants as a result of Confiscation Orders made during this year and in previous years.

All funds that are confiscated during these investigations are reinvested into the criminal justice system, with Trading Standards receiving 18.75% under the 'Asset Recovery Incentivisation Scheme'.

Trading Standards Outputs 2022/23

The work of Trading Standards positively impacts the entire Birmingham residents, businesses and visitors to the City each year.

A total of 4477 requests for assistance were received by the Service last year. 56 of these were requests for advice from businesses. 17 prosecution files were submitted encompassing 47 offences. As a result, 17 successful prosecutions, leading to fines

totally £11,385 and cost awarded £29,869 and including in total of over 13 years imprisonment and 4 years 11 months in total suspended sentence.

The below table outlines finalised Trading Standards prosecutions for year 2023/2024:

LEGISLATION	Cases	Offences	Fines	Costs Awarded	Other Penalty
Nicotine Inhaling Products (Age of Sale and Proxy Purchasing) Regulations 2015 and The Children and Families Act 2014	4	6	£2305	£3447	
Trade Marks Act 1994	5	23	£2000	£17,217	27 months, 32 Weeks custody, 31 months suspended, 18 community Order Plus 25 Rehabilitation Activity Requirement (RAR) days, plus 270 hours unpaid work
Common Law	1	3	£0	£0	35 months imprisonment plus Criminal Behaviour Order
Consumer Protection from Unfair Trading Regulations 2008	3	10	£6000	£6905	28 months suspended sentence, 45 RAR days, 425 unpaid work, plus 12 months Community order
Tobacco and Related Products Regs 2016	1	2	£1000	£2000	
Children and Young Persons Act 1933	1	2	£80	£300	
Fraud Act 2006	1	2	£0	£0	3 years 9 months custodial sentence
Copyright Design and Patents Act 1988	1	2	£0	£0	12 months custody
TOTALS	17	47	£11,385	£29,869	

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
- 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 29 approved premises. They also attend and register marriages taking place at religious buildings.

The service also provides the statutory citizenship ceremonies, a change of name service and 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 Sajeela Naseer, Director of Regulation and Enforcement City Operations Directorate

Service Delivery

Event	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24
Birth registrations	23335	21628	20446	20228	20093	21673
Still –birth registrations	133	109	111	113	116	129
Death registrations	9099	10372	13418	10960	11702	11152
Birth re-registrations	667	563	76	230	357	530
Marriage Ceremonies	1499	2351	639	2376	2344	1958
Civil Partnership Ceremonies	8	31	42	66	53	65
New British Citizens	2809	2874	1973	4872	4638	5493
Notice of Marriage	7058	6838	4108	4062	6982	6478
Notice of Civil Partnership	22	119	119	116	142	171

Total Primary Customers	53217	54224	45840	49643	55948	60632
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In 2023-2024, 2023 marriage and civil partnership ceremonies took place, 219 of which were at the City's approved venues. There have been 20 ceremonies under the Registrar General's Licence Act which allows a person who is terminally ill and cannot be moved to a place where marriages/civil partnerships take place, to get married wherever they are. There were also 3 housebound marriages.

Registration staff made 205 s24 reports of possible offences relating to sham marriages during the year, an increase of 38 from the previous year.

65 civil partnership ceremonies took place in the city over the year.

Certificates Issued by Section	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24
Births and Deaths	96823	72263	34152	41984	69253	73740
Certificates Section	19487	18833	54166	40052	21874	18592

73,740 certificates of birth, marriage, death and civil partnership were issued to the public at first time registrations. The overall volume of certificates issued for 2023/24 against registrations was in line with the previous year. The figures for 2020/21 and 2021/2 were impacted by the Covid 19 pandemic in that a higher proportion of certificates than usual were issued via the certificates section. Prior to the pandemic there was a declining trend in issued certificates due to an increase in the number of organisations utilising the UK Government's Tell Us Once service and death notification service, this trend has been compounded by organisations accepting scanned copies of certificates rather than an original following measures put in place during the Covid 19 pandemic. The Service processed 4842 priority applications for certificates, for which customers pay a higher statutory fee to receive a premium service.

The Service does not recoup the costs of service delivery but is set an annual income target. During 2023/24, the Service received £2.75m income generated from statutory and non-statutory fees. The majority of fees are statutory, and these had not been increased for several years. The General Register Office fees and funding panel had been reviewing fees for some time with a view to increasing a range of fees to support the cost of service delivery. Subsequently statutory fees are to on 28th May 2024.

In addition to providing statutory registration services officers have:

- Attended Faith Advocacy and NHS Bereavement Group meetings.
- 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, DWP and the General Register Office.
- Participated in more local partnership working with organisations such as BCC Children Centres, Approved Premises and religious bodies as well as

- supporting the MacMillan Nurses which is 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.

Challenges to the Service

During 2023/24, the Service remained in covid 19 recovery dealing with a number of backlogs including births registrations caused in part by the legislative suspension of birth registrations, re-registrations and corrections during the early months of the pandemic. It caught up with the demand for notices of marriage/civil partnerships and whilst continuing to register a higher than average number of deaths. The Service is continuing to deal with a significant backlog of birth registrations and certificate applications, although the backlogs have significantly reduced.

Reducing backlogs was achieved against a backdrop of staff continuing to leave the Service. The Service continued with its recruitment campaign with officers attending job fairs to raise awareness of job roles, however its success has been marred by several factors including: attracting potential employees into office-based roles, neighbouring authorities offering more attractive salaries for similar roles, protracted recruitment processes and training requirements for new or promoted staff. The carrying of vacancies impacted on the ability of the Service to operate effectively. Appointing to remaining vacancies is ongoing.

The impact of vacancies on the Service has also been compounded by the continued impact on resources and therefore capacity to register following legislative changes which permitted documentation required for a death to be registered to be transmitted electronically. The Service has continued to experience delays with the receipt of documentation due to NHS resourcing issues and the Medical Examiner Scheme, in addition to poor quality documentation which has impacted on the timeliness of death registrations. In September 2024 the Medical Examiner Scheme will become statutory which means that pre- registration documentation in respect of all deaths will be pre-screened by the Medical Examiner Service. This will reduce the need for the Registration Service to triage and check documentation and will therefore increase capacity to register within the Service.

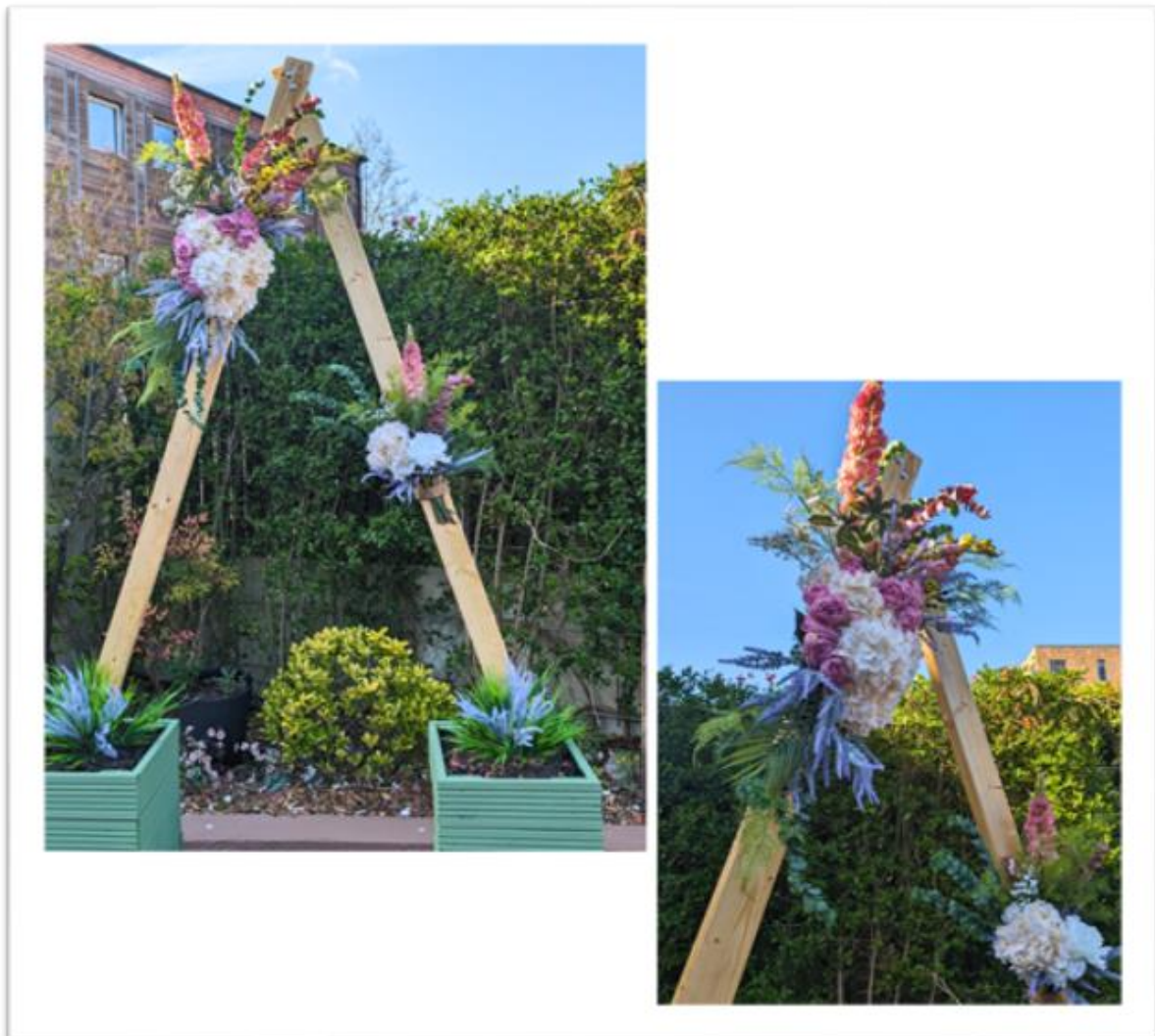
The Service continued to experience higher than average levels of sickness, particularly long- term sickness following the Covid 19 pandemic which has impacted on availability and flexibility of staffing resources.

Key Performance Indicators

The continuing heavy workload of the Registration Service, limited employee resource and delays due to poor quality and tardy forwarding of pre death registration documentation to the Service have continued to impact on the ability of the Service to deliver civil registration in a timely manner. Service Managers have worked with the Regional Compliance Officer for the General Register Office to introduce and monitor measures to improve against these KPIs. Partnership working with Solihull to help reduce birth registration volumes have continued. Following the introduction of the Statutory Medical Examiner Scheme in September 2024 the KPI for death registration will change and it is expected that Birmingham Register Office will be meet this KPI once the new system is imbedded, and staffing levels are stable.

Service Improvements

Improvements to the ceremony suite have continued with the main general waiting areas in the Ceremony Suite being refreshed and the refurbishment of the courtyard completed. The addition of a ceremonial arch has proved to be a popular photographic focal point.



Service leads have been raising the profile of the Service on its new social media accounts and several couples have happily agreed photos of their big day to be posted.

Income Generation

The ability of the Service to generate additional income is limited as the majority of the fees are of a statutory nature and do not recoup sufficient income for the cost of Service delivery to be met. It is anticipated that the increase in Statutory fees effective 28th May 2024 and the increase in the fee for the delivery of a citizenship ceremony which came into effect in April 2024 will go some way to help the Service in meeting the costs of civil registration service provision.

The non-statutory fees and charges are reviewed annually with a number of non-statutory fees having been revised to help improve the Services' financial position.

Service leads worked on holding an open day at the beginning of 2024 with the event being held in April 2024. The plan is for wedding fairs and open days to be held regularly to promote the range and options available for ceremonies.

A wider range of citizenship keepsakes was made available towards the end of the year and are proving popular.

As key vacancies are filled the Service will be in a stronger position to grow its business for 2024/25 and beyond.

CORONERS AND MORTUARY SERVICE

Statutory requirements

The City Council's Coroner's and Mortuary Service (the Service operates a calendar year for statistical data) provide the Coroner's service for Birmingham and Solihull together with the Public Mortuary facilities for the city. Both services are required by statute and supported with guidance from the Chief Coroner for England and Wales.

The Coroners and Justice Act 2009 places a statutory duty on the city council to appoint and pay a Senior Coroner and where appropriate an Area Coroner together with self-employed Assistant Coroners to discharge the functions of the Coroner. The Senior Coroner's statutory duty is to establish the cause of and circumstances of deaths in their area where:

- The deceased died a violent or unnatural death.
- The cause of death is unknown.
- The deceased died in custody

The Senior Coroner orders Post Mortems, conducts investigations and enquiries into the death (which are presented at inquests in the Coroner's Court) authorises bodies to be taken out of England and makes recommendations based on their findings with a view to improving health and wellbeing.

The statutory duties on the City Council in relation to the Senior Coroner are to:

- Secure the provision of whatever officers and other staff are needed by the Senior Coroner to carry out the function – it is the Senior Coroner who dictates what these requirements are and the local authority cannot interfere with the judicial role of the Senior Coroner and, therefore, has to provide and pay for what is asked for. In the case of Birmingham this has included the provision of Birmingham City Council staff.
- Provide and maintain accommodation that is appropriate to the needs of the Senior Coroner – the Coroner's Courts and offices to accommodate the Senior Coroner, Area Coroners and Assistant Coroners together with BCC staff.
- Pay the expenditure associated with the Senior Coroner and cannot refuse to pay the expenditure incurred by the Senior Coroner.
- Provide proscribed performance information in the form of statutory returns to the Ministry of Justice.

The statutory duties on the city council under the Public Health Act 1936 include:

- The provision of a mortuary for the reception and storage of bodies of people who have died in Birmingham and Solihull where the Senior Coroner orders a Post Mortem.
- Additionally the Human Tissue Act 2004 regulates how Post Mortems are conducted and the security of the bodies and associated tissues.

The services provided for the Senior Coroner by the Council include:

- Appointment of the Senior Coroner and Area Coroners, including salary/pension and Assistant Coroners (who are paid a daily rate)
- Provision, maintenance and management of the Coroner's Court in the city centre (and availability of additional courts when required) together with associated office accommodation, secretarial, front of office and comprehensive telephone, IT and administrative services for Coroners, the public and partners
- Receipt of all deaths notified to the Senior Coroner and their entry onto the CIVICA system for processing and conducting all investigations required to enable the Senior Coroner to perform her legal duties.
- Word Processing resources for all staff in preparing files for investigations
- Opening inquests, all in one inquest, comprehensive witness support and Jury arrangements and dealing with all correspondence and administration relating to inquests, and witness, pathologists and expert witness fees
- Presenting evidence to the Coroners in inquests.
- Liaising with Register Offices, hospitals, lawyers, families, police, emergency services, prisons and the military in relation to coronial matters.
- Dealing with all certification resulting from coronial involvement – death certification and removals out of England.
- Providing statutory information required by the Ministry of Justice on performance.

The service provided by the mortuary staff (which is licenced by the Human Tissue Authority, HTA) **includes**:

- Admitting and properly handling bodies with dignity, respect and traceability.
- Arranging the attendance of pathologists and assisting them in undertaking post mortems.
- Arranging Computed Tomography post mortems (CTPM), arranging for collection of the deceased, transfer to and from the CTPM facility, dealing with reports and assisting the pathologists with their examination of the deceased.
- Taking blood and tissue samples for analysis and administering their processing through to disposal in accordance with HTA requirements.
- Preparing bodies to facilitate viewings and identifications of the deceased by the bereaved and release to undertakers.
- Providing a 24/7 call out service to accept bodies in liaison with police, ambulance, hospitals etc.
- Securing personal belongings.
- Release of bodies to funeral directors.
- Cleaning of the mortuary and laundry of clothing used.
- Supporting the DCI in respect of HTA requirements

Birmingham and Solihull Coroner's Service

The Coroner's and Mortuary services are provided by Birmingham City Council for the Birmingham and Solihull Coroner's Area. Solihull Metropolitan Borough, through agreement, is not involved in the management of these Services, but contributes to the net cost of the service by an annual payment based on the relative population of

the Borough – currently Solihull MBC pays 16.1% of the net cost of the services provided.

All figures in this report include deaths in Birmingham and Solihull

Current Organisational Assessment

There was a year on year increase in death referrals since the benchmark figure was set in 2014 up to and including 2022(see below tables), however 2023 saw a reduction of referrals from 6000 to 5152 and a small increase in the number of post mortems undertaken. Currently we have access to four pathologists to undertake Coroner non forensic post mortems which has resulted in the time to post mortem taking longer than usual at some times during the year e.g during times of winter pressures. Generally, straightforward cases are normally processed within 1-3 days and cases requiring post mortem are normally processed within 5-10 working days.

The Coroner’s service has a process in place to allow urgency requests to be considered and a system to ensure families are advised of expected time frames

Following the pandemic the working practices of doctors have changed and many patients in the community are receiving treatment and consultations by telephone appointments. This has created a significant challenge regarding completing Medical Certificates of Cause of Death (MCCD) when a patient dies as only a doctor who has treated the deceased in their last illness and seen them (face to face or on video not via the telephone) within 28 days can legally issue the certificate, resulting in an increase in referrals to the Coroner. Modernisation of the death certification rules is needed to allow doctors to issue certificates more readily.

This increase in complex work for the coroner’s service and has resulted in cases taking longer than prior to the pandemic. This has also created an increase in the volume of inquests required.

The Coroner’s service also directly supports criminal investigations undertaken by the police. The results of Inquests on occasions provide the ability for the bereaved to take action against negligent care or practices that contributed to a death.

Quantity of work

Birmingham and Solihull jurisdiction is one of the most complex and busiest Coronial areas nationally covering a population of over 1.3 million.

The following tables indicate the workload of the service:

Number of deaths notified to the Coroner

Year	Number of deaths notified to the Coroner	Year on Year increase /decrease	Increase on 2014 baseline
2014	4,284	-	-
2015	4,805	12.2%	12.2%

2016	5,080	5.7%	18.6%
2017	5,203	2.4%	21.5%
2018	5,327	2%	24.3%
2019	5362	0.6%	25.1%
2020	5693	6.1%	32.8%
2021	5851	2.8%	36.5%
2022	6000	2.5%	40%
2023	5152	14.1%	20.2%

From this table the number of deaths notified to the Coroner had shown an increase year on year from 2014 to end 2022 and not reduced last year after the Covid pandemic. However in 2023 we saw a reduction of 14.1% in referrals, although it must be noted that the Chief Coroner and the Senior Coroner for Birmingham & Solihull have commented on the increase in complexity of cases during 2023 in their annual reports. Birmingham and Solihull have a higher than national average rate of jury cases which are held on a regular basis.

Since the baseline of 2014 there has been an increase of 20% in the number of deaths referred to the Coroner during 2023.

Number of inquests completed

Year	Number of inquests
2014	1,135
2015	601
2016	746
2017	810
2018	708
2019	757
2020	794
2021	722
2022	795
2023	865

Inquests were halted for a period during the covid pandemic/ then limited prior to moving to the new court building in November 2021 resulting in a heavy backlog, which has been dealt with. In 2023 the average time for an Inquest to be concluded in Birmingham & Solihull was 17 weeks compared to the national figure of 31.5 weeks. 39% of Inquests are dealt with in less than a month, with 24% in less than 6 months (81% less than the target of 6 months). During the calendar year 2023 there were 900 inquests closed. 45 of which had been open for more than 12 months. As of 31 December 2023 there were 258 open Inquests of which 82 had been open for more than 12 months

The number of Out of England Forms

Year	Number of Out of England Forms Issued
2014	141
2015	176
2016	227
2017	241
2018	233
2022	252
2023	240

In 2023, 240 cases resulted in Out of England forms being issued, representing 5% of all deaths reported to the Coroner, higher than the national average of 1%.

Percentage of notified deaths resulting in inquest

Year	% resulting in inquest	National average%
2014	14	14
2015	12	14
2016	15	16
2017	16	14
2018	14	13
2022	14	17
2023	17	19

Benchmarking

The key figures are not available currently for the KPI's due to problems with data security protocols within BCC which are being addressed by IT.

People Resources

In addition to the increasing trend in referrals since 2014, extra pressures on the Coroners Service have resulted from the Covid19 pandemic, and the cessation of the Coronavirus Act in March 2022. Additional resources have been provided to the service in a variety of ways since 2020, current resources shown below with pre 2023 shown in brackets.

The service is provided by the Senior Coroner together with two full time Area Coroners (was 1.5) who are salaried and sessional Assistant Coroners who provide cover in the absence of the Senior and Area Coroners, and are paid a daily rate. Currently due to the extreme pressures on the service 1 of the assistant Coroners is working 3 days a week.

The Senior Coroner, Area Coroners and their Assistants are supported by 8 Coroner's Investigators, 3 Coroner's Support Officers and 11. 33 Administrative Officers (was 8) and a position for an apprentice assistant paralegal secretary is being job evaluated.

There are 6 (was 5) Mortuary Technicians who provide the Public Mortuary Service to the Senior Coroner and the citizens of Birmingham and Solihull.

There is a national shortage of qualified pathologists to undertake post mortem work. During winter pressures, post mortem examinations took longer than the services normal time frames. The national lack of pathologists has been raised with both the Ministry of Justice and Department of Health and Social care. There is currently no clear identifiable solution to this problem.

Capital Projects

The New Coroners' Court



The old Birmingham Youth Court on Steelhouse Lane in the City Centre was purchased by Birmingham City Council in May 2020. The building underwent considerable refurbishment to create 3 courts, including a jury court and a multi faith room. The service moved to the new facility in November 2021. The court is very busy with all 3 courts in use on occasion and the 2 larger courts in regular use concurrently. There are ongoing issues with regards to the building infrastructure, which include leaks from the roof and issues with the heating and ventilation systems which are currently being worked on

The Central Mortuary

The number of Post Mortems carried out

Year	Number of Post Mortems	% of PMs with toxicology	% of PMs with histology
2014	1,562	19.2	12.9
2015	1,702	16.0	10.5
2016	1,542	20.3	14.4
2017	1,762	21.3	14.0
2018	1,768	22.3	13.6
2019	1519	Not currently available	
2020	1665	"	
2021	1800	"	
2022	1850	"	
2023	1872	"	"

The number of Post Mortems being carried out increased again in 2023 reflecting the increase in complicated referrals and the percentage of referrals that required a post-mortem to establish the cause of death. 51% (1002) of post mortems were standard, 49% were non standard requiring special skills such as a paediatric/pathologist specialist and are charged at a higher rate.

With effect from 1 July 2019, with funding provided by BCC, the Birmingham and Solihull Coroner agreed to a 12 month pilot for provision of Computed Tomography Post Mortems (CTPM) with IGENE (now Digital Autopsy UK) for a minimum of 250 suitable cases. This pilot was extended further during covid and subsequently extended to the 30th September 2023 for an increased number of 500 cases. A Single negotiated agreement with the provider was reached to send up to 300 cases to the end of September 24 and we currently have a live Tender in process for the contract going forward for 2 years from October 24.

This increased the work within the mortuary since 2017 and is not clearly reflected in the above statistics. 11 CTPM's were carried out in 2017, which increased to 213 in the calendar year 2022 and increased further to 241 during 2023.

A capital bid programme was launched in 2022/23 to produce a business case to determine if the current central mortuary is suitable for the future or whether the council should look for a new facility. Acivico and a Birmingham Property project Officer are producing a study and options report for the council to consider. This is expected around summer 2024.

LICENSING

Background

The Licensing Service consists of the General (Alcohol and Entertainment) Licensing, Hackney Carriage and Private Hire Licensing and Licensing Enforcement teams. All three teams are located at Phoenix House, Garretts Green.

Software System

The Licensing service previously worked with two separate software systems: SOPRA which was used to administer and issue the majority of licences, (LA2003, GA2005, HC & PH driver, vehicle and operator licences), and MAPPS: the system used to record complaints and inspections for licensed people and premises, and to administer and issue low volume licences such as sex establishments and charitable collections.

The two systems (SOPRA and MAPPS) did not link into each other, nor did they link into the finance systems which made annual fee recovery difficult. Neither system could accommodate online applications. SOPRA would not function correctly on Windows 10 machines and has not been supported by the provider for a number of years. It was not possible to amend the system to accommodate changes to the service. A further burden imposed by the system was the inability to attach documents without physically scanning them into the system – which meant, during Covid, emails had to be printed and scanned, which was massively inefficient.

It was a recommendation of the Casey report into Child Sexual Exploitation that the complaints management system should be the same as or interlinked to the licence issuing system.

After many years of trying, a new system was identified which could meet the current requirements and had capacity to adapt to future challenges and demands.

The implementation was significantly hindered by Covid – preventing face to face meetings and development or training workshops – but the first phase of the implementation- (back office function and public register) was completed in 2023.

Phase two - will involve the ability to make online applications and payments – enabling customers to track the progress of their application online. Phase two was anticipated to go live by Autumn but has hit difficulties in ensuring the system works for all application types. However, online payments for Licensing Act 2003 and Gambling Act 2005 annual fees did successfully go live at the end of 2023.

Training

Officers have provided and facilitated training for Licensing and Public Protection Committee Members and also Responsible Authorities under the Licensing Act 2003 regarding their roles and functions.

General Licensing

The General Licensing Team is responsible for administering over 20,000 licences registrations and permits across a wide range of licensing functions, which includes amongst others:

- Licensing Act 2003: sales of alcohol, late night refreshment, regulated entertainment,
- Local Gov't (Miscellaneous Provisions) Act 1982: Sex shops, sex cinemas and sexual entertainment venues; skin piercers and tattooists
- Charitable collections, - on street and house to house
- Gambling Act 2005: amusement machines, gambling premises, and
- Scrap Metal Dealers Act 2013

The number of licences, registrations and permits issued by the team during the year 1st April 2023 until 31st March 2024 can be broken down as follows:

FUNCTION	LICENCE TYPE	NUMBER ISSUED
Licensing Act	Premises New	154
	Variation	40
	Variation DPS	400
	Transfer	170
	Provisional	0
	TENs	867
	Personals	396
	Minor Variation	77
	Club Premises New	1
	Club Premises Variation	0
Gambling Act	Club Premises Minor Variation	0
	Premises New	1
	Premises Transfer	3
	Premises Re-Instatement	0
	Premises Variation	2
	Premises Change Notification	5
	Gaming Machines Alcohol New	1
	Gaming Machines Alcohol Transfer	2
	Gaming Machines Alcohol Variation	11
	Gaming Machines Alcohol Notification	11
	Prize Gaming Permit	0
	Gaming Machines Club Fast Track Conv.	0
	Gaming Machines Club New	0
	Unlicensed Family Entertainment Centre New	1
	Provisional Licence	0
	TUNs	0
	OUNs	1
Societies Lotteries New	27	

Sex Establishments		
Sex Shop/Cinema	Grant	0
	Renewal	4
	Transfer	0
	Variation	0
Sexual Entertainment Venue	Grant	0
	Renewal	7
	Transfer	0
	Variation	0
	Minor Variation	0
Massage & Special Treatments	Grant	36
	Renewal	56
	Variation (Additional Treatments)	0
	Transfer	0
Street Collections	Grant	78
House to House Collections	Grant	33
Skin Piercers	Grant	240
Scrap Metal - Collectors	Grant	4
	Renewal	5
Scrap Metal – Sites	Grant	10
	New Site Manager	0
	Renewal	12
	Minor Variation	0
Total for year		2655

A further 345 transactions, when copy/replacement licence and other sundry transactions are taken into account.

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 1st April 2023 until 31st March 2024.

Hackney Carriage and Private Hire Licensing

The Hackney Carriage and Private Hire Licensing Team issued 9,142 licences during 2023/2024, and conducted a further 809 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 2024 the number was 147 (compared to 110 on 31 March 2023).

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

Licence holder 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

In 2023 a new, standalone Hackney Carriage and Private Hire Policy was approved by City Council. This policy incorporates all of the elements of the licensing process in a simpler cohesive format and ensures compliance with the Department for Transport Statutory Guidance.

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 Greg Ward joined Licensing in February 2022.

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 2023/2024:

- A driver was prosecuted for having no insurance following a report of a road traffic accident he was involved in.
- Seven cases of illegal street trading were finalised with fines totalling £8,200 and costs awarded of £7,575.

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 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 2023 to 31 March 2024, the team dealt with 3,114 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, 418 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.

Inspections completed 2023/24 by type:

- Complaint Inspection – 2
- GA05 Inspection – 36
- LA03 Inspection – 8
- Licensing Compliance – 200
- Licensing Enforcement Inspection – 129
- Licensing Initial Inspection – 3
- Private Hire Operator Inspection – 2
- Scrap Metal Collector – 10
- Scrap Metal Inspection – 8
- Scrap Metal Site – 15
- Sex Establishment Inspection – 7
- Vehicle Inspection – 259
- Total – 679

During the year stop check exercises were conducted across the city in conjunction with officers from West Midlands Police as part of police MARSO exercises. 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 our dedicated police officer.

Prosecutions

Numbers of Cases

In 2022/2023 Licensing Officers submitted prosecution reports against 20 defendants and administered 100 simple cautions. During the same period 17 prosecution cases were finalised at Court.

Costs and Fines

Fines totalling £12,493 were imposed and costs of £14,847 were awarded to the City Council.

LEGISLATION	CASES	OFFENCES	FINES	COSTS AWARDED	OTHER
Equality Act 2010	2	2	£650	£2,448	
Local Government (Miscellaneous Provisions) Act 1982 Schedule 10(1)(b)	7	29	£8,200	£7,575	

Town Police Clauses Act 1847/Road Traffic Act 1988/LGMP76	5	11	£2,434	£3,889	21 penalty points, 6 month disqualification and £50 compensation.
Local Government (Miscellaneous Provisions) Act 1976 S50	1	1	£166	£185	
Road Traffic Act 1988	1	3	£513	£500	12 penalty points + 6 month disqualification
Fraud Act 2006 Sections 1 & 2 (includes 1 x LGMP s50 & 3 x LGMP Sec 46)	1	6	£530	£250	
TOTALS	17	52	£12,49	£14,847	

Work of the Licensing Sub-Committees

Sub Committees considered 80 applications:

Grant of Licence	26
Variation	3
Temporary Event Notice (TEN)	5
Personal	2
Expedited Review	12
Interim steps	19
Review	8
Transfer	1
DPS Variation	1
Simultaneous Transfer & DPS	1
SEV renewal	2

Hackney carriage and private hire matters have been delegated to a senior officer since 2020. In 2023/24 331 matters were determined.

Immediate Suspensions and Revocations.

In instances where public safety is believed to be at risk, it is possible for a driver licence to be suspended or even revoked with immediate effect. These decisions are taken in consultation with the Chair of Licensing and Public Protection.

In 2023/24 there were six suspensions and two revocations for issues such as: sexual assault; drugs related matters; alcohol related offences and other assaults.

Appeals against Sub Committee (and delegated) Decisions April 2023-March 2024

Outcome	Magistrates' Court	Crown Court	Total
Dismissed	1		1
Allowed	0		0
Allowed in part	0		0

Withdrawn pre- or at Court	2		2
Other	3 x Consent Order 2 x adjourned 5x not yet heard		10
TOTAL	13		13

Street Trading

The street trading portfolio was transferred from the Markets Service to the Licensing Service in August 2020 and the City Council approved the new Street Trading Policy 2020 on 3 November 2020. This was reviewed in 2021 and since its introduction has seen a significant change in the way street trading is consented within Birmingham.

In 2023/2024 we had 46 successful street trading applications, the location breakdown of the approved traders is

7 City Centre locations
13 Football Stadia
26 outside City centre

The team continues to work with partners including the police, City Centre management and other departments to prosecute those illegally street trading. A total of seven prosecutions were finalised in court this year and these prosecution numbers and fines awarded are included with the Licensing enforcement figures above. In addition, a further four files have been submitted to our legal team for consideration and two appeals against conviction were found in our favour at Crown Court.

Birmingham City Council hosted England Illegal Money Lending Team

37 warrants were executed in 33 operations this year, culminating in 33 arrests and the seizure of cash and documentation relating to illegal money lending. The total amount of cash seized during the execution of these warrants was £95,100 and legal proceedings have been initiated against 18 individuals.

There were 867 victims provided with support in 2023-24, the majority for emotional support and safety advice. There were also referrals to credit unions, housing, debt advice and mental health services. The team dealt with £1,076,977 of new victim debt during the year.

The team have trained over 23,500 frontline staff, with significantly more being face to face than in previous years since the pandemic. Bespoke training for the debt advice sector has resulted in a 650% increase in intelligence from that sector in 2023-4. The focus of the training is now shifting to utility companies.

LIAISE delivered a round table event with the West Midlands Police and Crime Commissioner. Representatives from organisations across the region came together to hear about the work of the team, and credit unions, and work on developing an action plan to tackle illegal lending in the area. This is being rolled out with the Police and Crime Commissioner.

A Birmingham-based bus company AJF have put Stop Loan Sharks vinyls on the sides of their buses in Birmingham and Manchester and did a flyer drop in the local area. They have undertaken staff training as well, to help identify victims who may use their services.

LIAISE have been working with West Midlands Police Economic crime unit and their training department to run training sessions for new recruits - around 200+ at present.

Research into IMLT's credit union incentives (where people receive £25 from proceeds of crime funding when they save £25 or more with a credit union) has shown the scheme to be very effective. Over 1200 joined the credit union under the scheme, saving an average of £200 each after 12 months which would give them a level of financial resilience. Around 1 in 5 went on to take out loans, with over 95% of these being paid off in full or on track.

PRIVATE RENTED SERVICE

The Private Rented Services comprises several teams and service areas.

The Private Tenancy Unit – are responsible for offering advice and guidance to tenants about their rights and to landlords about their statutory responsibilities. The team supports tenants where landlords are not following processes for ending tenancies and acting illegally. Officers will determine whether the correct legal processes have been followed where tenants are issued notices to end tenancies and aim to prevent homelessness wherever possible. Enforcement action can be taken where there is evidence of illegal eviction.

In 2023/24 the team dealt with circa 1328 enquiries from tenants seeking advice following issues with their landlord. They were able to assist by providing information and support without creating cases.

In addition, officers investigated 467 complaints of harassment, threats of illegal eviction, and unfair rent increase challenges.

The majority of the cases were for threatened evictions with over 200 cases managed to conclusion with the evictions being prevented. There were nearly as many cases giving possession advice at 176.

The changes in interest rates and the cost of living crisis led to the team supporting more than 70 tenants to challenge excessive and unjust rent increases through the Property Tribunal; this included where landlords were trying to raise the rent with each interest rate rise (which is illegal) or by excessive amounts (higher than the local market rent). Unfortunately, the team have dealt with instances whereby landlords have attempted to evict tenants in order to rent out their properties at higher rents than the increases allow for.

The team have investigated over 50 claims of harassment; typically responding to claims that the landlord/agent has disconnected utilities to force tenants to leave. Usually, a call to the landlord from an officer with the threat of a potential criminal conviction for harassment is enough to see services quickly reconnected. On one occasion the landlord did not reinstate the electricity and gas supply, so the officer arranged for a 3-day temporary accommodation stay for the tenant and her family, and the Enforcement Team carried out Emergency Remedial Action for force entry and reinstate the supply. The Environmental Health Officer then carried out a Housing Health and Safety Rating Scheme assessment and issued the landlord with an Improvement Notice along with the bill for the work to reconnect the services and test for their safety.

The team were unsuccessful in preventing all threats of eviction, with 23 evictions taking place during the year.

The Customer Service Advisors – provide the customer face to the whole of the service and ensure that the correct teams get the referrals through from the duty phone line and the PRS mailbox. They provide the administrative support for the service, including handling complaints, and they raise invoices and check manual

HMO applications. They also assist officers with regulatory tasks if necessary. In 2023/24 the team dealt with circa 14,000 mailbox enquiries and 18,000 telephone calls from tenants seeking help for disrepair, threats from their landlord and enquiries around property licensing.

The Housing Enforcement Team – are a team of qualified Environmental Health Officers who respond to complaints about disrepair in private rented accommodation (excluding exempt accommodation). They receive complaints from tenants and try to work with landlords to ensure that necessary repairs are carried out. They work predominantly but not exclusively with the Housing Health and Safety Rating System and the Housing Act 2004. If repairs are not carried out or a Category 1 hazard is present, enforcement action may become necessary. This can include a legal Notice to carry out works, or in extreme cases the closure of a property. In 2023/24 the team exceeded their KPI resulting in 501 cases being allocated to officers to ensure that properties were improved, and hazards removed.

The aim is to secure compliance through informal means if possible, however of the cases the officers dealt with, 61 were not resolved through advice, guidance and information action. As well as serving Housing Act 2004 Section 239 Notices to inspect on every case and re-visit, officers served 39 Improvement Notices for Category 1 Hazards present, 32 Improvement Notices for Category 2 Hazards, 5 Statutory Nuisance Abatement Notices under Section 80 of the Environmental Protection Act 1990, and 7 Section 16 Requests for Information. A further 4 properties were served with an Emergency Prohibition Order, which comes into force immediately that it is served because of an imminent risk to the health, safety and wellbeing of the occupants. These are extreme and emergency powers and can only be used in extenuating circumstances to prevent serious harm.

We also issued a Civil Penalty Notice for £8,000 for the offence of failure to comply with an Improvement Notice. The penalty was not appealed.

The Section 82 Environmental Health Team – comprise 3 qualified Environmental Health Officers who inspect council properties to provide an expert report for City Housing when they are challenged by tenants who make a formal complaint through Section 80 of the Environmental Protection Act 1990 claiming their homes are prejudicial to their health. The Officers determine if a Statutory nuisance is present and draft a schedule for abatement. If there is a legal challenge, they are the independent expert professional witness for the Council. In 2023/24 the officer's inspected 276 properties resulting in the same number of draft nuisance orders, and they continue to provide City Housing and the council's Criminal Litigation team with detailed technical reports to defend the claims and to redress issues that they find.

The High-Risk High-Rise Fire Safety work – the Private Rented Sector (PRS) Fire Safety Team are actively involved in remediating life critical fire safety defects (cladding etc.) in private high-rise buildings. Successful outcomes are dependent on joint working and close collaboration with our key partners who include West Midlands Fire Service, DLUHC Local Regulator team, the Building Safety Regulator and Homes England. Self-remediation (by freeholders and/or developers) or forced remediation (BCC Housing Authority - PRS) is only achievable when intelligence is gathered on each building. Remediation is brought about by the Fire Safety team

using a graduated approach to enforcement which starts with informal negotiation, then finally formal action to ensure compliance.

The team also work with the national Joint Inspection Team (the JIT, funded by DLUHC and hosted by the Local Government Association) to ensure a robust and consistent approach to carry out remediation of the high-rise blocks post Grenfell. In 2023/24 the team inspected 3 blocks with the JIT which involved issuing 6 notices formally requesting information (more than 50 documents per notice), 924 notices of entry to inspect, property under the Housing Act 2004, 3 Improvement Notices, and circa 726 copies to interested persons (leasehold/freehold/mortgage company etc). Work is underway to ensure compliance and a programme of inspections has been set for 24/25.

The Housing in Multiple Occupation (HMO) Mandatory Licensing Team - The HMO Mandatory Licensing Team, licenses all HMOs which consists of five or more unrelated people who form more than one household and share amenities such as bathroom, kitchen and at least one tenant pays rent.

The team has the power to take enforcement action against landlords who operate unlicensed HMOs and those who do not adhere to the conditions of their licence and HMO management regulations. In 202/24, the team issued 597 licences and conducted 364 compliance visits. The team had two KPIs and the table below shows how the team has met those KPIs for 2023/2024.

No.	KPI	2023/2024 Target	2023/2024 Actual
1	Percentage of HMO licences issued within adopted standard (56 days of receiving valid application)	86%	91%
2	Number of completed inspections for licensable Mandatory Houses in Multiple Occupation (HMO)	350	364

2023/2024 KPIs for HMO Licensing Team

When inspecting HMOs, officers ensure that landlords and or managing agents are complying with their responsibility under HMO management regulations. They also check for disrepair issues under the Housing Health and Safety Rating System (HHSRS). Any disrepair that is classed as a category one hazard under the rating

scheme the landlords are issued with an improvement notice requiring them to complete the repairs. Failure to comply with the licence will lead to enforcement action being taken. Of the 364 HMOs inspected last year 41 were found to have at least one category 1 hazard. All landlords complied with the notices to bring their properties up to standard.

The team collaborates with the police and fire service to ensure the safety of residents in HMOs and help tackle rogue landlords.

The Empty Properties Team works to achieve the objectives set out in the current Empty Property Strategy 2019 – 2024. One of the objectives is to bring 350 properties back into use. The table below show the number of properties that the Team has brought back into use.

Year	Target	Actual
2019/2020	350	352
2020/2021	263	306
2021/2022	263	267
2022/2023	300	196
2023/2024	350	369

Number of Properties Brought Back in to Use

During the five-year period, the Team engaged with owners' of 1998 properties. The five-year target was to bring 1,750 properties back into use. However, in 2020/21 to 2021/2022 the targets were reduced due to Covid-19. In 2022/2023 due to a vacancy in the team it wasn't possible to meet the target. Once back to full capacity the Team exceeded the target for 2023/2024.

In bringing empty homes back into use the team works with a variety of agencies.

Witton Lodge Community Housing Association is a social enterprise organisation to provide housing in the locality. We refer owners of empty properties located in the area to them. They will negotiate with the owners to buy their property and after refurbishment it will be rented to someone in housing need.

The team works interdepartmentally, has and continues to refer owners of empty properties to the Council's Accommodation Finding Team, which has resulted in the leasing of 20 properties that have been used as temporary accommodation for homeless households. Where owners want to dispose of their empty property, with their agreement a referral is made to the Council's Property Acquisition Team.

Each year the Team takes part in National Homes Week which promotes their work and further encourages members of the public to report empty properties to them.

In May 2023, the annual National Home Conference was held in Birmingham. Councillor Francis, Cabinet Member for Housing and Homelessness opened the conference. She emphasised the importance of the work on empty properties to help meet the Council's vision for Birmingham as a great city to live in and also to help with additional supply of much needed family accommodation.

She recognised that empty properties are a challenge for every local authority and confirmed the Council's commitment to enhancing our approach in this area by continuing to work and share experiences with other local authorities.

Bringing an empty property back into use is time consuming. Often cases can take more than five years to reach an outcome. Below are photos of properties that completion of the work to bring the empty property back into use happened in 2023/2024. They were subsequently submitted for the two awards at the National Empty Homes Conference. Both entries achieved highly commended in each category. Below are pictures of the entries.

Best Before and After Photograph Award

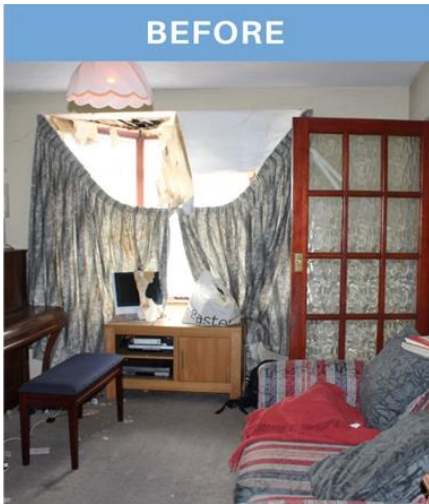


Before Picture



After Picture

Meeting the Challenge Award



Before Picture



After Picture

Private Rented Property Licensing

Property Licensing are responsible for delivering and regulating the 'Selective' and 'Additional' Property Licensing Schemes which became a legal requirement in Birmingham on the 5 June 2023.

The Selective Licensing Scheme is applicable to privately rented single household properties located in 25 wards of the City. The Wards were selected based on the percentage of rental properties, together with levels of crime and or deprivation. It is estimated that there are 54 000 licensable properties in these areas.

The Additional Licensing Scheme is active city wide and is applicable to private rented properties which house 3 or 4 residents from 2 or more households who share one or more amenity. These properties are often termed 'Small' Houses in Multiple Occupation (HMO's) and amount to approximately 8 000 properties city wide.

Both these schemes compliment the Mandatory HMO Licensing Scheme which has been a legal requirement nationwide since 2006 and which is managed by the Private Rented Sector Team in Birmingham.

Whilst all the schemes have similar outcomes, 'Selective' was set up to tackle crime and deprivation and the Additional Scheme to deal with anti-social behaviour (ASB) and waste / rubbish issues. However, the overall aim and role of the section is to improve the living conditions of tenants and reduce any impacts on the surrounding communities.

Between the start of the schemes and the 31 March 24 the section have received over 26 500 applications and have issued 20 194 draft and final licences.

Licence type	Applications	Draft / Final
Additional HMO Licenses	2337	1201
Selective Licenses	24 166	18 993
Total	26 503	20 194

During the extensive development and approval process of the schemes which started in 2020, including a public consultation, we have continued to promote the need for landlords to license their properties where required to do so. Prior to 31 March 24, there has been many articles in local newspapers and on associated webpages, together with several social media campaigns. In November, 450 000+ leaflets about the schemes were delivered to all residential and commercial properties in Birmingham.

In January 2024, compliance inspections began to those properties which have been issued with a licence. By March 2024, 21 of the 25 wards which are part of the 'Selective' scheme had been visited. Throughout the 5 years of the schemes wards will be repeatedly visited with the aim of inspecting a large proportion of the licensable properties in all wards. So far over 800 inspections have been completed, of these over 600 were found to be compliant. The remaining properties required additional interventions to bring them into compliance, many related to missing or defective smoke detection systems.

There has been a staged approach to the launch and delivery of the schemes, starting with the educational and promotion, this progressed to compliance activity at the start of the year and from March 2024 the team are starting to identify and take action against landlords who are operating unlicensed properties.

Landlords who are operating unlicensed properties risk being prosecuted or being fined up to £30 000. In addition, their tenant could apply to the court for a Rent Repayment Order, which would involve up to 12 months of rent being paid back to the tenant. Plus a landlord is unable to instigate Section 21 eviction proceedings unless their property is licensed.

As a result of these restrictions the team have been working closely with the Housing Options Team and have been able to prevent 260 illegal evictions. This has given the housing team more time to work with the landlord to keep the tenant in the property or find them more suitable alternative accommodation.

Edgbaston Reservoir Project

Following complaints from a local councillor regarding unlicensed rented properties in the Edgbaston Reservoir area, SMs, TLs, COs and TLs door knocked all the properties in the roads where tenure had not already been predetermined. This exercise determined that there were number of unlicensed properties. These landlords were written to and resulted in them applying for a license. Follow up action is being taken regarding those landlords who have not yet applied.