

BIRMINGHAM CITY COUNCIL

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

20 JUNE 2018
ALL WARDS

REGULATION AND ENFORCEMENT
ANNUAL REPORT 2017/2018

1. Summary

- 1.1 The report advises on the work undertaken during the year April 2017 to March 2018 by the Regulation and Enforcement Sections: Environmental Health, Trading Standards, the Register Office, Licensing, the Coroners and Mortuary service and the England Illegal Money Lending Team which report to your Committee.

2. Recommendation

- 2.1 That the report be noted.

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3. Background

- 3.1 The sections of Regulation and Enforcement that report to your Committee are:
- i. Environmental Health.
 - ii. Trading Standards.
 - iii. Register Office.
 - iv. Licensing.
 - v. Coroners and Mortuary Service
 - vi. England Illegal Money Lending Service.
- 3.2 The Environmental Health section delivers services in the areas of: public health; food safety; health and safety at work; environmental protection; animal welfare; statutory nuisance; drainage; and pest control.
- 3.3 The Trading Standards section delivers consumer protection and business support services in the areas of: commercial investigations; product safety; underage sales; consumer credit; internet crime; proceeds of crime; metrology; and fair trading.
- 3.4 The Register Office Service is responsible for the registration of births, marriages and deaths, the legal preliminaries to marriages (other than those in the Church of England), the arranging and conducting of civil marriage ceremonies, the issuing of certified copies of register entries and the legal preliminaries to and registration of civil partnerships.
- 3.5 The Licensing Service consists of the General Licensing, Hackney Carriage and Private Hire Licensing and Licensing Enforcement teams.
- 3.6 The Coroners Service and the Public Mortuary provide support staff to the Senior Coroner for Birmingham and Solihull.
- 3.7 Birmingham City Council Regulation and Enforcement continue to host the National Illegal Money Lending Team for England and also the Regional Investigation Team (formerly known as ‘Scambusters’).
- 3.8 Administrative support, management information and the co-ordination of legal proceedings with the Chief Legal Officer is undertaken by staff who are (where appropriate) part of the council’s wider Professional Support Services team.
- 3.9 The NHS Primary Care Teams were disbanded in April 2013 and the public health role was moved into the Local Authority. Officers have worked closely with the Director of Public Health to deliver significantly on public health outcomes in Birmingham.

4. Implications for Resources

- 4.1 The activities detailed in this report were undertaken within the reduced resources available to your Committee.
- 4.2 The Illegal Money Lending project for England is funded by The Treasury and the Regional Investigation Team by the Department for Business, Energy and Industrial Strategy through a governance arrangement with the National Trading Standards Board. These resources are ring fenced for this specific activity and claimed through an expenditure invoicing procedure.
- 4.3 There has been a steady reduction in financial and people resources available to deliver services within Environmental Health, Licensing, the Register Office, the Coroners and Mortuary and Trading Standards over recent years, beginning in 2011/12, in order to deliver the efficiencies required.

5. Implications for Policy Priorities

- 5.1 The services delivered through your Committee contribute to Birmingham City Council's Vision and Priorities 2017-2020.
- 5.2 Our aim is to create a sustainable, future-proof model of local public services – focused on supporting the needs of people, partnership working, empowered staff, and community engagement.
- 5.3 Our values are putting residents first; acting courageously; being true to our word, and achieving excellence.
- 5.4 The City's Vision is:
 - A city of growth where every child, citizen and place matters

Its Priorities are:

- Children – a great city to grow up in
- Housing – A great city to live in
- Jobs and skills – a great city to succeed in
- Health – a great city to grow old in

6. Public Sector Equality Duty

- 6.1 The various actions identified in the report were undertaken in accordance with the Regulation and Enforcement's enforcement policies which ensure that equalities issues have been addressed.

7. Consultation

- 7.1 Consultation is undertaken with members of the public, traders and elected members wherever possible to ensure that our services are delivered and tailored to the needs of our customers and stakeholders.

ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

Background papers: Nil

ENVIRONMENTAL HEALTH**Background**

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

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

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

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

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		60,234
	Env Health RFAs total	27,749
	Pest Control RFAs total	14,606
	All Inspection Total	14,458
	Other Jobs not RFAs	3,421

Environmental Health Breakdown		
Waste related enquiries	RFAs & Waste Incidents not subject to complaint	6847
Statutory nuisance	Noise	4,932
	All others	1,285
Animal Welfare	Dog Wardens	3,317
	Animal Welfare (not dogs)	145
Food complaints		3,965
Infectious diseases		1,173
Licensing enquiries		410
Health and Safety	Enquiries	466
	Incidents (Accidents)	538
Unauthorised encampments	On council land	765
Other		3,906
Source of RFAs	Cllr, MP, CX & SD	739
	Public	27,010

Pest Control Breakdown		
Rats	Rat in Garden	6,336
	Rat in House	4,169
	Mice reported as Rat in House	453
Pests other		3,648
Source of RFAs	Cllr, MP, CX & SD	78
	Public	14,528

Environmental Health Inspections Breakdown		
Inspections	Food Inspections	3,952
	Food Standards Inspections	2,232
	Health and Safety	2,206
	Environmental Protection	123
	No Smoking Compliance	2,356
	Duty of Care	3,477
	Animal Welfare	112

Number of Criminal Prosecutions undertaken by Environmental Health:

CASES FINALISED BY LEGISLATION 2017/2018

LEGISLATION	CASES	OFFENCES	FINES	COSTS AWARDED	OTHER PENALTY
Animal Welfare Act 2006	3	3	£120	£2,420	24mth community order, 60hrs unpaid work, disqualified from keeping an animal for 10yrs 12mths
Animal Boarding Establishments Act 1963	1	1	£440	£1,449	
Dogs on Leads Order 2014	4	6	£2,090	£1,115	
Environmental Protection Act 1990					
Section 33****	43	72	£51,927	£38,701	12mth community order, 80hrs unpaid work, 8mths imprisonment suspended, 200hrs community work, disqualified from driving for 12mths
Section 34	25	43	£22,346	£17,066	27mth Conditional Discharge
Section 59	1	1	£3,400	£4,115	
Section 71	1	1	£440	£900	
Section 80	2	11	£1,400	£1,000	
Section 87	1	1	£100	£175	
Section 110 (2)	2	2	£850	£870	
Fouling of Land by Dogs Order 2014*****	4	6	£595	£700	
Food Hygiene (England) Regs 2006 ***	51	303	£717,342	£107,660	12mth community order, 9mths imprisonment suspended for 18mths, 100hrs unpaid work
Health & Safety at Work ect Act 1974	3	5	£34,000	£11,724	
Microchipping of Dogs (England) Regs 2015	5	6	£480	£1,255	18mth conditional discharge
Prevention of Damage of Pests Act 1949	5	6	£3,173	£8,890	
TOTALS	151	467	£804,703	£198,040	

*** includes 1 H&S offence, 3 criminal damage offences, 1 EPA Sec 34 offence

**** includes 6 Sec 34 offences, 3 sec 71 offences, 3 scrap metal offences

***** includes 1 dog not on lead offence

Total Submitted Prosecutions 205

Total Submitted Cautions 15

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 5,873 Fixed Penalty Notices were issued which is a decrease of 433 over last year. During the year 602 criminal prosecutions were instigated against persons who committed litter offences and who declined to discharge their liability to prosecution by paying a fixed penalty amount. The average fines and court costs imposed by the court on conviction were £193.08 plus costs of an average £158.89.

Over the course of the year 187 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.

Waste Enforcement Unit – (Commercial and Household Waste Enforcement)

The Waste Enforcement Unit received 6847 service requests during the year. Enforcement interventions were focused on offences involving fly-tipping and on the inappropriate disposal of commercial waste by business. The unit's activity is summarised in the table below:

<i>Investigations and statutory interventions</i>	
Waste related offences concluded through the court with convictions	79
Case files submitted to the council's solicitors for consideration of criminal proceedings for waste related offences	130
Waste related offenders dealt with through using Fixed Penalty fines as an alternative to court proceedings: <ul style="list-style-type: none">• Small scale fly-tipping. [Car boot sized incident - £400 FPN]• Very small scale fly-tipping. [Black sack sized incident - £80 FPN]• Businesses failing to demonstrate arrangements /systems/ documents for trade waste	<div>56</div> <div>19</div> <div>433</div>
Duty of care investigations into commercial waste related offences	1087
Demand notices issued to businesses requiring production of trade waste disposal information	861
Investigation activity against fly-tippers: <ul style="list-style-type: none">• Offenders arrest with police support and charged at police stations• Fly-tippers given custodial sentences at court (2 suspended)• Fly-tipping vehicles seized for examination and investigation	<div>3</div> <div>4</div> <div>13</div>

The WEU comprises 14 (full-time equivalent) officers drawn from a range of environmental health, licensing, trading standards and police backgrounds. The Unit received support from West Midlands Police on 16 operations during which arrests were required on 3 occasions.

Sanctions handed down by the courts continued to be aided by the Sentencing Council Guidelines which have toughened up penalties for waste offences. Notable cases where the Guidelines were significant included:

- RRB Birmingham Ltd; Alex & Yanis Bross Ltd; and Premier Retailing Ltd who were fined £9,000, £9,000 and £10,000 respectively for offences relating to inappropriate disposal of business waste.
- Solihull Skip Hire Ltd, fined £1,500 for the practice of 'skip skimming' where excess waste was pulled from an overloaded skips and left on the pavement.
- Jonathan Caines and Ion Stefan whose fly-tipping vehicles were seized; forfeited by the court crushed.

Enforcement interventions were supported through the work of the Waste Prevention Team. Under the council's 'Zero Hero' educational campaign the team held 77 school assemblies and 30 schools based litter picking events. To further encourage reuse and recycling the team issued 10,176 advice and information letters, made 3,237 visits to households and distributed 'striped sacks' to 753 properties to assist with refuse collection from residential accommodation above shops across the city.

Fly Posting and Placarding

During the year awareness raising and enforcement activities were targeted at the most prolific businesses that were using fly-posting and placarding to avoid legitimate advertising costs. A total of 35 scheduling exercises were undertaken which required illegal operators to take down advertisements. Non-compliance renders offenders liable to prosecution under the Town & Country Planning Act 1990 and from the exercises one offender was reported for prosecution and convicted and investigations are ongoing against two further businesses.

A trial involving the use of Community Protection Notices as means of controlling illegal advertising was started in the latter part of the year. Statutory notices were issued against 11 operators under the Anti-Social Behaviour, Crime and Policing Act 2014. Non-compliance carries a penalty of a £100 fixed penalty fine or maximum £20,000 fine on conviction. The legislation allows 'ongoing requirements' to be imposed to prevent further offending and operator compliance continues to be monitored from the trial, which extended into 2018/19.

The removal of illegal advertisements attached to street furniture is a core activity for Amey under the terms of the PFI contract. A number of changes were made to the council's website and Contact Centre scripting which made it easier for members of the public to report incidents of fly-posting or placarding. Improvements in reporting mechanisms and better exchange of information between Amey and enforcement officers reduced the amount of double handling of reports and helped with focused action against repeat offenders.

In 2017/2018, Officers made representations regarding eight premises licence reviews, which resulted in specific conditions being imposed in order to control illegal advertising. During the year an in-depth audit was undertaken against one venue to ensure compliance with the new licensing conditions. Additionally, monitoring undertaken during the historic 'peak placarding' season, including the summer festival and New Year celebration period identified good compliance from licence holding venues with very low levels of offending.

Safety of Void Commercial Properties

In 2017/2018 Officers continued to work with colleagues from West Midlands Fire Service, West Midlands Police and Acivico on tackling problems associated with void and insecure commercial buildings. During the year, action was taken to investigate and deal with the highest risk buildings that posed an imminent injury to both fire crews and persons who might enter the building (in particular rough sleepers). The work of Building Watch runs in parallel to the City Council's Empty Property Strategy, which targets interventions at void residential buildings.

Domestic Noise Complaints

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

During 2017/2018 a total of 4,932 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.

59 noise abatement notices were served for noise offences affecting residents and 15 seizures of sound equipment took place following breaches of notices. After 28 days those who pay for the full costs incurred by the city in undertaking the seizure of the noise equipment, have their property returned. In cases where further breaches of notices occurs after seizure i.e. where new or returned equipment is used to create a further problem, criminal proceedings are taken against the offender.

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

Smoke Free Birmingham

Environmental Health and Trading Standards work closely with other partners to control illicit and counterfeit tobacco products, underage sale and inappropriate use

and sale of tobacco in Birmingham, including Shisha and E-cigs. Tobacco control requires an integrated approach with partners because as well as being more cost effective there are other factors that require consideration:

1. Reducing smoking prevalence reduces the harm to people's health and contributes to reducing health care and economic costs (worklessness) associated with early onset of morbidity and mortality from smoking related diseases.
2. Reducing the availability of tobacco products to young people under the age of 18 contributes to reducing the uptake and subsequent addiction to tobacco.
3. 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.
4. 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 2017/2018 we continued and implemented a number of targeted interventions which included:

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

These activities were also supported by Trading Standards around the under-age sales and Health Warnings, and by Her Majesty's Revenues & Customs in relation to

illegal importation of tobacco based products. Planning, Public Health, West Midlands Fire Service and Police Service have also provided support.

Inspections in relation to checking compliance with no-smoking legislation have continued. During 2017/2018 2925 premises were inspected. 10 complaints were received and investigated regarding smoke free non-compliance. In total 1-person received fixed penalty notices for contravening the Health Act 2006, which required payment of the statutory fee of £50 or £30 if paid early. There has been one summons issued, relating to businesses not complying with the Smoke free regulations under the Health Act 2006 legislation.

Shisha Premises

Shisha is a sweetened form of tobacco and involves the use of a pipe or hookah which is used to inhale the smoke once it has been passed through water. The list of health effects associated with tobacco shisha is similar to those associated with cigarettes. The tobacco used in the pipes or hookahs contain tar and nicotine, and results in exposure to much higher levels of carbon monoxide. The practice of smoking shisha is not in itself illegal. However, businesses are still required to comply with the same smoke free legislation that relates to smoking in any premises where the public have access to. There are a few shisha businesses in the city who use electronic shisha, which is similar in concept to electronic cigarette smoking and this activity does not fall within the provisions of the Health Act 2007 due to no smoke being produced.

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

Last year, compliance inspections were undertaken of 17 shisha premises within the city. One health and safety prohibition notice was issued in respect of dangerous equipment and practices in these premises. The majority of these inspections have been undertaken with other agencies. Work in this area continues during 2018/2019.

City Centre Project

Environmental Health continued in 2017/2018 to provide assistance with reducing impacts from noise levels and antisocial behaviour within the City Centre. Business, residents, buskers and entertainers have been provided with the guidance which includes advice on how noise and antisocial behaviour related issues are dealt with. Should these behaviours not be adhered to then this forms the basis for action against individuals under the Community Protection Notice (CPN) procedure (Anti-Social behaviour, Police and Crime Act 2014). To date no CPN has been served for this activity, however, a number of warning letters have been served on individuals. In November 2016 Environmental Health contracted two Anti-Social behaviour officers to assist with dealing a number of antisocial behaviour activities within a

defined footprint of the City Centre. This work continued into 2017/18. This activity includes assisting rough sleepers into support services, evidencing any criminal behaviours for further action; assisting with waste issues in alleyways; first actions around noise from buskers and preachers. The ASB officers work closely with West Midlands Police; Retail and Colmore BID's; Health related services; homelessness and support services.

Pest Control

During 2017/2018, the Pest Control Section continued to offer a range of services to both domestic and commercial customers in the city. In domestic premises we continued to include free treatment for rats. The section also continued to provide free advice on the control of all other pests and supplied free poison for the treatment of mice. The latter is available through all Birmingham City Council Customer service Centre. In addition, between July and October the section offered a chargeable service for the treatment of wasps' nests to both domestic and commercial customers.

Commercially the section provided a wide range of competitively priced pest control services which are reported in the City Council's Fees and Charges Policy. The section has treated all pests (except rats at domestic properties) on a chargeable basis to all private non-food businesses and all City Council Departments. We have successfully obtained new contracts and continue to expand our portfolio of chargeable treatments. During 2017/2018 we continued to operate chargeable services for squirrels, ants, fleas, cockroaches and bed bugs. By far the greatest change has been with the continued expansion of the Land and Property Clearance Service. This has again helped to alleviate budgetary pressures. Officers continue to look for Pest Control opportunities by working closely with internal and external partners.

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

Key achievements of the Pest Control section during 2017/2018 include:

- The section has dealt with a total of 14,606 requests for assistance (RFA) from residents of Birmingham. Of these 10,505 were to resolve problems associated with rats either in gardens or within domestic properties.
- Pest Control has continued to liaise and promote our Property Clearance Service to internal and external partners. The role has grown in terms of capability, size of land and size of contracts. Work enquires for clearance work have increased from 363 enquires in 2014 to 721 enquires. Staff working in this area has increased from 15 to 25 full time equivalent officers working 5 days per week.
- The take up of pest control treatments from internal council departments has fallen; however, the Service has received very positive feedback from those contracts which we hold. This has resulted in more opportunities being

made available from existing income streams. We continue advertise and seek opportunities offered outside Birmingham City Council.

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

Complaints relating to bedbugs have significantly increased. Each job is likely to take two to three times as long to complete as dealing with an average rat in garden job due to what is involved in delivering the treatment. In 2008 we received 249 requests for this service, in 2014/2015 this had increased to 816. Officers are now dealing with 458 requests for assistance in 2015/2016. A charge for bedbugs was introduced during April 2016/2017 and the requests for service were 358 which has fallen to 203 during 2017/2018.

Food Safety Inspections

More than 3,900 food hygiene inspections and over 2,200 food standards inspections were carried out during 2017/2018. This represents 96% of the programmed inspections that were planned for the year. Items covered during inspections include hygiene of premises and practices, compositional standards, claims and advertising, traceability, food fraud, sampling and training.

Food Hygiene Rating Scheme

Following the launch of the National Food Hygiene Rating Scheme in November 2012, the scheme has grown in popularity. The new ratings website where hygiene scores for businesses are displayed features over 6,200 Birmingham food businesses. As part of the scheme officers provide window stickers for all businesses in the scheme. The scheme, in addition to providing information to consumers, is seen as a useful tool to encourage businesses to improve. This is demonstrated by the increasing number of businesses applying for a rescore after making improvements, over 160 made such an application in 2017/2018.

Food Enforcement Action

During 2017/2018, 81 premises were found to present an imminent risk to health and were closed immediately until all necessary works were carried out. This is significantly higher than the average number of closures which are normally carried out in Birmingham. Although this could be considered a large number, compared to the total number of inspections carried out, 3,952, it only represents 2% of premises which seriously failed to meet basic hygiene requirements and put their customers at risk.

Throughout 2017/2018, 51 prosecutions were finalised for food hygiene and food labelling related offences, with total fines amounting to £717,342 and costs recovered of over £100,000. In addition 13 businesses received a simple caution.

Officers have increased enforcement activity when dealing with allergen control, in response to poor compliance following the introductory period, and due to the increased number of incidents in this matter.

Primary Authority Partnerships

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

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

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

Sampling

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

As part of this programme, 12 food and water surveys were carried out comprising of 291 samples in total; this is an increase from the 121 samples taken in the previous year. Of these 291 samples 36 were unsatisfactory, although we are awaiting results from a further 111 samples. All of the issues identified were raised with the companies concerned and their home or primary authorities and follow up action was taken to ensure that problems were rectified and where necessary food products removed from sale.

Infectious Diseases and Food Poisoning

All sporadic cases and outbreaks of gastro-enteritis are investigated. During 2017/2018, 1,169 sporadic cases and 4 outbreaks were investigated. Investigations of outbreaks of gastro-intestinal disease includes the promotion of regular hand washing and disinfection of surfaces as well as other controls in order to reduce the spread of infection as quickly as possible. Officers work with the Health Protection Unit to ensure a joined up approach to controlling the spread of gastro-enteritis and food poisoning.

Outdoor Events

Officers have worked in partnership with the Council's Events Division. An officer was appointed to offer specialist advice concerning food safety at the major outdoor events which took place in the City including the Christmas German Market, the Vaisakhi celebrations and the Carnival. Over 250 inspections were carried out of food premises at events to ensure that they are a success. The demand in this area of work is hugely increased and for 2017 included very high profile events in the city.

Health and Safety Regulation

The City Council has the responsibility for enforcing health and safety law in approximately 21,000 commercial premises. During 2017/2018 there were 3,422 health and safety related interventions made, these included inspections; dealing with requests for assistance; investigating accidents, incidents and cases of occupational disease; and targeted interventions (project work).

Inspections

During the 2017/2018, 336 premises received proactive inspections. These were undertaken in accordance with the National Local Authority Enforcement Code ('the Code'). Inspections comprised of: high-risk rated business sectors; activities identified nationally as high-risk by the Health and Safety Executive; and high risk sectors and activities identified using local intelligence. They included:

- Inspecting 38 warehouses and tyre fitting premises to ensure that risks from falls from height and workplace transport are controlled. This activity was a national priority as defined by the HSE.
- Carrying out interventions at 18 distribution premises to assess the controls in place to prevent employees and members of the public being struck by moving vehicles. Again this activity was a national priority as defined by the HSE.
- Undertake intervention work with all 9 of the cooling towers and 60 fitness centres , in Birmingham, for which the council has enforcement responsibility so as to ensure that the risk from legionella is being controlled.
- Inspections of Shisha bars have been undertaken to assess the risks to the health of employees and health and safety of members of the public. As a result of these inspections a number of prohibition notices were served.

- Checks of gas appliances and catering equipment identified a number of unsafe catering appliances.
- Further work has been undertaken to carry out inspection of machinery at all food businesses. Prohibition Notices were served where unsafe food machinery was found (e.g. safety guards were missing or not used). As a result of ongoing concerns and reported accidents this work will continue in the forthcoming year.

Requests for Health & Safety Assistance

During 2017/2018 officers responded to 466 requests for assistance concerning working conditions or practices. These included concerns regarding staff welfare and dangerous work practices.

Incident Investigations

There were 538 notifications of accidents, dangerous occurrences and cases of occupational disease reported during 2017/2018. Whilst not all of these required investigation, a number of investigations into serious incidents were either begun or continued during the year. Some of these investigations take a considerable investment of time and have included working with expert witnesses and other regulators.

This year, incident investigations included:

- Employee sustained life changing injury (fingers on left hand amputated) having used unguarded meat mincer. Formal action against Ltd recommended.
- Large ceiling collapsed onto members of the public (a number injured- thankfully not serious but could have been) at a banqueting hall.
- Large mirror fell onto customer at a restaurant (who sustained serious head injury). Investigation finished recommending legal action against ltd.
- Cinema customer fatality injured in connection with a powered foot rest. The seat and a similar model have gone to HSL for tests. The three "Gold" screens which have similar make of seats remain closed. Investigation on going.

Enforcement Action

As a result of enforcement activities, 92 Prohibition Notices were served requiring the cessation of dangerous activities. These related to areas such as defective fork lift trucks, dangerous gas appliances, unguarded catering equipment, employees working at height without edge protection and dangerous electrical systems and 29 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 and have provided a positive impact through the generation of inspection plans and assured advice to reduce unnecessary inspections.
- Our officers contributed to the Primary Authority Supermarket Group which consists of local authority Primary Authority Partners who work with supermarkets. We have helped to direct consistent assured advice across the sector.
- Two business forums with local businesses to offer assistance and support in dealing with health and safety requirements.

Environmental Protection

During 2017/2018 the Environmental Protection Unit (EPU) worked to safeguard public health and the environment from adverse emissions across all environmental media (land, air, and water), including emissions of noise / vibration and the control of waste. EPU comprises of four disciplines that contribute to this aim: Acoustics, Air Quality, Contaminated Land and Pollution Control.

Acoustics

The development of policy and provision of services to address problems concerning both noise nuisance and environmental noise continued to play an important role in our work during 2017/2018. EPU continue to provide expert advice and noise monitoring services to support noise/vibration complaint investigations, planning and licensing consultation issues. The primary work delivered by the service for Environmental Health covered:

Receiving 421 requests for noise monitoring to support noise nuisance complaint investigations (a slight increase on the previous year) and installing equipment at 328 residential properties across the city. The waiting time for installation of noise monitoring equipment was maintained at 1 week throughout the year although this is increasing at year end due to an on-going long term absence.

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

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

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

During 2017/2018 this assistance brought in around £6,280, which can be broken down as follows.

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

An EPU officer continues to provide acoustics support, on a fee-earning basis, to a nearby Local Authority. This support resulted in additional income of £1,190.

Air Quality

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

The work carried out during 2017/2018 focused on two pollutants, nitrogen dioxide (NO₂) and particles [(coarse particles (PM₁₀) and fine particles (PM_{2.5})]. During the year Government published updated Air Quality Plans and instructed via Ministerial Direction Birmingham (along with four other UK cities) to produce a full business case for development of a Clean Air Zone (CAZ) to deliver legislative compliance with the NO₂ standard by 15 September 2018

Officers from the service have worked closely with colleagues from a range of other Council services, specifically within Transportation, to progress the Clean Air Zone obligations, including supporting the modelling work, assessing technical submissions and attending meetings with Defra / DfT. By the end of the financial year the CAZ Team were working towards finalising the modelling which would identify the preferred option to deliver compliance in the shortest possible time. Once this work is complete the outputs will be shared with Members and ultimately the public via formal consultation.

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

- Air quality was continuously monitored at four locations across the City whilst four further sites were identified for development; one to replace the site at Tyburn Road (due to closure of the building); two to support the developing CAZ study. Challenges arising from sickness to key staff members and technical issues with relocating the sites meant that none of the four were fully brought on line during the year.
- Officers from the service undertook non-continuous monitoring of nitrogen dioxide using diffusion tubes at around 90 sites around the city. Unfortunately, issues arising from staff sickness and pressures on the real time network (bullet point above) impacted on on-going tube deployment.
- Birmingham continues to support the national polycyclic aromatic hydrocarbon and Black Carbon monitoring networks for which the Council receives payment. These networks were mothballed due to the relocation of the Tyburn site and are due to come back on line in early summer 2018.

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

Contaminated Land

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

- A revised Contaminated Land Inspection Strategy has been drafted but challenges relating to financing as a result of the loss of Government funded grants require consideration before this can be formally progressed. 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 62 formal requests for environmental information to support conveyancing reports. This work is income generating and resulted in revenue of over £5,208 (a reduction of £800 on the previous year).

Pollution Control

The work of the Pollution Control Officers covers the proactive regulation of emissions from industrial processes, the investigation of complaints relating to environmental emissions from industrial and construction sites and licensed entertainment premises in the city centre, and providing consultation responses to both Planning Management and Licensing on environmental matters. Significant achievements in 2017/2018 included:

The emissions produced by 220 industrial and commercial processes were regulated, ranging from petrol stations to the Jaguar car manufacturing plant. During 2017/2018 we aimed to conduct 123 inspections, but due to resources only achieved 91% completion of the planned inspection programme. The remaining processes will be inspected in the next financial year.

The prevention of future environmental problems is also an important element of work. During 2017/2018 Planning Management consulted us in relation to the environmental consequences of proposed developments relating to 2,298 requests for comment on specific planning applications. These included major developments which can have significant consequences within the city.

Officers are asked to comment on applications made under the Licensing Act 2003. They assessed 175 licence applications for new Premises Licences or variations of existing licences. Officers also assisted in assessing Temporary Event Notifications. Officers regularly raised representation and attended the relevant Committee to explain their concerns. This further assists in preventing future noise problems. Pollution Control Officers were also been involved in the investigation of nuisances arising from industrial premises and from licensed entertainment premises within the

city centre and also assisted the Environmental Agency in investigations pertaining to permitted waste installations.

Unauthorised Encampments

Environmental Health leads on the response to notifications of illegal or unauthorised encampments, principally due to travelling families. In 2017/2018 officers dealt with 130 such encampments on Council land. This year was especially challenging with the number of encampments increasing on that of the previous year (which was a record high in itself) and this produced significant challenges for the service and for affected citizens.

In order to deal with the increasing pressures Environmental Health have sought injunctions through the courts to protect parks where there have been regular encampments. To date five injunctions have been granted covering Perry Park & the Alexander Stadium, Hazelwell Recreation Ground, Selly Oak Park, Selly Park Recreation Ground and Swanshurst Park. These preclude the creation of unauthorised encampments and are enforceable by West Midlands Police as each carries the power of arrest in the event of a breach.

Officers from the service continue to seek options for a transit site and work is underway to bring Tameside Drive back into use, whilst developing the sites identified in the BDP, these being Aston Brook Street and Proctor Street. It is envisaged that all three sites will come on line in the 2018-19 financial year. Effort will then turn to identifying larger plots of land that can be used as 'over-flow' sites in the event of larger numbers of groups or larger groups.

The service has also undertaken a procurement contract to provide enforcement agent support (bailiffs), to follow on from the existing contract. At year end this is in the final stages and the award is anticipated in late spring 2018.

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, including licensed premises such as dog breeders, commercial kennels and catteries, pet shops, horse riding establishments, exotic and dangerous wild animal keepers, people who use and train performing animals, zoos and animal transporters. Significant achievements in 2017/2018 included:

Dog Warden Service

- The Dog Warden service responded to **3,291** requests for assistance and advice, regarding stray and lost dogs, dog fouling and dog welfare issues.
- A total of **665** stray dogs were seized, of which **570** were impounded at kennels and **95** returned directly to their owners. A total of **236** dogs were claimed by owners, which resulted in additional income in respect of claim

charges of **£5,325**. A further **£1,530** was recovered by the DWEO, from those dog owners whose dogs were returned to them direct.

- In February 2018, the DWEO became responsible for the stray dog collection service for Solihull Metropolitan Council, having secured a 1 year contract.
- Concerns over the fouling of public areas by dogs resulted in **728** complaints. A total of **40** proactive dog fouling surveillance enforcement exercises were undertaken and **9** Fixed Penalty Notices being issued to owners who failed to clear up after their pets and some **50,000** poop-scoop bags were handed out to dog owners.
- Other initiatives to deal with dog fouling nuisances, involve the use of anti-dog fouling stencils, spraying dog faeces with high visibility chalk based paint with associated posters displayed on lamp posts and the use of posters produced by Keep Britain Tidy, depicting eyes that glow in the dark.
- The DWEO worked in partnership with housing associations, residents groups, schools, West Midlands Police and other residents groups to promote responsible dog ownership and support dog fouling initiatives.
- The DWEO assisted with **45** eviction and forced entry processes. This assisted the Council's Housing Department, Housing Associations, estate agents, and private landlords. This support resulted in additional income of **£3,913.00**
- The DWEO continued to be part of the 'dogs at risk' scheme sponsored by the Dogs Trust. The scheme aims to reduce the numbers of unwanted puppies being produced by the distribution of discounted dog neutering vouchers. The team were able to obtain further vouchers and a total of **82** vouchers were issued.

Dog Control Orders – Now Public Space Protection Orders

- The 5 Dog Control Orders (DCO) were transferred to Public Space Protection Orders (PSPO) following a public consultation and came into effect on 20 October 2017. The legal requirements remain the same and the Orders continue to be effective in tackling irresponsible dog owners who fail to control and clean up after their pets. The Orders have been implemented by the DWEO through educational and enforcement means.
- Some 12,000 signs have been affixed to lamp posts across the city and **635** warning letters sent to dog owners.
- Under the provisions of these Orders (DCO or PSPO) the DWEO have issued a total of **16** Fixed Penalty Notices, **9** for dog fouling offences, **5** for **dogs** seen straying off **the lead** on **a** public road, 1 for a dog being on land it was not permitted to be and a further Notice **issued to** an individual who was found walking more than the permitted 4 dogs on public land.

Compulsory Dog Microchipping

- The DWEO continue to promote and enforce the compulsory dog micro chipping regulations, through discussions with and visits to dog owners and through proactive exercises in parks.
- A total of **56** Notices were issued to keepers of dogs, where it was discovered that their dog was not micro chipped in accordance with the regulations. Of

these Notices **37** were complied with, **6** were withdrawn as the keeper no longer had the dog, **9 people** was reported for prosecution and a further **4** are pending.

- In line with the compulsory micro chipping a new process was established to ensure that all cats and dogs found deceased across the city are scanned for a microchip. Officers in the Animal Welfare Team continue to collate and retain any information on these animals and will also notify the animal's owner.

Animal Related Complaints and Other Activities

- A total of 103 licences were issued to animal establishments following inspection and a further 1 performing animal certificate issued.
- Disease restrictions continued to affect the transport of farm animals and a total of **1,477** activities involving inspections and enquiries. Some 11 animal transport vehicles were inspected, of which 3 were found to be defective.
- A total of 108 visits were made to the five abattoirs in the city to ensure compliance with animal movement controls and the safe disposal of animal by-product waste.
- Dog cruelty and neglect is an emotive and high profile issue and officers investigated a total of **176** requests for assistance, which related to poor living conditions, abandonment, lack of veterinary treatment or the malnourishment of dogs. As a result of these enquires, **3** persons were reported for prosecution for **3** offences of animal cruelty.
- Fulfilling the service level agreement with the Children, Young People and Families Directorate to effect an assessment of a dog when kept by a prospective adoptive or foster parent, resulted in **85** assessments being carried out and reports being submitted. This resulted in additional income of **£8,928.54**.
- A new process was put into place in May 2017 regarding the emergency removal and boarding of animals should their owners be taken to hospital, or detained under the Mental Health Act. This is a significant service improvement 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 19 referrals were dealt with, involving a variety of animals. This resulted in additional income of approximately £2,800.
- The importation of dogs and puppies continues to be an issue of concern. Officers investigated 7 enquiries regarding dogs illegally imported into the UK. Six puppies were found to fail the import rules and were therefore seized and placed into quarantine kennels as required by legislation. All expenses incurred being paid by the dogs' owners.
- Officers also investigated 9 reports of commercially imported dogs, which had been referred by Defra. The necessary additional requirements for commercially imported dogs were found to be in place.

TRADING STANDARDS SERVICE

The Trading Standards Service deal with a wide range of enforcement activities. They also offer support to vulnerable consumers. Business advice is offered on a first line basis but more bespoke advice can be offered through the development of a Primary Authority Partnership (PAP). Details of our priority areas are provided below.

Age Restricted Products

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

Last year a total of 38 complaints were received for a whole range of age restricted products. This is an increase of 21 on the previous year. All premises where complaints have been made will be visited by officers and advised of their duties and obligations under the law. These premises are usually subject to a test purchase in due course. Whilst there has been an increase in complaints since the previous year, the total number of complaints is still considered to be low in view of how many retail premises sell age restricted products across the City. This could be due to the amount of work undertaken over the years to advise businesses, but also the firm approach we take when sales have been made. However, we must also consider that incidents may well be under reported.

Alcohol

Thirteen complaints were received relating to the alleged sale of alcohol to under-18s. All premises that were subject to a complaint received a visit from an officer. Advice, along with a warning notice and information pack would be issued reminding retailers of their obligations. Five of these premises were subject to an attempted test purchase; this resulted in two sales. One case resulted in a caution and a review of the Premises Licence; consequently the licence was suspended for 3 months with additional conditions added. The other case resulted in a caution and also a continued prosecution against the Premises Licence Holder; in the meantime the Premises Licence was reviewed and revoked.

Tobacco

21 complaints were received relating to the alleged sale of tobacco products to under-18s; this is usually combined with allegations about illicit tobacco. All would have been visited by an officer and advised in the same way as those subject to alcohol complaints. One case was dealt with in court from the previous financial year, which resulted in a guilty plea. The defendant received a £400 fine and £1606 costs were awarded.

Fireworks

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

Trading Standards only received one complaint about firework sales to under-eighteens. However in this case, the trader who supplied the firework did so correctly. That is he checked the ID, followed the store's procedures and called a manager to attend before the sale took place. It was the subsequent misuse of the firework by suspected persons under 18 years old that caused the concern. This complaint came via West Midlands Police.

Knives and other products

Two complaints concerning underage knife sales were received. We had one complaint in relation to tattooing; this was referred appropriately.

In April, a joint evening exercise was carried out with the Police in the South of the city where 3 premises were visited and information and advisory notices were issued. Controlled drugs were found on the premises and the Police subsequently had the alcohol licence removed via the expedited review process.

In May, as part of the police **Operation Sceptre 7**, an officer accompanied West Midlands Police and visited eight retailers in the City who were selling knives. The purpose of the exercise was to raise awareness regarding items that could be considered offensive weapons and to check the businesses procedures. In-depth advice was given on the legislation.

In late June 2017, twenty-two off-licences were visited in the South of the City by officers after a general enquiry was received concerning youths drinking in a local park. The traders were all checked for compliance and given advice on underage sales.

Used Car Crime

Buying a vehicle remains one of the single most expensive purchases a consumer will make (apart from property). Consumers are entitled to know 'material information' regarding a vehicle's condition and history before making a decision to buy. They need to be assured that the vehicle is correctly described and most importantly safe. Unfortunately it is common for unscrupulous traders to mislead consumers when describing vehicles in advertisements. This can occur whether they appear on business websites, or advertisements that are placed on specialist websites such as Autotrader, Gumtree or Piston Heads, or even on vehicles that are advertised at the roadside. Trading Standards have a crucial role in identifying

vehicles that may have been mis-described. The Service received 494 complaints in relation to used car sales, ranging from minor issues through to allegations that vehicles were sold in an unroadworthy state. The Trading Standards Service advises businesses on how they can ensure they meet their obligations when selling vehicles and will also investigate incidents where vehicles have been allegedly mis-described. Officers also participate in sharing intelligence and developing joint initiatives on a regional basis in relation to used car sales, as buyers will often travel across boundaries to make a purchase.

Successful outcomes (also see under Intelligence Led Approach below):

1. The family of an 87-year-old man contacted Birmingham Trading Standards Service after he had purchased a Ford Focus motor vehicle for £10,500. The man had seen the car advertised on the website of KRC WM Motors Limited. The car was described as being "HPI clear" and as having "No accident damage". Shortly after purchase, the victim experienced mechanical faults with the vehicle and so complained to the trader in order to get the problems resolved. However KRC WM Motors Limited refused to assist the victim and so the victim's family complained to trading standards. Examination of the vehicle by an independent expert vehicle examiner and enquiries made into the vehicle's history revealed that the vehicle had been in an accident and was in fact a Category D insurance write off.

KRC WM Limited pleaded guilty to two offences by virtue of the Consumer Protection from Unfair Trading Regulations 2008 and were fined £2,000 and ordered to pay a victim surcharge of £175, plus costs of £2,425 (total £4,595).

Company Director Mr Hawdam Khalis Jabbar was find £265, ordered to pay a victim surcharge of £30 (total £295).Both were ordered to pay within 28 days

2. Jahangir Alam, a Birmingham car trader, received a 12 month conditional discharge after pleading guilty to one offence under the Road Traffic Act 1988 for supplying a consumer with a vehicle that was in an unroadworthy condition. He was ordered to pay £2,080 costs and £1,600 pounds in compensation to the victim.
3. **Saif Motors Limited** supplied a BMW Roadster motor vehicle to a consumer. Shortly after purchase the consumer was involved in a minor road traffic accident. The consumer then discovered that although the vehicle had looked cosmetically sound when he purchased it, it had actually been supplied to him in an unroadworthy and dangerous condition. The consumer contacted Saif Motors Limited to tell them about the problems with the vehicle but the trader refused to help. The consumer then contacted Birmingham Trading Standards Service who investigated the matter. As a result, Saif Motors Limited pleaded guilty to one offence contrary to s.75 of the Road Traffic Act 1988. They received a fine of £2,100 which was reduced to £1,400 after the court took into account their previous good character and early guilty plea. The court ordered the company to pay a victim surcharge of £140 and costs of £750. The total sum payable was therefore £2,290.

Hallmarking and the Jewellery Trade

Trading Standards enforce the provisions of the Hallmarking Act 1973.

Trading Standards have been investigating a complex jewellery fraud case involving the supply of gold bangles which were found to be of a lesser carat value than claimed. Warrants were executed at two businesses as well as other premises being used to manufacture the bangles. A number of defendants have been interviewed and charged with fraud offences. One of the defendants was remanded in custody to await trial. The case will be heard in Birmingham Crown Court later this year. Trading Standards has worked closely with Birmingham Assay Office over this matter.

Intelligence Led Approach

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

The service continues to receive referrals from 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.

Last year we reported on an initiative taken to review all intelligence relating to two used car traders whom we suspected were failing to adhere to the requirements of the Consumer Rights Act 2015. Whilst this was an extremely resource intensive process, we were able to use the information that we had gathered to tackle these prolific offenders and bring them to justice. We are now able to report on these cases, as follows:

Operation Fiesta - Car Place Limited

An inspection was conducted that resulted in six vehicles being seized after they were found to be in a dangerous and unroadworthy condition. The company subsequently pleaded guilty to all alleged offences. These were 8 offences of supplying unroadworthy vehicles, contrary to the Road Traffic Act 1988 and 15 offences contrary to the Consumer Protection from Unfair Trading Regulations 2008, relating to unfair commercial practices. The company was fined a total of £33,120.

A director of the company, Mr Mohammed Tuffail, was also fined £575, plus £57 victim surcharge. He was ordered to pay £3,294 in compensation to victims and £7,418 in costs (total £11,344).

The other director, Mr Mohammed Umair, was fined £1,800 and ordered to pay £170 victim surcharge. He was also ordered to pay £4,283.50 in compensation to victims and £2,472.92 in costs (total £8,726.42).

The court also ordered forfeiture of the six seized vehicles for destruction.

Operation Escort - James Hudson Motors

A forecourt inspection was carried out on 8th November 2016 resulting in the seizure of 17 vehicles that were exposed for sale in an unroadworthy condition.

A total of 84 offences were alleged against the company, which included supplying unroadworthy vehicles contrary to sections 75 (1) and (5) of the Road Traffic Act 1988 and offences contrary to the Consumer Protection from Unfair Trading Regulations 2008.

Mr Ashfaq and James Hudson Motors Ltd. were each fined £1,000 on charge 1, with no separate penalty given on the remaining offences.

Mr Ashfaq was disqualified as a director for 5 years which was the maximum period available to the Magistrates' Court.

The Court ordered the forfeiture of all of the vehicles that had been seized, which equated to a value of £31,235.

Mr Ashfaq was also ordered to pay £3,000 in costs and the company was ordered to pay costs of £6,000.

During both inspections, officers from Birmingham Trading Standards were accompanied by officers from West Midlands Police and an independent expert vehicle examiner.

We aim to continue this approach to tackling the supply of dangerous and unroadworthy used cars and continue to work with colleagues across the Central England region.

Consumer advice and assistance

The Service no longer provides general consumer advice.

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

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

Referrals will be made to our Service by 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 4,307 requests for assistance were received by the service last year.

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 a number of Regulations aimed at specific products.

The Trading Standards Service received 237 safety related enquiries over the year, an average of 20 per month. These related to various different product types but the highest number of complaints were about electrical goods, toys/games and then cosmetics.

Cosmetics and Products Containing Chemicals

In recent years, Birmingham Trading Standards has discovered non-compliant cosmetics particularly aimed at the Asian and Afro Caribbean market. A number of inspections were carried out this year where the main issues related to non-compliant labelling under the Cosmetic Products Enforcement Regulations 2013.

1. At one inspection at a business on Witton Road, various cosmetics were found not to comply with The Cosmetic Products Enforcement Regulations 2013. 586 cosmetic products were seized by the officers. Samples were sent to Birmingham City Laboratories (BCL) to be tested. The cosmetics failed to comply with varying labelling requirements of the above Regulations. Many of the products did not bear the name of a responsible person in the EEA, had no dates of minimum durability, no batch number or reference to identify the product and inadequate ingredients lists on the packaging. In addition, some of the products seized were found to be unlicensed medications and therefore not authorised to be sold in the UK. This was confirmed following liaison with The Medicines Healthcare Products Regulatory Agency (MHRA). The importer in this case has been interviewed and the matter is on-going.
2. An inspection at a business on Lozells Road highlighted further non-compliant cosmetics. 97 products were seized and then samples tested by BCL. They also failed to comply with varying labelling requirements of the above Regulations. In addition, one product was listed as containing the substance 'carbolic acid', which is another name for 'phenol'. Phenol is included in the list of substances prohibited in cosmetic products. The directors of the business are due to be interviewed and the matter is on-going.
3. Officers assisted in a joint visit with brand representatives of 'Bio Oil' at a business suspected to be selling counterfeit versions of the product. Fortunately, only a small amount of counterfeit product was identified (31 in total) and was subsequently seized. The brand representatives then took up their concerns with the London supplier of the counterfeit product. Trading Standards Officers continued to carry out a full inspection at the premises and in doing so seized a further 185 cosmetic products. Test reports received back from BCL showed that the samples tested failed on labelling issues, such as no durability information,

inappropriate wording of conditions of use and safety warnings and incorrectly formatted ingredients lists.

4. An investigation was conducted into an eBay seller based in Birmingham. The trader was selling a range of cosmetic goods that were suspected to be non-compliant in a number of aspects including chemical make-up and labelling. On 14th December 2017, warrants were executed at two addresses. A large quantity of products were found at one of the addresses. These included skin lightening products, suspected medicinal products, various cosmetics and a number of car mobile telephone chargers. Thirty cosmetic products were sent off for further analysis. Subsequent results showed that fifteen of these cosmetics contained banned substances and all thirty were labelled incorrectly. None of these products had been registered on the 'Notification Portal' as they are required to be prior to any supply in Europe. A further fifteen products were sent off for examination by the MHRA (Medicines Healthcare Products Regulatory Agency). From the information supplied back to us, fourteen of these were found to be products classed as medicines and had not been granted appropriate authorisation for sale, supply or advertisement in the UK. The case is currently being considered for prosecution.
5. An inspection was carried out at Worldwide Foods(Birmingham) Limited T/A Al Halal Supermarket based at 360 Coventry Road, Small Heath. During the inspection various cosmetics were seized and later found to be non-compliant with the Cosmetic Products Enforcement Regulations 2013 and the Consumer Protection Act 1987. The Company subsequently pleaded guilty to 5 charges. The Company was fined £3,150 on each charge (£3,500 reduced by 10% for plea on the day of trial). Costs of £6,500 were ordered to be paid by 31st December 2017.
6. In March 2018, a suspension Notice was issued to a wholesale cash and carry business in respect of soaps, hair creams and scalp creams imported from Nigeria, which appeared to have incorrect labelling. Test reports subsequently received confirmed that these products failed to meet the labelling requirements of the relevant Regulations. This matter is on-going and the owner of the business is due to be interviewed.

Electrical Goods

In a case resulting from intelligence passed to us by Port Authorities, Officers visited Amsons on Coventry Road, Birmingham. They found a number of electric incense burners which were suspected of being unsafe. The burners were seized and one was sent for testing. The results confirmed they were dangerous and offered a risk of electric shock or injury to anyone using them. The company and its Director were prosecuted and fined a total of £2,165 including costs. The goods were forfeited for destruction.

National Consumer Week 27th November – 3rd December 2017

This year's theme focused on and promoted the campaign '**Not What You Signed Up For?**'

The aim was to raise awareness and understanding amongst consumers about subscriptions and subscription traps, so that consumers can make informed choices and have a greater awareness of their rights and avenues of redress in cases where something has gone wrong.

The launch coincided with 'Cyber Monday', giving a particular focus on online subscription issues.

Birmingham Trading Standards held an event at the Library of Birmingham on the 29th November 2017. Information leaflets were given out to consumers with information from the Chartered Trading Standards Institute and the Citizens Advice Bureau about consumer rights in relation to subscriptions and subscription traps, as well as general consumer advice. A number of products including pens, pencils and key rings were donated by the Anti- Counterfeiting Group (ACG) to give out.

Officers interacted with over 90 consumers visiting the event. It is hoped that they will now be more aware of the problems associated with subscriptions issues and their rights in relation to cancelling online payments within a "cooling off" period under the Consumer Contracts (Information, Cancellation and Additional Payments) Regulations 2013.

In addition to this, our Twitter account (@bhamts) was updated on a daily basis with details of the event, and the council website, intranet and the Your Weekly News (in-house email platform) promoted the event. Operations Manager Vir Ahluwalia did a television interview on Made in Birmingham at the event.

This was a very successful event.

Rogue Traders - Rapid Response

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

5 such responses have been conducted by the service this year.

West Midlands Police are also aware that building complaints are not necessarily just civil matters and are starting to deal with these incidents as fraud themselves, as well as reporting concerns to Trading Standards.

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

serious organised crime groups. Intelligence logs are now a priority and the numbers of logs have increased throughout the year.

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

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

Rapid response can be generated by a call from concerned relatives, neighbours or even banks. The Banking Protocol is a partnership between financial institutions, the Police, Trading Standards and Victim Support organisations. Bank staff throughout the country have been trained on how to identify individuals who are tricked/conned into attending their local branch to withdraw or transfer funds to pass on to fraudsters.

In May 2017, a bank called through to Trading Standards offices to alert them that an elderly vulnerable customer had been trying to withdraw a large sum of money, which was unusual behaviour for that specific customer. Through the bank's intervention, the customer was not allowed the withdrawal and Trading Standards Officers immediately attended the customer's property. A trader was found at the resident's home and was advised by Trading Standards that he would not be receiving the money. He turned out to be a subcontractor, who knew nothing about the excess amount of money being claimed by his employer. Although Trading Standards were unable to locate the main trader, they saved the victim from a large financial loss. Trading Standards Officers stayed with the victim and provided guidance on how to protect himself from rogue traders in the future.

No Cold Calling Zones

There are currently three established No Cold Calling Zones in Sparkhill, Yardley and Garretts Green/Sheldon. Residents have welcomed the No Cold Calling Signs put in place, as they felt that on average, the number of cold callers had reduced over the years. The majority indicated that they still did not want uninvited callers at their door and they supported the use of the signs. They felt safer being in a NCCZ and felt they had more confidence to say no to uninvited callers and therefore would not want the signs to be removed.

Since introducing the zones, resources have reduced significantly and less proactive work has been carried out within the zones. However we do still provide a reactive service to residents within a No Cold Calling Zone if an incident is reported to us. As protecting vulnerable residents is a priority, we will attempt in this coming year to raise the profile of the zones.

Residents living outside of these zones have also queried as to why their own area cannot be deemed a NCCZ. The same advice and guidance along with leaflets and stickers to deter Cold Callers is also provided to these residents.

Rogue Trader Cases

Doorstep selling cases are logged under two categories on our database. The first is under household repairs, of which there have been 24 related to doorstep selling cases in the past year. The other is under the heading of consumer fraud, of which there have been 44 cases.

Traders are often difficult to locate in a doorstep crime situation, as the trader intentionally acts in a way that will make them almost impossible to trace. Through making consumers more aware, it has enabled Trading Standards to locate some of these fraudsters and bring them to justice.

1. Magical Kitchens and Builders

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

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

On 27th June 2017, the Staffordshire based builder was given a 24 month prison sentence at Birmingham Crown Court. Scott Devlin (44), of Robinson Close, Tamworth, trading as Magical Kitchens and Builders, had pleaded guilty to five offences under the Fraud Act 2006 and one offence under the Theft Act 1968.

Craig Dunn (33), of Turchill Drive, Sutton Coldfield also pleaded guilty to two offences under the Proceeds of Crime Act 2002. He received a 12 month prison sentence, suspended for 18 months, was ordered to pay £4,000 costs and carry out 250 hours of unpaid work within 12 months.

Devlin admitted making dishonest representations, failing to disclose information legally required and not completing building work as agreed at properties in Selly Park Road, Selly Oak; Weymoor Road, Harborne; High Heath Close, Bournville and Linthurst Road, Barnt Green, between November 2013 and January 2015.

Devlin, who was made bankrupt in November 2013, no longer had a bank account so arranged for customers to make further payments into Dunn's (his nephew) account – which Dunn would withdraw for Devlin. Devlin's period of bankruptcy ended in November 2014. Homeowners had made payments ranging from £2,535 to £139,000.

2. John Casey

A Birmingham builder who took more than £12,000 in payments for unfinished and unnecessary construction work on an Edgbaston property was ordered to pay £17,106 at Birmingham Magistrates Court on 3rd August 2017.

John Casey (59) of City Road, Edgbaston, pleaded guilty to three offences under the Consumer Protection from Unfair Trading Regulations 2008. He was fined £900 and also ordered to pay £1,818 in costs and £14,388 in compensation.

Birmingham City Council brought the case after Trading Standards were contacted by a neighbour, who reported concerns about the amount of building works being carried out on a house in Lyttleton Road, Edgbaston between 16th January 2016 and 6th February 2016.

The consumer, who believed their house had been damaged during bad weather, was approached by Casey who said he was doing building work in the area and noted there was a problem with the property's guttering.

After discussions, a series of works were agreed – including guttering around the property, tiles to be replaced on the laundry room, and one of the top floor windows to be replaced – for which a general price of £8,000-£10,000 was quoted. However, over a two-and-a-half week period, the homeowner wrote three cheques totalling £12,000.

A survey of the works carried out revealed the guttering and window repair to be defective, while the installation of eaves trays in the property was defective, incomplete and unnecessary. The tiling works on the laundry room were not carried out.

Casey had also claimed there was damp in three of the first floor bedrooms, requiring works to be done to the high level roof and the installation of eaves trays – but the survey found no evidence that the covering was defective nor of damp ingress.

Scams

National Scam Awareness Month – July 2017.

During Scam Awareness Month, Trading Standards Officers attended 7 venues in Birmingham with display material and leaflets. The venues were Tesco Springhill, Sainsbury's Longbridge, Sainsbury's Mere Green, Shard End Community Centre, NatWest Banks at Kings Heath and St Philips Place in the City Centre and Ward End Fire Station. In total, 452 people were given scam prevention advice.

We worked in partnership with the following organisations:- Citizens Advice Bureau, West Midlands Fire Service, NatWest Bank, West Midlands Police, The England Illegal Money Team, Birmingham Adult Safeguarding and Victim Support.

Through the road shows, we have built extra networks with other organisations including Age UK, Birmingham Alzheimer Society, Umbrella and Ageing Better.

Scam awareness Tweets were put on every day for the month of July, with the hash tag '#ScamAware'. These created 122,056 impressions (the total number of times a Tweet appears on Twitter) and 757 engagements (total interactions with a Tweet: link clicks, re-Tweets, replies and likes).

Scam Prevention

Fifteen scam awareness/educational talks were delivered to various community groups, including elderly groups and a parents group held at an Academy. Over 400 consumers were given detailed scam awareness information, such as how to avoid and recognise them and what to do when caught by out by a scam. After each session there is always a lively question and answer session where many concerns, queries and experiences are shared and debated.

On 25th and 26th April 2017, one of our officers attended the National Trading Standards Scams Conference as a guest speaker, to talk about Harassment and Hope from an officer's point of view. The speech was well received.

We have supported Dementia week for Birmingham City Council's Learning and Development Department and Mental Health Week for NatWest Bank. At these venues we had a stall and staff were there to give advice on scam prevention.

We were invited to attend the Natwest Bank launch of 'One Million Friends Against Scams'. The idea was to make as many people as possible 'scam-aware' and to spread the word about various different scams in circulation. This is an initiative that the National Scams Team started and the bank has committed to recruit one million Scams Friends by 2020. We have supported this initiative by recruiting Friends Against Scams at talks, events and on social media.

Officers attended an Adult Safeguarding Practitioner Forum, having developed the case study for them to consider. The meeting was attended by over 40 individuals from across the care service areas. A Trading Standards scenario on scams and doorstep crime was discussed. This was received extremely well by all those who attended the forum.

Officers attended Birmingham Safeguarding Adults Board (BSAB) conference "Protecting Vulnerable Adults - Making Safeguarding Personal" at Tally Ho, Birmingham. There were some 80 partner organisations present including West Midlands Fire Service, Birmingham Community Safety Partnership, the Department of Work and Pensions, Focus, Forward for Life, West Midlands Police, Victim Support, Birmingham Carers Hub, Aquarius and Samaritans, with over 162 people in attendance. The day was a great success and gave officers the chance to issue scam prevention advice and build more networks for future partnership work, which will hopefully lead to further scam awareness input.

National Scams Hub Referrals

The National Scams Hub (NSH) is a project that is being run on behalf of National Trading Standards by Surrey County Council. Although it started off as a small project aimed at raising awareness of scams and creating links between different

agencies to try to spot victims of scams, it has since increased its media profile through campaigns such as 'Think Jessica', which deals with postal scams and now refers increasing numbers of individuals to its partners for intervention work. The team also acts as a 'Knowledge Hub' for scam intervention work.

Postal scams in particular are highly addictive as they often feature bogus prize draws and lotteries, where the victim is living in the hope of winning one day. The scammers usually target victims who are lonely, elderly and/or housebound and will befriend them. The most common phrase mentioned to the officer is 'I feel so ashamed' and it is this emotion that the scammers play on.

65 postal scam referrals were received by the Trading Standards Service during the past year. They were subsequently followed up by officers through personal visits to the suspected victims, where information was given on how to stop being a scam victim and what to do with any new material received. This service is highly personalised and great skill is needed by the officers to deal with what is a very sensitive area of work.

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

As a consequence, the lead officer for scams has carried out a number of joint visits with an officer from West Midlands Fire Service. This small project was seen as a great success and will provide a model for future operations; by working with partners we can ensure that the best service is provided to safeguard the citizen's wellbeing. Officers also carried out joint visits with Adult Safeguarding to 4 victims that were identified as having possible safeguarding issues. The victims and family were advised on scam prevention.

Illegal Alcohol

This activity is primarily intelligence-led and visits are conducted at premises identified through consumer complaints or via intelligence received from other agencies.

Throughout the year, numerous consumer complaints were investigated and premises visited to ensure compliance, resulting in the seizure of over 200 bottles of illicit spirits from one shop that had both non-duty and counterfeit back label products in stock. A licence review and prosecution are in process for this haul.

Closer co-operation, joint working and sharing of intelligence with Her Majesty's Revenue and Customs (HMRC) has helped progress in this area this year. We have participated in HMRC led 'Operation Aerology' and continue to share intelligence with this agency.

Several operations have also been conducted with local police teams where their local knowledge has helped to target problem premises.

During Operation Beorma, a large amount of illicit vodka was found stored in a lock-up container, as well as several pallet loads of suspect beer in other containers. These have been seized and removed from circulation; investigations are ongoing with these items.

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.

Applicants for new or varied Premises Licences must serve a copy of their application on Trading Standards as along with the other responsible authorities to enable them to raise objections or suggest measures for improvements. In 2017/2018, over 200 applications were received and reviewed; these included new applications and variation requests. Several were objected to due to previous enforcement activities.

This year, Trading Standards submitted four licence reviews to be heard before the Licencing Sub-Committee. Two were for premises that had failed underage test purchase exercises by selling alcohol to a 14-year-old volunteer. One shop had its licence revoked and the other had a three month suspension, along with more stringent conditions imposed. A third shop had its licence revoked for stocking illicit tobacco and a fourth one is awaiting a hearing after large amounts of illicit alcohol was found on the premises.

Trading Standards has made strong contacts with all of the other responsible bodies including the new centralised police licensing unit, to ensure that local knowledge and intelligence is shared by those who can best use it. Joint working with local neighbourhood policing teams has been beneficial in identifying problem premises and several joint exercises have been undertaken during the year. We have also undertaken several joint operations with HMRC this year.

A representative from Trading Standards also attends the responsible authorities meeting to discuss policy and issues around licensed premises.

Illicit Tobacco

The Tobacco and Related Products Regulations 2016 (made under the Consumer Protection Act 1987) have now been in place for 2 years. The main noticeable change was the introduction of plain or standardised packaging. The intention of the legislation was to remove the glamour associated with tobacco branding and in doing so, discourage new and young smokers taking up the habit. However the change in legislation led to concerns from Trading Standards and HMRC that plain or standardised packaging could become easier for counterfeiters to copy and introduce into the market. It has taken slightly longer than anticipated, but we are now seeing counterfeit plain packaged cigarettes entering the market. Currently, only a few brands are affected, but this may well increase over the coming years. It has also been noted that there has been no real decrease in the amount of 'bogus' tobacco brands being found during inspections by Trading Standards. These include

brands such as Jin Ling, Minsk, Pect, L&M and NZ and have been deliberately produced for the illicit trade. The shops selling these products are resorting to ever increasing levels of sophistication to conceal their illicit products on the premises. In some cases the stock is mobile, meaning it is kept in the boot of cars or a van and will only be brought onto the premises when needed and can be easily driven away while the premises are being inspected by officers. In other cases, false walls and floors have been constructed to conceal the products and are often only found with the assistance of a tobacco detection dog.

There is a huge market for illicit tobacco, largely driven by price, which in most cases is less than half that of the legitimate tobacco products. This enables considerable sums of money to be made by those selling illicit tobacco, which is why it is proving difficult to stem the flow of illicit tobacco coming into the City.

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

During this period Trading Standards have received over 60 complaints alleging sales of illicit tobacco from retail premises. This has resulted in officers carrying out over 47 inspection/ advice visits in relation to intelligence received.

The advice visits have then been followed up by a number of joint operations working with West Midlands Police. Trading standards has seized 203,700 sticks of cigarettes which equates to 10,185 packets and 409 pouches of hand rolling tobacco, with a combined street value of approximately £55,000. There have also been a number of enforcement outcomes resulting in 5 prosecution cases, 3 simple cautions and a number of official warnings being issued.

All 5 cases have resulted in successful convictions and in a number of cases, a Proceeds of Crime Act (POCA) investigation has followed.

Khat

Khat is a leafy green plant containing two main stimulant drugs that speed up your mind and body. Their main effects are similar to, but less powerful than, amphetamine ('Speed'). Khat is used mostly in North East Africa, and the Arabian Peninsula and by expatriate communities from these regions.

Khat is now a Class C drug:

During this period, Trading Standards carried out a number of targeted inspection visits with West Midlands Police at premises linked to the sale and supply of Khat. The inspections resulted in a number of arrests being made and the largest seizure of dry khat found in Birmingham since it was categorised as a Class C drug. A large quantity of illicit tobacco was also seized during the exercise.

Counterfeiting - Intellectual Property Theft

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

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

Throughout the year, 186 complaints have been received in relation to various household products, including toys, electrical goods, clothing, alcohol, tobacco and cosmetics. Priority has been given to goods that may have an impact on consumer safety, in particular tobacco and alcohol.

A national online auction seller of alleged counterfeit and unsafe children's novelty costumes, including Spiderman, Frozen and Superman has been targeted and entry warrants executed at a residential address, where a quantity of goods were seized. The goods were voluntarily forfeited and the seller was cautioned following a formal interview.

In another case, intelligence led to a business supplying counterfeit Vaseline cream. Whilst at the premises, officers also discovered non-compliant cosmetics and prescription medicines. The company have been interviewed and were issued with a caution and the goods were forfeited for destruction.

Following intelligence from one of the Port Authorities, a local company Cell Solutions (West Midlands) Ltd was found to have over 2,500 counterfeit Samsung and Apple mobile phone accessories. These included counterfeit Samsung batteries and chargers. The company was prosecuted and fined a total of £2,700, including costs, and all the goods were forfeited for destruction.

A Fulfilment House in Birmingham was found to have counterfeit goods, including mobile phone accessories. Whilst consumers pay online to companies based in China, the goods are actually distributed from a business in Birmingham. Goods were seized and the case will be heard in court later this year.

A local distributor of household goods and toys had distributed some toys that were both counterfeit as well as not complying with safety legislation. The company has recalled the goods and has received a written warning.

Proceeds of Crime

Trading Standards has two Accredited Financial Investigators who seek 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 Regulation and Enforcement teams are assessed to decide whether a Proceeds of Crime confiscation investigation may 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, over 40 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, 18 applications were made for 63 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.

Although no Restraint Orders were obtained in this year, existing ones were managed to ensure the payment of previous Confiscation Orders.

During the period 2017/2018, there were 19 Proceeds of Crime Act Confiscation hearings at the Crown Court, involving 26 defendants. All 19 were found in favour of Birmingham City Council. In total, 26 Confiscation Orders were made, totalling £1,438,719.65.

Out of these Confiscation Orders, £291,228.00 was ordered to be paid as compensation to victims who gave evidence as part of their respective cases. Two of these cases related to rogue builders, who were ordered to pay a total of £106,858.00 to their victims, one related to a falsely described Hajj pilgrimage costing £16,150.00, one was a £148,220.00 'faith healer' fraud and £20,000.00 was ordered to be repaid to Birmingham City Council by way of compensation for fraudulently obtained council housing stock.

During the same period, over £500,000.00 was paid in by various defendants as a result of Confiscation Orders made this year and previous years.

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

Hajj

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

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

Unfortunately there has been a prevalence of unscrupulous traders taking advantage of would-be pilgrims, giving misleading indications as to the quality of the travel and

accommodation and in some cases letting them down totally, having already taken their money.

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

Previously Birmingham had led a national campaign in conjunction with other partners. One of the cases instigated at the time with City of London Police came to a conclusion at Birmingham Crown Court. Holy Makkah Tours Ltd, based in London, and its Directors Mr Nozir and Mr Chowdry, were all found guilty of offences in relation to failure to have an Air Travel Organiser's Licence (ATOL). Holy Makkah Tours Limited and its director Mohammed Suba Ibn Nozir were ordered to pay a total of £71,417, which included fines and confiscation under POCA.

Officers also carried out visits to some local businesses supplying Hajj and Umrah packages in July with the City of London Police, to raise awareness and ensure compliance with consumer legislation.

In a recent case after receiving a complaint from Birmingham consumers who had not received their Umrah package as promised, officers investigated a company. The company were interviewed, the consumers were refunded and the Director of the company was issued with a caution for failing to comply with consumer legislation.

Another case is also under investigation following a complaint from a member of public who had booked an Umrah trip for a large group. Questions arose as to whether the trader had actually booked the hotels that had been promised and ultimately many of the group had to make alternative arrangements. The owner of the business has been interviewed and the case will go before the courts later this year.

Officers from Birmingham also represented Trading Standards at the launch of a new All-Party Parliamentary Group (APPG), which has been set up to look at issues around Hajj & Umrah and to raise industry standards delivered by service providers to British Pilgrims.

Weights and Measures

There were 50 enquires and requests for assistance about weights and measures issues this year.

The majority of these related to short measure fuel complaints and Trading Standards Officers went out on several occasions with the petrol measuring equipment to ensure consumers were getting the correct measure.

There was an unusual request to test the accuracy of a weighing machine seized by the England Illegal Money Lending Team.

There was also a significant complaint made about short measure beer at a large restaurant chain. Investigations found that the particular brand of glass had been made too small to contain a full pint. This prompted a nationwide recall of the glasses after large numbers were seized from two premises in Birmingham.

We also had a significant increase in the number of queries passed to us from the National Measurement Office in London, from local businesses needing technical assistance with weights and measures queries.

As usual, officers inspected stalls at the Frankfurt Christmas Market in the City Centre, to ensure their compliance with UK legislation. Officers tested a wide range of weighing and measuring equipment, including spirit measures and beer dispensers.

The service continues to maintain a variety of test equipment that is used by officers to investigate weights and measures complaints such as weights, both small and large from 0.1g up to 150kg, as well as weighing machines, measures for beer, wine and spirits and a variety of length measures including one used to measure the size of shops for Sunday trading law compliance.

The officers from the previous CEnTSA metrology group have decided to keep in contact so that expertise is still shared and not lost. An officer continues to liaise with the Trading Standards Institute and the National Measurement Office, so that we are kept up-to-date with national issues.

Weights and measures work also provides an income generation service through testing and verification of weighing and measuring equipment for businesses. This year we saw an increase in the number of petrol stations asking us to test and verify their petrol pumps. In total, officers tested and stamped 30 petrol pumps, generating an income of just under £2,000. An officer also attended a weighbridge test which netted a £245 income.

NoRogueTradersHere.com

Trading Standards continues to support the NoRogueTradersHere.com service that seeks to promote reputable traders. Traders joining the scheme have to agree to be vetted by Trading Standards and checks are made to ensure that the trader is complying with consumer protection legislation and that there are no unresolved, justified complaints against them.

We will continue to promote this scheme at rogue trader awareness events and provide information about the scheme to identified victims of rogue trader crimes so that they can enlist the help of a reputable trader to put right any poor or incomplete works. The scheme continues to expand and has recently taken on traders from across the wider region.

Frankfurt Christmas Market

On 16th November 2017, Trading Standards Officers carried out joint partnership inspections of the Christmas Market on its first day of opening. Trading Standards inspected 16 alcohol stalls, tested weighing machines at 12 stalls, checked 38 craft

stalls to ensure there were no safety issues with child-appealing products and inspected 38 food stalls for food safety and labelling issues with Environmental Health Officers.

Inspections of non-food stalls by Trading Standards Officers found very good general compliance. Those stalls selling alcohol were found to be displaying the correct notices and stallholders were found to have a good working knowledge of all aspects relating to avoiding under-age sales. A few minor non-compliance issues were dealt with and resolved during the inspections. It was noted that there was a high standard of clarity of price indications this year.

Prior to the event opening, an information pack compiled by Trading Standards was provided to the event organisers for the stall holders. This covered a variety of consumer protection legislation such as those relating to weights and measures, product safety and pricing. It was felt that this information really helped the traders to ensure that they were compliant prior to being open for business.

This is a key event for the City and plans begin very early on in the year to ensure that visitors to the market are safe and that only safe products are available for sale. For the year 2017 there were 4,399,513 visitors to the Christmas Market.

Working with Partners – Events

Officers attend a number of Safety Advisory Group meetings for key events that are facilitated by the Council. This is a collaboration of interested parties that include Licensing, West Midlands Police, West Midlands Fire Service, transport services, Central Safety Services, St Johns Ambulance, Events Team and the event organisers. We ensure that consideration is given to the safety of products being sold at events and information packs are provided to any potential stall holders.

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

Due to resources issues we cannot attend all events, but always have an input to the Safety Advisory Group and the Events Team where there may be trading standards concerns. We have attended the Vaisakhi, Frankfurt Christmas Market, St Patricks Day Parade and Pride.

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

Trading Standards BSI Accreditation

Birmingham Trading Standards are externally accredited with British Standards to ISO 9001:2015 for Quality Critical Services with exclusion to design and development, as these elements are not an integral factor to Regulation and

Enforcement. We are externally audited by BSI twice a year (June and December) to ensure that we comply with the Standards and maintain our accreditation.

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

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

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. Currently the content management system is Jaddu, which was implemented in July 2016. The total number of views of the Trading Standards website was 41,470 in the last year, which is an increase of 7,296 views from last year. On the landing page there is a live Twitter feed, which was created so that our latest Tweets appear on the page.

Twitter

The @bhamts Twitter account has 2,315 followers, which is an increase of 355 followers from last year. Many advisory tweets are put on each day covering mainly scam awareness, doorstep crime, electrical safety, weights and measures, hallmarking and any other current issues. A total of 2,173 Tweets were put on for this year and 1,519,022 impressions created. This equates to 9 tweets a day and 6,027 impressions a day. There were 914 link clicks and 3,047 re-Tweets. In July 2017, during National Scams Month, one #ScamAware Tweet alone generated 3,142 impressions. Trading Standards support various campaigns on Twitter such as Gas Safety Week, Gas Safe Don't Cut Corners, National Consumer Week, Scams Awareness Month, Safer Internet Day, Anti-counterfeit Group on Counterfeits, National Scams Team's One Million Scam Champions, Child Safety Week, Child Sexual Exploitation Awareness Day, Burns Night, Buy Real for Valentine's Day, Business Start-Ups and the TSBN CEnTSA Business Newsletter.

The TS Twitter account also supports the main Birmingham City Council Twitter account on various campaigns such as cleaner streets, Brum Budget, voting, Inspiring Women, Birmingham Pride, Commonwealth Games Brum Bid,

Commonwealth Games Handover, Be Winter Ready, NHS Staywell Summer Campaigns and numerous other events and projects taking place within the City.

Trading Standards Outputs 2017/18

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

A total of 4,307 requests for assistance were received by the Service last year. 139 of these were requests for advice from businesses. The Service supported or intervened for consumers to enable the return of £78,728 in redress for poorly delivered goods or services.

15 successful prosecutions and 8 cautions were concluded. Total fines amounted to £114,041, with community orders for a total of 48 months and 720 hours of unpaid work being made. A conditional discharge for 12 months was also ordered. Five defendants were disqualified from being directors. We were also successful in being awarded 86% of our costs, totalling £62,262.

Trading Standards Cases Heard 2017/2018

Legislation	Cases	Offences	Fines	Costs	Other Penalty
Consumer Protection from Unfair Trading Regs 2008*	7	176	£91,318	£41,782	Total of 36 months community order. Total of 600 hours unpaid work. Director disqualifications for a total of 16 years.
General Product Safety Regs 2005/ Cosmetic Products Enforcement Regs 2013	1	20	£13,000	£2,802	
Tobacco Products (Manufacture, Presentation & Sale) (Safety) Regs 2002**	2	10	£2,500	£7,000	A total of 12 months community order. Total of 120 hours unpaid work.
Children & Young Persons Act 1933	1	1	£400	£1,606	
Trade Marks Act 1994	1	6	£4,500	£5,000	
Road Traffic Act 1988	2	2	£1,400	£2,830	12 months conditional discharge

Consumer Protection Act 1987/ Electrical Equipment (Safety) Regs 1994	1	2	£923	£1,242	
Totals	15	217	£114,041	£62,262	

* includes RTA offence

** includes Licensing & TMA offences

REGISTER OFFICE

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

Service Events

Event	2016/17	2017/18	% Difference
Birth registrations	24,534	23,950	-5.4
Still –birth registrations	157	113	-28
Death registrations	10,265	10,391	+1.23
Birth re-registrations	584	598	+ 2.45
Marriages	1855	1596	-14
New British Citizens	2760	2485	-9.99

In total 1596 marriages were celebrated and registered in the city, comprising of 1189 marriages at the Register Office and the Ceremony Suite. Staff attended 5 marriages at religious buildings and 393 at the City's approved venues. There have been 9 marriages under the Registrar General's Licence Act which allows a person who is terminally ill, and cannot be moved to a place where marriages take place, to get married wherever they are.

30167 correspondents were responded to.

5 civil partnership ceremonies took place in the City over the year, with 172 same sex notices of marriage reflecting the increasing trend of same sex customers choosing to marry rather than form a civil partnership. 18 civil partnerships have been converted to marriages.

6633 notices of marriage and 10 notices of civil partnership were given during the year.

94,811 certificates of birth, marriage, death and civil partnership were issued to the public at first time registrations an increase of 7982 on the previous year.

132,675 certificates were issued to the public over the year.

21,140 certificates were issued which date back to 1837 and registration staff made 230 S24 reports of possible offences relating to sham marriages during the year.

The Nationality Checking Service has assisted 651 customers with their applications to become a British Citizen. Provision of this service by local registration service will cease in October 2018.

Over the financial year ending 31st March 2018, the service made a £10,000 surplus.

In addition officers have:

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

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

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

The Registration Service continued to help students make their first step into the working environment by accommodating work experience students from Birmingham-based schools and colleges.

Customer satisfaction for the year is 98%.

Challenges to Service Provision

The continuing heavy workload of the Registration Service caused by the requirement to undertake none Birmingham resident registrations resulting from the closure of non Birmingham maternity hospitals and the presence of specialist hospitals, continues to put great pressure on the service. This has been compounded by the reduced employee resource, a consequence of additional savings imposed on the service. In order to respond to the high volumes of registrations an extensive review of the birth and death appointment system took

place providing considerably more appointment slots. This intervention has brought the average birth appointment waiting time down by over three weeks and the service has significantly improved its' statutory Key Performance Targets (KPT) percentage figures.

The Service introduced a Performance Improvement Plan working in conjunction with the General Register Office in response to its' inability to meet KPTs such as availability of birth, death and notice of marriage appointments and timeliness of registrations. Measures introduced under the plan have seen an improvement in birth registrations within 42 days of birth by 25%, however it should be noted that the General Register Office have concluded that without additional staffing resource the service will continue to fail to meet its statutory KPTs.

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

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

An in depth exercise was conducted over the winter to determine the reasons for delays in death registrations and as a consequence appropriate measures were implemented to reduce delays.

The Service experienced a significant reduction in marriage ceremonies over the year, and following a market research exercise has determined that the continued building development in the centre of the city and reduced parking availability in the locality have significantly contributed to the decline in bookings. The lack of ability to customize a wedding ceremony was also a factor. In response a range of wedding packages has been introduced from April 2018.

Improvements

In reply to service users questionnaires responses, service managers reviewed marriage ceremonies and the ceremony rooms. This review resulted in improvements to the ceremony suite ie the decoration of the ceremony suite, introduction of high end floral arrangements in the marriage rooms, reintroduction of the bridal room and floral enhancements in the ceremony courtyard. In addition a range of ceremony options were also developed during the winter to offer more choice and better meet the requirements of couples ready for launch in April.

70% of birth registration appointments are now available online.

The availability of private citizenship ceremonies first introduced in 2016/17 was increased in response to customer demand.

The European Passport Return Service was introduced in January to assist residents of Birmingham.

The telephone system was updated in January.

A consultation strategy has been introduced which includes consultation with service users in all areas of service delivery together with regular communication and consultation as appropriate with employees.

An extensive review of training requirements for the service took place and a targeted training has been plan implemented in order to improve the resilience of the service and to improve the KPTs.

A review of the role of the security/ usher team has resulted in a redesign of the role in order to address gaps in service provision caused by reduction in headcount.

Income Generation

The extension of private citizenship ceremonies generated an additional £62,000 income for the service.

The sale of keepsakes has generated an additional £20,000.

As the fees are mainly of a statutory nature it is difficult to achieve additional income from this source however, following a government lead review of the funding of the local registration service, in November a number of statutory fees were introduced and the free short birth certificates were withdrawn, which resulted in additional £34,000 income to the service.

The fees and charges were reviewed in response to budget pressures and following a benchmarking exercise a number of none statutory fees were revised and new ones introduced which helped improve the services' financial position.

The Register Office also delivered its first conference and is looking to build on room hire as an additional income stream.

LICENSING

Background

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

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

The Licensing Service operates to an ISO 9001 BSI accredited Quality Management System, is an Investors in People employer and in 2015/2016 we retained the Customer Service Excellence award that recognises high standards of customer care.

General Licensing

The General Licensing Team is responsible for administering over 15,500 licences registrations and permits across a wide range of licensing functions, which includes amongst others, sales of alcohol, late night refreshment, regulated entertainment, sex establishments, charitable collections, amusement machines, gambling premises, skin piercers and scrap metal dealers.

The number of licences, registrations and permits issued by the team during the year 1st April 2017 until 31st March 2018 can be broken down as follows:

FUNCTION	LICENCE TYPE	NUMBER ISSUED
Licensing Act	Premises New	194
	Variation	68
	Variation DPS	561
	Transfer	211
	Provisional	0
	TENs	1316
	Personals	545
	Minor Variation	74
	Club Premises New	0
	Club Premises Variation	0
Gambling Act	Club Premises Minor Variation	1
	Premises New	0
	Premises Transfer	2
	Premises Re-Instatement	0
	Premises Variation	3
	Gaming Machines Alcohol New	46
	Gaming Machines Alcohol Transfer	7
	Gaming Machines Alcohol Variation	3
	Prize Gaming Permit	0
	Gaming Machines Club Fast Track Conv.	0

FUNCTION	LICENCE TYPE	NUMBER ISSUED
	Gaming Machines Club New	1
	Provisional Licence	0
	TUNs	0
	OUNs	1
Sex Establishments		
Sex Shop/Cinema	Grant	0
	Renewal	8
	Transfer	0
	Variation	0
	Short Term	0
Sexual Entertainment Venue	Grant	0
	Renewal	8
	Transfer	1
	Variation	0
	Minor Variation	0
Massage & Special Treatments		
1 level	Grant	30
	Renewal	66
2+ levels	Grant	12
	Renewal	24
	Variation (Additional Treatments)	0
	Transfer	0
Societies Lotteries	Grant	33
Street Collections	Grant	197
House to House Collections	Grant	20
Skin Piercers	Grant	180
Scrap Metal - Collectors	Grant	22
	Renewal	17
Scrap Metal - Sites	Grant	6
	New Site Manager	0
	Renewal	29
	Minor Variation	0
Total for year		3686

The figures shown do not reflect the number of current licences, registrations or permits at any given time, but detail the number of applications completed during the period 1 April 2017 – 31 March 2018.

Hackney Carriage and Private Hire Licensing

The Hackney Carriage and Private Hire Licensing Team issued 7,984 licences during 2017/2018, and conducted a further 2,071 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 2018 the number was 86 (compared to 89 in 2016/2017).

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

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

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

Licensing Policy

During 2017/18 the Licensing & Public Protection Committee consulted on:

- Emission Standards for Taxi and Private Hire Vehicles
- Private Hire Operator Rating Scheme
- Signage and Advertising on Private Hire Vehicles

Licensing Enforcement

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

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

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

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

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

Apart from the routine matters of illegal plying for hire and driving without insurance, the following are some examples of cases that were concluded in 2017/2018:

- Six private hire drivers were separately prosecuted under the Equality Act 2010 for failing to carry a passenger because the passenger was accompanied by an assistance dog.
- A Sandwell hire driver was prosecuted for parking on a Hackney carriage rank and following a successful court case was fined £400 with £475 costs.
- One private hire driver pleaded guilty for failing to notify the City Council of a change of address and subsequently made a false statement on an application form. He was fined £250 and ordered to pay £250 costs

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

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

During the period of 1 April 2017 to 31 March 2018, the team dealt with 901 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 260 licensed premises were inspected in response to either a request for assistance (RFA) from a member of the public or other business or as part of an ongoing assessment of risk.

During the year 19 high visibility stop check exercises were conducted across the city in conjunction with officers from West Midlands Police. Officers from the Central Motorways Patrol Group frequently assisted our officers. At a stop check, vehicles and drivers are inspected to ensure compliance with our conditions of licence. Licensed drivers caught committing non-licensing offences such as not wearing seat belts or other road traffic offences are dealt with by the police. Motorway patrol officers (and the Licensing service's own police officer) are approved vehicle inspectors who are authorised to inspect vehicles to determine their condition under the Road Traffic Act 1988. Ten of the stop checks also incorporated a plying for hire exercise in which the team of special constables are deployed.

The overall compliance rate during 2017/2018 for safety critical conditions when measured at roadside stop-checks was 80.9% for private hire vehicles and 84.0% for hackney carriage vehicles. This measure was introduced at the beginning of 2012/2013. The greatest single reason for non-compliance was for lights.

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

	Hackney Carriage Vehicles % Fully Compliant with Safety Critical Conditions	No of Vehicles Checked	Private Hire Vehicles % Fully Compliant with Safety Critical Conditions	No of Vehicles Checked
2012/2013	83.2%	191	72.7%	959
2013/2014	86.1%	273	78.7%	1213
2014/2015	85.4%	426	81.6%	1307
2015/2016	83.6	390	80.2	1165
2016/2017	85.4	471	78.5	971
2017/2018	84.0%	269	80.9%	763

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

Prosecutions

Numbers of Cases

In 2017/2018 Licensing Officers submitted prosecution reports against 34 defendants and administered 99 simple cautions. During the same period 28 prosecution cases were finalised at Court. The majority of the prosecutions were for plying for hire offences, although six were taken under the Equality Act 2010 for refusing to take passengers with assistance dogs.

Costs and Fines

Fines totalling £8758 were imposed and costs of £11,024 were awarded to the City Council against requests totalling £15,990 (68%). Offenders received sentences ranging from fines and disqualification, detailed below:

- 115 penalty points.
- 13 months disqualification.

LEGISLATION	CASES	OFFENCES	FINES	COSTS AWARDED	OTHER
Equalities Act 2010	6	6	£2,200	£3,767	
Local Government (Miscellaneous Provisions) Act 1976					
Section 57	1	1	£250	£250	
Section 64	1	1	£400	£475	
Road Traffic Act 1988***	1	4	£165	£100	24 points & 12 months disqualification
Town Police Clauses	19	38	£5,743	£6,742	115 penalty points, 28

Act 1847 (plying)					days disqualification
TOTALS	42	75	£8,578	£11,024	

Appeals against Sub Committee Decisions

The following tables list the number of cases proceeding to Court during the period 1 April 2017 to 31 March 2018, together with outcomes and costs recovery:

Appeals against Sub Committee Decisions April 2017-March 2018

Outcome	Magistrates' Court	Crown Court	Total
Dismissed	24	3	27
Allowed	3	1 + 1 to BCC	4 + 1 to BCC
Allowed in part	4	1	5
Withdrawn pre- or at Court	6		6
Other	2 x Consent Order		2

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

Work of the Licensing Sub-Committees

Sub Committees also considered 62 applications under the Licensing Act, these were for:

- Grant of Licence 34
- Variation 8
- Temporary Event Notice 5
- Personal 1
- Expedited Review 11
- Review 3
- Transfer 0

N.B. The above figures do not include interim steps meetings. Interim Steps meetings (including reps back to interim steps): 14

Service Delivery Plan 2017/2018 – Outturn

The Service Delivery Plan identifies targets and levels of performance. In order to ensure the delivery of quality services, the Licensing Service operates within the Regulation and Enforcement ISO9001 accredited management system (REMS).

The Licensing Service is committed to a programme of activities designed to ensure that our Service Provision and Service Standard targets are met.

Service Provision	Acceptable Quality Level	Annual Outturn
We will respond to all General Licensing applications in a timely manner: Percentage of applications processed within 60 days* *Subject to tests and Committee timetable	90%	96.2%
We will respond to all HC & PH Licensing applications in a timely manner:	90%	100%
We will respond to Requests for Assistance (RFA's): Percentage of RFA's responded to within 5-day target	97.5%	89.8%
Percentage of successful licensing prosecutions	95%	87.9%
Percentage of personal callers to Licensing seen within 15 minutes of their appointment time	97%	100%

CORONERS AND MORTUARY ANNUAL REPORT

Background

The Coroner's and Mortuary Service provide the Coroner's service for Birmingham (and Solihull) together with the Public Mortuary facilities for the city. The service is supported by guidance from the Chief Coroner for England and Wales.

Statutory Requirements

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 deaths were violent or unnatural, the cause was unknown, or 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 under the Public Health Act 1936 include, the provision of the 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, and additionally the Human Tissue Act 2004 regulates how these Post Mortems are conducted and the security of the bodies and associated tissues.

Service Developments

Work has been ongoing to respond to developments in respect of the use of non-invasive post mortem services for the bereaved where appropriate and to make increasingly effective use of the service's new IT case management system, CIVICA, to reduce the need for paper and to produce lean processes.

Approval has been given for a portal system will be introduced during 2018 enabling hospitals and Doctors to enter death notifications directly onto the Civica system reducing the need for double entry.

To improve the effectiveness of the provision of the weekend and bank holiday Out of England Service for bereaved people who want to repatriate
Bodies rapidly, a business plan has been put in place and the Coroner has agreed to the way forward

A second court at Solihull is up and running. This is to ensure that the increasing number of inquests (and the increasing number of long jury inquests) can be accommodated within the 6 month target for completion. Additional proceedings at the Solihull Court will be effective during this year as a result of an agreement with them in respect of the ongoing pressures on the Birmingham Court.

In terms of capital developments, work was concluded in May 2018 in respect of asbestos abatement work and a temporary ventilation system to conform to health and safety requirements set out by the Human Tissue Authority. Both equitant and specialist asbestos removal are expected to be completed within existing capital budget approvals

Organisational Assessment

Whilst there was a further increase in death referrals and a significant increase in the number of post mortems during 2017 there was a steady reduction in the time taken to release bodies for families where no inquest was required.

Quantity of work

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	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%

The number of deaths notified to the Coroner had shown a sharp increase over the last three years. The figure of 5,203 notified deaths represents 44% of all deaths registered in Birmingham and Solihull – in line with national figures.

Number of inquests completed

Year	Number of inquests
2014	1,135
2015	601
2016	746
2017	810

The very high number of inquests completed in 2014 under the Senior Coroner was due to dealing with the backlog of cases that had built up in previous years. The 2015 figure represented a closer fit to expectation and the increases in 2016 and 2017 resulted from the increased number and complexity of referral to the service. The increase in the number of Deprivation of Liberty (DOLS) cases, all of which required inquests, in 2015 and 2016 was halted by a legislative change in April 2017 when they were no longer required to be inquested.

There has been an improvement in the time that the bereaved have had to wait for inquests to be held and this has been maintained. In 2013 only 46% of inquests were completed within 6 months of death, due to dealing with the backlog the figure fell to 43% in 2014 but in 2015 and 2016 93% of inquests were completed within the target 6 months a figure equalled in 2017.

Similar improvements were made in relation to the number of inquests that were completed more than 12 months from the death, this fell from 57% in 2014 (due to the backlog) to 1% in 2016 and remained very low at 2% in 2017.

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

The number of Post Mortems being carried out increased in 2017 reflecting the increase in number of referrals and the percentage of referrals that required a Post Mortem to establish the cause of death. The percentage of reported deaths resulting in post mortem increased to 34%, below the 2016 national average of 36%, reflecting the desire of the Senior Coroner to conduct Post Mortems where no other avenue is available to establish the cause of death. In addition 7 minimally invasive CTPMs were carried out on the order of the Coroner, reflecting the low level of demand for this service from the bereaved.

The Number of Out of England Forms

Year	Number of Out of England Forms Issued
2014	141
2015	176
2016	227
2017	241 (22 for weekend OOE)

Percentage of Notified Deaths Resulting in Inquest

Year	% resulting in inquest	National average%
2014	14	14
2015	12	14
2016	15	16
2017	16	

Budget Issues

There was significant pressure on the budget mainly due to additional costs in respect of the movement of bodies' contract and additional costs in respect of Post Mortems. With the current increasing number of referrals to the Coroner, these pressures are likely to continue. An additional £0.5m Revenue budget has been allocated to the Service for 2018/19 (ongoing) to acknowledge and help mitigate these pressures and was noted in the Revenue budget report to LPPC in March 2018

ENGLAND ILLEGAL MONEY LENDING TEAM

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

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

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

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

In 2017/2018 there were 50 interventions undertaken, culminating in 66 arrests and seizure of cash and documentation relating to illegal money lending.

Examples of completed cases include:

- Operation Witch Hazel (EAST MIDLANDS) – three loan sharks were sentenced at Leicester Crown Court on 03/05/2017 for their participation in an illegal money lending business, which operated across Leicester for a period of seven years. A 52 year old male was sentenced to 9 months imprisonment for his leading role in the illegal enterprise. Two other males were sentenced to terms of imprisonment, suspended, and 120 to 150 hours of unpaid work.
- Operation Zenith (NORTH WEST) – a 53 year old male who ran an illegal money lending business over a period of approximately 8 years and received over £1 million in loan repayments was jailed for 15 months at Preston Crown Court on 07/08/2017. His partner, aged 58, received a 9 month suspended prison sentence and 160 hours unpaid work after she was found guilty of laundering cash from her partner's loan shark business.
- Operation Hiking (SOUTH WEST) – a 58 year old male who operated an illegal money lending business over a period of 9 years and preyed on vulnerable people was jailed for two years and three months on 18/08/2018. The individual had previously worked as a self-employed agent for a legitimate loans company between October 2002 and April 2014. During this period he was made aware by his employer that he was not allowed to 'parallel lend' or conduct consumer credit activities personally unless he was authorised to do so. A financial investigation revealed over the period in question that there had been over £300,000 cash deposits into accounts held by him or his family.

The following Proceeds of Crime hearings recovered significant amounts of money as a consequence of the subject's criminal activities.

- Operation Boar (NORTH WEST) - A 43 year old male from Oldham was ordered to pay back £100,000 in proceeds of crime following a hearing at Minshull Street Crown Court on 12th May. The male was given 3 months to pay the lump sum of money or face a default sentence of 12 months in prison.
- Operation Lembata (TSSE) – Two males aged 57 and 46 years of age were ordered to pay back £195,000 in proceeds of crime money at a hearing at Portsmouth Crown Court on 19/09/2017. The defendants were given three months to pay back the lump sum of money.
- Operation Selhurst Park (GREATER LONDON) – A 67 year old male was ordered to pay back £450,000.00 at a hearing at Snaresbrook Crown Court on 02/02/2018. He was ordered to pay back the sum in full within two months or face four and a half years in prison.

Victim Statistics

- There were 839 contacts with victims in 2017-18. A lot of these were to offer emotional support and safety advice, but there were also referrals to credit unions, housing, debt advice and mental health services.
- The team dealt with £923,703.00 of new victim debt in quarter 2017-18.

Stop Loan Sharks Week

The 5th national Stop Loan Sharks week was run in December 2017. Members of the public were asked to guess the location of Sid the Shark around the country and agencies were encouraged to retweet key stop loan sharks messages. The reach of the campaign was over 300,000 people, with a significant increase in followers on both Facebook and Twitter.

Stop Loan Sharks Awards 2017

The winners of the Stop Loan Sharks awards 2017 were announced in March. 3 winners will each receive £3,000 proceeds of crime money to help spread the Stop Loan Sharks message in their area. They are:

- Cheltenham Borough Homes
- Aspire Housing
- Whitehaven, Egremont and District Credit Union

As well as the overall winners, 6 organisations received a Highly Commended award for the work they had undertaken to protect their communities from illegal money lenders. They were:

- Bradford District Credit Union,
- The Diocese of Rochester,
- Citizen's Advice Telford,
- Holdfast Credit Union,
- Unify Credit Union,
- Bolton Safeguarding Adults Board

Credit Union Incentives

Over 100 incentive schemes have taken place in 2017-18, with credit unions across the country. The figures are still coming in. One example, with NE First Credit Union, saw 6 areas targeted and 312 accounts opened which met the savings criteria. From this the total savings so far are £41,008, with loans issued totalling £15,490. As part of this scheme 125 young saver accounts were opened and 103 qualified for £10 incentive paid for by Livin Housing Association.

Credit Union Guaranteed Loans Pilot

In April 2018 a new project will be launched with 6 credit unions. The IMLT will use proceeds of crime money to "guarantee" up to £50,000 of loans with each credit union, to allow them to reduce their lending criteria so that people who would currently "just miss" out on being able to access a loan will be able to get one.

The credit unions taking part are:

- Holdfast Credit Union, Essex
- Wyvern Credit Union, Dorset
- Whitehaven Credit Union, Cumbria
- Croydon, Merton and Sutton Credit Union
- Citysave Credit Union, Birmingham
- Leeds Credit Union

The project will be closely monitored with a view to rolling it out in 2018-19

Proceeds of Crime

A large number of proceeds of crime projects from 2016-17 have come to fruition during 2017-18. Examples are:



A mosaic at a shopping centre in Tameside



Artwork on a Stop Loan Sharks sofa art project



Stop Loan Sharks Mural



Stop Loan Shark comic put together by young people with mental health issues