

**BIRMINGHAM CITY COUNCIL**

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

**15 JANUARY 2020**  
**ALL WARDS**

**PROSECUTIONS AND CAUTIONS – NOVEMBER 2019**

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

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### 3. Results

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

- 62 Environmental Health cases were finalised resulting in fines of £27,884. Prosecution costs of £12,096 were awarded. One simple caution was administered as set out in Appendix 1.
- Two Licensing cases were finalised resulting in fines of £1,260 and 14 penalty points issued. Prosecution costs of £1,150 were awarded. Eight simple cautions were administered as set out in Appendix 2.
- No Trading Standards cases were finalised and no simple cautions were administered as set out in Appendix 3.
- One Waste Enforcement case was finalised resulting in a fine of £40. Prosecution costs in the sum of £150 were awarded. No simple cautions were administered as set out in Appendix 4.
- Appendix 5 lists cases finalised by district in November 2019 and cases finalised by district April 2019 – November 2019.
- Appendix 6 lists the enforcement activity undertaken by the Waste Enforcement Team from April 2019 to November 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 November 2019 the following costs have been requested and awarded:

Environmental Health (including Waste Enforcement cases)

£191,059 has been requested with £151,855 being awarded (79%).

Licensing

£14,232 has been requested with £7,922 being awarded (56%)

Trading Standards

£41,429 had been requested with £21,096 being awarded (51%).

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

Environmental Health (including Waste Enforcement cases)  
£13,701 has been requested with £12,246 being awarded (89%).

Licensing  
£1,968 has been requested with £1,150 being awarded (58%)

Trading Standards  
No costs have been requested or awarded

- 5.4 The following income has been received so far from the courts in 2019/20.

Environmental Health  
£31,521 has been received including Waste Enforcement cases.

Licensing  
£1,368 has been received.

Trading Standards  
£5,040 has been received.

(Total £37,929).

- 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

**FOOD HYGIENE OFFENCES**

	<b>Date Case Heard</b>	<b>Name &amp; Address</b>	<b>Offence details (including Legislation)</b>	<b>Fine/Penalty &amp; Costs</b>	<b>Ward of defendant</b>	<b>Ward - Offence committed</b>
1	14/11/19	Azqa Quick Stop Ltd 87 Finnemore Road Birmingham B9 5XT	Food Safety and Hygiene (England) Regulations 2013  Pleaded guilty to four offences relating to conditions found during an inspection at Azqa Quick Stop, 982 Tyburn Road, Birmingham. There was evidence of mouse activity throughout the premises. Packets of ready to eat food, on display for sale, had been damaged by pest activity. The premises were not kept clean, mouse droppings were found at floor/wall junctions and debris was found on the floor under display units. There were several potential pest entry points in the ceiling of the premises.	£3,000 – offence 1  No separate penalty for remaining offences  £912 costs (£912 requested)	Heartlands	Pype Hayes
2	25/11/19	Nonia Mini Market Ltd 75 Villa Road Birmingham B19 1NH	Food Safety and Hygiene (England) Regulations 2013  Pleaded guilty to three offences relating to conditions at Nonia Mini Market, 75 Villa Road, Birmingham. There were no adequate procedures in place to control pests, mouse droppings were found throughout the premises and mice had gnawed packets of food in boxes in the storeroom. There were gaps, cracks and crevices within the structure and construction of the building, in particular gaps under the front door. The Company also failed to register as a food business with Birmingham City Council.  Originally listed for trial.	£13,500  £1,959 costs (£1,959 requested)	Birchfield	Birchfield

**LITTER OFFENCES - SJP**

	<b>Date Case Heard</b>	<b>Name</b>	<b>Fine/Penalty &amp; Costs</b>	<b>Ward of defendant</b>
3	8/11/19	George Atkinson Cheltenham  Proved in absence	£220  £175 costs (£175 requested)	Out of area
4	8/11/19	Sian Barnes Derby  Proved in absence	£220  £175 costs (£175 requested)	Out of area
5	8/11/19	Karina Box Caerphilly  Proved in absence	£220  £175 costs (£175 requested)	Out of area
6	8/11/19	Allan Bruce Rowley Regis  Guilty plea	£146  £75 costs (£175 requested)	Out of area
7	8/11/19	Alban Cengu Wolverhampton  Proved in absence	£220  £175 costs (£175 requested)	Out of area
8	8/11/19	Moisa Cobazariu Birmingham  Proved in absence	£220  £175 costs (£175 requested)	Heartlands
9	8/11/19	Richard Dhillon Telford  Proved in absence	£220  £175 costs (£175 requested)	Out of area

10	8/11/19	Quoc Dinh Oldbury Proved in absence	£220 £175 costs (£175 requested)	Out of area
11	8/11/19	Cosmina Dobrax Oldbury Proved in absence	£220 £175 costs (£175 requested)	Out of area
12	8/11/19	Sophie Doran Shipston on Stour Proved in absence	£220 £175 costs (£175 requested)	Out of area
13	8/11/19	Laura Dowling Sheffield Proved in absence	£220 £175 costs (£175 requested)	Out of area
14	8/11/19	Alisha Farah Birmingham Proved in absence	£220 £175 costs (£175 requested)	Newtown
15	8/11/19	Alexandru Fota Smethwick Proved in absence	£220 £175 costs (£175 requested)	Out of area
16	8/11/19	Myles Franckel Warrington Proved in absence	£220 £175 costs (£175 requested)	Out of area
17	8/11/19	Radoslaw Pawel Garbicz Burton on Trent Proved in absence	£220 £175 costs (£175 requested)	Out of area

18	8/11/19	Sarah Hammeron Walsall  Proved in absence	£220  £175 costs (£175 requested)	Out of area
19	8/11/19	Ibrahim Kallon Birmingham  Proved in absence	£220  £175 costs (£175 requested)	Ladywood
20	8/11/19	Naimeet Kanabae Leicester  Proved in absence	£220  £175 costs (£175 requested)	Out of area
21	8/11/19	Naqa Ali Khan Birmingham  Proved in absence	£220  £175 costs (£175 requested)	Acocks Green
22	8/11/19	Aaron Kirkham Birmingham  Proved in absence	£220  £175 costs (£175 requested)	Erdington
23	8/11/19	James Lee Wolverhampton  Proved in absence	£220  £175 costs (£175 requested)	Out of area
24	8/11/19	Jason Marc Lindsay Birmingham  Guilty plea	£40  £75 costs (£175 requested)	Soho & Jewellery Quarter
25	8/11/19	Jamie Lockett Liverpool  Proved in absence	£220  £175 costs (£175 requested)	Out of area

26	8/11/19	Alexandru Lonita Birmingham  Proved in absence	£220  £175 costs (£175 requested)	Bordesley Green
27	8/11/19	Amy Lowe Walsall  Proved in absence	£126.50  £175 costs (£175 requested)	Out of area
28	8/11/19	Christopher Lynch Birmingham  Guilty plea	£40  £75 costs (£175 requested)	Brandwood & Kings Heath
29	8/11/19	Tariq Mahmood Birmingham  Proved in absence	£220  £175 costs (£175 requested)	Stockland Green
30	8/11/19	Siobhan Marsh Swadlincote  Proved in absence	£220  £175 costs (£175 requested)	Out of area
31	8/11/19	Shannon Millington Birmingham  Guilty plea	£40  £75 costs (£175 requested)	Kingstanding
32	8/11/19	Erik Moinar Smethwick  Proved in absence	£220  £175 costs (£175 requested)	Out of area
33	8/11/19	Bianca Neagu Cannock  Guilty plea	£146  £75 costs (£175 requested)	Out of area



34	8/11/19	Colorado Orbu Dudley  Proved in absence	£220  £175 costs (£175 requested)	Out of area
35	8/11/19	Bryn Phillips Manchester  Proved in absence	£220  £175 costs (£175 requested)	Out of area
36	8/11/19	Rhys Price Birmingham  Proved in absence	£220  £175 costs (£175 requested)	North Edgbaston
37	8/11/19	Christopher Redfern Bury  Guilty plea	£130  £75 costs (£175 requested)	Out of area
38	8/11/19	Fatima Romasanta Chelmsford  Proved in absence	£220  £175 costs (£175 requested)	Out of area
39	8/11/19	Jennifer Ryan Wigan  Proved in absence	£220  £175 costs (£175 requested)	Out of area
40	8/11/19	Hanif Sadiqi Birmingham  Proved in absence	£220  £175 costs (£175 requested)	Erdington
41	8/11/19	Wei Quan See Birmingham  Proved in absence	£220  £175 costs (£175 requested)	Soho & Jewellery Quarter

42	8/11/19	Banayiotis Sofroniou Smethwick  Proved in absence	£220  £175 costs (£175 requested)	Out of area
43	8/11/19	Doru Stoica Birmingham  Guilty plea	£40  £75 costs (£175 requested)	Ladywood
44	8/11/19	Bartosz Szydlak Birmingham  Proved in absence	£220  £175 costs (£175 requested)	Pype Hayes
45	8/11/19	Ivaylo Tsvetkov Birmingham  Guilty plea	£70  No costs awarded (£175 requested)	Soho & Jewellery Quarter
46	8/11/19	Artur Ukinski Cheltenham  Proved in absence	£220  £175 costs (£175 requested)	Out of area
47	8/11/19	Lujie Wang London  Proved in absence	£220  £175 costs (£175 requested)	Out of area
48	8/11/19	Alison Wilkes Birmingham  Guilty plea	£40  £75 costs (£175 requested)	Shard End
49	8/11/19	Nicholes Willes Liverpool  Proved in absence	£220  £175 costs (£175 requested)	Out of area

50	8/11/19	Natalie Worgan Willenhall  Proved in absence	£220  £175 costs (£175 requested)	Out of area
51	8/11/19	Darren Zen Birmingham  Proved in absence	£220  £175 costs (£175 requested)	Bordesley & Highgate
52	22/11/19	Alex Bandula Birmingham  Proved in absence	£220  £175 costs (£175 requested)	Glebe Farm & Tile Cross
53	22/11/19	Hayley Eaton Coventry  Guilty plea	£40  £75 costs (£175 requested)	Out of area
54	22/11/19	Toni-Anne Freeman Coventry  Guilty plea	£40  £75 costs (£175 requested)	Out of area
55	22/11/19	Samuel Gray Birmingham  Proved in absence	£220  £175 costs (£175 requested)	Sparkhill
56	22/11/19	Pritpal Singh Hunjan Birmingham  Guilty plea	£146  £75 costs (£175 requested)	Weoley & Selly Oak
57	22/11/19	Samuel Johnson Birmingham  Proved in absence	£220  £175 costs (£175 requested)	Longbridge & West Heath

58	22/11/19	Zaniar Kadir Birmingham  Proved in absence	£220  £175 costs (£175 requested)	North Edgbaston
59	22/11/19	Nabil Sahlaoui Birmingham  Proved in absence	£220  £175 costs (£175 requested)	North Edgbaston
60	22/11/19	Eni Sula London  Proved in absence	£220  £175 costs (£175 requested)	Out of area
61	22/11/19	Gareth Turner Birmingham  Proved in absence	£220  £175 costs (£175 requested)	Balsall Heath West
62	22/11/19	Grzegorz Zych Halesowen  Proved in absence	£220  £175 costs (£175 requested)	Out of area

### **LITTERING OFFENCES – SINGLE JUSTICE PROCEDURE**

<b>Date Cases Heard</b>	<b>Total Number of Cases</b>	<b>Total Fines imposed</b>	<b>Total Costs awarded</b>	<b>Total Costs requested</b>
8/11/19	49	£9,398	£7,600	£8,575
22/11/19	11	£1,986	£1,625	£1,925

### **ENVIRONMENTAL HEALTH SIMPLE CAUTIONS**

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

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

One caution was issued for failing to comply with Food Hygiene Regulations

**LICENSING CASES**

**APPENDIX 2**

	<b>Date Case Heard</b>	<b>Name &amp; Address</b>	<b>Offence details (including Legislation)</b>	<b>Fine/Penalty &amp; Costs</b>	<b>Ward of defendant</b>	<b>Ward - Offence committed</b>
63	4/11/19	Waseem Ali Khan Birmingham	Town Police Clauses Act 1847 & Road Traffic Act 1988  Pleaded <u>not guilty</u> to two offences; one of plying for hire on John Bright Street, Birmingham and one of consequently having invalid insurance.  Found guilty after trial.	£600 (£300 x 2)  + 8 penalty points  £400 costs (£400 requested)	Sparkhill	Ladywood
64	25/11/19	Nejib Ben Rabeh Falah Birmingham	Town Police Clauses Act 1847 & Road Traffic Act 1988  Pleaded <u>not guilty</u> to two offences; one of plying for hire on High Street, Harborne, Birmingham and one of consequently having invalid insurance.  Found guilty after trial.	£660 – no insurance  + 6 penalty points  No separate penalty for plying  £750 costs (£1,568 requested)	Harborne	Harborne

**LICENSING SIMPLE CAUTIONS**

During the period of November 2019 eight simple cautions were administered.

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

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

**TRADING STANDARDS CASES**

No Trading Standards cases were finalised during November 2019.

**TRADING STANDARDS SIMPLE CAUTIONS**

During the period of November 2019 no simple cautions were administered.

**WASTE ENFORCEMENT CASES**

	<b>Date Case Heard</b>	<b>Name &amp; Address</b>	<b>Offence details (including Legislation)</b>	<b>Fine/Penalty &amp; Costs</b>	<b>Ward of defendant</b>	<b>Ward - Offence committed</b>
65	27/11/19	Peter John Johnson Rowley Regis	Environmental Protection Act 1990  Pleaded guilty to one offence of knowingly causing controlled waste, namely large items including car parts and refrigerators, to be deposited from a vehicle onto land at All Saints Street, Birmingham.  Originally listed for trial	£40  £150 costs (£330 requested)	Out of area	Soho & Jewellery Quarter

**WASTE ENFORCEMENT SIMPLE CAUTIONS**

No simple cautions were administered during November 2019.

**CASES FINALISED BY DISTRICT (PLACE OF OFFENCE) – NOVEMBER 2019**

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	1	0	0	0	1	0	0	0	0	0	0	<b>2</b>
Environmental Health (FPNs) Not paid and prosecuted	0	0	0	0	60	0	0	0	0	0	0	<b>60</b>
Environmental Health (including WEU)	0	1	0	0	1	0	1	0	0	0	0	<b>3</b>
Trading Standards	0	0	0	0	0	0	0	0	0	0	0	<b>0</b>

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

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	1	0	1	0	0	0	0	0	0	0	0	<b>2</b>
Environmental Health (FPNs) Not paid and prosecuted	4	5	1	4	8	1	0	1	0	1	35	<b>60</b>
Environmental Health (including WEU)	0	0	0	1	0	0	1	0	0	0	1	<b>3</b>
Trading Standards	0	0	0	0	0	0	0	0	0	0	0	<b>0</b>



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

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	3	1	1	0	10	0	0	0	3	0	0	<b>18</b>
Environmental Health (FPNs) Not paid and prosecuted	0	1	0	0	359	0	0	0	0	0	0	<b>460</b>
Environmental Health (including WEU)	2	6	15	18	32	2	9	6	2	4	0	<b>96</b>
Trading Standards	0	0	0	2	4	1	5	0	1	3	0	<b>16</b>

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

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	1	2	1	2	5	0	2	0	0	1	4	<b>18</b>
Environmental Health (FPNs) Not paid and prosecuted	30	24	22	30	55	16	32	15	4	20	212	<b>460</b>
Environmental Health (including WEU)	1	9	18	17	22	0	9	4	1	4	11	<b>96</b>
Trading Standards	0	0	1	2	1	1	5	1	1	3	1	<b>16</b>

**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	92	83	127	123					773
Section 34 Environmental Protection Act demand notices issued:(trade waste statutory information demands)	37	59	64	51	45	50	76	60					442
Section 34 Environmental Protection Act Fixed Penalty Notices issued to businesses (£300)	7	9	39	37	10	36	39	25					202
Section 87 Environmental Protection Act Fixed Penalty notices issued for commercial and residential litter offences(£80)	0	0	0	0	0	0	0	0					0
Section 33 Environmental Protection Act Fixed penalty notices issued for fly tipping (£400)	4	7	4	7	4	10	6	8					11
Prosecutions													
Number of prosecution files submitted to legal services, (number produced quarterly).	13	10	35	9	9	7	13	11					107