

**BIRMINGHAM CITY COUNCIL**

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

**20 JANUARY 2016**  
**ALL WARDS**

**PROSECUTIONS AND CAUTIONS – NOVEMBER 2015**

1. Summary
  - 1.1 This report summarises the outcome of legal proceedings taken by Regulation and Enforcement during the month of November 2015.
2. Recommendation
  - 2.1 That the report be noted.

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### 3. Results

#### 3.1 During the month of November 2015:

- Two Licensing cases resulted in fines of £1,650. Prosecution costs of £1,148 were awarded together with 14 penalty points. 19 simple cautions were administered as set out in Appendix 1.
- 56 Environmental Health cases resulted in fines of £33,145. Prosecution costs of £25,415 were awarded. Two simple cautions were administered as set out in Appendix 2.
- One Trading Standards case resulted in fines of £5,000. Prosecution costs of £6,503 were awarded. No simple cautions were administered as set out in Appendix 3.
- Appendix 4 lists cases finalised by district in November 2015 and cases finalised by district April-November 2015.
- Appendix 5 lists the enforcement activity undertaken by the Waste Enforcement Team April - October 2015.

### 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 2015 to November 2015 the following costs have been requested and awarded:

#### Licensing

£39,268 has been requested with £23,605 being awarded (60%).

#### Environmental Health

£128,271 requested with £114,240 being awarded (89%).

#### Trading Standards

£64,719 requested with £47,060 being awarded (72%).

- 5.3 For the month of November 2015 the following costs have been requested and awarded:

Licensing

£1,148 has been requested with £1,148 being awarded (100%).

Environmental Health

£28,232 has been requested with £25,415 being awarded (90%).

Trading Standards

£6,503 has been requested with £6,503 being awarded (100%).

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.

**ACTING DIRECTOR OF REGULATION AND ENFORCEMENT**

Background Papers: Nil

## LICENSING CASES

## APPENDIX 1

	Name & Address	Date Case Heard	Court	Legislation	Fine /Penalty	Costs	Offence details
1	Baber Hadait 3 Fox Grove Acocks Green Birmingham B27 7RZ	6/11/15	Birmingham Magistrates Court	Town Police Clauses Act 1847 & Road Traffic Act 1988	£770 x No Insurance  + 8 penalty points  No separate penalty for plying	£689  (£689 requested)	Pleaded guilty to two offences; one offence of plying for hire on St Mary's Row, Moseley, Birmingham on 10 <sup>th</sup> April 2015 and one offence of consequently having invalid insurance.
2	Noorzad Khan 59 Starbank Road Small Heath Birmingham B10 9LE	26/11/15	Birmingham Magistrates Court	Town Police Clauses Act 1847 & Road Traffic Act 1988	Total £880  (£440 x 2)  + 6 penalty points	£459  (£459 requested)	Pleaded guilty to two offences; one offence of plying for hire on High Street, Digbeth, Birmingham on 30 <sup>th</sup> May 2015 and one offence of consequently having invalid insurance.

## LICENSING SIMPLE CAUTIONS

During the period of November 2015, 19 simple cautions have been administered.

### **Local Government (Miscellaneous Provisions) Act 1976**

**Section 48(6)** Four cautions were issued for failing to display a private hire vehicle licence plate

**Section 49** One caution was issued for failing to give notify the council within 14 days of the transfer of a vehicle and provide the name and address of the person to whom the vehicle had been transferred

**Section 50(3)** One caution was issued for failing to report an accident to the City Council within 72 hours

**Section 54(2)** One caution was issued for failing to wear a private hire driver's badge in a manner as to be plainly and distinctly visible.

**Section 48(6) & 54(2)** One caution was issued for failing to display a private hire vehicle licence plate and for failing to wear a private hire driver's badge in a manner as to be plainly and distinctly visible

**Section 57** Four cautions were issued for knowingly omitting information on licence application forms.

### **Town Police Clauses Act 1847 & Road Traffic Act 1988.**

**Section 45 & Section 143** One caution was issued for plying for hire and consequently driving without insurance

### **Byelaw 26 of the Birmingham City Council Hackney Carriage Byelaws 2008 made under section 68 of the Town Police Clauses Act 1847 and section 171 of the Public Health Act 1875**

One caution was issued for failing to wear or display a Hackney Carriage Drivers Badge in a manner as to be plainly and distinctly visible.

### **Byelaw 26 of the Birmingham City Council Hackney Carriage Byelaws 2008 made under section 68 of the Town Police Clauses Act 1847 and section 171 of the Public Health Act 1875**

One caution was issued for failing to display a fare table in a manner as to be plainly and distinctly visible.

### **Byelaw 26 of the Birmingham City Council Hackney Carriage Byelaws 2008 made under section 68 of the Town Police Clauses Act 1847 and section 171 of the Public Health Act 1875**

Three cautions were issued for failing to produce upon request a copy of the Hackney Carriage Byelaws for inspection

### **Byelaw 26 of the Birmingham City Council Hackney Carriage Byelaws 2008 made under section 68 of the Town Police Clauses Act 1847 and section 171 of the Public Health Act 1875 & Local Government (Miscellaneous Provisions) Act 1976 Section 57**

One caution was issued for failing to wear or display a Hackney Carriage Drivers Badge in a manner as to be plainly and distinctly visible and failing to display a fare table in a manner as to be plainly and distinctly visible. Also knowingly omitted information on licence application forms.

**ENVIRONMENTAL HEALTH CASES****APPENDIX 2****WASTE OFFENCES**

	<b>Name &amp; Address</b>	<b>Date Case Heard</b>	<b>Court</b>	<b>Legislation</b>	<b>Fine/Penalty</b>	<b>Costs</b>	<b>Offence details</b>
1	Daljit Singh 164 Lightwood Hill Smethwick B67 5ED	18/11/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£400 on last offence  No separate penalty for offences 1-4	£800  (£1,854 requested)	Pleaded guilty to five offences of depositing controlled waste, or knowingly causing controlled waste to be deposited, namely waste arising from building works at 42 and 22 North Road, Selly Oak, Birmingham, on five separate dates on the road outside 42 and 22 North Road.  Originally listed for trial

**HEALTH & SAFETY OFFENCES**

	<b>Name &amp; Address</b>	<b>Date Case Heard</b>	<b>Court</b>	<b>Legislation</b>	<b>Fine/Penalty</b>	<b>Costs</b>	<b>Offence details</b>
1	Suzanne Holmes 163 Buryfield Road Solihull B91 2BB	6/11/15	Birmingham Crown Court	Health & Safety at Work etc Act 1974	£2,500	£14,000  (£14,793 requested)	Pleaded guilty to one offence of failing to ensure that persons not in employment were not exposed to risks to their health and safety in that a 2 year old child suffered a minor head injury following a 3.8 metre fall from an open window at Munchkins Nursery, 72 Longmeadow Crescent, Shard End, Birmingham

## FOOD HYGIENE OFFENCES

	Name & Address	Date Case Heard	Court	Legislation	Fine/Penalty	Costs	Offence details
1	<p>Nesar Ahmed 20 Burney Lane Saltley Birmingham B8 2AS</p> <p>Mohammed Ali Shabir 107 Nansen Road Saltley Birmingham B8 3JP</p>	12/11/15	Birmingham Magistrates Court	Food Safety and Hygiene (England) Regulations 2013	<p>Total £10,000</p> <p>(£3,000 x offence 1 £4,000 x offence 3 £3,000 x offence 4)</p> <p>No separate penalty for remaining 7 offences</p> <p>Total £10,000</p> <p>(£3,000 x offence 1 £4,000 x offence 3 £3,000 x offence 4)</p> <p>No separate penalty for remaining 7 offences</p>	<p>£560</p> <p>(£280 each)</p> <p>(£560 requested)</p>	Both defendants pleaded guilty to 10 offences relating to the poor conditions at N.A.S Catering Services, Unit 15 Cobham Business Centre, Cobham Road, Birmingham. The premises were not kept clean or maintained in good repair. Cooked chicken was being stored in crates on the floor by raw chicken and raw chicken juices were pooling on the floor next to crates of cooked chicken. There were holes in the fabric of the building allowing access to pests. Mouse droppings were found throughout the premises.

2	Deniz Akgul 161 Holyhead Road Handsworth Birmingham B21 0BD	26/11/15	Birmingham Magistrates Court	Food Safety and Hygiene (England) Regulations 2013	Total £1,170  (£585 for offences on 15.10.14  £585 for offences on 19.12.14)	£1,925  (£1,925 requested)	Pleaded guilty to eight offences relating to conditions at Continental Supermarket, 161-163 Holyhead Road, Birmingham on two separate visits. Four offences relate to offences on 15 <sup>th</sup> October 2014 when there was evidence of rat activity in the storeroom and the premises were not kept clean. The WC seat was dirty with urine and had not been flushed. There was no hot water to the hand basin in the sanitary accommodation or materials for hand drying. Two commercial bins were overflowing with waste and food packaging. Four offences relate to offences on 19 <sup>th</sup> December 2014 when there were no procedures in place to control pests, rat droppings were found on the storeroom floor and a decomposing rat was found in the storeroom. The premises were dirty, the fruit and vegetable storeroom floor was dirty with rat droppings and general debris. There were no procedures in place based on HACCP principles.
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## **LITTERING OFFENCES**

	<b>Name &amp; Address</b>	<b>Date Case Heard</b>	<b>Court</b>	<b>Legislation</b>	<b>Fine /Penalty</b>	<b>Costs</b>	<b>Offence details</b>
1	Jessica Lauren Sen 87 Thornbridge Road Iver Buckinghamshire SL0 0QB	6/11/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£100	£175  (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.
2	Ricardo Miranda 38 Middle Leasow Quinton Birmingham B32 1SW	6/11/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£135	£175  (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.
3	Rachel Hems 2 Painters Corner Grove Lane Smethwick B66 2SL	6/11/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£160	£175  (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement in Navigation Street, Birmingham.
4	James Whitehouse Flat 48, Giles Close House, Giles Close Birmingham B33 8ED	6/11/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£440	£175  (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Hill Street, Birmingham.
5	Rob Holden 48a Wood Lane Pelsall Walsall WS3 5DY	6/11/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£135	£175  (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.
6	Craig Upton 93 Hazelwell Crescent Stirchley Birmingham B30 2QE	6/11/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£185	£175  (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement in Colmore Row, Birmingham.

7	Natalija Vincukova 31A Fenside Road Boston Lincolnshire PE21 8HY	6/11/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£440	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.
8	Tatiana Gaborova 188 Aldridge Road Perry Barr Birmingham B42 2TY	6/11/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£440	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in Rotunda Square, Birmingham.
9	Deividas Kavaliunas 58 Broom Road Dudley West Midlands DY1 3LG	6/11/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£440	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Lower Temple Street, Birmingham.
10	Vijai Ciornei 4 Stebbing Way Barking IG11 0RD	6/11/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£440	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.
11	David Cox 10 Rodney Close Birmingham B16 8DP	6/11/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£440	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Colmore Row, Birmingham.
12	Samantha Chick 11 Janice Grove Yardley Wood Birmingham B14 4DP	6/11/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£440	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in Rotunda Square, Birmingham.
13	Zeenath Peer 32 Hallowell Road Edgbaston Birmingham B16 0LR	12/11/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£80	£125 (£175 requested)	Defendant made a statutory declaration that he had been unaware of the original hearing and then pleaded guilty to the offence of dropping a cigarette butt on the pavement in New Street, Birmingham. Originally proved in absence on 24.4.15.

14	Jasdeep Bansal Flat 2 34 Leam Terrace Leamington Spa CV31 1BQ	12/11/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£80	£100  (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement in Corporation Street, Birmingham.
15	Brogan Gilder 3 Boar Croft Coventry CV4 9SJ	12/11/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£80	£175  (£175 Requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement in High Street, Birmingham.
16	Alexandrea Nash 220 Ridgeacre Road Quinton B32 1JR	12/11/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£80	£100  (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement in Rotunda Square, Birmingham.
17	Natasha Finney 2 Painters Corner Grove Lane Smethwick B66 2SL	12/11/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£80	£100  (£175 requested)	Pleaded guilty to one offence of dropping cigarette butt on the pavement in Navigation Street, Birmingham.
18	Vlad Costache 18 Scribbens Close Smethwick B66 3PS	12/11/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£80	£175  (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.
19	Zofia Grams 256 Heath Street Birmingham B18 4DF	12/11/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£80	£175  (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.
20	Julie Murray Flat 1 19-21 Olton Boulevard East Birmingham B27 7RR	12/11/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£80	£175  (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in High Street, Birmingham.
21	Claire Sandford 21 Blackthorne Road Walsall WS5 4NF	12/11/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£80	£175  (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in Dale End, Birmingham.

22	Takudzwa Taderera 16 Helvellyn Way West Bromwich B71 1FD	12/11/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£80	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in Bennetts Hill, Birmingham.
23	Iosif Vanger 284B High Street Smethwick B66 3NU	12/11/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£80	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.
24	Jacob Ward 14 Sheldon Mill Wells BA5 2LL	12/11/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£80	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in High Street, Birmingham.
25	Craig Watson 18 Kelsall Grove Leeds West Yorkshire LS6 1QY	12/11/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£80	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Colmore Row, Birmingham.
26	Ashley Wills Manor Cottage Kidderminster DY14 0NA	12/11/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£80	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Pinfold Street, Birmingham.
27	Houyu Yin 22 Regent Street Coventry CV1 3EP	12/11/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£80	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Ladywell Walk, Birmingham.
28	Andrew Lewis 11 Eastwood Road Birmingham B12 9NA	20/11/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£40	£40 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.
29	Donna Phillips 142 Monkmoor Road Shrewsbury SY2 5BN	20/11/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£75	£60 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement in High Street, Birmingham.

30	Nicholas Moore 116 Goldstraw Lane Newark on Trent NG24 3FF	20/11/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£40	£60  (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement in Temple Row West, Birmingham.
31	Martyn Gamble 34 Beedles Close Telford Shropshire TF4 4SH	20/11/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£75	£60  (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement in John Bright Street, Birmingham.
32	Kane Burnapp 22 Hampton Street Northampton NN1 2PH	20/11/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£40	£60  (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.
33	Liviu Anghel Voicila 34 Salisbury Road Birchfield Birmingham B19 1NA	20/11/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175  (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Waterloo Street, Birmingham.
34	Dmitrijs Kostins 34 Cornwall Road Welling London DA16 2PR	20/11/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175  (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Ethel Street, Birmingham.
35	James Drewery 111 Patch Lane Redditch B98 7XE	26/11/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175  (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Stephenson Street, Birmingham.
36	Angelina Adamska 121 Ivyfield Road Erdington Birmingham B23 7HR	26/11/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£65	£75  (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement in Margaret Street, Birmingham.

37	Stephanie Bent 125 Foden Road Great Barr Birmingham B42 2EL	26/11/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175  (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in Colmore Row, Birmingham.
38	Nina Bitadeau Flat 7 Veronica House London E3 3EB	26/11/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175  (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.
39	Kyle Brownfield 78 Masterson Street Stoke on Trent ST4 4PD	26/11/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£145	£175  (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement in Edgbaston Street, Birmingham.
40	Jennifer Davis 14 Ilsey Road Erdington Birmingham B23 6EP	26/11/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175  (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in Bennetts Hill, Birmingham.
41	Frank Fewtrall 14 Beaumont Drive Harborne Birmingham B17 0QQ	26/11/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175  (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Temple Row, Birmingham.
42	June Grenfell 6 Curdale Road Bartley Green Birmingham B32 4HB	26/11/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175  (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in Colmore Row, Birmingham.
43	Christopher Hanlon 233 Jayshaw Avenue Great Barr Birmingham B43 5RJ	26/11/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175  (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Lower Temple Street, Birmingham.

44	Resham Kaur 80 Earlswood Court Birmingham B20 2DP	26/11/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£40	£175  (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement in Colmore Row, Birmingham.
45	Lauren Kennedy 15 Lewis Street Bilston WV14 7LZ	26/11/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175  (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.
46	Francis Maughan Flat 1, Block 41 Greenvale Avenue Birmingham B26 3XW	26/11/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175  (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Cherry Street, Birmingham.
47	Stefan Alexandria Mirica 76 Richmond Hill Oldbury B68 9TH	26/11/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175  (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.
48	Laura Murray Flat 6 Manderville House Walnut Way Birmingham B31 4ET	26/11/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£40	£175  (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.
49	James Pacino 27A High Street Walsall Wood Walsall WS9 9LR	26/11/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175  (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Bull Street, Birmingham.
50	Melanie Sheldon 160 Broadmoor Avenue Smethwick B67 6JX	26/11/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175  (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in High Street, Birmingham.

51	Lauren Amy Smith 15 Shawley Croft Birmingham B27 6RZ	26/11/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in Dean Street, Birmingham.
52	Susan Whitaker 4 Fordfield Road Birmingham B33 9TJ	26/11/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in Bull Street, Birmingham.

### **ENVIRONMENTAL HEALTH SIMPLE CAUTIONS**

During November 2015 two simple cautions were administered.

### **Food Safety and Hygiene (England) Regulations 2013**

Two cautions were issued for failing to comply with food hygiene regulations



**TRADING STANDARDS PROSECUTIONS****APPENDIX 3**

	<b>Name &amp; Address</b>	<b>Date Case Heard</b>	<b>Court</b>	<b>Legislation</b>	<b>Fine/Penalty</b>	<b>Costs</b>	<b>Offence details</b>
1	Sajid Ramzan T/A A45 Cars 45 Gladys Road Birmingham B25 8BX	30/11/15	Birmingham Crown Court	Consumer Protection from Unfair Trading Regulations 2008	Total £5,000  (£1,000 x 3 £1,500 x 1 £500 x 1)  Court made a deprivation order in respect of the vehicle	£6,503  (£6,503 requested)	Found guilty in absence of five offences: four relating to an advertisement on the business website for A45 Cars, 1200 Coventry Road, Yardley, Birmingham, stating that an Italian Replica Ferrari motor vehicle had travelled 83,000 miles, when it had travelled in excess of 183,000 miles, that it was in "Excellent condition" when it was dangerous and unroadworthy and the advertisement omitted to state that the vehicle was a Category C insurance write-off. One offence of falsely representing to a consumer that the mileage of the vehicle was 77,000 kilometres (83,000 miles).

**TRADING STANDARDS SIMPLE CAUTIONS**

During November 2015, no simple cautions were administered.

## APPENDIX 4

### CASES FINALISED BY DISTRICT (PLACE OF OFFENCE) – NOVEMBER 2015

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	0	0	1	0	1	0	0	0	0	0	0	<b>2</b>
Environmental Health (FPNs) Not paid and prosecuted	0	0	0	0	52	0	0	0	0	0	0	<b>52</b>
Environmental Health (non FPNs)	0	0	0	1	2	0	0	1	0	0	0	<b>4</b>
Trading Standards	0	0	0	0	0	0	0	0	0	1	0	<b>1</b>

### CASES FINALISED BY DISTRICT (DEFENDANT'S HOME ADDRESS/REGISTERED OFFICE) – NOVEMBER 2015

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	0	0	0	1	1	0	0	0	0	0	0	<b>2</b>
Environmental Health (FPNs) Not paid and prosecuted	4	2	1	1	3	1	4	2	0	4	30	<b>52</b>
Environmental Health (non FPNs)	0	0	0	1	1	0	0	0	0	0	2	<b>4</b>
Trading Standards	0	0	0	0	0	0	0	0	0	1	0	<b>1</b>

### **CASES FINALISED BY DISTRICT (PLACE OF OFFENCE) – APRIL-NOVEMBER 2015**

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	3	2	3	0	27	0	0	1	1	0	1	<b>38</b>
Environmental Health (FPNs) Not paid and prosecuted	1	1	2	0	325	1	0	0	1	0	0	<b>331</b>
Environmental Health (non FPNs)	1	7	10	5	21	1	4	6	2	4	0	<b>61</b>
Trading Standards	0	1	1	7	6	0	0	1	0	2	2	<b>20</b>

### **CASES FINALISED BY DISTRICT (DEFENDANT'S HOME ADDRESS/REGISTERED OFFICE) – APRIL-NOVEMBER 2015**

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	1	2	6	10	5	1	1	1	0	2	9	<b>38</b>
Environmental Health (FPNs) Not paid and prosecuted	18	20	16	18	24	10	16	15	7	17	170	<b>331</b>
Environmental Health (non FPNs)	2	4	8	6	11	1	4	6	1	4	14	<b>61</b>
Trading Standards	0	1	1	7	6	1	0	0	1	3	0	<b>20</b>

**WASTE ENFORCEMENT UNIT – ENFORCEMENT ACTIVITY**  
**APRIL- OCTOBER 2015**

	Apr-15	May-15	Jun-15	Jul-15	Aug-15	Sep-15	Oct-15	Total 2015/2016	
<b>Waste Investigation Outcomes</b>									
Investigations into commercial waste disposal suspected offences and offences	57	32	44	123	13	27	41	337	
<u>Section 34 Environmental Protection Act</u> demand notices issued: (trade waste statutory information demands)	40	25	30	95	23	18	22	253	
<u>Section 34 Environmental Protection Act</u> fixed penalty notices issued to businesses (£300)	2	2	4	6	6	5	1	26	Payment rate = 34%
<u>Section 87 Environmental Protection Act</u> . Fixed Penalty notices issued for commercial and residential litter offences (£80)	26	15	15	11	15	16	14	112	Payment rate = 69%
<b>Prosecutions</b>									
Prosecutions submitted to legal services	99								