

**BIRMINGHAM CITY COUNCIL**

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

**28 JUNE 2023**  
**ALL WARDS**

**REGULATION AND ENFORCEMENT  
ANNUAL REPORT FOR WORK DELIVERED IN 2022/23**

1. **Summary**

- 1.1 The report advises on the work undertaken during the year April 2022 to March 2023 by the Regulation and Enforcement Sections: Environmental Health, Trading Standards, Private Rented Sector, 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.

Contact Officer: Sajeela Naseer, Director of Regulation and Enforcement  
Telephone: 0121 675 2495  
Email: sajeela.naseer@birmingham.gov.uk

### 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. Coroners and Mortuary service
- v. Licensing.
- vi. England Illegal Money Lending Team
- vii. Regional Investigations Team (RIT)
- viii. Private Rented Sector service

3.2 The operating model for Regulation and Enforcement seeks to deliver both statutory and other services that fulfil the corporate priorities of Birmingham City Council. The model enables new services to be integrated within it and most recently the Private Rented Sector service joined in September 2021.

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

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

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

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

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

3.8 Birmingham City Council Regulation and Enforcement continue to host the England Illegal Money Lending Team for England and the Regional Investigations Team.

3.9 The Private Rented Sector service is responsible for House in Multiple Occupation mandatory licensing, bringing empty properties back into use, tackling illegal eviction and harassment and ensuring safety and standards in private rented sector properties.

3.10 Within the division, administrative support, management information and the co-ordination of legal proceedings with the Chief Legal Officer is undertaken by appropriate teams and Business Support Services.

3.11 The NHS Primary Care Teams was disbanded in April 2013 and the public health role was moved into the Local Authority. Officers continue to work closely with the Director of Public Health to deliver significantly on public health outcomes in Birmingham.

#### 4. Implications for Resources

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

4.2 The Illegal Money Lending project for England and the Regional Investigations Team are currently fully funded by Central Government by the Treasury and Department of Business and Trade through a governance arrangement with the relevant funding Boards. The budgets for these projects have been increased in line with inflation and in recognition of the work undertaken. These resources are ring fenced for this specific activity and claimed through an expenditure invoicing procedure.

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

Service	£ K 2010/ 2011	£ K 2011/ 2012	£ K 2012/ 2013	£ K 2013/ 2014	£ K 2014/ 2015	£ K 2015/ 2016	£ K 2016/ 2017	£ K 2017/ 2018	£K 2018/ 2019
Licensing	204	376	490	215	(139)	(874)	(764)	(8)	1
Environmental Health	6,337	5,593	5,153	3,836	4,036	3,532	3,532	4,047	3,820
Trading Standards	3,414	3,133	2,857	2,004	1,931	1,593	1,566	1,454	1,264
Register Office	1,167	1,195	1,205	835	741	386	450	877	868
Coroners Mortuary		1,642	1,662	1,460	1,386	1,025	1,122	1,196	1,574
Pest Control	0	0	(67)	(73)	(355)	(1,720)	(3)	4	310
Service	£K 2019/ 2020	£K 2020/ 2021	£K 2021/ 2022	£K 2022/ 2023	£K 2023/ 2024				
Licensing	-84	-259	20	0	0				
Environmental Health	3,127	3,106	3,260	3,527	3,725				
Trading Standards	1,175	957	1,067	1,227	1,315				

Register Office	739	724	782	1,009	1,154
Coroners Mortuary	1,600	1,524	1,641	1,985	2,441
Pest Control	279	277	302	359	377

## 5. Implications for Policy Priorities

- 5.1 The services delivered through your Committee, contribute to the Birmingham City Council Corporate Plan 2022- 2026
- 5.2 The issues addressed in this report support the City Council Vision: We will help make Birmingham a city where all citizens share in the creation and benefits of sustainable economic growth and can live longer, healthier, and happier lives.
- 5.3 To deliver this vision we focus on the Council's five priorities of a prosperous, safe, inclusive, healthy, and green Birmingham
- 5.3 Our work delivers Regulation and Enforcement Mission Statement: Locally accountable and responsive fair regulation for all – achieving a safe, clean, green and fair-trading city for residents, business and visitors.

## 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.

## **DIRECTOR OF REGULATION AND ENFORCEMENT**

Background papers:

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

## **ENVIRONMENTAL HEALTH**

### **Background**

Environmental Health provides a range of interventions at a local and city-wide level with the principle aims of protecting public health and the environment as well as supporting businesses to succeed. The range of services includes

Food hygiene; health and safety; pest control; infectious disease control; noise nuisance; environmental protection; animal welfare; defective drains; dangerous trees; and environmental crime such as littering and fly posting.

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

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

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

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

All Environmental Health and Pest Control Requests for Assistance		
Total Jobs		45,459
	Env Health RFAs total	19,464
	Pest Control RFAs total	14,372
	All Inspection Total	9,947
	Other Jobs not RFAs	1,676

Environmental Health Breakdown		
Waste related enquiries	RFAs & Waste Incidents not subject to complaint	551
Statutory nuisance	Noise	8,268
	All others	1,652
Animal Welfare	Dog Wardens	3,119
	Animal Welfare (not dogs)	117
Food complaints		3,669
Infectious diseases		1,057
Licensing enquiries		365
Health and Safety	Enquiries	238
	Incidents (Accidents)	426
Unauthorised encampments	On council land	407
Other		1,078
Source of RFAs	Cllr, MP, CX & SD	424
	Public	19,040

Pest Control Breakdown		
Rats	Rat in Garden	7,660
	Rat in House	5,174
	Mice reported as Rat in House	37
Pests other		1,501
Source of RFAs	Cllr, MP, CX & SD	63
	Public	14,309

Environmental Health Inspections Breakdown		
Inspections	Food Inspections	5,786
	Food Standards Inspections	1,684
	Health and Safety	686
	Environmental Protection	114
	No Smoking Compliance	737
	Duty of Care	740
	Animal Welfare	106

Number of Criminal Prosecutions undertaken by Environmental Health:

## **CASES FINALISED BY LEGISLATION 2022/2023**

<b>LEGISLATION</b>			<b>CASES</b>	<b>OFFENCES</b>	<b>FINES</b>	<b>COSTS AWARDED</b>
Environmental Protection Act 1990						
Section 80			2	6	£650	£766
Food Hygiene (England) Regs 2006 ***			24	234	£263,500	£41,681
Food Information Regs 2014			2	4	£24,300	£2,082
Health & Safety at Work Etc. Act 1974 Sec 3(1) **			1	2	£50,000	£20,000
Environmental Protection Act 1990 Sec 87 Litter			992	992	£218,440	£132,719
<b>TOTALS</b>			<b>1021</b>	<b>1238</b>	<b>£556,890</b>	<b>£197,248</b>

**Total Submitted Prosecutions 46 EH and 992 Littering offenders**

**Total Submitted Cautions 3**

### **Litter Reduction Initiatives**

During the year a programme to support continued reductions in litter levels was run across the city that involved anti-litter and free printed matter distribution scheme compliance patrols. Working with the support of West Midlands Police, a total of 6,540 Fixed Penalty Notices were issued which is an increase of 1,925 over last year. During the year 992 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 £220.20 plus costs of an average £133.79.

Over the course of the year 60 consents were issued to permit the distribution of free printed matter in the City's designated control areas. These consent zones continue to be an effective tool in reducing defacement from discarded promotional material.

### **Domestic Noise Complaints**

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

During 2022/2023 a total of 8,464 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.

44 noise abatement notices were served for noise offences affecting residents and 11 seizures of sound equipment took place following breaches of notices. In the majority of cases, after 28 days those who pay for the costs incurred by the city in undertaking the seizure of the noise equipment, have their property returned. In cases where further breaches of notices occurs after seizure i.e. where new or returned equipment is used to create a further problem, criminal proceedings are taken against the offender and the courts asked to give a forfeiture order for the seized equipment.

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

### **Smoke Free Birmingham**

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

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 2018/2019 we continued and implemented a number of targeted interventions which included:



- enforcement exercises involving the smoking of shisha, working extensively within a multi-agency setting.
- Maintained partnership working with planning to ensure Environmental Health is a consultee with planning applications with any proposed smoking shelter.

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

### **Shisha Premises**

Shisha is a sweetened form of tobacco and involves the use of a pipe or hookah which is used to inhale the smoke once it has been passed through water. The list of health effects associated with tobacco shisha is similar to those associated with cigarettes.

The practice of smoking shisha is not in itself illegal. However, businesses are still required to comply with the same smoke free legislation that relates to smoking in any premises where the public have access to.

Compliance and safety of Shisha premises in Birmingham has continued using a partnership approach. 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.

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

### **City Centre Project**

Environmental Health continued in 2022/2023 to provide assistance with reducing impacts from noise levels and antisocial behaviour within the City Centre. In August 2022, two Public Space Protection Orders were declared restricting the use of amplification equipment, musical instruments and items being used as musical instruments within two key areas of the city centre close to residential properties. Patrols are now being undertaken 7 days a week (including some late-night patrols) to ensure compliance with the PSPOs. This has resulted in formal enforcement action being taken against a number of individuals for breaches of the PSPOs. Outside of the PSPO areas, Environmental Health are continuing to work with residents and businesses with regards to complaints about noise levels on the street as and when they are received.

### **Pest Control**

During 2022/2023, 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 Centres. 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.

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

• ***Key achievements of the Pest Control section during 2022/2023 include:***

- The section has dealt with a total of 14,309 requests for assistance (RFA) from residents of Birmingham. Of these 12,834 were to resolve problems associated with rats either in gardens or within domestic properties.
- Pest Control has continued to liaise and promote our Property Clearance Service to internal and external partners. The role has grown in terms of capability, size of land and size of contracts. Work enquires for clearance work have increased.
- We have successfully been working closely with Birmingham Property Services clearing their void properties; clearing land of rubbish or overgrowth; treating pests; and generally assisting in supporting their commercial estates.
- We work with Land and Property Team clearing their land and properties of rubbish and overgrowth.
- We also support the returning of land which has been adversely affected by unauthorised encampments and has waste and human waste on it.

### **Food Safety Inspections**

More than 5,500 food hygiene inspections including over 2,800 programmed inspection and 2,200 revisit inspections to ensure improvements were being made. In addition to these food hygiene inspections over 1,600 food standards inspections were carried out during 2022/2023. Items covered during inspections include hygiene of premises and practices, Compliance with allergen controls, compositional standards, claims and advertising, traceability, food fraud, date coding, sampling and training.

### **Food Hygiene Rating Scheme**

Following the launch of the National Food Hygiene Rating Scheme in November 2012, the scheme continues in popularity with scores displayed on the doors and on the FSA web site. The ratings website where hygiene scores for businesses are displayed features over 10,000 Birmingham food businesses. As part of the scheme officers provide window stickers for all businesses in the scheme. The scheme, in addition to providing information to consumers, is seen as a useful tool to encourage

businesses to improve. This is demonstrated by the increasing number of businesses applying for a rescore after making improvements, over 100 made such an application in 2022/2023.

There has also been a significant increase in new food registrations being submitted to us. Where new businesses open then they are required to register with their Council. The council in-turn is required to inspect these new businesses within 28 days. Over the last few years, we have been averaging around 1,600 new registrations and struggle to meet this demand. There is no commensurate requirement to de-register a business.

### **Food Enforcement Action**

During 2022/2023, 81 premises were found to present an imminent risk to health and were closed immediately until all necessary works were carried out. Although this could be considered a large number, compared to the total number of inspections carried out, 3,316, it only represents about 2.4% of premises which seriously failed to meet basic hygiene requirements and put their customers at risk.

Throughout 2022/2023, 26 prosecutions were finalised for food hygiene and food labelling related offences, with total fines amounting to £287k and costs awarded of over £43.7k.

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

### **Primary Authority**

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

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

This is a resource intensive exercise as additional meetings and inspections are required in order to properly advise both the business and other local authorities. Where Primary Authority Partnerships have been agreed, we operate a cost recovery system from the company, with approximately £76,000 recovered this year.

### **Infectious Diseases and Food Poisoning**

All sporadic cases and outbreaks of gastro-enteritis are investigated. During 2022/2023, 1,057 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**

There are significant numbers of outdoor events within the city that have temporary food concessions which require inspections. Currently we are working with the Events Team to specify the highest standards of business attending each event to mitigate impacts on Environmental Health.

### **Health and Safety Regulation**

The City Council has the responsibility for enforcing health and safety law in approximately 21,000 commercial premises. During 2022/2023 there were over 1,400 health and safety related activities were recorded, these included inspections; dealing with requests for assistance; investigating accidents, incidents and cases of occupational disease; and targeted interventions (project work).

### **Inspections**

During the 2022/2023, 118 premises received proactive inspections. These were undertaken in accordance with the National Local Authority Enforcement Code ('the Code'). The majority of these inspections were undertaken as part of the Commonwealth Games Legionella Assurance in Accommodation Premises project which included the inspection of 94 premises to ensure visitors to the city were not at an increased risk from Legionella. Other 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:

- Inspection of warehouses to ensure that risks from falls from height and workplace transport are controlled. This activity was a national priority as defined by the HSE.
- Undertake intervention work with the 7 cooling towers in Birmingham, for which the council has enforcement responsibility so as to ensure that the risk from legionella is being controlled.
- Undertake assessment and inspection of notified works to remove asbestos from premises for which the council has enforcement responsibility.
- Checks of gas appliances and catering equipment identified a number of unsafe catering appliances.
- Work has been continuing to carry out inspection of machinery at 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 2022/2023 officers responded to 238 requests for assistance concerning working conditions or practices. These included concerns regarding staff welfare and dangerous work practices.

### **Incident Investigations**

There were 446 notifications of accidents, dangerous occurrences and cases of occupational disease reported during 2022/2023. 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, the coroners Court and other regulators.

This year, incident investigations include:

- Conclusion of a fatal accident at Birmingham Wheels after a sponsor was hit by a race car recovery tractor in which the organisers pleaded guilty to Health and Safety offences for not taking suitable steps to protect people on the site.
- Investigations have also been started following a gas explosion at a barbers shop and the death of a member of public at a social club within the city. Officers have also recently started an investigation after a car park barrier swung out and through the windscreen of a vehicle of which the occupants were lucky not to sustain serious injury.

### **Enforcement Action**

As a result of enforcement activities, 49 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 23 Improvement Notices were served, requiring improvements in safety standards.

### **Role in National Health and Safety Agenda**

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

- Officers representing the Council as chair of the West Midlands Health and Safety Liaison Group and member of the Midlands Health and Safety Regulators Group.
- We continue to work closely with our Primary Authority Partners Marks and Spencer, John Lewis Partnership, Claires Accessories and Gala Bingo which has provided a positive impact through the generation of inspection plans and assured advice to reduce unnecessary inspections.
- Our officers contributed to the Primary Authority Supermarket Group and the expert panel for warehousing which consists of local authority Primary Authority Partners who work within these sectors helping to direct consistency and improve safety both nationally and within Birmingham.

### **Environmental Protection**

During 2022/2023 the Environmental Protection Unit (EPU) worked to safeguard public health and the environment from adverse emissions across all environmental media (land, air, and water), including emissions of noise / vibration and the control of waste. EPU comprises of four disciplines that contribute to this aim: Acoustics, Air Quality, Contaminated Land and Pollution Control and these are utilised to cover core environmental health work as well as providing advice and assistance to

Planning Management and Licensing with regards to relevant applications for planning consent or premises licences / TENs respectively.

### **Acoustics**

The development of policy and provision of services to address problems concerning both noise nuisance and environmental noise continued to play an important role in our work during 2022/2023. EPU continue to provide advice and noise monitoring services to support noise/vibration complaint investigations, planning and licensing consultation issues. The primary work delivered by the service for Environmental Health covered:

Receiving 153 requests for noise monitoring to support noise nuisance complaint investigations (an almost 50% reduction on the last pre-Covid year) and installing equipment at 70 residential properties across the city (a 50% decrease on the last pre-Covid year). The drop reflects changes in wider service demand reflected by an ongoing reduction in requests in the pre-Covid years and changes in delivery following the move to Ashted Locks and further staff reductions in the last pre-Covid year. The wider EH service is now reshaping the offer around noise monitoring to reflect the new post Covid norm including having a wider cadre of officers to deliver the service in response to demand – this does not mean more officers working on a reduced service, rather more officers able to do this work should demand increase, a reflection of a shift from the work being centralised in a dedicated and reducing team to one which provides more options for the Service and incorporating continuity planning.

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

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

### **Air Quality**

The monitoring and improvement of air quality across the City has continued to be an important aspect of the role of the EPU with attention on local and national air quality being focussed by the on-going need to improve air quality at key locations in response to various statutory obligations (Local Air Quality Management, Clean Air Zone) and other duties (Clean Air Strategy, Environment Act 2021).

The work carried out during 2022/2023 focused on two pollutants, nitrogen dioxide (NO<sub>2</sub>) and particles [(coarse particles (PM<sub>10</sub>) and fine particles (PM<sub>2.5</sub>)).

Officers from the service have worked closely with colleagues from a range of other Council services, specifically within the Clean Air Zone Team, to progress the Clean Air Zone (CAZ) obligations now the CAZ has gone live. The CAZ Team fund an officer who works within the EPU and who's primary role revolves around the monitoring and evaluation of the CAZ. To this end a number of reports have been

produced including a baseline and first post launch report, and the team are now focussing on the post launch monitoring and evaluation with a view to determining at what point success will be determined to have been achieved.

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

- Air quality was continuously monitored at fifteen locations across the city, most being within or around the city centre. This incorporates six new sites in and around the CAZ, one Defra site and eight sites belonging to EH. A further Defra site in Acocks Green remains out of commission (it is not operated by EPU). The CAZ sites were established by EPU using CAZ funding and are continually funded (maintenance costs) through the CAZ team. All stations and associated data and reports may be viewed at [www.birminghamairquality.co.uk](http://www.birminghamairquality.co.uk)
- Officers from the service undertook non-continuous monitoring of nitrogen dioxide using diffusion tubes at around 155 sites around the city.
- Birmingham continues to support the national polycyclic aromatic hydrocarbon, benzene and Black Carbon monitoring networks for which the Council receives payment.

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

### **Contaminated Land**

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

- A revised Contaminated Land Inspection Strategy has been drafted but challenges relating to financing as a result of the loss of Government funded grants require consideration before this can be formally progressed. There has been no progression on this from the previous year.
- During the year officers continued to review site assessments and/or remediation strategies in response to applications for planning consent. The majority of these related to the redevelopment of brownfield sites.
- There were 108 formal requests for environmental information to support conveyancing reports. This work is income generating and resulted in revenue of over £11,490.

### **Pollution Control**

The work of the team also covers the proactive regulation of emissions from industrial processes, the investigation of complaints relating to environmental emissions from industrial and construction sites and licensed entertainment premises in the city centre and providing consultation responses to both Planning Management and Licensing on environmental matters. Significant achievements in 2022/2023 included:

The emissions produced by 217 industrial and commercial processes were regulated, ranging from petrol stations to the Jaguar car manufacturing plant. During 2022/2023 we aimed to conduct 152 inspections, but due to resources only completed 114. The remaining processes are all low risk and will be inspected in the next financial year (2023/2024) either through a new recruit joining the team to replace officers who have left the team or via the commissioning of agency staff.

The prevention of future environmental problems is also an important element of work. During 2022/2023 Planning Management consulted us in relation to the environmental consequences of proposed developments relating to 3,003 requests for comment on specific planning applications, this being a slight increase on the pre-Covid numbers reflecting a normalisation of development and a continuance of the upwards trend in this area. These included major developments which can have significant consequences within the city. The primary challenges arising are within the city centre and stem from noise concerns due to residential developments being proposed close to existing entertainment uses (pubs, bars, clubs) or due to air quality concerns from residential developments adjacent to major traffic routes. In both cases officers have raised objections but the issue of planning balance is the deciding factor having regards to competing needs for residential units versus the immediate environmental risks. These are demanding cases for officers and take considerable time to complete, often across months and in some cases years.

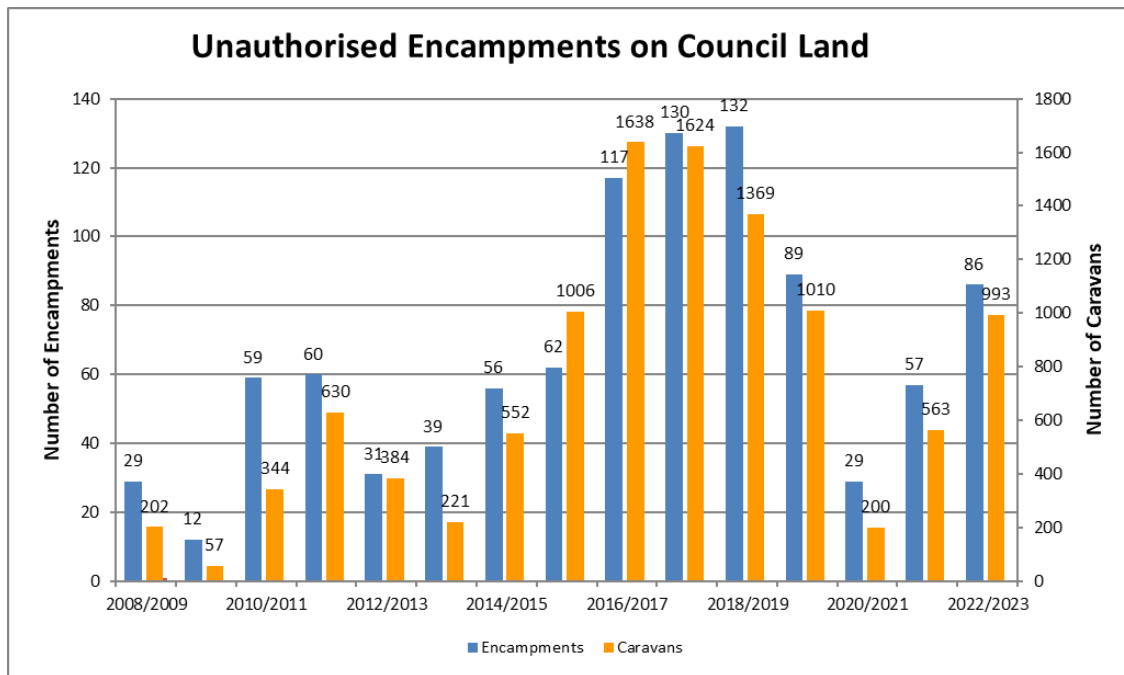
Officers are asked to comment on applications made under the Licensing Act 2003. They assessed 136 licence applications for new Premises Licences or variations of existing licences. Officers also assisted in assessing Temporary Event Notifications. Officers regularly raised representation and attended the relevant Committee to explain their concerns with Committee being attended on 3 occasions and representations withdrawn on 8 instances. This further assists in preventing future noise problems.

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 installations. The two largest ongoing cases involved Agency sites, the first being the longstanding low frequency noise arising from Speciality Minerals (Minteq) in Kings Norton and affecting residents in the residential areas to the south within Druids Heath & Monyhull ward, the second being odours from the Kiely Brothers site on Cherrywood Road within the Bordesley & Highgate ward. Both are complicated cases and involved a lot of dedicated officer time to support the Agency in their investigations and undertake citizen liaison. Both are ongoing.

### **Unauthorised Encampments**

Environmental Health leads on the response to notifications of illegal or unauthorised encampments (UE), principally due to travelling families. In 2022/2023 officers dealt with 86 such encampments on Council land. This year has seen a normalisation of UE following the pandemic although it is unclear if the number has peaked or will continue to risk.





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

### **Animal Welfare**

The Animal Welfare Team is responsible for a wide range of inspection and enforcement activities and includes the Dog Warden Service. The team respond to enquiries involving a variety of pet animal and livestock keepers. The Licencing of Activities Involving Animals (England) Order 2018 provides for the licencing of pet shops, commercial kennels and catteries, home dog boarders, dog day care facilities, riding establishments, dog breeders and people who train and exhibit animals. Zoos and Dangerous Wild Animals are dealt with under separate and specific legislation. Significant achievements in 2022/2023 included:

### **Dog Warden Service**

- The Dog Warden service responded to 2,734 requests for assistance and advice, regarding stray and lost dogs, dog fouling and dog welfare issues.
- A total of 538 stray dogs were seized, of which 500 were impounded at kennels and 38 returned directly to their owners. This is a significant increase from 2021/2022 when 322 stray dogs were seized. It is thought the increase in stray or unwanted dogs is due to the high numbers of dogs acquired through lockdown, that are no longer wanted, or the owners need to go back to office working and the dogs cannot be left. A total of 188 of the dogs impounded were claimed by owners, which resulted in additional income of £5,880 in respect of claim charges.
- The Dog Warden/Enforcement Officers (DWEO) provide the stray dog collection service for Solihull Metropolitan Council and seized 55 dogs on their behalf, this resulted in additional income of £3,467.20.

- Concerns over the fouling of public areas by dogs resulted in 644 complaints. Some 71 warning letters were issued to those reported for failing to clear up after their pets. Approximately 10,000 signs advising dog owners of their legal responsibility to clear up have been affixed to lamp posts in affected areas. Dog fouling hot spots were identified and information provided to litter enforcement agencies for additional patrols.
- Other initiatives to deal with dog fouling nuisances, involve the use of anti-dog fouling stencils and larger enforcement signage. Some 20,000 free poop-scoop bags were also handed out to dog owners, to promote clean up campaigns.
- Other regulatory controls in place under Public Space Protection Orders and the Environmental Protection Act and Dangerous Dogs Act, resulted in 134 warning letters sent in respect of dogs reported to be either dangerous and/or being allowed to stray onto public or private land.
- DWEO continue to promote the legal requirements for compulsory dog microchipping, through discussions with and visits to dog owners and Birmingham Dogs Home, who are responsible for the kennelling of the City's stray dogs.
- Dog cruelty and neglect is an emotive and high-profile issue and officers noted a significant increase in these reports and investigated a total of 479 (increased from 315 in 2021/2022) requests for assistance, which related to poor living conditions, abandonment, lack of veterinary treatment or the malnourishment of dogs.

### **Animal Related Complaints and Other Activities**

- Some 88 animal related licences remained in place, 11 traders ceased trading and 6 new licence applications were processed and approved.
- Concerns over Avian Influenza resulted in an Avian Influenza Prevention Zone being declared across the UK in November 2022, which required poultry keepers to house their birds and increase their biosecurity arrangements on site. Officers responded to complaints of noncompliance through visits and warning letters being sent. Several confirmed cases of Avian Influenza in the wild bird population across Birmingham, required extensive partnership working with other Council departments, Defra, RSPCA, UK Health Security Agency, to identify and remove potentially infected birds and provide relevant and accurate information to the public.
- A total of 12 visits were made to the 4 abattoirs in the city to ensure compliance with animal movement controls and the safe disposal of animal by-product waste.
- 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 22 assessments being carried out and reports being submitted. This resulted in additional income of £3,428.98

- DWEO continue to assist in the emergency removal and boarding of animals should their owners be taken to hospital or detained under the Mental Health Act. This is a valuable service 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 22 referrals were dealt with, involving a variety of animals. This resulted in additional income of approximately £2,017.90
- The importation of dogs and puppies continues to be an issue of concern. Officers investigated 2 enquiries regarding dogs illegally imported into the UK, with one puppy found to fail the import rules and was therefore seized and placed into quarantine kennels as required by legislation. All expenses incurred being paid by the dogs' owners
- Officers have also responded to enquiries from colleagues at the Dover port authority in respect of dogs imported and destined for premises in Birmingham. Where details of the person/s supposedly receiving ownership of dogs/puppies could not be verified, though interrogation of systems or visits to the property, the dogs were detained at the port and were not permitted to continue their journey to an unknown destination/recipient.

### **Sports Ground Safety**

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

## **WASTE ENFORCEMENT UNIT**

The Waste Enforcement Unit (WEU) investigates and enforces against most elements of Waste Crime with the exception of littering.

### **Flytipping**

The WEU conducts investigations into dumped waste across the City. The Unit carried out 2865 investigations into alleged tipped waste during 22/23. This resulted in 101 fixed penalty notices being issued and prosecuting 23 offences of flytipping. The Unit investigates waste on public and private land which may include the use of overt or covert surveillance techniques, the seizure of vehicles (3 in 22/23), bag searches etc.

### **Other waste on Land**

Officers of the WEU are increasingly tackling waste on private land that may not be the result of flytipping (for example waste in gardens). Steps are being put in place to capture the statistics around this area of enforcement which do not form part of the standard reports to committee.

### **Waste in accessways**

Working as a coordination service for various teams within Waste Management, officers of the Unit work to engage with residents that abut unregistered land to enable clearance and buy-in by attending and supporting the Love Your Streets days and working closely with colleagues in the Waste Prevention Team.

### **Commercial Waste (Duty of Care)**

Any business that transfers waste within the city is required to keep waste transfer notes for 2 years from the transfer. WEU officers regularly conduct inspections of businesses (847 in 22/23) and issue fixed penalty notices 176 in 22/23) or report companies for prosecution (2 in 22/23) where transfer notes are not provided upon request. Inspections are mostly intelligence led, meaning there is evidence to suggest, or direct complaints that a company is failing to control their waste adequately. This change to a reactive approach is in direct response to the volume of work facing the team across the city.

### **Neighbourhood Enforcement**

The permanent team that we have was formed in January 2023. Following on from some shadowing and training the officers have had most of their impact since the end of March 2023, however a good amount of work was carried out during that period. Currently the NEO duties are as follows:

- Patrolling their wards and proactively conducting investigations into waste
- Responding to queries from members of the public, other departments and Councillors – predominantly this is via MAPSS reports
- Carrying out bag searches both proactively or in partnership with waste collection crews
- Carrying out duty of care inspections and issuing Demand for Information Notices on businesses
- Conduct door knocks and enquiries in Flytipping hot spots including generating reports for officers to carry out enforcement action where required

e.g. where we receive an admission of guilt or evidence pertaining to an offence.

- Generating cases of waste on private land for officers to issue Community Protection Warning and Community Protection Notices as required
- Liaising with Councillors and members of the public for “on site” meetings to discuss ongoing waste issues. This also includes spending time educating the public on best practical means for disposing of their waste.

Due to changes in the way the NEO work is being recorded the following are statistics for April/May 2023:

Duty of Care Inspections – 79

S.34 Fixed Penalty Notices for non-compliance – 19

S.33 Fixed Penalty Notices for Fly-tipping – 16

MAPSS Case Closures – 201

Community Protection Warnings for waste on land – 47

Community Protection Notices – 5 (we have seen a good compliance rate with CPWs and land being cleared)

As a result of the efforts of the NEOs, albeit yet at full capacity, 2 out of the 6 wards that were highlighted for the project areas due to levels of flytipping reports have, as of the end of 22/23 moved out of the top 6 wards for the total cumulative numbers of flytipping reports since 1<sup>st</sup> January 2022. On a monthly reporting bases for example reports received in March 2023, following the work of the NEOs, the priority wards were the 1<sup>st</sup>, 3<sup>rd</sup>, 5<sup>th</sup>, 15<sup>th</sup>, 17<sup>th</sup> and 29<sup>th</sup> wards. Steps are now being taken to review the wards within which the NEOs operate to reflect changing levels of reported flytipping.

### **Bins on Streets**

Bins on streets are a persistent issue across the city. With the decriminalisation of the s46 Environmental Protection Act 1990 process officers are now seeking alternate means of enforcing against persistent offending. Whilst still in its infancy the Unit are trialling the use of Community Protection powers (this approach is mirrored in other local authority settings) and have started a process of applying for a Public Space Protection Order in a pilot area of the city where bins on streets are a particular issue. This role also includes working closely with the Waste Prevention Team.

## **TRADING STANDARDS SERVICE**

The Trading Standards service deals with a wide range of enforcement activities. Details of our priority areas are provided below:

### **Age Restricted Products**

The prevention of the supply of age restricted products to minors remains a priority for the Service. Work in this area includes the sale of alcohol, cigarettes, vapes, knives, glue and other solvents, spray paints, fireworks and nitrous oxide. Prevention work includes advisory visits to retailers where complaints may have been received or to those who may have applied for a licence to supply alcohol. Most of this work is reactive rather than proactive due to resources. However, following funding provided by public health, two officers were employed to look at vapes and issues concerned with vapes during the year. This is detailed under Operation Miasma below

Further, intelligence-led test purchase exercises with the assistance of young volunteers are still undertaken. Where sales are made, enforcement action as well as licence reviews are considered.

Trading Standards received 139 requests for assistance concerning alleged underage sales of regulated products. Of these:

- 74 related to alleged sales of Ecigs/vapes to 27 young persons
- 27 related to alleged sale of cigarettes
- 20 related to alleged sale of alcohol.

In October 2022 13 test purchase attempts were made for vapes, six businesses failed the test and supplied to the young volunteer.

In a further test purchase exercise conducted in February, targeting vapes, cigarettes and alcohol, 7 premises were visited, and no sales were made.

A later exercise conducted in February at 9 premises resulted in two failures, one for alcohol and one for cigarettes.

Where an underage sale takes place, each case is subject to an investigation. Where the premise is an off licence, a review of the license is also instigated (see below)

### **Operation Guardian Knives Sales**

Operation Guardian is a combined unit of dedicated Police Officers plus Trading Standards, and is area driven rather than complaint response directed. Non-evidential enforcement exercises are done where several shops are visited by a young plain clothes officer (18) who attempts to buy a variety of offensive weapons, knives, axes, hatchets. machetes etc. Irrespective of whether a sale is made or not, the premises is then visited immediately by uniformed officers and Trading Standards. The owners are subjected to an intensive advisory visit and inspection, with an attempt to sign the

owner /premises up to a Responsible Retailer scheme. Two operations were conducted a) 8 visits made and 3 sales, b) 7 visits made and 5 sales made.

### **Nitrous Oxide**

There has been considerable concern at the supply of nitrous oxide cannisters. However, the product is not subject to age restricted legislation enforced by Trading Standards. Legislation enforced by the police does not allow a business to supply nitrous oxide to a person who they know does not intend to use it for legitimate purposes. However, this is very difficult to enforce in practice. Trading Standards have undertaken some advisory visits only to some retail premises. Government have announced intention to bring in additional legislation, the details of which are awaited.

### **Used Car Sales**

Buying a vehicle remains one of the single most expensive purchases a consumer will make (apart from property). Consumers are entitled to know 'material information' regarding a vehicle's condition and history before deciding to buy. They need to be assured that the vehicle is safe, correctly described and the status of the seller is not misleading in an attempt to erode the rights of the buyer.

#### **Example: Yew Tree Cars Vibart Road -Mohammed Sajid et al**

Birmingham City Council Trading Standards received numerous complaints from unsuspecting motorists. Mohammed Sajad, with two other co-defendants, sold dozens of vehicles, with consumers often being given false and misleading information about the vehicle. After a lengthy investigation, Trading Standards has sought to prosecute the individuals responsible.

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

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

Sajad has now pleaded guilty with sentence being imminent

### **Clean Neighbourhoods and Environment Act – nuisance car sales and repairs**

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

Fifty-five complaints were received, often involving persons who have started a car sales /repair business trading from their home. Where a breach has been identified, the seller is given advisory information. In some cases, planning enforcement are also notified as there may be a change of use of the property that requires planning permission. Officers also attend the area and place notices on the vehicles warning

the sellers that it is illegal to expose vehicles for sale on the road (if they were acting in the course of a business). This can act as a deterrent to potential buyers and make the sellers aware that trading standards are in the location monitoring cars exposed for sale on the highway.

### **Rogue traders**

Many trades people operate in the city across a broad breadth of professions without issue and without cause for concern. However, there is a minority of individuals that target vulnerable members of our society to scam, mislead and steal from them for personal gain. Trading standards deals with rogue builders, roofers and other home improvement trades due to misleading claims, overcharging for the work carried out, poor or unfinished work, unnecessary work or dangerous repairs.

Trading standards also deals with issues regarding targeted scams by letter, telephone calls and text messages and online. Victims of this type of pernicious crime are often elderly or considered vulnerable. Officers have been trained in dealing with victims and use those skills when undertaking visits with them. The Trading Standards Officer will also use this opportunity to raise awareness about a range of scams to try and empower the individual for the future. Officers will also gain intelligence from any business cards or flyers that may be left, and this is shared with the wider trading standards community.

Victims that have come to our attention have, on occasion, also been referred to Adults Safeguarding, as some victims have been and are at further risk of being financially abused by rogue traders. What we have found by doing these referrals is that Adults Safeguarding are not always able to assist with preventing these issues from recurring.

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

### **Waheed Butt**

A rogue trader was sentenced to 6 years at Birmingham Crown Court on 16 May 2022.

Waheed Butt (49) of Waylen Street, Reading RG1 7UP was jailed after pleading guilty to an offence of fraudulent trading under the Companies Act 2006. He was also disqualified from being a company director under the Company Directors Disqualification Act 1986 for eight years.

Following his guilty plea, Butt agreed to pay part refunds for 12 victims, including supplier companies, totalling £152,500.

Birmingham City Council's Trading Standards team launched an investigation in December 2019 after receiving numerous complaints from Butt's victims regarding WB Infrastructure Ltd, which had been contracted for various building works to their properties between February 2019 and September 2020.



Thousands of pounds were paid for extensions to be built, kitchens to be replaced and roofing, electrical and plumbing work to be done. In most cases, little or no work took place, and it was alleged the work that had been carried out was found by an independent building surveyor to be in a dangerous condition and required demolition.

The case was widely publicised in the local and the national press.

### **Hickman & Rose (24/7 Roofing Ltd)**

In May 2023, Gavin Hickman pleaded guilty to three counts of contravening the requirements of professional diligence contrary to regulations 3 and 8 of the Consumer Protection from Unfair Trading Regulations 2008. Matthew Rose, his co-defendant, pleaded guilty to two counts. Mr Hickman was then a Director of a company called 24/7 Roofing Ltd, involved in roofing and other building maintenance work, and Mr Rose was his employee. Much of the work they completed on properties fell below the standard typically expected of a reasonably competent contractor, caused through a lack of due skill and care.

Hickman & Rose worked on the properties of many consumers, often giving inflated quotes, charging for work they had not done and leaving work incomplete and/or work completed to a poor standard. The prosecution focused on 5 victims who had complained to Trading Standards or the Consumer Service. Between them, the victims paid out more than £16,000. They defendants are due to be sentenced at Birmingham Crown court on 07/06/2023

### **Rogue roofer**

A Birmingham consumer was persuaded to pay out £56,500 to two men who knocked at his door in November 2021, claiming to work for a legitimate roofing company based in Rugby. They were contracted to replace the main roof and a rear flat roof. They did minimal work, and by December 2021, no longer attended and the consumer could not reach them on their contact numbers. The Consumer was not given any paperwork.

A report conducted by an independent surveyor confirmed that the work to the main roof was not necessary and minimal work had been carried out. No work had been undertaken on the flat roof.

Trading standards have been unable to identify the 2 male suspects, but the consumer paid by bank transfer. The bank account holders were identified as 2 women based in Poole in Dorset. They were interviewed in November 2022 for Money Laundering offences.

A report is submitted to legal services

### **Lettings agents, Landlords and estate agents.**

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

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

### **M..... Properties**

A fixed penalty was issued to a letting agent under the Client Money Protection Schemes for Property Agents (Requirements to Belong to a Scheme etc). Regulations 2019

M..... Properties Limited, Birmingham was issued with a fixed penalty notice for the sum of £9450 for failing to have a client money protection scheme in place. Officers requested details of the scheme from the agent on several occasions, but no evidence was provided. Under the regulations, agents that hold client monies i.e., rent from tenants for landlords must have a government approved client money protection scheme in place. The business failed an appeal against the notice. Failure to have one could result in a fixed penalty fine of up to £30,000. A further breach is also for not having the details of the scheme published on the trader's website if they have one or at their place of business. This carries a penalty notice of up to £5,000.

### **Operation Jupiter**

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

### **Intel Led Approach**

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

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

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

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

### **Consumer Advice and Assistance**

Members of the public requiring consumer advice are referred to the Citizens' Advice Consumer Service (CACS). CACS provide consumers with advice about their rights, and what actions are open to them to resolve their civil disputes.

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

A total of 4654 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 several Regulations aimed at specific products.

Trading Standards received 222 safety related enquiries over the year. These related to various product types, but the highest numbers of complaints were about electrical goods, toys/games and then cosmetics.

### **Big Living Sanitiser safety case**

In July 2022, Big Living Ltd was found guilty of offences under the General Product Safety regulations, Business Protection from Misleading Marketing Regulations and Consumer Protection from Unfair Trading Regulations, for selling an unsafe hand sanitiser. The amount of ethanol contained in the "Chemistplus" hand sanitiser was false. Instead of being 75% in some samples it was found to be less than 30% rendering it to be ineffective as a sanitiser. The sales of the sanitiser took place during the covid pandemic. The ethanol content was so low that the sanitiser would not have protected users from covid. All three directors of the company were found guilty of offences. The case was adjourned to the 2 September 2022 for sentence and pre-sentence reports to be prepared. The company have since appealed

### **Personal Protective Equipment**

A business selling motorcycle protective wear equipment was visited in March 2023. The traceability and labelling of goods held in the warehouse was found to be wholly inadequate. All goods in the warehouse were suspended whilst testing of the equipment is being undertaken under the OPSS funding project. The investigation is on-going.

## **Referrals from Port Authorities**

The National Trading Standards (NTS) Safety at Ports and Borders provides direct funding to 15 local authority trading standards teams. Officers inspect items at ports, airports and postal hubs and detain unsafe and non-compliant consumer goods, including electrical goods, cosmetics and toys. Since 2015 over 6 million such items have been detained saving the UK economy an estimated £54m.

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

Birmingham Trading Standards receives many such referrals on a regular basis and where further investigation is required, the trader/importer is contacted.

Such interventions can lead to suspension of goods, forfeiture of goods and or prosecution.

## **Preventing scams**

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

## **NTS referrals Scams project**

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

TS are doing full background checks on victims to see if any further support is required by Adult Social Care. TS continue to provide scam awareness advice to those who have entered bogus prize draws and other scams.

## **Scam Alerts**

TS has been posting scam alerts of current scams on their twitter account and supporting the NTS Scams Team on campaigns on social media.

## **Scam Awareness Fortnight**

TS supported Scam Awareness fortnight 13-26 June 2022; the theme was scams around the cost-of-living crisis. The aim was to create a network of confident, alert consumers who know what to do when they spot a scam. TS promoted the campaign on their Twitter account. The social media campaign was well received, and one tweet alone earned 3,792 impressions

## **Operation Miasma Vapes / E cigarettes**

The supply of Vapes /Ecigs has grown significantly in recent years. Evidence indicates there is also significant prevalence of non-compliance amongst vapes suppliers.

The two main areas of concern are the non-compliance of the products themselves to UK Legislation, and the supply of vapes to young persons under 18.

Legislation imposed a maximum tank size on vapes of 2ml which equates roughly to 600 puffs. However, products with 'puff' counts of 3500 were widely available.

An Inspection in 2022 at a wholesaler In Birmingham resulted in the seizure of 3900 non-compliant vapes. Samples have confirmed many exceed the maximum tank size or do not comply with labelling requirements. An investigation ensued, with a report being submitted to legal services.

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

Later in the year further inspections have been carried out. At one wholesaler 9780 vapes were seized. The matter is under investigation with a report to be submitted to legal services. Further significant seizures have also taken place at retailers who had been previously advised. A number of these are also subject of investigations.

Underage sales exercises where vapes test purchases have been made have been reported above. Tackling underage sales of vapes remains a high priority.

## **Acquisitional Crime**

Illicit alcohol, cigarettes and counterfeit items.

Trading in illicit goods undermines legitimate business, creates a negative perception of the City resulting in a lack of investment in the City, and deprives the public purse of millions of pounds per year.

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

The trading standards actively pursue those individuals profiting from the ghost and illegal economy. There is recognition and evidence that this type of activity is operated by organised crime gangs, and that proceeds are used to fuel other activity that exploits individuals to grow the power base of these gangs.

Using the intelligence led approach, targeted visits are conducted at premises identified through consumer complaints or via information from other agencies.

Throughout the year, numerous consumer complaints were investigated, and premises visited to ensure compliance, resulting in the seizure of:

### **Operation CeCe Illicit Tobacco**

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

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

Over the course of the year, Birmingham Trading Standards has carried out 3 such enforcement exercises, visiting 18 retail premises, 17 of which were found to be non-compliant and removing/seizing more than 123,000 sticks of illicit cigarettes and 33kg of counterfeit hand rolling tobacco. Where appropriate, Licensing Reviews and prosecution of offenders are being taken forward.

A few worthy of note are:

- An Asian Sweet Centre where following intelligence received by Trading Standards, 188 packets of illicit packs of cigarettes were found concealed around the premises.
- A local store in the Small Heath area of the it, again following intelligence received, Officers discovered illicit tobacco - 369 packs vapes of either 3500 or 4000 puffs - well over the legal limit of 600 puffs, 105 packs chewing tobacco, 4147 packs various cigarette brands smuggled and or counterfeit and 81 pouches of counterfeit hand rolling tobacco. Trading Standards officers also found the seller was an illegal immigrant and, in the basement, 3 men sleeping in squalid conditions, also thought to be illegal.
- In another store in the Northfield area, over 500 illicit and or counterfeit products were discovered by Trading Standards officers concealed above the ceiling and within the wall of a rear storeroom of the premises.

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

### **Example: Sports/Movies Streaming**

A business was being operated which allowed consumers to watch premium sports and movie content without making payments to official providers. An investigation was commenced into the business for suspected offences under the Copyright, Designs and Patents Act 1988. The business is believed to have generated a

revenue over £300k during a three year period. Offences have been laid at the Magistrates' Court with the hearing scheduled for April 2024.

### **Example: Op Indica**

Investigations have continued following an exercise where 4 vehicles full of counterfeit goods were intercepted on the motorway, in a joint operation with West Midlands police.

A number of reports have been submitted with some defendants having been charged and awaiting trial dates.

Typical of these where more than 3000 items were taken from a fully loaded van, the value of genuine goods would have been approx. £400,000.

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

An Investigation continued following the seizure of 400 bottles of counterfeit wine in 2021. The company, along with others, were charged. The company has pleaded guilty, the case against others is part heard and will be completed later in June.

### **Example: eBay business selling counterfeits**

A business selling counterfeit clothing on eBay has been under investigation for offences under the Trade Marks Act 1994. The business is suspected of purchasing transfers with trademarks which were ironed on to blank pieces of clothing from their home address and then sent to consumers through Royal Mail.

### **Example: Two Online / Facebook retailers**

Trading Standards received intel that a trader in Tyseley was selling copy branded homeware items such as bedding, vases, clocks, lamps, lampshades, ornaments, handbag, clothing, footwear, rugs, towels, hair clips through Facebook.

An inspection by a team officers revealed a large quantity of counterfeit household goods an investigation is pending

### **Indus Food Ltd - Ahmed Pickles**

This case concerns the defendant company; INDUS Foods Ltd, who had imported a variety of AHMED branded pickle products directly from a manufacturer called Ahmed Foods International, based in Pakistan.

However only Ahmed Foods (Private) Ltd have their brand trademark protected in the UK. Consequently, all the 'Ahmed' pickles at Indus were deemed counterfeit, some 14004 jars were seized and a further 3444 embargoed.

INDUS FOODS LTD have pleaded guilty to all offences in September 2022 and are currently awaiting POCA and sentencing.

## **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 to enable them to raise objections or suggest measures for improvements. Applications were received and processed; these included new applications, and variation requests and reviews.

This year, Trading Standards submitted three licence reviews to be heard before the Licensing Sub-Committee.

### **Example: Hockley Convenience Store**

In October 2021 and January 2022, several issues had arisen with the business. There had been complaints of underage sales. On two visits, the running of the business appeared in disarray, there appeared to be sales of single cigarettes taking place, illicit tobacco was also discovered, and furthermore a small quantity of fireworks was also found on the premises.

At a review held on 25<sup>th</sup> April 2022 the business premise license was revoked Mr Sirwan Ibrahim Rashid was removed as the Designated Premises Supervisor

### **Example: S.A.T.Convenience Store, Hunters Road Lozells**

Following an underage sale of vapes and representation being made by Trading Standards, licence was suspended for 2 weeks with additional conditions being imposed, including further CCTV, regular staff training and records and keeping up to date refusals book.

### **Example: Seans Local Convenience Store Coventry Road, South Yardley**

Following an underage sale of vapes in October 2022, and subsequent representations by Trading Standards, the licence was suspended for 2 months. Conditions were imposed such as following Challenge 25 approach, asking for ID, keeping a refusals record, and having regular staff training.

## **Primary Authority**

Primary Authority gives companies the right to form a statutory partnership with a single local authority regarding areas of regulation. Birmingham Trading Standards has four such arrangements with the Royal British Legion, Marks & Spencer's, Cadburys and Wing Yip.

## **Operation Beorma – NTS lead by Regional Investigation Team**

In 2017 Birmingham Trading Standards was tasked by National Trading Standards (NTS) with drawing together intelligence surrounding purported significant



distributors of counterfeit goods, which were being sold at markets across the country. Birmingham was chosen as there was indication several of the distributors emanated from the Midlands area.

Since the beginning of the exercise, over 40 enforcement exercises have been conducted, with the Team working their way up the supply chain to those manufacturing and wholesaling the counterfeit goods.

The value of the seized goods now exceeds £10m, with significant cash seizures and Proceeds of Crime action on top of this.

The Team currently has 7 cases actively being worked on, with some trials set for later 2023 and other matters either in with Legal or due for submission to legal.

In the last year, two cases have concluded in court and one case with a partial conclusion

Usman Sikander and Wasim Mahmood had previously both pleaded guilty to offences relating to the supply of counterfeit goods. Usman Sikander was sentenced to 12 months imprisonment, suspended for 2 years, and ordered to do 20 days rehabilitation and have 3 months electronic curfew

Wasim Mahmood was ordered to a community order of 12 months, to undergo 25 days of rehabilitation and do 50 hours of unpaid work.

Usman Sikander was ordered to repay £25,000 as part of a POCA order

Saqlain Nawaz had pleaded not guilty, and the matter went to trial at Birmingham Crown Court. He was found guilty of all offences relating to the supply of counterfeit goods from 2 separate premises, with the offending being committed some 18 months apart. This showed a pattern of continuing offending.

Saqlain Nawaz is due to be sentenced on 30 May 2023.

Another case involved multiple defendants where one defendant has pleaded guilty to entering a conspiracy to supply counterfeit goods. The remaining defendants are set for a trial later in 2023

### **Anti-Counterfeiting Group Award**

*On 16 June 2022 the Anti-Counterfeiting Group (ACG) announced the winners of the 2022 ACG Awards for Excellence in Anti-Counterfeiting Enforcement at an event hosted by Phil Lewis, Director General at the ACG at the Chartered Trading Standards Institute (CTSI) Conference in Bristol.*

ACG Special Awards were awarded to CENTSA Regional Investigations Team with special mention to Mohammed Tariq.

Mohammed Tariq, a Senior Trading Standards Officer from Birmingham Trading Standards also won the highly commended 'Dave Hankinson Memorial Award for Individual Excellence' in recognition of his specific contributions to anti-counterfeiting enforcement work during 2021/22.

## **Weights and Measures**

There were 47 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.

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.

## **Frankfurt Christmas Market**

Trading Standards Officers continue to support inspections of the Christmas Market testing weighing machines at several stalls. And checking for compliance across the range of consumer protection legislation.

Prior to the event opening, an information pack compiled by Trading Standards is provided to the event organisers for the stall holders. This covers a variety of consumer protection legislation such as those relating to weights and measures, product safety and pricing. This year 400 glasses/optics inspected 20 weighing machines tested

This is a key event for the City and plans begin early on in the year to ensure that visitors to the market are safe and that only safe products are available for sale

## **Other Trading Standards Cases**

**Copy Cat** website for Birmingham clean air zone payments is currently being investigated at an early stage. POCA officers are also involved.

## **Proceeds of Crime**

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

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

Throughout the past year, over 35 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, 15 applications were made for over 50 Production 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.

Cash seizures of £150,000.00, £9,500.00, £3415.00 and £1050.00 have been made. The criminal element to all is still ongoing.

Restraint Orders were made against 6 defendants restraining property valued at over £1/2 million. These cases have not yet been concluded.

During the period 2022/2023 there were 6 Proceeds of Crime Act confiscation hearings at the Crown Court, involving 9 defendants. All 6 hearings were found in favour of Birmingham City Council and, 9 Confiscation Orders were made, totalling £195,564.00.

Out of the Confiscation Orders made £42,205.68 was ordered to be paid as compensation to victims who gave evidence as part of their respective cases.

During 2022/23, over £150,000.00 was paid in by various defendants as a result of Confiscation Orders made during this year and in previous years.

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

As part of a disruptive exercise, working in conjunction with the national Crime Agency a major fraud involving the none supply of "Air fryers" was prevented with all victims receiving their money back.

### **Trading Standards Website**

The Trading Standards website consists of 20 pages within the Birmingham.gov.uk website. The pages cover a variety of subjects and include useful information and links for consumers and businesses. The pages and content are regularly updated by the Trading Standards editor. The total number of views of the Trading Standards website was 47,528 in the last year. On the landing page there is a live Twitter feed, which was created so that our latest Tweets appear on the page.

### **Trading Standards Twitter**

The @bhamts twitter account has 3,019 followers. Many advisory tweets are posted each day on scams awareness, current scam warnings, doorstep crime, financial abuse, electrical safety, weights and measures, hallmarking and other current issues. The account has supported the following campaigns e.g., Sun safety, button battery safety, Gas safety week, NTS Scamnesty month Scam awareness, Loan sharks Christmas scams, Take Five scam fraud campaigns every month etc.

The TS account also supports the main Birmingham City Council twitter account on various campaigns such as Mental health awareness week, Commonwealth Games, Cost of Living, Council tax support, Covid 19 vaccines, International Women's Day, Rough sleepers. Birmingham Pride, Queens funeral etc.

### **Commonwealth Games**

In the weeks building up to and including the Games duration, Trading Standards Officers worked with colleagues from Environmental Health and Licensing with police assistance.

Trading Standards were tasked specifically with ensuring no illegal trading took place in the controlled zones, under legislation specifically introduced for the Commonwealth Games.

Officers dealt with issues of pedlars operating in the controlled zones, buskers in the controlled zones. The individuals were advised and moved out of the controlled zones. Officers seized some flags that were being sold from the controlled zones, the individual was warned on 3 occasions to move out of the controlled zone. Officers seized some toys that did not comply with product for safety law.

One gentleman who was persistent in attempting to sell food near the stadium had some of his goods removed

In the city centre, one busker who refused to move had his amplifier seized.

### **Trading Standards Outputs 2022/23**

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 4654 requests for assistance were received by the Service last year. 38 of these were requests for advice from businesses. 17 prosecution files were submitted.

Due to the court backlog following the pandemic 6 successful prosecutions and 3 cautions were concluded.

<b>LEGISLATION</b>	<b>ses</b>	<b>Offences</b>	<b>Fines</b>	<b>Costs Awarded</b>	<b>Other Penalty</b>
Companies Act 2006 Tobacco and Related Products Regulations 2016**	1 2	1 12	0 £2,500	0 £4,309	6 years imprisonment & company director disqualification x 8 years 80 hours unpaid work
Consumer Protection from Unfair Trading Regs 2008 ***	1	5	£0	£0	14 weeks imprisonment and £750 compensation
Trade Marks Act 1994	1	1	£360	£1,185	
Fraud Act 2002	1	1	£0	£1,000	26 weeks custody suspended for 12 months and 26 weeks curfew and 15 rehabilitation days
<b>TOTALS</b>	<b>6</b>	<b>20</b>	<b>£2,260</b>	<b>£6,494</b>	

### **Birmingham City Council hosted England Illegal Money Lending Team.**

34 warrants were executed in 28 operations this year, culminating in 33 arrests and the seizure of cash and documentation relating to illegal money lending. The total amount of cash seized during the execution of these warrants was £151,535 and legal proceedings have been initiated against 23 individuals.

There were 355 contacts with victims in 2022-23, the majority of these were offered emotional support and safety advice. There were also referrals to credit unions, housing, debt advice and mental health services. The team dealt with over £920,365 of new victim debt during the year.

The team have trained over 23,000 frontline staff, the majority being online but face to face training sessions beginning to increase over the year.

The team has developed two types of new training. One is an online training session that can be done as part of mandatory training rolled out annually by Councils and other public sector bodies. This will be piloted with Birmingham City Council. The second is workshop style training aimed primarily at the debt advice sector around having “difficult conversations”.

Work is ongoing with Birmingham NHS Wellbeing Team to deliver:

- Face to face training session for Staff, HR and Managers
- Anti-loan shark Information on social media internal and external
- Partner recognition program

Work is ongoing with the Centre for Social Justice and the debt advice sector to identify blockages in intelligence flow to IMLT from debt advice agencies. Report launched 3 April. IMLT have developed new training for debt advisers and have offered it to every FCA regulated debt advice agency in England.

Work is ongoing with Incuto to develop an algorithm that helps identify illegal lending in bank transactions.

Fortem are the Birmingham City Council repairs contractor. Meetings are held with them, and they have several contracts across England. They will look at giving out IMLT leaflet as part of their repair visit. Training was held in early March, and this will be rolled out across England.

### **Trading Standards Institute Young Consumers Award**

A creative competition for West Midlands schools is being co-ordinated by the Trading Standards Institute with winners (short story/rap/song) being announced at the conference in June 23.

### **Regional investigation Team**

Operation Beorma is an investigation in to counterfeiting and its association with networked organised crime. This investigation has been ongoing for 5 years and

has resulted in numerous cases being undertaken and concluded. We have had two cases conclude in court in the last year.

### **Case 1**

Usman Sikander and Wasim Mahmood had previously both pleaded guilty to offences relating to the supply of counterfeit goods.

Usman Sikander was sentenced to 12 months imprisonment, suspended for 2 years, and ordered to do 20 days rehabilitation and have 3 months electronic curfew  
Wasim Mahmood was ordered to a community order of 12 months, to undergo 25 days of rehabilitation and do 50 hours of unpaid work.

Usman Sikander was ordered to repay £25,000 as part of a POCA order

### **Case 2**

Saqlain Nawaz had pleaded not guilty, and the matter went to trial at Birmingham Crown Court and was heard over 5 days.

He was found guilty of all offences relating to the supply of counterfeit goods from 2 separate premises, with the offending being committed some 18 months apart. This showed a pattern of continuing offending.

Saqlain Nawaz was sentenced in May 2023 to 27 months imprisonment.  
We continue to pull together multiple files relating to other matters, with cases currently with legal and still in the compilation phase. These include case files against alleged manufacturers as we have worked our way up the supply chain to the UK source of the suspected counterfeit goods.

### **Case 3 – Part concluded**

Finally, we have a case involving multiple defendants where one defendant has pleaded guilty to entering a conspiracy to supply counterfeit goods. The remaining defendants are set for a trial although the trial has very recently been put back to October 2024.

We have multiple other cases either with legal or in the case building process. The value of the seized goods across the many enforcement exercises now exceeds £10m, with significant cash seizures and Proceeds of Crime activity on top of this. The RIT continue to pull together multiple files relating to matters such as rogue builders, scams and cons and other consumer detriment, as well as support the central region Trading Standards to investigate cross border matters. Several court cases are currently in the system but have been delayed due to the pandemic.

## **REGISTER OFFICE**

The Registration Service is a statutory function which Birmingham City Council is required by law to provide in terms of accommodation and adequate staffing to register all civil events within a specified national time frame. These events include:

- the registration of births, deaths, stillbirths, marriages and civil partnerships,
- conversions of civil partnership to marriage,
- attesting the legal preliminaries to marriages, civil partnerships and conversions,
- the provision of a certificate service
- the provision of citizenship ceremonies.

All events to be registered are those which occurred within the boundary of the city. In discharging these functions, registration employees officiate at ceremonies at the Register Office in addition to approximately 60 approved premises. They also attend and register marriages taking place at religious buildings. The service also provides the statutory citizenship ceremonies, a change of name service and other non-statutory civil ceremonies. The Service is directed by the Registrar General, whose General Register Office is part of HM Passport Office. It is administered locally by Birmingham City Council and the Proper Officer for Registration Matters is Sajeela Naseer, Director of Regulation and Enforcement City Operations Directorate

### **Service Delivery**

<b>Event</b>	<b>2018/19</b>	<b>2019/20</b>	<b>2020/21</b>	<b>2021/22</b>	<b>2022/23</b>
Birth registrations	23335	21628	20446	20228	20093
Still –birth registrations	133	109	111	113	116
Death registrations	9099	10372	13418	10960	11702
Birth re-registrations	667	563	76	230	357
Marriage Ceremonies	1499	2351	639	2376	2344
Civil Partnership Ceremonies	8	31	42	66	53
New British Citizens	2809	2874	1973	4872	4638
Notice of Marriage	7058	6838	4108	4062	6982
Notice of Civil Partnership	22	119	119	116	142
Total Primary Customers	53217	54224	45840	49643	55948

In 2022-2023, 2397 marriage and civil partnership ceremonies took place, 453 of which were at the City's approved venues. There have been 10 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. There were also 3 housebound marriages.

Registration staff made 167 S24 reports of possible offences relating to sham marriages during the year.

53 civil partnership ceremonies took place in the City over the year, of which 12 were same sex and 56 marriages were same sex.

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

69253 certificates of birth, marriage, death and civil partnership were issued to the public at first time registrations. The declining trend in issued certificates is likely to be due to an increase in the number of organisations utilising the Tell Us Once service and death notification service and organisations accepting scanned copies of certificates rather than an original following measures put in place during the Covid 19 pandemic. The Service processed 4950 priority applications for certificates.

During 2022/23, the Service received £2,435,446.50 income generated from statutory and non-statutory fees. It should be noted that statutory fees which form the majority of fees have not increased since 2018.

In addition to providing statutory registration services officers have:

- Attended Faith Advocacy and NHS Bereavement Group meetings.
- Attended various homes, hospitals, and secure units to obtain a birth or death registration in emergency circumstances.
- Participated in valuable partnership working with central government bodies such as, DWP and the General Register Office.
- Participated in more local partnership working with organisations such as BCC Children Centres, Approved Premises and religious bodies as well as 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.

## **Challenges to the Service**

During 2022/23, the Service remained in covid 19 recovery dealing with a number of backlogs including births registrations caused in part by the legislative suspension of birth registrations, re-registrations and corrections during the early months of the pandemic. It caught up with the demand for notices of marriage/civil partnerships and orders for certificates whilst continuing to register a higher than average number of deaths. The Service is continuing to deal with a significant backlog of birth registrations.

Reducing backlogs was achieved against a back drop of reductions in staffing levels during 2021/22 – 2022/23 . The Service had a number of vacancies at every grade resulting in a concentrated recruitment effort leading to the recruitment to over 20 posts. The pandemic has led to changes in working patterns with an emphasis on hybrid or home working. During the Covid 19 pandemic temporary legislation permitted remote death registrations, which enabled designated registration staff to work from home. The ceasing of this easement in March 2022 however resulted in a return to in person registrations and office based working. Attracting staff to office based working has proved to be a challenge and, in keeping with the national trend, the recruitment of staff new to registration services has been of limited success. Over the last two financial years, significant resources have been channelled into recruitment and subsequent training. Appointing to remaining vacancies is ongoing.

Legislative changes have permitted documentation such as the Medical Certificate of Cause of Death (MCCDs) to be transmitted electronically. Although designed to improve the customer journey this change has resulted in the need for an additional resource to triage the documentation upon receipt, which has impacted on registration capacity. The Service has experienced delays with the receipt of documentation due to NHS resourcing issues and the Medical Examiner Scheme, which has impacted on the timeliness of death registrations.

The Service has experienced higher levels of sickness, particularly long- term sickness following the commencement of the Covid 19 pandemic which has impacted on availability and flexibility of staffing resources.

## **Key Performance Indicators**

The continuing heavy workload of the Registration Service and limited employee resource has impacted on the ability of the Service to deliver civil registration in a timely manner. The General Register Office which has overall responsibility for civil registration has raised concerns about the failure of the Service to meet some of its Key Performance Indicators particularly around the timeliness of birth and death registrations. Measures have been introduced to improve against these KPIs, including partnership working with Solihull, however significant inroads will be made as staffing numbers increase.

## **Designated Register Office (DRO) status**

Prior to changes in legislation, Birmingham was one of two registration Districts in the Midlands with Designated Register Office (DRO) status i.e. it dealt with citizens wishing to marry who are subject to immigration control. Under legislative changes, which came into effect on 01.07.21, all Register Offices were granted DRO status. This had the potential to impact on the volume of notices the Service took from foreign nationals, however the Service has continued to take over 1000 notices from foreign nationals a year, consistent with pre-pandemic and pre-law change.

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

## **Marriage Schedules**

In May 2021, marriage registers ceased and marriage schedules were introduced. This change required additional resource as marriages and civil partnerships were required to be recorded by local registration services rather than the General Register Office and all hard copy registers were required to be obtained from religious buildings.

## **Service Improvements**

There has been significant investment in the ceremony suite with all rooms redecorated, and new furniture purchased for the largest ceremony room including a feature backdrop and arch, shown below.

Framed royalty free images from local photographers of Birmingham' landscape are displayed around the ceremony suite and office. Large landscapes in public corridors are to also to be displayed.

Public reception areas have also been refreshed to improve the customer experience. Stylised images of ceremonies displayed in key public areas have increased uptake of the ceremony rooms in a matter of weeks.

The ceremony courtyard is in the process of being refurbished with new features and planting schemes. Focal photographic points have been included to encourage guests to take pictures/selfies to post on social media to drive engagement, shown below.

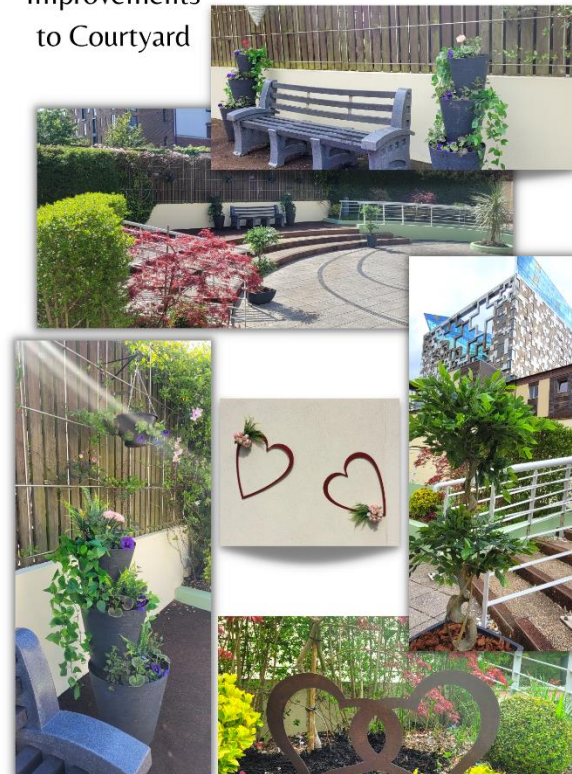
The Service has been successful in opening dedicated register office social media accounts. Social media will be used to advertise the ceremony suite related services such as baby naming ceremonies as well as spotlighting approved premises around the city such as the council's own venues e.g. the Council House and Highbury Hall.

The Service is at the scoping stage of a digitisation of historic registration records.

### Improvements to Ceremony Suite 3



### Improvements to Courtyard



## Income Generation

The ability of the Service to generate additional income is limited as the majority of the fees are of a statutory nature.

The provision of a birth or death registration has to be given free at the point of service. The fee for a birth, death or marriage certificate was increased by statute to £11.00 in February 2018. A statutory priority certificate production fee was also implemented in February 2018. These changes impacted Birmingham's ability to generate income since following legal advice, the Service is no longer able to provide its popular and lucrative tiered certificate production service or apply a certificate processing fee. The remaining statutory fees have not been increased. There is an ongoing national review of statutory services which are currently provided free of charge. The cost of provision of statutory services continues to be cost ineffective.

The non- statutory fees and charges are reviewed annually with a number of none statutory fees having been revised to help improve the Services' financial position.

The Service recommenced its change of name service in 2022/23 and was able to offer an increasing number of private citizenship ceremonies.

By having a social media presence and refurbishing the ceremony suite and courtyards the Service aims is to attract more business and generate more income.

## **Coroners & Mortuary Service**

### **Statutory requirements**

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

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

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

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

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

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

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

- The provision of a mortuary for the reception and storage of bodies of people who have died in Birmingham and Solihull where the Senior Coroner orders a Post Mortem.

- Additionally the Human Tissue Act 2004 regulates how Post Mortems are conducted and the security of the bodies and associated tissues.

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

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

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

- Admitting and properly handling bodies with dignity, respect and traceability.
- Arranging the attendance of pathologists and assisting them in undertaking post mortems.
- Arranging Computed Tomography post mortems (CTPM), arranging for collection of the deceased, transfer to and from the CTPM facility, dealing with reports and assisting the pathologists with their examination of the deceased.
- Taking blood and tissue samples for analysis and administering their processing through to disposal in accordance with HTA requirements.
- Preparing bodies to facilitate viewings and identifications of the deceased by the bereaved and release to undertakers.

- Providing a 24/7 call out service to accept bodies in liaison with police, ambulance, hospitals etc.
- Securing personal belongings.
- Release of bodies to funeral directors.
- Cleaning of the mortuary and laundry of clothing used.
- Supporting the DCI in respect of HTA requirements

### **Birmingham and Solihull Coroner's Service**

The Coroner's and Mortuary services are provided by Birmingham City Council for the Birmingham and Solihull Coroner's Area. Solihull Metropolitan Borough, through agreement, is not involved in the management of these Services, but contributes to the net cost of the service by an annual payment based on the relative population of the Borough – currently Solihull MBC pays 16.1% of the net cost of the services provided.

All figures in this report include deaths in Birmingham and Solihull

### **Current Organisational Assessment**

There continues to be a year on year increase in death referrals since the benchmark figure was set in 2014 (see below tables) and a significant increase in the number of post mortems undertaken.

This has been further impacted by the significant winter pressures and increased deaths partly due to flu and Covid experienced nationally during the winter of 22/23. As a result, the Coroners service has seen a high increase in the number of referrals in the past year.

Following the pandemic, which saw changes in the ways doctors communicated with their patients to use of telephone appointments as well as other virtual means and the cessation of the Coronavirus Act on 24th March 2022, referrals to the Coroner have increased. This is because medical examiners and some doctors are unable to provide the medical certificate of cause of death for the deceased, due to the fact that although the provision for a doctor who has treated the patient in the last 28 days to offer this remains, consulting with the patient over the telephone does not constitute seeing the deceased, this large increase in referrals looks set to be sustained unless legislation is changed.

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

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

### **Quantity of work**

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

The following tables indicate the workload of the service:

### Number of deaths notified to the Coroner

Year	Number of deaths notified to the Coroner	Year on Year increase	Increase on 2014 baseline
2014	4,284	-	-
2015	4,805	12.2%	12.2%
2016	5,080	5.7%	18.6%
2017	5,203	2.4%	21.5%
2018	5,327	2%	24.3%
2019	5362	0.6%	25.1%
2020	5693	6.1%	32.8%
2021	5851	2.8%	36.5%
2022	6000	2.5%	40%

From this table the number of deaths notified to the Coroner has increased every year and not gone down after the Covid pandemic as expected. This is following changes in legislation and the fact that Doctors are not seeing patients face to face as often, and where they have not done so within 28days of death, they are unable to provide a death certificate. Since the baseline of 2014 there has been an increase of 40% in the Coroners workload.

### Number of inquests completed

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

Inquests were halted for a period during the covid pandemic and were limited prior to moving to the new court building once they resumed due to the inability to facilitate social distancing in the old court, resulting in a heavy backlog. Despite this the average time for an Inquest to be concluded is 14 weeks compared to the national figure of 30 weeks. 44% of Inquests are dealt with in less than a month, with 55% in less than 6 months (99% less than the target of 6 months). During the calendar year 2022 there were 795 inquests closed. 33 of which had been open for more than 12 months. As of 31 December 2022 there were 242 open Inquests of which 50 had been open for more than 12 months

## The number of Out of England Forms

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

In 2022, 252 cases resulted in Out of England forms being issued, representing 4% of all deaths reported to the Coroner, higher than the national average of 3%.

## Percentage of notified deaths resulting in inquest

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

## Benchmarking

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

## People Resources

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

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

The Senior Coroner, Area Coroners and their Assistants are supported by 8.2 Coroner's Investigators (was 6), 3 Coroner's Support Officers and 11.2



Administrative Officers (was 8) and a position for an apprentice assistant paralegal secretary is being job evaluated.

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

There is a national shortage of qualified pathologists to undertake this work. Officers are working hard to secure additional support and to alleviate the demands on the core group supporting the coroner.

## **Capital Projects**

### **The New Coroners' Court**



The old Birmingham Youth Court on Steelhouse Lane in the City Centre was purchased by Birmingham City Council in May 2020. The building underwent considerable refurbishment to create 3 courts, including a jury court and a multi faith room. The service moved to the new facility in November 2021.

## The Central Mortuary

### The number of Post Mortems carried out

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

The number of Post Mortems being carried out increased in 2022 reflecting the increase in number of referrals and the percentage of referrals that required a post-mortem to establish the cause of death. 56% (1052) of post mortems were standard, 44% were non standard requiring special skills such a paediatric/pathologist specialist and are charged at a higher rate.

With effect from 1 July 2019, with funding provided by BCC, the Birmingham and Solihull Coroner agreed to a 12 month pilot for provision of Computed Tomography Post Mortems (CTPM) with IGENE (now Digital Autopsy UK) for a minimum of 250 suitable cases. The pilot was extended further during covid and subsequently extended to the 30<sup>th</sup> September 2023 for an increased number of 500 cases. We are currently looking to extend this contract for up to a further 2 years as this is the single supplier within a 25 mile radius of the City.

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

A capital bid programme was launched in 2022/23 to produce a business case to determine if the current central mortuary is suitable for the future or whether the council should look for a new facility. Acivico and a Birmingham Property project Officer are producing a study and options report for the council to consider. This is expected around December of 2023.

## **LICENSING**

### **Background**

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

The service moved to this location from its former premises at Ashted Lock in February 2020, just weeks before the first COVID-19 lockdown was announced. These 2 events in such quick succession led to a significant impact on the service. Applications which would have been made in person with hard-copy documents had to be rapidly replaced with a makeshift system of emails with attachments.

### **New Software System**

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

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

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

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

The implementation has been significantly hindered by Covid – preventing face to face meetings and development or training workshops – but the first phase of the implementation- (back office function and public register) is now complete.

Phase two will involve the ability to make online applications and payments – enabling customers to track the progress of their application online. Phase two is currently in the test phase, but is anticipated to go live by Autumn.

### **Commonwealth Games**

Officers from Licensing contributed to the Games in several ways:

In the planning stages, officers provided advice on the need for new or amended premises licences, contributed to Safety Advisory Groups and produced guidance and information on licensing matters.

During the Games, officers carried out inspections and compliance activities, in partnership with colleagues across the Directorate and other partner agencies, building good relationships between teams which continue to provide a positive impact.

### **Training**

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

### **General Licensing**

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

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

The number of licences, registrations and permits issued by the team during the year 1<sup>st</sup> April 2022 until 31<sup>st</sup> March 2023 can be broken down as follows:

<b>FUNCTION</b>	<b>LICENCE TYPE</b>	<b>NUMBER ISSUED</b>
Licensing Act	Premises New	180
	Variation	52
	Variation DPS	233
	Transfer	129
	Provisional	0
	TENs	955
	Personals	479
	Minor Variation	121
	Club Premises New	0
	Club Premises Variation	1
	Club Premises Minor Variation	1
Gambling Act	Premises New	3
	Premises Transfer	6
	Premises Re-Instatement	0
	Premises Variation	3
	Gaming Machines Alcohol New	3
	Gaming Machines Alcohol Transfer	0
	Gaming Machines Alcohol Variation	9
	Gaming Machines Alcohol Notification	7
	Prize Gaming Permit	0
	Gaming Machines Club Fast Track Conv.	0
	Gaming Machines Club New	0
	Provisional Licence	0
	TUNs	0
	OUNs	1

<b>Sex Establishments</b>		
Sex Shop/Cinema	Grant	0
	Renewal	5
	Transfer	0
	Variation	0
Sexual Entertainment Venue	Grant	1
	Renewal	5
	Transfer	0
	Variation	0
	Minor Variation	0
Massage & Special Treatments	Grant	31
	Renewal	50
	Variation (Additional Treatments)	0
	Transfer	0
Societies Lotteries	Grant	14
Street Collections	Grant	79
House to House Collections	Grant	32
Skin Piercers	Grant	279
Scrap Metal - Collectors	Grant	3
	Renewal	1
Scrap Metal - Sites	Grant	5
	New Site Manager	0
	Renewal	2
	Minor Variation	0
<b>Total for year</b>		<b>2690</b>

A further 155 transactions, when copy/replacement licence and other sundry transactions are taken into account.

The figures shown do not reflect the number of current licences, registrations or permits at any given time, but detail the number of applications completed during the period 1<sup>st</sup> April 2022 until 31<sup>st</sup> March 2023.

## **Hackney Carriage and Private Hire Licensing**

The Hackney Carriage and Private Hire Licensing Team issued 8,163 licences during 2022/2023, and conducted a further 436 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 2023 the number was 110 (compared to 105 on 4 April 2022).

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

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

## **Licensing Policy**

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

## **Licensing Enforcement**

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

In addition to the team's own Licensing Enforcement Officers, a Police Officer is seconded to the team as Taxi Liaison Officer. PC Greg Ward joined Licensing in February 2022.

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

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

Apart from the routine matters of illegal plying for hire and driving without insurance, the following are some examples of cases that were concluded in 2022/2023:

- An unlicensed driver was prosecuted for two offences of fraud, 3 times plying for hire, 3 x no insurance 3 x acting as a private hire driver following a

complaint from a passenger about overcharging. We were assisted in this case by Digbeth Coach Station and Wolverhampton City Council staff.

- Unusually this year we prosecuted two cases against private hire drivers for parking on a hackney carriage ranks resulting in £200 in fines and £624 in costs.
- Two cases of illegal street trading were finalised with fines totalling £2000 and costs awarded of £2,207

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 2022 to 31 March 2023, the team dealt with 1,912 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, 493 licensed premises were inspected in response to either a request for assistance (RFA) from a member of the public or other business or as part of an ongoing assessment of risk.

Inspections completed 2022/23 by type:

Complaint Inspection – 2

Driver Inspection – 51

GA05 Inspection – 40

LA03 Inspection – 244

Licensing Compliance – 124

Licensing Enforcement Inspection – 60

Licensing Initial Inspection – 1

Licensing renewal Inspection – 2

Scrap Metal Inspection – 6

Scrap Metal Site – 2

Sex Establishment Inspection – 12

Vehicle Inspection – 43

Total – 587

During the year stop check exercises were conducted across the city in conjunction with officers from West Midlands Police as part of police MARSO exercises. At a stop check, vehicles and drivers are inspected to ensure compliance with our conditions of licence. Licensed drivers caught committing non-licensing offences such as not wearing seat belts or other road traffic offences are dealt with by 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.



## Prosecutions

### Numbers of Cases

In 2022/2023 Licensing Officers submitted prosecution reports against 14 defendants and administered 54 simple cautions. During the same period 8 prosecution cases were finalised at Court.

### Costs and Fines

Fines totalling £3,379 were imposed and costs of £7,256 were awarded to the City Council.

LEGISLATION	CASES	OFFENCES	FINES	COSTS AWARDED	OTHER
Local Government (Miscellaneous Provisions) Act 1976 S64	2	2	£200	£624	
Local Government (Miscellaneous Provisions) Act 1982 Schedule 10(1)(b)	2	5	£2,000	£2,207	
Licensing Act 2003	1	5	£660	£2,861	
Town Police Clauses Act 1847/Road Traffic Act 1988	2	4	£519	£1,188	14 penalty points
Fraud Act 2002 Sections 1 & 2 (includes 3 x TPCA, 3 x RTA & 3 x LGMP Sec 48)	1	12	0	£500	12 mth comm order, 60 hrs unpaid work + 24 points & 6 mth disqualification
<b>TOTALS</b>	<b>8</b>	<b>27</b>	<b>£3,379</b>	<b>£7,380</b>	

### Work of the Licensing Sub-Committees

Sub Committees considered 104 applications:

Grant of Licence	50
Variation	5
Temporary Event Notice (TEN)	13
Personal	2
Expedited Review	7
interim steps	8
Review	9
Transfer	1
Gambling Act	7
SEV grant	1
SEV renewal	1

Hackney carriage and private hire matters have been delegated to a senior officer panel since 2020. In 2022/23 the panel determined **326** matters.

### Immediate Suspensions and Revocations.

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

In 2022/23 there were six suspensions and two revocations for issues such as: sexual assault; drugs related matters; alcohol related offences and other assaults.

### Appeals against Sub Committee (and delegated ) Decisions April 2022-March 2023

Outcome	Magistrates' Court	Crown Court	Total
Dismissed	5	1	6
Allowed	4	1	5
Allowed in part	1		1
Withdrawn pre- or at Court	3		3
Other	2 x Consent Order 2 x adjourned		4
TOTAL			19

## **Street Trading**

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

In 2022/2023 we had 43 applications for street trading consent of these five were declined as being unsuitable either because of design, location or failure to pay fees.

The location breakdown of the approved traders is

8 City Centre locations

10 Football Stadia

20 outside City centre

The team continues to work with partners including the police, City Centre management and other departments to prosecute those illegally street trading. These prosecution numbers are included with the Licensing enforcement figures above and a further four files have been submitted to our legal team for consideration.

## **Private Rented Service**

The Private Rented Services comprises several teams and service areas.

**The Private Tenancy Unit** – are responsible for offering advice and guidance to tenants about their rights and to landlords about their statutory responsibilities. The team supports tenants where landlords are not following processes for ending tenancies and acting illegally. Officers will determine whether the correct legal processes have been followed where tenant are issued notices to end tenancies and aim to prevent homelessness wherever possible. Enforcement action can be taken where there is evidence of illegal eviction. In 2022/23 the team received 3,072 enquiries from tenants seeking advice following issues with their landlord. In addition, officers investigated 68 complaints of harassment, dealt with 72 threats of illegal eviction, and carried out 146 possession procedure checks.

**The Customer Service Advisors** – provide the customer face to the whole of the service and ensure that the correct teams get the referrals through from the duty phone line and the PRS mailbox. They provide the administrative support for the service, including handling complaints, and they raise invoices and check manual HMO applications. They also assist officers with regulatory tasks if necessary.

**The Housing Enforcement Team** – are a team of qualified Environmental Health Officers who respond to complaints about disrepair in private rented accommodation (excluding exempt accommodation). They receive complaints from tenants and try to work with landlords to ensure that necessary repairs are carried out. They work predominantly but not exclusively with the Housing Health and Safety Rating System and the Housing Act 2004. If repairs are not carried out or a Category 1 hazard is present, enforcement action may become necessary. This can include a legal Notice to carry out works, or in extreme cases the closure of a property. In 2022/23 the team secured improvement to 358 private rented properties because of our intervention.

**The Section 82 Environmental Health Team** – comprise 3 qualified Environmental Health Officers who inspect council properties to provide an expert report for City Housing when they are challenged by tenants who make a formal complaint through Section 80 of the Environmental Protection Act 1990. They determine if a Statutory nuisance is present and draft a schedule for abatement. If there is a legal challenge, they are the independent expert professional witness for the Council. The officer's currently visit and formally inspect more than 50 properties per month.

**The High-Rise Fires Safety work** – is covered by a Project Manager who is co-ordinating the enforcement policies and processes required to remediate private residential high-rise blocks across the city. Working with the Joint Inspection Team (the JIT, funded by Department of Levelling Up and hosted by the Local Government Association) we will be developing a response to ensure that the appropriate resources and partnerships are in place to carry out remediation of the high-rise blocks post Grenfell.

**The Housing in Multiple Occupation (HMO) Mandatory Licensing Team** - The HMO Mandatory Licensing Team, licenses all HMOs which consists of five or more

unrelated people who form more than one household and share amenities such as bathroom, kitchen and at least one tenant pays rent.

The team has the power to take enforcement action against landlords who operate unlicensed HMOs and those who do not adhere to the conditions of their licence and HMO management regulations. In 2022/23, 192 HMOs were inspected, due to increased resources in the team the target for this year is significantly increased.

**The Empty Properties Team** - Residential empty properties can be dangerous and affect the aesthetic of an area. In addition, it is a valuable resource given the demand for housing in the City. The Empty Property Team uses a variety of powers available to encourage owners of such properties to bring them back into use. Where owners will not engage, the Council has power to deal with the issue including compulsory purchasing properties. In 2022/23 the team brought 196 private sector empty properties back into use.