

**BIRMINGHAM CITY COUNCIL**

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

**17 JULY 2019**  
**ALL WARDS**

**REGULATION AND ENFORCEMENT  
ANNUAL REPORT FOR WORK DELIVERED IN 2018/19**

1. Summary
  - 1.1 The report advises on the work undertaken during the year April 2018 to March 2019 by the Regulation and Enforcement Sections: Environmental Health, Trading Standards, the Register Office, Licensing, the Coroners and Mortuary service and the England Illegal Money Lending Team which report to your Committee.
2. Recommendation
  - 2.1 That the report be noted.

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### 3. Background

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

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

3.2 The operating model for Regulation and Enforcement which was implemented in 2010/2011 has continued to deliver both statutory and other services that fulfil the corporate priorities of Birmingham City Council.

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

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

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

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

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

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

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

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

#### 4. Implications for Resources

- 4.1 The activities detailed in this report were undertaken within the reduced resources available to your Committee.
- 4.2 The Illegal Money Lending project for England and the regional Scambusters team are currently fully funded by Central Government by the Department of Business, Innovation and Skills (BIS) through a governance arrangement with the National Trading Standards Board. The budgets for these projects have been reduced and the consequences managed through staff reductions and reduced expenditure. These resources are ring fenced for this specific activity and claimed through an expenditure invoicing procedure.
- 4.3 There has been a reduction in resources available to deliver services within Environmental Health, 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

- 4.4 This has also resulted in a reduced number of budgeted FTEs within two service areas following the implementation of the Environmental Health and Trading Standards Future Operating Model.

#### 5. Implications for Policy Priorities

- 5.1 The services delivered through your Committee contribute to the Birmingham City Council Business Plan 2018+.
- 5.2 Our aim is to create a sustainable, future-proof model of local public services – focused on supporting the needs of people, partnership working, empowered staff, and community engagement.
- 5.3 Our values are putting residents first; acting courageously; being true to our word, and achieving excellence.

- 5.4 The vision is based on the fundamental ideals of prosperity, fairness and democracy set out in previous years. Within this, there are six key strategic outcomes: a strong economy, safety and opportunity for all children, a great future for young people, thriving local communities, a healthy, happy population and a modern council.

6. Public Sector Equality Duty

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

7. Consultation

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

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

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

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

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

All Environmental Health and Pest Control Requests for Assistance		
Total Jobs		57,045
	Env Health RFAs total	26,980
	Pest Control RFAs total	16,335
	All Inspection Total	11,687
	Other Jobs not RFAs	2,043

Environmental Health Breakdown		
Waste related enquiries	RFAs & Waste Incidents not subject to complaint	7,485
Statutory nuisance	Noise	5,754
	All others	1,581
Animal Welfare	Dog Wardens	3,188
	Animal Welfare (not dogs)	121
Food complaints		3,805
Infectious diseases		1,345
Licensing enquiries		342
Health and Safety	Enquiries	311
	Incidents (Accidents)	550
Unauthorised encampments	On council land	644
Other		1,854
Source of RFAs	Cllr, MP, CX & SD	828
	Public	26,152

Pest Control Breakdown		
Rats	Rat in Garden	7,423
	Rat in House	4,730
	Mice reported as Rat in House	406
Pests other		3,776
Source of RFAs	Cllr, MP, CX & SD	45
	Public	16,290

Environmental Health Inspections Breakdown		
Inspections	Food Inspections	3,809
	Food Standards Inspections	1,296
	Health and Safety	1,754
	Environmental Protection	129
	No Smoking Compliance	1,696
	Duty of Care	2,901
	Animal Welfare	102

Number of Criminal Prosecutions undertaken by Environmental Health:

**CASES FINALISED BY LEGISLATION 2018/2019**

<b>LEGISLATION</b>	<b>CASES</b>	<b>OFFENCES</b>	<b>FINES</b>	<b>COSTS AWARDED</b>	<b>OTHER PENALTY</b>
Anti-Social Behaviour, Crime & Policing Act 2014	5	13	£21,960	£5,293	
Animal Welfare Act 2006	2	4	£400	£1,315	Community order with curfew & community order with rehabilitation activity requirement
Animal Boarding Establishments Act 1963	1	1	£300	£877	
Dogs on Leads Order 2014	0	0	0	0	This order has been repealed and is now covered by the PSPO under the ASBC&P Act 2014
Environmental Protection Act 1990					
Section 33	58	126	£72,045	£40,179	9mths imprisonment suspended for 2yrs, 12mths disqualification, 6 penalty points, 12mth community order, 430hrs unpaid work, 18 mths Conditional Discharge
Section 34	72	91	£49,399	£45,737	6 mth Conditional Discharge
Section 59	1	1	£3,400	£4,115	
Section 71	1	1	£265	£100	
Section 80	1	5	£500	£500	
Section 87	1	1	£100	£175	
Section 110 (2)	1	1	£120	£0	
Fouling of Land by Dogs Order 2014	0	0	0	0	This order has been repealed

					and is now covered by the PSPO under the ASBC&P Act 2014
Food Hygiene (England) Regs 2006 *	29	238	£389,675	£44,875	4mths imprisonment suspended for 12 mths
Health & Safety at Work etc. Act 1974	4	8	£72,000	£11,737	
Microchipping of Dogs (England) Regs 2015	4	4	£880	£340	
Prevention of Damage of Pests Act 1949	3	3	£1,530	£1,458	
Town & Country Planning Act 1990	1	1	£600	£820	
Welfare of Animals (Transport)(England) Order 2006	1	1	£165	£300	
<b>TOTALS</b>	<b>184</b>	<b>499</b>	<b>£632,899</b>	<b>£154,081</b>	

\* includes 1 sec 33 offence

**Total Submitted Prosecutions 271**

**Total Submitted Cautions 10**



### **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 6,970 Fixed Penalty Notices were issued which is an increase of 1,097 over last year. During the year 844 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 £187.56 plus costs of an average £125.29.

Over the course of the year 210 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 2018/2019 a total of 5,7,54 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.

26 noise abatement notices were served for noise offences affecting residents and 4 seizures of sound equipment took place following breaches of notices. After 28 days those who pay for the full costs incurred by the city in undertaking the seizure of the noise equipment, have their property returned. In cases where further breaches of notices occurs after seizure i.e. where new or returned equipment is used to create a further problem, criminal proceedings are taken against the offender.

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

- Proactive inspection of businesses and work vehicles to check compliance with smoke free legislation.
- Education and enforcement exercises involving the smoking of shisha, working extensively within a multi-agency setting.
- Raising awareness of shisha business compliance and public health associated issues with other agencies.
- Maintained partnership working with planning to ensure Environmental Health is a consultee with planning applications with any proposed smoking shelter.

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

Inspections in relation to checking compliance with no-smoking legislation have continued. During 2018/2019 2925 premises were inspected. 18 complaints were received and investigated regarding smoke free non-compliance.

In total 1-person received fixed penalty notices for contravening the Health Act 2006, which required payment of the statutory fee of £50 or £30 if paid early. There has been one summons issued, relating to businesses not complying with the Smoke free regulations under the Health Act 2006 legislation.

### **Shisha Premises**

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

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

Last year, compliance inspections were undertaken of 6 shisha premises within the city. One health and safety prohibition notice was issued in respect of dangerous equipment and practices in these premises. The majority of these inspections have been undertaken with other agencies.

### **City Centre Project**

Environmental Health continued in 2018/2019 to provide assistance with reducing impacts from noise levels and antisocial behaviour within the City Centre. Business, residents, buskers and entertainers have been provided with the guidance which includes advice on how noise and antisocial behaviour related issues are dealt with. Should these behaviours not be adhered to then this forms the basis for action against individuals under the Community Protection Notice (CPN) procedure (Anti-Social behaviour, Police and Crime Act 2014). To date no CPN has been served for this activity, however, a number of warning letters have been served on individuals.

### **Pest Control**

During 2018/2019, the Pest Control Section continued to offer a range of services to both domestic and commercial customers in the city. In domestic premises we continued to include free treatment for rats. The section also continued to provide free advice on the control of all other pests and supplied free poison for the treatment of mice. The latter is available through all Birmingham City Council Customer service Centre. In addition, between July and October the section offered a chargeable service for the treatment of wasps' nests to both domestic and commercial customers.

Commercially the section provided a wide range of competitively priced pest control services which are reported in the City Council's Fees and Charges Policy. The section has treated all pests (except rats at domestic properties) on a chargeable basis to all private non-food businesses and all City Council Departments. We have successfully obtained new contracts and continue to expand our portfolio of chargeable treatments.

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

***Key achievements of the Pest Control section during 2018/2019 include:***

- The section has dealt with a total of 16,335 requests for assistance (RFA) from residents of Birmingham. Of these 12,153 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 have bid for contract work to look after and maintain the small Council owned public car parks.
- 1461 domestic premises were proactively approached to undertake an inspection for the presence of rats. Those premises in hotspot areas which were identified as having rat infestations were treated to eradicate the problem and others were given proofing advice to prevent problems in the future.
- 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 3,800 food hygiene inspections and over 1,200 food standards inspections were carried out during 2018/2019. Items covered during inspections include hygiene of premises and practices, 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 7,000 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 2018/2019.

### **Food Enforcement Action**

During 2017/2018, 47 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, 3,809, it only represents about 1% of premises which seriously failed to meet basic hygiene requirements and put their customers at risk.

Throughout 2018/2019, 29 prosecutions were finalised for food hygiene and food labelling related offences, with total fines amounting to £389k and costs awarded of over £44k. In addition 10 businesses received a simple caution.

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
- Virgin/ Cross Country Trains Catering outlets on train services

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 £11,000 recovered this year.

### **Sampling**

A range of surveys have been carried out to investigate the microbiological safety of food products as well as composition and labelling. The sampling programme has included surveys of food manufactured in Birmingham as well as a number of surveys on healthy eating claims

## **Infectious Diseases and Food Poisoning**

All sporadic cases and outbreaks of gastro-enteritis are investigated. During 2018/2019, 1,345 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 2018/2019 there over 2,600 health and safety related interventions made, these included inspections; dealing with requests for assistance; investigating accidents, incidents and cases of occupational disease; and targeted interventions (project work).

### **Inspections**

During the 2018/2019, 240 premises received proactive inspections. These were undertaken in accordance with the National Local Authority Enforcement Code ('the Code'). Inspections comprised of: high-risk rated business sectors; activities identified nationally as high-risk by the Health and Safety Executive; and high risk sectors and activities identified using local intelligence. They included:

- Inspecting 45 warehouses and tyre fitting premises to ensure that risks from falls from height and workplace transport are controlled. This activity was a national priority as defined by the HSE.
- Undertake intervention work with all 9 of the cooling towers, fitness centres, hotels and hostels, 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.
- Inspections of Shisha bars have been undertaken to assess the risks to the health of employees and health and safety of members of the public. As a result of these inspections a number of prohibition notices were served.
- Checks of gas appliances and catering equipment identified a number of unsafe catering appliances.
- Work has been continuing to carry out inspection of machinery at all food businesses. Prohibition Notices were served where unsafe food machinery was found (e.g. safety guards were missing or not used). As a result of ongoing concerns and reported accidents this work will continue in the forthcoming year.

### Requests for Health & Safety Assistance

During 2018/2019 officers responded to 311 requests for assistance concerning working conditions or practices. These included concerns regarding staff welfare and dangerous work practices.

### Incident Investigations

There were 550 notifications of accidents, dangerous occurrences and cases of occupational disease reported during 2018/2019. 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 included:

- A large 470 kg planter falling approx. 3m on to office space below.
- Scenery weights fell 11 metres from staging at an arts venue hitting stage crew causing serious injury.
- 2 warehouses required significant action to be taken against them following the discovery of contraventions during an inspection of the premises. Both businesses have had previous enforcement action taken against the company.
- Formal investigation in to the maintenance and use of unsafe boiler at a takeaway premises following notification by gas supply company of unsafe installation.
- Investigations are also continuing into the large ceiling at a banqueting hall and the fatal incident in connection with a powered foot rest and a cinema venue.

### Enforcement Action

As a result of enforcement activities, 52 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 25 Improvement Notices were served, requiring improvements in safety standards.

### Role in National Health and Safety Agenda

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

- Officers representing the Council as chair of the West Midlands Health and Safety Liaison Group and member of the Midlands Health and Safety Regulators Group.
- We continue to work closely with our Primary Authority Partners and have provided a positive impact through the generation of inspection plans and assured advice to reduce unnecessary inspections.
- Our officers contributed to the Primary Authority Supermarket Group which consists of local authority Primary Authority Partners who work with

supermarkets. We have helped to direct consistent assured advice across the sector.

- Two business forums with local businesses to offer assistance and support in dealing with health and safety requirements.

### **Environmental Protection**

During 2018/2019 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 2018/2010. EPU continue to provide expert advice and noise monitoring services to support noise/vibration complaint investigations, planning and licensing consultation issues. The primary work delivered by the service for Environmental Health covered:

Receiving 299 requests for noise monitoring to support noise nuisance complaint investigations (a 25% decrease on the previous year) and installing equipment at 169 residential properties across the city (a 50% decrease on the previous year). The waiting time for installation of noise monitoring equipment has been extended from 1 week to 6 weeks due to a long term absence and ultimate departure from the organisation resulting in a reshape of the service delivery to accommodate significantly reduced resources.

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

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

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

During 2017/2018 this assistance brought in around £1,250, resulting from requests for noise monitoring from other Council departments (including Housing Anti-Social Behaviour officers and Social Services). In these cases EPU install the equipment and provide analysis facilities. The investigating department then determined the appropriate level of enforcement action.

#### 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 national and European direction. The driver for this was the increasing need to improve public health, this being exacerbated by the tragic case of nine year old Ella Kissi-Debrah who's fatal asthma attack was linked to air pollution near her home in London.

The work carried out during 2018/2019 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>)]. During the year the Council continued to work towards delivering compliance with the Ministerial Direction issued to Birmingham to deliver a full business case on how and when compliance with the national standard for NO<sub>2</sub> would be achieved through a Clean Air Zone.

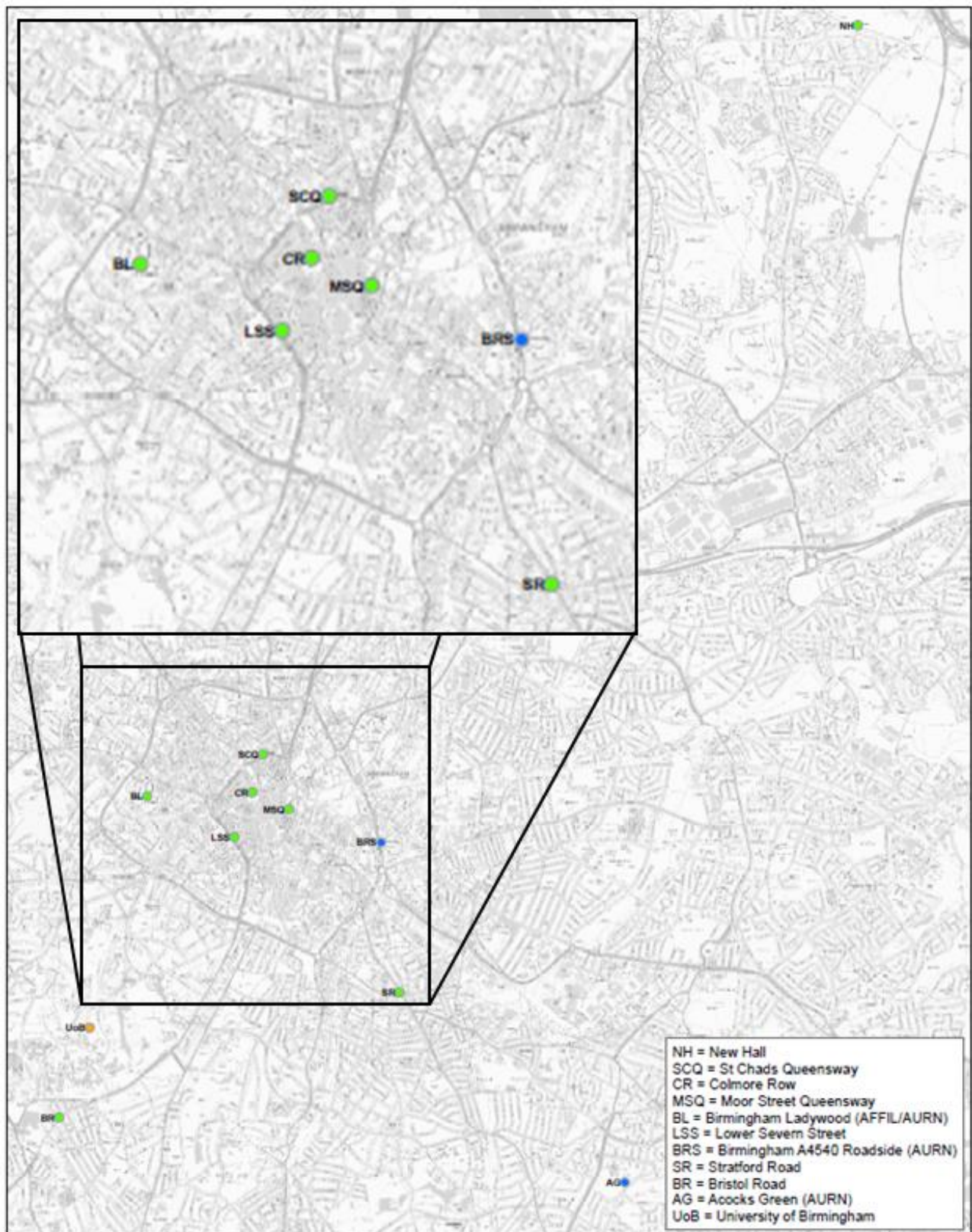
Officers from the service have worked closely with colleagues from a range of other Council services, specifically within Transportation, to progress the Clean Air Zone obligations, including supporting the modelling work, assessing technical submissions and attending relevant meetings. By the end of the financial year the CAZ Team had finalised the business case for delivering compliance in the shortest possible time, this being through the introduction of a class D Clean Air Zone, and with the consultation completed, executive approval sought and granted, exemptions and mitigation scoped, and funding secured work had turned to the engagement and delivery stages.

Environmental Protection are leading on the air pollution aspect of monitoring & evaluation of the CAZ and are working closely with colleagues within and without the organisation to develop a process to track this through.

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

- Air quality was continuously monitored at seven locations across the city, most being within or around the city centre. Issues arose with relocating some stations and commissioning new stations coupled with some communications failures and these are taking some time to resolve due in part to a prolonged sickness within the service. The location of these stations is shown on the following map.

## Location of Continuous Air Quality Monitoring Sites



- Officers from the service undertook non-continuous monitoring of nitrogen dioxide using diffusion tubes at around 90 sites around the city. Unfortunately, issues arising from staff sickness and pressures on the real time network (bullet point above) impacted on on-going tube deployment.
- Birmingham continues to support the national polycyclic aromatic hydrocarbon and Black Carbon monitoring networks for which the Council receives payment. These networks have now come back on line following the relocation of the site from Tyburn Road to St Mark's Crescent (known as Birmingham Ladywood).

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

### Contaminated Land

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

- A revised Contaminated Land Inspection Strategy has been drafted but challenges relating to financing as a result of the loss of Government funded grants require consideration before this can be formally progressed. There has been no progression on this from the previous year.
- During the year officers continued to review site assessments and/or remediation strategies in response to applications for planning consent. The majority of these related to the redevelopment of brownfield sites.
- There were 100 formal requests for environmental information to support conveyancing reports (up from 62 the previous year). This work is income generating and resulted in revenue of over £8,336 (an increase of £3,128 on the previous year).

### Pollution Control

The work of the Pollution Control Officers covers the proactive regulation of emissions from industrial processes, the investigation of complaints relating to environmental emissions from industrial and construction sites and licensed entertainment premises in the city centre, and providing consultation responses to both Planning Management and Licensing on environmental matters. Significant achievements in 2018/2019 included:

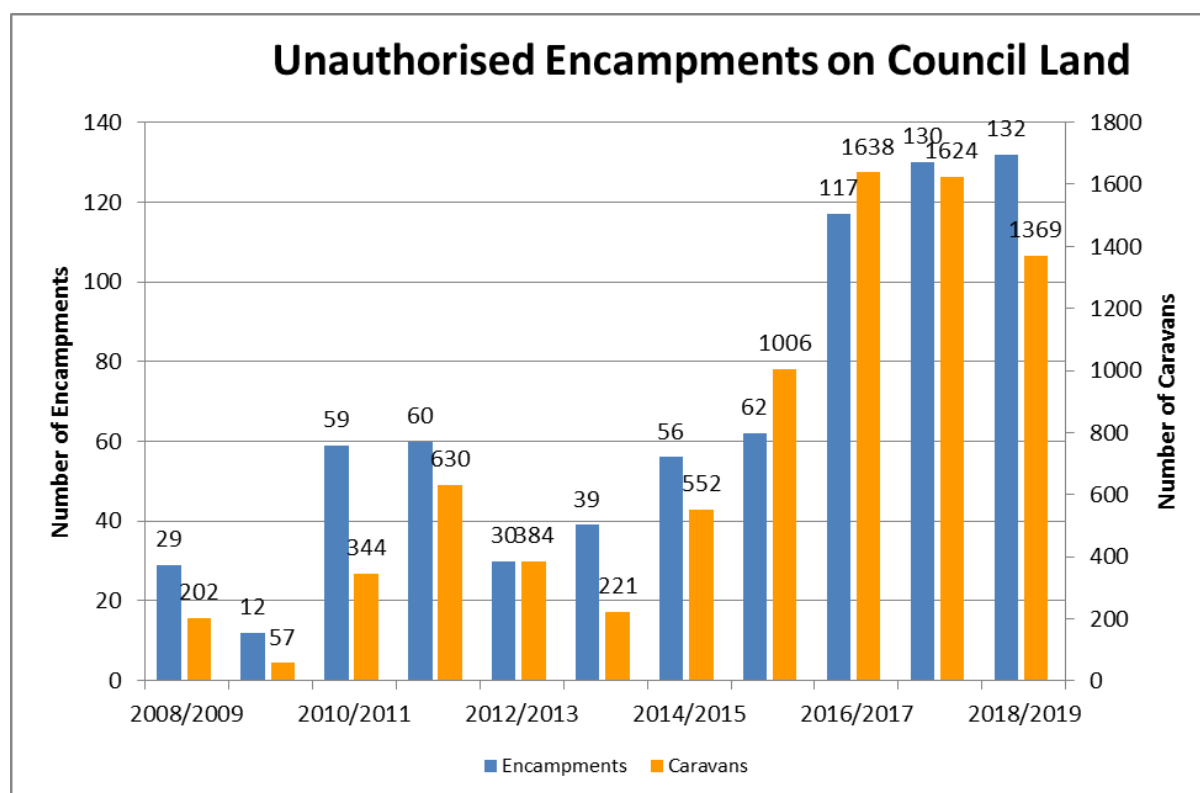
The emissions produced by 217 industrial and commercial processes were regulated, ranging from petrol stations to the Jaguar car manufacturing plant. During 2018/2019 we aimed to conduct 144 inspections, but due to resources only achieved 90% completion of the planned inspection programme. The remaining processes will be inspected in the next financial year.

The prevention of future environmental problems is also an important element of work. During 2018/2019 Planning Management consulted us in relation to the environmental consequences of proposed developments relating to 2,447 requests for comment on specific planning applications. These included major developments which can have significant consequences within the city.

Officers are asked to comment on applications made under the Licensing Act 2003. They assessed 217 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 9 occasions and representations withdrawn on 14 instances. This further assists in preventing future noise problems. Pollution Control Officers were also been involved in the investigation of nuisances arising from industrial premises and from licensed entertainment premises within the city centre and also assisted the Environmental Agency in investigations pertaining to permitted waste installations.

### Unauthorised Encampments

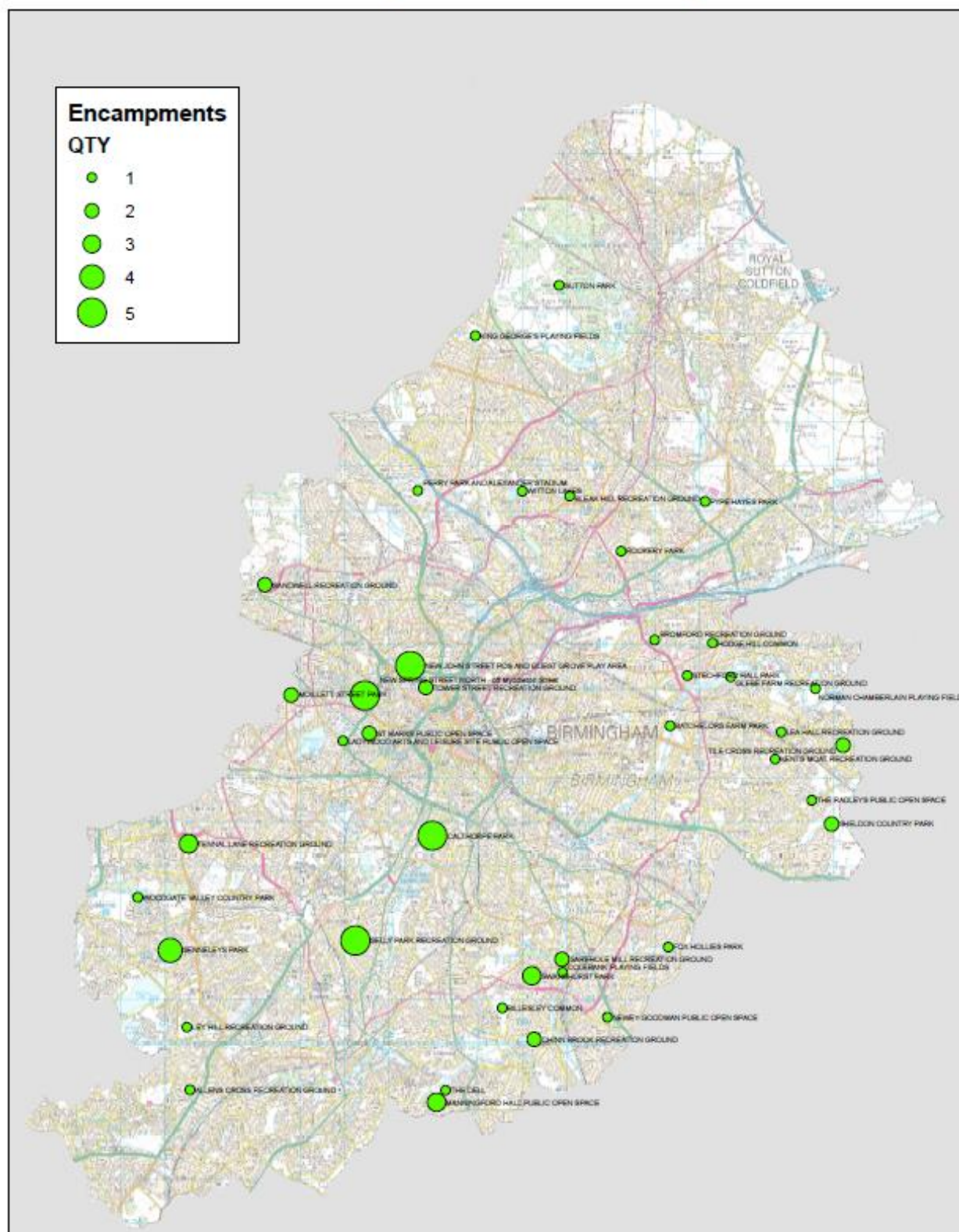
Environmental Health leads on the response to notifications of illegal or unauthorised encampments, principally due to travelling families. In 2018/2019 officers dealt with 132 such encampments on Council land. This year was especially challenging with the number of encampments being a record high and this produced significant challenges for the service and for affected citizens. The size of encampments reduced however with noticeably fewer large encampments.



During the 2018/19 financial year there was a relatively broad spread of encampments across the city on parks land i.e. parks and recreation areas. This is shown on the map on the following page.



## Unauthorised Encampments in Birmingham Parks



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In order to deal with the increasing pressures Environmental Health have sought injunctions through the courts to protect parks where there have been regular encampments. To date a number of injunctions on parks and open land preclude the creation of unauthorised encampments and are enforceable by West Midlands Police as each carries the power of arrest in the event of a breach. Looking ahead the service is seeking to secure a city wide injunction to protect (at least) all park land.

Officers from the service have been heavily involved in work to develop an operational transit site and there has been success in that the proposed site at Proctor Street has secured funding and works are commencing to develop the site which will provide 15 pitches. Work is also underway to develop a smaller site at Aston Brook Street to provide further 4 to 5 pitches, whilst colleagues from Housing and Legal are working to bring Tameside Drive back into operational status which should provide an additional 10 to 15 pitches. Provision of these sites will be an important consideration in the decision by the Courts in the grant of a city wide injunction.

The service has also completed a procurement contract to provide enforcement agent support (bailiffs), to follow on from the existing contract. This has now gone live and will provide support for up to four years.

### **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. New Regulations came into force on 1 October 2018, affecting the licensing arrangements for pet shops, commercial kennels and catteries, home dog boarders, dog day care facilities, riding establishments, dog breeders and people who train and exhibit animals. Licensing for dangerous wild animal keepers, remain unchanged. Significant achievements in 2018/2019 included:

#### Dog Warden Service

- The Dog Warden service responded to 3,188 requests for assistance and advice, regarding stray and lost dogs, dog fouling and dog welfare issues.
- A total of 752 stray dogs were seized, of which 693 were impounded at kennels and 59 returned directly to their owners. A total of 268 dogs were claimed by owners, which resulted in additional income in respect of claim charges of £6,075. A further £859 was recovered by the DWEO, from those dog owners whose dogs were returned to them direct.
- In February 2018, the DWEO became responsible for the stray dog collection service for Solihull Metropolitan Council, having secured a 1 year contract. A total of 90 dogs have been collected / seized which resulted in additional income of £3,772.
- Concerns over the fouling of public areas by dogs resulted in 640 complaints. A total of 120 proactive dog fouling surveillance enforcement exercises were undertaken and 5 Fixed Penalty Notices being issued to owners who failed to clear up after their pets and some 20,000 poop-scoop bags were handed out to dog owners.

- Other initiatives to deal with dog fouling nuisances, involve the use of anti-dog fouling stencils, spraying dog faeces with high visibility chalk based paint with associated posters displayed on lamp posts.
- The DWEO worked in partnership with housing associations, residents groups, schools, West Midlands Police and other residents groups to promote responsible dog ownership and support dog fouling initiatives.
- The DWEO assisted with 52 eviction and forced entry processes. This assisted the Council's Housing Department, Housing Associations, estate agents, and private landlords. This support resulted in additional income of £4,772.
- The DWEO continued to be part of the 'dogs at risk' scheme sponsored by the Dogs Trust. The scheme aims to reduce the numbers of unwanted puppies being produced by the distribution of discounted dog neutering vouchers. The team were able to obtain further vouchers and with a total of 28 vouchers were issued.

#### Public Space Protection Orders

- The 5 Public Space Protection Orders (PSPO) continue to be effective in tackling irresponsible dog owners who fail to control and clean up after their pets. The Orders have been implemented by the DWEO through educational and enforcement means.
- Some 12,000 signs have been affixed to lamp posts across the city advising dog owners of their legal responsibilities and 439 warning letters sent to dog owners.
- Under the provisions of these Orders the DWEO have issued a total of 6 Fixed Penalty Notices, 5 for dog fouling offences and 1 for a dog seen straying off the lead on a public road,

#### Compulsory Dog Microchipping

- The DWEO continue to promote and enforce the compulsory dog micro chipping regulations, through discussions with and visits to dog owners and proactive exercises in parks.
- A total of 96 Notices were issued to keepers of dogs, where it was discovered that their dog was not micro chipped in accordance with the regulations. Of these Notices 67 were complied with, 18 were withdrawn as the keeper no longer had the dog, 6 people was reported for prosecution, 1 not served and a further 4 are pending.
- In line with the compulsory micro chipping a new process was established to ensure that all cats and dogs found deceased across the city are scanned for a microchip. Officers in the Animal Welfare Team continue to collate and retain any information on these animals and will also notify the animal's owner.

#### Animal Related Complaints and Other Activities

- A total of 91 licences were issued to animal establishments following inspection and a further 3 performing animal certificate issued.
- Disease restrictions continued to affect the transport of farm animals and a total of 1,081 activities involving inspections and enquiries. Some 18 animal transport vehicles were inspected, of which 5 were found to be defective.

- A total of 47 visits were made to the five abattoirs in the city to ensure compliance with animal movement controls and the safe disposal of animal by-product waste.
- Dog cruelty and neglect is an emotive and high profile issue and officers investigated a total of 245 requests for assistance, which related to poor living conditions, abandonment, lack of veterinary treatment or the malnourishment of dogs. As a result of these enquires, 2 persons were reported for prosecution for 2 offences of animal cruelty.
- Fulfilling the service level agreement with the Children, Young People and Families Directorate to effect an assessment of a dog when kept by a prospective adoptive or foster parent, resulted in 49 assessments being carried out and reports being submitted. This resulted in additional income of £4,992.66
- 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 35 referrals were dealt with, involving a variety of animals. This resulted in additional income of approximately £3,865.35
- The importation of dogs and puppies continues to be an issue of concern. Officers investigated 3 enquiries regarding dogs illegally imported into the UK. Two puppies were found to fail the import rules and were therefore seized and placed into quarantine kennels as required by legislation. All expenses incurred being paid by the dogs' owners.



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

Last year a total of 58 complaints were received for a whole range of age restricted products. This is an increase of 20 on the previous year. All premises where complaints have been made are visited by officers and advised of their duties and obligations under the law. These premises are usually subject to a test purchase in due course with the assistance of underage volunteers. Whilst there has been an increase in complaints since the previous year, the total number of complaints is still considered to be low in view of how many retail premises sell age restricted products across the City. This could be due to the amount of work undertaken over the years to advise businesses, but also the firm approach we take when sales have been made. However, we must also consider that incidents may well be under reported.

### **Alcohol**

Twelve complaints were received relating to the alleged sale of alcohol to under-18s. All premises that were subject to a complaint received a visit from an officer. Advice, along with a warning notice and information pack would be issued reminding retailers of their obligations.

### **Example Result:**

**Defendant:** Clair Shaughnessy Premises Licence Holder (PLH) and Designated Premises Supervisor (DPS) T/A Just Drinks, Faraday, Quinton, Birmingham. Pleaded guilty to one offence under S.146(1) of the Licensing Act 2003. Following police intelligence the shop was selling alcohol to underage people a test purchase was carried out with a 14 year old volunteer in July 2017. The 14 year old was sold a bottle of 4% alcohol WKD Vodka by Ms Shaughnessy's mother.

**Penalty:** The seller was given a Simple Caution and on 10 May 2018 at Birmingham Magistrates Court the defendant was fined £100. The Premises Licence was forfeited and costs were awarded to Birmingham City Council

### **Tobacco**

25 complaints were received relating to the alleged sale of tobacco products to under-18s; this is usually combined with allegations about illicit tobacco. All would have been visited by an officer and advised in the same way as those subject to alcohol complaints.

## **Fireworks**

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

Trading Standards only received two complaints about firework sales to under-eighteens. A joint operation was carried out with West Midlands Police in Kingstanding when 6 retailers were visited and a stash of fireworks were found on the street which youths had been using for ASB by firing them at cars.

## **Knives and other products**

Birmingham Trading Standards Service was selected by the Home Office to be offered up to £20,000 to take part in a local authority under age test purchasing exercise of knives from retail premises. The project is part of the Home Office Violent Crime Strategy.

The Service rarely receives any complaints about sales of knives to under eighteens. Therefore prior to the exercise West Midlands Police intelligence analysts provided a report on hotspot data for knife crime. From this data retail premises were identified that may stock knives. A selection of premises was sent an advice pack on the law in relation to knife sales along with posters to display. A total of 9 test purchase exercises were undertaken between September 2018 and March 2019; during these exercises 71 attempted test purchases were made by the various volunteers; a total of 20 sales were made; this is a failure rate of almost 29%.

Investigations are ongoing and outcomes will be reported in due course. A separate report on the project will be provided to LPPC.

## **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 making a decision to buy. They need to be assured that the vehicle is correctly described and most importantly safe. Unfortunately it is common for unscrupulous traders to mislead consumers when describing vehicles in advertisements. This can occur whether they appear on business websites, or advertisements that are placed on specialist websites such as AutoTrader, Gumtree or Piston Heads, or even on vehicles that are advertised at the roadside. Trading Standards have a crucial role in identifying vehicles that may have been misdescribed. The Service received 476 complaints in relation to used car sales, ranging from minor issues through to allegations that vehicles were sold in an unroadworthy state. The Trading Standards Service advises businesses on how they can ensure they meet their obligations when selling vehicles and will also investigate incidents where vehicles have been allegedly misdescribed. Officers also participate in sharing intelligence and developing joint initiatives on a regional basis in relation to used car sales, as buyers will often travel across boundaries to make a purchase. Successful Outcomes have been achieved some by way of a full prosecution case, others with formal cautions and others by bringing the traders into compliance.

The Service participated in a regional project looking at our most complained about car retailers. This required a review of complaint data. A questionnaire was sent to those who had complained to see if matters had been resolved following intervention. From this data traders were identified who required an intervention. Unfortunately those selected were no longer trading so we were unable to do an inspection. We do however continue to monitor complaints and as in previous years will undertake forecourt inspections where intelligence suggests this is required.

### **Successful outcomes**

**Ambassador Automobiles Ltd** and the director of the company **Ms Fozia SHABIR** were investigated in relation to an allegation of supplying an unroadworthy vehicle. The business went into voluntary liquidation thus preventing some consumers from taking civil claims action against them. This trader had been previously advised and further complaints had been received. A consumer provided a statement that after purchasing a Range Rover, for £12,795 they were horrified to learn that the vehicle had significant damage to the vehicle including corroded brakes and damage to the anti-roll bar; none of which was declared at the time of purchase. The consumer attempted several times to engage with the trader to have the issues rectified with no success. Trading Standards instructed an independent vehicle examiner to carry out a full examination of the vehicle. The vehicle examiner concluded the vehicle was in a dangerous condition at the time of sale.

Information's were laid against the director of the company. Subsequently Ms SHABIR pleaded guilty to one offence under The Consumer Protection from Unfair Trading Regulations 2008 and was fined £3,032 and ordered to pay a victim surcharge of £175, plus costs of £2,425, in addition compensation of £2,532 was paid to the victim. She had been neglectful by not being at the business on a daily basis and trusting her workforce. The company had been in liquidation since June 2018 and she had over £40,000 in rent arrears. The Magistrates had to take her current financial circumstances into consideration when deciding on the sentence.

**Mr Ataf SALIM trading as Euro Cars** was sentenced at Birmingham Crown Court on 7th August 2018 to a community order for 12 months and a rehabilitation order for 15 days including 80 hours unpaid work after being found guilty of offences under the Road Traffic Act 1988 and the Consumer Protection from Unfair Trading Regulations 2008 and the Companies Act 2006 in connection with supplying a consumer with a vehicle that was in an unroadworthy condition. He was ordered to pay £2,080 costs and £687.50 in compensation to the victim. Trading Standards investigated allegations that a vehicle purchased by a Birmingham based consumer had been misdescribed as having a full service history. The vehicle was dangerous in that there were holes in the exhaust and exhaust gases including carbon monoxide were able to enter the cab of the vehicle where the driver and passengers were located. Both hydraulic brake lines were corroded representing danger of injury to the occupants of the vehicle and other road users.

A complaint had been received from Armagh Trading Standards about a consumer who had purchased a vehicle from a trader based in Birmingham. The consumer had seen a BMW advertised on EBay. They collected the vehicle from the trader's home and paid cash. Back in Northern Ireland the consumer had a few issues with the vehicle and after contacting the dealership from the service documents later established that the odometer reading had been altered, the service history was false and there was a further misleading representation in an EBay advert about the number of previous keepers Contrary to Regulation 9 of the Consumer Protection from Unfair Trading Regulations 2008. The Trader accepted his guilt and was formally cautioned. The trader also paid the consumers compensation claim of £5240 together with our costs totalling £7500

In another case two complaints were received about a Birmingham trader supplying allegedly unroadworthy vehicles, in both cases the vehicles were independently examined. The first vehicle was found to have a badly corroded suspension arm and corroded brake pipes and was deemed to be unroadworthy and dangerous. The second vehicle was found to have a corroded fuel pipe that had been painted over and incorrectly installed rear brakes, again the vehicle was deemed to be unroadworthy and dangerous.

The company were invited for interview and sent a manager rather than the director of the company. A report was submitted, however ultimately the company agreed to fully refund both consumers and pay our costs and were given a caution.

In another case again a Birmingham trader was alleged to have supplied an unroadworthy vehicle, an independent examination confirmed concerns such as engine oil leak, inoperative lights. Additionally the tyre was in a dangerous condition. A report has been submitted with the matter due to come before the courts.

A further case resulted again after a consumer purchased a car from a Birmingham trader, in this independent examination of the vehicle confirmed corrosion of the front sub frame, insecurely attached suspension wishbone, black bitumen applied at some stage to cover poor repairs. The company were interviewed; they had the car back, and also paid our costs and were issued with a caution.

### **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.

Sixty-eight complaints were received, typically often involving persons who have started a car sales /repair business trading from their home. Where a breach is identified and the seller identified they are 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.

An alternative approach adopted by trading standards this year involved officers attending areas where vehicles were exposed for sale on the highway where concerns had been raised regarding nuisance; officers attended the site and placed highly visible 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 acted as a deterrent to potential buyers and made the sellers aware that trading standards are in the location monitoring cars exposed for sale on the highway.

### **Hallmarking and the Jewellery Trade**

Trading Standards enforce the provisions of the Hallmarking Act 1973.

### **Operation Egyptian**

Officers gave a presentation to Committee earlier in the year on one of the most significant jewellery cases ever investigated by Trading Standards.

A complex jewellery fraud investigation involving the supply of gold bangles which were of a lesser carat value than claimed culminated in a crown court case. The defendants, Ibrar Hussain, Sabhia Shaheen of Shiza Jewellers, Mohammed Afsar of Zaiver Jewellers were convicted of conspiracy to commit fraud by false representation. Hussain was also convicted for intimidating prosecution witnesses and Afsar was also convicted for coercing one of the witnesses to work for him without pay under threat of violence to his family.

The scam had been running for nearly five years, Trading Standards made covert test purchases and subsequently executed warrants discovering hidden workshops. The scam may have led to the defendants making £1m profit over the period.

Hussain was jailed for a total of 7 years, Shaheen for 3 and Afsar for 4 years.

### **Intel Led Approach**

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

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

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:

### **Emergency repair company:**

This concerns a proliferation of complaints regarding a Birmingham based company who operate a national call centre service for plumbers, electricians and other trades; Birmingham Trading Standards is closely monitoring the situation. The company had expanded very quickly; Officers have met with the company providing

advice and guidance to help reduce the number of complaints. The company is keen to work with us and is currently looking to downsize operations in order to have more control and to help improve the quality of service. In proportion to the number of enquiries made from consumers who are requiring use of the service, the number of genuine complaints received is generally quite small. So far early signs are encouraging with the company assigning one full time employee to investigate complaints and identify any issues that can be fed back to management and assessed in order to determine any pattern of behaviour that may require alterations to the business model.

### **Security Alarm Company:**

In this case Trading Standards have been receiving complaints about an alarms response company; the levels of complaints have increased significantly since around October 2018. All complaints received via the Citizens Advice Consumer Service were reviewed; complaints were also received from other Trading Standards.

Initially the company offered a police response. However, the police had changed their policy and procedures for accrediting companies providing a police monitored system. This in turn led the company to make changes to terms and conditions of contracts with existing customers which led to the high level of complaints. The nature of complaints also kept changing. Officers had meetings with the company; however the nature of some of the complaints raised concerns that some unfair practices may have been engaged which required further investigation. In view of the level of complaints and that were being received nationally a referral was made to the Regional Investigation Team. They are now in the process of reviewing the nature of the complaints to assess if further intervention is required.

### **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 4,173 requests for assistance were received by the service last year.

### **Product Safety**

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

Trading Standards received 238 safety related enquiries over the year, an average of approximately 20 per month. These related to various different product types but the highest numbers of complaints were about electrical goods, toys/games and then cosmetics.

The following are examples of the work carried out by Birmingham Trading Standards:

### **Electrical Equipment (Safety) Regulations 2016**

Officers from Trading Standards carried out joint visits with West Midlands Police along with utility companies as part of “Operation Willow”. They visited International Supermarket Soho Limited, Birmingham. On inspection a large quantity of electrical items (ovens, mixers and sandwich makers) which all had two pin plugs were found at the premises. Samples were sent for examination and these were found to fail the provisions of the Electrical Equipment (Safety) Regulations 2016. A total of 82 electrical items were seized and a suspension notice was issued for a further 30 items.

A prosecution report was consequently prepared. The defendant company entered guilty pleas. With costs and victim surcharge, the District Judge imposed total fines of £6052.70 with all seized items forfeited.

### **Product Safety – General Product Safety Requirement**

A referral was received regarding concerns that a plaited cot bumper was being sold on Amazon and posed a potential safety risk to babies. Samples of the plaited cot bumpers were sent for tests and examination. The report concluded that the product did not comply with safety legislation and posed a significant strangulation risk. The trader was advised and voluntarily agreed to forfeit 261 cot bumpers to Birmingham Trading Standards for destruction. The trader also instigated a product safety recall.

### **Cosmetics and Products Containing Chemicals**

In last year’s report we mentioned that an investigation was being conducted into an eBay seller based in Birmingham selling a range of cosmetic goods that were suspected to be non-compliant in a number of aspects including chemical composition and labelling. Large quantities of products were found at one of the addresses. These included skin lightening products, suspected medicinal products, and various cosmetics. From these, thirty cosmetic products had been sent off for further analysis. The results showed that fifteen of these cosmetics contained banned substances and all thirty were labelled incorrectly. A further fifteen products were sent off for examination by the MHRA (Medicines Healthcare Products Regulatory Agency). Fourteen of these were found to be products classed as medicines and had not been granted appropriate authorisation for sale, supply or advertisement in the UK.

We can now report that the case was successfully concluded in August 2018 at Birmingham Magistrates Court. The defendant Amjid SULEMAN t/a fasco60 was given a fine of £2,220 and legal costs of £3,850 awarded. The court also granted a destruction order for the seized goods.

### **Role of the Office for Product Safety and Standards (OPSS) & Trading Standards**

In January 2018, the government announced the creation of a new national oversight body tasked with identifying consumer risks and managing responses to large-scale product recalls and repairs.

As part of its remit, the OPSS introduced a protocol whereby they would provide support to all Trading Standards authorities nationally in terms of facilitating and paying for any and all testing of suspect products. Consequently now where a product safety related complaint is received, and it is deemed further testing is required, a request is made to OPSS who will facilitate and fund the cost of testing. However should the products fail, Trading Standards would still be responsible for any enforcement work and would still carry out any follow up investigations should any further action be required.

It is envisaged that in addition to providing support and advice for local authority Trading Standards teams, the OPSS will co-ordinate work across local authorities where action is needed on a national scale and will ensure that appropriate border checks are carried out on imported products if and when the UK leaves the EU.

There remain no changes to the roles and responsibilities of local authorities or other market surveillance authorities. The creation of the OPSS will not lessen any of the legal responsibilities of manufacturers, importers and retailers to present safe products to the market, and to take rapid effective action when safety issues arise with their products.

### **The Central England Trading Standards Authorities (CEnTSA)**

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. One of the major areas of concern identified by CEnTSA has been safety related issues in the sale and supply of laser pointers. Currently, a major project is underway whereby test purchases of laser pointers have been made and local importers within the CEnTSA region identified.

One such importer of laser pointers was identified within Birmingham and subsequent enquires are under way to identify the supply chain.

The OPSS have facilitated further testing in this very important area of product safety.

### **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 that could cause harm to consumers, 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 then identify and contact 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.

### **Toy (Safety) Regulations 2011**

In 2018 officers visited an importer based in Sparkbrook, after receiving information from Suffolk Trading Standards who are a Port Authority. They discovered approximately 6000 packs of magnetic putty which were suspected of failing the Toy (Safety) Regulations 2011. Samples were sent for analysis, and the test report confirmed the putty did not satisfy the essential safety requirements due to the presence of a powerful magnet which was a small part and issues with labelling that was not in prescribed form. The director was interviewed in June 2018. Due to the fact that the trader had not sold any of the products and had not 'placed them on the market' it was appropriate to issue an officer warning along with specific advice on importing goods and improving on due diligence procedures.

### **Rogue Traders – doorstep crime**

#### **Rapid Responses:**

Trading Standards have continued to provide a rapid response service for consumers who are being targeted by rogue traders. A risk assessment is conducted and officers will only attend if there is police support if the trader is currently at the property.

Several responses have been conducted by the service this year. We do explain to West Midlands Police wherever possible that building complaints may not solely be civil matters. However fraud allegations reported to the police are directed to Action Fraud which means that the average Police Officer may not necessarily know how to address the issue. Regionally a short guide has been produced for enforcement agencies which detail the actual offences that can be considered when faced with a doorstep crime incident. This guide has been disseminated to Officers in West Midlands Police.

Victims of doorstep crime are often elderly and may be 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 and therefore need extra care and attention to help overcome these issues. What we have found by doing these referrals is that Adults Safeguarding are not always able to assist with preventing these issues from recurring.

Rapid response can be generated by a call from concerned relatives, neighbours or even banks. The Banking Protocol is a partnership between financial institutions, the

Police, Trading Standards and Victim Support organisations. Bank staff throughout the country have been trained on how to identify individuals who are tricked/conned into attending their local branch to withdraw or transfer funds to pass on to fraudsters. The protocol enables the bank to contact the police who should respond within a set period and then it is for the police to liaise with Trading Standards on how best to proceed.

We are receiving more of these calls directly from the bank but not through the police as per the protocol. It is hoped that over time this situation will improve as more police officers become familiar with the protocol.

### **Rogue Trader Cases**

Doorstep selling cases are logged under two categories on our database. The first is under household repairs, of which there have been 19 related to doorstep selling cases in the past year. The other is under the heading of consumer fraud, of which there have been 53 cases.

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

### **Examples of Rapid Responses:**

- February 2018 the Service received a call from a concerned neighbour that a business was carrying out driveway work for an elderly man and the work did not look right. Officers visited the house and spoke to the trader; he was a young man who said he had been put on the job and stated he did not know by whom he was employed and was just dropped off. The work had resulted from a cold call and there was no paperwork. The victim paid £1500 and another £1,000 was to be paid but the victim did not pay this. The trader did not return.
- April 2018 the Service received a call from a friend of an elderly victim. She had been visited by someone knocking on her door which had resulted in her asking them to change some tiles in the bathroom. This led to the trader doing some work in the kitchen and the trader quoted £5,500 but then said it would cost £10,000. The victim had already paid £8,500. The victim was asked if she had any paperwork; she had only been given a business card. The victim had paid cash by bank transfer. The bank had said the victim can't have any more money unless an invoice was received. The victim had no bath or heating for days. The police were informed by officers that an immediate response should be undertaken; police were sent out straight away. The investigation is ongoing and a statement from the victim has been taken. Waste was dumped outside the victim's property which Trading Standards arranged for the council's waste management unit to collect.

- July 2018 officers were called out on a rapid response, to a woman who had fallen victim to an online trader scam. The 51 year old, who lived with her 75 year old disabled mother, had found a trader online via a well-known trader website. The trader was contacted about laying a new driveway at her home and arrived shortly after. Upon his arrival the resident realised the name of the company on the vehicle differed to the one online, however she allowed the trader to begin the agreed work. Shortly after the work had begun, the trader left the property leaving his 15 year old son in charge of handling the digger machinery along with another employee. As the work continued more questions were raised and each time the trader became more irritated and hostile. Once the driveway was uprooted the trader put down gravel and did not return for five days. The victim decided she was not happy with how the trader was completing the work and asked the trader for references of his previous work. This received an agitated response and although the victim was adamant that payment would come upon completion, the trader requested payment upfront, to which the victim refused. As time continued the trader did not arrive on days they had previously arranged and work came to a standstill, leaving the lady's mother housebound as she required a wheelchair and could not cross the uplifted driveway. When the trader returned he became increasingly aggressive with the demands for money, leaving the women feeling scared and vulnerable within their home. It was at this point that our Service was contacted the police were informed due to the aggressive behaviour of the trader. The traders were issued two anti-harassment notices for the property, which the trader ignored and continued his aggressive pursuit of payment. Due to the involvement from officers and after negotiations with the police, a settlement was made of £700 with the trader agreeing to put in writing that he will no longer contact the victim upon receiving his payment. A referral to Adult Safeguarding due to both ladies being vulnerable and requiring assistance for their care needs.
- September 2018 officers attended the home address of an elderly couple. This was from a phone call received from a police officer stating they had received a phone call from a bank stating an elderly gentleman was trying to withdraw some money to pay a builder for some roofing work; this was not the first time he had withdrawn money to pay the builder. The astute banking staff raised an alert and the police were called. The builder had driven the consumer to the bank. The police attended and the builders drove away but the details were taken for the builder – who is known as a rogue builder and distraction burglar. It was with the quick thinking of the banking staff that alerted the police and prevented further loss of money and intel was gained regarding the builder including van details registration. The investigation continues.

### **Preventing scams and rogue traders**

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.

### **No Cold Calling Zones**

There are three established No Cold Calling Zones in Sparkhill, Yardley and Garretts Green/Sheldon. These have helped residents in the area become more aware of the legalities of doorstep sales and also alerts potential rogues that residents are aware of the law and do not want traders touting for business at the door. Due to limited resources we have been unable to be proactive and raise the profile of these areas. However we will always respond to concerns.

It should be remembered that it is not illegal to seek work by this method, however there are Regulations that help protect people when contracting for work in this way.

### **Scam Awareness Month June 2018**

Fraud victims pay a heavy price, losing billions of pounds every year. Scams targeting people by phone or post alone cost people in the UK an estimated UK £5 billion each year.

The month is aimed at highlighting the problem of scams the theme this time was "Don't miss a trick". Birmingham residents were advised how to avoid being taken in and encouraged to become Friends against Scams. 89 Friends against Scams were recruited during the month. People were urged to get wise to the tricks of con artists and rogue traders via a series of free roadshows and talks across Birmingham in June 2018. Officers gave talks to two of the Headway centres in Birmingham. On 6 June 2018 Birmingham Trading Standards signed up as a Friends against Scams organisation at the Chartered Trading Standards Institute symposium in Nottingham.

During this prevention work we have worked in partnership with, Citizens Advice Bureau, NatWest bank, Police, Illegal Money Lending Team, Adult Safeguarding, and Age UK.

### **Other Scam Prevention presentations – examples**

- April 2018 TS presentation given to pensioners at Edgbaston Community centre as part of their coffee morning. 7 people attended and were recruited as Friends against Scams to spread the word on Scams.
- September 2018 presentation and training to residents group based at a housing association sheltered housing complex where one of the residents had fallen victim to postal scams after being identified by a National Trading Standards (NTS) Scam Team referral. Relevant training on prevention was given and advisory literature explained and handed out. 15 people attended the event. It is envisaged that this type of event will be given to all five sites within the group in Birmingham, as it was identified that the warden/manager

of the site was not aware that one of the residents had been exploited by the postal scammers.

- September 2018 presentation to Probus meeting in the North of Birmingham. Probus is an organisation for retired business/professional people on the lines of Rotary clubs, it was attended by over 60 people all aged 65. Numerous Scam Awareness packs were given out and we recruited 60 Friends Against Scams.

### **NatWest Friends against Scams event**

On 5 April 2018 TS were invited to NatWest Bank at Grand Central, Birmingham for the launch of “1 million Friends against Scams”, the idea is to get as many people Scam aware and to spread the word. This is an initiative that the National Scams Team started and the bank has committed to recruit a further 1 million friends against scams by 2020. The CEO of NatWest was present at the event and many other partners were there including the police.

### **Coventry Building Society event**

On 7 December 2018 Birmingham Trading Standards did a Scams Awareness event at Coventry Building Society 15 Corporation Street Birmingham B2 4LP. TS had a request from the building society to do a Scam Awareness day at the building society. During the day we engaged with 40 people and recruited them as Friends against Scams.

### **Association of Public Authority Deputies Conference**

On 6 July 2018 officers were invited to attend (APAD) Association of Public Authority Deputies conference at Holiday Inn, Hill Street, Birmingham. We were there to provide information to other services that support vulnerable people. Information was given out on scams and doorstep crime prevention. Officers spoke to around 50 people and recruited 16 Friends Against Scams.

### **Scams visits**

As part of the NTS Scams team postal referrals Trading Standards officers carried out 15 visits to victims. In addition to this there were joint visits with Adult Safeguarding to four victims that were identified as having possible safeguarding issues. The victims and family were advised on scam prevention.

### **Rogue Trader Week – October 2018**

Two events were held in Sainsbury's in Sutton Coldfield and Longbridge. These areas had been chosen to cover hot spot areas for complaints. Officers had an exhibition stand with leaflets and were there to give advice on scams. Officers engaged with at least 200 people over both events.

### **Financial Abuse event**

On 22 November 2018 Birmingham Adult Safeguarding Board teamed up with our Trading Standards team to highlight the issues around financial abuse of vulnerable adults during National Safeguarding Week.

Financial abuse is an issue that falls under the statutory responsibility of Birmingham Safeguarding Adults Board and is an issue that very rarely gets any attention. There are many forms of financial abuse and the team, and their partners, shared their details across social media as well as attending events during the week to raise awareness of some of the areas that are considered as financial abuse.

As part of the week, Birmingham Trading Standards and Adult Safeguarding organised a Partnership meeting with the following speakers.

Chris King from Dudley Trading Standards talked about a real life financial abuse case study and Dudley's working model for safeguarding. Nicola Brookes, a Community Banker from NatWest, spoke about Friends Against Scams - and how they educate both customers and non-customers to be scam aware. Adam Keen, from the West Midlands Police Economic Crime Unit, spoke about The Banking Protocol. Sara Hope and Adam Carter, from the National Scams Team, spoke about the Friends Against Scams initiative - and offered training for those who attended to become Scam Champions. They also explained how people can become Scam Marshalls. Paul Ellson - from Birmingham Trading Standards - spoke about the outcomes of a pilot scheme, with West Midlands Fire Service, on National Trading Standards scam referrals, where joint visits were carried out to scam victims. Donna Bensley - also from Birmingham Trading Standards - spoke about hotspot data and doorstep crime - and how intelligence is recorded. Feedback from the event has been very positive.

### **Illegal Alcohol**

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

Throughout the year, numerous consumer complaints were investigated and premises visited to ensure compliance, resulting in the seizure of over 428 bottles of illicit spirits from two premises, one of them also had illegal cigarettes.

During an operation led by West Midlands Police at a storage unit site, a large amount of illicit vodka was found stored in a lock-up container, as well as several pallet loads of suspect beer in other containers. These have been seized and removed from circulation; investigations are ongoing with these items.

### **Role of Responsible Body under the Licensing Act 2003**

Trading Standards is designated as a Responsible Authority for the purposes of the Licensing Act 2003.

Applicants for new or varied Premises Licences must serve a copy of their application on Trading Standards as along with the other responsible authorities to enable them to raise objections or suggest measures for improvements. In 2018/19, 217 applications were received and processed; these included new applications, and variation requests and reviews. There were two successful objections to applications due to previous enforcement activities.

This year, Trading Standards submitted three licence reviews to be heard before the Licensing Sub-Committee. These all related to the discovery of illicit alcohol on the

premises; one of them was also found to have illicit tobacco on a revisit. All licences were revoked; one is currently subject to an appeal which will be held in August 2019.

**One example:**

**Extra Supermarket** - 187 High Street Erdington Birmingham, B23 6SY

Action: On 14 August 2018 the alcohol licence for the shop was revoked by the Licensing Sub-Committee. There is an impending prosecution in progress.

Reason: Trading Standards carried out a joint visit to the premises on 24 May 2018 following a complaint of illicit cigarettes being sold. 183 packs of illicit cigarettes were seized and 184 bottles of non-duty spirits seized.

Trading Standards has made strong contacts with all of the other responsible bodies including the new centralised police licensing unit, to ensure that local knowledge and intelligence is shared by those who can best use it.

**Illicit Tobacco**

The team continue to respond to complaints regarding illicit tobacco. A total of 105 complaints were received which resulted in 81 visits to premises. The intention of the visits was to initially provide trader advice; these included 64 small retailers, 5 independent newsagents and 12 off-licences.

A number of inspections have taken place that include 144,900 sticks of illegal cigarettes being seized which equates to 7,245 packets of 20 cigarettes and 107.9kg of illicit hand rolling tobacco. Illicit can include cigarettes not for legitimate retail in the UK, counterfeit cigarettes and genuine non-UK Duty Paid cigarettes. The shops selling these products continue to conceal their illicit products on the premises. In some cases the stock is mobile, meaning it is kept in the boot of cars or a van and will only be brought onto the premises when needed and can be easily driven away while the premise are being inspected by officers. In other cases, false walls and floors have been constructed to conceal the products and are often only found with the assistance of a tobacco detection dog.

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

**Operation Kernow**

Trading Standards seized more than £21,000 worth of illicit tobacco/cigarettes in a series of planned raids on 25 and 26 September 2018. This was an intelligence-led exercise where reports had been received of illegal tobacco and cigarettes being supplied. In most cases test purchases had been made beforehand to prove the illicit items were being sold. Teams of officers targeted shops in the Handsworth and Erdington area.

Trading standards officers worked with local police teams and were also assisted by specially trained tobacco detection dogs.

Officers found 4,259 packets of cigarettes (85,180 individual cigarettes), which were concealed in various places including vehicles parked outside a store, above shelves

and at the back of premises. In addition, 268 packs of hand-rolling tobacco worth around £1,750 were also seized during this two-day operation.

The illegal products seized included suspected counterfeit and cheap foreign-labelled products that breach consumer protection legislation and are also non-duty paid; these cannot be legally sold in the UK.

The contents of all cigarettes are harmful and contain around 4,000 different chemicals, including known carcinogens. However, as the provenance of illegal tobacco is unknown it is possible that they likely to contain further dangerous ingredients

### **Examples of Results**

**Defendant:** Jamiel Tahreen and Janbaz Tahrin T/A Murad Superstore  
Offences under Tobacco and Related Products Regulations 2016 and Trade Marks Act 1994 of supplying cigarettes of various brands which failed to carry the health warnings required on the packaging and packets of cigarettes of various brands and hand rolling tobacco which bore registered trademarks without the consent of the trade mark holders.

Jameil Tareen and Janbaz Tarin were each sentenced to a community order with 100 hours unpaid work. There are POCA proceedings ongoing

**Defendant:** Mastu Tarin T/A Murad Superstore limited  
Trading Standards officers seized numerous illicit tobacco products from the Premises, including cigarettes, hand-rolling tobacco, and snuff. Illicit, in this context, is used to denote tobacco products either entirely counterfeit or that did not carry the requisite health warnings. Offences under Trade Marks Act 1994 & Tobacco and Related Products Regulations 2016  
The Court imposed a Community Order for a period of 12 months with a requirement that Mr Tarin carry out 80 hours of unpaid work. There are Proceeds of Crime matters ongoing

**Defendants** Najibullah Asakzai, N Howla & S Mashkhaty of International Supermarket Villa Road

In a case that emanated originally in 2016, there had been partial sentencing previously however the matter was concluded in October 2018

### **ASAKZAI**

Mr Asakzai no longer had a shop and had obtained employment as a night delivery driver. It was said that he had considerable debts. The judge made a forfeiture order in respect of the cigarettes and tobacco that were subject of the offences and ordered him to pay a contribution of £1,000 towards the requested £2,277.80 prosecution costs. The Judge said that the offences were sufficiently serious to attract a prison sentence. However having regard to his early guilty plea, that he no longer owned any shop and was now in paid employment albeit encumbered by substantial debt which he was paying off by regular payments the Judge said that he was satisfied that he did not need to impose a sentence of imprisonment. In respect



of each charge the Judge imposed a community order for 12 months with a 150 hour unpaid work requirement. He was also ordered to pay a victim surcharge of £85.

### **HOWLA**

The magistrates imposed a 12 month community order with an unpaid work requirement of 100 hours in respect of Mr Howla. He was also ordered to pay a victim surcharge of £85 and the requested £2,258 costs.

### **MASHKHATY**

Was made the subject of a 12 month community order with an unpaid work requirement of 150 hours to reflect his active participation in the offences. He was also ordered to pay a victim surcharge of £85 and the requested £2,258 costs. The court ordered forfeiture and destruction of the seized cigarettes and tobacco.

### **Counterfeiting - Intellectual Property Theft**

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

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

Throughout the year, 256 complaints have been received in relation to various household products, including toys, electrical goods, clothing, alcohol, tobacco and cosmetics. Priority has been given to goods that may have an impact on consumer safety, in particular tobacco and alcohol which is highlighted elsewhere in this report. However cosmetics, clothing, electrical and mobile phone accessories remain the subject of nearly 100 of these complaints.

In June 2018, coinciding with the football World Cup Trading Standards seized counterfeit England shirts. Working with colleagues at East Midlands Airport, officers intercepted hundreds of counterfeit World Cup England 'three lions' T-shirts worth thousands of pounds, destined for distribution in and around Birmingham.

A case that had begun some years ago finally came before the courts earlier this year. Mr Harpreet Chawla and his company Sathi (UK) Ltd admitted five offences relating to various counterfeit goods such as Tag Heuer watches, sunglasses, headphones, perfumes bearing the names Chanel, Christian Dior. Some of the power adaptors were also found to be unsafe. The goods had been imported via Coventry Airport, Heathrow Airport as well as container via Southampton port. Mr Chawla was sentenced to 6 months jail suspended for a year. The company was fined £8000. Mr Chawla was also ordered to pay £25000 under the Proceeds of Crime Act payable within 3 months or he faces eight months' imprisonment.

A different example of a current enquiry regarding the supply of counterfeit vehicle service books on online. Intelligence was received that an EBay seller was supplying such counterfeit service books to order. The brand Reps and our own officers have

made covert test purchases to establish the identity of the seller and their whereabouts. It does appear the sellers are regularly changing names and an investigation concerning a Fulfilment House commenced in the previous year has now come to court. Following information received from the Port Authorities, the Fulfilment House in Birmingham, Newemoo Ltd, was found to have a large number of counterfeit goods. Whilst consumers pay online to companies based in China, the goods are actually distributed from the business based at Benacre Drive in Digbeth. The counterfeit goods included Samsung mobile phones, 385 Samsung mobile phone back plates, 187 Apple iPhone 7 packaging, 123 iPhone 7 Ear pods, 1760 Apple logo stickers. The goods were seized by Trading Standards. Initially the company claimed the goods were not intended for the UK market but were destined for Spain through another third party. The company claimed to be only a redelivery service and could not be expected to have been aware of the contents of the intended consignment to Spain.

However eventually at court last December the company pleaded guilty. Confiscation and forfeiture matters are still taking place with sentencing expected in July of this year.

### **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 a number of the distributors emanated from the Birmingham area.

An officer from Birmingham acted as a coordinator and set about gathering and collating intelligence. Birmingham Trading Standards produced a report and in conjunction, National Trading standards Intelligence Team also produced a Problem Profile which included a number of potential local Subject Profiles.

As a result of the findings and recommendations of the report, NTS agreed to task further enforcement work to CEnTSA Regional Investigation Team (RIT) in June 2018. The officer from Birmingham TS was also nominated to work with the RIT. NTS have reported since June 2018 the CEnTSA Regional Investigation Team in collaboration with key enforcement partners NTS Intelligence Team, Birmingham City Trading Standards, NMG, Anti-Counterfeiting Group (ACG), Intellectual Property Office (IPO), PIPCU, West Midlands Police and GAIN have carried out a number of enforcement activities to progress Phase 2 of Operation Beorma. The NMG and ACG have put in significant man hours in supporting the ongoing investigations, as well as providing storage units to house seized goods.

Phase 2 of Operation Beorma continues to progress well and the contribution from several stakeholders is significant in making the investigation an excellent example of what can be achieved with a collaborative approach.

In January two warrants were executed in a joint operation between the NTS CEnTSA Regional Investigation Team, Birmingham City Trading Standards, West Midlands Police and trade bodies including the ACG, the NMG, brand representatives and the West Midlands Police. These related to a residential home address based in the Hall Green area of Birmingham and a storage unit based in the

Digbeth area of Birmingham. Evidence suggests that these two addresses were connected with one of the subjects identified in the original Problem Profile.

Tens of thousands of counterfeit products were seized which were estimated by the ACG at around £2.5 million. Goods seized consisted of counterfeit watches, handbags, belts, purses, electrical products, footwear, clothing, sunglasses and accessories of brands including Chanel, Michael Kors, SuperDry, Dior, Louis Vuitton, North Face, Stone Island and GHD. Evidence of manufacturing labels and equipment were also seized. Significant amounts of information and intelligence were unearthed from these raids and further enquiries were conducted.

Recently an exercise took place following the receipt of intelligence by the RIT Team that counterfeit goods were being distributed by a Midlands transport company to several known key nominals and that the goods were being exchanged in a particular part of Birmingham with the exchange being done 'back to back' between vehicles. The operation was to catch a transaction in mid-flow.

In April this exercise took place and the transport company's vehicle was caught delivering to another vehicle in the Hockley area. The other vehicle was being driven by a person of interest to the RIT Team. 120 boxes were taken from the transport company's vehicle of which 117 of them contained counterfeit clothing. One of the boxes seized contained approximately 20,000 Adidas, Nike, North Face, Polo Ralph Lauren and Stone Island labels. 93 boxes were taken from the 'receiving' vehicle. The total value of goods seized from the two vehicles is estimated at £150,000 to £200,000, but this is without the 'value' in the labels seized.

Overall since April 2018, the activities have resulted in 16 warrants being executed at self-storage units and domestic addresses and the seizure of over £6 million worth of counterfeit goods, 6 vans and nearly £40,000 in cash. The goods seized have mainly been clothing and footwear, but in addition a substantial quantity of assorted counterfeit cosmetics, perfume and electrical items have also been seized during warrants.

As a result of the enforcement activity CEnTSA Regional Investigation Team is well on the way to compiling case files on a number of those under investigation. Several of these case files are being prepared for submission to the legal team, with other leads still being investigated.

## **Hajj**

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

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

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

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

One case from previous years came to court where Mr Raja Janjua of Geo Trips Ltd, Kingsheath was sentenced to 7 months immediate custody. This related to displaying ATOL and ABTA logos at his premises and falsely advertising flights and packages on their website as being ATOL and ABTA protected. There was no order for costs despite our application in the sum of £16,607.30. A victim surcharge of £170 applies.

The Judge commented that Mr Janjua knew the significance of belonging to memberships such as ABTA and ATOL but from as far back as October 2015 it was made abundantly clear to the defendant that he was not covered, yet he continued to trade. The court has sympathy for companies that fail through no fault of their own but not with those that keep business alive by fraud. There was a risk to customers to line his pocket. The Judge was not persuaded to suspend the custodial sentence because of the cynical way in which the defendant had behaved. He put the public at risk to feather his own nest. He will serve half of the sentence before he is eligible for release.

In July 2018 officers also carried out joint visits with the City of London Police to local travel agents offering the Hajj and Umrah pilgrimage to raise awareness and ensure compliance with consumer legislation. A BBC camera crew also accompanied the officers

As a result of the day of action Birmingham Trading Standards issued cautions to two out of the travel agents inspected. The cautions were issued due to each travel agent offering for sale Hajj and Umrah packages but were unable to provide evidence of complying with the Package Travel Regulations or adequate agency agreements. It was found that both companies were newly incorporated and had not made any sales. One agent had closed his travel agency almost immediately saying he found the business of travel an unrewarding one due to the amount of time and effort put in. He had advertised Hajj and Umrah but not advertised an ATOL. The second travel agent was also new to the business and felt he was working within the law due to him having an agency agreement. Unfortunately the principal agent had not provided him with a sufficient document to prove the agency agreement. This agent continues to trade as an agent, changed his principal agent and is working closely with TS in order to make sure the agency agreement is compliant. A current matter being investigated as result of a complaint was received from a consumer who had booked a Hajj package with a company in Birmingham. The couple paid the full amount of £11,200 via bank transfer. They were given an Itinerary, booking form and Insurance indemnity form. It was getting close to the date of travel but they had not received any tickets or visas. A day before they were to travel they were told that the company were unable to get the visas. When the consumer tried to ask for a refund, they were told they will need to contact the ATOL holder. During the investigation, CAA confirmed that there was no agreement in

place with Company and the ATOL holder. The ATOL registered company was dissolved in November 2018. After this date the Birmingham trader was still advertising their ATOL number and name on their literature and website. The company were invited to an interview but failed to attend, a report is being submitted.

Another major investigation commenced some time ago but is ongoing following a complaint received about a Travel agent. A prosecution file was submitted following a complaint from a member of public who had booked an Umrah trip for a large group. Questions arose as to whether the trader had actually booked the hotels that had been promised and ultimately many of the group had to make alternative arrangements and those that went ahead encountered many problems. There were offences filed relating to The Consumer protection from unfair trading regulations 2008 and The Package Travel, Package Holidays and Package Tours Regulations 1992.

A trial date was set for February 2019; however, subsequent complaints were received from consumers about the same travel agent. They were due to go on a Hajj pilgrimage in August 2018 but the trip did not go ahead as the agent did not obtain the requisite visas. These consumers have received nominal refunds for large amounts are outstanding. This has resulted in the trial date being vacated. New charges were submitted for fraudulent trading and the cases have now been joined and are due to be heard in the Crown Court in February 2020. New witnesses continue to come forward. The detriment as at 01/02/2019 amounted to approximately £25,000. The most recent complaints have brought this loss to somewhere closer to £110,000. It is anticipated that these further matters will be included in the existing case.

The work carried out by Birmingham Trading standards was cited in the Chartered Trading Standards Institute Value of Trading Standards Paper. It was highlighted as an example of excellence, innovation and best practice.

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

### **Weights and Measures**

There were 36 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. As usual, officers inspected stalls at the Frankfurt Christmas Market in the City Centre, to ensure their compliance with UK legislation. Officers tested a wide range of weighing and measuring equipment, including spirit measures and beer dispensers.

The service continues to maintain a variety of test equipment that is used by officers to investigate weights and measures complaints such as weights, both small and

large from 0.1g up to 150kg, as well as weighing machines, measures for beer, wine and spirits and a variety of length measures including one used to measure the size of shops for Sunday trading law compliance.

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

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

### **Frankfurt Christmas Market**

In November 2018, Trading Standards Officers carried out joint partnership inspections of the Christmas Market on its first day of opening. Trading Standards inspected alcohol stalls and tested weighing machines at a number stalls. Inspections of non-food stalls by Trading Standards Officers found very good general compliance. Those stalls selling alcohol were found to be displaying the correct notices and stallholders were found to have a good working knowledge of all aspects relating to avoiding under-age sales. A few minor non-compliance issues were dealt with and resolved during the inspections. It was noted that there was a high standard of clarity of price indications this year.

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

This is a key event for the City and plans begin very early on in the year to ensure that visitors to the market are safe and that only safe products are available for sale. For the year 2018 there were 4,399,513 visitors to the Christmas Market.

### **Other Trading Standards Cases**

Trading Standards conducts investigations for breaches of consumer protection legislation such as misleading or even fraudulent practices in the travel trade. Two such investigations came to court over the last year.

### **E Tickets Worldwide Ltd – Chetan Lal Panesar**

In December 2016 Trading Standards and police received a number for complaints from consumers who had booked flights through E Tickets Worldwide Ltd, Grove Lane Handsworth. The consumers had paid for flights such as to Jamaica but got nothing.

The company had been trading since 2014; Mr Panesar played the leading role in the day to day management of the company. Consumers had paid typically £400 per flight but in some cases some had paid £5000 for booking for family and friends

The company claimed to have Air Travel Operators Licence (ATOL) but this proved to be false and consequently consumers had no mean of obtaining redress. The company also claimed to be registered with ABTA but this also proved to be false.

Trading Standards instigated an investigation with the NCA also being involved at an early stage. When interviewed, Mr Panesar blamed an employee who he claimed had taken customers' money. He also claimed the shop had been a victim of a burglary and that he himself had faced threats from angry customers.

However the evidence in the case brought by Trading Standards pointed to acts of deliberate dishonesty on the part of Mr Panesar. In addition to false claims to have ATOL and being registered with ABTA, he had continued to take consumers' money knowing he could not provide the flights.

A trial date was set at Birmingham Crown Court with witnesses ready to attend and it was not until the day of trial in March that Mr Panesar pleaded guilty to one overall offence of fraudulent trading.

Mr Panesar had made a tentative offer to give some compensation to some of the victims however at the last hearing he had still not come up with any amount. Mr Panesar is due to be sentenced June 28<sup>th</sup> and is likely to receive a custodial sentence. Regrettably there are still numerous unhappy victims who are unlikely to receive compensation.

### **Proceeds of Crime**

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

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

Throughout the past year, over 42 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 26 applications were made for 70 Productions Orders to enable financial data and information to be obtained from banks, building societies, solicitors firms and other organisations. All applications for Production Orders were granted.

One cash seizure of £38,250.00 has been made which is currently before the Magistrates Court. Three other smaller amounts of cash have been seized under the Police and Criminal Evidence Act.

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

During the period 2018/2019 there were 9 Proceeds of Crime Act confiscation hearings at the Crown Court, involving 11 defendants. All 9 hearings were found in favour of Birmingham City Council and, 11 Confiscation Orders were made, totalling £524,986.00.

Out of the Confiscation Orders made £92,858.00 was ordered to be paid as compensation to victims who gave evidence as part of their respective cases.

During 2018/19, over £500,000.00 was paid in by various defendants as a result of Confiscation Orders made during this year and in previous years.

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

### **Trading Standards BSI Accreditation.**

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

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

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

### **Trading Standards Website**

The Trading Standards website consists of 20 pages within the Birmingham.gov.uk website. The pages cover a variety of subjects and include useful information and links for consumers and businesses. The pages and content are regularly updated by the Trading Standards editor. The total number of views of the Trading Standards website was 47,528 in the last year, which is an increase of 6,058 views from last year. On the landing page there is a live Twitter feed, which was created so that our latest Tweets appear on the page.

### **Trading Standards Twitter**

The @bhamts Twitter account has 2,569 followers, which is an increase of 254 followers from last year. Many advisory tweets are put on each day covering mainly



scam awareness, doorstep crime, financial abuse, electrical safety, weights and measures, hallmarking and any other current issues. A total of 1,586 Tweets were put on for this year and 1,503,400 impressions created. This equates to 10 tweets a day and 5,967 impressions a day. There were 926 link clicks and 2,989 re-Tweets. In June 2018, during National Scams Month, one #ScamAware Tweet alone generated 8,852 impressions. Trading Standards support various campaigns on Twitter such as Fake Car Parts, Inspiring women, Gas safety week, Smart Scam FCA pensions, #BuyReal IPO, Sun Safety NHS, Scam Awareness Month, Rogue trader week, Halloween IPO, Bonfire night, Puppy smuggling Dogs trust, Mischief Fortnight with WM police, Fraud week, National Consumer week, National Safeguarding week, Stop Loan sharks week, Loan Sharks Christmas campaign, Lose the laser Office of product safety & CTSI, Brum budget, , Register my appliance Day Product safety, Valentines IPO Buy real, Cyber Aware, International Women's Day, Flag it up Money laundering.

The TS Twitter account also supports the main Birmingham City Council Twitter account on various campaigns such as Brum Budget, voting, Birmingham remembers inspirational women, Birmingham Pride, Elections, European Elections, EU Settlement, Ebilling and numerous other events and projects taking place within the City.

### **Trading Standards Outputs 2018/19**

The work of Trading Standards positively impacts the entire 1,073,045 Birmingham residents, 30,380 businesses and 33,000,000 visitors to the City each year. A total of 4,307 requests for assistance were received by the Service last year. 107 of these were requests for advice from businesses. The Service supported or intervened for consumers to enable the return of £52878 in redress for poorly delivered goods or services.

10 successful prosecutions and 15 cautions were concluded.

### **Trading Standards Cases Heard 2018/2019**

<b>Legislation</b>	<b>Cases</b>	<b>Offences</b>	<b>Fines</b>	<b>Costs</b>	<b>Other Penalty</b>
Consumer Protection from Unfair Trading Regs 2008	3	6	£2465	£2725	
Tobacco Products (Manufacture, Presentation & Sale) (Safety) Regs 2002	2	7	£0	POCA	30mth community order, 180hrs unpaid work
Trade Marks Act 1994	3	23	£1030	£7016	36 month community order, 400 hrs unpaid work
Road Traffic Act 1988	1	4	£0	£2,000	12 month community order, 15 day

					rehabilitation activity requirement & 80 hrs unpaid work
Consumer Protection Act 1987/ Electrical Equipment (Safety) Regs 1994	1	4	£1800	£4,072	
Cosmetic Products Safety Regulations 2013	1	11	£2200	£3850	
Criminal Law Act (Conspiracy to Defraud)	1	7	£0	POCA	14 years imprisonment
<b>Totals</b>	<b>12</b>	<b>62</b>	<b>£7,515</b>	<b>£19,663</b>	

**REGISTER OFFICE**

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

### **Service Successes**

<b>Event</b>	<b>2017/18</b>	<b>2018/19</b>
Birth registrations	23950	23335
Still –birth registrations	113	133
Death registrations	10391	9099
Birth re-registrations	598	667
Marriages	1596	1499
New British Citizens	2485	2809
Primary Customers	62125	61184

In total 1499 marriages were celebrated and registered in the city. Staff attended 10 marriages at religious buildings and 339 at the City's approved venues. There have been 12 marriages under the Registrar General's Licence Act which allows a person who is terminally ill, and cannot be moved to a place where marriages take place, to get married wherever they are.

Registration staff made 201 S24 reports of possible offences relating to sham marriages during the year.

9 civil partnership ceremonies took place in the City over the year, with 194 same sex notices of marriage reflecting the trend of same sex customers choosing to marry rather than form a civil partnership. 13 civil partnerships have been converted to marriages. 7,058 notices of marriage and 22 notices of civil partnership were given during the year.

96823 certificates of birth, marriage, death and civil partnership were issued to the public at first time registrations

23582 certificates were issued from the registers which date back to 1837.

There have been 10 applications received from trustees of buildings to register the buildings as places of worship, 3 applications for the solemnization of marriages. These applications were processed by the staff at the Register Office in conjunction with General Register Office. The Nationality Checking Service has assisted approximately 350 customers with their applications to become a British Citizen. This service ceased in September 2018.

Over the financial year ending 31<sup>st</sup> March 2018, employees have generated - £1,987,869 income.

In addition officers have:

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

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

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

### **Challenges to the Service**

The continuing heavy workload of the Registration Service and limited employee resource remain a significant challenge and the General Register Office has raised concerns about the failure of the Service to meet some of its key KPI's.

In order to respond to the high volumes of birth registrations a further review of the birth appointment system has taken place providing more appointment slots. This has brought the average birth appointment waiting time down from five to two weeks and the service has significantly improved it's KPI percentage figures by registering 92% of births within 42 days of birth.

As a Designated Register Office (DRO) Birmingham Register Office is one of only two districts in the West Midlands which deal with citizens who are subject to immigration control. These particular customers are required to attend a Designated

Register Office regardless of where they reside. Birmingham is the largest and most central DRO in the country and consequently the ceremony service area continually deals with customers and telephone calls from all over England and Wales, and from British and non-British subjects all over the world who wish to marry in England and Wales.

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

### **Improvements**

The ceremonies suite has been redecorated to improve the customer experience.

The content of marriage ceremonies has been further reviewed and a greater range of marriage packages were made available. The reception service in the births and deaths areas was reviewed to reduce call waiting times and booking in times. The changes introduced together with the introduction of online death appointments in September has led to a reduction in the volume of incoming calls and improved call response times

Improvements include the further employment of the Stopford electronic diary system with the availability to book multiple births and death registration appointments online and greater availability of more appointments to reduce waiting times.

Job roles have been reviewed and where appropriate roles combined

### **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 have 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 review of statutory services which are currently provided free of charge. The date when these new fees may be applied has however not yet been set and the cost of provision of statutory services continues to be cost ineffective.

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

### **Coroners & Mortuary Service**

## Statutory requirements

For 2018, 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 a second court) together with associated office accommodation, secretarial, front of desk 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.
- 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 Service Plan include deaths in Birmingham and Solihull and a second court is based there supported by Birmingham

### **Current Organisational Assessment**

Whilst there was a further increase in death referrals and a significant increase in the number of post mortems during 2018 there was a steady reduction in the time taken to release bodies for families where no inquest was 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**

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%

The number of deaths notified to the Coroner had shown a sharp increase since 2014. The figure of 5,203 for notified deaths in 2017 represented 44% of all deaths registered in Birmingham and Solihull. The current figure of 5,327 represents 44.3% of all deaths registered in Birmingham and Solihull and is in line with national figures



### Number of inquests completed

Year	Number of inquests
2014	1,135
2015	601
2016	746
2017	810
2018	708

The improvement in the time that the bereaved have had to wait for inquests to be held has slightly improved. In 2016 and 2017, 93% of inquests were completed within the target 6 months, the figure for 2018 is 94%.

Similar improvements were made in relation to the number of inquests that were completed more than 12 months from the death, this fell from 57% in 2014 (due to the backlog) to 1% in 2016 and remained very low at 2% in 2017, and this fell to 1.5% in 2018.

### 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

The number of Post Mortems being carried out increased in 2017 reflecting the increase in number of referrals and the percentage of referrals that required a Post Mortem to establish the cause of death, and has remained at a similar level in 2018. The percentage of reported deaths resulting in post mortem has also remained the same at 34%, below the 2017 national average of 37%, reflecting the desire of the Senior Coroner to conduct Post Mortems where no other avenue is available to establish the cause of death. In addition 11 minimally invasive CTPMs were carried out on the order of the Coroner, reflecting the low level of demand for this service from the bereaved.

### The number of Out of England Forms

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

### 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

### Key Performance Indicators

National Indicators – these are figures required to be submitted by each Coroner Area to the Ministry of Justice – they cover a calendar year.

Indicator	Year	Birmingham and Solihull	National figure
% of all deaths notified to Coroner	2014	36.6	45
	2015	40.9	45
	2016	43.9	46
	2017	44.0	43
	2018	44.3	41
% of notified deaths that result in inquest	2014	14	14
	2015	12.5	14
	2016	15	16
	2017	16	14
	2018	14	

% of notified deaths that are subject to PM	2014	36	40
	2015	35	38
	2016	30.4	36
	2017	34	37
	2018	34	39
% of PMs with toxicology	2014	19.2	15
	2015	16	Not known
	2016	20.3	23
	2017	21.3	20
	2018	22.3	21
% of PMs with histology	2014	12.9	21
	2015	10.5	Not known
	2016	14.4	23
	2017	14.0	23
	2018	13.6	22
% of inquests completed within 6 months of death	2014	43	
	2015	93	
	2016	93	
	2017	93	
	2018	94	73
% of inquests over 12 months from date of death	2014	57.1	Not known
	2015	3	
	2016	1	
	2017	2	
	2018	1.5	9%
% of bodies released to families within 5 days of notification (where no inquest required)	2014	90.7	
	2015	89.7	
	2016	90.7	
	2017	91.8	

## Benchmarking

The figures tabulated above provide benchmarking information against national KPIs set by the Ministry of Justice.

A recent business case in respect Computed Tomography Post Mortems (CTPM) has now been agreed. As a result, it has been proposed that a 12 month contract should be put in place with Igene, the company providing the scanner. The proposal is to pay for CTPM in cases of death where the Coroner requests CTPM at around £35k a year less the costs where bereaved families directly pay. The costs will be another £12k - £15k for the first quarter of next year. The costs of transportation in respect of the deceased, will be paid by Igene.

## **People Resources**

The service is provided by the Senior Coroner together with a full and part time Area Coroner who are salaried and Assistant Coroners who provide cover in the absence of the Senior and Area Coroners and are paid a daily rate.

The Senior Coroner, Area Coroners and their Assistants are supported by 6 Coroner's Investigators, 3 Coroner's Support Officers and 8 Administrative Officers. There are 5 Mortuary Technicians who provide the Public Mortuary Service to the Senior Coroner and the citizens of Birmingham and Solihull.

## **Capital Projects**

A business case for the Capital programme within the Mortuary and Coroners has been drafted. The cost of meeting repairs required by the Human Tissue Authority following a recent audit, are expected to be around £70,000. This will include work required as part of a recent Council security check of the building as a result of an attack on a coroner in another part of the country.

The current building is considered to not be fit for purpose. The Coroner has requested relocation of the service in respect of the Coronial element of the service, to the Birmingham Youth Court in the short term. However, the owners of the Youth Court have suggested that they would prefer to go out to Market. The Coroner has therefore made a direct request for the Youth Court to be made available to the Coroners Court only.

In respect of the building, there are challenges in relation to significant repairs required in terms of the roof, and to the Mortuary. Plans are in place to address these.

A proposal is in place for a joint facility with the Black Country Coronial area and the Birmingham and Solihull services.

The Council currently operates a second court at Solihull in respect of Coroners & Mortuary and this is a pressure on the budget, but is required due to the increasing number of Inquests. Solihull Borough have, however, given notice to the Service in respect of the use of rooms for the second court and the Service is therefore, expected to vacate in August of this year, placing operational pressures on the Service.

Should a new building be sourced, or the Youth Court proposal become effective, there will be no need for the second court facilities' at Solihull.

## **LICENSING**

### **Background**

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

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

The Licensing Service operates to an ISO 9001 BSI accredited Quality Management System.

### **General Licensing**

The General Licensing Team is responsible for administering over 16,000 licences registrations and permits across a wide range of licensing functions, which includes amongst others, sales of alcohol, late night refreshment, regulated entertainment, sex establishments, charitable collections, amusement machines, gambling premises, skin piercers and scrap metal dealers.

The number of licences, registrations and permits issued by the team during the year 1<sup>st</sup> April 2018 until 31<sup>st</sup> March 2019 can be broken down as follows:

<b>FUNCTION</b>	<b>LICENCE TYPE</b>	<b>NUMBER ISSUED</b>
Licensing Act	Premises New	165
	Variation	42
	Variation DPS	561
	Transfer	218
	Provisional	0
	TENs	1320
	Personals	508
	Minor Variation	89
	Club Premises New	0
	Club Premises Variation	3
Gambling Act	Club Premises Minor Variation	0
	Premises New	2
	Premises Transfer	0
	Premises Re-Instatement	0
	Premises Variation	1
	Gaming Machines Alcohol New	18
	Gaming Machines Alcohol Transfer	9
	Gaming Machines Alcohol Variation	4
	Prize Gaming Permit	1
	Gaming Machines Club Fast Track Conv.	0
	Gaming Machines Club New	1
	Provisional Licence	0
	TUNs	0
	OUNs	2

<b>Sex Establishments</b>		
Sex Shop/Cinema	Grant	0
	Renewal	8
	Transfer	0
	Variation	0
Sexual Entertainment Venue	Grant	1
	Renewal	6
	Transfer	0
	Variation	0
	Minor Variation	0
Massage & Special Treatments		
1 level	Grant	16
	Renewal	56
2+ levels	Grant	10
	Renewal	28
	Variation (Additional Treatments)	0
	Transfer	1
Societies Lotteries	Grant	31
Street Collections	Grant	158
House to House Collections	Grant	50
Skin Piercers	Grant	247
Scrap Metal - Collectors	Grant	6
	Renewal	3
Scrap Metal - Sites	Grant	2
	New Site Manager	2
	Renewal	3
	Minor Variation	0
<b>Total for year</b>		<b>3557</b>

The figures shown do not reflect the number of current licences, registrations or permits at any given time, but detail the number of applications completed during the period 1 April 2018 – 31 March 2019.

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

The Hackney Carriage and Private Hire Licensing Team issued 8,164 licences during 2018/2019, and conducted a further 2,456 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 2019 the number was 89 (compared to 86 in 2017/2018).

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

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

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

### **Licensing Policy**

During 2018/19 the Licensing & Public Protection Committee consulted on:

- Card Payment Facilities in Hackney Carriage Vehicles
- Hackney Carriage Vehicle Conditions Consultation
- Penalty Point Scheme Consultation
- Removal of the Minimum Engine Size Requirement for Private Hire Vehicles
- Gambling Act 2005 Statement of Gambling Principles Review

### **Licensing Enforcement**

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

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

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

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

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

Apart from the routine matters of illegal plying for hire and driving without insurance, the following are some examples of cases that were concluded in 2018/2019:

- Two private hire drivers were separately prosecuted under the Equality Act 2010 for failing to carry a passenger because the passenger was accompanied by an assistance dog.
- Two Hackney carriage drivers were prosecuted for refusing to carry a passenger in a wheelchair.
- One premises licence holder prosecuted for failing to comply with the conditions of licence and failure to notify us of a change of address. He was fined £1,500 and ordered to pay £964 costs and had his personal licence suspended for three months.

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 2018 to 31 March 2019, the team dealt with 923 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 176 licensed premises were inspected in response to either a request for assistance (RFA) from a member of the public or other business or as part of an ongoing assessment of risk.

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

The overall compliance rate during 2018/2019 for safety critical conditions when measured at roadside stop-checks was 79.3% for private hire vehicles and 81.2% for hackney carriage vehicles. This measure was introduced at the beginning of 2012/2013. The greatest single reason for non-compliance was for lights.



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

	<b>Hackney Carriage Vehicles % Fully Compliant with Safety Critical Conditions</b>	<b>No of Vehicles Checked</b>	<b>Private Hire Vehicles % Fully Compliant with Safety Critical Conditions</b>	<b>No of Vehicles Checked</b>
<b>2012/2013</b>	83.2%	191	72.7%	959
<b>2013/2014</b>	86.1%	273	78.7%	1213
<b>2014/2015</b>	85.4%	426	81.6%	1307
<b>2015/2016</b>	83.6	390	80.2	1165
<b>2016/2017</b>	85.4	471	78.5	971
<b>2017/2018</b>	84.0%	269	80.9%	763
<b>2018/2019</b>	81.2%	207	79.3%	675

In addition a further 152 vehicles licensed by other local authorities were inspected at stop check exercises.

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

## **Prosecutions**

### Numbers of Cases

In 2018/2019 Licensing Officers submitted prosecution reports against 27 defendants and administered 73 simple cautions. During the same period 35 prosecution cases were finalised at Court. The majority of the prosecutions were for plying for hire offences, although four were taken under the Equality Act 2010 for refusing to take passengers with assistance dogs and one under the Licensing Act 2003.

### Costs and Fines

Fines totalling £15,455 were imposed and costs of £19,766 were awarded to the City Council.

<b>LEGISLATION</b>	<b>CASES</b>	<b>OFFENCES</b>	<b>FINES</b>	<b>COSTS AWARDED</b>	<b>OTHER</b>
Equalities Act 2010	4	4	£1,465	£2,166	
Licensing Act 2003	1	2	£1,500	£964	Personal licence suspended for 3 months
Town Police Clauses Act 1847 (plying)**	30	60	£12,490	£16,617	160 penalty points, 12 months disqualification
<b>TOTALS</b>	<b>35</b>	<b>66</b>	<b>£15,455</b>	<b>£19,766</b>	

### Appeals against Sub Committee Decisions

The following tables list the number of cases proceeding to Court during the period 1 April 2018 to 31 March 2019, together with outcomes and costs recovery:

#### **Appeals against Sub Committee Decisions April 2018-March 2019**

<b>Outcome</b>	<b>Magistrates' Court</b>	<b>Crown Court</b>	<b>Total</b>
Dismissed	34	4	38
Allowed	8	2	10
Allowed in part	3		3
Withdrawn pre- or at Court	9	1	10
Other	1 x Consent Order 1 x Rejected		2

<b>Appeal Costs</b>	<b>Requested</b>	<b>Ordered</b>	<b>Percentage</b>
PH/HC	£14,981.71	£10,541.62	70.3%
Licensing Act	£7,571.95	£7,571.95	100%

### Work of the Licensing Sub-Committees

Sub Committees also considered 119 applications under the Licensing Act, these were for:

- Grant of Licence 60
- Variation 12
- Temporary Event Notice 23
- Personal 7
- Expedited Review 6
- Review 8
- Transfer 1
- Closure Order 2

***N.B. The above figures do not include interim steps meetings. Interim Steps meetings (including reps back to interim steps): 13***

### **Service Delivery Plan 2018/2019 – Outturn**

The Service Delivery Plan identifies targets and levels of performance. In order to ensure the delivery of quality services, the Licensing Service operates within the Regulation and Enforcement ISO9001 accredited management system (REMS). The Licensing Service is committed to a programme of activities designed to ensure that our Service Provision and Service Standard targets are met.

<b>Service Provision</b>	<b>Acceptable Quality Level</b>	<b>Annual Outturn</b>
We will respond to all General Licensing applications in a timely manner: Percentage of applications processed within 60 days* *Subject to tests and Committee timetable	90%	98.6%
We will respond to all HC & PH Licensing applications in a timely manner:	90%	100%
We will respond to Requests for Assistance (RFA's): Percentage of RFA's responded to within 5-day target	97.5%	95.8%
Percentage of successful licensing prosecutions	95%	92.5%
Percentage of personal callers to Licensing seen within 15 minutes of their appointment time	97%	100%

## **ENGLAND ILLEGAL MONEY LENDING TEAM**

The England Illegal Money Lending Team is hosted by Birmingham City Council, tackling illegal money lenders (loan sharks) across communities in England. The team is currently funded via an industry levy through governance arrangements with the Treasury and the Financial Conduct Authority.

The team consists of 32 Investigators, regional Liaise Officers, two embedded police officers that support individuals and communities being exploited by illegal lenders.

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

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

In 2018/2019 work undertaken by the team included:

- 42 warrants executed.
- 62 Arrests.
- The majority of cases prosecuted received either a custodial or suspended custodial sentences.
- Value of the loan books identified £4,798,090

Examples of completed cases include:

- Operation Stanley. A businessman and his wife operated an illegal money lending business in the Cheshire and Manchester areas, despite being refused a licence from the Financial Conduct Authority as they were not deemed “fit a proper” to provide credit. In March 2019 the 58 year old male was handed a 16 month prison sentence, suspended for two years after admitting 19 counts of illegal money lending whilst his 45 year old wife admitted one charge of money laundering received a 12 month conditional discharge.
- Operation Wyboston. A 59 year old male and 48 year old female, operated an illegal money lending business in London having over 100 customers. The male was sentenced in November 2018 to 15 months suspended for 2 years and ordered to carry out 200 hours of unpaid work. The female was sentenced to eight months prison suspended for 2 years and received a six month curfew order.
- Operation Rosebowl. Following a referral from the FCA an investigation was launched into an individual that was using details from legitimate loan companies to identify customers for him using an alias. Following enforcement action by the IMT on the 3<sup>rd</sup> August 2018 the 38 years old male was sentenced to a 13 month prison sentence at Kingston Upon Thames Crown Court.

In 2018/2019 there were 1,287 victims identified who received some form of contact, the LIAISE team supported 598 victims and witnesses. From these contacts 152 individuals agreed to complete the team's questionnaire, 25% said they had felt suicidal in the last year; 16% because of the loan shark. This reduced to 0% after the team's intervention. Every witness that engages with the team is risk assessed and appropriate measures are put in place to ensure their safety and that the right support is undertaken.

In 2018/19 the LIAISE staff trained over 21,000 frontline staff. This is instrumental in giving people the skills and knowledge to encourage their clients to report activity.

Over 279 pieces of intelligence can be directly attributed to the work of LIAISE officers in 2018/19

Over 40 community projects were funded through the use of proceeds of crime money in 2018/2019.

These included:

- An arts project for adults with learning disabilities.
- A "No sharks at the Beach" themed event where an interactive mobile graffiti mural was produced.
- Production of a film "Landsharks", winning the Raindance short film awards in London
- Loan shark themed podcasts played on prison radio.
- Usual suspect loan shark themed video played in black cabs to over 92,000 people.

Over 100 incentive schemes have taken place during 2018-19, with credit unions across the country. The totals for number of accounts opened, savings and borrowing totals are still coming in. Notable examples are:

- Hull Credit Union with 194 new accounts opened which met the savings criteria
- Cash Box Credit Union in Tameside providing £49,441.00 worth of loans to new account holders
- Swan Credit Union in Milton Keynes whose new members from the IMLT incentive scheme have saved £59,966.17.

These accounts were opened by people at risk of borrowing from illegal lenders, and for many represented saving for the first time.

The 6<sup>th</sup> national Stop Loan Sharks week was run in December 2018. Members of the public were asked to guess the location of Sid the Shark around the country and agencies were encouraged to tweet key stop loan sharks messages. The reach of the campaign was over 300,000 people, with a significant increase in followers on both Facebook and Twitter.

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

education packs were updated in 2018 and have been accredited with the Young Money Quality Mark.

Three organisations won the Stop Loan Shark Champions Awards 2018/2019. They were:

- Cheltenham Borough Homes. Used proceeds of crime money to wrap their maintenance vehicles with stop loan sharks message and hotline number. The vans are in use every day providing maximum viewings in key community areas.
- Cheshire Police – Operation Grippled. An extended project of enforcement and education winning the 2018 CTSI Best Consumer Protection Campaign award.
- Just Credit Union and Homer Lake Primary School. A two week education programme delivered to all students learning them the importance of financial management and the dangers of loan sharks. Pupils set up a junior savings club with the local Credit Union and a shark poster was displayed at the local council's customer facing offices.



In April 2018 a new project was launched with six credit unions, three located in urban areas and three rural. The IMLT used proceeds of crime money and funding from the Treasury to “guarantee” up to £50,000 of loans with each credit union, allowing them to reduce their lending criteria so that people who would currently just miss out on being able to access a loan would be able to get one. An important factor was that the scheme wasn’t promoted to the public or the members applying for credit – they didn’t know they had not got a normal loan.

The credit unions taking part were:

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

All of the 6 Credit Unions that took part in the pilot achieved their targets in terms of loan default rate with an average of 10% - the default target set was 20%.

To date a total of £965,091.00 has been lent to credit union members who would not have normally qualified for a loan.

Savings attached to the loan repayments reported for each member ranged from £52 over the year to £1,038, money that probably wouldn't have been saved without the credit union account.

The average household income of borrowers was £15,299.00.