

BIRMINGHAM CITY COUNCIL

LICENSING AND PUBLIC PROTECTION COMMITTEE

WEDNESDAY, 17 JULY 2019 AT 14:00 HOURS
IN COMMITTEE ROOM 6, COUNCIL HOUSE, VICTORIA SQUARE,
BIRMINGHAM, B1 1BB

A G E N D A

1 NOTICE OF RECORDING/WEBCAST

The Chairman to advise/meeting to note that this meeting will be webcast for live or subsequent broadcast via the Council's Internet site (www.civico.net/birmingham) and that members of the press/public may record and take photographs except where there are confidential or exempt items.

2 DECLARATIONS OF INTERESTS

Members are reminded that they must declare all relevant pecuniary and non pecuniary interests arising from any business to be discussed at this meeting. If a disclosable pecuniary interest is declared a Member must not speak or take part in that agenda item. Any declarations will be recorded in the minutes of the meeting.

3 APOLOGIES

To receive any apologies.

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4 ANNUAL REPORT 2018-2019

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5 FOOD LAW ENFORCEMENT PLAN 19-20

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6 HEALTH & SAFETY LAW ENFORCEMENT PLAN (HSLEP) 2019-2020

Report of the Interim Assistant Director of Regulation & Enforcement

<u>101 - 106</u>	7	<u>RECOMMENDATIONS OF WORKING GROUP FOR AMENDMENTS TO PRIVATE HIRE VEHICLES SIGNAGE</u>	Report of the Interim Assistant Director of Regulation & Enforcement
<u>107 - 124</u>	8	<u>PROSECUTIONS & CAUTIONS</u>	Report of the Interim Assistant Director of Regulation & Enforcement
<u>125 - 128</u>	9	<u>OUTCOME OF APPEALS</u>	Report of the Interim Assistant Director of Regulation & Enforcement
<u>129 - 134</u>	10	<u>FIXED PENALTY NOTICES APRIL - MAY 2019</u>	Report of the Interim Assistant Director of Regulation & Enforcement
<u>135 - 136</u>	11	<u>SCHEDULE OF OUTSTANDING MINUTES</u>	To consider the schedule of outstanding minutes.
<u>137 - 156</u>	12	<u>IMLT UPDATE COMMITTEE REPORT</u>	Report of the Interim Assistant Director of Regulation & Enforcement
	13	<u>DATE AND TIME OF NEXT MEETING</u>	The next meeting is scheduled to take place on Wednesday, 11 September 2019 at 10:00 hours in Committee Rooms 3 and 4.
	14	<u>OTHER URGENT BUSINESS</u>	To consider any items of business by reason of special circumstances (to be specified) that in the opinion of the Chairman are matters of urgency.
	15	<u>AUTHORITY TO CHAIRMAN AND OFFICERS</u>	Chairman to move:- 'In an urgent situation between meetings, the Chairman jointly with the relevant Chief Officer has authority to act on behalf of the Committee'.

BIRMINGHAM CITY COUNCIL

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

17 JULY 2019
ALL WARDS

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

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

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3. Background

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

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

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

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

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

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

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

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

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

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

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

4. Implications for Resources

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

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

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

5. Implications for Policy Priorities

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

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

6. Public Sector Equality Duty

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

7. Consultation

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

INTERIM ASSISTANT DIRECTOR OF REGULATION AND ENFORCEMENT

Background papers:

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

ENVIRONMENTAL HEALTH

Background

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

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

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

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

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

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

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

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

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

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

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

Number of Criminal Prosecutions undertaken by Environmental Health:

CASES FINALISED BY LEGISLATION 2018/2019

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

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

* includes 1 sec 33 offence

Total Submitted Prosecutions 271

Total Submitted Cautions 10

Litter Reduction Initiatives

During the year a programme to support continued reductions in litter levels was run across the city that involved anti-litter and free printed matter distribution scheme compliance patrols. Working with the support of West Midlands Police, a total of 6,970 Fixed Penalty Notices were issued which is an increase of 1,097 over last year. During the year 844 criminal prosecutions were instigated against persons who committed litter offences and who declined to discharge their liability to prosecution by paying a fixed penalty amount. The average fines and court costs imposed by the court on conviction were £187.56 plus costs of an average £125.29.

Over the course of the year 210 consents were issued to permit the distribution of free printed matter in the City's designated control areas. These consent zones continue to be an effective tool in reducing defacement from discarded promotional material.

Domestic Noise Complaints

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

During 2018/2019 a total of 5,7,54 noise complaints were received. Many of these were resolved through informal action. Where informal action proves unsuccessful and the noise is continuing, evidence of the noise is gathered from installing noise monitoring equipment into the complainant's property and/or by officers visiting the resident's property to listen to the noise during the day or at night. Environmental Health provides an out of hours service which operates between the hours of 19:00 hours until 01.00 hours Sunday to Thursday and from 20:00 hours until 03:00 hours on Friday and Saturday. This provides an invaluable service to residents to enable evidence of the noise to be gathered at unsociable hours.

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

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

Smoke Free Birmingham

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

1. Reducing smoking prevalence reduces the harm to people's health and contributes to reducing health care and economic costs (worklessness) associated with early onset of morbidity and mortality from smoking related diseases.
2. Reducing the availability of tobacco products to young people under the age of 18 contributes to reducing the uptake and subsequent addiction to tobacco.
3. Securing tobacco control has a direct economic benefit to Birmingham which is directly linked to reducing/preventing the impact from counterfeit and non-duty paid tobacco on society.
4. A regulatory focus on responsible smoking and tobacco-use directly supports compliance and tackles unfair competitive advantage within businesses [smoke free] premises, and underpins community safety initiatives relating to reducing crime and increasing safety at venues and on public transport.

The core tobacco control activities that Trading Standards and Environmental Health contribute to are:

- Protecting people from harm (from illicit tobacco; second hand smoke).
- Helping people to quit (smoke free environments and policies; working with stop smoking services).
- Preventing people from starting smoking (underage sales, point of sale displays; smoke free).
- Smoke free workplaces and public places (businesses; services and travel).

Environmental Health has responsibilities for enforcing the smoke free provisions contained in the Health Act 2006. This prohibits smoking in public places that are indoors or publicly shared vehicles or commercial vehicles. To facilitate this during 2018/2019 we continued and implemented a number of targeted interventions which included:

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

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

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

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

Shisha Premises

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

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

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

City Centre Project

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

Pest Control

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

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

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

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

- The section has dealt with a total of 16,335 requests for assistance (RFA) from residents of Birmingham. Of these 12,153 were to resolve problems associated with rats either in gardens or within domestic properties.
- Pest Control has continued to liaise and promote our Property Clearance Service to internal and external partners. The role has grown in terms of capability, size of land and size of contracts. Work enquires for clearance work have increased.
- We have successfully been working closely with Birmingham Property Services clearing their void properties; clearing land of rubbish or overgrowth; treating pests; and generally assisting in supporting their commercial estates.
- We work with Land and Property Team clearing their land and properties of rubbish and overgrowth.
- We also have bid for contract work to look after and maintain the small Council owned public car parks.
- 1461 domestic premises were proactively approached to undertake an inspection for the presence of rats. Those premises in hotspot areas which were identified as having rat infestations were treated to eradicate the problem and others were given proofing advice to prevent problems in the future.
- We also support the returning of land which has been adversely affected by unauthorised encampments and has waste and human waste on it.

Food Safety Inspections

More than 3,800 food hygiene inspections and over 1,200 food standards inspections were carried out during 2018/2019. Items covered during inspections include hygiene of premises and practices, compositional standards, claims and advertising, traceability, food fraud, date coding, sampling and training.

Food Hygiene Rating Scheme

Following the launch of the National Food Hygiene Rating Scheme in November 2012, the scheme continues in popularity with scores displayed on the doors and on the FSA web site. The ratings website where hygiene scores for businesses are displayed features over 7,000 Birmingham food businesses. As part of the scheme officers provide window stickers for all businesses in the scheme. The scheme, in addition to providing information to consumers, is seen as a useful tool to encourage businesses to improve. This is demonstrated by the increasing number of businesses applying for a rescore after making improvements, over 100 made such an application in 2018/2019.

Food Enforcement Action

During 2017/2018, 47 premises were found to present an imminent risk to health and were closed immediately until all necessary works were carried out. Although this could be considered a large number, compared to the total number of inspections carried out, 3,809, it only represents about 1% of premises which seriously failed to meet basic hygiene requirements and put their customers at risk.

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

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

Primary Authority

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

- Mondelez Chocolate and confectionery manufacturer
- Wing Yip Chinese importer and wholesaler
- Virgin/ Cross Country Trains Catering outlets on train services

This is a resource intensive exercise as additional meetings and inspections are required in order to properly advise both the business and other local authorities. Where Primary Authority Partnerships have been agreed, we operate a cost recovery system from the company, with approximately £11,000 recovered this year.

Sampling

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

Infectious Diseases and Food Poisoning

All sporadic cases and outbreaks of gastro-enteritis are investigated. During 2018/2019, 1,345 sporadic cases and 4 outbreaks were investigated. Investigations of outbreaks of gastro-intestinal disease includes the promotion of regular hand washing and disinfection of surfaces as well as other controls in order to reduce the spread of infection as quickly as possible. Officers work with the Health Protection Unit to ensure a joined up approach to controlling the spread of gastro-enteritis and food poisoning.

Outdoor Events

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

Health and Safety Regulation

The City Council has the responsibility for enforcing health and safety law in approximately 21,000 commercial premises. During 2018/2019 there over 2,600 health and safety related interventions made, these included inspections; dealing with requests for assistance; investigating accidents, incidents and cases of occupational disease; and targeted interventions (project work).

Inspections

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

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

Requests for Health & Safety Assistance

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

Incident Investigations

There were 550 notifications of accidents, dangerous occurrences and cases of occupational disease reported during 2018/2019. Whilst not all of these required investigation, a number of investigations into serious incidents were either begun or continued during the year. Some of these investigations take a considerable investment of time and have included working with expert witnesses, the coroners Court and other regulators.

This year, incident investigations included:

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

Enforcement Action

As a result of enforcement activities, 52 Prohibition Notices were served requiring the cessation of dangerous activities. These related to areas such as defective fork lift trucks, dangerous gas appliances, unguarded catering equipment, employees working at height without edge protection and dangerous electrical systems and 25 Improvement Notices were served, requiring improvements in safety standards.

Role in National Health and Safety Agenda

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

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

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

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

Environmental Protection

During 2018/2019 the Environmental Protection Unit (EPU) worked to safeguard public health and the environment from adverse emissions across all environmental media (land, air, and water), including emissions of noise / vibration and the control of waste. EPU comprises of four disciplines that contribute to this aim: Acoustics, Air Quality, Contaminated Land and Pollution Control and these are utilised to cover core environmental health work as well as providing advice and assistance to Planning Management and Licensing with regards to relevant applications for planning consent or premises licences / TENs respectively.

Acoustics

The development of policy and provision of services to address problems concerning both noise nuisance and environmental noise continued to play an important role in our work during 2018/2010. EPU continue to provide expert advice and noise monitoring services to support noise/vibration complaint investigations, planning and licensing consultation issues. The primary work delivered by the service for Environmental Health covered:

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

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

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

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

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

Air Quality

The monitoring and improvement of air quality across the City has continued to be an important aspect of the role of the EPU with attention on local and national air quality being focussed by the on-going need to improve air quality at key locations in response to national and European direction. The driver for this was the increasing need to improve public health, this being exacerbated by the tragic case of nine year old Ella Kissi-Debrah who's fatal asthma attack was linked to air pollution near her home in London.

The work carried out during 2018/2019 focused on two pollutants, nitrogen dioxide (NO₂) and particles [(coarse particles (PM₁₀) and fine particles (PM_{2.5})]. During the year the Council continued to work towards delivering compliance with the Ministerial Direction issued to Birmingham to deliver a full business case on how and when compliance with the national standard for NO₂ would be achieved through a Clean Air Zone.

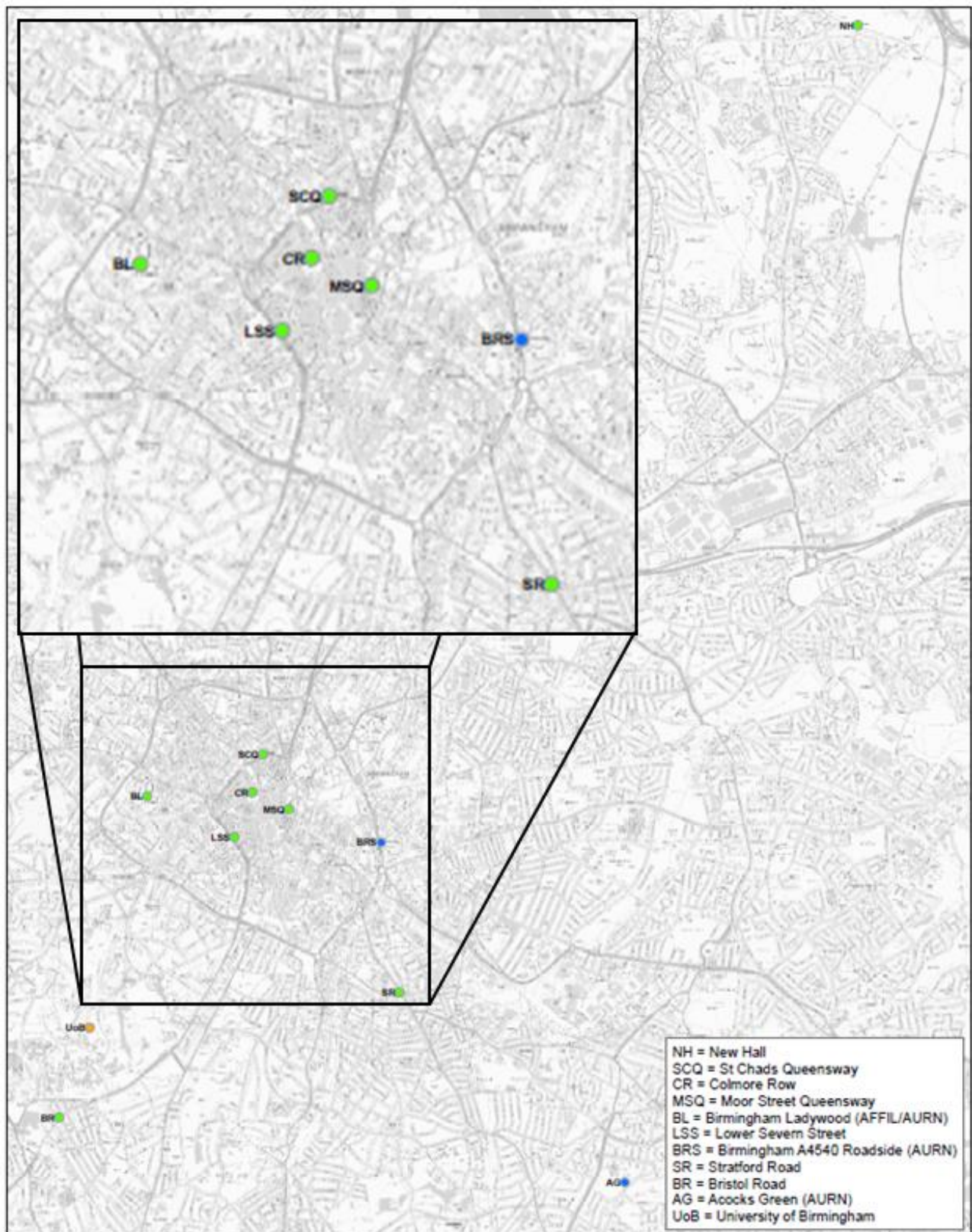
Officers from the service have worked closely with colleagues from a range of other Council services, specifically within Transportation, to progress the Clean Air Zone obligations, including supporting the modelling work, assessing technical submissions and attending relevant meetings. By the end of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

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

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

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

Location of Continuous Air Quality Monitoring Sites



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

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

Contaminated Land

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

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

Pollution Control

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

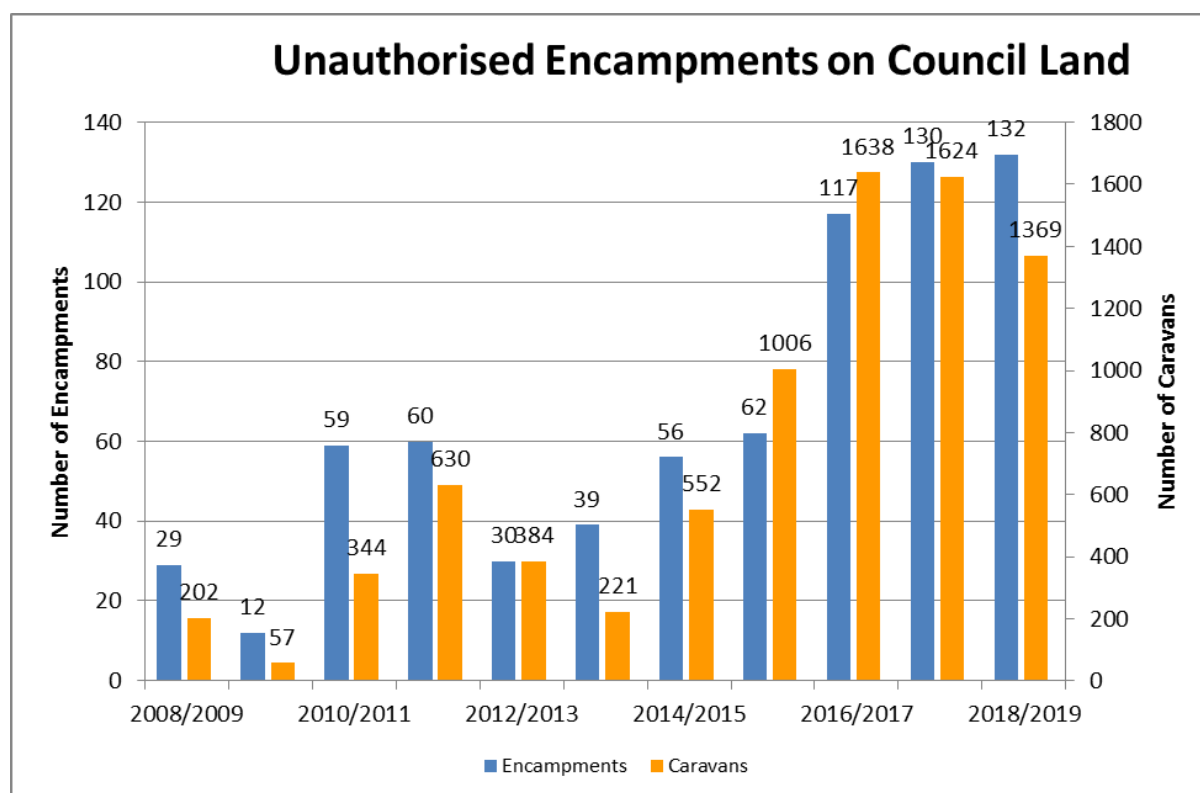
The emissions produced by 217 industrial and commercial processes were regulated, ranging from petrol stations to the Jaguar car manufacturing plant. During 2018/2019 we aimed to conduct 144 inspections, but due to resources only achieved 90% completion of the planned inspection programme. The remaining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

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

Officers are asked to comment on applications made under the Licensing Act 2003. They assessed 217 licence applications for new Premises Licences or variations of existing licences. Officers also assisted in assessing Temporary Event Notifications. Officers regularly raised representation and attended the relevant Committee to explain their concerns with Committee being attended on 9 occasions and representations withdrawn on 14 instances. This further assists in preventing future noise problems. Pollution Control Officers were also been involved in the investigation of nuisances arising from industrial premises and from licensed entertainment premises within the city centre and also assisted the Environmental Agency in investigations pertaining to permitted waste installations.

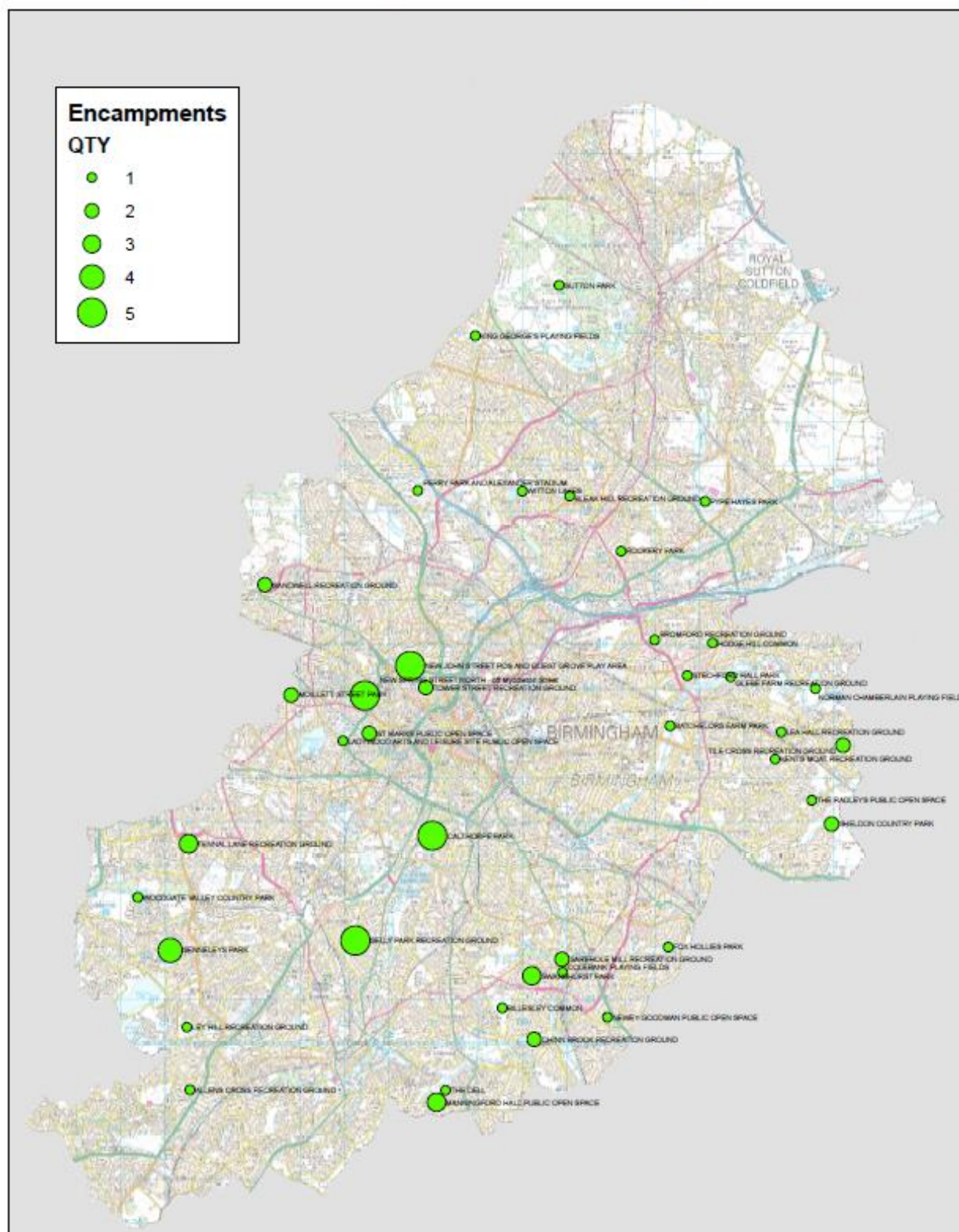
Unauthorised Encampments

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



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

Unauthorised Encampments in Birmingham Parks



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

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

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

Animal Welfare

The Animal Welfare Team is responsible for a wide range of inspection and enforcement activities and includes the Dog Warden Service. The team respond to enquiries involving a variety of pet animal and livestock keepers. New Regulations came into force on 1 October 2018, affecting the licensing arrangements for pet shops, commercial kennels and catteries, home dog boarders, dog day care facilities, riding establishments, dog breeders and people who train and exhibit animals. Licensing for dangerous wild animal keepers, remain unchanged. Significant achievements in 2018/2019 included:

Dog Warden Service

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

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

Public Space Protection Orders

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

Compulsory Dog Microchipping

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

Animal Related Complaints and Other Activities

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

- A total of 47 visits were made to the five abattoirs in the city to ensure compliance with animal movement controls and the safe disposal of animal by-product waste.
- Dog cruelty and neglect is an emotive and high profile issue and officers investigated a total of 245 requests for assistance, which related to poor living conditions, abandonment, lack of veterinary treatment or the malnourishment of dogs. As a result of these enquires, 2 persons were reported for prosecution for 2 offences of animal cruelty.
- Fulfilling the service level agreement with the Children, Young People and Families Directorate to effect an assessment of a dog when kept by a prospective adoptive or foster parent, resulted in 49 assessments being carried out and reports being submitted. This resulted in additional income of £4,992.66
- DWEO continue to assist in the emergency removal and boarding of animals should their owners be taken to hospital, or detained under the Mental Health Act. This is a valuable service improvement involving vulnerable people, often in difficult circumstances. The Animal Welfare team take the lead on such matters and liaise with Social Services, Funerals and Protection of Property, hospital staff, police and private kennels and catteries. A total of 35 referrals were dealt with, involving a variety of animals. This resulted in additional income of approximately £3,865.35
- The importation of dogs and puppies continues to be an issue of concern. Officers investigated 3 enquiries regarding dogs illegally imported into the UK. Two puppies were found to fail the import rules and were therefore seized and placed into quarantine kennels as required by legislation. All expenses incurred being paid by the dogs' owners.

TRADING STANDARDS SERVICE

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

Age Restricted Products

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

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

Alcohol

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

Example Result:

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

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

Tobacco

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

Fireworks

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

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

Knives and other products

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

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

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

Used Car Sales

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

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

Successful outcomes

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

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

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

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

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

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

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

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

Clean Neighbourhoods and Environment Act – nuisance car sales and repairs

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

Sixty-eight complaints were received, typically often involving persons who have started a car sales /repair business trading from their home. Where a breach is identified and the seller identified they are given advisory information. In some cases Planning Enforcement are also notified as there may be a change of use of the property that requires planning permission.

An alternative approach adopted by trading standards this year involved officers attending areas where vehicles were exposed for sale on the highway where concerns had been raised regarding nuisance; officers attended the site and placed highly visible notices on the vehicles warning the sellers that it is illegal to expose

vehicles for sale on the road if they were acting in the course of a business. This acted as a deterrent to potential buyers and made the sellers aware that trading standards are in the location monitoring cars exposed for sale on the highway.

Hallmarking and the Jewellery Trade

Trading Standards enforce the provisions of the Hallmarking Act 1973.

Operation Egyptian

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

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

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

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

Intel Led Approach

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

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

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

Emergency repair company:

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

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

Security Alarm Company:

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

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

Consumer Advice and Assistance

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

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

A total of 4,173 requests for assistance were received by the service last year.

Product Safety

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

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

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

Electrical Equipment (Safety) Regulations 2016

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

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

Product Safety – General Product Safety Requirement

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

Cosmetics and Products Containing Chemicals

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

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

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

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

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

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

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

The Central England Trading Standards Authorities (CEnTSA)

The Central England Trading Standards Authorities (CEnTSA) is a collaboration of 14 Trading Standards Services from Local Authorities across the West Midlands. The aim is to maximise the impact individual services have by establishing and maintaining good working relationships with a wide range of regional business partners, supporting businesses in the region and by promoting economic growth. One of the major areas of concern identified by CEnTSA has been safety related issues in the sale and supply of laser pointers. Currently, a major project is underway whereby test purchases of laser pointers have been made and local importers within the CEnTSA region identified.

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

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

Referrals from Port Authorities

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

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

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

Toy (Safety) Regulations 2011

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

Rogue Traders – doorstep crime

Rapid Responses:

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

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

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

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

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

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

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

Rogue Trader Cases

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

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

Examples of Rapid Responses:

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

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

Preventing scams and rogue traders

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

No Cold Calling Zones

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

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

Scam Awareness Month June 2018

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

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

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

Other Scam Prevention presentations – examples

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

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

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

NatWest Friends against Scams event

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

Coventry Building Society event

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

Association of Public Authority Deputies Conference

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

Scams visits

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

Rogue Trader Week – October 2018

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

Financial Abuse event

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

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

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

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

Illegal Alcohol

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

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

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

Role of Responsible Body under the Licensing Act 2003

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

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

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

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

One example:

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

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

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

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

Illicit Tobacco

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

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

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

Operation Kernow

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

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

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

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

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

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

Examples of Results

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

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

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

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

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

ASAKZAI

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

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

HOWLA

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

MASHKHATY

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

Counterfeiting - Intellectual Property Theft

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

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

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

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

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

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

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

Operation Beorma – NTS lead by Regional Investigation Team

In 2017 Birmingham Trading Standards was tasked by National Trading Standards (NTS) with drawing together intelligence surrounding purported significant distributors of counterfeit goods which were being sold at markets across the country. Birmingham was chosen as there was indication a number of the distributors emanated from the Birmingham area.

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

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

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

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

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

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

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

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

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

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

Hajj

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

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

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

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

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

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

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

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

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

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

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

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

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

Weights and Measures

There were 36 enquires and requests for assistance about weights and measures issues this year.

The majority of these related to short measure fuel complaints and Trading Standards Officers went out on several occasions with the petrol measuring equipment to ensure consumers were getting the correct measure. As usual, officers inspected stalls at the Frankfurt Christmas Market in the City Centre, to ensure their compliance with UK legislation. Officers tested a wide range of weighing and measuring equipment, including spirit measures and beer dispensers.

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

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

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

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

Frankfurt Christmas Market

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

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

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

Other Trading Standards Cases

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

E Tickets Worldwide Ltd – Chetan Lal Panesar

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

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

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

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

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

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

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

Proceeds of Crime

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

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

Throughout the past year, over 42 cases have been referred to the Financial Investigators from Trading Standards and other enforcement teams within the City Council and other Local Authorities. As a result 26 applications were made for 70 Productions Orders to enable financial data and information to be obtained from banks, building societies, solicitors firms and other organisations. All applications for Production Orders were granted.

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

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

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

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

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

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

Trading Standards BSI Accreditation.

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

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

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

Trading Standards Website

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

Trading Standards Twitter

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

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

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

Trading Standards Outputs 2018/19

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

10 successful prosecutions and 15 cautions were concluded.

Trading Standards Cases Heard 2018/2019

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

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

REGISTER OFFICE

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

Service Successes

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

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

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

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

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

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

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

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

In addition officers have:

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

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

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

Challenges to the Service

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

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

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

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

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

Improvements

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

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

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

Job roles have been reviewed and where appropriate roles combined

Income Generation

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

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

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

Coroners & Mortuary Service

Statutory requirements

For 2018, the City Council's Coroner's and Mortuary Service (the Service operates a calendar year for statistical data) provide the Coroner's service for Birmingham and Solihull together with the Public Mortuary facilities for the city. Both services are required by statute and supported with guidance from the Chief Coroner for England and Wales.

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

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

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

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

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

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

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

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

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

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

- Admitting and properly handling bodies with dignity, respect and traceability.
- Arranging the attendance of pathologists and assisting them in undertaking post mortems.
- Taking blood and tissue samples for analysis and administering their processing through to disposal in accordance with HTA requirements.
- Preparing bodies to facilitate viewings and identifications of the deceased by the bereaved and release to undertakers.
- Providing a 24/7 call out service to accept bodies in liaison with police, ambulance, hospitals etc.
- Securing personal belongings.
- Release of bodies to funeral directors.

- Cleaning of the mortuary and laundry of clothing used.
- Supporting the DCI in respect of HTA requirements

Birmingham and Solihull Coroner's Service

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

All figures in this Service Plan include deaths in Birmingham and Solihull and a second court is based there supported by Birmingham

Current Organisational Assessment

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

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

Quantity of work

The following tables indicate the workload of the service:

Number of deaths notified to the Coroner

Year	Number of deaths notified to the Coroner	Year on Year increase	Increase on 2014 baseline
2014	4,284	-	-
2015	4,805	12.2%	12.2%
2016	5,080	5.7%	18.6%
2017	5,203	2.4%	21.5%
2018	5,327	2%	24.3%

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

Number of inquests completed

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

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

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

The number of Post Mortems carried out

Year	Number of Post Mortems	% of PMs with toxicology	% of PMs with histology
2014	1,562	19.2	12.9
2015	1,702	16.0	10.5
2016	1,542	20.3	14.4
2017	1,762	21.3	14.0
2018	1,768	22.3	13.6

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

The number of Out of England Forms

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

Percentage of notified deaths resulting in inquest

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

Key Performance Indicators

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

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

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

Benchmarking

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

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

People Resources

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

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

Capital Projects

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

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

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

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

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

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

LICENSING

Background

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

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

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

General Licensing

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

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

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

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

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

Hackney Carriage and Private Hire Licensing

The Hackney Carriage and Private Hire Licensing Team issued 8,164 licences during 2018/2019, and conducted a further 2,456 transactions, when replacement, transfer and other sundry transactions are taken into account.

The number of licensed operators fluctuated throughout the course of the year but at the end of March 2019 the number was 89 (compared to 86 in 2017/2018).

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

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

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

Licensing Policy

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

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

Licensing Enforcement

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

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

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

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

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

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

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

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

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

During the period of 1 April 2018 to 31 March 2019, the team dealt with 923 requests for assistance. In accordance with our Enforcement Policy, based on a risk approach, we routinely inspect Private Hire Operators, sex establishments and premises licensed for sexual entertainment and Massage and Special Treatments. Hackney carriage and private hire vehicles are inspected at unannounced stop-check exercises. In addition 176 licensed premises were inspected in response to either a request for assistance (RFA) from a member of the public or other business or as part of an ongoing assessment of risk.

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

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

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

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

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

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

Prosecutions

Numbers of Cases

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

Costs and Fines

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

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

Appeals against Sub Committee Decisions

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

Appeals against Sub Committee Decisions April 2018-March 2019

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

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

Work of the Licensing Sub-Committees

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

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

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

Service Delivery Plan 2018/2019 – Outturn

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

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

ENGLAND ILLEGAL MONEY LENDING TEAM

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

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

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

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

In 2018/2019 work undertaken by the team included:

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

Examples of completed cases include:

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

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

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

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

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

These included:

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

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

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

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

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

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

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

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

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



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

The credit unions taking part were:

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

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

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

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

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

BIRMINGHAM CITY COUNCIL

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

17 JULY 2019
ALL WARDS

FOOD LAW ENFORCEMENT PLAN 2019/2020

1. Summary

- 1.1 The Local Government Act 2000 requires each Food Authority to identify its strategy and the resources required to fulfil its Food Safety function each year in the form of a Food Law Enforcement Plan.
- 1.2 The Food Law Enforcement Plan for 2019/2020 which is attached to this covering report includes a review of the food safety activity carried out in 2018/2019.

2. Recommendation

- 2.1 That the Food Law Enforcement Plan be agreed.

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3. Background

- 3.1 The Food Law Enforcement Plan sets out the City's commitment to Food Safety Enforcement for the year ahead.
- 3.2 The plan shows the number of food hygiene and food standards interventions which will be required and identifies those areas of work which are considered essential to protecting food safety in Birmingham.
- 3.3 The plan includes the targets that were set for last year (2018/2019) and reviews performance against them.
- 3.4 The activities in this plan are a statutory requirement under EC Regulation 882/2004 Article 3, and the requirements of the food authority are defined in Article 4. This includes carrying out effective and appropriate official controls and having sufficient numbers of suitably qualified and experienced staff.

4. Consultation

- 4.1 The work outlined in this report involves consultation with interested parties such as the Food Standards Agency, DEFRA, and Public Health England.

5. Implications for Resources

- 5.1 Whilst the exact costs are difficult to forecast we estimate that the plan will not be able to be delivered within the resources available to your Committee. In April 2019, a total 5.4 FTE officers were transferred from the Waste Enforcement Unit to Environmental Health prior to that team moving to Waste Management, these officers replaced others that had left in the preceding year. The service has two less FTE officers able to undertake food inspections compared to this time last year.
- 5.2 Due to the council wide freeze on incremental rises it is becoming more difficult to retain competent and experienced officers. This also means that where recruitment is possible, we are not getting interest from experienced officers wishing to work here. As a direct result we are only likely to attract newly qualified officers, putting an even greater strain on retention and the work of existing experienced staff.

6. Implications for Policy Priorities

- 6.1 Safe food is not only crucial to the health and safety of citizens and visitors to the City but the work which is referred to in the Food Law Enforcement Plan is also consistent with other policy priorities including economic success, staying safe and being healthy. The reduction in food safety activity will have a direct impact on these priorities.
- 6.2 It is important that all groups within Birmingham, as well as visitors to the city, are offered suitable standards of food quality and hygiene to allow them the healthy lifestyle opportunities to which they are entitled. The targeting of food

safety interventions according to business risk ratings means that every effort is made to ensure safe food in the most efficient and effective way. Inevitably though there are a large number of businesses, and therefore consumers, who are not being protected. This is particularly critical for those consumers with an allergy as the consequences can potentially be fatal.

7. Public Sector Equality Duty

- 7.1 Equality issues are accounted for during food safety activities carried out by officers.

INTERIM ASSISTANT DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers:

Local Authority Framework Agreement - Food Standards Agency 2001

FOOD LAW ENFORCEMENT PLAN 2019-2020

1. Background

- 1.1 All local authorities are required to produce a Food Law Enforcement Plan which sets out the measures the authority will take to safeguard food safety during the forthcoming financial year and reviews the targets set for the previous year.
- 1.2 Birmingham has (at time of writing) 8842 food premises including manufacturers, wholesalers, retailers and caterers, ranging from small and medium sized businesses to major concerns and this includes 73 food businesses which need specific approval. In addition many other businesses change hands throughout the course of a twelve month period. These businesses come into the inspection programme and are term “unrated”, in that they require an inspection and a risk rating to be assigned. Unrated premises should be inspected within 28 days of registration. A concerted effort was made to reduce the number of unrated premises in the city with a total of 1447 unrated inspections being carried out in 2018/19. Despite this work there are currently 1432 unrated food businesses requiring inspection and rating, this is a decrease of 192 from 1645 last year, and shows that despite the targeting of new businesses the problem continues to remain. It has been determined that in excess of 16% of known food businesses in Birmingham are now unrated and therefore have not been inspected and are an outstanding priority we need to meet. This number does not include those premises trading that we do not know about yet. This provides a constant challenge to ensure that all food businesses are included in the regular food inspection programme.
- 1.3 As well as carrying out food hygiene and food standards inspections, high risk food complaints relating to adulteration, composition, labelling, fitness and quality are investigated. An annual food and water sampling programme is carried out to ensure that microbiological, chemical and compositional standards are met, including nationally co-ordinated surveys. All reported outbreaks and sporadic cases of suspected food poisoning are also investigated.
- 1.4 Food safety activities are undertaken in line with the ‘Better Regulation Agenda’ brought in by the Regulatory Enforcement and Sanctions Act 2008, i.e. being proportionate, accountable, consistent, transparent and targeted. The Act, therefore, places greater emphasis on providing advice and guidance to food businesses in addition to firm but fair enforcement.

2. Demands on the Food Service

- 2.1 Each Local Authority has different demands which impact on the delivery of the food safety service and within Birmingham these include:

- Ensuring that the statutory inspection targets are met in respect of such a large number of food premises in the largest local authority in England and Wales.
 - Ensuring that an equitable service is delivered in a multi-cultural City so that information on food hygiene and technical advice is accessible to all food traders.
 - Dealing with a high turnover of food businesses and proprietors within the City and maintaining an accurate database to ensure that all food premises are inspected.
- 2.2 The reduction in officer numbers within Environmental Health will impact on the service, particularly in respect of planned activities

3. **Introduction to The Food Law Enforcement Plan for 2019/2020**

- 3.1 The priorities for ensuring food safety in Birmingham for 2019/2020 are to:
- Carry out a programme of food hygiene interventions for the year. This will fall short of the actual programme of inspections required.
 - Will now only investigate high risk requests for assistance in relation to food hygiene, food standards and food complaints, including sporadic cases and outbreaks of infectious disease.
 - Carry out a food and water sampling programme, including private water supplies, subject to available resources.
- 3.2 The work plan to safeguard food in Birmingham during the forthcoming year is detailed in Appendix 1.
- 3.3 The aim is to achieve a level of food safety in Birmingham that is consistent with the City Councils vision of a safer and healthier city.

4. **Food Premises Interventions**

- 4.1 Under the Statutory Food Law Code of Practice, all food premises are categorised according to an intervention rating score. This determines the frequency of primary food hygiene interventions, from 6 months to 3 years, and depends on the type of food business, the type of food processing or handling undertaken, hygiene and structure of the premises and how well risks are controlled.
- 4.2 Currently, 87.5% of rated food businesses in Birmingham are classed as 'broadly compliant', which leaves approximately 12.5% which are not, this figure includes 665 0-1 rated premises. Officers will be concentrating on those worst premises i.e. those in the 0-1 range by carrying out additional interventions and taking enforcement action where necessary in order to raise standards to 'broadly compliant'

4.3 The intervention programme will be as indicated below.

The higher risk category A to C premises will be subjected to full inspections. This includes inspections of premises requiring approval, manufacturers and larger more complex food businesses, these types of businesses add an additional 30 officer days per month demand on resources.

In relation to Category D and E rated premises, we will critically review the nature of the businesses and base our interventions as follows:

- full inspection of low risk child care establishments following referral from Ofsted;
- full inspections of any premises subject to a food hygiene complaint where investigated;
- full inspection of 10% of category D and E premises where open food is handled.
- the remaining premises will be subject to a self-assessment questionnaire by correspondence. This does not meet the requirements of the statutory code of practice.

In relation to the 1432 unrated food businesses – these are new registration businesses and those discovered operating that have not yet been inspected. These will be undertaken as part of an outsourced project. However this will only cover food hygiene matters, the allocated funding does not cover food standards (including allergen labelling), health & safety and waste.

An identified backlog of 172 category A-C inspections.

A Backlog of last year's D's of 580

Approx 1200 new registrations are expected this year, these will be completed as resources permit on a risk basis.

4.4 Food standards inspections will be carried out at the same time as food hygiene inspections. Particular emphasis will be placed on food standards during inspections of manufacturers. Officers will also check on the traceability of products and their authenticity during inspections, to detect and reduce food fraud.

4.5 The food hygiene and food standards interventions which are required during 2019/2020 are given in Appendix 1.

5. Food Related Complaints and Requests for Assistance

5.1 Investigations are carried out into complaints about poor hygiene in food premises and in response to requests for assistance from food proprietors who need additional advice about their business. The number of complaints remained high at 3,106. An increasing number of these complaints are held

until the next scheduled inspection following a risk assessment, rather than being investigated when received.

- 5.2 In addition, 700 complaints were received each year from members of the public who are concerned about the food they have bought or eaten. These are investigated on health risk basis and are often complex investigations involving other Local Authorities, national companies and importers where food has originated from outside Birmingham or the UK. Where the issue is low risk, investigations will be delayed until the next programmed inspection.
- 5.3 The FSA operates a system to alert the public and food authorities to problems concerning food which does not meet food safety requirements or which is inadequately labelled and where a product recall has been issued. The alert system now includes a new category of 'Allergy Alert' highlighting the importance placed on allergen control; the number of alerts has therefore increased dramatically this year and is expected to follow this trend. With such a large number of caterers and retailers in the City, this can prove a challenging and time consuming exercise. Where a large scale response is required this will impact on other demands of this plan.

6. Primary Authority Principle

- 6.1 Regulatory Services has formal partnerships for food safety and food standards matters with:
- Mondelez - chocolate and confectionery manufacturer
 - Wing Yip - Chinese importer and wholesaler
 - Virgin/ Cross Country Trains - Catering outlets on train services
- 6.2 This is a resource intensive exercise as additional meetings and inspections are required in order to properly advise both the business and other local authorities. Where Primary Authority Partnerships have been agreed, we operate a cost recovery system from the company, with approximately £11,000 recovered this year. We are not able to make a profit on these arrangements, they are purely cost recovery. A decision has been made to not sign up to any further Primary Authority Partnerships due to not being able to effectively resource them.
- 6.4 In addition, Birmingham is the originating authority for approximately 150 food manufacturers, whereby the Home Authority principles are applied, although formal partnerships have not been established with these companies. We have a statutory duty to deal with referrals from other Local Authorities where products manufactured in Birmingham are sold in other areas, and problems are identified. There is no requirement for these businesses to enter into a formal partnership arrangement.

7. Food Sampling

- 7.1 A food and water sampling programme will be developed during the year in conjunction with Public Health England (PHE) and the Public Analyst.

- 7.2 The sampling programme will be restricted to national and regional surveys co-ordinated by PHE and CENTSA, the surveys planned and numbers of samples proposed have yet to be agreed due to funding restrictions. There had been a year on year reduction in sampling, from 589 in 13/14, 163 in 14/15, 122 in 15/16, 121 in 16/17 until a rise to 226 in 17/18, however this included 100 samples funded externally through public health projects. The figure for 18/19 is 173. The number planned for this year is not known at this stage.

8. Control of Infectious Diseases

- 8.1 Serious outbreaks and sporadic cases of food poisoning and suspected food poisoning are investigated, including potentially serious infections such as typhoid, paratyphoid, dysentery and E. coli 0157. Officers work in close liaison with the Consultants in Communicable Disease Control, Public Health doctors and nurses of the Health Protection Agency to protect the public health of people who live and work in or visit the City. Joint guidelines have been produced to ensure that all cases of infectious disease are investigated thoroughly. Reciprocal training is carried out to train professionals for both Regulation and Enforcement and Public Health England.

9. Food Premises Database

- 9.1 It is important that the food premises database is kept as up to date as possible so that all food premises are inspected regularly. Currently the only action carried out to achieve this is through new registrations and officers identifying new businesses when carrying out visits. No specific proactive exercises are planned to maintain the database.
- 9.2 There are 1432 unrated food businesses that have been identified on the database. Whilst these are being included in the inspection programme, by short term outsourcing, which would improve the integrity of the database and the returns to the FSA, we anticipate that additional officers would be required to reduce this back log and tackle the new registrations to ensure this backlog does not build up again in the future. To undertake this work and the increased work around allergens and similar food standards issues we believe an additional resource of 12 officers is required.

10. Advice to Businesses

- 10.1 In accordance with the Enforcement Policy, advice is offered wherever possible to food businesses, to assist them in complying with relevant law and the principles of good practice. This advice may be given during inspections or when requests for assistance are received directly from established food traders or from those considering setting up new food businesses.
- 10.4 Officers also work closely with the Events Division to ensure that food and health and safety at large outdoor events in Birmingham are assured. An Events Food Safety Manual has been developed for traders to receive in

advance and on-the-day inspections will be carried out at events such as Vasaikhi, Eid Mela, Frankfurt Christmas Market and Colmore Food Festival. The demand in this area of work has increased and the trend continues this year with very high profile events in the city. Additional resources have not been identified to cover this demand and will therefore impact on other parts of this plan. As a result we have had to reduce our activities in this area due to a lack of resources.

11. Food Safety and Standards Promotion

- 11.1 Queries from the public will be responded to on food safety matters as part of the overall request for assistance service, subject to available resources.
- 11.2 As part of our partnership with Public Health the authority will continue to explore ways to encourage food outlets to provide healthier choices on their menus.
- 11.3 Due to changes in labelling regulations all food business are required to provide greater information to consumers about allergenic ingredients. However, the number of unrated and therefore uninspected food businesses presents a considerable risk to allergen sufferers, who will expect that all businesses are checked to ensure allergen information is accurate and up to date.
- 11.4 In addition the level of enforcement action in relation to allergens remains low, and further urgent action is required to provide assurances to allergen sufferers in the city. Increased resources should be directed towards this, particularly in monitoring businesses offering allergen free alternatives. Recent high profile allergen deaths have largely been associated with cross contamination where such allergen free menu items have been found to be heavily contaminated due to poor practices. There has also been a dramatic rise in allergy alerts highlighting the importance of this area of food safety.

12. Review of work undertaken in 2018/2019

Inspections and legal action

- 12.1 Appendices 1 and 2 give detailed information on the food safety work carried out during 2018/2019.
- 12.2 Some 3809 food hygiene inspections were carried out in 2018/2019 and 1296 food standards inspections. This represents 68% of the programmed inspection target and also included a number of low risk inspections to premises not included in the programme but where complaints had been received. This is a drop from the 88.51% achieved in 2017/18 and is attributable to vacancies having to be held in year and not being filled.
- 12.3 Officers concentrated on ensuring that the genuine low scoring premises were improved, by carrying out additional inspections and taking enforcement action where necessary. Although these premises are not automatically re-

rated the current rate of improvement after officer action stands at 80%, which is a reduction from last year.

- 12.4 Birmingham has 73 food businesses which require specific EC approval. These are premises which produce or store high risk meat, fish or dairy products on a wholesale basis. This process usually involves a number of inspections, a review of the company's food safety management system and an assessment of other conditions before approval can be granted and requires a more in-depth knowledge of assessing food safety systems. These types of premises have a higher risk of E.Coli and Listeria and represent the highest risk to food safety
- 12.5 During 2018/2019, 47 premises were found to present an imminent risk to health and were closed immediately until all necessary works were carried out. This is a considerable drop and is below the average number of closures which are normally carried out in Birmingham. Although this could be considered a large number, compared to the total number of inspections carried out, (3809) it only represents 1.2% of premises which seriously failed to meet basic hygiene requirements and put their customers at risk.
- 12.6 29 premises were prosecuted for food hygiene and food labelling related offences, with total fines amounting to £389, 675 and costs recovered of over £44,000. Other sanctions included a 4 months prison sentence suspended for 12 months. In addition 6 businesses received a simple caution. This is a significant decrease in the number of prosecutions compared to the previous year and is now lower than the 6 year average.

Food and water sampling

- 12.7 A range of surveys have been carried out to investigate the microbiological safety of food products as well as composition and labelling. The sampling programme has included surveys of food manufactured in Birmingham as well as a number of surveys on healthy eating claims
- 12.8 As part of the sampling programme, 2 food and water surveys were carried out, complaints and outbreaks were investigated, in total comprising 173 samples in total. Of these 29 were unsatisfactory i.e. 16.75% due to high bacterial counts or adulteration. This is a lower failure rate than in previous years and demonstrates the improved standards found. All of the issues identified were raised with the companies concerned and their home authorities and follow up action taken to ensure that problems were rectified and where necessary food products removed from sale.

Food Hygiene Rating Scheme

- 12.9 The ratings website where hygiene scores for businesses are displayed features nearly 7,000 food businesses. As part of the scheme officers issued window stickers for all businesses in the scheme. We continue to support the introduction of legislation requiring the mandatory display of ratings stickers.

Training

- 12.10 All officers who carry out food inspections have received training in food safety, although this was less than the 10 hours required, and the ever-popular Birmingham Practical Food Inspection courses were held in May 2018 in conjunction with Birmingham University and Wolverhampton University.

Project Work

- 12.11 Officers have worked in partnership with the Council's events division, two officers were appointed to offer specialist advice concerning food safety at the major outdoor events. Safety advisory groups were attended for 30 events and 17 events were subjected to actual inspections. Over 350 actual inspections were carried out of food businesses at those events to ensure they were a success. As indicated it is expected that the service will continue to be unable to provide the required level of support to events in this coming year.

13. Trends

- 13.1 Appendix 3 gives statistical information showing the trends in a number of areas of food safety since 2011. The number of food premises in Birmingham and the interventions required has been fairly steady. The number of interventions carried out in 2018-2019, due to excluding the low risk inspections, was 68% of the actual target.
- 13.2 The number of Emergency Prohibition Notices served has fluctuated over the past 6 years but with a definite steady decrease in the last three years from a high of 116, the average has dropped to 69 served per year. The number served in 2018-2019 was significantly below this average, see appendix 3.
- 13.3 The number of Food Hygiene requests for assistance has continued to remain high. The numbers are more than double that received in the early 2000's, perhaps showing an increased public awareness of food hygiene and a demand for high quality, and ease of making complaints via the internet. The number of complaints about food this year is 23% above the six year average.
- 13.4 The number of sporadic cases of infectious disease has remained high last year. This highlights the need to continue to direct resources at poor performing food businesses and the importance of food safety in the Service Plan in reducing foodborne infection. The number of reported outbreaks of infectious disease has dropped this year; although most community outbreaks are being investigated by Public Health England.

14. Resources

- 14.1 The food safety work during 2018/2019 was carried out within existing budgets, except where indicated.

Essential food related work carried out in 2018/2019 and planned for 2019/2020

APPENDIX 1

Activity	No. required 2018/2019	No. achieved 2018/2019	Comments	No. required in 2019/2020	No. planned in 2019/2020
Food hygiene primary inspections, category			The interventions required in 2019/2020 are shown in the next column. The interventions planned for 2019/2020 include all of the category A-C premises. The category D and E premises are subject to interventions as detailed in the report.		
A (High risk)	170	162	The programme will also include the overdue A-D premises, unrated premises as part of an outsourced project and new registrations as resources permit.	106	106
B	523	482		470	470
C (Medium risk)	962	842		929	929
D	839	259		963	96
E (Low risk)	178	134		2717	272
Overdue A-C	37	37		172	172
Overdue D	11	11		580	580
Overdue E	2	2		14	14
Unrated	1675	1447		1432	1432
New Registrations	1200	448		1200	300
Food standards primary inspections	2233	1296	Food standards inspections are carried out at the same time as food hygiene inspections. The number of food standards inspections is considerably lower than expected. All premises classed as high risk for food standards such as food manufacturers were inspected.	2200	2200

Activity	No. planned/ expected 2018/2019	No. achieved 2018/2019	Comments	No. planned or expected in 2019/2020
Requests for assistance: Food hygiene/ standards Food complaints TOTAL	3232 737 3969	3106 700 3805	These are not targets but expected figures – the numbers depend on the demand made by consumers and traders	3106 700
Infection control: Sporadic cases Outbreaks	1196 4	1344 1	Most outbreaks of gastro-intestinal disease are caused by person-to-person spread of viruses which may not be food borne. However, the initial symptoms are the same as for food borne bacterial causes and so all outbreaks are investigated.	1344 1
National food alerts: Food Alerts Allergy Alerts TOTAL	14 119 133	66 111 177	The numbers depend on alerts issued by the Food Standards Agency	66 111 177
Food and water sampling	Programme of sampling to be carried out	samples carried out	More details are given in section 12.	The programme will be developed during the year in consultation with the PHE and BCL
Food related training for EHP's	10 hours for each officer	10 hours	All officers involved in food safety enforcement are required by the Code of Practice to complete 10 hours relevant training per year	10 hours per officer

Additional food related work carried out in 2018/2019 and planned for 2019/2020

APPENDIX 2

Topic	Activity in 2018/2019	Planned for 2019/2020 including resources implication (officers days per month)
Hygiene scores on the web	There are now 6994 food premises featured on the website, and officers are giving out stickers to all food premises following a programmed inspection	Charging for revisits was launched in April 2017 as agreed by Committee. The charge has increased to £187.
Practical food inspection course	Two courses were provided on the identification and inspection of primary food	2 courses (depending on demand) in conjunction with B'ham and Wolverhampton Universities. (8 days)
Outdoor events	A lead officer has been assigned to liaise with Leisure Services on events such as Vaisakhi, the German Market and the Lord Mayor's show, Taste of Birmingham and to provide advice to mobile traders attending.	As for 2018/2019, it is hoped that additional resources are to be directed at ensuring compliance during the German Market. (14 days)
Home/Primary Authorities	Additional work required – liaison with the company, advice given on policy matters and liaison with other local authorities.	No further development of Primary Authority partnerships with additional companies. (50 days)
Meetings at national level and consultation documents: FSA, LGA	Meetings have been attended as required, and consultation documents commented on.	As for 2018/2019 (5 days) subject to available resources.
Liaison meetings: Water Authorities & CCDC's	Meetings have been attended as required.	As for 2018/2019 (2 days)
Food Fraud	Investigation of complaints referred from the FSA.	To as necessary. (10 days) subject to available resources.
Private Water Supplies	Monitoring and sampling of private water supplies.	To carry out risk assessments of private water supplies and private distribution networks. (5 days)

Food Safety related statistics 2013/2019

Activity	2013/2014	2014/2015	2015/2016	2016/17	2017/18	2018/19	6 year average
Total number of food premises in Birmingham	7505	7330	7564	7657	7114	8842	7668
Programmed/ Primary Food hygiene inspections carried out	3104	2947	3087	3641	3584	3809	3362
Food Standards inspections carried out	2169	2320	2674	2234	2233	1296	2154
Emergency Prohibition Notices served	34	46	116	92	81	47	69
Food safety prosecutions completed at court	19	21	31	63	51	29	35
Food hygiene RFA's dealt with	1210	2030	2622	3237	3232	3106	2573
Food complaints RFA's dealt with	440	450	460	626	737	700	569
Sporadic infectious disease cases investigated	1058	1211	1109	1196	1169	1344	1181
Outbreaks investigated	19	11	1	7	4	1	7
Food alerts received	34	34	74	76	133	177	88

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

**17 JULY 2019
ALL WARDS**

HEALTH AND SAFETY LAW ENFORCEMENT PLAN (HSLEP) 2019/2020

1. Summary

- 1.1 Local authorities are required, by the Health and Safety Executive's National Local Authority Enforcement Code (May 2013), to produce an annual Health and Safety Law Enforcement Plan (HSLEP).
- 1.2 This requirement is part of section 18(4) of the Health and Safety at Work etc. Act 1974 (HASWA), and requires all enforcing authorities to comply with requirements in the Code.
- 1.3 This document which is Birmingham's HSLEP sets out the Health and Safety work programme for 2019 - 2020.

2. Recommendation

- 2.1 That the report is noted and the Health and Safety Law Enforcement Plan for 2019/2020 be approved.

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3. Background

3.1 To meet the Health & Safety Executive's (HSE) *National Local Authority Enforcement Code*, Birmingham City Council as a local authority enforcing health and safety law is required to:

- make a commitment to improving health and safety outcomes;
- set out our priorities and plan of interventions for the current year taking into account local and national priorities; and
- target our interventions to maximise their impact.

3.2 To meet these requirements of the current *National Local Authority Enforcement Code*, the City Council should:

- make a formal corporate commitment to improving health and safety outcomes;
- implement a written intervention plan which is agreed by senior management including Members, and:
 - a. ensure adequate arrangements are provided for the enforcement of health and safety within the City
 - b. include a range of risk-based interventions such as planned inspections, planned enforcement initiatives, investigation of accidents and complaints,
 - c. link health and safety interventions with national, regional and local objectives such as national campaigns, and
 - d. include planning and delivering objectives with other partners and stakeholders.

3.3 This Health and Safety Law Enforcement Plan (HSLEP) includes proactive inspections of premises categorised as posing the highest risk identified through either national or local priorities. This enables resources to be directed to those areas where we believe we can have a positive impact in improving health and safety standards.

4. Consultation

4.1 The work outlined in this report is in response to the requirements of the HSE who direct local authorities on health and safety interventions nationally. The work has also been chosen to target high risk incidents that have been reported to the City Council in the previous financial year or are of an on-going concern.

5. Implications for Resources

5.1 The HSLEP will be delivered within existing budgets. However, priorities may have to be reviewed during the course of the year according to circumstances. For instance, a large number of major accidents may require resources to be diverted from other areas of work identified in the plan.

6. Implications for Policy Priorities

- 6.1 The promotion of health and safety in the workplace, and where required effective enforcement interventions make an essential contribution to the health and well-being of residents and visitors to the City.
- 6.2 There are also direct economic benefits to businesses that are able to manage health and safety to a high standard. These are borne out through reduced absenteeism, insurance premiums, equipment repairs, etc.
- 6.3 The activities undertaken by Environmental Health in relation to health and safety support the City Councils Business Plan 2018+ and the Leader's policy of improving the health of the citizens of Birmingham.

7. Implications for Equality and Diversity

- 7.1 The inspection and control of workplaces is essential to protect the health, safety and welfare of all people employed in or who are visitors to Birmingham. There have been no specific implications for equality and diversity identified.

INTERIM ASSISTANT DIRECTOR REGULATION AND ENFORCEMENT

Background Papers:

- i. Helping Great Britain Work Well 2016
- ii. Reclaiming health and safety for all: An independent review of health and safety legislation
- iii. Enforcement Policy Statement
- iv. Enforcement policy for regulation and enforcement services

HEALTH AND SAFETY LAW ENFORCEMENT PLAN 2019/2020

1.0 Overall aim of the service

1.1 The Health & Safety Law Enforcement Plan (HSLEP) represents our commitment to improving health and safety outcomes for employers, employees and visitors to Birmingham. The HSLEP also represents our continued commitment to the Health and Safety Executive's (HSE) Strategy, *Helping Great Britain work well 2016*¹. It also continues to support the recommendations of the Löfstedt review *Reclaiming health and safety for all: An independent review of health and safety regulation*².

1.2 Through a range of different interventions we will:

- Work in partnership with businesses to enable them to succeed economically;
- Secure justice for the victims of poor health and safety provision / management;
- Help prevent work-related death, injury and ill-health;
- Deal with serious risks (i.e. those likely to cause serious injury, ill-health, or death);
- Use risk-based and intelligence-led interventions to target our activities appropriately and proportionately. In accordance with the *National Local Authority Enforcement Code*, we will take a common-sense approach and only target the higher-risk activities and be proportionate and consistent in our enforcement.

2.0 Introduction

2.1 Section 18(4) of the *Health and Safety at Work etc. Act 1974* (HASWA) requires that enforcing authorities perform their duties in accordance with guidance from the HSE. This guidance is known as the *National Local Authority Enforcement Code* (the Code).

2.2 We will, in line with the Code, continue to reduce the burdens on business, which disproportionate enforcement of health and safety enforcement imposes. We achieve this by employing a range of different ways of dealing with businesses. These include proactive inspections, reactive visits in response to accidents and complaints, mailshots, etc. collectively, these are referred to as "interventions".

2.3 One of the key elements of the Code is that local authorities must, annually, publish their HSLEP. This HSLEP sets out the arrangements to demonstrate how we will comply with Section 18 of HASWA, and outlines the work programme for the forthcoming financial year.

¹ <http://www.hse.gov.uk/strategy/assets/docs/hse-helping-great-britain-work-well-strategy-2016.pdf>

² <http://www.dwp.gov.uk/docs/lofstedt-report.pdf>

- 2.4 Our work programme incorporates the requirements of the Code; covers a number of the national priorities listed by the HSE within Local Authority Circular 67/2 (revision 8) and takes into account local health and safety priorities which are based on local intelligence mainly generated through incidents / accidents received.

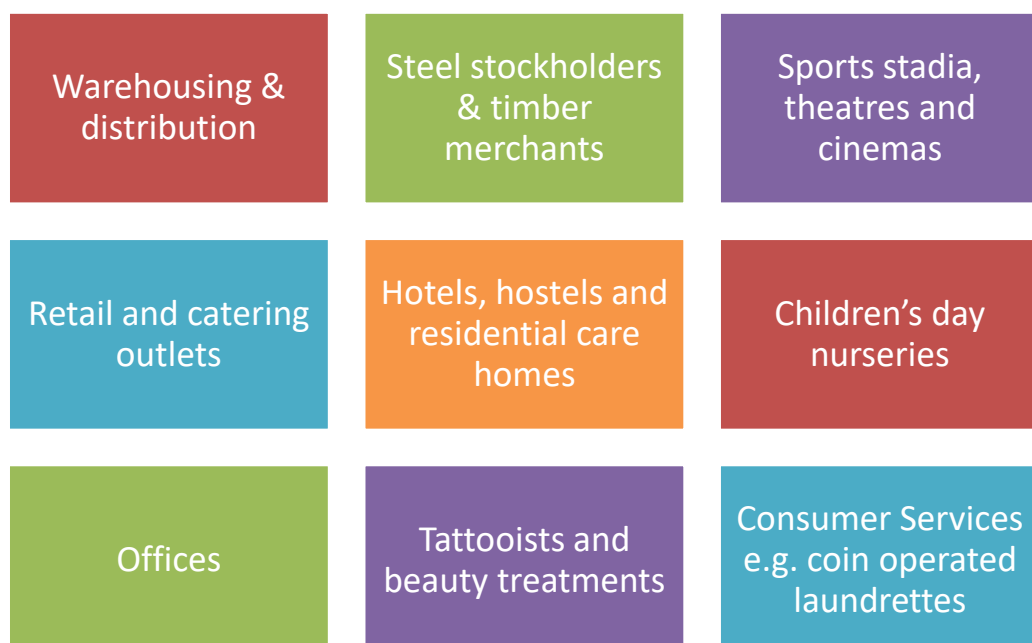
3.0 Primary Authority Partnership (PAP)

- 3.1 These continue both nationally and in the City Council, to grow. PAPs enable businesses to nominate a single local authority from whom they can receive assured professional advice. All other local authorities are required to adhere to this assured advice when considering taking action against the partner company. Please see section 6.0 for a list of our current “health, safety and welfare” PAPs.

We are continuing to seek opportunities to develop further Partnerships during 2019/2020.

4.0 The Scope of the Health and Safety Service

- 4.1 Health and safety regulation within the UK is predominately undertaken by the HSE and local authorities. The *Health and Safety (Enforcing Authority) Regulations 1998* states the sectors the HSE and local authorities regulate, this is largely dependent on the work activity being carried out in the premises. The Environmental Health Section is responsible for enforcing health and safety legislation in a wide range of premises in Birmingham, these include:



4.2 There are around 21,000 business premises in Birmingham which come under our jurisdiction for health and safety regulation. Taking a risk based approach to proactive inspections as per HSE guidance, these individual business or specific types of businesses are only inspected where national or local intelligence indicates that there may be an increased risk to the health and safety of employees and or the public. By targeting our resource in this way it ensures that we reduce the burden on compliant and low risk businesses, and focus support on those businesses that need it most.

4.3 Our approach to regulation is in line with the HSE³ and our Enforcement Policy⁴, as well as taking into consideration the principles of Better Regulation:

- Targeted (to take a risk-based approach);
- Proportionate (such as only intervening where necessary);
- Accountable (to explain and justify service levels and decisions to the public and to stakeholders);
- Consistent (to apply regulations consistently to all parties); and
- Transparent (being open and user-friendly).

5.0 Priorities for 2019/20

5.1 Our key delivery priorities are listed below:

³ <http://www.hse.gov.uk/pubns/hse41.pdf>

⁴ <http://www.birmingham.gov.uk/regulatoryenforcementpolicy>

Strategic national priorities

- Investigate notifiable incidents, dangerous occurrences and cases of work-related illness in accordance with national incident selection criteria.
- Undertake a programme of targeted interventions of premises where the risk of legionnaire's disease is greater.
- Undertake the assessment of notified asbestos removal work from all of the premises regulated by the local authority.
- Inspect falls from height and workplace transport management in warehousing / distribution premises / other premises where history of risks from falling from height are known.
- Investigate all notifiable incidents where work-related violence is implicated to ensure that the business has both suitable management systems in place, and adequate security measures.
- When identified undertake inspections of vehicles delivering goods to all sector premises to reduce risks from unstable loads.

Local priorities

- In conjunction with the national priorities mentioned above, we will also inspect:-
- Manual handling tasks and the risk of falls from height in tyre premises (not national chains).
- Food machinery safety in catering premises to ensure that guarding of dangerous moving parts is being maintained.
- Shisha bars to ensure that employees are not being exposed to unacceptable health risks or from unsafe workplace conditions.

Partnership work

- Continue to work with our primary authority partners on areas of health and safety and consider new partnerships over the coming year where appropriate.
- Continue through attendance at the West Midlands Health and Safety Liaison Group, Midlands Health and Safety Regulators Group and West Midlands Work Related Deaths Liaison Committee to share best practice with local colleagues and participate in relevant intervention work.
- Work with local and multisite businesses and the HSE through attendance at events or partnership work

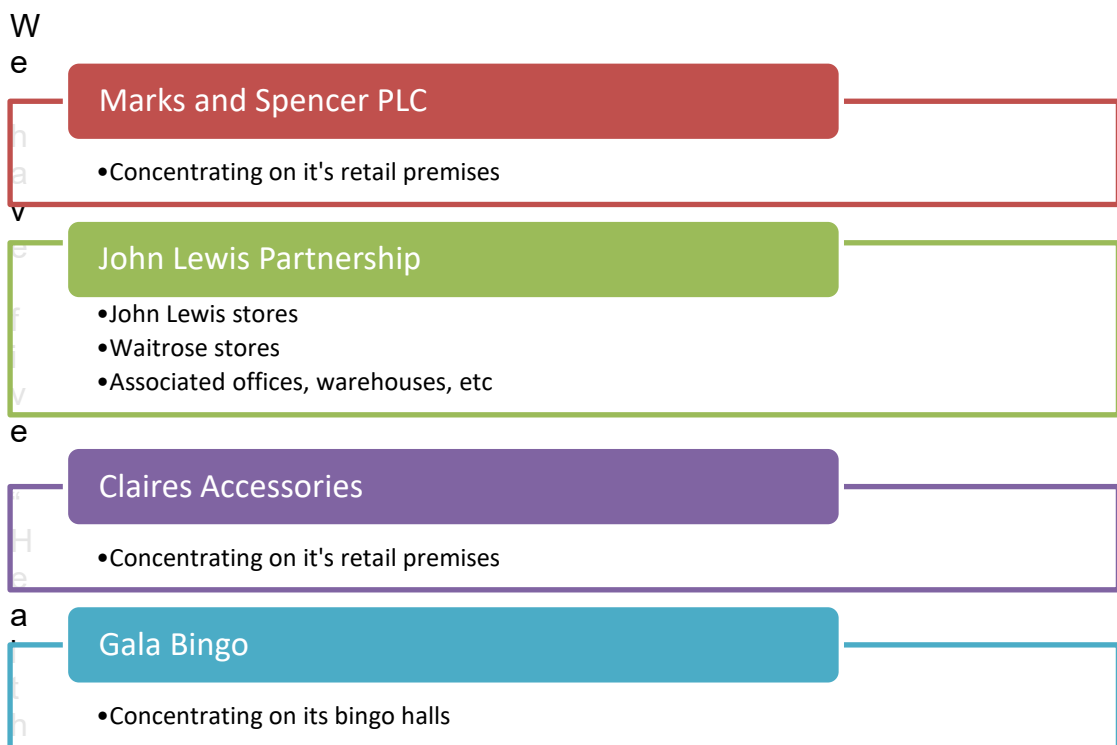
6.0 Primary Authority Partnerships

We are continuing to support and develop our PAPs covering England and Wales.

Primary Authority Partnerships allow us to:

- Work closely with the business helping them to apply health and safety regulations to their specific circumstances.
- Provide robust and reliable advice which must be recognised by all local regulators.
- Introduce, where required, a national inspection plan to improve the effectiveness of inspection, avoid repeated checks, and enable better sharing of information.
- Monitor enforcement action to ensure that the business is treated consistently and that responses are proportionate to the issue.
- Recover the costs incurred by managing the partnership including officer time and travelling expenses.

The City Council cannot profit financially from PAPs. However, the Partnerships do promote the positive work of Birmingham City Council nationally.



Whilst not actively looking for further partnerships we will consider approaches from companies who would like to join in to a partnership with us.

HEALTH AND SAFETY INTERVENTION PLAN FOR 2019/2020

Topic	Rationale	Number (‘Expected’ figures are as for 2018/19)	Target
Health and safety related requests for assistance (RFA)	To respond to requests for assistance in line with Regulation and Enforcement’s target of responding to all RFAs within 5 working days	Approximately 350 expected	100% response
Category 1 accidents (Fatalities and Serious injuries)	To investigate serious cases where health and safety management may have broken down and to prevent further injuries or ill health	6 expected	100% investigated
Category 2 accidents (Serious injuries and Occupational Disease Notifications)	To investigate cases where health and safety management may have broken down and to prevent further injuries or ill health	Approximately 100 expected	100% investigated
Category 3 accidents (Less serious but reportable accidents)	To investigate cases where health and safety management may have broken down and to prevent further injuries or ill health	Approximately 300 expected	All will be assessed but not investigated unless specific reason determined (e.g. the accident occurred where we are targeting project work in that sector).
Reduce the risk of legionella	To ensure that the risk of legionella is appropriately controlled at source e.g. Cooling Towers and to assess businesses such as residential care premises to ensure suitable management controls are in place.	15 interventions	100% inspected
Reduce the risk of serious injuries from workers /others being struck by moving vehicles or falling from height. Machinery guarding and Occupational Health	Carry out proactive inspections of higher risk premises such as builders merchants / other such premises to check on safety measures in place to prevent workers from being at risk of injury or ill health within these business sectors.	30 visits	100% inspected

Topic	Rationale	Number (‘Expected’ figures are as for 2018/19)	Target
Reduce the risk of ill health to employees and members of the public from release of asbestos during removal	Carry out assessment and necessary inspection of notified works for the removal of asbestos material from LA enforced premises to ensure suitable controls are in place to prevent exposure to harmful fibres.	20 notifications (expected)	100% inspected
Reduce the risk of falling from height or muscular skeletal disorders in tyre premises	Carry out proactive inspections of tyre premises to check on controls preventing workers or stock from falling from height or workers sustaining ill health whilst handling of tyres	10 visits	100% inspected
Reduce the risk of injury through the unsafe operation of bouncy castles following a number of incidents nationally	Carry out proactive inspection during visits to premises to assess the safe operation ie anchoring the castle to the ground, of bouncy castles in the leisure sector	10 visits (expected)	100% inspected
Reduce the risk of ill health to employees in Shisha bars and unsatisfactory workplace conditions	Carry out proactive inspections of Shisha Bars to check on health control measures and workplace conditions	10 visits	100% inspected
Reduce the risk of personal injury and work-related stress in connection with violent incidents.	Investigate all notifiable accidents and RFAs where work-related violence is the causal factor.	10 expected	100% investigated
Reduce the risk of, amputations, crush injuries, as a result of coming into contact with unguarded dangerous parts of work equipment.	Inspect work equipment known to have caused serious injury (e.g. mixers, dough rollers, chippers, etc.) in catering establishments to ensure workers are not exposed to risks to their safety.	150 inspections	100% inspected
Reduce the risk of, serious injury from use of lifting equipment, e.g. fork lift truck, passenger lift, window cleaning cradle(s) where defects have been found during thorough examinations.	Contact the duty holder (email/letter) or visit where serious defects have been reported to make sure the equipment has been taken out of use or the repairs carried out.	75 notifications expected, but anticipate <10% will require contact / visit	100% of those requiring visits will be investigated
Training	Provide up to 10hrs training for all staff authorised under Health and Safety at Work etc. Act 1974. Where appropriate provide and facilitate training to external organisations and local authorities and / or to generate an income.	All health and safety authorised staff	100% of identified training

BIRMINGHAM CITY COUNCIL

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

17 JULY 2019
ALL WARDS

**RECOMMENDATIONS OF THE WORKING GROUP FOR AMMENDMENTS TO
PRIVATE HIRE VEHICLE SIGNAGE**

1. Summary

- 1.1 In June 2018, the Licensing and Public Protection Committee considered the responses to the public consultation on private hire vehicle signage.
- 1.2 It was accepted there was no clear mandate for change, but an officer/member working group would be set up to look at some of the issues raised in the survey and consider if any changes were appropriate.
- 1.3 This report asks members to consider a number of recommendations for changes to the existing private hire vehicle signage requirements, which the working group considered to be of value to the public, the trade, or the licensing authority.

2. Recommendation

- 2.1 Members should consider the recommendations made at 5.1 i. to vi. and decide if they should be incorporated into the policy for private hire vehicle signage.

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3.0 Background

- 3.1 The Licensing and Public Protection Committee compared the signage requirements in Birmingham with those of other cities forming the Core Cities Group and Transport for London at its meeting in April 2015. The meeting concluded Birmingham's requirements fell into the middle ground of those authorities choosing a highly visible livery for their private hire fleet and was not unreasonably excessive.
- 3.2 In December 2017, a public consultation was conducted to establish how the trade and public felt about the current signage requirements and to see if there were any areas identified as needing change.
- 3.3 The responses to that consultation were considered by the Licensing and Public Protection Committee at the June 2018 meeting, where it was agreed there was no mandate for significant change to the existing regime, but an officer member working group would look at some of the individual issues raised and see if smaller changes might usefully be incorporated into an amended policy.

4. Matters Considered

- 4.1 The colours used for the signage were considered, the current colour scheme was well supported in the survey and the contrasting colours work well for partially sighted passengers. Although Guide Dogs suggested black and white was a better contrast, RNIB pointed out that for people with progressive sight loss, yellow was usually the last colour to be lost, so black and yellow was actually preferable. On balance there does not appear to be a strong case for changing the colours.
- 4.2 The information on the rear plate was reviewed, the proprietor's name is currently required, but that person may well never drive a vehicle and the general misconception that the name on the plate is the driver's name can lead to confusion amongst the public and police alike. It was considered more appropriate to replace the proprietor's name with make and model instead, which would make it far harder to use a lost or stolen plate on a different vehicle. The sign is currently printed from the Sopra Licensing System, which is due for replacement in the short term, so it may not be possible to make this adjustment immediately, but it should be accommodated as soon as reasonably practical.
- 4.3 With regard to semi-permanent door signs, there was a majority in favour of scrapping them, but it was not as large as might have been expected, considering the high proportion of responses from the trade. Members originally introduced the signs, to prevent drivers anonymising their cars and many of the comments advocating scrapping the signs made it clear drivers wanted to anonymise their vehicles when they were not working. As understandable as that might be from a driver's point of view, it is not legal to

do so. Once licensed a vehicle remains licensed 24hrs a day and must display the required signage. The working group concluded the original reason for introduction still appears to be valid.

- 4.4 The suggestion the operator details should be incorporated in our door sign was not at all popular with the majority of respondents, although a smaller group identified primarily as licensed operators was supportive. The working group was not in favour of pursuing this option at this time. In reaching that conclusion it considered the effect of tying a driver to a single operator, as well as the impact on licensing which would become responsible for issuing operator door signs and providing replacement signs whenever a driver switched operators.
- 4.5 Displaying an operator door sign was considered a good idea by most respondents and allowing operators more freedom in their advertising was another suggestion with a majority in favour. The working group suggests the requirement for an operator door sign should be retained, but operators should be given more freedom to design their signs. Licensing requiring only that the words BE BOOKED, BE INSURED appear on the sign in a strongly contrasting colour, using 120 point Arial font. This prints at the equivalent of 30 mm height and is a simple, clear, easily read font. The rest of the sign should then be left to the discretion of the operator, excepting for a requirement not to devise a sign which resembles that of a rival operator in Birmingham or an adjacent borough.
- 4.6 It had been suggested the small windscreen sign could be replaced with a small hard plate fixed to the front of the vehicle. That suggestion was not well received and the working group also considered the existing sign, which is double sided, had the advantage because it provides information for a front seat passenger as well as to an observer outside the vehicle. Keeping the current sign was popular with respondents and far better supported than the alternative.
- 4.7 The question of allowing advertising on private hire vehicles was considered, but the working group was not comfortable introducing a blanket policy to allow it. Liveries and large advertisements as associated with hackney carriage vehicles would almost inevitably detract from the highly visible style of signage adopted in Birmingham; officers have struggled to find an authority where that style of advertising is allowed. The purpose of the signage on private hire vehicles is to make it clear they are licensed private hire vehicles and hi-light the need to book in advance. Advertising on vehicles could dilute that message and might lead members of the public to associate the vehicles with taxis, which are available for immediate hire. In addition, representatives of a group which incorporates West Midlands Police, local authorities and other organisations concerned with safeguarding issues, submitted a response expressing concern that advertising materials used on windows could obscure what is happening inside a vehicle and so might represent a safeguarding issue.

- 4.8 In response the working group decided to leave matters as they are presently, in that advertising is not generally allowed on a private hire vehicle, but any individual or organisation wishing to apply to place advertising on or in a private hire vehicle, is able to apply to the Committee for permission and each request will be considered on its merits. There have been two separate applications to place advertising on private hire vehicles, which have been agreed within the last ten years; however officers note neither was successful in the long term, one had ceased to operate almost immediately, without ever placing an advertisement and the other had done so within two years of obtaining permission.

5 Proposals

- 5.1 The working group makes the following proposals for consideration by the Licensing and Public Protection Committee:
- i. The current style, format and colour for private hire signage should be retained.
 - ii. The Proprietor's name should be removed from the rear plate and replaced with make and model as soon as the technology allows.
 - iii. Semi-permanent door signs should be retained, but should not be modified to incorporate operator details.
 - iv. Operator door signs should be required, but licensed operators should have more discretion to personalise signs as described at 4.5.
 - v. The double sided windscreen sign should be retained.
 - vi. Advertising should remain as now, not generally be allowed on private hire vehicles, but companies and individuals should be able to request permission of the Licensing and Public Protection Committee to place adverts on private hire vehicles and such requests will be considered on their individual merits.

6. Consultation

- 6.1 Consultation took place in December 2017 and was reported back to this Committee in June 2018.

7. Implications for Resources

- 7.1 The cost of licensing rear loading WAVs would be covered by licence fees as with any other licensed vehicle.

8. Implications for Policy Priorities

- 8.1 The contents of this report contribute to the protection, safety and welfare of residents and visitors to the City by ensuring that licensed private hire vehicles are required to display appropriate signage.

9. Public Sector Equality Duty

- 9.1 Responses were received from groups representing those most likely to be affected by the colours used for signage, partially sighted persons and those opinions informed the recommendations made above.

INTERIM ASSISTANT DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: Nil

BIRMINGHAM CITY COUNCIL

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

17th JULY 2019
ALL WARDS

PROSECUTIONS AND CAUTIONS – MAY 2019

1. Summary
 - 1.1 This report summarises the outcome of legal proceedings taken by Regulation and Enforcement during the month of May 2019.
2. Recommendation
 - 2.1 That the report be noted.

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3. Results

3.1 During the month of May 2019 the following cases were heard at Birmingham Magistrates Court, unless otherwise stated:

- Two Licensing cases were finalised resulting in fines of £483 and prosecution costs of £1,325. One simple caution was administered as set out in Appendix 1.
- 50 Environmental Health cases resulted in fines of £23,115. Prosecution costs of £15,642 were awarded. No simple cautions were administered as set out in Appendix 2.
- One Trading Standards case was finalised resulting in a fine of £2,873 and prosecution costs in the sum of £2,127. No simple cautions were administered as set out in Appendix 3.
- Appendix 4 lists cases finalised by district in May 2019 and cases finalized by district April 2019 – May 2019.
- Appendix 5 lists the enforcement activity undertaken by the Waste Enforcement Team in April and May 2019.

4. Consultation

4.1 The Enforcement Policy that underpins the work identified in this report is approved by your Committee. The policy reflects the views of the public and business in terms of the regulation duties of the Council. Any enforcement action[s] taken as a result of the contents of this report are subject to that Enforcement Policy.

5. Implications for Resources

5.1 Costs incurred in investigating and preparing prosecutions, including officers' time, the professional fees of expert witnesses etc. are recorded as prosecution costs. Arrangements have been made with the Magistrates Court for any costs awarded to be reimbursed to the City Council. Monies paid in respect of fines are paid to the Treasury.

5.2 For the year April 2019 to May 2019 the following costs have been requested and awarded:

Licensing

£1,618 has been requested with £1,325 being awarded (82%)

Environmental Health

£44,878 has been requested with £39,860 being awarded (89%).

Trading Standards

£2,127 had been requested with £2,127 being awarded (100%).

- 5.3 For the month of May 2019 the following costs have been requested and awarded:

Licensing

£1,618 has been requested with £1,325 being awarded (82%)

Environmental Health

£17,588 has been requested with £15,642 being awarded (89%).

Trading Standards

£2,127 had been requested with £2,127 being awarded (100%).

- 5.4 Since the start of the financial year until the end of May 2019 the following income has been received from the courts:-

Licensing

£828 has been received (please note slight reduction after an adjustment received from HM Courts in May).

Environmental Health

£12,052 has been received including Waste Enforcement cases.

Trading Standards

£757 has been received.

(Total £13,637).

- 5.5 This will not directly correlate to the values awarded in the same time period as individual cases are often cleared in instalments with the associated fines and court costs taking precedence over the settling of BCC legal costs. Therefore, income received may relate to cases from the previous financial year or earlier.

6. Implications for Policy Priorities

- 6.1 The contents of this report contribute to the priority action of ensuring business compliance with legislation to protect the economic interests of consumers and businesses as contained in the Council Business Plan 2015+.

7. Public Sector Equality Duty

- 7.1 The actions identified in this report were taken in accordance with the Enforcement Policy of the Licensing and Public Protection Committee which ensures that equality issues have been addressed.

INTERIM ASSISTANT DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: Nil

LICENSING CASES**APPENDIX 1**

	Date Case Heard	Name & Address	Offence details (including Legislation)	Fine/Penalty & Costs	Ward of defendant	Ward - Offence committed
1	20/5/19	Mohammed Fiaz Birmingham	Local Government (Miscellaneous Provisions) Act 1976 Pleaded <u>not guilty</u> to one offence of using a private hire vehicle on Hagley Road, Birmingham without the vehicle identity plate being exhibited externally on the rear of the vehicle as prescribed by the licence conditions. Found guilty after trial.	£250 £1,075 costs (£1,125 requested)	North Edgbaston	Edgbaston
2	30/05/19	Said Ahmed Birmingham	Town Police Clauses Act 1847 & Road Traffic Act 1988 Pleaded guilty to two offences: one of plying for hire on Bennetts Hill, Birmingham and one of consequently having invalid insurance.	£233 – no insurance + 6 penalty points No separate penalty for plying offence £250 costs (£493 requested)	Sparkbrook & Balsall Heath	Ladywood

LICENSING SIMPLE CAUTIONS

During the period of May 2019 one simple caution was administered.

Local Government (Miscellaneous Provisions) Act 1976

Section 64 One caution was issued for waiting on a Hackney Carriage stand when not a Hackney Carriage.

ENVIRONMENTAL HEALTH CASES**WASTE OFFENCES**

	Date Case Heard	Name & Address	Offence details (including Legislation)	Fine/Penalty & Costs	Ward of defendant	Ward - Offence committed
1	2/5/19	Hardish Kaur Tiwana West Bromwich	Environmental Protection Act 1990 Pleaded guilty to two offences; one of failing to take all reasonable measures to prevent a contravention under Section 33 in that there was a policy to place waste out on the pavement for a period of time and one offence of failing to comply with a notice requiring written information of how waste from Pura Vida, 5a High Street, Sutton Coldfield was disposed of within 7 days.	£800 – 1 st offence No separate penalty on 2 nd offence £711 costs (£711 requested)	Out of area	Sutton Trinity
2	2/5/19	Anthony Nwankwo Birmingham	Environmental Protection Act 1990 Pleaded guilty to one offence of failing to comply with a notice requiring written information of how waste from Apex Food and Wine, 476 Witton Road, Aston, Birmingham was disposed of within 7 days.	£120 £250 costs (£437 requested)	Aston	Aston
3	2/5/19	Awan Real Estate Ltd 818 Chester Road Erdington Birmingham B24 0BY	Environmental Protection Act 1990 Pleaded guilty to three offences of causing or permitting controlled waste, namely black bags of waste, to be deposited on land in Great Hampton Street, Birmingham on 3 separate occasions	£1,500 – 3 rd offence No separate penalty on remaining offences £876 costs (£876 requested)	Erdington	Newtown

4	16/5/19	Bike Pro Racing Ltd 50 High Street Kings Heath Birmingham B14 7JZ	Environmental Protection Act 1990 Pleaded guilty to one offence of failing to comply with a notice requiring written information of how waste from Bike Pro Racing Ltd, 50 High Street, Kings Heath, Birmingham was disposed of within 7 days.	£300 £300 costs (£533 requested)	Brandwood & Kings Heath	Brandwood & Kings Heath
5	16/5/19	Amber Collections Ltd 416 Stratford Road Birmingham B11 4AD	Environmental Protection Act 1990 Pleaded guilty to two offences; one of failing to take all reasonable measures to prevent a contravention under Section 33 by failing to instruct employees of how to dispose of trade waste in that black sacks and loose cardboard packaging were found in Stratford Road, Birmingham and one of failing to comply with a notice requiring written information of how waste from Amber Collection, 416 Stratford Road, Birmingham was disposed of within 7 days.	£1,000 – 1 st offence No separate penalty on remaining offence £974 costs (£974 requested)	Sparkhill	Sparkhill
6	16/5/19	Shades (UK) Collection Ltd 203 Ilford Lane Ilford IB1 2RU	Environmental Protection Act 1990 Found guilty in absence of one offence of knowingly causing or permitting controlled waste, namely refuse sacks containing general waste and till receipts, along with cardboard packaging, to be deposited by metal railings outside 421 Stratford Road, Birmingham.	£5,000 £1,220 costs (£1,220 requested)	Out of area	Sparkbrook & Balsall Heath East
7	16/5/19	The Waxing Hub Ltd 3 Spencer Street Hockley Birmingham B18 6DD	Environmental Protection Act 1990 Pleaded guilty to one offence of knowingly causing or permitting controlled waste, namely 6 bags containing used tissues, paper roll, wooden spatulas and documents, to be deposited on Spencer Street, Birmingham.	£1,000 £540 costs (£540 requested)	Soho & Jewellery Quarter	Soho & Jewellery Quarter

8	16/5/19	Isa Halal Ltd 511 Stratford Road Springfield Birmingham B11 4LP	Environmental Protection Act 1990 Pleaded guilty to one offence of failing to comply with a notice requiring written information of how waste from Isa Halal, 511 Stratford Road, Springfield, Birmingham was disposed of within 7 days.	£300 £380 costs (£380 requested)	Sparkhill	Sparkhill
9	16/5/19	Mama Mia Pizza Ltd 610-612 Bristol Road Selly Oak Birmingham B29 6BQ	Environmental Protection Act 1990 Found guilty in absence of one offence of failing to comply with a notice requiring written information of how waste from Mama Mia Pizza 612 Bristol Road, Selly Oak, Birmingham was disposed of within 7 days.	£500 £372 costs (£372 requested)	Bournbrook & Selly Park	Bournbrook & Selly Park
10	16/5/19	Arran Caldicott Birmingham	Environmental Protection Act 1990 Pleaded guilty to one offence of failing to comply with a notice requiring written information of how waste from AC's Barber, 369 Stockfield Road, South Yardley, Birmingham was disposed of within 7 days.	£300 £349 costs (£349 requested)	Moseley	South Yardley
11	30/5/19	Ionel Claudiu Raduca Birmingham	Environmental Protection Act 1990 Pleaded guilty to one offence of knowingly causing or permitting controlled waste, namely 20 black bags of general waste, to be deposited on land adjacent to Woodend, Handsworth Wood, Birmingham.	£320 £400 costs (£612 requested)	Holyhead	Handsworth Wood

12	30/5/19	Garnett Simpson Birmingham	Environmental Protection Act 1990 Pleaded guilty to one offence of failing to comply with a notice requiring written information of how waste from Little Jamaica Food Shop, 221 Holyhead Road, Birmingham was disposed of within 7 days.	£160 £200 costs (£470 requested)	Ladywood	Holyhead
13	30/5/19	Sunrise MTM Ltd 304 Green Lane Small Heath Birmingham B9 5DN	Environmental Protection Act 1990 Pleaded guilty to one offence of failing to comply with a notice requiring written information of how waste from Sunrise Travel & Money, 304 Green Lane, Small Heath, Birmingham was disposed of within 7 days.	£80 £470 costs (£470 requested)	Bordesley Green	Bordesley Green
14	30/5/19	Abdul Saleh Birmingham	Environmental Protection Act 1990 Pleaded guilty to one offence of failing to comply with a notice requiring written information of how waste from Chilli Peppers, 179 Weoley Castle Road, Birmingham was disposed of within 7 days.	£440 £350 costs (£503 requested)	Gravelly Hill	Weoley & Selly Oak
15	30/5/19	Daniel Augustus Reid Walsall	Environmental Protection Act 1990 Pleaded guilty to three offences; two offences of failing to comply with notices requiring written information of how waste from Paradise Barbers, 69 Villa Road, Birmingham was disposed of within 7 days and one offence of failing to provide information reasonably required by an authorised officer in the execution of his duties or powers.	£256 – offence 1 No separate penalty for remaining offences £400 costs (£660 requested)	Out of area	Birchfield

PEST OFFENCES

	Date Case Heard	Name & Address	Offence details (including Legislation)	Fine/Penalty & Costs	Ward of defendant	Ward - Offence committed
1	2/5/19	Jordan Needham Birmingham Toyah Michelle Hayward Birmingham	Prevention of Damage by Pests Act 1949 Both defendants found guilty in their absence of one offence of failing to comply with a notice requiring the removal of all accumulations and items from the rear garden of 406 West Boulevard, Quinton, Birmingham which may provide sustenance or harbourage to rodents within 21 days.	Total fine £400 (£200 each) Total costs £600 (£300 each) (£615 requested)	Harborne	Harborne

FOOD HYGIENE OFFENCES

	Date Case Heard	Name & Address	Offence details (including Legislation)	Fine/Penalty & Costs	Ward of defendant	Ward - Offence committed
1	30/5/19	Daud Khan Birmingham Imran Raja Khan Birmingham	Food Safety and Hygiene (England) Regulations 2013 Both defendants pleaded guilty to two offences relating to conditions at Mushys Fish Bar, 181 Birchfield Road, Birmingham. Procedures were not in place to control pests and mouse droppings were found on the floor close to the frying range and in the potato chip area, under the grill, on the front counter, on a vegetable slicer and on shelves. The premises were not kept clean and there was an accumulation of dirt and grease on the preparation board and on kitchen equipment.	Total fine £1,466 (£733 each) Total costs £1,000 (£500 each) (£1,616 requested)	Aston	Aston

FLY POSTING OFFENCES

	Date Case Heard	Name & Address	Offence details (including Legislation)	Fine/Penalty & Costs	Ward of defendant	Ward - Offence committed
1	30/5/19	Hanif Abdul Isleworth	Town and Country Planning Act 1990 Pleaded guilty to five offences of displaying advertisements for an event at the O2 Institute in Birmingham on New Year's Eve 2017 on utility boxes and street furniture in Pershore Street, Masshouse Circus, at the junction of Bristol Road and Belgrave Middleway, on Sutton New Road and on High Street, Deritend, Birmingham without the consent of the City Council.	£2,133 – offence 1 No separate penalty for remaining offences £1,000 costs (£1,000 requested)	Out of area	Ladywood

ANIMAL HEALTH OFFENCES – SINGLE JUSTICE PROCEDURE

	Date Case Heard	Name & Address	Offence details (including Legislation)	Fine/Penalty & Costs	Ward of defendant	Ward - Offence committed
1	24/5/19	Dean Knightley Birmingham	Microchipping of Dogs (England) Regulations 2015 Found guilty in absence of one offence of being the keeper of a Staffordshire Bull Terrier dog and failing to comply with a notice requiring the microchip details recorded on the database to be updated with a full name, address and contact telephone number	£220 £175 costs (£175 requested)	Heartlands	Heartlands

LITTERING OFFENCES – SINGLE JUSTICE PROCEDURE

Date Cases Heard	Total Number of Cases	Total Fines imposed	Total Costs awarded	Total Costs requested
24/5/19	31	£6,820	£5,075	£5,075

DETAILS OF LITTERING OFFENCES

	Date Case Heard	Name	Fine/Penalty & Costs	Ward of defendant
1	24/5/19	Zachery Andel Birmingham Proved in absence	£220 £175 costs (£175 requested)	Brandwood & Kings Heath
2	24/5/19	Kashif Auangzeb Birmingham Proved in absence	£220 £175 costs (£175 requested)	Alum Rock
3	24/5/19	Samuel Booth Bristol Proved in absence	£220 £175 costs (£175 requested)	Out of area
4	24/5/19	Wojciech Borowski Birmingham Proved in absence	£220 £175 costs (£175 requested)	Moseley
5	24/5/19	Sophie Bunn London Proved in absence	£220 £175 costs (£175 requested)	Out of area
6	24/5/19	Florentina Ciuriuc Birmingham Proved in absence	£220 £175 costs (£175 requested)	Sparkbrook & Balsall Heath East

7	24/5/19	Nathaniel Clarke Canterbury Proved in absence	£220 £175 costs (£175 requested)	Out of area
8	24/5/19	Razvan Constantin Birmingham Proved in absence	£220 £175 costs (£175 requested)	Newtown
9	24/5/19	Earl Tyrone Davis Birmingham Proved in absence	£220 175 costs (£175 requested)	Bartley Green
10	24/5/19	Daneil Derricott Chelmsley Wood Proved in absence	£220 £175 costs (£175 requested)	Out of area
11	24/5/19	Karen Dyson Birmingham Proved in absence	£220 £175 costs (£175 requested)	Yardley West & Stechford
12	24/5/19	Sorin Fieraru Birmingham Proved in absence	£220 £175 costs (£175 requested)	Sparkbrook & Balsall Heath East
13	24/5/19	Stacey Gallagher Birmingham Proved in absence	£220 £175 costs (£175 requested)	Bartley Green
14	24/5/19	Claire Haywood Swadlincote Proved in absence	£220 £175 costs (£175 requested)	Out of area
15	24/5/19	Anh Tuan Hoang Liverpool Proved in absence	£220 £175 costs (£175 requested)	Out of area

16	24/5/19	Brendan John Hughes Birmingham	£220 £175 costs (£175 requested)	Sparkbrook & Balsall Heath East
17	24/5/19	Wesley Hurckmans Curdworth	£220 £175 costs (£175 requested)	Out of area
18	24/5/19	Ali Mahmodi Birmingham	£220 £175 costs (£175 requested)	Sparkbrook & Balsall Heath East
19	24/5/19	Florin Marin Birmingham	£220 £175 costs (£175 requested)	Bordesley & Highgate
20	24/5/19	Stephanie McColl Stourbridge	£220 £175 costs (£175 requested)	Out of area
21	24/5/19	Sher Mohammed Edgware	£220 £175 costs (£175 requested)	Out of area
22	24/5/19	Davin Dennis Mooney Birmingham	£220 £175 costs (£175 requested)	Handsworth Wood
23	24/5/19	Peter O'Toole Liverpool	£220 £175 costs (£175 requested)	Out of area
24	24/5/19	Robert Peters Birmingham	£220 £175 costs (£175 requested)	Handsworth Wood

25	24/5/19	Rozana Pop Smethwick	£220 £175 costs (£175 requested)	Out of area
26	24/5/19	Nicola Rankin Rubery	£220 £175 costs (£175 requested)	Rubbery & Rednal
27	24/5/19	Joel Smith Streetly	£220 £175 costs (£175 requested)	Out of area
28	24/5/19	Matt Smith Birmingham	£220 £175 costs (£175 requested)	South Yardley
29	24/5/19	Sarah Tenney Wellingborough	£220 £175 costs (£175 requested)	Out of area
30	24/5/19	Maria Zaharia Birmingham	£220 £175 costs (£175 requested)	Ward End
31	24/5/19	Qi Chi Zheng London	£220 £175 costs (£175 requested)	Out of area

ENVIRONMENTAL HEALTH SIMPLE CAUTIONS

No simple cautions were administered during May 2019.

TRADING STANDARDS CASES

	Date Case Heard	Name & Address	Offence details (including Legislation)	Fine/Penalty & Costs	Ward of defendant	Ward - Offence committed
1	16/5/19	Mohammed Ashraf Birmingham	<p>Cosmetic Products Enforcement Regulations 2013</p> <p>Pleaded guilty to 13 offences of being a distributor and making cosmetic products, including hair colour and beauty creams, available on the market at Watan Supermarket, 336-338 Coventry Road, Birmingham, which failed to comply with labelling requirements in that the packaging failed to display the required information and four of the products were found to contain mercury.</p>	<p>£2,873 – offence 1</p> <p>No separate penalty on remaining offences</p> <p>£2,127 costs (£2,127 requested)</p>	Bordesley Green	Bordesley Green

TRADING STANDARDS SIMPLE CAUTIONS

No simple cautions were administered during May 2019.

CASES FINALISED BY DISTRICT (PLACE OF OFFENCE) – MAY 2019

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	1	0	0	0	1	0	0	0	0	0	0	2
Environmental Health (FPNs) Not paid and prosecuted	0	0	0	0	31	0	0	0	0	0	0	31
Environmental Health (non FPNs)	1	0	4	1	7	1	2	1	1	1	0	19
Trading Standards	0	0	0	0	1	0	0	0	0	0	0	1

CASES FINALISED BY DISTRICT (DEFENDANT'S HOME ADDRESS/REGISTERED OFFICE) – MAY 2019

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	0	0	0	0	1	0	0	0	0	1	0	2
Environmental Health (FPNs) Not paid and prosecuted	2	0	3	2	2	1	2	0	0	5	14	31
Environmental Health (non FPNs)	1	2	4	1	5	0	1	1	0	0	4	19
Trading Standards	0	0	0	0	1	0	0	0	0	0	0	1

CASES FINALISED BY DISTRICT (PLACE OF OFFENCE) – APRIL-MAY 2019

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	1	0	0	0	1	0	0	0	0	0	0	2
Environmental Health (FPNs) Not paid and prosecuted	0	0	0	0	96	0	0	0	0	0	0	96
Environmental Health (non FPNs)	1	2	5	3	14	1	3	2	1	1	0	33
Trading Standards	0	0	0	0	1	0	0	0	0	0	0	1

CASES FINALISED BY DISTRICT (DEFENDANT'S HOME ADDRESS/REGISTERED OFFICE) – APRIL-MAY 2019

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	0	0	0	0	1	0	0	0	0	1	0	2
Environmental Health (FPNs) Not paid and prosecuted	6	1	7	4	15	2	10	4	0	9	38	96
Environmental Health (non FPNs)	1	5	5	3	11	0	2	2	0	0	4	33
Trading Standards	0	0	0	0	1	0	0	0	0	0	0	1

WASTE ENFORCEMENT UNIT – ENFORCEMENT ACTIVITY
APRIL 2019 – MARCH 2020

Waste Investigation Outcomes														
	Apr-19	May-19	Jun-19	Jul-19	Aug-19	Sep-19	Oct-19	Nov-19	Dec-19	Jan-20	Feb-20	Mar-20	Total	
Duty of care inspections into the waste disposal arrangements of commercial premises	55	32											87	
Section 34 Environmental Protection Act demand notices issued:(trade waste statutory information demands)	26	17											43	
Section 34 Environmental Protection Act Fixed Penalty Notices issued to businesses (£300)	10	9											19	
Section 87 Environmental Protection Act Fixed Penalty notices issued for commercial and residential litter offences(£80)	0	0											0	
Section 33 Environmental Protection Act Fixed penalty notices issued for fly tipping (£400)	0	6											6	
Prosecutions														
Number of prosecution files submitted to legal services, (number produced quarterly.	13	0											13	

BIRMINGHAM CITY COUNCIL

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

17 July 2019
ALL WARDS

OUTCOME OF APPEALS AGAINST SUB COMMITTEE DECISIONS:
May 2019

1. Summary
 - 1.1 This report advises the Committee of the outcomes of appeals against the Sub Committee's decisions which are made to the Magistrates' Court, and any subsequent appeals made to the Crown Court, and finalised in the period mentioned above.
2. Recommendation
 - 2.1 That the report be noted.

Contact Officer: Emma Rohomon, Acting Head of Licensing
Telephone: 0121 303 6103
E-mail: Emma.Rohomon@birmingham.gov.uk

3. Summary of Appeal Hearings for May 2019

	Magistrates'	Crown
Total		3
Allowed		
Dismissed		2
Appeal lodged at Crown		
Upheld in part		
Withdrawn pre-Court		1
Consent Order		

4. Implications for Resources

- 4.1 The details of costs requested and ordered in each case are set out in the appendix below.
- 4.2 In May 2019 costs have been requested to the sum of £1296.00 so far with reimbursement of £1100.00 so far (84.87%) ordered by the Courts.
- 4.3 For the fiscal year thus far, April 2019 to May 2019, costs associated to appeal hearings have been requested to the sum of £1706.00 so far with reimbursement of £1510.00 so far (88.51%) ordered by the Courts.
- 4.4 For the fiscal year thus far, April 2019 to May 2019, costs contra Birmingham City Council associated to appeal hearings, £0.00.

5. Implications for Policy Priorities

- 5.1 The contents of this report contribute to the priority action of providing an efficient and effective Licensing service to ensure the comfort and safety of those using licensed premises and vehicles.

6. Public Sector Equality Duty

- 6.1 The actions identified in this report were taken in accordance with the Enforcement Policy of the Regulation and Enforcement Division, which ensures that equality issues have been addressed.

7. Consultation

- 7.1 The Enforcement Policy that underpins the work identified in this report is approved by your Committee. The policy reflects the views of the public and the business community in terms of the regulatory duties of the Council. Any enforcement action taken as a result of the contents of this report is subject to that Enforcement Policy.

INTERIM ASSISTANT DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: Prosecution files and computer records in Legal Proceedings team.

CROWN COURT – PRIVATE HIRE DRIVER’S LICENCE

	Name	Date Case Heard	Result	Costs Requested	Costs Ordered	Comments
1 & 2	Tanvir Hussain t/a Broad Street Cars	02.05.2019	Both Dismissed	£900.00	£900.00	The appeal was against the Sub Committee decision to revoke the private hire operator licence and private hire driver licence issued to Mr Hussain on 31.01.2018, following complaints regarding his behaviour received from members of the public and a conviction and caution for breaches of legislation. Mr Hussain’s appeal to Magistrates Court was dismissed on 25.07.2018. The appeal was dismissed at Crown Court.
3	Mohammed Akhlaq	n/a	Withdrawn pre-Court	£396.00	£200.00	The appeal was against the Sub Committee decision to revoke Mr Akhlaq’s private hire driver licence on 16.07.2018, following convictions for plying for hire and no insurance. Mr Akhlaq’s appeal to Magistrates Court was dismissed on 26.11.2018. The appeal was listed before HHJ Montgomery QC at Birmingham Crown Court on 24.05.2019 for mention. Mr Akhlaq abandoned his appeal and was subsequently ordered to pay a £200 contribution towards costs (requested £396.00).

CROWN COURT – PRIVATE HIRE OPERATOR’S LICENCE

See 1 & 2 above

BIRMINGHAM CITY COUNCIL

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

17 JULY 2019
ALL WARDS

FIXED PENALTY NOTICES ISSUED APRIL AND MAY 2019

1. Summary
 - 1.1 The report sets out a breakdown, on a Ward basis, of fixed penalty notices issued in the City during the period of April and May 2019.
2. Recommendation
 - 2.1 That the report be noted.

Contact Officer: Mark Croxford, Head of Environmental Health
Telephone: 0121 303 6350
E-mail: mark.croxford@birmingham.gov.uk

3. Background

3.1 The issuing of fixed penalty notices [FPN] by officers from Regulation and Enforcement is one of the means by which the problems of environmental degradation such as littering and dog fouling are being tackled within the City.

3.2 The yearly total numbers of fixed penalty notices issued are indicated below.

<u>Month</u>	<u>Fixed Penalty Notices Issued</u>
April 2004 – March 2005	382
April 2005 – March 2006	209
April 2006 – March 2007	650
April 2007 – March 2008	682
April 2008 – March 2009	1,147
April 2009 – March 2010	1,043
April 2010 – March 2011	827
April 2011 – March 2012	2,053
April 2012 – March 2013	1,763
April 2013 – March 2014	1,984
April 2014 – March 2015	4,985
April 2015 – March 2016	5,855
April 2016 – March 2017	6,306
April 2017 – March 2018	5,873
April 2018 – March 2019	6,970

4. Enforcement Considerations and Rationale

4.1 The attached appendix shows the wards where FPNs were issued during the month of April and May 2019.

4.2 By and large litter patrols are targeted to the primary and secondary retail areas of the city because there is a high level of footfall and they engage with a full cross section of the population. Targeted areas include locations where there are excessive levels of littering, smoking areas with high levels of cigarette waste that cause blight in the city and areas where there are known problems associated with groups gathering to eat outdoors.

4.3 The number of incidences of Fixed Penalty Notices being issued reflects the fact that there is still a problem with littering on our streets. Since the Health Act came into force there has been a decline in street cleanliness associated with cigarette waste. This is reflected not only in these statistics but also in the environmental quality surveys undertaken by Waste Management that record cigarette waste being the most prevalent waste upon our streets and identify it in 98% of all samples of street cleanliness.

4.4 One of the difficulties in resolving the problem of cigarette waste being deposited on the street is that the perception of many smokers is that cigarette waste is not litter. A change in the culture and perceptions of these smokers is critical to resolving this problem.

4.5 Anyone who receives a FPN is encouraged to talk to their co-workers, friends and families to promote the anti-litter message.

5. Consultation

5.1 The Enforcement Policy that underpins the work identified in this report is approved by your Committee. The policy reflects the views of the public and the business community in terms of the regulatory duties of the Council. Any enforcement action[s] taken as a result of the contents of this report are subject to that Enforcement Policy.

6. Implications for Resources

6.1 The work identified in this report was undertaken within the resources available to your Committee.

7. Implications for Policy Priorities

7.1 The issue of fixed penalty notices has a direct impact on environmental degradation within the City and the Council's strategic outcome of staying safe in a clean, green city.

8. Public Sector Equality Duty

8.1 The actions identified in this report were taken in accordance with approved enforcement policies which ensure that equalities issues have been addressed.

INTERIM ASSISTANT DIRECTOR REGULATION AND ENFORCEMENT

Background Papers: FPN records

APPENDIX 1

Wards where FPN's are issued

Ward	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Total
Acocks Green	0	0											0
Allens Cross	0	0											0
Alum Rock	1	2											3
Aston	0	0											0
Balsall Heath West	0	0											0
Bartley Green	0	0											0
Billesley	0	0											0
Birchfield	0	0											0
Bordelsey & Highgate	0	0											0
Bordesley Green	0	0											0
Bournbrook & Selly Park	0	0											0
Bournville & Cotteridge	0	0											0
Brandwood & Kings Heath	0	1											1
Bromford & Hodge Hill	0	0											0
Castle Vale	0	0											0
Druids Heath and Monyhull	0	1											1
Edgbaston	2	0											2
Erdington	0	1											1
Frankley Great Park	0	0											0
Garretts Green	1	0											1
Glebe Farm & Tile Cross	0	0											0
Gravelly Hill	0	0											0
Hall Green North	0	3											3
Hall Green South	0	0											0
Handsworth Wood	0	0											0
Handsworth	0	1											1
Harborne	0	0											0
Heartlands	0	0											0
Highters Heath	0	0											0
Holyhead	0	0											0
Kings Norton North	0	0											0
Kings Norton South	0	0											0
Kingstanding	2	0											2
Ladywood	329	327											656
Longbridge & West Heath	0	1											1
Lozells	0	0											0
Moseley	0	0											0
Nechells	0	0											0
Newtown	0	0											0
North Edgbaston	0	1											1
Northfield	0	0											0

Oscott	0	0											0
Perry Barr	0	0											0
Perry Common	0	0											0
Pype Hayes	0	0											0
Quinton	0	0											0
Rubery & Rednal	0	0											0
Shard End	0	0											0
Sheldon	4	0											4
Small Heath	0	0											0
Soho & Jewellery Quarter	3	0											3
South Yardley	0	0											0
Sparkbrook & Balsall Heath East	0	0											0
Sparkhill	3	3											6
Stirchley	0	0											0
Stockland Green	0	0											0
Sutton Four Oaks	0	0											0
Sutton Mere Green	0	0											0
Sutton Reddicap	0	0											0
Sutton Roughley	0	0											0
Sutton Trinity	0	0											0
Sutton Vesey	0	0											0
Sutton Walmley & Minworth	0	0											0
Sutton Wylde Green	0	0											0
Tyseley & Hay Mills	0	0											0
Ward End	0	0											0
Weoley & Selly Oak	0	0											0
Yardley East	1	0											1
Yardley West & Stretford	0	0											0
	346	341	0	0	0	0	0	0	0	0	0	0	687

BIRMINGHAM CITY COUNCIL**LICENSING AND PUBLIC PROTECTION COMMITTEE****17 JULY 2019****SCHEDULE OF OUTSTANDING MINUTES**

MINUTE NO./DATE	SUBJECT MATTER	COMMENTS
1169 16/05/2019	<u>Update Report On Unauthorised Encampments</u> – The Assistant Director of Regulation and Enforcement be requested to report further in three months' time to update on the various work items contained within the report.	Report due in September 2019

BIRMINGHAM CITY COUNCIL

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

17 July 2019

ALL WARDS AFFECTED

**Birmingham City Council hosted
ENGLAND ILLEGAL MONEY LENDING TEAM**

1. Summary

- 1.1 This report provides an update on the work of the England Illegal Money Lending Team (IMLT) hosted by Birmingham City Council's, Regulation and Enforcement Division.

2. Recommendation

- 2.1 That the report be noted.

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3. Background

- 3.1 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.
- 3.2 The project was commissioned for an initial period of two years. It was further extended year to year following a number of high profile successful investigations.
- 3.3 There is also a national team covering Scotland and a national team covering Wales.
- 3.4 The IMLT operates across the country using legislative powers under the Consumer Rights Act 2015.
- 3.5 The brief of the IMLT, from its inception, has been to investigate and prosecute illegal money lenders and to provide financial inclusion support to victims and communities under the control of illegal money lenders.
- 3.6 From an initial team of seven officers, the team has grown in size and now employs 52 staff in a variety of roles, with a future structure of 60 staff.
- 3.7 Initially officers gather and develop intelligence, then when information is corroborated, warrants are executed and, where appropriate, cases taken into the court process. Another branch of the team (LIAISE officers) support loan shark victims throughout the process and raise awareness, with partners, of the work of the team, gathering intelligence.
- 3.8 Since its inception the team has secured 394 prosecutions for illegal money lending and related activity, leading to nearly 480 years' worth of custodial sentences. They have written off £74.9 million worth of illegal debt and helped over 29,000 people.
- 3.9 By 2007 this project had proved so successful, that the project was extended to form regional teams across the country with the Birmingham hosted team expanding into five regions. On 1 April 2011, once again building on this success, the regional teams were decommissioned and one National Team was launched. This team, unique of its type across the country, continues to be hosted by Birmingham City Council.
- 3.10 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.

- 3.11 The Financial Services Act 2012 amended the legislation to move the authorisation process under FSMA and retained the enforcement provisions in respect of unauthorised business for local weights and measures authorities (trading Standards). The Financial Services Act also made provision for trading standards to operate nationally in this regard in order to make the administration process easier for the EIMLT.
- 3.12 A fundamental requirement of FSMA is that all potential providers of credit must possess appropriate authority issued by the Financial Conduct Authority. To operate a credit business without authority is a criminal offence which carries a maximum penalty of a £5,000 fine and/or up to two years in prison.
- 3.13 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 sometimes fear and intimidation to recover monies ‘owed’ have long been recognised as the hallmarks of their operations
- 3.14 When the team was initially set up in 2004 there was little knowledge about the scale of loan sharking, either in the number of individuals involved or the number of possible victims across the country. Loan sharks were rarely, if ever, prosecuted. Birmingham City Council has now prosecuted 359 individuals.
- 3.15 As well as the work of the team, the government commissioned Independent research by Bristol University (POLICIS) in 2010 which has shown that around 310,000 households across the UK were indebted to loan sharks. 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. Roll over loans are typical and this means that a person will have 3 ½ loans annually from the illegal lender. This equates to £1225 borrowed paying back £2450.
- 3.16 Typically loan sharks:-
- 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.

- 3.17 Throughout its life the project has been funded by central government. This funding was always on a yearly basis and subject to annual submissions which meant the team's grant was never secure long term. However, in 2016 it was announced that a levy would be applied to credit businesses (as part of the fee they already pay to operate legitimately). This funding commenced on 1 April 2017 and has secured the work of investigating illegal lenders. The current budget for the teams activities is £3,961,249

4. Operating the Illegal Money Lending Team

- 4.1 The success of the team can be attributed to a number of factors, 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).
- 4.2 The team takes a fully agile and flexible approach to tackling this type of criminality, recognising that "one hat size does not fit all" circumstances. The Legislation 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 administrative burden on the team and allow them to fully function in all geographical areas.
- 4.3 The Head of Service and Operational Managers within the team have the delegated authority to proffer charges at police stations, institute proceedings through the report process and make decisions regarding the outcome of investigations throughout the process. This authority speeds up the court process, allowing, in some cases, suspects to be arrested, interviewed and charged the same day. In some instances the defendant has been brought before the courts within 24 hours.
- 4.4 Recognising the importance of communication in all aspects of the teams work has also been a key priority. The team uses all forms of social media. The hotline is 24/7 and staffed by the team members. This promotes reassurance allows for information to be fed directly to lead investigating officers in respect of the actions of the suspected illegal money lenders.
- 4.5 The investigations by the team have resulted in a number of high profile court cases that have included serious criminal offences, investigated and prosecuted by Birmingham City Council. The strategy to prosecute for all matters has resulted in the prosecution of offences that may not normally 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 in consultation with Legal Services. It was recognised that these offences were directly linked with illegal money lending and occurred as a direct result of the involvement with this activity.

4.6 Raising awareness of the team with the public, but also with other interested parties has been critical for gathering the right intelligence. The involvement of the police and support furnished by them throughout the operations has been extremely beneficial, and the embedded Police Officers (first introduced by the Birmingham project) have given the team an added dimension to its investigatory powers.

4.7 Some examples of recent cases include:-

- Operation Witch Hazel (EAST MIDLANDS) – three loan sharks were sentenced at Leicester Crown Court on 03/05/2017 for their participation in an illegal money lending business, which operated across Leicester for a period of seven years. A 52 year old male was sentenced to 9 months imprisonment for his leading role in the illegal enterprise. Two other males were sentenced to terms of imprisonment, suspended, and 120 to 150 hours of unpaid work.
- Operation Hiking (SOUTH WEST) – a 58 year old male who operated an illegal money lending business over a period of 9 years and preyed on vulnerable people was jailed for two years and three months on 18/08/2018. The individual had previously worked as a self-employed agent for a legitimate loans company between October 2002 and April 2014. During this period he was made aware by his employer that he was not allowed to 'parallel lend' or conduct consumer credit activities personally unless he was authorised to do so. A financial investigation revealed over the period in question that there had been over £300,000 cash deposits into accounts held by him or his family.
- Operation Selhurst Park (GREATER LONDON) – A 67 year old male was ordered to pay back £450,000.00 at a hearing at Snaresbrook Crown Court on 02/02/2018. He was ordered to pay back the sum in full within two months or face four and a half years in prison.
- Operation zenith - A 53 year old male who ran an illegal money lending business over a period of approximately 8 years and received over £1 million in loan repayments was jailed for 15 months at Preston Crown Court on 07/08/2017. His partner, aged 58, received a 9 month suspended prison sentence and 160 hours unpaid work after she was found guilty of laundering cash from her partner's loan shark business.
- Operation Boniface – A Consultant was ordered to pay back £525,000 in proceeds of crime. He had previously been given a 10 month prison sentence, suspended for 2 years in October 2016 for illegally lending money to dozens of hospital workers – mostly Filipinos. He was required to pay the money within 3 months or face a default sentence of 5 years in prison.
- Operation Cornwallis - Four loan sharks, who ran a sophisticated illegal money lending business across Manchester, were sentenced to prison. As

part of the same operation, two other defendants were sentenced for drug related offences. The sentences totalled over eight years.

- 4.8 In the last two years the team conducted 92 operations resulting in 128 arrests.

5. Victim Contacts

- 5.1 There were 598 contacts with victims in 2018-19. A lot of these were to offer emotional support and safety advice, but there were also referrals to credit unions, housing, debt advice and mental health services.

- 5.2 The team dealt with £960,638.00 of new victim debt during 2018-19.

6. Victim Profile

- 6.1 The gender split of borrowers was 51% female and 49% male. 44% of victims supported were parents with an average of two children per family.

- 6.2 The number of clients saying they had long term health conditions increased by 2% compared to 2017 up to 49%.

- 20% said they had a physical illness
- 18% had mental health issues
- A further 11% said they suffered from both mental and physical illness.
- 9% of borrowers said they acted as a carer for someone over 18, an increase on last year's figure of 4%.
- 25% of victims we have asked said that they had considered committing suicide during their life-time including 6% who had attempted suicide. 16% said this was during the time of their involvement with the loan shark.
- 75% 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 38% told us that they had been abused verbally and/or threatened with physical harm (or actually harmed) by the loan shark.
- 37% of those who we've supported this year are unemployed.
- 70% had borrowed from the loan shark more than once.
- 42% went without food, fuel or missed rent or mortgage payments in order to repay the loan shark and 17% had visited food banks.

7. Victim Statistics

- 59% of victims interviewed owed money for:
 - Loan repayments and/or credit card bills to banks
 - Council tax arrears
 - Door-step loans
 - Utility bills
 - Credit Union arrears
 - Nursery arrears
 - Hire purchase companies or catalogues
 - Pay-day and sub-prime loans
 - Rent or mortgage arrears
 - TV licence payments
 - Outstanding phone bills
- 75% of respondents paid rent for their home, either to a social landlord or private property owner.
- 15% of victims had lived in their property for less than one year, compared to 10% in 2017 and 3% in 2016. This may reflect the rise in shorter tenancy agreements across the UK. The ages of those living in premises for less than one year ranged from 21 to 58 years.
- 30% of respondents said that they had visited a debt advisor; this is 7% less than in 2016.
- 11% 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" and "I didn't think they could help."
- 59% had heard of the term "Credit Union". Whilst having heard of the term, 25% of clients didn't know what a Credit Union is but the remaining 34% did with 3% being existing members. 40% said they had never heard of a Credit Union.
- 97% of respondents had bank accounts. This number has risen gradually from 82% in 2011 reflecting the need for accounts for benefit transfer or wage payments.
- 64% of victims were claiming benefits, which is an increase of 5% on 2017. 13% of respondents claiming benefits were on Universal Credit – a rise of 3% on 2017.
- 14% had requested welfare help from local councils – an increase of 6% compared to 2016 but 3% lower than last year.
- 17% had visited food banks within the last year.
- 74% of respondents didn't have home contents insurance.

- 46% had pre-payment meters installed for fuel supplies whilst 27% paid by direct debit or standing order through their bank. 13% had fuel costs included in their rent payments or paid for by their employer.
- 65% of victims supported during 2018 were told about the loan shark by friends or family members.
- 15% got to know them within their local community including support groups and social groups.
- 12% met the lender at work. Loan sharks will appear friendly at first until repayments are missed.
- 48% of borrowers believed the loan shark was their friend at the point of borrowing.
- Whilst 22% of victims had been paying their loan back for less than a year at point of contact, some had been repaying for up to 15 years.

Reason	%	Reason	%
Household bills / Everyday living expenses	28	College / University costs	2
Business costs	10	Holiday	2
Health care or funeral costs	7	Home improvements	2
To help out family members	7	Loan passed on because of non-payment by relative	2
Celebration event	6	Rent and Deposit	2
Drug or Alcohol Addiction	6	Travel costs	2
Furniture or electrical goods	5	Baby expenses	1
Gambling	5	Car tax	1
Mortgage / Rent arrears	4	Debt consolidation	1
Vehicle purchase or repair	4	Vets fees	1
Benefits sanction / late wage payment	2	Visa costs	1

8. Awareness Raising Work – Partners

- 8.1 In 2018-19 the team trained over 21,000 frontline staff.
- 8.2 A presentation was delivered to Erosh – an organisation that provide services for the over 55s, in Manchester and Greater Manchester and IMLT information

is now in their policies for financial abuse and safeguarding with a referral mechanism put in place.

- 8.3 A project with South Sheffield Education learning partnership (SSELP) to provide information to parents and staff about the IMLT has taken place. It was delivered in two schools which are situated in areas with high levels of deprivation. The project included training for staff and input into coffee mornings for parents. A new money clinic has been set up at the school where referrals are made to key local agencies including Citizen's Advice, the credit union and food bank. Additionally access is provided through a single point of contact to the hardship scheme to consider clearing rent and council tax arrears. £30,000 of arrears has been cleared during 2019 for parents at risk of illegal money lending in this way.
- 8.4 A project with Thames Valley Police's Stronghold Team, raising awareness of loan sharking across the TVP region is on-going. Training has been provided, events organised and social media messages circulated. A community event was held which approximately 8,000 visitors attended during the day.
- 8.5 Work has taken place with jobcentres across East Anglia (at a total of 26 sites across Suffolk, Norfolk and Cambridgeshire) which has seen the development of a tri-county network for work-coaches that deal specifically with vulnerable clients. Part of the upskilling and training for this network is a product called "Community Coaching". This is broken down into 15 social justice topics, one of which includes illegal money lending.
- 8.6 A Black Country event was held to gauge commitment to financial inclusion from local providers. The day led to a financial inclusion initiative being set up which is still being progressed. The IMLT have carried out a number of training events across the local authority areas as a result. A charter signing event was held at Wolverhampton with the Bishop in attendance and awareness days took place in Walsall.

9. National Partnerships

- 9.1 The IMLT have been working with the Home Office as part of their Serious Organised Crime pilot projects for Community Co-ordinators looking at building Community Resilience, through the 4 Ps: Prepare, Prevent, Protect and Pursue. The LIAISE community engagement model has been identified as best practice in driving forward the pilot schemes delivery within local communities.
- 9.2 Work has been on going with the Money Advice Service and Young Money in order to update and achieve reaccreditation for the IMLT free education packs for primary and secondary schools. Feedback received from industry experts on the updates was extremely positive when the packs were promoted at the Young Money Centre of Excellence Annual Conference and the resources have now successfully been awarded reaccreditation.

- 9.3 Significant work has been completed to provide development and support of a charitable scheme to ease consumer's ability to check the status regarding legal permission of lenders against the national register. Work with the "Loan Smart" project has involved the Treasury, Cabinet Office, Financial Conduct Authority, IMLT and agencies such as Stepchange. The project was launched in October and the Loan Smart website is now up and running. Road show events have taken part across the country to promote the Loan Smart website, urging people to check lenders before they borrow and highlighting the dangers of borrowing from loan sharks.
- 9.4 Joint work is ongoing with the English Football League Trust who provide 11,000 places for 16 year olds across Yorkshire and Humber as part of the National Citizens Service project. It is planned for the summer of 2019 to ensure that a session featuring loan shark awareness is included within this residential four week programme.
- 9.5 The team have linked in with Development Youth Practice (DYP). A UK wide specialist training and consultancy social enterprise, DYP provide training and resources to all those working with young people and disadvantaged groups.
- 9.6 Working closely with the IMLT, DYP have developed a toolkit for advice and guidance in dealing with illegal money lending matters as well as delivering specific workshops about loan sharks across London and other parts of the country.
- 9.7 LIAISE staff have accompanied the National Crime Agency, Border Patrol, Gangmasters and the Labour Abuse Authority on combined intelligence initiatives across the country. Joint work has also been conducted with the Anti-Slavery Unit with a successful funding bid through the big lottery grant which has seen the opening of a safe house for victims of slavery and loan sharks.

10. Stop Loan Sharks Awards 2018

- 10.1 The winners of the Stop Loan Sharks awards 2018 were announced in March. Three winners will each receive £3,000 proceeds of crime money to help spread the Stop Loan Sharks message in their area. They are:
 - Cheltenham Borough Homes
 - Cheltenham Borough Homes
 - Cheshire Police – Operation Grippled
 - Just Credit Union and Homer Lake Primary School
- 10.2 As well as the overall winners, seven further organisations received a "Highly Commended" award for the work they had undertaken to protect their communities from illegal money lenders. They were:

- East Sussex Credit Union
- Headway Swindon
- Bauer Media Newcastle
- Havant Citizen's Advice
- Cash Box Credit Union
- Radio Northumberland
- Derbyshire District Citizen's Advice

11. Credit Union Incentives

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

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

12. Credit Union Guaranteed Loans Pilot

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

12.2 The credit unions taking part were:

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

- 12.3 Data is still being processed as the scheme was rolled out at different times however the evidence captured is extremely positive, indicating the project has been great success.
- 12.4 All of the 6 Credit Unions that took part in the pilot achieved their targets in terms of loan default rate with an average of 10% - the default target set was 20%.
- 12.5 To date a total of £965,091.00 has been lent to credit union members who would not have normally qualified for a loan. Savings attached to the loan repayments reported for each member ranged from £52 over the year to £1,038, money that probably wouldn't have been saved without the credit union account.
- 12.6 The average household income of borrowers was £15,299.00. A comparison for the reason people required the loans against the reason victims borrow from loan sharks can be seen below.

Comparison to loan shark victims:

Reasons for borrowing...

	Credit Union members %	Loan Shark victims (2018 data) %
Benefits bridging	2	2
Business costs	1	10
Celebration event	11	6
Education/nursery fees	4	2
Health care/Funeral costs	3	7
Holiday	8	2
Home Improvement/repairs	11	2
Household goods/everyday living expenses	19	28
Rent arrears	1	4
Rent or mortgage deposit	2	2
Vehicle purchase, insurance or repair	10	4

13. Proceeds of Crime

A large number of proceeds of crime projects have come to fruition during 2018/19. Examples are:

East of England

Oblique Arts – £4,940 awarded to an arts/theatre project for adults with learning disabilities culminating with several performances across communities in the Cambridge area.

Opening Doors – £4,976 provided for a user led organisation representing people with learning disabilities. Service users were trained and bespoke publicity produced and circulated to 50 Norfolk organisations.

Arts Olam – £3,400 was awarded to an artist working with prison inmates. A public mural was created in Ipswich. Additional match funding was provided by Ipswich Borough Council.

East Midlands

Citizens Advice, South Derbyshire and City (CASDAC) – received £2,780 & £2,500 for project delivery in two separate areas. Training was provided to front line staff and loan shark awareness events were held. “Drop boxes” were created and placed in CASDAC offices to enable clients to provide anonymous information about loan sharks within their community.



Citizens Advice, North Derbyshire Buxton – £2,000 was given for awareness raising events pointing out the dangers of using a loan shark. A credit union promotion “Amnesty Day” and an estate wide “Art to Advice Trail” were held.

The “Art to Advice Trail” aimed to engage families by getting children to draw pictures of sharks and bees (a local symbol). Residents then followed the Art Trail, and learnt about loan sharks and how to report them. A free activity for residents over the half term holidays was then held, the pictures were spread across six local buildings on the Gamesley estate including doctors, pharmacies, churches and local stores. Each picture had a short paragraph about the dangers of loan sharks and promoted the credit union as a safe option.

Central England

Telford CAB – £2,200 was awarded to a local scouts group to create a money badge based on IMLT education packs. In order for scouts to receive the badge they had to take part in activities focused around learning about money and embedding the anti loan shark message in a fun way.

Birmingham City Council Financial Inclusion Partnership – £3,500 was provided for neighbourhood projects within the Financial Inclusion Partnership to award small grants to areas impacted by loan sharks.

Northfield Partnership – £5,000 produced a fun beach theme festival in Northfield: The one day event raised awareness and was called “No Sharks at the Beach.” A warning video was shown throughout the day and an interactive mobile graffiti mural was produced to be displayed at various prominent community venues.



White Socks Theatre – £5,000 was awarded for a tour of secondary schools and pupil referral units in the Worcestershire area. An hour long interactive workshop used live actors and multimedia to highlight the issues that affect people involved in illegal money lending with over 2,000 students involved.



Yorkshire

Leeds City Council – £5,000 was awarded. Working in partnership with Leeds Money Buddies, a book aimed at children was created. The book

teaching about all things money related including the anti-loan shark message was given out free to children in deprived communities and also held as stock in school libraries and book nooks.

North West

Orford Youth Service – £3,500 was provided to thirty-five young people who wanted to deliver an art project to engage their peers and local community in Orford and get them talking about the dangers of using loan sharks.



Aaron Dunleavy – £5,000 was used for a film entitled “Landsharks.” The movie was unveiled in Blackburn and local agencies were invited to view and show to their service users. Landsharks has since won various awards including a showing at the Italian Giffoni Film Festival and was also a winner at the Raindance short film awards in London. Additionally, Great Places have showcased the film to the children’s centres in Blackburn.

Tameside Council – £4,990 was awarded to a local artist to work with the young people and the Create team. They designed faces of people saying no to loan sharks. Their work will be displayed in the entrance of their new building. 1,200 students from Denton High School received an input regarding the dangers of loan sharks via a video and assembly inputs.

Halton Credit Union – £5,000 was awarded and an animation has been developed to raise the awareness of the dangers of using loan sharks and promoting credit unions as a safe alternative for accessing credit. The animation can be altered so that any credit union in England can use it.

Blackpool Citizens Advice – £1,250 resulted in delivery of a number of days and weeks of action in Blackpool with a specific social media campaign running throughout the year.

City West – £4,850 was awarded for a six week art project that will take place at different venues across Salford. Reaching approximately 200 young people, the scheme will enable them to use their own ideas and they will also be asked to manage the allocated budget for their project. Each piece of art will then be displayed in a local community facility and will include key messages regarding loan sharks.

Engage – £5,000 was given to a credit union project designed for young vulnerable adults starting employment. The funding provided budgeting tools, money management and a mentoring project.

Great Places – £4,700 was awarded to Great Places: Artists ran a series of public drop-in sessions and school awareness workshops. This involved fun activities such as making fish themed lanterns and a large showstopper illuminated shark sculpture.

School children also learnt how to better manage their money during sessions, using the IMLT financial education packs. The creative pieces went on display at More Music's popular Lantern Festival in November and later were able to be viewed at the White Elephant Art Gallery.



London

ASKI – £2,424 was used to promote the credit union, Citizen's Advice and the IMLT to disengaged older people aged 65-88 from the Caribbean, Asian, Chinese, Kurdish and Turkish communities in Croydon. ASKI also ran intergenerational arts and crafts sessions on the theme of the dangers of using loan sharks.

Partnership for Young London (PYL) in conjunction with Development Youth Practice (DYP) – £4,990 was awarded to PYL who held workshops with DYP and the Illegal Money Lending team on topics around young people, money and loan sharks. This training was specifically for those who work or volunteer in youth organisations in London, supporting and working directly with vulnerable young people.

Prison Radio Association – £4,950 was used by the Prison Radio Association to create audio scripts, written and performed by prisoners at Brixton Prison in London talking about the perils of being involved with loan sharks and the support and help that is available both inside and outside of prison.

South West

Plymouth Citizen's Advice – £3,550 was used for a community arts project with Plymouth College of Arts. Students produced an anti-loan shark graffiti mural in a prominent subway location close to the central train station in Plymouth.

Headway, Swindon – £2,745 was awarded. Many of the 90 clients who attend the centre took part in the creation of a complete underwater wall display which runs the length of the main corridor with the main centrepiece being a shark.



IMLT messages run throughout the display and visitors to the centre have said it has become a talking point in which the Illegal Money Lending Team is always mentioned.

Cheltenham Borough Homes – £5,000 awarded. Funding was to be used to wrap Cheltenham Borough Homes vehicles with Stop Loan Sharks information and eye catching pictures to bring attention to their vans.

They have already wrapped 5 of their vans with a 'Keep the Wolf from your Door' and are now looking into a different picture to wrap on 5 more of their vehicles. The vehicles are in use every day and provide maximum viewings in key community areas.



North East

Bauer Media – £ 5,000 was used for school based IMLT awareness and education project where students devised their own radio advert to raise awareness of illegal money lending and warn against the dangers of loan sharks. The project culminated in the production of a radio jingle that was aired on local radio and listened to by over 200,000 people.

Debbie Owen – a £5,000 award produced five different loan shark film clips based on the “usual suspects” concept. These clips were played on loops on small TV screens in the back of Black Cabs in Tyne and Wear in the run up to Christmas and had a viewing audience of over 92,000 people.



Cedarwood Trust – £4,200 was used to create a pantomime written by the Blowin A Hooley Theatre Group. Cinderella, with a modern day take on being in debt to a loan shark, was performed across various community locations.

Radio Northumberland – a £1,200 award produced an anti-loan shark song written by a local poet and punk band. The song was aired across local radio receiving large download and streaming figures. Additionally the band performed the song at the prestigious Rebellion festival.

South East

Havant Citizen's Advice – £2,250 was awarded to the “Work Out Your Money” team to provide interactive workshops featuring the IMLT education packs in schools around the Havant area. Funding was also spent on an A4 cardboard folder for students to take the lesson work home, thus delivering the anti-loan shark message to parents and guardians as well.

Banbury Citizen's Advice – £2,162.50 was used to hold pop-up events across the area including stalls at Banbury and District Show, Town Mayor's Sunday, Banbury PlayDay, Banbury Music Mix, Summerfest and Canal Day culminating in a “Santa and the shark shack” evening at the town Christmas lights switch on. Preparation for the events included creation of a short story warning of the dangers of loan sharks.

Age UK, Horsham – £697 was used for a Sharky tea-party raising awareness of the anti-loan shark message in a fun and interactive way. The audience were all older people who enjoyed a cuddle with Glenda and singing along to an IMLT song, the words of which was then drafted for future use in singing workshops.



Winchester District Council – £1,515 funded year round activities across the area including pop-up stalls, training sessions with staff, partners and university students and a Charter event to spread the stop loan sharks message and promote the credit union.

Information was disseminated widely through tenant's packs, local media and libraries.



14. **Funding**

14.1 The IMLT project is currently funded by the Treasury.

14.2 The governance of the project consists of representatives from the Financial Conduct Authority (FCA), Treasury and the hosting authorities involved (England, Northern Ireland, Scotland and Wales).

14.3 The Current budget is £3,961,249

15. Implications for Resources

15.1 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.

16. Implications for Policy Priorities

16.1 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.

16.2 Loan Sharks 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 important.

16.3 Prosecution and removal of loan sharks from communities will reduce the fear of intimidation and violence.

17. Public Sector Equality Duty

17.1 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.

INTERIM ASSISTANT DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: Files held by the IMLT.