

**BIRMINGHAM CITY COUNCIL**

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

**8 SEPTEMBER 2021**  
**ALL WARDS**

**REGULATION AND ENFORCEMENT  
ANNUAL REPORT FOR WORK DELIVERED IN 2020/21**

1. Summary
  - 1.1 This report advises on the work undertaken during the year April 2020 to March 2021 by the Regulation and Enforcement Sections: Environmental Health, Pest Control, Mortuary Service, Illegal Money Lending Team and the Regional Intelligence Team. The remaining sections reported on their activities at July's Committee.
2. Recommendation
  - 2.1 That the report be noted.

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### 3. Background

3.1 The services of Regulation and Enforcement that report to the Committee are:

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

3.2 The service areas that are included in this report are Environmental Health, Pest Control, Mortuary Service, Illegal Money Lending Team and the Regional Intelligence Team. The remaining sections reported on their activities at July's Committee.

3.3 The operating model for Regulation and Enforcement implemented in 2010/2011 continues to deliver both statutory and other services that fulfil the corporate priorities of Birmingham City Council. Focus in 2020/2021 has been on dealing with the pandemic in all areas, as well as trying to maintain normal services as far as possible.

3.4 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.

3.5 The Public Mortuary provides support to the Senior Coroner for Birmingham and Solihull.

3.6 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.

3.7 The Illegal Money Lending project for England are fully funded by Central Government (the Treasury) and they are to set up to tackle "loan sharks" across England.

### 4. Implications for Resources

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

### 5. Implications for Policy Priorities

5.1 The services reporting to this Committee contribute to the Birmingham City Council Delivery Plan 2020-2022. The 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. The values (in common with the City Council) are putting residents first; acting courageously; being true to our word and achieving excellence.

- 5.2 The Council re-evaluated its goals during 2020/2021 producing a delivery plan for April 2022. The contribution of the individual services to this plan is identified in the relevant Appendix.
- 5.3 The main operating base for the Division moved from Manor House to Ashted Lock in October 2020, with satellite sites for Markets, Pest Control and IMLT. This impacted on the Trading Standards and Street Trading Services (as well as Environmental Health, Pest Control and IMLT).

## 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. This policy was reviewed in the course of the year.

## 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 Environmental Health, RIT and IMLT Services.

## APPENDIX 1

### ENVIRONMENTAL HEALTH

The normal business as usual work of Food Inspections; Health and Safety Inspections; Integrated Pollution Control Inspections; Nuisance and domestic complaints were all affected by the need to transfer officers in to Covid Enforcement and Compliance work throughout 2020/21. This demand reduced the available number of officers to deliver day to day service. The service was assisted by a £889k grant for Increased Enforcement and Covid Compliance in November 2020 which lead to the employment of Covid Marshals as well as an additional dozen enforcement officers.

The Environmental Health team enforces legislation to control matters that affect the public health of residents and visitors to Birmingham. This includes powers to deal with communicable diseases and therefore something which has been an important, yet little known capability of Environmental Health, suddenly became the rightful dominant demand for 2020-21.

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		2019/20	2020/21
Total Jobs			
	Env Health RFAs total	15,337	26,470
	Pest Control RFAs total	15,382	16,874
	All Inspection Total		

Environmental Health Breakdown		2019/20	2020/21
Waste related enquiries	RFAs & Waste Incidents not subject to complaint	233	699
Statutory nuisance	Noise	6,397	10,066
	All others	1,236	2,751
Animal Welfare	Dog Wardens	2,422	2,070
	Animal Welfare (not dogs)	277	306
Food complaints		4,115	3,600
Food Business Registrations		1,222	1,709
Infectious diseases		1,246	603
Licensing enquiries		257	232
Health and Safety	Enquiries	256	246
	Incidents (Accidents)	504	373
Unauthorised encampments	On council land	435	91
Other		2,061	2,111
Covid related work		n/a	6,367

Pest Control Breakdown		2019/20	2020/21
Rats	Rat in Garden	6,934	9,057
	Rat in House	4,722	5,440
	Mice reported as Rat in House	224	93
Pests other		3,502	2,284
Source of RFAs	CIlr, MP, CX & SD	24	42
	Public	15,358	16,832

Environmental Health Inspections Breakdown		2019/20	2020/21
Inspections	Food Inspections	2,313	958
	Food Standards Inspections	1,732	453
	Health and Safety	1,660	509
	Environmental Protection		
	No Smoking Compliance	1,888	559
	Duty of Care	1,695	544
	Animal Welfare		

## Enforcement Activity

CASES FINALISED BY LEGISLATION 2020/21					
LEGISLATION	CASES	OFFENCES	FINES	COSTS AWARDED	OTHER PENALTY
Animal Welfare Act 2006	1	1		£1,800	18mth community order, 100hrs unpaid work & 10yr disqualification from keeping animals
Food Hygiene (England) Regs 2006	22	187	£145,077	£32,213	
Health & Safety at Work etc Act 1974	3	7	£460,000	£14,586	20wk suspended sentence for 12 mths & 12wk curfew
TOTALS	26	195	£605,077	£48,599	
Total number of prosecutions submitted - 37					
Total number of cautions submitted - 16					
Total number of food closures - 19					

## Litter enforcement

CASES FINALISED BY LEGISLATION 2020/21									
LEGISLATION	CASES	OFFENCES	FINES	COSTS AWARDED	OTHER PENALTY				
Environmental Protection Act 1990									
Section 87	379	379	£94,190	£51,194	1 Absolute Discharge				
TOTALS	379	379	£94,190	£51,194					
Total number of prosecutions submitted - 454									

## Health Protection

Environmental Health's Health Protection response includes investigating infectious diseases and disease outbreaks (including contact tracing to reduce further spread), and IPC (Infection, prevention and control) inspections of infection risk workplaces and businesses to ensure infection prevention risk assessments, control and mitigations are in place. In non Covid times this relates to food borne and non-food borne infectious diseases.

Providing a delivery response to the Covid 19 pandemic was the dominant workflow for Environmental health during this year which included responding to outbreaks of positive Covid cases in workplaces, businesses, hostels, care facilities and tertiary education establishments. Additionally, officers assisted Public Health England and BCC Public Health with the management of persons within the community not isolating following a positive Covid test and assisting with contact tracing for case contacts and variants of concern.

Much of the emergency Covid Legislation was made under either the Health & Safety at Work etc. Act 1974 or the Public Health (Control of Disease) Act 1984. At one point there was an estimation that over 120 iterations of these powers had been made enforceable by both your officers and Police Officers.

Environmental Health (EH) had strong working relationships with WM Police (WMP) and together broke down the work into education (undertaken by both) and enforcement. EH led on enforcement around premises/ businesses such as closure and assessment of risk assessment whereas WMP led around enforcement against the individual. Areas of corner being found through a dedicated whistle blowing line; enquiries and referrals to the council and joint enforcement patrols. The quantum of work was as follows:

### Enforcement

Business Compliance Visits - 2061

Enforcement notices served (trader notices & prohibition notices) – 244

COVID Direction notices Served - 8

### Referrals to EH

Complaints from members of the Public - 5647

Workplace Outbreaks - 342

Assisting with Case Tracing - 152

In the November 2020 to February 2021 the EH team spent £889k on increased Enforcement and Compliance with Covid restrictions. More detail on this work was reported in the informal Licencing and Public Protection Committee in July 2021 as well as the Leaders Local Covid Outbreak Engagement Board Meetings.

The headline activities were as follows:

Temporary staff - Covid Marshals and Enforcement Officers	£342,733.00
PPE and uniform	£6,374.00
IT spends	£74,686.00
Operational costs - including van hire, cleaning, Covid controls and mitigations, office costs, training; Covid related park security	£52,024.00
Covid Graffiti removal (Covid-19 Remove misinformation) and cleaning costs	£30,000.00
Sound Equipment	£34,894.00
media, web communications including signage and park signage	£64,487.00
Barrister spend	£4,518.00
University mitigations, controls and enforcement spend	£122,911.00
Faith setting project	£33,110.00
Taxis project	£25,470.00
Cemetery Covid security	£56,930.00
underspend	£41,610.00
	£889,747.00

With regards the Covid Marshals their role was focused as the Councils front facing friendly communicators and persuaders to try and guide people into making good choices in preventing spread of Covid. This uniformed service engaged many people by offering free face coverings; providing queue management at shops, schools, food banks and places of worship. They also undertook surveys and patrols of the city through street walks to find non-compliant businesses and referred these to the enforcement officer team. Where possible they advised on improvements to achieve Covid compliance e.g. out-door seating areas or encouraging business that could not trade, to adopt on-line delivery of sales and tried to spread good working practice from one business to another. Though the whole of Birmingham was covered, Marshals were particularly deployed in those wards with the highest infection rates at any one time.

### Covid Marshal Interactions

Face Coverings distributed – 27,000

Covid Marshal interactions – 8,800 of which 3,500 were Business Interactions

Enforcement Patrols – 19,100 businesses checked, 760 Non-compliant,

Overall average compliance – 96.18%

EH Managers and Officers also attended IMT's (Incident Management Teams) which were meetings regarding outbreak control. These were attended by Public Health England, BCC's Public Health Team as well as EH. These discussed anything from improvements in cleaning and risk assessments to closure of the premises and isolation of contacts. The EH team and Police were the delivery arm of making these changes (including the closure of the Stone Road Hostel) and improvements in workplaces to stop spread and closure of businesses. The service also had to commit officers to several hotels, hostels, care homes during outbreaks to prevent a wider spread to the community and slow and stop the internal spread.

### **Business as Usual**

This section deals with a wide range of Environmental and Public Health issues. The most significant demand is investigating complaints concerning 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. Investigations are also carried out for complaints about bonfires, odour, accumulations causing pest issues, unsafe food or food premises, filthy and verminous premises and dangerous trees. The impact of the pandemic resulted in increased numbers of noise and bonfire complaints as more people were home based for extended periods of time.

This has been a particularly challenging year for the officers involved in this service area. This was primarily as a result of covid restrictions impacting on how service is provided, and the redeployment of significant resources to the covid response. Officers have maintained service during the pandemic, delivering this often on site. This has necessitated the need for continual reviews of how the service can be maintained and delivered safely, regular reviews and updating of risk assessments, and adapting service to meet changing covid rules.

During 2020/2021 a total of 26,470 requests for assistance were received, this included 10,066 noise complaints. This was an increase of around 66% on the previous year. This reflects that many more people were at home during the lockdown and working from home since. It is a statutory function of the local authority to investigate nuisance but many of these were simply from the increased use of gardens and houses during these difficult times and not statutory nuisances. 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.

## **Food Inspections**

Following the commencement of the Covid 19 lockdown in March 2020, much of the planned food enforcement work was suspended. This was in part due to the large number of food premises being closed, to implement safety protocols for staff, and to facilitate the redeployment of officers to other more pressing duties.

Once businesses started to reopen, the emphasis from the Food Standards Agency (FSA) was placed on undertaking assessments remotely, where possible. Further FSA instructions were subsequently released encouraging the recommencement of food enforcement activities where resources and local restrictions permitted.

As stated above, significant proportion of the services resources were redeployed to Covid activities. Due to this the Service set up a Food Restart Project Team using the remaining resources, this team undertook food activities in accordance with FSA priorities. Emphasis was placed on sector specific controls (products of animal origin) and enforcement of high risk issues including allergens.

For programmed inspections the period for temporary deviation from the prescribed intervention frequencies set out in the Food Law Code of Practice extended beyond March 2021. This covered visits to registered and approved establishments where the frequency of inspection and other onsite interventions are determined using the Food Establishment Intervention Rating Schemes set out in the Food Law Code of Practice. It included food establishments that have already been risk rated, those that are registered and awaiting the initial inspection/intervention and any 'new' businesses registering with the local authority.

As such, and in accordance with FSA guidance, EH prioritised its activities taking into account a range of risk factors. The focus remained on physical onsite interventions for high risk and noncompliant establishments.

The highest priority was given to:

- Ongoing proactive surveillance obtaining an accurate picture of the local business landscape. Where new and emerging risks are identified, undertaking appropriate interventions, e.g. where there are concerns around public health/consumer protection – this included at new businesses, those opening after prolonged closure and those changing the nature of their operations;
- Urgent reactive work including following up on food incidents and investigating foodborne disease outbreaks or complaints; and,
- Follow up with establishments subject to ongoing formal enforcement action and those overdue/due an enforcement revisit.

Medium priority was given to undertaking planned due/ overdue interventions of high risk and poorly compliant establishments that do not fall into the high priority category above.

For the lowest risk establishments, due interventions were deferred.



This authority therefore utilised its resources on the highest priority matters, but in addition carrying out medium priority functions when possible. This meant that a proportion of programmed inspections continued to be undertaken as appropriate in risk and date order. Due to the increasing demand of urgent reactive work from October 2021 onwards, the focus was almost entirely on the highest priority functions. The inspections carried out during the year was 958.

The service has been successful in agreeing a Primary Authority Partnership with Marks & Spencer PLC covering food safety, food hygiene and food standards. This adds to the current partnership with the company covering health and safety at work.

The service has provided an officer to support health and safety compliance, including Covid compliance, at the Birmingham Wholesale Market. The officer is undertaking individual health and safety and covid assessments at business units, in addition to reviewing site management practices covering Covid security, traffic management, waste collection services and pedestrian site access. This activity is reported by the Managing Director City Operations to the Wholesale Markets Board.

## **Health and Safety**

As with other service areas from the introduction of the Coronavirus restrictions, local authorities were required to significantly reduce the proactive inspection of businesses across the city.

Whilst a vast amount of legislation was introduced implementing the Covid 19 restrictions the majority of the controls within a workplace were established through health and safety legislation requiring businesses to risk assess their environment and implement suitable control measures to protect their staff and members of the public. Further expansion of this is found within the section on Covid 19 work undertaken through the year in the health protection section of this report.

The environmental health service continued to receive incident notification and health and safety complaints through the year and these matters were investigated and dealt with appropriately in accordance with our procedures and considering the need protecting staff and members of the public through the pandemic.

The investigation of complaints and inspections resulted in 52 health and safety enforcement notices being served 42 of which were issued where officers found there was a risk of serious personal injury primarily where there was found to be a lack of adequate guarding to machinery but also included risks of a fall from height.

Several investigations where criminal proceedings are considered have also commenced or have been continued over 2020/21 these include

The issuing of summons on Vue Entertainment Limited following the investigation into the fatal incident where a customer died after being trapped under a mechanised chair. The company pleaded guilty in July 2021 and was subsequently fined £750,000.

The continuing investigation into the fatal accident at Birmingham Wheels, where a sponsor was hit by a tractor during a gala event. Evidence was presented to the coroner's court and the investigation continues.

A building supply company pleaded guilty to work at height offence and has been fined £40,000 plus costs. The company are subsequently lodged an appeal and we await a hearing date for this.

Investigation following the partial amputation of a butchers finger due to the provision and use of an unguarded bandsaw. The company and the director both pleaded guilty to be sentenced in August.

Other investigation are also continuing and will be reported through the Regulation and Enforcement, Enforcement Report.

### **Environmental Protection Unit**

The Environmental Protection Unit (EPU) works to safeguard public health and the environment from adverse emissions across all environmental media (land, air, and water), including emissions of noise / vibration. 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 / temporary event notices respectively.

During 2020/2021 the service was heavily impacted by the Coronavirus pandemic with the requests for service initially reducing whilst some functions were suspended. This changed with the initial easing of restrictions and the subsequent cycle of lockdown and recovery as new ways of working were introduced to promote and support businesses whilst safeguarding the public. Officers have adhered to the Service's risk assessments which has allowed them to continue to deliver critical services both on the ground and in the field all the while being mindful of their own and other persons safety.

#### **Acoustics**

The provision of services to address problems concerning both noise nuisance and environmental noise continued to play an important role in our work during 2020/21. EPU continue to provide expert advice and noise monitoring services to support noise/vibration complaint investigations, planning and licensing consultation issues.

The Covid pandemic saw the importance of responding to nuisance investigations through the installation of noise monitoring equipment due to the need to socially distance. The service was able to maintain the offer to install noise monitoring equipment in citizen's houses and made 80 installations, which whilst a 50% decrease on the previous year was reflected in the need to quarantine instruments for one week upon return to the office to minimise the risk of transmitting the virus. Officers were therefore able to maintain a service and support citizens who were being increasingly exposed to neighbourhood nuisances during the lockdown.

The ability to deliver a service during lockdown was further reflected through supporting the City Housing service to procure equivalent noise monitoring instruments. This allowed that service to respond in a similar way for tenants living in the Council's own housing stock.

Support is provided to the wider EH service on technically complex noise nuisance cases and noise reports presented in support of planning applications responses.

#### Air Quality

The monitoring and improvement of air quality across the City has continued to be an important aspect of the role of EPU and has been of increasing import during this financial year.

Officers have worked in partnership with the Clean Air Zone (CAZ) team to prepare for the launch of the CAZ, in readiness for the 2020 launch date (ultimately delayed due to the impact of the pandemic to June 2021). Environmental Protection are leading on the air pollution aspect of monitoring and evaluation of the CAZ and are working closely with internal and external colleagues to develop a process to track this through. A draft monitoring and evaluation plan has been formulated along with a baseline report. The mechanism for ongoing reporting of the CAZ was scripted during 2020/2021 in time for the launch in June 2021.

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

- Air quality was continuously monitored at eight locations across the city, most being within or around the city centre. This included the newly commissioned Moor Street Queensway site. All stations operated by the City Council reported high data capture for the calendar year (2020).
- Officers from the service undertook non-continuous monitoring of nitrogen dioxide using diffusion tubes at around 90 sites across the city. Data capture at these sites was high for the calendar year (2020).
- Birmingham continues to support the national polycyclic aromatic hydrocarbon and Black Carbon monitoring networks for which the Council receives payment.

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

Air quality was increasingly important in 2020/2021 with the concerns arising from the impact of Covid in areas of poor air quality. It is recognised that Birmingham has increased mortality arising from air pollution– the Public Health Outcomes Framework includes an indicator for the fraction of mortality attributable to particulate air pollution (PM2.5) with the latest value for Birmingham being 5.83%, compared to 5.31% for West Midlands and 5.13% for England. The relevance of reducing air quality to promote public health was highlighted during the pandemic with numerous scientific studies identifying links between poor air quality and increasing adverse health outcomes including mortality in patients suffering from Covid-19.

There was significant interest in the impact arising from reductions in traffic due to the lockdown and officers produced regular statistics to inform on how concentrations were responding to reductions in traffic, including providing a context on associated confounders e.g. some of the unseasonable weather experienced during the year.

The City's Air Quality Action Plan was completed this financial year incorporating updated actions capturing the direction of the Council with regards to regulating air quality for the next five years (2021-2026). The AQAP can be downloaded at [https://www.birmingham.gov.uk/downloads/download/4061/birmingham\\_city\\_council\\_air\\_quality\\_action\\_plan\\_2021-2026](https://www.birmingham.gov.uk/downloads/download/4061/birmingham_city_council_air_quality_action_plan_2021-2026)

The service expanded the air pollution website ensuring all air quality monitoring conducted by the Council was visible and accessible to citizens. This continues to be maintained and plans are in place to expand the site to include third party data using indicative sensors. The site can be access via [www.birminghamairquality.co.uk](http://www.birminghamairquality.co.uk) .

#### 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, due to the loss of Government funded grants, require consideration before the strategy can be progressed. There has been no progression on this from 2019/2020. During the year the service 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.

#### Pollution Control

The Pollution Control Team's work covers the proactive regulation of emissions from industrial processes, the investigation of complaints relating to environmental emissions from industrial and construction sites and city centre licensed entertainment premises and providing consultation responses to both Planning Management and Licensing on environmental matters.

The emissions produced by 216 industrial and commercial processes were regulated, ranging from petrol stations to the Jaguar car manufacturing plant. During 2020/2021 the aim was to conduct 142 inspections, but due to the pandemic 137 inspections were completed. The remaining five will be undertaken in 2021/2022. Inspections were conducted complying with Defra guidance safeguarding officers and citizens during the pandemic and minimising the risk of any spread of the virus.

The prevention of future environmental problems is an important element of the Team's work. During 2020/2021 the Planning Service consulted the Team in relation to the environmental consequences of proposed 2,980 developments. Whilst this was a slight increase on the previous year the responses in time to Planning were improved from 78% to 93% due in part to both filling outstanding vacancies and through the provision of two posts funded by Planning Management (for two years) to reflect the priority placed on the Local Planning Authority function and the need to deliver timely responses to promote development and investment in the city.

The type of applications considered were all significant developments, which can have significant consequences on the city. The more complex cases tend to relate to mixed use schemes in the city centre or residential apartment blocks near existing noise sources, especially entertainment venues. These have been increasingly difficult to assess this year as the pandemic has prevented monitoring of the actual noise sources. Work involved either simulating noise exercises or relying on anticipated noise based on other schemes; both have complications and have resulted in more involved discussions with developers' consultants.

The Team comments on applications made under the Licensing Act 2003, whether for a new or revised application or for a temporary event (TEN). Whilst the pandemic restrictions initially reduced the amount of such applications, once the recovery phases commenced, the applications received were increasingly complex as they needed to include Covid controls. The need for social distancing resulted in more outdoor events applications and striking a balance with Government guidance on supporting the recovery and Covid restrictions. This service were also involved in helping shape the controls around temporary pavement licensing to assist businesses and safeguard citizens and ultimately bring some measure of normality back to the city.

As well as undertaking proactive work, officers deal with complaints about environmental nuisances, mostly in the form of noise from industrial and commercial premises. Support is provided to other agencies to deal with noise affecting citizens including providing significant assistance to the Environment Agency (EA) in relation to one of their permitted sites, Speciality Minerals in Kings Norton. The issue related to noise from the site and by providing expert advice and guidance to EA, both Agency enforcement and proposed company remediation strategies were received. The case remains on-going with continued support is being provided.

#### Commonwealth Games

The service is supporting the Division's preparations for the Commonwealth Games. Work includes:-

- Working with Public Health England on air pollution to undertaking additional air pollution monitoring;
- Assessing the many planning applications supporting the wider development in the area;
- Working with existing noisy and odorous premises to ensure emissions are controlled and do not impact on the events.

### **Unauthorised Encampments**

EH leads on the response to notifications of unauthorised encampments, principally due to travelling families and members of the Gypsy, Romany and Traveller (GRT) communities. In 2019 the opening of the Proctor Street Transit Site (PSTS) was expected to result in a reduction of unauthorised encampments. However, the impact is hard to determine as the March 2020 lockdown significantly reduced travelling.

The pandemic has created issues as the PSTS has been in almost permanent occupation and some travelling groups have accessed the site without consent. It has been reported there are issues both on the site and in the locality e.g. damage to the site and local anti-social behaviour. This has been difficult to address when adhering to Government guidance preventing effective action.

Attendance at Magistrates Court has been necessary several times to seek orders for removal of travellers as well as injunctions to prevent anti-social behaviour in the County Court and at High Court where a group of travellers sought to judicially review the Council's actions against them.

These issues have highlighted the need for more effective site management. Colleagues in the City Housing are addressing this, whilst Environmental Health revert to their primary role of dealing with unauthorised encampments.

### **Animal Welfare**

The Animal Welfare Team is responsible for a wide range of educational and enforcement activities involving a variety of domestic, exotic and farm animals kept across the City and includes the Dog Warden Service. There are licensing arrangements in place for pet shops, commercial kennels and catteries, home dog boarders, dog day care facilities, riding establishments, dog breeders, Zoos, Dangerous Wild Animal keepers and people who train and exhibit animals. Significant achievements in 2020/2021 included:

#### **Dog Warden Service**

The Dog Warden/Enforcement Officers (DWEO) responded to 2,057 requests for assistance. It has proved challenging at times to maintain a prompt and safe service during the pandemic due to team members having to isolate.

303 stray dogs were seized and impounded at contracted kennels and a further 21 dogs returned directly to their owners. 154 dogs were subsequently claimed by owners, resulting in income of £3,600 in claim charges.

Concerns over the fouling of public areas by dogs resulted in 521 complaints being investigated. Approximately 10,000 signs were affixed to lamp posts across the city advising dog owners of their legal responsibilities to clear up after their dogs and anti-dog fouling stencils have been applied to the pavements where regular problems occur. The service works in partnership with other services operated by the City Council and private housing providers and West Midlands Police to promote responsible dog ownership.

Officers conducted two proactive dog fouling surveillance enforcement exercises with one Fixed Penalty Notice being issued to an owner who failed to clear up after their pet. The reduced number of enforcement work was due solely to prevailing COVID restrictions.

Dog cruelty and neglect is an emotive and high-profile issue. Officers investigated 242 requests for assistance, relating to poor living conditions, abandonment, lack of veterinary treatment or the malnourishment of dogs. As a result, two persons were reported for prosecution for animal cruelty offences. In some circumstances, legal action against an owner is inappropriate, but animals need to be removed from premises on welfare grounds. Some 50 animals were removed under these circumstances, with their owners' agreement and included 29 dogs, 13 cats, 4 rabbits, 2 birds and 2 lambs. All these animals went to rescue centres for rehoming.

The DWEO provide the Dog Warden service for Solihull Metropolitan Council and responded to 31 requests for assistance, with 22 dogs being seized and impounded and an additional income of £2,371.50.

The service level agreement with the Children, Young People and Families Directorate to ensure the safety of children being adopted or fostered, resulted in nine assessments being carried out on animals kept by prospective carers and reports being submitted. This resulted in additional income of £1,366.22.

DWEO assist in the emergency removal and boarding of animals should their owners be taken to hospital or detained under the Mental Health Act. This valuable service involves vulnerable people, often in difficult and complex circumstances. Officers liaise with an array of organisations including Social Services, Funerals and Protection of Property, hospital staff, police and private kennels and catteries. 40 referrals were dealt with, involving a variety of animals. This resulted in additional income of approximately £4,045.00.

The DWEO have continued to promote and enforce the compulsory dog micro chipping regulations and to ensure that all cats and dogs found deceased across the city are scanned for a microchip. Officers collate and retain any information on these animals and will also notify the animal's owner.

#### Public Space Protection Orders

The five Public Space Protection Orders (PSPO) continue to be effective in tackling irresponsible dog owners who fail to control and clean up after their pets. All PSPO last three years and the five Orders were re-declared in October 2020, following a full public consultation in August 2020. The Orders have been implemented by the DWEO through educational and enforcement means. Under these Orders' provisions officers have sent 116 warning letters and issued three Fixed Penalty Notices, one for a dog fouling offence and two for dogs seen straying off the lead on a public road.

## Animal Related Complaints and Other Activities

Examples of the types of work undertaken are as follows:-

- 53 animal related licences were issued to animal establishments with an income of £15,059 derived.
- Response to an animal welfare complaint regarding 26 goats in a private back garden, resulted in all goats being relocated to more suitable farm premises.
- Attending one of the City's hospitals, who called for assistance to deal with a member of the public with mental health concerns, who had walked into the Accident and Emergency department and after becoming agitated, brought a three-foot snake out of his coat pocket in order to threaten the staff.
- Following concerns over an increase in dog theft, additional care has been taken to scan dogs for microchips in all circumstances. In responding to one dog cruelty complaint, an officer discovered that the dog he was dealing with had been stolen some weeks earlier. The dog (and her three puppies) were subsequently reunited with the distraught owner.
- A small puppy found by a member of the public and collected by the service, turned out to be a fox cub which was then taken to a wildlife rescue centre.
- The huge increase in the price of puppies and kittens seen during lockdown has resulted in a rise in breeding and on-line sales. There has been an increase in complaints regarding unlicensed traders or puppies and kittens being sold in poor condition. Officers provide advice to buyers, hobby breeders and interrogate websites involved in the selling of animals- this has led to several unannounced visits being made to check not only the welfare conditions, but also identify any unlicensed activity. An unlicensed dog breeder identified through these enquiries, has now made the relevant application and a person breeding and selling kittens was issued with a licence to sell animals as pets, following the application and inspection process. This is the first licence issued for this type of activity.
- Disease restrictions continued to affect livestock owners and 45 enquiries led to activities involving the keeping and transport of pet and commercially kept farm animals and in relation to the safe disposal of animal by-product waste.

## **PEST CONTROL**

The team continued to work through the pandemic although in the early stages many of the officers were only treating outdoor problems and poison were passed across to residents for use within their properties. This was not an ideal situation. As we learnt more about Covid we started to use the higher levels of PPE usually used for chemical spray treatments to ensure their safety and we managed to return to a much more stable delivery model. In total 16,832 RFAs were received and responded to.



When we could not undertake treatments and commercial work, ten officers moved to work with cemetery staff at different sites around Birmingham, some were digging graves manually whilst others where security on the gates, but all officers helped where they could and moved around the city as required. These officers also helped setup the temporary mortuary working weekends and bank holidays, fencing the site off, carry out pest control checks and moving office equipment over to the site from our offices.

Commercial Officers continued to support temporary accommodation work, and schools that remained open for key workers children. In addition although much of the income generating work was suspended, from mid-summer through to 31<sup>st</sup> March this work picked up enabling pest control to balance its budget for 2020/21.

When the Division moved out of Manor House to Ashted Lock, the commercial team won the contract to empty the building for handing over for demolition. As a precursor to this they also did much of the office moves saving monies from using industrial removal companies. Pest Control also relocated themselves from Manor House to the Fort industrial estate.

## **Mortuary & Coroners**

### **Coroners & Mortuary Service**

#### **Statutory requirements**

The City Council's Coroner's and Mortuary Service 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, dependent upon the size of the jurisdiction, one or more Area Coroners (Birmingham and Solihull) together with casual/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 prescribed performance information in the form of statutory returns to the Ministry of Justice.

The City Council's statutory duties 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, Area Coroners and Assistant Coroners (who are paid a daily rate) including salary/pension;
- 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; and
- Providing statutory information required by the Ministry of Justice on performance.

The service provided by the mortuary staff (which is licensed 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 Designated Individual 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. Birmingham and Solihull is one of the busiest and most complex Coronial areas in the country covering a population of over 1.3million.

All figures in this report include deaths in Birmingham and Solihull.

### **Quantity of work and Key performance Indicators**

The following tables indicate the workload of the service compared with National Indicators– these are figures required to be submitted by each Coronial Area to the Ministry of Justice– they cover a calendar year.

## Number of deaths notified to the Coroner and Inquests completed

Year	Number of deaths notified to the Coroner	Year on Year increase	Increase on 2014 baseline	% of all Birmingham and Solihull deaths notified to Coroner	National % of deaths notified to Coroner	% resulting in inquest	National average%	Number of inquests
2014	4,284	-	-	36.6%	45%	14%	14%	1,135
2015	4,805	12.2%	12.2%	40.9%	45%	12%	14%	601
2016	5,080	5.7%	18.6%	43.9%	46%	15%	16%	746
2017	5,203	2.4%	21.5%	44.0%	43%	16%	14%	810
2018	5,327	2%	24.3%	44.3%	41%	14%	13%	708
2019	5362	0.6%	25.1%	45.8%	40%	13%	14%	757
2020	5693	6.2%	32.9%	40.4%	34%	14%	16%	794

Overall the number of deaths notified to the Coroner has shown a sharp increase since 2014, when the baseline figure was recorded. The figure of 5,362 for notified deaths in 2019 represented 45.8% of all deaths registered in Birmingham and Solihull. The 2020 figure of 5,693 represents 40.4% of all deaths registered in Birmingham and Solihull and remains higher than the national figure of 34%.

The Chief Coroner issued guidance early in the pandemic to advise that COVID is to be treated as a naturally occurring disease and considered a natural cause of death. In a large majority of cases there was no need to be referred to the Coroner. Increased referrals to the service have arisen because GPs had been unable to see their patients during lockdown, and/or suspected COVID19 but could not be certain this was the cause of death meaning the death had to be referred to the Coroner.

Despite the pandemic, the service has maintained an excellent service in regard to the time the bereaved have had to wait for inquests with 94% of Inquests in 2020 being completed within the target 6 months as opposed to the national average of 62% (90% in 2019 against national average of 63%)

Birmingham and Solihull have a higher than national average rate of jury cases with many Inquests planned during 2020. However, the COVID 19 pandemic lockdown and subsequent need for social distancing meant the Jury Inquests and many other complex cases could not proceed.

From June 2020 the service was able to resume inquests via Microsoft Teams with the Coroner in court, as required by law, and all parties attending online. The service did undertake limited Jury Inquests at an alternative venue in the latter part of 2020 and continues to work through outstanding Jury Inquests due to the pandemic and restrictions on facilitating them in the current fixed seating court at Newton Street

Throughout the Pandemic the service has striven to continue with business as normal for more straightforward cases. With natural deaths being processed on average within a day, cases requiring post mortem are usually processed within three or four days and those cases requiring an inquest usually conclude within 12 weeks. Very straightforward cases are normally concluded within three to four days. These timeframes compare very favourably to most other areas.

**Urgency** – The service has processes in place to allow urgency requests to be considered and the vast majority are prioritised, within the confines of the Coronial functions. This was more challenging during the two COVID 19 waves, however cases were still prioritised.

#### The Out of England Service

Year	Number of Out of England Forms Issued
2014	141
2015	176
2016	227
2017	241
2018	233
2019	233
2020	149

Applications are shown in the table above.

#### Current Organisational Assessment

The ethos of the Coroners service 'is to put the family at the heart of the process and to have an independent, open and transparent service.

The Coroner's service played a key role in the response to the COVID 19 pandemic. When dealing with the excess deaths that occurred due to COVID19, we set clear principles to ensure that people who lost their lives were treated with dignity and respect throughout and that their families were kept fully informed at all times and treated with care and compassion. In 2020 the service had to manage a large number of death referrals, many COVID related.

## **Mortuary**

Birmingham Central Mortuary operates a 24 hour service 365 days a year. The small team of staff comprises 4 qualified anatomical pathology technicians (including the manager) and the service has employed two trainee technicians who are studying to qualify as anatomical pathology technicians across the next 18-24 months. The team have worked tirelessly throughout 2020 to ensure that the service has continued to provide an excellent service ensuring that the deceased are treated with upmost dignity and respect whilst in our care.

### **The Number of Post Mortems (PMs)**

Year	Number of PMs	% of PMs with toxicology	% of PMs with histology
2014	1,562	19.2	12.9
2015	1,702	16.0	10.5
2016	1,542	20.3	14.4
2017	1,762	21.3	14.0
2018	1,768	22.3	13.6
2019	1,689	24	14
2020	1,665	25	15

The number of PMs undertaken increased in 2019 reflecting the impact of the pandemic and increased number of referrals to the Coroners' service and the percentage of referrals that required a PM to establish the cause of death, and has remained at a similar level in 2020.

The percentage of reported deaths resulting in post mortem has also remained the same for 2019 at 33%, (below the national average of 39%) and at 29% in 2020 which was 10 % below the national average of 39%. This reflects the desire of the Senior Coroner to conduct PMs, where the cause of death cannot be established.

## **Computed Tomography Post Mortems (CTPM)**

Following the 12 month trial from July 2019 for 250 cases to undergo a computed tomography post mortem(CTPM), via a scanner, rather than an invasive post mortem, a further 12 month agreement was reached in July 2020 to extend the provision for a further year to end of June 2021, for a minimum of 500 cases. This provides a digital post mortem via a scanner (located in Sandwell and owned by iGene) for Coroner selected cases (against a criteria, of cases proven to be most suitable for CTPM such some trauma, road traffic accident cases or those agreed by the Coroner for the Police) to assist with establishing cause of death without the need for an invasive post mortem.

It is not possible for the Coroner to authorise CTPM for all cases, families that want a CTPM for cases which do not meet the criteria are able to request them and the coroner will consider each request. In these cases the family are responsible for the costs, at the rate agreed for the trial between BCC and Igene.

CTPM can often take longer than a standard post mortem as we have to wait for the scan to be completed and reported before we can determine if there is an acceptable cause of death.

If the scan and radiologists report of the scan do not provide conclusive evidence of cause of death, an invasive post mortem is still required to establish the cause of death. The City Council or Family is only charged if the CTPM does establish the cause of death.

### **CTPM' s undertaken for 2020**

There were 535 CTPM's undertaken in 2020, of which 4 were on behalf of the Police and 3 were the result of a family request. 259 of these CTPM's established the cause of death and 276 cases required and invasive post mortem. Evidencing a success rate of 48% for 2020.

BCC undertook 1,665 PM examinations during 2020, of that, 535 were CTPMs. The service identified that CTPM was a good way of identifying COVID19 in patients who had not been swabbed during lifetime. CTPMs continue to be performed on other cases where it is likely to provide assistance to confirming the cause of death.

The Coroner's team and Igene meet regularly and with pathologists are working together to improve the success rate and currently it has a success rate of around 50%.

### **Temporary Mortuary Provision**

The City Council's response to the coronavirus pandemic and increased pressure on mortuary capacity was to erect a bespoke mortuary storage facility with the grounds of a City Council cemetery. The public mortuary staff oversaw the development of

this and staffed the facility from the small team, supported by other staff from Regulation and Enforcement. In addition, the service increased the storage capacity within the public mortuary itself using racking when demands on the service increased. The team provided support (both officer and management) to the Regional mortuary when in use, whilst maintaining provision of mortuary and PM services at the request of HM Coroner.

### Regional Mortuary

Chief Executives for the seven metropolitan authority areas, including Birmingham and Solihull) and Warwickshire County Council agreed to the development of 'West Midlands and Warwickshire Regional temporary mortuary at Birmingham Airport', facilitated by a multi-agency group, with Birmingham City Council being key stakeholders and responsible for the mortuary HTA licence.

The facility was open from 15 April to 4 September 2020 then mothballed on standby in the event it was needed for storage of the deceased. In early 2021 it was reopened from 5 February 2021 to 16 April 2021.

Your officers are responsible for obtaining, maintaining and ensuring compliance with the HTA licence standards. Working with the Coventry NHS mortuary manager and West Midlands police staff to ensure the facility met the exacting standards of the HTA ensured continued operation of the appropriate licence. The three partners have worked together well to ease the pressures on the NHS mortuaries and funeral directors who were finding difficulty in looking after bodies prior to funerals.



**ENGLAND ILLEGAL MONEY LENDING TEAM**

**Background**

The grant-funded project was initially piloted in 2004 with teams from Birmingham and Glasgow operating across a specific region. The purpose was to identify if illegal money lending was in operation and, if so, investigate and institute proceedings against those involved. The project was commissioned for an initial period of two years, being further extended year to year following a number of high-profile, successful investigations.

National Teams are in place covering England (hosted by Birmingham City Council), Scotland, Wales and Northern Ireland. All teams regularly hold meetings, currently virtual, to share best practice and current initiatives. The IMLT operates across England using the legislative powers contained in the Consumer Rights Act 2015.

IMLT's brief remains to investigate and prosecute illegal money lenders and to provide support to victims and communities under the control of illegal money lenders, and by working with partner agencies to deliver this support.

From an initial team of seven officers, the team has grown in size and now employs 58 staff in various roles and recently recruited three apprentices to work across the intelligence and intervention sections.

Initially, officers gather and develop intelligence by working with local services with the aim of corroborating information, warrants are executed, and, where appropriate, cases taken into the court process. Another branch of the team (LIAISE officers) supports loan shark victims throughout the process and raises awareness, with local, regional, and national services, regarding the team's work.

Since its inception, the team has secured over 408 prosecutions for illegal money lending and related activity, leading to 593 years' worth of custodial sentences. These actions have resulted in writing off £87 million of illegal debt and helped over 31,000 people.

The primary legislation governing the consumer credit industry is the Financial Services and Markets Act 2000 (FSMA), previously the Consumer Credit Act 1974. The Trading Standards Service has a duty to enforce this legislation within its area.

The Financial Services Act 2012 amended the legislation to move the authorisation process under FSMA. It retained the enforcement provisions regarding unauthorised business for Trading Standards. The Financial Services Act makes provision for trading standards services to operate nationally to make the administration process easier for the IMLTs.

A fundamental requirement of FSMA is all potential credit providers must possess appropriate authority issued by the Financial Conduct Authority. To operate a credit business without authority is a criminal offence that carries a maximum penalty of a £5,000 fine and/or up to two years in prison.

Illegal money lenders, or "loan sharks" as they are more commonly known, have long been recognised as the most unacceptable part of the illegitimate consumer credit industry. Targeting vulnerable communities and individuals, charging exorbitant rates of interest, and using whatever means including, at times, fear and intimidation to recover monies 'owed'. Controlling lives and the community are common traits that illegal money lenders will exhibit during their operations.

Initially, there was little knowledge about the scale of illegal money lending, either in the number of individuals involved or the number of possible victims across the country. As a result, illegal money lenders were rarely, if ever, prosecuted due to victims being reluctant to come forward. Birmingham City Council has now prosecuted over 400 individuals and disrupted many more illegal lenders, stopping the pernicious enterprise.

As well as the team's work, the Government commissioned Independent research by Bristol University (POLICIS) in 2010, showing that around 310,000 households across the UK were indebted to illegal money lenders. Work carried out by the team indicates that each person borrowing from an illegal money lender typically has an average loan of £350 each time and pays back double the amount. Rollover loans are typical, and this means that a person will have 3 ½ loans annually from the illegal lender. This equates to £1,225 borrowed, paying back £2,450.

Typically illegal money lenders:-

- Start out being friendly – they are often heard of via friends. It is only when repayments are missed their behaviour changes.
- Offer little or no paperwork.
- Increase the debt or add additional amounts.
- Refuse to tell the borrower the interest rate, how much they still owe, or how long they will be paying back. (We have seen APR's as high as 4.5 million %).
- Take items as security - this may include passports, driving licences, or even bank or post office cards with the PIN to withdraw directly from borrower's accounts.
- Sometimes resort to intimidation, threats, or violence.

Throughout its life, the project has been funded by Central Government. This funding was on a yearly basis and subjected to annual submissions. In 2016 it was announced that a levy would be applied to credit businesses. This funding commenced on 1 April 2017 and has secured the work of investigating illegal lenders. The current budget for the team's activities is £4,253,249.

#### Operating the Illegal Money Lending Team

Many successes can be attributed to factors such as, the quality of the intelligence gathered, the hotline and dedicated website, social media, partner engagement and partner participation. These relationships are developed and grown by the Liaise Officers (Leads in Awareness, Intelligence, Support, and Education).

The Stop Loan Sharks brand was first introduced back in 2004 and has continued to be developed since its inception. The team has a significant social media presence, including Facebook, YouTube, Instagram, Snapchat, and Twitter accounts, as well as its own website and LinkedIn accounts.

The approach used is fully agile and flexible to tackle this type of criminality, recognising that "one hat size does not fit all" circumstances. The legal changes under the Consumer Rights Act provide authorisation for Birmingham City Council to operate across England and Wales in respect of offences under the Financial Services and Markets Act 2000 (FSMA), changes that were introduced to lighten the team's administrative burden and allow full functionality in all geographical areas.

The Team's Head of Service and Operational Managers have delegated authority to proffer charges at police stations, institute proceedings through the reporting process and make decisions regarding the outcome of investigations throughout the process. This authority speeds up the court process, allowing suspects to be arrested, interviewed and charged the same day. In some instances, the defendant has been brought before the courts within 24 hours.

Recognising the importance of communication in all aspects of the team's work has also been a key priority. The hotline is 24/7 and staffed by the team members. This promotes reassurance and allows for information to be fed directly to lead investigating officers regarding the actions of the suspected illegal money lenders. In addition, the IMLT has launched a Live Chat service on their website, enabling victims to access support discreetly and talk online with a Stop Loan Sharks Support Officer, safely and in confidence.

Live Chat provides a valuable route to support and has allowed people who are isolating and do not want their partner to know about the debts to engage with IMLT. A smartphone app has been launched to help loan shark victims. The Stop Loan Sharks App offers support and information for anyone who may be involved with a loan shark or those concerned about someone they know. The App has had over 1,000 active users, and the IMLT has the functionality to send push notifications about loan shark arrests and court cases based on the user's location.

#### **Paid social media campaign**

The IMLT delivered a paid media campaign in March/April 2021 on Facebook and Instagram. The campaign used both PPC (pay per click advertising) and paid ads. The campaign targeted locations across England to raise awareness of the dangers of loan sharks and encourage people to seek help and report illegal money lending to IMLT. It received over 54,000 impressions, 552 link clicks and reached more than 28,000 people. The findings of this campaign have developed an insight into the relevant audience for Stop Loan Sharks and how they interact with campaigns.

The most engaged demographics were those aged 65 plus, who are known to be a more vulnerable age group, alongside more females than males engaging with the campaign. Across both Facebook and PPC, the most engaged audience were located within 6 miles of the Hackney region of London, with other locations being more evenly distributed across click-throughs.

Learning from the campaign include both the landing page forms and live chat function served their purpose in fulfilling the need for people to easily contact and reach out for support where needed after clicking through to the landing page.

#### Valentine's campaign to target loan sharks

The IMLT delivered a social media awareness campaign around Valentine's Day following reports loan sharks were targeting vulnerable people through dating sites. The criminals set up online dating profiles to lure victims into fake romances before trapping them in a dangerous cycle of debt.

In one case, a victim was tricked into taking out a loan after telling her new love interest about her financial problems. She borrowed £3,000, but her debt soon spiralled out of control. The loan shark demanded £10,000 and sexual favours to pay off her debt. In other cases, victims have been blackmailed on social sites used by the LGBTQ community. Users have been targeted by loan sharks threatening to download and share private photographs, if they fail to pay their debts.

#### SHARK Interactive Film

The IMLT has released a new interactive film showing the dangers of loan sharks on social media created by Perception Theatre. The new film called 'SHARK' is being rolled out to all secondary schools, colleges and universities, and all other partners as part of a drive to educate young people about the risks associated with borrowing from loan sharks on social media.

The film, which has decision-making pauses where the viewer can decide what route they choose, has been funded from cash recovered from loan sharks under the Proceeds of Crime Act (POCA). In the film, Liam is introduced to a loan shark on Snapchat, and viewers can choose the central character's choices. The storylines are based on the real-life experiences of victims of illegal money lending.

The trailer and to view SHARK use this link [www.perceptiontheatre.com/shark](http://www.perceptiontheatre.com/shark)

The investigations have resulted in many high-profile court cases including those with serious criminal offences investigated and prosecuted by the City Council. The strategy to prosecute for all matters has resulted in prosecuting crimes that may not typically be associated with a Trading Standards Service. The decisions to prosecute offences such as rape, blackmail, kidnapping, wounding and assault were made after careful consideration and consultation with Legal Services. It was recognised these offences were directly linked with illegal money lending and occurred as a direct result of involvement with this activity.

Raising awareness of the team with the public and other interested parties has been critical for gathering the right intelligence. In addition, the involvement of the police and their support in the operations has been extremely beneficial. Embedded Police Officers have given the team an added dimension to its investigatory powers.

Some recent cases include:-

#### OPERATION CHARNWOOD FOREST – DONCASTER

A loan shark who used Snapchat to promote his illegal money lending business was jailed for 16 months on 30 June 2021. Rovin Mavunga from Doncaster, paid a Snapchat influencer to advertise his services online and even used social media to threaten his victims when they could not afford to make repayments. He charged almost 100% interest on short-term loans to about 130 people. Mavunga would send messages with payment reminders, adding interest and arbitrary charges if borrowers failed to pay on time. One woman, a single mother of two, was slapped after a man approached her in the street demanding she repay the money she owed. She fled to a nearby shop, and the police were called, but she was so traumatised she eventually moved from the area.

Mavunga visited a victim's neighbourhood and sent an image of a house and car he believed belonged to his mother. The man was sent messages from an individual introduced by the defendant, threatening to burn his house down and kill him.

#### OPERATION CORSICA – BRIXHAM

Three people involved in running an illegal money lending business were given suspended sentences. Jamie Grant from Brixham, was sentenced to two years' imprisonment, suspended for two years after pleading guilty to illegal money lending and money laundering offences at Exeter Crown Court on 23 June 2021. This follows the previous sentencing on 14 July 2020 at Exeter Crown Court, where Mahli Binmore, and Simon Saunders, both of Brixham, were sentenced for illegal money lending and money laundering offences.

Grant was known to lend money, always charging "double bubble" on repayments the following week plus any interest he wanted to charge. He was known to pick up his victims from home and escort them to a bank to ensure payments were made, threatening with violence if payments were short or missed and causing many to have to immediately borrow from him again as he had taken all of their income and left them nothing to live on. Binmore knowingly allowed the use of her bank accounts for victims to make payments. She was sentenced to 20 months imprisonment, suspended for 18 months, and 150 hours of unpaid work.

The court heard Saunders had delivered loans and collected repayments from other victims in the Brixham area. He received an 8-month prison sentence, suspended for 18 months, and ordered to complete 150 hours of unpaid work. Grant was told by the judge had it not been for his guilty pleas and his personal circumstances, he would have been sentenced to at least three years immediate custody.

#### OPERATION BIRCH GROVE – BRENT

A Brent man who ran an illegal £128,000 money lending business was given a suspended sentence. Kyaw Min was sentenced for running an illegal money lending scheme for seven years, in which he dealt interest-only loans without permission from the Financial Conduct Authority (FCA).

He was sentenced to 17 months in prison, suspended for 18 months, and ordered to do 200 hours of unpaid work in May 2020. Min had been running the illegal business since April 2011. During this period, he issued 124 loans amounting to £128,935.00, and the total interest repaid was £53,607. Loans were given at 10% interest on the outstanding capital each month. Victims were forced to pay off the interest on the loan every month until the total amount could be repaid.

**OPERATION YEARLING** – An Exeter man who illegally lent money to vulnerable people was given a suspended sentence on 4 November 2020. Robert Ferguson, of Exeter, admitted running an unlawful money lending business and was jailed for 30 weeks, suspended for two years at Exeter Crown Court. He was also ordered to do 180 hours of unpaid community work and pay £300 costs. Ferguson had been running his illegal money lending scheme between April 2014 and November 2019. He charged exorbitant rates of interest to friends or people he met in pubs and received tens of thousands of pounds in loan repayments from more than 20 people.

**OPERATION SHOREHAM** – A husband and wife team ran a lucrative illegal money lending business in the Stockton area and netted over £500,000 in loan repayments. Alan and Joyce Fromson were both sentenced to 10 months in prison, suspended for two years at Teesside Crown Court on 17 November 2020. The pair pleaded guilty to two charges of illegal money lending between July 2007 and October 2019.

The pair had left Provident and established their own money lending company called JFA Personal Credit in 1997. They ran a legitimate business until 2007, when they failed to renew their licence to loan money to customers. They did not pay any tax on their earnings while running their illegal business. They issued loans worth around £382,800, earning £214,044 in interest payments and netting a total of £573,457 over 12 years. Specialist officers executed a search warrant at the couple's home in October 2019, where evidence and records were seized. In interview, Alan told investigators, "the money goes straight into our pockets, and we could get away with it, so we did" and "we have had a very, very good living out of it."

**OPERATION THREE RIVERS** – On 3 September, at St Albans Crown Court, Mr. Barrera pleaded guilty in respect of illegal money lending offences. He was sentenced to 12 months custody on each to be served concurrently. Regarding a Proceeds of Crime Act offence, Mr. Barrera was sentenced to 2 months' custody to be served consecutively, a total of 14 months. The sentence was suspended for 18 months. A contribution to costs was ordered in the sum of £400.

A Teesside mother, who fell into the clutches of an unscrupulous loan shark, was awarded a CTSI Hero Award in September 2020 for sharing her experience to encourage other victims to come forward. The mum of five, Becky\* was nominated for the award by the IMLT. Becky found herself in financial hardship and borrowed £50 from someone she considered a friend to buy school uniforms for her children but ended up paying an estimated £35,000. Survivor Becky bravely spoke about her horrific ordeal of becoming entrapped by a loan shark, which led to attempts to take her own life after falling in debt and receiving terrifying threats from an ominous "Big Man."

Becky and her husband were both unemployed at the time, and with no access to a bank account, credit cards, or able to get a loan, she felt she had no option but to accept the cash from the woman posing to be her friend. Becky said: "I had the £50 in 15 minutes. It seemed like easy money, but I didn't realise the dangers. "The first time I was in arrears, she added another £150 on top. So, you could borrow £50 one week and owe £100 the next. But if you couldn't pay it would be £250 in a fortnight, £400 in three weeks. "The most I ever owed was £1,500. She was taking hundreds a week off me, and I had to use food banks."

The loan shark would text her kids if she was late with payments and warned them they would be coming to visit unless she paid up. Her case was investigated by the England Illegal Money Lending Team, with Becky and her children moved away from the loan shark, and the lender has been investigated.

Between April 2020 and August 2021, the team conducted 14 operations resulting in 25 arrests. However, the team, like all agencies, has been hindered by the current pandemic.

#### Victim Contacts

There were over 400 contacts with victims in 2020-21. Many of these offered emotional support and safety advice, but there were also referrals to credit unions, housing, debt advice, and mental health services. The team dealt with £450,000 of new victim debt in 2020-21.

#### Victim Profile and Statistics 2020

The gender split of borrowers was 50% female and 50% male. In addition, 45% of victims supported were parents with an average of two children per family. 44% of clients had long-term health conditions.

- 15% said they had a physical illness.
- 14% had mental health issues.
- A further 15% said they suffered from both mental and physical illness.
- 3% of borrowers said they acted as a carer for someone over 18.
- 30% of victims said that they had considered suicide during their lifetime, including 16% who had attempted suicide.
- 91% of borrowers said that they were in a state of worry, stress, depression, or severe anxiety because of their involvement with a loan shark, and 55% told us that they had been abused verbally and/or threatened with physical harm (or actually harmed) by the loan shark.
- 80% of respondents paid rent for their home, either to a social landlord or private property owner.
- 23% of respondents said they had visited a debt advisor; this is 9% more than in 2018.

- 33% of those who had accessed debt advice said they had told the debt advisor about the loan shark; Comments made by victims who said they hadn't mentioned the lender included "I was too scared," "I didn't think they could help" or "the advisor didn't ask about loan shark debt."
- 18% had heard of the term "Credit Union," including 4% who were already members. The remainder had never heard of a Credit Union.
- 64% of victims were claiming benefits. 38% of respondents claiming benefits were on Universal Credit.
- 29% of clients told us that they had priority debts, including rent, mortgage or council tax arrears.

48% of those supported during 2019 were unemployed— an increase of 17% on the previous year. 46% were in work – either full or part-time, while the remainder were retired, home carers, or students. 12% of the victims met the illegal lender in either the lender's or the victim's workplace. Victims may be forced to give personal documentation that may be needed for work, such as passports or vehicle registration certificates, and may have to take time off due to mental health issues caused by the lender. 11% of borrowers met the LS via social media. Those under 25 were more likely to get to know LS via social media than any other age group; those over 55 were more likely to access via a friend or family member.

48% of victims supported during 2020 were told about the loan shark by friends or family members, a decrease of 21% on the previous year.

The median amount borrowed was £2,000 –£1,500 lower than the previous year. The median amount repaid was £10,000 –5 times the amount borrowed.

57% of borrowers believed the loan shark was their friend at the point of borrowing. 28% of victims had payments collected from their home –an increase of 6% on 2019. 13% of victims made payments at the lender's home –an increase of 5% on 2019.

9% of borrowers repaid at a pre-arranged venue in their local area and 11% at either their workplace or that of the lender. 36% of payments were made via electronic bank transfer compared to 46% in 2019.

33% of victims said their relationship with the loan shark was affected by the Covid pandemic. Either they had to borrow more because of loss of income, or the lender increased threats over non-payment.

The lowest amount borrowed from a loan shark was £60 for new baby expenses. One person who borrowed £75 paid back over £13,000 over eighteen months and still had an outstanding balance of £600. Another borrower received £300 from the loan shark. After repaying £15,000 over two years, the lender was demanding a further £170.



The victim statistics for the first six months of 2021 have shown some interesting trends.

- The youngest client offered one-to-one support was 19, and the oldest was 81 years of age.
- 72% of clients saying they had long term health conditions - up 28% on last year.
- 92% of borrowers said that they were in a state of worry, stress, depression, or severe anxiety because of their involvement with a loan shark- up 1% from last year and 8% in 2019.
- 70% of borrowers said they had been threatened by the lender- up 14% on last year.
- 88% were in rented accommodation up 8% on last year's figure– 6% were owner-occupiers.
- 82% of those we've offered support to this year are on incomes of under £20,000.
- 79% of clients were claiming benefits - the highest amount recorded since IMLT started collating statistics.
- 31% are employed, including self-employment - 17% less compared to last year's figure.
- 50% had used a food bank in the previous 12 months - the highest figure since IMLT started recording in 2014 (the year before was 14%). 24% had applied to the local authority for some form of financial help in the last year - the highest amount ever. 58% went without food, fuel, or missed rent or mortgage payments to repay the loan shark - the highest amount ever.
- 13% met the lender at work.
- 6% met them on social media sites.
- 52% of borrowers supported during the first half of 2021 were told about the lender.
- By friends or family members.
- One client borrowed £4,000 from the loan shark ten years ago. He has repaid over £170,500, and the lender says he still owes £80,000, a total of over half a million may have been paid if the borrower hadn't sought support.
- An illegal lender was taking almost all of a borrower's benefit money, leaving them with just £7 a week to live on.

### **Training – Partners**

In 2020-21, the team trained over 12,000 frontline staff online. New training sessions have been developed and delivered:

- What is a Loan Shark? – looking at the crime of illegal lending and how to identify a victim.

- Overcoming Victim Barriers and Changing Lives – going into more detail about the reasons people don't engage with IMLT and overcoming them.
- What is a Credit Union, and how do they help in the fight against loan sharks? – looking at partnership arrangements with CUs and how they can help steer people away from loan sharks.
- Reflective training – become a Stop Loan Shark SPOC – a three-session training event with "homework" allowing a small group to really engage with the issues facing victims of illegal lenders.

Some outcomes from the training:

- Before the training, 36% of participants were aware of the IMLT. This is interesting as it shows the majority of the people on the training had not engaged with the team before, suggesting online training is reaching a new audience.
- Before the training, 93% of participants were aware of what a loan shark is.
- 82% participants scored the training a 8 or higher (out of 10) for being beneficial to their work.
- 92% of participants said they were now aware of the dangers of loan sharks (allocating a score of 8 out of 10 or higher).

### **Partner Recognition**

The Illegal Money Lending Team has launched a Partner Recognition Scheme to reward partners who support the work to stop people from using loan sharks. Organisations can apply for one of two awards by hitting five of the following criteria:

#### **PARTNER**

1. Regular IMLT training of appropriate staff.
2. Have publicity available at offices for service users.
3. Have an IMLT presence on your web and intranet site.
4. Promote credit union to staff and service users.
5. Allow IMLT use of local office space to facilitate statement taking.
6. Have a single point of contact to co-ordinate IMLT work.
7. Publicise our campaigns via your comms channels.
8. Run regular awareness sessions for service users.
9. Promote the use of our reporting app

#### **PARTNER PLUS+**

10. Have a policy in place to recognise loan shark victims and a co-ordinated response.
11. Referred intel to IMLT.
12. Run a credit union incentivisation scheme for service users.
13. Run regular awareness sessions for service users.
14. Have a payroll deduction scheme for your organisation's staff with your local credit union.
15. Run a dedicated social media campaign.
16. Incorporate use of IMLT education packs as part of your work.

17. Have a partner charter signing.
18. Run an IMLT event for service users.

So far, the following agencies have been awarded Partner status:

- 
- Runcorn Police
- Prima Group.
- Rhubarb Farm.
- Just Credit Union.
- Cheshire East Trading Standards.
- East Sussex Credit Union.
- Together Housing Group.
- Staffordshire Citizen's Advice.
- Citizen's Advice Wirral.
- North Warwickshire Borough Council.
- Nuneaton and Bedworth Borough Council.

#### Partnerships

IMLT are working with It Takes Balls men's mental health campaign to:

- Have a link on the It Takes Balls website and a blog item on IMLT.
- IMLT information in It Takes Balls' training.
- Campaign - May 10-16 May - walkabout with Sid the Shark mascots
- Facebook Live session.
- Campaign - June 14-20 June - IMLT to pull together a draft social media campaign with an overview of men's health/loan shark issues.
- Link into other men's health forums across England.

The Gambling Commission (GC) has agreed to make it a licence condition for operators (bingo hall, casinos, bookies, etc.) to report illegal lending to the GC (who will then pass to IMLT). They must also have provisions within their working framework to ensure staff are aware of IMLT, and operators could face enforcement action from GC should they fail in this area.

LIAISE have been undertaking weeks of action online.

#### Gateshead

- Work ongoing with Gateshead Council and NE First Credit Union. Planned 4-week targeted Facebook Campaign. Press release published by Gateshead Council and video of a cabinet member promoted.
- Discussed incentive for Gateshead Council staff to be launched in January.
- Delivered two training sessions for Gateshead Council staff, including the Union Rep who worked with the member of staff who was a victim of a loan shark.
- Delivered two training sessions for Gateshead Housing Company staff (with two more in December), and they are going to pass details over to other teams such as ASB, neighbourhoods, etc.

- The current case meant LIAISE spoke to a social worker who has passed on details to the training team.

SERCO contacted the team after sitting on the same Organised Crime Group. As a result, training has started for staff, and the agency is looking at setting up payroll deduction savings with a credit union as part of their financial wellbeing programme. In addition, SERCO is looking to achieve Partner Recognition status.

LIAISE are working with the National College of Policing to raise the team's profile with Forces in England. Information is being sent to Contact Centres, and potential training links are being explored.

Livewest Housing has received training on how to spot a loan shark and are now looking at Partner Recognition status. As part of this, they have recorded a podcast with IMLT so that staff who could not attend the training (especially maintenance staff who work out and about) can receive the information.

LIAISE worked as floating mentors during an FCA techsprint looking at developing financial solutions for women in vulnerable situations. They will now work with projects to ensure products are valid for loan shark victims and can flag up concerns.

#### Credit Union Work

Credit Union Incentives (where IMLT offers £25 of proceeds of crime money as an incentive for people to join and start saving with the credit union) have been a challenge during the Covid restrictions. Some credit unions have shut offices, and people may have had less income. Despite this, the team has "sponsored" over 1,000 credit union accounts in 2020-21. The incentives are targeted at cohorts who are "at-risk" of using illegal lenders.

IMLT launched payroll materials for credit unions in July and is working with Chambers of Commerce to target companies and get them to sign up for payroll deduction schemes with the credit union.

The Black Country Chamber is signed up already with work about to start elsewhere in the country, including Swindon and Sheffield. The material, which has all been professionally designed, will enable credit unions to approach local employers to get them on board.

A group of credit unions in London and Kent bid for some proceeds of crime money to develop and launch a website for child benefit loans, [www.childbenefitloans.co.uk](http://www.childbenefitloans.co.uk). This enables people to borrow against their child benefit, with mandatory savings built into the process. The aim is that then people have become credit union members, so look to other credit union products in the future. 2 more credit unions, Darlington and NE First, are due to join the scheme later this year

Through conversations with the sector, IMLT ascertained that many credit unions felt they under-utilised social media, either through lack of expertise or time. As a result, IMLT use proceeds of crime money to fund a social media toolkit that credit unions can access free of charge from the stop loan sharks website <https://www.stoploansharks.co.uk/social-media-toolkit-for-credit-unions/>

The toolkit includes a calendar of events to link to, social media posts and images, a guide to each platform and information on the tone of voice and hashtags.

In the ten days since it has been launched, the toolkit has achieved:

- 506 total page views
- 201 clicks to download files

#### Stop Loan Sharks Week

Stop Loan Sharks week ran from 30 November 2020. This year's theme was to stop online loan sharks after 1 in 5 of the victims the team supported in the first half of 2020 met the loan shark online. The hashtag #sharkfreesurfing was used with graphics and video for partners to promote. The team did a Facebook Live session with staff from money advice at Newcastle University Student's Union.

The early results of the campaign were:

#### **Website:**

- Visits 3.7K (Up 78%)
- Bounce Rate has dropped 20.7% – visitors are spending more time on website

#### **Facebook:**

People reached 51,202 – up 463%

- 2,814 video views – up 1185%
- 63 new page followers – up 97%

#### **Twitter:**

122K tweet impressions - up 364.6%

- 5,005 profile visits - up 233.7%
- 236 mentions/tags - up 60.5%
- 3,808 followers - up 52

As part of Stop Loan Sharks week, the team launched a short story competition, "7 days of sharks". Seven winners had their stories recorded and launched as podcasts.

#### **Proceeds of Crime**

42 projects were awarded proceeds of crime funding through the Stop Loan Sharks Community Grant Programme in 2020-21. Funding awarded this year has to be spent by August 2021. This extension (it usually is 31 March) is due to restrictions caused by the lockdown. However, some projects have already been completed and have stayed within Covid guidelines to do so.

One of these was a project in St Helens undertaken by UC Crew and Graffiti Kyng. Skate parks in 3 play areas were given a loan shark make-over. Local young people were involved in designing the images. In Wolverhampton, a theatre group, adapted to Covid restrictions by limiting numbers in their rap/film. Salford 92 Foundation used football to engage the community in issues around illegal money lending. Community Outreach and Network Services have designed a mural for a community centre in Leyland.

The British Deaf Association worked with IMLT to produce a video with signed translation and information targeted to the deaf community. Whitesocks theatre company are running projects in Stoke and Sandwell.

#### Watch out sharks about – Stoke

Primary schools targeting years 4,5 and 6 (*7-11-year olds*).

- 20 educational establishments offering the sessions free of charge.
- Looking to deliver in February or March 2021.
- Interactive 1 Hour online session highlights issues that affect people involved in illegal money lending, exploring budgeting and financial management.
- Prospero platform - making choices and selecting options on the screen to move the session along.
- The show takes the format of a game show where we guide two families (teams) through their monthly budget.
- Highlight how to avoid the traps and pitfalls of Illegal Money Lending in later life by exploring some of the real-life stories.
- The school will have access to the programme for seven days before it expires.
- Mascot Sid and Glenda are in attendance.
- Schools to dedicate at least one follow up session on our education resource to embed the loan shark message includes filling in a feedback form.

#### Borrowed time Sandwell

Secondary Schools – targeting 12-16 years.

- 20 educational establishments offering the sessions free of charge.
- One hour online interactive workshop using Prospero platform, challenging misconceptions of money lending and educate young people against the dangers of becoming involved.
- Looking to deliver in February or March 2021.
- Highlight issues that affect people involved in illegal money lending and exploring real-life stories.
- Look at options available to young people to start saving and highlighting how to avoid the traps and pitfalls of Illegal Money Lending in later life.
- Schools to dedicate at least one follow up session in their PSHE/Life Skills lessons to explore in more depth the Stop Loan Sharks message and use the relevant IML resource packs includes filling in a feedback form.
- The school will have access to the programme for seven days before it expires.

Blowin' a Hooley theatre company performed a Stop Loan Sharks pantomime in North Tyneside schools.

Perception Theatre has developed an interactive online film, where people are put in the shoes of the victim of a loan shark and get to decide what the characters should do, which affects the story's outcome. It was launched in April, targeting schools, colleges, universities, and young people not in employment, education, or training. [www.perceptiontheatre.com/shark](http://www.perceptiontheatre.com/shark) The film has had nearly 3,000 views already.

### Funding

The IMLT project is currently funded by the Treasury. The project's governance consists of representatives from the Financial Conduct Authority (FCA), Treasury, and the hosting authorities involved (England, Northern Ireland, Scotland, and Wales).

### Implications for Resources

The Illegal Money Lending Team is grant-funded, and therefore, all costs for the service are recovered through this provision. Any income and proceeds of crime monies are ring-fenced to the team and utilised for the ongoing work.

### Implications for Policy Priorities

Enforcement action taken against illegal money lenders protects legitimate traders from unfair trading practices and improves the quality of life for those individuals caught within the grips of a loan shark and, as a result, within the poverty trap.

Illegal money lenders prey on the most vulnerable groups, and enforcement action to remove them from communities and encourage more sustainable credit sources such as credit unions is essential. Prosecution and removal of illegal money lenders from communities will reduce the fear of intimidation and violence.

### Public Sector Equality Duty

Illegal Money lenders prey on the most vulnerable members of society. They target people who may be financially excluded and, in many instances, people over whom they can exert power and control. Removing an illegal lender and introducing alternatives helps those individuals that have been trapped by the illegal lender into paying high interest or being forced into carrying out activities, under normal circumstances, they would not commit.

### RIT

#### Background

The grant funded project was initially piloted in 2006. At that pilot stage there were 3 teams, one based within Central England (CEnTSA), one in the North East (NETSA) and the third team covering London, the South East and East Anglia (TRS). The CEnTSA Team was hosted at that time by Solihull MBC on behalf of the Region.

The Teams were introduced following a Government White Paper on consumer protection in which it was identified that Regional Investigation Teams (RIT's) might be better placed to tackle certain offending. The rationale was to ensure cross border operations could be undertaken without hindrance and perpetrators operating across boundaries could be brought to justice under one investigation.

The three Teams were set up to run a 2 year pilot project. At the end of that trial period, and following the success of the 3 Teams, funding was made available to extend the project across all Regions, including Scotland, from 2008 for a 3 year period. Since 2011, funding has been on an annual cycle, and has varied from between £250,000 and £320,000 per year. Since May 2013, the CEnTSA RIT has been hosted by Birmingham City Council. The core budget for 2021-22 is £309,000.

The CEnTSA RIT operates across the Region using legislative powers under the Consumer Rights Act 2015. The RIT work on behalf of both the National Trading Standards (NTS) and the 14 local authorities that make up CEnTSA. The RIT receive their work via a formal tasking process, introduced as part of the Intelligence Operating Model (IOM). Whilst work can be tasked down by NTS, most of the work is tasked to the Team by one or more of the 14 local authorities within CEnTSA.

Within CEnTSA, the RIT take on the case and then submit any prosecution files that may follow through the City Council. This is paid for through the annual grant. For this reason, a significant amount of the annual funding is allocated to, and used up on, legal costs.

The RIT currently comprises two 'core' members of staff but with those numbers bolstered on an 'as needs' basis with experienced investigators employed through agency. The service is currently taking steps to recruit some additional people into the Team to assist with existing work.

Cases are referred to the Team because intelligence shows that a trader is having a negative impact upon consumers within the Region. In most cases, the trader will also be based within CEnTSA but also, in most cases, consumers affected will be from much further afield than just this area.



Most of the intelligence used to identify 'problem' traders comes from access to the Citizens Advice complaints database. Citizens Advice now act as the 'front line' for providing consumer advice and for flagging issues of concern to Trading Standards through the Citizens Advice Consumer Service (CACS) reporting line (0808 223 1133). Trading Standards have access to the CACS portal and can run a variety of reports to assist in identifying potentially problem traders.

The Regional Intelligence Analyst (RIA) (based in Warwickshire Trading Standards) produces a Tactical Assessment (TA) every 6 weeks. This TA will, amongst other things, highlight traders of possible concern to the Region as well as potential emerging threats. The 'core' offences considered by the RIT are typically contained within the Consumer Protection from Unfair Trading Regulations 2008, but there are, in addition, a host of other potential offences regularly included within case files, including offences under the Fraud Act 2006, Companies Act 2006, Proceeds of Crime Act 2002 and the Trade Marks Act 1994.

Some examples of recent cases include:-

- Operation Coffee POCA – this case followed a successful criminal prosecution against two individuals and a company with a registered office address in Birmingham and resulted in the recovery of POCA to the value of £405,107. Approximately £180,000 of this has been used to compensate victims who were witnesses in the criminal prosecution.
- Operation Swarm POCA – this case followed a successful criminal prosecution against three individuals and an associated company and has resulted in the two main defendants having a 'benefit figure' of £334,694 and a 'realisable figure' of £98,889. These funds are to be paid by September 2021, with default sentences of between 9 and 20 months. In addition, the third defendant was ordered to pay back £8,000 to go towards costs and compensation, this has been received. This will mean that the 51 victims who gave evidence as part of the case will be able to be compensated for the losses suffered as a result of the dishonest trading of the company and individuals.
- Operation Beorma – much work has been done over the last 12 months as part of Operation Beorma, an investigation into the operation of persons involved in the manufacturing, importation, wholesale and retail sale of counterfeit items (clothing, footwear, electrical goods, perfumes and cosmetics). Counterfeiting is often considered to be effectively a 'victimless' crime insofar as the affected brands are considered to be wealthy enough to not be affected by the counterfeiting. However, this should not be the way to consider the harm that this activity causes, which has an adverse effect in wider ways.
  1. The brands have spent considerable money and time to build and improve their brands, including putting funds into research and development to progress and improve their products. The counterfeiters obviously have done none of this but ride on the back of this work and investment.

2. Traders who sell non-branded products are adversely affected because they find it very difficult to compete against those who sell counterfeit branded goods. Clearly by allowing the sale of counterfeit goods, there is not a 'level playing field'. This means that honest and law-abiding traders suffer detriment.
3. The 'successful' operation by one counterfeiter will be seen by others and will encourage others to also engage in such dishonest activity (the 'broken window' effect). This can be seen to have happened at some of the most significant weekend markets operating in the UK, where there is a proliferation of sellers of counterfeit goods.
4. Finally, there is a significant loss to 'UK Ltd' because the world of counterfeiters is one of cash transactions, the avoidance of tax and other lawful duties owed and generally trading 'in the shadows'. The Intellectual Property Office (IPO) publish an annual report and in the 2019-20 report stated that the 'imports of counterfeit and pirated goods to the UK accounted for ....£13.6bn in 2016'.

As part of the investigations the service has:-

- Investigated a significant Birmingham based manufacturer of counterfeit clothing, a person who was supplying goods to multiple wholesalers and retailers across the midlands and beyond. He has pleaded guilty and is due to be sentenced in late August 2021.
- Investigated a six-handed organised crime group (OCG) which is currently in the court system.
- Investigated and charged two brothers who are suspected of multiple incidents of supplying counterfeit goods from 'underground' venues across Birmingham. The trial is currently scheduled for early 2022.
- Investigated and charged two others who again are suspected of multiple incidents of supplying counterfeit goods both by 'underground' venues as well as assorted online platforms. The case is part concluded as some guilty pleas have been entered, but there is still a crown court trial scheduled for the outstanding matters, with this matter to be heard in February 2022.
- Led on a multi-agency warrant (with the City's TS, IMLT, Leicestershire Police, Immigration and the Gangmasters and Labour Abuse Authority) in relation to a major manufacturing ring based in the East Midlands. The raid was described by the Anti-Counterfeiting Group (ACG) as the largest of its kind for a decade and resulted in the recovery of approximately £5m worth of stock and in the region of 500,000 loose counterfeit labels waiting to be attached to blank items. Investigations are continuing.
- Been involved in over 40 warrants or other enforcement exercises connected to Operation Beorma.

- Submitted intelligence resulting in over 840 intelligence logs.

#### Implications for Resources

The RIT is grant funded and therefore all costs for the service are recovered through this provision.

#### Implications for Policy Priorities

Enforcement action taken against dishonest traders protects not only affected consumers and potential future victims but can help to protect legitimate traders. Often the victims are members of the most vulnerable groups and therefore enforcement action helps to protect many that often cannot help themselves. Prosecution of dishonest traders protects consumers and opens opportunities for honest traders.

#### Public Sector Equality Duty

It is often the case that the traders subject to investigation by the RIT prey on the most vulnerable members of society. Certain traders target people who may be extremely vulnerable, either through age or infirmity or for other reason. Taking robust enforcement action in these circumstances helps to protect not only those consumers but also the wider public.

## **INTERIM ASSISTANT DIRECTOR OF REGULATION AND ENFORCEMENT**