

BIRMINGHAM CITY COUNCIL

LICENSING AND PUBLIC PROTECTION COMMITTEE

WEDNESDAY, 11 SEPTEMBER 2019 AT 10:00 HOURS
IN COMMITTEE ROOMS 3 & 4, 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.

3 - 12

4 MINUTES

To confirm and sign the Minutes of the meeting held on 17 July 2019.

13 - 32

5 IMLT UPDATE COMMITTEE REPORT JULY 2019

Report of the Interim Assistant Director of Regulation & Enforcement

33 - 37

6 CLEAN AIR ZONE - MITIGATIONS FOR HACKNEY CARRIAGE VEHICLES

Report of the Interim Assistant Director of Regulation & Enforcement

<u>38 - 48</u>	7	<u>LPPC 2019-20 BUDGET MONITORING QUARTER 1 SEP 19</u>	Report of the Interim Assistant Director of Regulation & Enforcement and Corporate Director Finance and Governance.
<u>49 - 53</u>	8	<u>OUTCOME OF APPEALS - JUNE - JULY 2019</u>	Report of the Interim Assistant Director of Regulation & Enforcement
<u>54 - 95</u>	9	<u>PROSECUTIONS & CAUTIONS JUNE & JULY 2019</u>	Report of the Interim Assistant Director of Regulation & Enforcement.
<u>96 - 96</u>	10	<u>SCHEDULE OF OUTSTANDING MINUTES</u>	To consider the schedule of outstanding minutes.
	11	<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.
	12	<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

LICENSING AND PUBLIC PROTECTION COMMITTEE 17 JULY 2019

**MINUTES OF A MEETING OF THE LICENSING
AND PUBLIC PROTECTION COMMITTEE HELD
ON WEDNESDAY, 17 JULY 2019 AT 1400
HOURS IN COMMITTEE ROOM 2,
COUNCIL HOUSE, BIRMINGHAM**

PRESENT: - Councillor Phil Davis in the Chair;

Councillors Olly Armstrong, Bob Beauchamp, Nicky Brennan,
Mike Leddy, Mary Locke, Majid Mahmood, Simon Morrall,
Chauhdry Rashid, Mike Sharpe and Martin Straker-Welds.

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NOTICE OF RECORDING/WEBCAST

- 1197 The Chair advised that the meeting would be webcast for live and 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 were confidential or exempt items.

DECLARATIONS OF INTEREST

- 1198 Members were reminded that they must declare all relevant pecuniary and non pecuniary interests relating to any items of business to be discussed at the meeting. If a pecuniary interest was declared a Member must not speak or take part in that agenda item. Any declarations would be recorded in the minutes of the meeting.

Councillor Chauhdry Rashid declared an interest in respect of Item 7 on the agenda relating to Recommendations of the working group for amendments to private hire vehicles signage.

APOLOGIES

- 1199 Apologies were received from Councillors Neil Eustace, Adam Higgs, Nagina Kauser and Bruce Lines for non-attendance.

CHAIRMAN’S ANNOUNCEMENT

Trading Standards – British Hallmarking Council Special Award

1200 The Chair commended the excellent work undertaken by Sajeela Naseer and her team and the positive outcome which had resulted in the above-mentioned award.

Chairman’s Welcome

The Chair introduced Paul Lankester, Interim Assistant Director of Regulation and Enforcement and welcomed him to the meeting.

The business of the meeting and all discussions in relation to individual reports are available for public inspection via the web-stream.

ANNUAL REPORT 2018-2019

The following report of the Interim Assistant Director of Regulation and Enforcement was submitted:-

(See Document No. 1)

Paul Lankester, Interim Assistant Director of Regulation and Enforcement made introductory comments to the report highlighting that it informed the Committee of the wide and varied scope of work and also the successes and challenges, that had been concluded over the last 12 months.

Mark Croxford, Head of Environmental Health, provided a presentation which illustrated the areas of work that had been covered and subsequently responded to Members’ comments.

(See Document No.2)

He confirmed that while there had been further complaints relating to travellers’ sites, the welfare needs claimed by travellers were justifiable and were often supported by significant evidence. He added that they were looking at a bespoke traveller’s transit site opening shortly in the city.

He confirmed that while officers when possible did work with the RSPCA, subsequently explained instances whereby officers would have to work in isolation given the circumstances.

He referred to the litter reduction controlled areas and how they operated, confirming that they could only be declared where evidence of widespread problems occurred, and further explained how noise complaints were dealt, with and the rapid response rota that was in place to deal with these issues, adding that the only delay was the tape recorders being distributed.

He updated on the unauthorised encampments confirming that the one site was almost ready for use and that they were working with colleagues in order

to bring the other site (Tameside) back into use. He added that they were aware of the site located by the Queen Elizabeth Hospital and was happy to consider any site that could be identified as a transit site, albeit the only ones that were being supported by the city were those listed in the Birmingham Development Plan (BDP).

He referred to restricted covenant and confirmed that action could only be taken if it fell within the definition of 'statutory nuisance'.

He further referred to the food issues relating to the 3 parks and confirmed that they were working with the Parks Department in trying to progress these issues.

He alluded to the dynamic changes in the city and where areas were becoming more residential and whereby noise could be an issue, confirming that they would try to mitigate the issue at the beginning of the planning stage, rather than later on.

He confirmed that with regard to food hygiene, they did look at repeat offenders, however due to the non-license requirement, explained the difficulties this posed.

Sajeela Naseer, Head of Trading Standards, provided a detailed presentation of the work that had taken place over the past 12 months and subsequently responded to Members' comments.

(See Document No.3)

She updated on the successful result of 'Operation Egypt' and while it had been a significant case which had resulted in custodial sentences, highlighted some of the difficulties in obtaining assets while confirming that the investigation in this respect had not ceased.

She explained how the cold calling zones were designated through police intelligence however was willing to investigate additional areas across the city.

She referred to the work that had been taking place in addressing rogue package tour operators, and subsequently, agreed to look into similar issues regarding other pilgrimages whereby rogue tour operators had been active.

She referred to the Proceeds of Crime Money (POCA) and the positive results that were fed back into the justice system through this way. She further referred to knife crime, and highlighted, that a further report detailing the department's investigations would be provided and that there may be increased investigations this year, depending upon access to funding.

Sajeela responded to comments relating to the Clean Neighbourhoods and Environment Act 2005 and vehicles for sale, and while explaining the difficulties in dealing with this area of work, confirmed that all complaints received, were investigated.

In response to further comments from the Chair and members, Paul Lankester agreed to investigate the possibility of members observing test purchasing and that work was being undertaken with colleagues on how best to address the staffing resources in order to meet work level demands.

Joyce Amadedon, Head of Operations and Bereavement Services, provided a presentation on the service and highlighted the various challenges and successes that had taken place over the past 12 months.

(See Document No.4)

At this juncture, members commended the work undertaken by staff regarding registration, burials and especially the well performed Citizenship Ceremonies that welcomed new citizens.

Joyce Amadedon thanked members for their positive comments, and alluded to the work that would be taking place regarding the relocation of cemeteries from Handsworth to Sutton Newhall and Kings Norton.

She highlighted the challenges that they would be facing which included accommodating service delivery within certain timescales and the importance of working with colleagues, to ensure that there was a budget in place that was fit for purpose for the city.

The Chair while highlighting that the Bereavement Service came under the remit of the Cabinet Member for Housing and was conscious of ensuring that there was a dialogue with officers, in order that it provided an opportunity for members to question the service on behalf of the residents of the city.

Emma Rohomon, Acting Head of Licensing, provided a presentation that illustrated the work that was covered by the Licensing Department and subsequently responded to Members' comments.

(See Document No.5)

Emma referred to the taxi licensing and the improvements that needed to be made regarding out of city drivers and subsequently highlighted the various ways in which they were contributing to the various bodies in order for the changes to the legislation to be made. She added that they would continue to work with colleagues in neighbouring authorities, to ensure that all of the public were protected from whichever licensing authority the drivers were registered at.

At this juncture, the Chair attended a DfT event whereby he referred to the constructive discussions that had taken place with senior civil servants and other bodies, regarding the over provision of drivers from Wolverhampton, and the possible measures in tackling this issue.

Emma referred to the associated issues of the TENS notices and confirmed that she regularly wrote to the Home Office and was due to write again in this

regard. She highlighted that only Environmental and West Midlands Police could make their objections known, adding that if there were any applications that had a past history, due consideration was taken into account.

Emma highlighted that the summary of existing policies was submitted to the meeting every year which included all of the delegations made to officers and who makes the decisions.

At this juncture, the Chair suggested that if members wished to feed in their various issues in a structured way with regard to the licensing policy which could result in the policy being tweaked, then it would be beneficial if that opportunity was provided and that officers take back for consideration, as part of the review.

Joyce Amadedon, Head of Operations and Bereavement Services, presented on the Coroners and Mortuary Service and the work that had taken place over the past 12 months and subsequently responded to members' comments.

(See Document No.6)

At this juncture, the Chair confirmed that there would be additional information in the future being provided from Councillor Thompson, Cabinet Member for Homes and Neighbourhoods on the CTPM arrangements.

Joyce Amadedon confirmed that the CTPM facility had been available for the past 2 weeks and subsequently detailed the costs and highlighted that the at present, the company responsible for the facility, was not prepared to re-locate from Sandwell to Birmingham at this given time, due to the lack of facilities.

She confirmed that it was the Coroner that determined the cause of death, stating that the Coroner was concerned about suicide levels, and that part of her work in all death cases, was making recommendations about how certain deaths could be prevented, especially suicide deaths, which was one of the areas that was focused on, and therefore, there was the expectation that the Suicide Prevention Plan would filter through.

She concluded by referring to the building repairs and the intention of bringing it up to a standard fit for purpose.

Tony Quigley, Head of Illegal Money Lending Team, reported that the England Illegal Money Lending Team was hosted by Birmingham City Council, tackling illegal money lenders (loan sharks) across communities in England, and subsequently provided a brief presentation on the work undertaken by the team.

(See Document No.7)

He added that a more detailed report would be forthcoming at the meeting in September 2019.

Members commended the excellent work that had been undertaken by the team.

Tony Quigley confirmed that the funding was ring-fenced for this particular Service and the funding received from Treasury in this respect, was closely monitored.

He reported that they had been lobbying the Treasury in respect of having more of the proceeds of crime (POCA) in order to provide additional community events, and as a result of that, at the last governance meeting the item had been raised as a suggestion, and it was agreed that it would be taken back for consideration.

The Chair concluded by highlighting the importance of this work and subsequently thanked Tony for the report.

1201

RESOLVED:-

That the report be noted.

FOOD LAW ENFORCEMENT PLAN 19-20

The following report of the Interim Assistant Director of Regulation and Enforcement was submitted:-

(See Document No.8)

Nick Lowe, Operations Manager Food, made introductory comments to the report, and subsequently provided an overview of the work undertaken and what would be taking place in the future, and subsequently responded to Members' comments.

Following the Chair's enquiry relating to the implications of resources detailed in 5.1 of the report, Paul Lankester, Interim Assistant Director of Regulation and Enforcement, confirmed that together with the Heads of Service, they were looking into the requirements and that it would be progressed through the corporate network.

He highlighted his concerns relating to the food standard agency and the importance of getting the right balance for this year and for following years.

The Chair highlighted the need to ensure that it was brought to the attention of the Leadership.

Nick referred to the legislation that came in which was providing the relevant information to consumers with regard to allergies, and confirmed that they were now moving to a stage where if businesses did not know their allergenic ingredients, then they would be issued with food information act notices whereby they would have to act appropriately.

He referred to the issue of cross-contamination, and confirmed that this was being dealt with, as well as checking with businesses to determine whether they were able to fulfil their duty in serving a consumer with an allergy, and if believed that this was not the case then they would be required to stop. He added that by notice they were requiring them to put in place the measures to do it safely in the future, and that a much stricter, robust line was being taken in this regard.

He referred to the issues regarding people with allergies, and confirmed that there had been a lot more studies undertaken regarding food allergies and hidden ingredients, adding that one of the problems with children was not being introduced to allergenic ingredients at an earlier enough age.

He referred to the advice that they gave to businesses when they made their visits which included useful online information and the online training tools that was available from the Food Standard Agency Website.

He referred to the future developments regarding the Commonwealth Games, and confirmed that they were in discussion with various partners with regard to expectation and resources requirements. He further referred to the German Market and confirmed that a great deal of planning was involved in supporting the annual event.

Following Councillor Mahmood's enquiries relating to 1.2, 4.1 and 5.2 of the report, the Chair suggested that a written response be forwarded directly to Councillor Mahmood.

Nick referred to the events policy, and the manual, advising that all businesses in or outside of Birmingham, were required by the organisers to submit a list of the traders a month in advance of the event, and subsequently detailed the ratings, confirming that if they did not reach the required level of rating, they would not be allowed to attend the event.

The Chair concluded by thanking Nick for the presentation and update.

Upon further consideration, it was

1202

RESOLVED:-

That the Food Law Enforcement Plan be agreed.

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

The following report of the Interim Assistant Director of Regulation and Enforcement was submitted:-

(See Document No.9)

Mark Croxford, Head of Environmental Health made introductory comments to the report, highlighting that it sets out the City's Health and Safety work Programme for 2019 – 2020.

Mark briefly explained that the national and local priorities were evidenced based and that part of the reason why Shisha bars were highlighted, was due to the number of reported incidents relating to the bars that were significant public health risks.

Upon further consideration, it was

1203

RESOLVED:-

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

RECOMMENDATIONS OF WORKING GROUP FOR AMENDMENTS TO PRIVATE HIRE VEHICLE SIGNAGE

The following report of the Interim Assistant Director of Regulation and Enforcement was submitted:-

(See Document No.10)

Chris Arundel, Principal Licensing Officer, made introductory comments to the report and subsequently referred to the proposals detailed in 5.1 of the report.

A general discussion ensued relating to the signage policy being reviewed.

The Chair put the recommendation to the meeting and following a show of hands it was six in favour and two against and was therefore carried:-

A review of the signage policy would be reviewed 12 months after the introduction of the emissions policy.

Upon further consideration, it was

1204

RESOLVED:-

Members considered the recommendations made at 5.1 i. to vi. and agreed they should be incorporated into the policy for private hire vehicle signage, and

That a review of the signage policy be reviewed 12 months after the introduction of the emissions policy.

PROSECUTIONS AND CAUTIONS REPORT – MAY 2019

The following report of the Interim Assistant Director, Regulation and Enforcement was submitted:-

(See Document No.11)

Licensing and Public Protection Committee – 17 July 2019

Paul Lankester, Interim Assistant Director, Regulation and Enforcement made introductory comments to the report and subsequently thanked colleagues in Legal Services for their support.

Upon further consideration, it was

1205 **RESOLVED:-**

That the report be noted.

OUTCOME OF APPEALS AGAINST SUB COMMITTEE DECISIONS: MAY 2019

The following report of the Interim Assistant Director of Regulation and Enforcement was submitted:-

(See Document No.12)

Mark Croxford, provided a breakdown of the report and highlighted that the courts had supported all of the actions taken by committee.

Upon further consideration, it was

1206 **RESOLVED:-**

That the report be noted.

FIXED PENALTY NOTICES ISSUED APRIL - MAY 2019

The following report of the Interim Assistant Director of Regulation and Enforcement was submitted:-

(See Document No.13)

Mark Croxford, Head of Environmental Health, introduced the report and subsequently agreed to investigate the possibility of patrols in Erdington and other areas across the city.

Upon further consideration, it was

1207 **RESOLVED:-**

That the report be noted.

SCHEDULE OF OUTSTANDING MINUTES

The following schedule of Outstanding Minutes was submitted:-

(See Document No.14)

Paul Lankester, Interim Assistant Director of Regulation and Enforcement, referred to the Outstanding Minute No 1169 and confirmed that a report would be submitted to the committee meeting in September 2019.

1208 **RESOLVED:-**

That all Outstanding Minutes be continued.

IMLT UPDATE COMMITTEE REPORT

1209 The following report of the Interim Assistant Director of Regulation and Enforcement was submitted:-

(See document No.15)

At this juncture, the Chair reported that this item would be deferred until the next meeting.

DATE AND TIME OF NEXT MEETING

1210 The next meeting is scheduled to take place on Wednesday, 11 September 2019 at 10:00 hours in Committee Rooms 3 and 4.

As it was highlighted that there was a meeting clash on the above-mentioned date, the Chair suggested that it be investigated as to whether the meeting date for the next meeting could be rescheduled.

OTHER URGENT BUSINESS

1211 No urgent business report.

AUTHORITY TO CHAIR AND OFFICERS

1212 **RESOLVED:-**

In an urgent situation between meetings, the Chair jointly with the relevant Chief Officer has authority to act on behalf of the Committee.

The meeting concluded at 1645 hours.

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CHAIRMAN

BIRMINGHAM CITY COUNCIL

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

SEPTEMBER 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.

Contact Officer: Paul Lankester, Interim Assistant Director, Regulation and Enforcement

Telephone: 0121-303 9611

Email: Paul.Lankester@birmingham.gov.uk

Originating Officer: Tony Quigley, Head of Service

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 IMLT.
- 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 common place meaning 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. 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 associated 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 ordered to complete 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.
- 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."
- 60% 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.

6.3 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

7. Victim Statistics

- 7.1 37% of those who we've supported this year are unemployed.
- 7.2 65% of victims supported during 2018 were told about the loan shark by friends or family members.
- 7.3 15% got to know them within their local community including support groups and social groups.
- 7.4 12% met the lender at work. Loan sharks will appear friendly at first until repayments are missed.
- 7.5 70% had borrowed from the loan shark more than once.
- 7.6 48% of borrowers believed the loan shark was their friend at the point of borrowing.
- 7.7 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.
- 7.8 42% went without food, fuel or missed rent or mortgage payments in order to repay the loan shark and 17% had visited food banks.

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 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.
- 9.5 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.
- 9.6 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
 - 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

When the team secure a successful prosecution of an illegal money lender they actively look to seize assets utilising the teams accredited financial investigators through the Proceeds of Crime Act (POCA). All money seized from the criminal benefit made by loan sharks is then reinvested back into local communities to raise awareness about the dangers of using loan sharks.

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.

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

SEPTEMBER 2019
ALL WARDS

CLEAN AIR ZONE:
MITIGATION MEASURES FOR HACKNEY CARRIAGE VEHICLES

1. Summary

- 1.1 This report outlines the Clean Air Zone (CAZ) mitigation measures relating to hackney carriage vehicles, for which funding has been secured.
- 1.2 The report explains the matters which could affect the successful implementation of the mitigation measures and proposes measures to resolve the issues.
- 1.3 This report only relates to the mitigation measures for Hackney Carriage Vehicles. Private Hire Vehicles are not affected by the content of this report.

2. Recommendations

- 2.1 An exemption to the moratorium of the issuing of new hackney carriage vehicle licences be granted for those vehicles operated through the Clean Air Fund Fleet scheme. (name subject to confirmation)
- 2.2 Where a conversion has been carried out as part of the Clean Air Zone mitigations (Clean Vehicle Retrofit Accreditation Scheme), the vehicle licence holder will be exempt from the requirement to carry a spare wheel– although they will be expected to carry suitable alternative means of flat tyre repair such as gas/foam inflation kit.

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3. Background

- 3.1 In December 2015 the Government announced that Birmingham would be one of six cities that would be required to put in place a Clean Air Zone in order to improve air quality. Those cities were London, Birmingham, Leeds, Nottingham, Derby and Southampton. That decision was reported to your Committee on 17th February 2016.
- 3.2 The team responsible for introducing the CAZ sought funding from the Clean Air Fund to assist with a number of schemes intended to mitigate some of the financial impact the introduction of a CAZ in Birmingham. This was reported to your Committee in April 2019. The summary of the funding is set out in the letter from Dr Therese Coffey MP, Parliamentary Under Secretary of State for the Environment. (Appendix 1)
- 3.2 Two of the mitigation packages relate to licensed vehicles: One is for the lease/rent of a fleet of Ultra Low Emission Hackney Carriages, and another provides a contribution towards the approved LPG conversion of suitable hackney carriage vehicles.
- 3.3 The fleet of Hackney Carriages will be kept and managed outside of Birmingham City Council by a procured third party to avoid any potential conflict of interest with the licensing authority. They will still be subject to all the same tests and requirements as any other licensed vehicle. The vehicles and those managing the fleet must meet all the standard requirements for licensing in Birmingham, with respect to testing and fitness.
- 3.4 Successful implementation of these mitigation measures would be affected by the current moratorium on issuing new hackney carriage vehicle licences, and also the vehicle standards requirements, which conflict with the manner in which LPG conversions are carried out.

4. The Moratorium on issuing New Hackney Carriage Vehicle Licences.

- 4.1 The moratorium prevents the issue of any new hackney carriage vehicle licences. It has been reviewed regularly since 2008, and each three yearly demand survey has shown no significant unmet demand for hackney carriage vehicles. The latest survey was conducted in 2017 and another will be undertaken in 2020. Should the 2020 review evidence unmet demand, the moratorium will cease entirely.
- 4.2 With the age of the current Hackney Carriage fleet, it is likely a significant number of vehicles will be ineligible for conversion, and as such will not be capable of remaining licensed.
- 4.3 It is anticipated these vehicles will replace those unlicensable vehicles which drop out of the fleet, however the nature of the trade makes it impossible to be sure this will happen. Most vehicles are owned by individual owner drivers and the Licensing Service cannot require individual licensees surrender their licences in order to offset the licences issued under the scheme. So whilst it is

still anticipated the number of licensed hackney carriage vehicles will fall, it cannot be guaranteed numbers will have dropped sufficiently to offset the new licences at the time of issue.

- 4.5 Although this could mean numbers actually increase in the short term, there has been a steady downward trend in the number of vehicle licences in issue since the moratorium was first introduced which is expected to continue. The latest demand survey, completed in 2017, showed the number of licensed hackney carriage vehicles had fallen from 1,466 in 2008 to 1,219 in 2017. Our latest figures suggest the total now stands at 1,105.
- 4.6 Your Committee is asked to agree an exemption to the restrictions imposed by the moratorium in order to allow the issue of up to 80 new plate licences for the leased fleet of ULEV hackney carriage vehicles, which will be made available to rent.
- 4.7 Your Committee is also asked to consider agreeing to extend that exemption to cover any additional vehicles which may be added to that fleet in future, as funding allows.

5. Vehicle Requirements

- 5.1 In order to be licensed, a full size spare wheel or space saver – as supplied by the vehicle manufacturer must be maintained in a usable state.
- 5.2 The LPG conversion process involves installing the LPG tank in the boot, leaving insufficient space for the spare tyre and whatever luggage the customer may have.
- 5.3 It is proposed that, where the conversion has been carried out as part of these Clean Air Zone mitigations (Clean Vehicle Retrofit Accreditation Scheme), the vehicle licence holder will be exempt from the requirement in 5.1 above—although they must carry suitable alternative means of flat tyre repair such as gas/foam inflation kit.
- 5.4 Any such exemption request would ordinarily be required to go before a sub-committee for consideration. It is proposed this matter could be delegated to Senior Officers for expediency.

6. Consultation

- 6.1 The Clean Air Zone has been subject to wide public consultation, as have the resulting measures specific to the licensed trade. Special meetings were held to inform licensed drivers of the proposals and to identify the areas where mitigation efforts could best be targeted.
- 6.2 The proposals within this report do not present anything new, they seek to facilitate the implementation of matters already consulted on. For this reason, no specific consultation has been carried out on this report.

7. Implications for Resources

- 7.1 The lease and hire arrangements will be managed by a third party procured by the Clean Air Strategy Team in order to allow the vehicles to be licensed by Birmingham City Council and to avoid any conflict of interest. All normal licence fees will be charged and the cost of licensing transactions, administration and any compliance action will be met from available funds. No financial burden should fall on the Licensing Service.
- 7.2 Agreeing to the exemptions proposed will prevent multiple individual decisions being put before the sub-committee and therefore save Committee and officer time, as well as allowing more expedient licence transactions.

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 increasing the availability of Ultra Low Emission Vehicles operating as hackney carriages within Birmingham and contributing to the City Council's efforts to improve air quality.

9. Public Sector Equality Duty

- 9.1 The majority of Birmingham's hackney carriage drivers are of Black, Asian or other Minority Ethnic (BAME) origin, consequently these groups will be most affected by the impact of the CAZ on the hackney carriage trade. It is hoped the measures contained in this report will contribute positively to the City Council's efforts to mitigate those effects, by providing drivers an alternative route to accessing vehicles compatible with the requirements of the CAZ.
- 9.2 An Equality Assessment was carried out in relation to the Clean Air Zone.

INTERIM ASSISTANT DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: Nil

PUBLIC REPORT

Report to:	LICENSING AND PUBLIC PROTECTION COMMITTEE	
Report of:	INTERIM DIRECTOR REGULATION AND ENFORCEMENT AND CORPORATE DIRECTOR FINANCE AND GOVERNANCE	
Date of Decision:	11 SEPTEMBER 2019	
SUBJECT:	LICENSING AND PUBLIC PROTECTION BUDGET MONITORING 2019/20 - QUARTER 1	

1. Purpose of Report:
<p>1.1 This report sets out the position on the Licensing and Public Protection Committee's Revenue and Capital Budgets at the end of June 2019 (Quarter 1) and the forecast position for the year end. It highlights any issues that have arisen and informs the Licensing and Public Protection Committee of any action being taken to contain spending within the approved cash limits.</p> <p>1.2 The report also details the latest performance within the Licensing and Public Protection Committee including progress against the approved Savings Programme for 2019/20.</p> <p>1.3 The report is in line with the current City Council established financial monitoring framework to ensure that expenditure is managed within cash limits.</p>

2. Decision(s) Recommended:
<p>The Licensing and Public Protection Committee is requested to :</p> <p>2.1 Note the latest Revenue budget position at the end of June 2019 (Quarter 1) and Forecast Outturn as detailed in Appendix 1.</p> <p>2.2 Note the position for the Savings Programme for 2019/20 as detailed in Appendix 2.</p> <p>2.3 Note the position on Capital projects, as detailed in Appendix 3.</p> <p>2.4 Note the position on reserves and balances, as detailed in Appendix 3.</p>

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3.	Consultation
3.1	<p><u>Internal</u></p> <p>The financial position on the revenue and capital budget is reported on a monthly basis to the Management Team and the Acting Service Director of Regulation and Enforcement is briefed on the major financial issues, as required in line with the Council's framework.</p>
3.2	<p><u>External</u></p> <p>There are no additional issues beyond consultations carried out as part of the budget setting process for 2019/20.</p>

4.	Compliance Issues:
4.1	<p><u>Are the recommended decisions consistent with the Council's policies, plans and strategies?</u></p> <p>The budget is integrated within the Council's Financial Plan 2019+, and resource allocation is directed towards policy priorities.</p>
4.2	<p><u>Financial Implications (Will decisions be carried out within existing finances and Resources?)</u></p> <p>The Licensing and Public Protection Budget Monitoring 2019/20 (Quarter 1) report provides details of monitoring of service delivery within available resources.</p>
4.3	<p><u>Legal Implications</u></p> <p>Section 151 of the 1972 Local Government Act requires the Interim Chief Financial Officer (as the responsible officer) to ensure proper administration of the City Council's financial affairs. Budgetary control, which includes the regular monitoring of and reporting on budgets, is an essential requirement placed on directorates and members of Corporate Management Team by the City Council in discharging the statutory responsibility. This report meets the City Council's requirements on budgetary control for the specified area of the City Council's Directorate activities.</p>
4.4	<p><u>Public Sector Equality Duty</u></p> <p>There are no additional specific Equality Duty or Equality Analysis issues beyond any already assessed and detailed in the budget setting process and monitoring issues that have arisen in the year to date. Any specific assessments will be made by the Directorates in the management of their services.</p>

5. Relevant Background/Chronology of Key Events:

Revenue Budget 2019/20

- 5.1 The City Council approved the overall budget on 26 February 2019. The Licensing and Public Protection Committee noted the original net revenue budget allocation of £6.986m (as detailed in Appendix 1) on 13 March 2019.
- 5.2 There has been no changes to the Committee's net budget.

	£'m
Original Budget 2019/20 Reported to LPPC 14 March 2018	6.986
Quarter 1 – <i>no changes</i>	0.000
Current Approved Net Revenue Budget	6.986

- 5.3 The current approved budget for this Committee is therefore £6.986m.
- 5.4 The City Council has well-established arrangements for monitoring spending against the cash limited budgets allocated to Directorates and Committees.
- 5.5 Reports are presented to Cabinet on a quarterly basis on the overall city-wide financial position and the Licensing and Public Protection Committee will also receive quarterly financial performance reports during the financial year.

Revenue – Financial Review and Year End Projections (Appendix 1)

- 5.6 The total expenditure at Quarter 1 (end of June 2019) is £1.741m. this excludes costs relating to the 1974 Inquest (£3.101m) as these are in the process of being reimbursed and will not be a financial pressure on this committee.
- 5.7 This is £0.123m below the net position expected for this time of year mainly due to the variation on Highways Licensing.
- 5.8 A year end net surplus of (£0.233m) is being forecast formally. Pressures identified in Pest Control are more than mitigated by efficiencies being managed in Environmental Health and Trading Standards. However, Environmental Health forecast position is under review as such a large block on expenditure would significantly compromise the Food Inspection programme. A formal request for a corporate review of this is in progress.
- 5.9 Budgets continue to be managed rigorously and any changes will be reported in future reports.
- 5.10 The table below sets out a high level summary of the projected year end overspend by service (details in Appendix 1) and how this is comprised of over the savings programme and base budget pressures.

Forecast Year End Variations – Quarter 1			
Budget Head	Savings Programme £'m	Base Budget (underspend) / Pressures £'m	Total (underspend) / Pressures £'m
Environmental Health	0.000	(0.721)	(0.721)
Pest Control	0.000	0.160	0.160
Register Office	0.000	(0.138)	(0.138)
Mortuary and Coroners	0.000	0.436	0.436
Trading Standards	0.000	(0.086)	(0.086)
Licensing and Enforcement	0.000	0.116	0.116
Public Rights of Way	0.000	0.000	0.000
Highways Licensing	0.000	0.000	0.000
NRSWA Licences (Highways)	0.000	0.000	0.000
TOTAL	0.000	(0.233)	(0.233)

The key components of the projection include:

- **Environmental Health (£0.721m underspend) and Pest Control (£0.160m pressure)**

Environmental Health continues to be asked to hold vacancies and if forecast to benefit from surplus income in order to mitigate pressures within the committee and the wider Directorate. Pest Control continues to experience income related pressure from contracts (for example: on clearance).

- **Mortuary and Coroners (£0.436m pressure)**

The Coroners service has a number of pressures this year. Mainly the cost of additional coronial staff (£0.235m) for which there remains no available budget capacity.

Also the West Midlands Police funding for Coroner Investigators (TUPE to this service in July 2015) has reached its first taper-down point (£0.084m). This funding is set to taper down again in 2021/22.

Ongoing pressures also exist from the volume of cases that are referred to the Coroner and the number of post mortem and laboratory work that this requires.

There has been essential maintenance at the City Mortuary, including the roof. Also the service continues to rely on temporary ventilation systems that are hired in.

- **Trading Standards (£0.086m underspend)**

Trading Standards will continue to utilise additional income through sharing costs of officers assigned to projects and securing external funding for Anti-Counterfeiting operations. There are also some net savings expected on premises and a reduction in the use of legal fees.

Savings Programme

- The Committee's Savings Programme is £0.460m for 2019/20.
- An assessment at Quarter 1 concludes that this will be fully completed in 2019/20 and all savings will be delivered.

Mitigations and Management Actions 2019/20

- Managers within Regulatory Services are involved in a number of actions this financial year to mitigate budget pressures for current and future financial years.
- Pest Control

Contracts continue to be sought to clear waste land and Council Housing land to make good the forecast pressure on income. However, savings are also being managed within Environmental Health to mitigate this pressure.

- Mortuary and Coroners

Pressures relating to the 1974 Inquest (currently £3.101m) will be met by specific Government Funding. This has been confirmed in writing by the Ministry of Justice.

A formal letter from the Chair of Licensing and Public Protection Committee has now been sent to Ministry of Justice in order to establish regular liaison and enable payment to be claimed and received.

Capital (Appendix 3)

- 5.11 The Capital programme for security and essential health and safety works in the mortuary including ventilation solutions is being reviewed and updated.
- 5.12 A short term solution involving temporary air conditioning is in place and a further extension to this is being arranged whilst permanent installations are being reviewed.

6. Grant Funded Programmes

- 6.1 Within Regulatory Services, there are two grant funded programmes: Illegal Money Lending and Regional Investigations Team (Scambusters).

Illegal Money Lending

- 6.2 The Illegal Money Lending Team (IMLT) England investigates and takes action against Illegal Money Lending or “Loan Shark” perpetrators across the whole of England.
- 6.3 The project is funded through specific grant from HM Treasury, with resources of up to £3.873m in 2019/20.
- 6.4 The expenditure at the end of June 2019 was £0.868m (22%) this is a reasonable level for one quarter way through the year - and it is anticipated that the programme will fully spend the grant allocated.

- 6.5 There is an excess of income as the HM Treasury have asked for Birmingham to claim 6 months in advance on this project, the budget profile has been amended accordingly for reporting purposes.

Scambusters

- 6.6 The Regional Investigations Team (Scambusters) investigates and takes action against fraudsters operating across council boundaries in the central region.
- 6.7 Funding has been confirmed at £0.320m (the same level as in 2018/19).
- 6.8 The expenditure at the end of June 2019 was £0.040 (13%). This is a little behind where it would be expected to be at this point in the year

7. Proceeds of Crime Act

- 7.1 Regulatory Services secures funding through the Proceeds of Crime Act 2002 (PoCA) in response to financial investigations undertaken following sentencing by the courts.
- 7.2 PoCA monies are ring-fenced for expenditure on community and crime prevention projects
- 7.3 Expenditure specifically recorded as planned PoCA items is £0.121m at the end of Quarter 1 which will be funded routinely through a combination of appropriations from PoCA reserves and income received during the year.
- 7.4 Receipts from the PoCA process, so far this financial year total £0.105m.

8. Balances and Reserves:

- 8.1 The reserves at Quarter 3 are shown in Appendix 4.
- 8.2 The reserves currently total £1.614m and are ring-fenced.
- 8.3 There is a planned contribution to reserves from Revenue during the year of £0.116m, this reflects a decision at the Licensing and Public Protection Committee on 12 June 2019 to ensure that Entertainment and General Licensing underspend from 2018/19 is reflected in the ring-fenced reserve as proposed by the Acting Director of Regulation and Enforcement.
- 8.4 All planned income and expenditure on reserves will be reported to this Committee.

9. Evaluation of Alternative Option(s):

- 9.1 During the year ahead the financial position will continue to be closely monitored and options identified to resolve budgetary pressures as necessary.

10. Reasons for Decision(s):

- 10.1 The Report informs the Licensing and Public Protection Committee of the Revenue and Capital Budget for 2019/20, year to date and the forecast outturn at Quarter 1.
- 10.2 The latest position in respect of the Licensing and Public Protection Committee's use of reserves, Savings Programme and risks are also identified.

Signatures

Paul Lankester
Interim Assistant Director
Regulation and Enforcement

.....

Clive Heaphy
Corporate Director
Finance and Governance

.....

Date

List of Background Documents used to Compile this Report:

Licensing & Public Protection - Revenue and Capital Budget 2019/20 – 13 March 2019

List of Appendices accompanying this Report (if any):

Appendix 1 - Financial Performance Statement and Forecast Outturn

Appendix 2 - Savings Programme Performance

Appendix 3 - Capital Programme

Appendix 4 - Ring-Fenced Balances and Reserves

Report Version

1.0

Dated

13 August 2019

Licensing and Public Protection - Financial Summary

Quarter 1

Analysis A - Total per Service Area

	Year to Date			Annual		
	Budget	Actual	Variance	Budget	Forecast	Variance
	£'000	£'000	£'000	£'000	£'000	£'000
Environmental Health	783	747	(36)	3,241	2,520	(721)
Pest Control	72	(10)	(82)	276	436	160
Reg'n Births,Deaths&	310	163	(147)	781	643	(138)
Mortuary/Coroners *	518	1,005	487	1,544	1,980	436
Trading Standards	323	290	(33)	1,250	1,164	(86)
Licensing & Enforcemnt	(113)	(12)	101	(89)	27	116
Public Rights Of Way	19	15	(4)	75	75	0
Highway Licences	(36)	(425)	(388)	(49)	(49)	0
NRSAWA Licences	(11)	(33)	(22)	(44)	(44)	0
Net Expenditure	1,864	1,741	(123)	6,986	6,753	(233)

* excludes 1974 Inquest 3,101

Analysis B - Total per Type of Expenditure/Income

	Year to Date			Annual		
	Budget	Actual	Variance	Budget	Forecast	Variance
	£'000	£'000	£'000	£'000	£'000	£'000
Employees	2,702	2,713	11	10,805	10,538	(267)
Premises	374	278	(96)	848	856	8
Transport and moveab	45	20	(26)	181	195	14
Supplies and Service *	558	(11)	(569)	2,379	2,179	(200)
Capital Financing	54	54	(0)	217	217	0
Recharge Expenditure	0	1	1	588	588	0
Total Expenditure	3,734	3,054	(680)	15,018	14,573	(445)
Rev Income *	(1,815)	(1,268)	547	(7,815)	(7,603)	212
Below the Line Adjusts	(54)	(45)	9	(217)	(217)	0
Net Expenditure	1,864	1,741	(123)	6,986	6,753	(233)

* excludes 1974 Inquest - Supplies/Servs 998

* excludes 1974 Inquest - Rev Income 2,103

Licensing and Public Protection - Savings (Consultation November 2018)

Quarter 1

Reference	Division	Description	Type	2018/19 Net Spend £'000	2019/20 Savings £'000	2020/21 Savings £'000	2021/22 Savings £'000	2022/23 Savings £'000
PL101 19+	Regulation & Enforcement	The changes consist of the introduction of the following new optional income generating services: * a range of wedding photography packages * a range of wedding floral packages * a change of name service * room hire * additional wedding extras to facilitate bespoke ceremonies * Sale of increased range of keepsakes and range of additional products for ceremonies * A review of non-statutory fees and charges	Base	860	(40)	(40)	(40)	(40)
PL11119+	Regulation & Enforcement	Trading Standards will utilise the proceeds of crime money (POCA) it has successfully secured from its criminal proceedings to contribute to funding 2 members of staff whose roles include the oversight and authorisation of criminal investigations into acquisitive crime such as fraud, rogue trading organised crime.	Base	1,261	(70)	(70)	(70)	(70)
PL115 19+	Regulation & Enforcement	The removal of flytipping will continue as at present with no diminution of service. This proposal relates to the a re-prioritisation of the work of the waste enforcement unit to focus of cases where the likelihood of prosecution is high. Duty of care inspections (prevention) will continue but delivered by a wider range of staff that are able to carry out these duties. Training will be provided to relevant employees to support the work of the team which will include some staff having the authority to issues fixed penalty notices.	Base	923	(300)	(300)	(300)	(300)
PL121 19+	Regulation & Enforcement	The IMLT and RIT teams are both hosted by Birmingham City Council and paid for by grants from Treasury and National Trading Standards for the benefit of people living in England in respect of IMLT and for people living in the wider West Midlands in respect of RIT. By hosting the teams Birmingham City Council incurs costs associated to employing the officers. Apart from salaries, which are fully recovered, these include things like accommodation, heating, lighting, management responsibility and the provision of professional services such as legal, accountancy and HR. The council applies a recharge to recover these costs from the respective grants to ensure that the council is not subsidising these teams. We have reviewed the way that we calculate these recharges and propose to increase them to accurately reflect the true costs incurred by the council in hosting the IMLT and RIT teams in the future.	Base		(50)	(50)	(50)	(50)
		Total Savings		3,044	(460)	(460)	(460)	(460)

Licensing and Public Protection - Capital Programme

Quarter 1

	Year to Date			Annual		
	Budget	Actual	Variance	Budget	Forecast	Variance
	£'000	£'000	£'000	£'000	£'000	£'000
Mortuary/Coroners	0	0	0	271	271	0
Net Expenditure	0	0	0	271	271	0

Licensing and Public Protection - Reserves

Quarter 1

	Balance @ 31/03/19	Base (use) / contribution	Changes assumed last month	Forecast changes during year	Forecast Balance @ 31/03/20
	£'000	£'000	£'000	£'000	£'000
Ring-Fenced Licensing Reserves					
Hackney Carriage and Private Hire	(237)	0	0	79	(158)
Entertainment and General	0	(116)	0	0	(116)
Ring-Fenced Grant Reserves					
England Illegal Money Lending Team	(295)	0	0	0	(295)
Ring-Fenced Proceeds of Crime Act					
Trading Standards (Birmingham) *	(374)	0	0	0	(374)
Illegal Money Lending (England) *	(708)	0	0	0	(708)
					0
Total	(1,614)	(116)	0	79	(1,651)

* PoCA - Trading Standards forecast Appropriation from Reserves £230k, forecast income to reserve £230k

* PoCA - Illegal Money - forecast Appropriation from Reserves £250k, forecast income to reserve £250k

BIRMINGHAM CITY COUNCIL

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

11 September 2019
ALL WARDS

OUTCOME OF APPEALS AGAINST SUB COMMITTEE DECISIONS:
June – July 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
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3. Summary of Appeal Hearings for June – July 2019

	Magistrates'	Crown
Total	4	2
Allowed		1
Dismissed	2	1
Appeal lodged at Crown		
Upheld in part		
Withdrawn pre-Court	1	
Consent Order	1	

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 June and July 2019 costs have been requested to the sum of £5648.25 so far with reimbursement of £4648.25 so far (82.29%) ordered by the Courts.
- 4.3 For the fiscal year thus far, April 2019 to July 2019, costs associated to appeal hearings have been requested to the sum of £7354.25 so far with reimbursement of £6158.25 so far (83.73%) ordered by the Courts.
- 4.4 For the fiscal year thus far, April 2019 to July 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.

DIRECTOR OF REGULATION AND ENFORCEMENT

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

MAGISTRATES' COURT – PRIVATE HIRE DRIVER'S LICENCE

	Name	Date Case Heard	Result	Costs Requested	Costs Ordered	Comments
1	Nissar Mohammed	24.06.2019	Dismissed	£180.00	£180.00	The appeal was against the Sub Committee Decision on 30.01.2019 to refuse to grant a private hire driver licence, due to convictions recorded against the applicant. The appeal was dismissed, the appellant was found to be not credible in his evidence and given his previous convictions the decision of the Sub Committee was correct.
2	Amir Ali	01.07.2019	Dismissed	£350.00	£350.00	The appeal was against the Sub Committee Decision on 14.11.2018 to suspend Mr Ali's private hire driver licence for a period of twelve months, due to unsafe driving. The magistrates decided that there was reasonable justification for suspending his licence, the appeal was dismissed.

MAGISTRATES' COURT – LICENSING ACT 2003

	Name	Date Case Heard	Result	Costs Requested	Costs Ordered	Comments
1	Five Rivers 2 UK Limited in respect of Zara's Bar 80 Broad Street Birmingham B15 1AU	05.06.2019	Consent Order	£0.00	£0.00	The appeal was against the Sub Committee decision to revoke the premises licence following an expedited review application submitted by West Midlands Police. On 05.03.2019 the appeal against interim step of suspension being maintained was allowed subject to additional conditions being attached to the licence pending the full appeal hearing against revocation, no Order for Costs. On 05.06.2019 the appeal against revocation was allowed by way of a Consent Order between both parties subject to modification of conditions of licence and no order for Costs.

2	DG Entertainment Limited in respect of Sutton Tap 67 South Parade Sutton Coldfield B72 1QU	n/a	Appeal Withdrawn pre-Court	£618.25	£618.25	The appeal was against the Sub Committee decision to revoke the premises licence on 25.02.2019 following the submission of a review application by West Midlands Police. The appeal was withdrawn.
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CROWN COURT – PRIVATE HIRE OPERATOR’S LICENCE

	Name	Date Case Heard	Result	Costs Requested	Costs Ordered	Comments
1	Mohammed Rashid	05.07.2019	Allowed	£4000.00	£3000.00	The appeal was against the Sub Committee decision to refuse to grant a private hire operator’s licence to Mr Rashid under the trading name of TOA Cars. Mr Rashid’s appeal was dismissed by Birmingham Magistrates’ Court on 28.01.2019. Mr Rashid’s appeal was allowed due to change of stance, however the judgement was as follows, Birmingham City Council was willing to grant a licence, but not as TOA Cars, Mohammed Rashid (MR) would not trade in any name other than TOA Cars. The fact that MR adopted that stance lead to the appeal which was clearly unnecessary if he had been reasonable. He resolutely set his mind against that. In our judgement there is no reason MR could not have been pragmatic and reasonable, it is our judgement MR is unsuccessful, Birmingham City Council is successful, Cost are awarded from the date of registering the appeal.

CROWN COURT – HACKNEY CARRIAGE DRIVER'S LICENCE

	Name	Date Case Heard	Result	Costs Requested	Costs Ordered	Comments
1	Abid Hussain	21.06.2019	Dismissed	£500.00	£500.00	The appeal was against the Sub Committee Decision to revoke Mr Hussain's Hackney Carriage Driver Licence on 03.09.2018 due to a complaint and findings of the subsequent investigation. The appeal to Magistrates Court was dismissed on 27.03.19. The appeal was dismissed, the judge commented that it was not necessarily the overpayment which was a concern, but Mr Hussain's attitude in his dealings with Licensing and his persistent lying that gave her reason to believe he was not an honest person and as such, not a fit and proper person to hold a licence.

BIRMINGHAM CITY COUNCIL

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

11th SEPTEMBER 2019
ALL WARDS

PROSECUTIONS AND CAUTIONS – JUNE & JULY 2019

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

Contact Officer: Paul Lankester
Interim Assistant Director, Regulation and Enforcement
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3. Results

3.1 During the months of June and July 2019 the following cases were heard at Birmingham Magistrates Court, unless otherwise stated:

- Four Licensing cases were finalised resulting in fines of £1,755 and prosecution costs of £1,438. 12 penalty points were imposed. 73 simple cautions were administered as set out in Appendix 1.
- 166 Environmental Health cases resulted in fines of £56,375, five months imprisonment, 24 weeks imprisonment and a 10 year disqualification from keeping animals. Prosecution costs of £38,522 were awarded. No simple cautions were administered as set out in Appendix 2.
- Nine Trading Standards case were finalised resulting in fines of £4,440 and an 18 month community order with 200 hours unpaid work. Prosecution costs in the sum of £9,976 were awarded. Two simple cautions were administered as set out in Appendix 3.
- Appendix 4 lists cases finalised by district in June and July 2019 and cases finalised by district April 2019 – July 2019.
- Appendix 5 lists the enforcement activity undertaken by the Waste Enforcement Team from April 2019 to July 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 July 2019 the following costs have been requested and awarded:

Licensing

£3,684 has been requested with £2,763 being awarded (75%)

Environmental Health

£105,942 has been requested with £78,382 being awarded (74%).

Trading Standards

£19,748 had been requested with £12,103 being awarded (61%).

- 5.3 For the months of June and July 2019 the following costs have been requested and awarded:

Licensing

£2,066 has been requested with £1,438 being awarded (70%)

Environmental Health

£61,064 has been requested with £38,522 being awarded (63%).

Trading Standards

£17,621 had been requested with £9,976 being awarded (57%).

- 5.4 Since the start of the financial year until the end of July 2019 the following income has been received from the courts. For the 2nd month running there has been no income posted to the ledger.

Licensing

£828 has been received.

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.

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	27/6/19	Sajid Iqbal Birmingham	Town Police Clauses Act 1847 & Road Traffic Act 1988 Pleaded guilty to two offences: one of plying for hire on Birmingham Road, Sutton Coldfield, Birmingham and one of consequently having invalid insurance.	£290 – no insurance + 6 penalty points No separate penalty for plying £110 costs (£464 requested)	Ward End	Sutton Trinity
2	11/7/19	Ali Nowshed Birmingham	Local Government (Miscellaneous Provisions) Act 1976 Pleaded guilty to one offence of failing to display a private hire identity plate on the rear of the vehicle as prescribed by the conditions of the licence.	£440 fine £290 costs (£293 requested)	Bordesley & Highgate	Bordesley & Highgate
3	11/7/19	Mohammed Sagheer Birmingham	Town Police Clauses Act 1847 & Road Traffic Act 1988 Found guilty in his absence of two offences: one of plying for hire on Bennetts Hill, Birmingham and one of consequently having invalid insurance.	Fined £770 – no insurance + 6 penalty points No separate penalty for plying £538 costs (£538 requested)	Gravelly Hill	Ladywood

4	11/7/19	Abdul Moeid Birmingham	Equality Act 2010 Pleaded guilty to one offence of failing to carry out a booking made by a disabled person and the reason for the failure was that the disabled person was accompanied by an assistance dog.	£255 fine £500 costs (£771 requested)	Small Heath	Soho Jewellery Quarter &
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LICENSING SIMPLE CAUTIONS

During the period of June and July 2019 73 simple cautions were administered.

Local Government (Miscellaneous Provisions) Act 1976

Section 46 One offence of failing to exhibit a private hire drivers licence internally on the front of the vehicle and externally on the rear of the vehicle

Section 48(6) 29 cautions were issued for failing to display a private hire vehicle licence plate

Section 50 Three cautions were issued for failing to report an accident to Birmingham City Council within 72 hours

Section 54(2) Seven cautions were issued for failing to wear the drivers badge in a position and manner as to be plainly and distinctly visible

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

Section 56 Two cautions were issued for failing to produce records

Section 64 16 cautions were issued for waiting on a Hackney Carriage stand without being licensed as Hackney Carriage

Section 64 & 54 One caution was issued for waiting on a Hackney Carriage stand without being licensed as Hackney Carriage and for failing to wear a drivers badge in a manner as to be plainly and distinctly visible

Section 48, 54 & 73 One caution was issued for failing to display a private hire vehicle licence plate, failing to wear the drivers badge in a position and manner as to be plainly and distinctly visible and wilfully obstructing an authorised officer.

Road Traffic Act 1988

Section 143 One caution was issued for driving without insurance

Road Traffic Act 1988 Section 143 & Local Government (Miscellaneous Provisions) Act 1976 Section 56

One caution was issued for causing or permitting a motor vehicle when there was no insurance in place and failed to private hire records to an authorised officer upon request.

Licensing Act 2003

Section 136 Two cautions were issued for carrying on a licensable activity otherwise than in accordance with an authorisation

Section 57 One caution was issued for failing to produce a premises licence upon request by an authorised officer.

Birmingham City Council Act 1990

Section 6 One caution was issued for carrying on an establishment for massage when there was no licence in place.

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 produce upon request a copy of the Hackney Carriage Byelaws for perusal and inspection when requested to do so by an authorised officer and failing to affix a vehicle identity plate externally to the rear of the vehicle.

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 Two cautions were issued for failing to produce upon request, by an authorised officer, a copy of the Hackney Carriage Byelaws for perusal and 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 Two cautions were issued for failing to wear a 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 produce upon request, by an authorised officer, a copy of the Hackney Carriage Byelaws for perusal and inspection and for failing to wear a drivers badge in a manner as to be plainly and distinctly visible.

ENVIRONMENTAL HEALTH CASES**WASTE OFFENCES**

	Date Case Heard	Name & Address	Offence details (including Legislation)	Fine/Penalty & Costs	Ward of defendant	Ward - Offence committed
5	13/6/19	7aat Rang Limited 399 Stratford Road Sparkbrook Birmingham B11 4JZ	Environmental Protection Act 1990 Found guilty in their absence of one offence of failing to comply with a notice requiring written information of how waste from 7aat Rang Limited, 399 Stratford Road, Birmingham was disposed of within 7 days.	£660 £510 costs (£510 requested)	Sparkbrook & Balsall Heath East	Sparkbrook & Balsall Heath East
6	13/6/19	Amico Café Ltd 391 Coventry Road Nechells Birmingham B10 0SP	Environmental Protection Act 1990 Found guilty in their absence of one offence of failing to comply with a notice requiring written information of how waste from Amico Café, 391 Coventry Road, Nechells, Birmingham was disposed of within 7 days.	£660 £535 costs (£535 requested)	Bordesley Green	Bordesley Green
7	27/6/19	Monjur Chowdhury Birmingham	Environmental Protection Act 1990 Pleaded guilty to one offence of failing to comply with a notice requiring written information of how waste from Azka, 29 Ormond Road, Birmingham was disposed of within 7 days.	£40 £300 costs (£495 requested)	Yardley East	Frankley Great Park

8	27/6/19	Bushra Jahangir Birmingham	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 were no procedures in place to dispose of general waste from Jays Snax, 416 Moseley Road, Birmingham and one of failing to comply with a notice requiring written information of how waste from the business was disposed of within 7 days.	£464 – offence 1 No separate penalty for offence 2 £756 costs (£756 requested)	Balsall Heath West	Balsall Heath West
9	27/6/19	Troy Mitchell Birmingham	Environmental Protection Act 1990 Pleaded guilty to one offence of knowingly causing controlled waste, namely cardboard boxes and packaging, to be deposited from a vehicle onto land at Baker Street, Small Heath, Birmingham.	£2,300 £639 costs (£639 requested)	Shard End	Bordesley Green
10	27/6/19	Mehnaz Resham Birmingham	Environmental Protection Act 1990 Pleaded guilty to one offence of failing to comply with a notice requiring written information of how waste from the business at Resham's, 386 Green Lane, Bordesley Green, Birmingham was disposed of within 7 days.	£300 £250 costs (£506 requested)	Lozells	Bordesley Green
11	27/6/19	Jewellery Quarter Ltd 91 Vyse Street Hockley Birmingham B18 6JZ	Environmental Protection Act 1990 Pleaded guilty to two offences; one of causing or permitting controlled waste, namely 2 plastic bags containing office waste and paperwork, to be deposited in Vyse Street, Hockley, Birmingham and one offence of failing to comply with a notice requiring written information of how waste from the business was disposed of within 7 days.	£350 – offence 1 No separate penalty for offence 2 £464 costs (£464 requested)	Soho & Jewellery Quarter	Soho & Jewellery Quarter

12	8/7/19	Jamil Hussain Birmingham Saema Yusef Birmingham	Environmental Protection Act 1990 Both defendants pleaded <u>not guilty</u> to one offence of failing to take all reasonable measures to prevent the escape of waste from their control, in that waste from Ever So Special, 645 Stratford Road, Birmingham was found on the pavement on Oakwood Road, Birmingham. Found guilty following trial Both pleaded guilty to one offence of failing to comply with a notice requiring written information of how waste from the business was disposed of within 7 days.	Each defendant fined £1,000 (£500 x 2) Each ordered to pay £946 costs (£1,893 requested)	Sparkhill	Sparkhill
13	8/7/19	Kenrick Smith Birmingham	Environmental Protection Act 1990 Pleaded guilty to one offence of failing to comply with a notice requiring written information of how waste from K's Caribbean Taste, 35 Birchfield Road, Birmingham was disposed of within 7 days.	£300 fine The Magistrates deemed this paid as Mr Smith spent a night in custody as a result of being arrested on a warrant. No costs awarded (£463 requested)	Soho & Jewellery Quarter	Aston
14	11/7/19	A&S Quality Limited 6 th Floor Amp House Dingwell Road Croydon CR0 2LX	Environmental Protection Act 1990 Pleaded guilty to one offence of failing to comply with a notice requiring written information on how waste from Nisa, 302 Kitts Green Road, Birmingham was disposed of within 7 days.	£5,000 fine £555 costs (£555 requested)	Out of area	Glebe Farm & Tile Cross

15	17/7/19	<p>Kasandra Rowe Birmingham</p> <p>Secarna Rowe Birmingham</p>	<p>Environmental Protection Act 1990</p> <p>Pleaded <u>not guilty</u> to two offences; one offence of knowingly causing controlled waste, namely cardboard boxes, a vacuum cleaner, a child's plastic sit-on toy, a child's scooter and a wooden frame to be deposited from a Ford Fiesta vehicle onto land on Dugdale Street, Winson Green, Birmingham and one offence of failing to respond to a notice and provide details of the person in control of the vehicle on the date of offence.</p> <p>Found guilty after trial.</p> <p>Pleaded <u>not guilty</u> to two offences; one offence of knowingly causing controlled waste, namely cardboard boxes, a vacuum cleaner, a child's plastic sit-on toy, a child's scooter and a wooden frame to be deposited from a Ford Fiesta vehicle onto land on Dugdale Street, Winson Green, Birmingham and one offence of failing to respond to a notice and provide details of the person in control of the vehicle on the date of offence.</p> <p>Found <u>not guilty</u> after trial.</p>	<p>Kasandra found guilty after trial £320 fine (£160 x 2)</p> <p>£200 costs (£1,400 requested)</p> <p>Secarna found not guilty after trial and acquitted</p>	Holyhead	Soho & Jewellery Quarter
16	24/7/19	<p>Mohammed Omar Khan Birmingham</p>	<p>Environmental Protection Act 1990</p> <p>Pleaded guilty to one offence of knowingly causing controlled waste, namely a commercial type fridge, to be deposited from a Peugeot Partner vehicle on land on Cranby Street, Birmingham.</p>	<p>£150 fine</p> <p>£500 costs (£1,029 requested)</p>	Bromford & Hodge Hill	Alum Rock

17	25/7/19	ADC Accountancy Ltd 3 Boldmere Road Birmingham B73 5UY	Environmental Protection Act 1990 Pleaded guilty to one offence of failing to comply with a notice requiring written information on how waste from Sutton Sports, 424 Birmingham Road, Birmingham was disposed of within 7 days.	£500 fine £450 costs (£450 requested)	Sutton Vesey	Sutton Wylde Green
18	26/7/19	Sean Martin Wednesbury	Environmental Protection Act 1990 Pleaded <u>not guilty</u> to one offence of depositing controlled waste from a Foden truck, in that a roll-on, roll-off container filled with waste was dumped at 175 Church Lane, Handsworth, Birmingham. Found guilty after trial Pleaded guilty to two offences; one of driving a motor vehicle otherwise than in accordance with a licence, in that he only held a provisional driving licence and one offence of subsequently driving without insurance.	5 months imprisonment to run consecutively to sentence currently being served No costs awarded (£10,846 requested)	Out of area	Handsworth Wood
19	29/7/19	Mohammed Nouri Birmingham	Environmental Protection Act 1990 Pleaded guilty to two offences of knowingly causing or permitting controlled waste, namely 10 bags of waste and a large cooking oil can, from Pizza Point, 127 Soho Road, Birmingham to be deposited on Holliday Street, Birmingham.	£800 fine £400 costs (£2,117 requested)	Hall Green South	Ladywood

20	30/07/19	Goran Nasrat Birmingham	Environmental Protection Act 1990 Pleaded guilty to one offence of knowingly causing controlled waste, namely 8 bin bags of household waste, to be deposited from a Volkswagen Golf vehicle on land next to Molliet Street Park on Dugdale Street, Birmingham.	£325 fine £460 costs (£813 requested)	Soho & Jewellery Quarter	Soho & Jewellery Quarter
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PEST OFFENCES

	Date Case Heard	Name & Address	Offence details (including Legislation)	Fine/Penalty & Costs	Ward of defendant	Ward - Offence committed
21	27/6/19	Westminster Properties (UK) Limited 95 Devonshire Road Handsworth Wood Birmingham B20 1PG	Prevention of Damage by Pests Act 1949 Pleaded guilty to one offence of failing to comply with a notice requiring the removal of all accumulations and items from the rear garden of 313 Oxhill Road, Birmingham and to suitably treat the land to eradicate any infestation of rodents within 21 days.	£200 No costs awarded (£958 requested)	Lozells	Handsworth

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING OFFENCES

	Date Case Heard	Name & Address	Offence details (including Legislation)	Fine/Penalty & Costs	Ward of defendant	Ward - Offence committed
22	12/6/19	Lyco Blinds Ltd 88 Stratford Road Sparkhill Birmingham B11 1AN	Anit-Social Behaviour, Crime and Policing Act 2014 Pleaded guilty to 14 offences of failing to comply with a notice under the Anti-Social Behaviour, Crime and Policing Act requiring the practice of using "illegal advertisements" to promote Lyco Blinds to cease in that unauthorized advertisements were found at various locations around Birmingham.	Fine £2,800 (£200 x 14) £600 costs (£1,281 requested)	Sparkbrook & Balsall Heath East	Sparkbrook & Balsall Heath East
23	11/7/19	Anthony Manning Birmingham	Anti-Social Behaviour, Crime and Policing Act 2014 Found guilty in his absence of four offences of failing to comply with a notice requiring the practice of using "illegal advertisements" to promote D&A Roofing and any associated trading names to cease in that unauthorised advertisements were found on Vauxhall Road, Tudor Road, Ebury Road and Lifford Lane, Birmingham.	Fine £5,000 (£2,500 x offences 1 & 2) No separate penalty on remaining offences £999 costs (£999 requested)	Bromford & Hodge Hill	Bromford & Hodge Hill
24	29/7/19	Nicola Ball (Tenant) Birmingham Farina Bi (Owner) Birmingham	Anti-Social Behaviour, Crime & Policing Act 2014 Both defendants were found guilty in absence of one offence of failing to comply with a Community Protection Notice, requiring all waste, litter and refuse to be cleared from land at 22 Yockleton Road, Shard End, Birmingham within 21 days.	Each defendant fined £100 Nicola Ball £550 costs Farina Bi £450 costs (£1,064 requested)	Glebe Farm & Tile Cross	Glebe Farm & Tile Cross

FOOD HYGIENE OFFENCES

	Date Case Heard	Name & Address	Offence details (including Legislation)	Fine/Penalty & Costs	Ward of defendant	Ward - Offence committed
25	13/6/19	Sajjad Ahmed Birmingham	<p>Food Safety and Hygiene (England) Regulations 2013</p> <p>Pleaded guilty to four offences relating to conditions at Maggie's Convenience Store, 142 Solihull Lane, Birmingham. There were no permanent procedures based on HACCP. The sanitary accommodation and rear storage area were dirty and paint was flaking off the walls in the lobby. The floor beneath the chest freezers and the area beneath the display chiller grills on the shop floor were dirty. Shelving where crisps were stored was dirty. There was no hot running water provided to the wash hand basin in the sanitary accommodation and the electric ceiling light was not working which reduced visibility in the room.</p>	<p>£333 – offence 1</p> <p>No separate penalty for remaining offences</p> <p>£800 costs (£1,145 requested)</p>	Heartlands	Hall Green North
26	17/6/19	Peri Peri Birmingham Ltd 345 Cotterills Lane Birmingham B8 2PL	<p>Food Safety and Hygiene (England) Regulations 2013</p> <p>Found guilty in their absence of two offences of failing to comply with Hygiene Improvement Notices in connection with the store room at Chicken.com, 636 Coventry Road, Birmingham. The area had not been thoroughly pest proofed and two mice were seen entering through the wooden fencing wall. Large gaps were present in the structure of the wooden fence panel and there was a gap around the rear door big enough to allow the ingress of pests. The walls had not been thoroughly cleaned and the damaged wall surface had not been re-painted and where necessary re-plastered</p>	<p>£3,000 (£1,500 x 2)</p> <p>£666 costs (£666 requested)</p>	Glebe Farm & Tile Cross	Small Heath

27	27/6/19	Mirza Baig Solihull	<p>Food Safety and Hygiene (England) Regulations 2013</p> <p>Pleaded guilty to three offences relating to conditions at Avenue Kebab House, 525 Green Lane, Birmingham. There were no adequate procedures in place to control pests and there was evidence of mice activity throughout all areas of the business. The hand wash basin in the kitchen was dirty and poorly maintained. There was a dirty, heavily scored chopping board which could not be effectively cleaned. An adequate number of washbasins was not provided for cleaning hands and the hot water supply to the washbasin was defective.</p>	<p>£1,000</p> <p>£1,156 costs (£1,156) requested</p>	Out of area	Bordesley Green
28	25/7/19	<p>Pan Li Birmingham</p> <p>Kit Wong Birmingham</p>	<p>Food Safety and Hygiene (England) Regulations 2013</p> <p>Both defendants pleaded guilty to four offences relating to conditions at Family Restaurant, 149 Sherlock Street, Birmingham. Adequate procedures were not in place to control pests, in that there were mouse droppings found throughout the kitchen. There was a significant accumulation of dirt and mouse droppings behind the chest freezer in the rear storeroom. Mouse droppings were found on food preparation surfaces, floors and shelving. Mouse droppings were found in direct contact with root ginger and a dead fly was found in a food container of cornflour. A gap under the internal door leading to an upstairs area was large enough to allow access to pests.</p>	<p>Each defendant fined £250</p> <p>Each ordered to pay £220 costs (£1,023 requested)</p>	Ladywood	Bordesley & Highgate

29	25/7/19	Cater Leisure (Midlands) Ltd A204 to A208 The Arcadian Centre Hurst Street Birmingham B5 4TD	Food Safety and Hygiene (England) Regulations 2013 Pleaded guilty to two offences relating to conditions at The Green Room Café Bar, The Arcadian, 70 Hurst Street, Birmingham. There were no adequate procedures in place to control pests, cockroaches at all stages of their lifecycle were found throughout the premises. The layout, design, construction, siting and size of the food premises did not permit good hygiene practices, including protection against contamination and, in particular pest control in that cockroaches were harbouring in the rubber stripping along the walls of the kitchen cladding.	£1,000 fine £500 costs (£971 requested)	Bordesley & Highgate	Bordesley & Highgate
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ANIMAL WELFARE OFFENCES

	Date Case Heard	Name & Address	Offence details (including Legislation)	Fine/Penalty & Costs	Ward of defendant	Ward - Offence committed
30	25/7/19	Akaash Mushtaq Birmingham	Animal Welfare Act 2006 Pleaded guilty to five offences; two offences of being a person responsible for a Staffordshire Bull Terrier and a Rottweiler and failing to act which caused unnecessary suffering to the animals. The two dogs were found deceased. Three offences of being the person responsible for protected animals, namely two German Shepherd dogs and a cross breed dog and failing to take all reasonable steps to ensure the needs of the animals were met. The dogs were very underweight, had no access to food or water and the kennels were covered in faeces, car parts and tyres.	Total 24 weeks imprisonment. (12 weeks x 2 to run consecutively 12 weeks x 3 to run concurrently) No costs awarded. (£2,932 requested) Disqualified from owning and keeping all animals for 10 years.	Ward End	Ward End

LITTERING OFFENCES (NON SJP)

	Date Case Heard	Name & Address	Offence details (including Legislation)	Fine/Penalty & Costs	Ward of defendant	Ward - Offence committed
31	24/7/19	Victor Kubala Birmingham	Environmental Protection Act 1990 Pleaded guilty to one offence of dropping a cigarette butt on the pavement in High Street, Erdington, Birmingham Originally listed for trial	£105 fine £250 costs (£250 costs)	Stockland Green	Erdington
32	31/7/19	Steven Minor Birmingham	Environmental Protection Act 1990 Pleaded not guilty to one offence of dropping a cigarette butt on the pavement in Smallbrook Queensway, Birmingham. Found guilty after trial.	£100 fine £250 costs (£723 requested)	Stockland Green	Ladywood

DETAILS OF LITTERING OFFENCES

	Date Case Heard	Name	Fine/Penalty & Costs	Ward of defendant
33	14/6/19	Mohammed Ahmed Birmingham Guilty plea	£146 £175 costs (£175 requested)	Small Heath
34	14/6/19	Thomas Atkinson Solihull Proved in absence	£220 £175 costs (£175 requested)	Out of area
35	14/6/19	Jordan Bakewell Birmingham Proved in absence	£220 £175 costs (£175 requested)	Shard End
36	14/6/19	Laura Blidaru Birmingham Proved in absence	£220 £175 costs (£175 requested)	Handsworth Wood
37	14/6/19	Alexander Cardenas Coleshill Proved in absence	£220 £175 costs (£175 requested)	Out of area
38	14/6/19	Mark Carter Leicester Proved in absence	£220 £175 costs (£175 requested)	Out of area
39	14/6/19	Shi Chen Birmingham Proved in absence	£220 £175 costs (£175 requested)	Druids Heath & Monyhull

40	14/6/19	Elena Chiriac Birmingham Proved in absence	£220 £175 costs (£175 requested)	Holyhead
41	14/6/19	Karol Piotr Chudy Birmingham Guilty plea	£106 £175 costs (£175 requested)	Harborne
42	14/6/19	Lindsey Collins Telford Proved in absence	£220 £175 costs (£175 requested)	Out of area
43	14/6/19	Catherine Cunningham West Bromwich Proved in absence	£220 £175 costs (£175 requested)	Out of area
44	14/6/19	Julia Dawid Birmingham Proved in absence	£220 £175 costs (£175 requested)	Alum Rock
45	14/6/19	Martin Donzella Birmingham Proved in absence	£220 £175 costs (£175 requested)	Alum Rock
46	14/6/19	Beth Edwards Bromsgrove Guilty plea	£125 £175 costs (£175 requested)	Out of area
47	14/6/19	Isiah Emanu London Proved in absence	£220 £175 costs (£175 requested)	Out of area

48	14/6/19	Darina Gabcoua Birmingham Proved in absence	£220 £175 costs (£175 requested)	Soho & Jewellery Quarter
49	14/6/19	Shane Matther Giess London Proved in absence	£220 £175 costs (£175 requested)	Out of area
50	14/6/19	Bethan Hanna Birmingham Proved in absence	£220 £175 costs (£175 requested)	Northfield
51	14/6/19	Ben Irvine Retford Guilty plea	£75 £175 costs (£175 requested)	Out of area
52	14/6/19	Sheri Jackson Wolverhampton Proved in absence	£220 £175 costs (£175 requested)	Out of area
53	14/6/19	Carl Kelly Birmingham Proved in absence	£220 £175 costs (£175 requested)	Kings Norton South
54	14/6/19	Mihadia Laesu Wolverhampton Proved in absence	£220 £175 costs (£175 requested)	Out of area
55	14/6/19	Eamon Malin Birmingham Proved in absence	£220 £175 costs (£175 requested)	Moseley

56	14/6/19	Scott Meek Glasgow Proved in absence	£220 £175 costs (£175 requested)	Out of area
57	14/6/19	Jamal Miah Birmingham Proved in absence	£220 £175 costs (£175 requested)	Aston
58	14/6/19	Roberto Mirescu Coventry Proved in absence	£220 £175 costs (£175 requested)	Out of area
59	14/6/19	Steven Nichols Birmingham Proved in absence	£220 £175 costs (£175 requested)	Aston
60	14/6/19	Mohammed Parker Birmingham Proved in absence	£220 £175 costs (£175 requested)	Aston
61	14/6/19	Adam Petruzela Birmingham Proved in absence	£220 £175 costs (£175 requested)	Bordesley & Highgate
62	14/6/19	Antoinette Cherrie Porter Wolverhampton Proved in absence	£220 £175 costs (£175 requested)	Out of area
63	14/6/19	Shirley Price Exeter Proved in absence	£220 £175 costs (£175 requested)	Out of area

64	14/6/19	Marcel Puzynkiewicz Ashby-de-la-Zouch Proved in absence	£220 £175 costs (£175 requested)	Out of area
65	14/6/19	Hassan Quassim Birmingham Proved in absence	£220 £175 costs (£175 requested)	Hall Green North
66	14/6/19	David Raducan Birmingham Proved in absence	£220 £175 costs (£175 requested)	Glebe Farm & Tile Cross
67	14/6/19	George Raducan Birmingham Proved in absence	£220 £175 costs (£175 requested)	Alum Rock
68	14/6/19	Adela Ridajova Walsall Proved in absence	£220 £175 costs (£175 requested)	Out of area
69	14/6/19	Scott Russell Tring Proved in absence	£220 £175 costs (£175 requested)	Out of area
70	14/6/19	Maria Stefan Oldbury Proved in absence	£220 £175 costs (£175 requested)	Out of area
71	14/6/19	Amanda Taylor Brighton Proved in absence	£220 £175 costs (£175 requested)	Out of area

72	14/6/19	Mohammed Tayyaub Bradford Proved in absence	£220 £175 costs (£175 requested)	Out of area
73	14/6/19	Thomas Tot Liverpool Proved in absence	£220 £175 costs (£175 requested)	Out of area
74	14/6/19	Peter White Exeter Proved in absence	£220 £175 costs (£175 requested)	Out of area
75	14/6/19	Lisa Whitehouse Birmingham Guilty plea	£40 £175 costs (£175 requested)	Glebe Farm & Tile Cross
76	14/6/19	Dean Andrew Williams Birmingham Guilty plea	£40 £175 costs (£175 requested)	Sutton Vesey
77	14/6/19	Thomas Withers Wednesbury Guilty plea	£176 £175 costs (£175 requested)	Out of area
78	14/6/19	Chloe Woodrow Welwyn Garden City Guilty plea	£61 £175 costs (£175 requested)	Out of area
79	14/6/19	Mandy Woods Birmingham Proved in absence	£220 £175 costs (£175 requested)	Brandwood & Kings Heath

80	14/6/19	Janine Yousif Birmingham Proved in absence	£220 £175 costs (£175 requested)	Quinton
81	28/6/19	Louise Allen Stourbridge Proved in absence	£220 £175 costs (£175 requested)	Out of area
82	28/6/19	Bogomil Asenov London Proved in absence	£220 £175 costs (£175 requested)	Out of area
83	28/6/19	Penny Brian Leicester Proved in absence	£220 £175 costs (£175 requested)	Out of area
84	28/6/19	Terence Brooks Liverpool Proved in absence	£220 £175 costs (£175 requested)	Out of area
85	28/6/19	Keith Brown Birmingham Proved in absence	£220 £175 costs (£175 requested)	Stockland Green
86	28/6/19	Theresa Bull Willenhall Proved in absence	£220 £175 costs (£175 requested)	Out of area
87	28/6/19	Aisha Butt Birmingham Proved in absence	£220 £175 costs (£175 requested)	Ward End

88	28/6/19	John Chambers Halesowen Proved in absence	£220 £175 costs (£175 requested)	Out of area
89	28/6/19	Vinceny Chen London Proved in absence	£220 £175 costs (£175 requested)	Out of area
90	28/6/19	Enoh Ciulin Birmingham Proved in absence	£220 £175 costs (£175 requested)	Aston
91	28/6/19	Robert Coady Birmingham Proved in absence	£220 £175 costs (£175 requested)	Ladywood
92	28/6/19	Khan Durani Nottingham Proved in absence	£220 £175 costs (£175 requested)	Out of area
93	28/6/19	James Evans Walsall Proved in absence	£220 £175 costs (£175 requested)	Out of area
94	28/6/19	Gabi Virgil Fedmasu Birmingham Proved in absence	£220 £175 costs (£175 requested)	Bromford & Hodge Hill
95	28/6/19	Ali Gilani Birmingham Proved in absence	£220 £175 costs (£175 requested)	Yardley East

96	28/6/19	Viorel Gioaba Birmingham Proved in absence	£220 £175 costs (£175 requested)	Out of area
97	28/6/19	Robert Jack Golebiowski Stoke-on-Trent Proved in absence	£220 £175 costs (£175 requested)	Out of area
98	28/6/19	Louise Haque Birmingham Proved in absence	£220 £175 costs (£175 requested)	Out of area
99	28/6/19	Adrian Hargreaves Birmingham Proved in absence	£440 £350 costs (£350 requested)	Sheldon
100	28/6/19	Faterne Hasani Birmingham Guilty plea	£40 £100 costs (£175 requested)	Harborne
101	28/6/19	Naie Ioana Birmingham Proved in absence	£220 £175 costs (£175 requested)	Holyhead
102	28/6/19	Cosmin Ioanes Burton-upon-Trent Proved in absence	£220 £175 costs (£175 requested)	Out of area
103	28/6/19	Mihal Istador Birmingham Proved in absence	£220 £175 costs (£175 requested)	Soho & Jewellery Quarter

104	28/6/19	Luke Jarvis Leicester Proved in absence	£220 £175 costs (£175 requested)	Out of area
105	28/6/19	Lydia Johnson Birmingham Proved in absence	£220 £175 costs (£175 requested)	Nechells
106	28/6/19	Ibrar Khan Birmingham Proved in absence	£220 £175 costs (£175 requested)	Moseley
107	28/6/19	Shiraz Khan Solihull Proved in absence	£220 £175 costs (£175 requested)	Out of area
108	28/6/19	Lauren Kiely Birmingham Proved in absence	£220 £175 costs (£175 requested)	Bournville & Cotteridge
109	28/6/19	Christina Lora Lawlor Birmingham Proved in absence	£220 £175 costs (£175 requested)	Stockland Green
110	28/6/19	Oksana Leondva London Proved in absence	£220 £175 costs (£175 requested)	Out of area
111	28/6/19	Costel Marodin Birmingham Proved in absence	£220 £175 costs (£175 requested)	Kingstanding

112	28/6/19	Shaun McLaughlin Birmingham Proved in absence	£220 £175 costs (£175 requested)	Edgbaston
113	28/6/19	Carlton Miller Birmingham Proved in absence	£220 £175 costs (£175 requested)	Weoley & Selly Oak
114	28/6/19	Danut Nae Birmingham Proved in absence	£220 £175 costs (£175 requested)	Out of area
115	28/6/19	Haya Jamal Ali Naimi Birmingham Proved in absence	£220 £175 costs (£175 requested)	Sutton Walmley & Minworth
116	28/6/19	Grant Nichols Bromley Proved in absence	£220 £175 costs (£175 requested)	Out of area
117	28/6/19	Shane O'Brien Milton Keynes Proved in absence	£220 £175 costs (£175 requested)	Out of area
118	28/6/19	Tanya O'Brien Northern Ireland Proved in absence	£220 £175 costs (£175 requested)	Out of area
119	28/6/19	Amy Ollyhead Calne Proved in absence	£220 £175 costs (£175 requested)	Out of area

120	28/6/19	Ioana Rebecca Pandele Birmingham Proved in absence	£220 £175 costs (£175 requested)	Alum Rock
121	28/6/19	April Park Birmingham Proved in absence	£220 £175 costs (£175 requested)	Soho & Jewellery Quarter
122	28/6/19	Tania Poole Birmingham Proved in absence	£220 £175 costs (£175 requested)	Aston
123	28/6/19	Adam Rutherford Birmingham Proved in absence	£220 £175 costs (£175 requested)	Moseley
124	28/6/19	Daniel Sado London Proved in absence	£220 £175 costs (£175 requested)	Out of area
125	28/6/19	Lim Jae Shim Coventry Proved in absence	£220 £175 costs (£175 requested)	Out of area
126	28/6/19	Amrithpal Singh Sheffield Proved in absence	£220 £175 costs (£175 requested)	Out of area
127	28/6/19	Ian Skidmore South Shields Proved in absence	£220 £175 costs (£175 requested)	Out of area

128	28/6/19	Samantha Stewart Solihull Proved in absence	£220 £175 costs (£175 requested)	Out of area
129	28/6/19	Vasile Stoica Birmingham Proved in absence	£220 £175 costs (£175 requested)	Glebe Farm & Tile Cross
130	28/6/19	Abdulaziz Ali Sumaiti Birmingham Proved in absence	£220 £175 costs (£175 requested)	Ladywood
131	28/6/19	Bonnie Telling Birmingham Proved in absence	£220 £175 costs (£175 requested)	Kingstanding
132	28/6/19	Sandra Tincred Birmingham Proved in absence	£220 £175 costs (£175 requested)	Kingstanding
133	28/6/19	Jack Anthony Tuite Birmingham Proved in absence	£220 £175 costs (£175 requested)	Out of area
134	28/6/19	Michael Waldron Aberystwyth Proved in absence	£220 £175 costs (£175 requested)	Out of area
135	28/6/19	Jacky Walker Wirral Proved in absence	£220 £175 costs (£175 requested)	Out of area

136	28/6/19	Kexin Wang Birmingham Proved in absence	£220 £175 costs (£175 requested)	Nechells
137	28/6/19	Chris Crofts Wells Stratford-upon-Avon Proved in absence	£220 £175 costs (£175 requested)	Out of area
138	28/6/19	Annoula Wilby York Proved in absence	£220 £175 costs (£175 requested)	Out of area
139	12/7/19	Ali Ahmed Birmingham Proved in absence	£220 £175 costs (£175 requested)	North Edgbaston
140	12/7/19	Waleed Ahmed Birmingham Proved in absence	£220 £175 costs (£175 requested)	North Edgbaston
141	12/7/19	Hayley Alexander Southampton Guilty plea	£40 £75 costs (£175 requested)	Out of area
142	12/7/19	Sevkan Ardala Cambridge Proved in absence	£220 £175 costs (£175 requested)	Out of area
143	12/7/19	Paris Bahakam Birmingham Proved in absence	£220 £175 costs (£175 requested)	Bordesley & Highgate

144	12/7/19	Christopher Bruce Ballymena Proved in absence	£220 £175 costs (£175 requested)	Out of area
145	12/7/19	Victoria Copson Birmingham Proved in absence	£220 £175 costs (£175 requested)	North Edgbaston
146	12/7/19	Joelle Fletcher Birmingham Proved in absence	£220 £175 costs (£175 requested)	Quinton
147	12/7/19	Cassie Healy Birmingham Proved in absence	£220 £175 costs (£175 requested)	Moseley
148	12/7/19	Sarah Hewson Birmingham Proved in absence	£220 £175 costs (£175 requested)	Kings Norton North
149	12/7/19	Marius Viorel Ivascu Birmingham Proved in absence	£220 £175 costs (£175 requested)	Sparkbrook & Balsall Heath East
150	12/7/19	Ayaan Jama Birmingham Guilty plea	£40 £75 costs (£175 requested)	Small Heath
151	12/7/19	Peter Julion Birmingham Proved in absence	£220 £175 costs (£175 requested)	Handsworth Wood

152	12/7/19	Emma Keating Olton Proved in absence	£220 £175 costs (£175 requested)	Out of area
153	12/7/19	Jagdip Kalsi Coventry Proved in absence	£220 £175 costs (£175 requested)	Out of area
154	12/7/19	Dean Law Newcastle-upon-Tyne Proved in absence	£220 £175 costs (£175 requested)	Out of area
155	12/7/19	Izabela Loj Birmingham Proved in absence	£220 £175 costs (£175 requested)	Gravelly Hill
156	12/7/19	Edward Millar Birmingham Proved in absence	£220 £175 costs (£175 requested)	Stockland Green
157	12/7/19	Mohammed Naheem Birmingham Proved in absence	£220 £175 costs (£175 requested)	Lozells
158	12/7/19	Mohammed Naman Derby Proved in absence	£220 £175 costs (£175 requested)	Out of area
159	12/7/19	Liam O'Conner Meriden Proved in absence	£220 £175 costs (£175 requested)	Out of area

160	12/7/19	Joshua Parker Hinckley Proved in absence	£220 £175 costs (£175 requested)	Out of area
161	12/7/19	Richard Sutcliffe Alford Proved in absence	£220 £175 costs (£175 requested)	Out of area
162	12/7/19	Laura Tombs Birmingham Proved in absence	£220 £175 costs (£175 requested)	Acocks Green
163	12/7/19	Matthew Topping Dudley Proved in absence	£220 £175 costs (£175 requested)	Out of area
164	12/7/19	Amy Rose Tutt Birmingham Proved in absence	£220 £175 costs (£175 requested)	Handsworth Wood
165	12/7/19	Irinel Vasile Birmingham Proved in absence	£220 £175 costs (£175 requested)	Bromford & Hodge Hill
166	12/7/19	Ben Wakefield Birmingham Proved in absence	£220 £175 costs (£175 requested)	North Edgbaston
167	12/7/19	Laisa Wheeler Birmingham Proved in absence	£220 £175 costs (£175 requested)	Harborne

168	12/7/19	Martyn Worsdale Salford Guilty plea	£138 £75 costs (£175 requested)	Out of area
169	12/7/19	Alfie Wroe Doncaster Proved in absence	£220 £175 costs (£175 requested)	Out of area
170	12/7/19	Chalak Zainal Birmingham Proved in absence	£220 £175 costs (£175 requested)	Soho & Jewellery Quarter

LITTERING OFFENCES SUMMARY – SINGLE JUSTICE PROCEDURE

Date Cases Heard	Total Number of Cases	Total Fines imposed	Total Costs awarded	Total Costs requested
14/6/19	48	£9,570	£8,400	£8,400
28/6/19	58	£12,800	£10,250	£10,425
12/7/19	32	£6,598	£5,300	£5,600

ENVIRONMENTAL HEALTH SIMPLE CAUTIONS

No simple cautions were administered during June and July 2019.

TRADING STANDARDS CASES

	Date Case Heard	Name & Address	Offence details (including Legislation)	Fine/Penalty & Costs	Ward of defendant	Ward - Offence committed
171	13/6/19	Toolman (Yardley) Limited 1762-1764 Coventry Road Birmingham B26 1PB	Criminal Justice Act 1988 Pleaded guilty to one offence of selling a knife, namely a Hi-Tech cutter knife, from The Toolman, 1762-1764 Coventry Road, Yardley, Birmingham to a person under the age of 18 years.	£400 £400 costs (£608 requested)	Sheldon	Sheldon
172	13/6/19	Rabia & Sons Ltd 131 Lozells Road Lozells Birmingham B19 2TR	Criminal Justice Act 1988 Pleaded guilty to one offence of selling knives, namely a pack of 3 x 3" bladed kitchen knives, from Poundplus, 131 Lozells Road, Birmingham to a person under the age of 18 years.	£400 £500 costs (£1,800 requested)	Lozells	Lozells
173	13/6/19	Jasbinder Pal Heer Birmingham	Criminal Justice Act 1988 Pleaded guilty to one offence of selling a knife, namely a jab saw, from Electrical Hardware, 28 College Road, Lozells, Birmingham to a person under the age of 18 years.	£80 £50 costs (£1,277 requested)	Handsworth Wood	Handsworth Wood
174	13/6/19	Adams Ironmongers (Sutton Coldfield) Limited 112 Holland Road Birmingham B72 1RE	Criminal Justice Act 1988 Pleaded guilty to one offence of selling a knife, namely a Silverline drywall saw, from Adams Ironmongers, 112 Holland Road, Sutton Coldfield, Birmingham to a person under the age of 18 years.	Absolute discharge No costs awarded (£737 requested)	Sutton Trinity	Sutton Trinity

175	11/7/19	The Car Studio Ltd 800 Warwick Road Birmingham B11 2EW	Road Traffic Act 1988 Found guilty in their absence of one offence of supplying a BMW motor vehicle from The Car Studio, 800 Warwick Road, Birmingham in an unroadworthy and dangerous condition.	£1,760 fine £2,069 costs (£2,069 requested)	Tyseley & Hay Mills	Tyseley & Hay Mills
176	24/7/19	Shadab Khan Birmingham	Tobacco and Related Products Regulations 2016 Trade Marks Act 1994 Pleaded guilty to four offences; one of having in possession for supply at Subhan Newsagents, 181 Havelock Road, Washwood Heath, Birmingham 939 packets of cigarettes of various brands and 7 pouches of hand rolling tobacco which failed to carry the health warning in accordance with the requirements. Three offences of having in possession, custody or control in the course of a business, 120 packets of Richmond Cigarettes, 79 packets of Benson & Hedges Gold and 28 Apple Mobile phone covers which bore signs identical to or likely to be mistaken for registered trade marks without the consent of the proprietors.	£400 fine (£100 x 4) £3,557 costs (£3,557 requested)	Alum Rock	Alum Rock
177	25/7/19	Mohammed Zahid Birmingham	Criminal Justice Act 1988 Pleaded guilty to one offence of selling a knife, namely a heavy cutting knife with six extra blades, from Pound'n'Over, 131 Fairfax Road, Turves Green, Birmingham to a person under the age of 18 years.	£400 fine £1,259 costs (£1,259 requested)	Highters Heath	Longbridge & West Heath

178	25/7/19	Kam Electrical & Hardware Limited 179-181 Church Road Yardley Birmingham B25 8UT	Criminal Justice Act 1988 Pleaded guilty to one offence of selling a knife, namely a jab saw knife from Kam & Electrical Hardware Ltd, 179 Church Road, Birmingham to a person under the age of 18 years.	£1,000 fine £1,141 costs (£1,141 requested)	Yardley East	Yardley East
179	31/7/19	Edwardo Olguin Birmingham	Fraud Act 2006 Pleaded guilty to two offences of making false representations to a complainant via Facebook messages stating that he could get a 60% discount off insurance policies by claiming that he worked for HSBC as a Senior Sales Manager when he did not and stating that she would be insured with John Lewis on behalf of HSBC finance, when no policy existed.	18 months community order with 200 hours unpaid work. £1,000 costs (£5,173 requested)	Handsworth	Handsworth

TRADING STANDARDS SIMPLE CAUTIONS

During the period of June and July 2019 seven simple cautions were administered.

Criminal Justice Act 1988

Four cautions were issued for selling a knife to a person under the age of 18 years.

Regulation 12 of the Consumer Protection from Unfair Trading Regulations 2008

Regulation 16 of the Package Travel, Package Holidays and Package Tours Regulations 1992

One caution was issued for applying the Air Travel Organisers Licence "ATOL" logo and the International Air Transport Association logo "IATA" on advertising leaflets when not authorised to do so. They also failed to ensure that arrangements were in place for the security for the money paid over and the repatriation of consumers in the event of insolvency.

Regulation 12 of the Consumer Protection from Unfair Trading Regulations 2008

Regulation 16 of the Package Travel, Package Holidays and Package Tours Regulations 1992

Section 15(1) of the Consumer Protection from Unfair Trading Regulations 2008

One caution was issued for applying the Air Travel Organisers Licence "ATOL" logo and the International Air Transport Association logo "IATA" on advertising leaflets when not authorised to do so. They also failed to ensure that arrangements were in place for the security for the money paid over and the repatriation of consumers in the event of insolvency and being a Director of the Company the offence was committed with his consent, connivance or neglect.

Regulations 16 of the Package Travel, Package Holidays and Package Tours Regulations 1992 One caution was issued for failing to ensure that arrangements were in place for the security for the money paid over and the repatriation of consumers in the event of insolvency.

CASES FINALISED BY DISTRICT (PLACE OF OFFENCE) – JUNE 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	0	0	0	0	1	0	0	1
Environmental Health (FPNs) Not paid and prosecuted	0	0	0	0	106	0	0	0	0	0	0	106
Environmental Health (non FPNs)	0	0	4	3	3	1	1	0	0	0	0	12
Trading Standards	0	0	0	0	0	0	2	0	1	1	0	4

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

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	0	0	0	1	0	0	0	0	0	0	0	1
Environmental Health (FPNs) Not paid and prosecuted	4	5	4	9	11	3	5	3	2	4	56	106
Environmental Health (non FPNs)	0	0	3	3	2	0	2	0	0	1	1	12
Trading Standards	0	0	0	0	0	0	2	0	1	1	0	4

CASES FINALISED BY DISTRICT (PLACE OF OFFENCE) – JULY 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	3	0	0	0	0	0	0	3
Environmental Health (FPNs) Not paid and prosecuted	0	1	0	0	33	0	0	0	0	0	0	34
Environmental Health (non FPNs)	0	0	1	5	6	0	1	0	1	0	0	14
Trading Standards	0	0	0	1	0	1	1	0	0	2	0	5

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

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	0	1	0	1	1	0	0	0	0	0	0	3
Environmental Health (FPNs) Not paid and prosecuted	6	4	2	2	2	1	3	0	0	1	13	34
Environmental Health (non FPNs)	0	0	2	4	5	0	0	0	1	0	2	14
Trading Standards	0	0	0	1	0	0	1	1	0	2	0	5

CASES FINALISED BY DISTRICT (PLACE OF OFFENCE) – APRIL-JULY 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	4	0	0	0	1	0	0	6
Environmental Health (FPNs) Not paid and prosecuted	0	1	0	0	235	0	0	0	0	0	0	236
Environmental Health (non FPNs)	1	2	10	11	23	2	5	2	2	1	0	59
Trading Standards	0	0	0	1	1	1	3	0	1	3	0	10

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

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	0	1	0	2	2	0	0	0	0	1	0	6
Environmental Health (FPNs) Not paid and prosecuted	16	10	13	15	28	6	18	7	2	14	107	236
Environmental Health (non FPNs)	1	5	10	10	18	0	4	2	1	1	7	59
Trading Standards	0	0	0	1	1	0	3	1	1	3	0	10

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	64	97	93	94									348
Section 34 Environmental Protection Act demand notices issued:(trade waste statutory information demands)	37	59	64	51									211
Section 34 Environmental Protection Act Fixed Penalty Notices issued to businesses (£300)	36	0	34	5									75
Section 87 Environmental Protection Act Fixed Penalty notices issued for commercial and residential litter offences(£80)	0	0	0	0									0
Section 33 Environmental Protection Act Fixed penalty notices issued for fly tipping (£400)	0	6	2	3									11
Prosecutions													
Number of prosecution files submitted to legal services, (number produced quarterly.	13	10	35	9									67

BIRMINGHAM CITY COUNCIL**LICENSING AND PUBLIC PROTECTION COMMITTEE****11 SEPTEMBER 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 October 2019