

BIRMINGHAM CITY COUNCIL

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

16 NOVEMBER 2016
ALL WARDS

PROSECUTIONS AND CAUTIONS – AUGUST AND SEPTEMBER 2016

1. Summary
 - 1.1 This report summarises the outcome of legal proceedings taken by Regulation and Enforcement during the months of August and September 2016.
2. Recommendation
 - 2.1 That the report be noted.

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3. Results

3.1 During the months of August and September 2016 the following cases were heard at Birmingham Magistrates Court, unless otherwise stated.

- Seven Licensing cases resulted in fines of £1,876 and prosecution costs of £1,638 were awarded with a total of 30 penalty points. Twelve simple cautions were administered as set out in Appendix 1.
- 81 Environmental Health cases resulted in fines of £275,439 and prosecution costs of £42,820 were awarded. Three simple cautions were administered as set out in Appendix 2.
- One Trading Standards case resulted in a £500 fine, two suspended prison sentences, a total of 160 hours unpaid work and two of the defendants were disqualified from acting as a director for three years. Prosecution costs of £3,000 were awarded. Three simple cautions were administered as set out in Appendix 3.
- Appendix 4 lists cases finalised by district in August and September 2016 and cases finalised by district April-September 2016.
- Appendix 5 lists the enforcement activity undertaken by the Waste Enforcement Team from April-September 2016.

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 2016 to September 2016 the following costs have been requested and awarded:

Licensing

£12,355 has been requested with £8,747 being awarded (70%).

Environmental Health

£122,974 has been requested with £102,952 being awarded (83%).

Trading Standards

£37,376 has been requested with £9,700 being awarded (25%).

- 5.3 For the months of August 2016 and September 2016 the following costs have been requested and awarded:

Licensing

£3,468 has been requested with £1,638 being awarded (47%).

Environmental Health

£52,869 has been requested with £42,820 being awarded (80%).

Trading Standards

£6,500 has been requested with £3,000 being awarded (46%).

6. Implications for Policy Priorities

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

7. Public Sector Equality Duty

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

ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: Nil

LICENSING CASES**APPENDIX 1**

	Name and Address	Date Case Heard	Legislation	Fine/Penalty	Costs	Offence details
1	Tuhel Khan 25 Maxwell Avenue Hansworth Birmingham B20 3TT	4/8/16	Town Police Clauses Act 1847 Road Traffic Act 1988	£515 x no insurance + 6 penalty points No separate penalty x plying	£200 (£493 requested)	Pleaded guilty to two offences; one offence of plying for hire on Horsefair, Birmingham and one offence of consequently having invalid insurance.
2	Abul Kalam 179 Calshot Road Great Barr Birmingham B42 2BY	4/8/16	Town Police Clauses Act 1847 Road Traffic Act 1988	£205 x no insurance + 6 penalty points No separate penalty x plying	£200 (£452 requested)	Pleaded guilty to two offences; one offence of plying for hire on Bennetts Hill, Birmingham and one offence of consequently having invalid insurance.
3	Mohammed Abdul Matin 292 Percy Road Sparkhill Birmingham B11 3LQ	4/8/16	Town Police Clauses Act 1847 Road Traffic Act 1988	£205 x no insurance + 6 penalty points No separate penalty x plying	£200 (£575 requested)	Pleaded guilty to two offences; one offence of plying for hire on Ludgate Hill, Birmingham and one offence of consequently having invalid insurance.
4	Gulbas Hussain 16 Kedleston Road Hall Green Birmingham B28 0NS	1/9/16	Local Government (Miscellaneous Provisions) Act 1976	£145	£288 (£288 requested)	Pleaded guilty to one offence of being a private hire driver and failing to wear a private hire driver's badge in Pershore Street, Birmingham.
5	Masroor Akram 4 Norland Road Acocks Green Birmingham B27 7DG	1/9/16	Town Police Clauses Act 1847 Road Traffic Act 1988	£200 x no insurance + 6 penalty points No separate penalty x plying	£200 (£493 requested)	Pleaded guilty to two offences; one offence of plying for hire on Alcester Road, Moseley, Birmingham and one offence of consequently having invalid insurance.
6	Abdul Shahan Ahmed 5 Barnwood Road, Quinton Birmingham B32 3LZ	1/9/16	Town Police Clauses Act 1847 Road Traffic Act 1988	£326 x no insurance + 6 penalty points No separate penalty x plying	£250 (£467 requested)	Pleaded guilty to two offences; one offence of plying for hire on High Street, Harborne, Birmingham and one offence of consequently having invalid insurance.

	Name and Address	Date Case Heard	Legislation	Fine/Penalty	Costs	Offence details
7	Gul Zubair 10 Kingsley Road Balsall Heath Birmingham B12 8NB	23/9/16	Town Police Clauses Act 1847 Road Traffic Act 1988	£280 x no insurance No separate penalty x plying Licence not endorsed due to special reasons	£300 (£700 requested)	Pleaded guilty to two offences; one offence of plying for hire in Alcester Road, Moseley, Birmingham and one of consequently having invalid insurance. Sentence was imposed following a Newton Hearing.

LICENSING SIMPLE CAUTIONS

During the period of August and September 2016, twelve simple cautions have been administered.

Local Government (Miscellaneous Provisions) Act 1976

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

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

Section 56(3) One caution was issued for failing to produce records.

Section 57 Two cautions were issued for knowingly omitting information on licence application form.

Section 64(3) Two cautions were issued for waiting on a Hackney Carriage stand without being licensed as Hackney Carriage.

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 a copy of the Hackney Carriage Byelaws for inspection.

Licensing Act 2003

Section 136(1)(a) One caution was issued for carrying on a licensable activity otherwise than in accordance with an authorisation.

FOOD HYGIENE OFFENCES

	Name and Address	Date Case Heard	Legislation	Fine/Penalty	Costs	Offence details
1	Mohammed Sohel 65 Stud Lane Birmingham B33 9EZ	1/8/16	Food Safety and Hygiene (England) Regulations 2013	Total £1,440 (£480 x 3)	£1,000 (£2,033 requested)	Pleaded <u>not guilty</u> to three offences relating to the condition of Minar Diner Restaurant, 7 Walford Road, Birmingham. Mouse droppings were found throughout the kitchen, there was no food safety management system in place and mould was found on food stored in the upright fridge. Found guilty following trial.
2	Kout Food Group Restaurants (UK) Ltd 2 Willen Field Road London NW10 7BQ	4/8/16	Food Safety and Hygiene (England) Regulations 2013	£30,000 x 1 No separate penalty x remaining offences	£1,036 (£1,036 requested)	Pleaded guilty to three offences relating to the condition of Kentucky Fried Chicken (KFC), Unit 23 Martineau Place, 98 Bull Street, Birmingham. Mouse droppings were found throughout the premises, equipment was found to be dirty and there were damaged floor tiles.
3	Mohammed Riaz 65 Albert Road Aston Birmingham B6 5NE	18/8/16	Food Safety and Hygiene (England) Regulations 2013	£8,000 x 1 No separate penalty x remaining offences	£1,879 (£1,879 requested)	Pleaded guilty to two offences relating to the condition of Rehan International Supermarket, 272 Slade Road, Birmingham. Rat droppings were found in boxes of rice in the store room and on shelving. A rat hole was found at the front of the shop and food stored at the premises, including fresh tomatoes, were found to be gnawed by rats.

	Name and Address	Date Case Heard	Legislation	Fine/Penalty	Costs	Offence details
4	Mitchells & Butlers Retail Limited 27 Fleet Street Birmingham B3 1JP	19/8/16	Food Safety and Hygiene (England) Regulations 2013	Total £105,000 (£35,000 x 3)	£9,528 (£9,528 requested)	Pleaded guilty to three offences relating to the condition of The Railway, Hill Street, Birmingham. Gaps were found at the premises which created possible pest entry points, mouse droppings were found throughout the kitchen area and there was a distinct lack of cleaning at the premises.
5	Akeel Ejaz 241 Wash Lane Birmingham B25 8PT	1/9/16	Food Safety and Hygiene (England) Regulations 2013	£1,000 x 1 No separate penalty x remaining offences	£1,679 (£1,679 requested)	Pleaded guilty to six offences relating to the condition of Stirchley Kebab House, 1262 Pershore Road, Birmingham. There was evidence of rat activity within the premises and there were gaps within the fabric of the building allowing access by pests. Rat droppings were found in the bowl of the mixer and on a work surface. The walls of the potato preparation area were in part bare plaster.
6	Mohammed Abid Banares 1 Oaktree Drive Saltley Birmingham B8 1QU	1/9/16	Food Safety and Hygiene (England) Regulations 2013	£1,200 x 1 No separate penalty x remaining offences	£1,305 (£1,305 requested)	Pleaded guilty to four offences relating to the condition of K Fish and Chips, 238 Washwood Heath Road, Saltley, Birmingham. Dead and alive cockroaches were found throughout the premises, there were accumulations of dirt and grease in the rear preparation area and server and gaps were found within the construction of the building allowing access to cockroaches.

	Name and Address	Date Case Heard	Legislation	Fine/Penalty	Costs	Offence details
7	Salim Ismail 41 Arden Road Aston Birmingham B6 6AP	9/9/16	Food Safety and Hygiene (England) Regulations 2013	Total £3,200 (£640 x 5)	£1,778 (£1,778 requested)	Pleaded guilty to five offences relating to the condition of Ismail Food Stores, 86 Ettington Road, Aston, Birmingham. There was evidence of mouse activity throughout the premises with a dead mouse found on the floor by the front entrance. There was no evidence of a documented food safety management system based on the principles of HACCP.
8	Balti Hut Tandoori Limited 1544 Pershore Road Birmingham B30 2NW	15/9/16	Food Safety and Hygiene (England) Regulations 2013	£1,350 x 1 No separate penalty x remaining offences	£1,000 (£1,311 requested)	Pleaded guilty to three offences relating to the condition of Balti Hut Tandoori Restaurant, 1544-1546 Pershore Road, Birmingham. The business failed to comply with two improvement notices requiring structural work and cleaning to be undertaken and to put in place a documented food safety management system in place. The company were also charged with a further offence of failing to implement a food safety management system. The Magistrates granted a Prohibition Order, which will cease when the Council are satisfied that sufficient measures have been taken to ensure that the premises no longer pose a health risk.

	Name and Address	Date Case Heard	Legislation	Fine/Penalty	Costs	Offence details
9	Desi Sweets Centre Ltd 275 High Street Smethwick B66 3NJ	15/9/16	Food Safety and Hygiene (England) Regulations 2013	Total £16,350 (£3,350 x 5)	£1,823 (£1,823 requested)	Pleaded guilty to five offences relating to the condition of Desi Sweet Centre, 349 Soho Road, Birmingham. There were mouse droppings throughout the premises with food debris found beneath the server counter. There was a gap around pipework and electrical wiring going through the ceiling above the gas meter cupboard in the server. The external container bin was overfilled and subsequently the lid could not fully close.
10	Zeb Barnes 20 Rudge Avenue Wolverhampton WV1 2AT	15/9/16	Food Safety and Hygiene (England) Regulations 2013	£425 x 1 No separate penalty x 2 nd offence	£1,000 (£1,177 requested)	Pleaded guilty to two offences relating to the condition of West Midlands Jerk Centre, 102 Villa Road, Birmingham. Cockroaches (nymphs and adults) were found dead and alive throughout the premises. There were also gaps, cracks and crevices within the structure and construction of the building.
11	Muaiad Nagi 119 Gillott Road Edgbaston Birmingham B16 0ET	15/9/16	Food Safety and Hygiene (England) Regulations 2013	£600 x 1 No separate penalty x remaining offences	£550 (£1,036 requested)	Pleaded guilty to six offences relating to the condition of Aazz Food Store, 610 Coventry Road, Birmingham. There was evidence of cockroach activity throughout the premises. Lettuce and other salad items were being stored directly below dripping lamb carcasses in the walk in chiller. There was no hot water supply to any of the sinks and no documented food safety management system in place.

	Name and Address	Date Case Heard	Legislation	Fine/Penalty	Costs	Offence details
12	Abdulwahid Rahimi Flat 11 Hill House Oakfield Close Smethwick B66 3JU	15/9/16	Food Safety and Hygiene (England) Regulations 2013	£640 x 1 No separate penalty x 2 nd offence	£750 (£980 requested)	Pleaded guilty to two offences relating to the condition of City Kebab House, 29 Constitution Hill, Birmingham. Mouse droppings were found throughout the front kitchen and there was grease and debris on the gas pipe serving the deep fat fryer, on the hand wash basin and under shelving next to the tandoor oven.
13	Zah Ltd 1845 Pershore Road Birmingham B30 3DJ	19/9/16	Food Safety and Hygiene (England) Regulations 2013 Health and Safety at Work Etc Act 1974	Total £31,000 (£17,000 x offence 2 £14,000 x offence 4) No separate penalty x remaining offences	£828 (£1,518 requested)	Four offences were found proved in the absence of the defendant company relating to the condition of Spice Exchange, 1845-1847 Pershore Road, Kings Norton, Birmingham. Two offences of failing to comply with Hygiene Improvement Notices requiring a food safety management system to be put in place based on the principles of HACCP and to provide evidence that all gas appliances, installation pipework and flues had been checked by a competent person. Two further offences relate to a further visit when it was found that a procedure based on HACCP had still not been implemented and evidence could not be provided to show that gas appliances were maintained in a safe condition.
14	Café Desi Express International Limited 225 Ladypool Road Birmingham B12 8LF	19/9/16	Food Safety and Hygiene (England) Regulations 2013	£15,000	£563 (£1,399 requested)	One offence was found proved in the absence of the defendant company relating to the condition of Café Desi Express, 225 Ladypool Road, Birmingham. Adequate procedures were not in place to control pests and there were mouse droppings throughout the premises.

	Name and Address	Date Case Heard	Legislation	Fine/Penalty	Costs	Offence details
15	B.B Global Services Ltd 429 Lickey Road Birmingham B45 8UT	28/9/16	Food Safety and Hygiene (England) Regulations 2013	Total £5,250 (£1,050 x 5)	£1,504 (£1,504 requested)	Pleaded guilty to five offences relating to the condition of Lailing, 429 Lickey Road, Birmingham. There was a build-up of dirt and debris on the floor and at wall junctions, food was being stored underneath the washing up sink and next to the wash up area. There was no evidence of a documented food safety management system in place based on HACCP. Meat and rice was left to cool at room temperature for longer than 90 minutes.
16	Bashir Ahmad Khan 18 Leyton Road Handsworth Birmingham	29/9/16	Food Safety and Hygiene (England) Regulations 2013	£480 x 1 No separate penalty x 2 nd for offence	£480 (£1,019 requested)	Pleaded guilty to two offences relating to the condition of Khan Pizza and Kebabs, 64 Robert Road, Handsworth, Birmingham. There were dead mice, a live mouse, mouse droppings and evidence of cockroaches at the premises. Inadequate controls were in place to prevent access and harbourage of mice and cockroaches.
17	Arshad Mahmood 11 Centenary Way Birmingham B21 9JX Abdul Majeed 73 Ellesmere Road Birmingham B8 1NF	29/9/19	Food Safety and Hygiene (England) Regulations 2013	Total £400 (Each defendant fined £200)	£800 (£400 each defendant) (£1,245 requested)	Both defendants pleaded guilty to one offence relating to the sale of a portion of southern fried chicken from Big Chip Fish Bar, 11 Westley Road, Birmingham, which was found to be raw in the middle.

	Name and Address	Date Case Heard	Legislation	Fine/Penalty	Costs	Offence details
18	Rabiul Meah 160 Frederick Road Aston Birmingham B6 6DG	29/9/16	Food Safety and Hygiene (England) Regulations 2013	£480 x 1 No separate penalty x remaining offences	£480 (£1,630 requested)	Pleaded guilty to seven offences relating to the condition of Koh I Noor, 28-30 Horsefair, Birmingham. Mouse droppings were found throughout the premises with dirt and grease found inside the oven and behind the cooking range. Raw meat was being stored next to cooked meat and milk in the double fridge. The wash hand basin was not provided with soap and there was no evidence of staff training.
19	Badder Hussain 110 Fordrough Lane Birmingham B9 5LB	29/9/16	Food Safety and Hygiene (England) Regulations 2013 Health and Safety at Work Etc Act 1974	Total £960 (£480 x 1 No separate penalty x on remaining food offences £480 x H&S offence)	£1,862 (£1,862 requested)	Pleaded guilty to five offences: four relating to the condition of Pizza Bay, 211 Cotterills Lane, Birmingham. Mouse droppings were found in the premises with an accumulation of dirt and grease found on the wall surfaces and pipes in the kitchen. There was a large of number of damaged and missing wall tiles in the kitchen. One further offence of failing to comply with the requirements of a Prohibition Notice in connection with a planetary mixing machine which was found with an unsecured and damaged bowl guard not connected to the interlock mechanism

	Name and Address	Date Case Heard	Legislation	Fine/Penalty	Costs	Offence details
20	Zam Zam Frozen Foods Products Ltd Unit 17 Northside Business Centre Wellington Street Birmingham B18 4NR	29/9/16	Food Safety and Hygiene (England) Regulations 2013	£7,000 x 1 No separate penalty x remaining offences	£1,529 (£1,529 requested)	Pleaded guilty to eleven offences relating to the condition of Zam Zam Frozen Foods, Unit 17 Northside Business Centre, Wellington Street, Birmingham. The premises and equipment were dirty and there were holes in the roller shutter front doors. Containers of cooked samosa filling and raw minced meat were stored uncovered in the walk-in chiller on dirty shelving and beneath a dirty air circulation fan. Walls and ceilings had defective areas and there was no supply of hot water to the wash basin in the kebab production area. There was no evidence of a documented food safety management system in place.
21	Ahmed El Mufti 180 School Road Yardley Birmingham B14 4HA	29/9/16	Food Safety and Hygiene (England) Regulations 2013	£320 x 1 No separate penalty x remaining offences	None awarded (£592 requested)	Pleaded guilty to three offences relating to the condition of City Shop, 115 Villa Road, Lozells, Birmingham. There were mouse droppings found throughout the premises and inadequate controls were in place to prevent access and harbourage of mice. Ten individual packs of dried dates had been gnawed and eaten by mice.
22	Safeburys Retail Limited 31 Hobson Road Selly Park Birmingham B29 7QA	29/9/16	Food Safety and Hygiene (England) Regulations 2013	£35,000 x 1 No separate penalty x remaining offences	£828 (£828 requested)	Six offences found proved in absence of the defendant company. One relating to a pack of Family Sausages found on display in the refrigerator at Safeburys, 191-193 Hagley Road, Birmingham which had been infested by maggots and five of displaying food, for sale which had past their use by dates.

WASTE OFFENCES

	Name and Address	Date Case Heard	Legislation	Fine/Penalty	Costs	Offence details
1	Samantha Patterson 79 Kentish Road Birmingham B21 0BB	4/8/16	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in her absence of depositing a black bag of domestic waste in Kentish Road, Birmingham.
2	Ali M Jama Flat 2 3 Kenwood Road Bordesley Green Birmingham B9 5UH	1/9/16	Environmental Protection Act 1990	£950 x 1 No separate penalty x 2 nd offence	£1,000 (£1,331 requested)	Pleaded guilty to two offences; one of failing to keep written information of the transfer of controlled waste from Kingz Barbers, 123 Bordesley Green, Birmingham and one of failing to produce it to an authorised officer within 7 days in response to written demands for information.
3	Rav Singh Lal 21 Leicester Street Wolverhampton WV6 0PR	5/9/16	Environmental Protection Act 1990	£100	£308 (£308 requested)	Pleaded guilty to one offence of depositing controlled waste, namely a large number of sandwiches from Costcutter, in a litter bin outside 83 Bull Street, Birmingham. The defendant worked as a delivery driver and placed returned stock in the bin, rather than returning it to his employer.
4	Prem Paul 106 Sandwell Road Birmingham B21 8PS	15/9/16	Environmental Protection Act 1990	£250 x 1 No separate penalty x 2 nd offence	£325 (£723 requested)	Pleaded guilty to two offences of failing of failing keep written information relating to the transfer of controlled waste from Prem Jewellers, 123 Soho Road, Birmingham and produce it to an authorized officer within 7 days in response to a written demand for information.

	Name and Address	Date Case Heard	Legislation	Fine/Penalty	Costs	Offence details
5	Muhammad Asif 147 Hutton Road Birmingham B20 3RQ	15/9/16	Environmental Protection Act 1990 Fraud Act 2006	£220 x Fraud offence No separate penalty x remaining offences	£500 (£1,182 Requested)	Pleaded guilty to three offences; one offence of failing to prevent controlled waste (fly tipping) from A K Mobiles, 260 Slade Road, being deposited on land at St Thomas's Road, Erdington, Birmingham, one of failing to keep written information relating to the transfer of controlled waste from the business and producing it to an authorized officer within 7 days and one of submitting false information relating to the transfer of waste.
6	Satwant Nandray 36 Jill Avenue Birmingham B43 6DH	29/9/16	Environmental Protection Act 1990	£415 x 1 No separate penalty x 2 nd offence	£500 (£1,000 requested)	Pleaded guilty to two offences; one of failing to take measures to prevent controlled waste, namely wiper blades, number plate covers and paperwork, to be deposited on land outside 193-195 Holyhead Road, Birmingham and one offence of failing to keep written information relating to the transfer of controlled waste from Holyhead Motor Spares, 189 Holyhead Road and produce it to an authorised officer within 7 days in response to a written demand for information.

LITTERING OFFENCES

	Name and Address	Date Case Heard	Legislation	Fine/Penalty	Costs	Offence details
1	Olivia Rowley 33 Board Cross Shipton Mallet BA4 5DX	4/8/16	Environmental Protection Act 1990	£60	None awarded (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement outside Boots on High Street, Birmingham.
2	Przemyslaw Domek 82 New Street Erdington Birmingham B23 6TU	4/8/16	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement outside Oasis on New Street, Birmingham.
3	Lisa Helen Spellman 155 Waverley Avenue Nuneaton CV11 4RZ	4/8/16	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement outside New Street station on Stephenson Street, Birmingham.
4	Fahmida Hussain 84 Gower Street Walsall WS2 9AZ	12/8/16	Environmental Protection Act 1990	£80	None awarded (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement outside Cosy Club on Waterloo Street, Birmingham.
5	Naila Hussain 22 Highfield Lane Quinton Birmingham B32 1QT	12/8/16	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement outside Aspect Court on Temple Row, Birmingham.

	Name and Address	Date Case Heard	Legislation	Fine/Penalty	Costs	Offence details
6	Bradley Elson 26 Marton Close Birmingham B7 5HU	12/8/16	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement outside Potato Man Van on New Street, Birmingham.
7	Ben Greer Flat7 185 Lea Hall Road Stechford Birmingham B33 8JX	12/8/16	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement opposite Savers on Edgbaston Street, Birmingham.
8	Alexander Cannon 21 West Cliff Road Broadstairs CT10 1PU	12/8/16	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement outside Grand Central on Smallbrook Queensway, Birmingham.
9	Arron Arrowsmith 121 Harden Road Walsall WS3 1ES	12/8/16	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement outside Size on Lower Temple Street, Birmingham.
10	Iain Bloomfield 4 Alton Grove Shipley BD18 2AY	12/8/16	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement outside The Shakespeare on Lower Temple Street, Birmingham.

	Name and Address	Date Case Heard	Legislation	Fine/Penalty	Costs	Offence details
11	Abdulaziz Ahmed Kayed Alhussaini Flat 1 Ebenezer Chapel York Place Bangor LL57 1HE	12/8/16	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement outside Body Shop on New Street, Birmingham.
12	Leanne Adams 42 Ellice Drive Birmingham B36 0QD	12/8/16	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement outside Moor Street station on Moor Street Queensway, Birmingham.
13	Annabell Quirin 102 Green Meadow Road Birmingham B29 4DR	18/8/16	Environmental Protection Act 1990	£35	£80 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement outside Moor Street station on Moor Street Queensway, Birmingham.
14	Bintoe Gibba Gilgal Po 3918 Birmingham B9 5AQ	18/8/16	Environmental Protection Act 1990	£35	£80 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement outside Caffe Nero on Lower Temple Street, Birmingham.
15	Dana Kanciova 128 Brantley Road Aston Birmingham B6 7DP	18/8/16	Environmental Protection Act 1990	£35	£80 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement near Oasis on New Street, Birmingham.

	Name and Address	Date Case Heard	Legislation	Fine/Penalty	Costs	Offence details
16	Simon Evans Flat 1 9 Regent Street New Basford Nottingham NG7 7BJ	18/8/16	Environmental Protection Act 1990	£120	£175 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement outside The Old Cashino on New Street, Birmingham.
17	Kenneth William Donald 95 Merrick Terrace Glasgow G71 6PT	18/8/16	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement outside Centrick Property on Colmore Row, Birmingham.
18	Donna Farrell Flat 22 Berkley House Jarvis Road Birmingham B23 5RU	18/8/16	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement outside building number 33 on Bull Street, Birmingham.
19	Bobbi- Nerelle Phipps 109 Metchley Drive Harborne Birmingham B17 0LB	18/8/16	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement outside JD on New Street, Birmingham.
20	Scott Rowbottom 7 Holly End Quadgeley Gloucester GL2 4UY	18/8/16	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement outside New Street station on Stephenson Street, Birmingham.

	Name and Address	Date Case Heard	Legislation	Fine/Penalty	Costs	Offence details
21	David Swales 2 Gorleston Road London N15 5QR	18/8/16	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement outside New Street station on Smallbrook Queensway, Birmingham.
22	Hannaa Amar 39 Montague Road Birmingham B24 8EG	22/8/16	Environmental Protection Act 1990	£120	£250 (£250 requested)	Pleaded <u>not guilty</u> to one offence of dropping a cigarette butt on the pavement outside Primark on New Street, Birmingham. Found guilty after trial.
23	Tahir Javaid 137a Sarehole Road Birmingham B28 8ED	26/8/16	Environmental Protection Act 1990	£75	£175 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement outside Pret on New Street, Birmingham.
24	Victoria Harrison 41 Main Street Solihull B90 1UB	26/8/16	Environmental Protection Act 1990	£80	£175 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement on Temple Row at the junction to Cherry Street, Birmingham.
25	Jake Alexander Doughty 147 Paget Road Erdington Birmingham B24 0JR	26/8/16	Environmental Protection Act 1990	£80	£175 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement outside Waterstones on High Street, Birmingham.
26	Paul Piercy 12 Wisteria Grove Birmingham B44 9AX	26/8/16	Environmental Protection Act 1990	Absolute Discharge	None awarded (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt down the drain near building number 33 on Bull Street, Birmingham.

	Name and Address	Date Case Heard	Legislation	Fine/Penalty	Costs	Offence details
27	Garie Edward Walsh 46 Reed Court Greenhithe DA9 9FL	26/8/16	Environmental Protection Act 1990	£80	£175 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement outside Grand Central on Smallbrook Queensway, Birmingham.
28	Xia Juan Zheng 163 Worlds End Lane Quinton Birmingham B32 1JX	26/8/16	Environmental Protection Act 1990	£150	£175 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the electrical box near WHSmith on High Street, Birmingham.
29	Charlie Curtis-Blake 94 Exeter Drive Marston Green B37 5NQ	26/8/16	Environmental Protection Act 1990	£74	£100 (£284 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement outside Pizza Hut on New Street, Birmingham. Originally listed for trial.
30	Kieron Wainwright 21 Laxfield Drive Milton Keynes MK10 9NQ	26/8/16	Environmental Protection Act 1990	£80	£90 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement outside Café Nero on Stephenson Street, Birmingham.
31	Jak Paul S W Wright 25 Allerton Road Shrewsbury SY1 4QQ	26/8/16	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement on the corner of New Street and High Street, Birmingham.
32	Melissa Withers 70 Ambleside Bartley Green Birmingham B32 3HS	26/8/16	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement near Pret on New Street, Birmingham.

	Name and Address	Date Case Heard	Legislation	Fine/Penalty	Costs	Offence details
33	Rares Matei 287 Stoney Lane Yardley Birmingham B25 8YG	26/8/16	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement outside the Flight Centre on New Street, Birmingham.
34	Ahmed Cicek 25 walnut Court Vallentin Road London E17 2JL	26/8/16	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement outside Flannels on Lower Temple Street, Birmingham.
35	Mwatitha Adack Flat5 74 City Road Edgbaston Birmingham B16 0HJ	26/8/16	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement opposite Paddy Power on New Street Ramp, Birmingham.
36	Stephen Wheeler 42 George Lane Lichfield WS13 6DX	1/9/16	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement outside Waterstones on Stephenson Place, Birmingham.
37	Kamil Przybysz 67 Sedgley Close Redditch B98 8JR	1/9/16	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement outside Cost Cutter on Bull Street, Birmingham.

	Name and Address	Date Case Heard	Legislation	Fine/Penalty	Costs	Offence details
38	Mark Metcalf Flat 38 Norfolk House 59 Baldwin Road Birmingham B30 3LB	1/9/16	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement outside Pret coffee shop on Colmore Row, Birmingham.
39	Helen Jones 40 Bath Road Banbury OX16 0TP	1/9/16	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement outside Grand Central on Smallbrook Queensway, Birmingham.
40	Kerry Hines 31 Wyre Close Rednal B45 0BL	1/9/16	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement outside Poundland on Corporation Street, Birmingham.
41	Tiffany Glenn Flat 2 3 Lansdowne Road Erdington Birmingham B24 8AR	1/9/16	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement outside New Street station on Stephenson Street, Birmingham.
42	Durate Nuno Teixeira De Freitas 6 Winter House 55B Partridge Knoll Purley CR8 1AZ	1/9/16	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement outside The Flight Centre on New Street, Birmingham.

	Name and Address	Date Case Heard	Legislation	Fine/Penalty	Costs	Offence details
43	Pawel Cwikla 36 Link Road Edgbaston Birmingham B16 0EP	1/9/16	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement outside EE on New Street, Birmingham.
44	Kimberley Butler 13 Rowlands Close Walsall WS2 0JS	1/9/16	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement outside New Street station on Stephenson Street, Birmingham.
45	Justin Price 17 Squires Gate Walk Castle Vale B35 7JN	1/9/16	Environmental Protection Act 1990	£100	£175 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement outside bus stop SH1 on Colmore Row, Birmingham.
46	Kerry Haynes 83 Moor Street Gateshead NE8 3PN	1/9/16	Environmental Protection Act 1990	£40	£175 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement next to bus stop NS1 on Smallbrook Queensway, Birmingham.
47	Sally Lamb 2 Rothbury Avenue Nottingham NG9 3RQ	15/9/16	Environmental Protection Act 1990	£60	None awarded (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement outside St Philips Cathedral, St Philips Place, Birmingham.
48	Iwona Prazak Flat 21 Kings Court 26 Bridge Street Birmingham B1 2JR	23/9/16	Environmental Protection Act 1990	£80	£175 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement outside Tesco in New Street, Birmingham

	Name and Address	Date Case Heard	Legislation	Fine/Penalty	Costs	Offence details
49	Damian James Sarwar 32 Langley Road Birmingham B10 0TL	26/9/16	Environmental Protection Act 1990	£80	£175 (£175 requested)	Pleaded guilty to one offence of dropping a can of pop on the pavement outside Waterstones in High Street, Birmingham
50	Alan Edwards 546 Bordesley Green East Birmingham B33 8RU	29/9/16	Environmental Protection Act 1990	£60	None awarded (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement outside New Street Station in Smallbrook Queensway, Birmingham
51	Paul McInerney 2 October Drive Liverpool L6 4ET	29/9/16	Environmental Protection Act 1990	£145	£175 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement outside New Street Station in Smallbrook Queensway, Birmingham.
52	John Hogan 20 Coxwell Gardens Ladywood Birmingham B16 9EN	29/9/16	Environmental Protection Act 1990	£60	£50 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on a green electrical box, which landed on the pavement outside Waterstones in High Street, Birmingham.
53	Khuram Mehmood 63 Old Farm Road Stechford Birmingham B33 9HH	29/9/16	Environmental Protection Act 1990	£80	£80 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt out of a taxi window opposite McDonalds in Coventry Road, Birmingham

ENVIRONMENTAL HEALTH SIMPLE CAUTIONS

During August and September 2016 three simple cautions were administered.

Food Safety and Hygiene (England) Regulations 2013

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

TRADING STANDARDS

APPENDIX 3

	Name & Address	Date Case Heard	Legislation	Fine/Penalty	Costs	Offence details
1	<p>GSM Mobile Accessories Ltd 113 Hockley Street Hockley Birmingham B19 3DP</p> <p>Rizwan Begg 6 Hernefield Road Shard End Birmingham B34 6PT</p> <p>Techno Computer (UK) Ltd 113 Hockley Street Hockley Birmingham B19 3DP</p> <p>Emraan Mirza 113 Hockley Street Hockley Birmingham B19 3DP</p>	12/9/16 at Birmingham Crown Court	Trade Marks Act 1994	<p>GSM Mobile Fined £500</p> <p>Begg - 6 months imprisonment suspended for 2 years + 80 hours unpaid work + Disqualified from acting as a director for 3 years.</p> <p>Techno – to be sentenced following conclusion of POCA proceedings</p> <p>Mirza - 8 months imprisonment suspended for 2 years +80 hours unpaid work +Disqualified from acting as a director for 3 years.</p>	<p>£3,000</p> <p>(GSM & Begg £1,500 each)</p> <p>(£6,500 requested)</p> <p>Techno & Mirza POCA timetable set.</p>	<p>GSM Mobile and its Director, Rizwan Begg, pleaded guilty to one offence of selling an Apple LCD Complete assembly to a Senior Investigator employed by Apple, which was counterfeit.</p> <p>Techno Computer and its Director, Emraan Mirza, each pleaded guilty to eight offences of possessing for the purpose of supply goods, namely phone batteries and accessories, which bore registered trademarks, namely Apple and Samsung, without the consent of the trade mark proprietors.</p> <p>Originally listed for trial.</p>

TRADING STANDARDS SIMPLE CAUTIONS

During August and September 2016 three simple cautions were administered.

Consumer Protection Act 1987

One caution was issued for selling balance boards which were the subject of a suspension notice prohibiting the sale of the items.

Fraud Act 2006

One caution was issued for engaging in a fraudulent practice falsely claiming to be in the debt recovery and bailiff business.

Cosmetic Products Enforcement Regulations 2013

Electrical Equipment (Safety) Regulations 1994

One caution was issued for making cosmetic products available on the market which failed to comply with the regulations in that the containers and packaging failed to display the required information and a Stella Pro Curler failed to comply with the Electrical Equipment regulations.

CASES FINALISED BY DISTRICT (PLACE OF OFFENCE) – AUGUST AND SEPTEMBER 2016

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	1	0	2	0	4	0	0	0	0	0	0	7
Environmental Health (FPNs) Not paid and prosecuted	0	0	0	0	53	0	0	0	0	0	0	53
Environmental Health (non FPNs)	1	2	2	3	12	1	3	3	0	1	0	28
Trading Standards	0	0	0	0	1	0	0	0	0	0	0	1

CASES FINALISED BY DISTRICT (DEFENDANT'S HOME ADDRESS/REGISTERED OFFICE) – AUGUST AND SEPTEMBER 2016

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	1	0	3	0	0	0	2	0	0	1	0	7
Environmental Health (FPNs) Not paid and prosecuted	4	6	1	0	7	3	2	0	0	4	26	53
Environmental Health (non FPNs)	0	0	1	3	8	1	3	4	0	2	6	28
Trading Standards	0	0	0	0	1	0	0	0	0	0	0	1

CASES FINALISED BY DISTRICT (PLACE OF OFFENCE) – APRIL-SEPTEMBER 2016

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	2	1	4	0	13	0	0	0	0	0	0	20
Environmental Health (FPNs) Not paid and prosecuted	0	3	0	0	299	0	0	0	0	0	0	302
Environmental Health (non FPNs)	1	7	6	7	22	4	6	9	1	4	0	67
Trading Standards	0	2	0	0	4	0	0	0	1	1	0	8

CASES FINALISED BY DISTRICT (DEFENDANT'S HOME ADDRESS/REGISTERED OFFICE) – APRIL-SEPTEMBER 2016

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	1	0	6	1	3	0	6	0	0	1	2	20
Environmental Health (FPNs) Not paid and prosecuted	22	27	16	15	28	16	11	3	3	12	149	302
Environmental Health (non FPNs)	0	3	4	7	18	3	6	9	0	6	11	67
Trading Standards	0	2	0	0	1	0	0	0	1	1	3	8

WASTE ENFORCEMENT UNIT – ENFORCEMENT ACTIVITY
APRIL 2016 – SEPTEMBER 2016

	Apr-16	May-16	Jun-16	Jul-16	Aug-16	Sep-16	Total 2016/2017
Waste Investigation Outcomes							
Investigations into commercial waste disposal suspected offences and offences	22	44	69	62	66	96	359
<i>Section 34 Environmental Protection Act</i> demand notices issued: (trade waste statutory information demands)	14	95	64	53	25	71	322
<i>Section 34 Environmental Protection Act</i> fixed penalty notices issued to businesses (£300)	7	2	15	34	26	14	98
<i>Section 87 Environmental Protection Act.</i> Fixed Penalty notices issued for commercial and residential litter offences (£80)	4	13	10	11	8	7	53
Prosecutions							
Number of prosecution files submitted to legal services (number produced quarterly)			11			17	28