

# **BIRMINGHAM CITY COUNCIL**

## **LICENSING AND PUBLIC PROTECTION COMMITTEE**

**WEDNESDAY, 18 DECEMBER 2019 AT 10:30 HOURS**  
**IN COMMITTEE ROOMS 3 & 4, COUNCIL HOUSE, VICTORIA**  
**SQUARE, BIRMINGHAM, B1 1BB**

*Please note a short break will be taken approximately 90 minutes from the start of the meeting and a 30 minute break will be taken at 1300 hours.*

### **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](http://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 - 14**

**4     MINUTES**

To confirm and sign the Minutes of the meeting held on 23 October, 2019.

**15 - 26**

**5     LPPC BUDGET MONITORING QUARTER 2 REPORT**

Joint Report of the Interim Assistant Director of Regulation & Enforcement and Interim Director of Finance

**27 - 36**

**6     ILLICIT TOBACCO UPDATE REPORT - DEC 2019**

Report of the Interim Assistant Director of Regulation & Enforcement

<b><u>37 - 42</u></b>	7	<b><u>LOCAL AUTHORITY DELEGATIONS DEC 2019</u></b>	Report of the Interim Assistant Director of Regulation & Enforcement
<b><u>43 - 48</u></b>	8	<b><u>OUTCOME OF APPEALS - SEPTEMBER - OCTOBER 2019</u></b>	Report of the Interim Assistant Director of Regulation & Enforcement
<b><u>49 - 88</u></b>	9	<b><u>PROSECUTIONS &amp; CAUTIONS - SEPTEMBER &amp; OCTOBER 2019</u></b>	Report of the Interim Assistant Director of Regulation & Enforcement
<b><u>89 - 94</u></b>	10	<b><u>FIXED PENALTY NOTICES OCTOBER 2019</u></b>	Report of the Interim Assistant Director of Regulation & Enforcement
<b><u>95 - 98</u></b>	11	<b><u>CHAIR'S AUTHORITY OCTOBER - NOVEMBER 2019</u></b>	Report of the Interim Assistant Director of Regulation & Enforcement
<b><u>99 - 100</u></b>	12	<b><u>SCHEDULE OF OUTSTANDING MINUTES</u></b>	To consider the schedule of outstanding minutes
	13	<b><u>OTHER URGENT BUSINESS</u></b>	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.
	14	<b><u>AUTHORITY TO CHAIRMAN AND OFFICERS</u></b>	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  
23 OCTOBER 2019**

**MINUTES OF A MEETING OF THE LICENSING  
AND PUBLIC PROTECTION COMMITTEE HELD  
ON WEDNESDAY, 23 OCTOBER 2019 AT 1030  
HOURS IN COMMITTEE ROOMS 3 AND 4,  
COUNCIL HOUSE, BIRMINGHAM**

**PRESENT:** - Councillor Phil Davis in the Chair;

Councillors Olly Armstrong, Bob Beauchamp, Nicky Brennan, Neil Eustace, Adam Higgs, Nagina Kauser, Mike Leddy, Bruce Lines, Mary Locke, Chauhdry Rashid and Martin Straker-Welds.

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**NOTICE OF RECORDING/WEBCAST**

- 1226 The Chair advised that the meeting would be webcast for live and subsequent broadcast via the Council's internet site ([www.civico.net/birmingham](http://www.civico.net/birmingham)) and that members' of the press/public may record and take photographs except where there were confidential or exempt items.

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**DECLARATIONS OF INTEREST**

- 1227 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.

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**APOLOGIES**

- 1228 Apologies were received from Councillors Majid Mahmood, Simon Morrall and Mike Sharpe for non-attendance.
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**MINUTES**

- 1229 The Minutes of the meeting held on 11 September 2019, having been previously circulated were confirmed and signed by the Chair.
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**The business of the meeting and all discussions in relation to individual reports are available for public inspection via the web-stream.**

**LICENSING AND AUTHORITY POLICIES, PROCEDURES AND DELEGATIONS**

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

(See Document No. 1)

Emma Rohomon, Acting Head of Licensing, made introductory comments relating to the report. She referred to Appendix 1 and the following amendments: (page 12 Policy PHVSpec2 to be re-numbered) and typographical error on (page 13 Policy PHVSign 5 – to include “it must be displayed in the front windscreen.”

Paul Lankester, Interim Assistant Director of Regulation and Enforcement updated on the Safety Advisory Group’s (SAG’s).

He confirmed that as the policy had now been approved by the Leader therefore nominations were now being sought in order that they could be dealt with at the next City Council meeting. He subsequently explained the consistency of the new membership, the reasons why the changes had been made and the importance of having the correct governance system in place.

He reported that SAG’s had no formal decision-making responsibilities in terms of enforcement, and that they could only make recommendations to what should take place, and it would then be up to the Lead Officer to undertake the appropriate action.

At the request of the Chair, Paul agreed to circulate the Cabinet decision document to all members of the Committee in due course. He confirmed that the policy document and procedure would be reviewed once it had been in operation for 12 months, adding that some training in this area could be incorporated for members and especially for those that sat on SAG’s which was a requirement.

He confirmed that there would be a presentation on the draft principles of the new Street Trading policy at the next committee meeting, explaining the need for adequate control in this area of work.

The Chair referred to the Commonwealth Games and associated issues relating to Trading Standards and other aspects of Environmental Health which would be a point of discussion for the Committee in the near future.

Upon further consideration, it was :

1230

**RESOLVED: -**

- (i) That the Committee approved the scheme of delegations detailed within the report and;
  - (ii) the 2 amendments detailed in the preamble.
- 

**UPDATE REPORT ON UNAUTHORISED ENCAMPMENTS**

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

(See Document No. 2)

Mark Croxford, Head of Environmental Health, provided a comprehensive breakdown of the report.

In response to Members' comments and concerns, Mark referred to the capital funding that was being negotiated with colleagues in Housing in order to bring the two transit sites into operational use, while confirming that at this given time, was unable to provide a date as to when all the work would be brought forward.

Mark reported on the up to date position regarding Tameside Drive and the associated issues relating to the tenancy with the need to regularise the tenancy, so that once people were on the site, there was not a problem with having a proportion being a settled site, whereupon they would pay rent for their pitch, and any remaining pitches would be used as a transit site.

Mark briefly explained the issue regarding the supply and demand for pitches, and how they were looking to address this through government in being able to utilise pitches in other parts of the West Midlands, as well as, looking into the possibility for the provision of an overspill site.

He reported that pest control would be responsible for the cleanliness of the site and if there was a need for contractors to intervene, then the service would be financially supported by the money received. He highlighted that both the Department and Housing were committed to making this work.

Mark agreed to provide to Members the relevant information requested regarding travellers and encampments in due course.

The Chair referred to the usefulness of being provided with the appropriate standard advice and process in dealing with travellers' encampments; the importance of being supportive of officers that were dealing with these issues in a very professional manner, and the changes that would be hopefully introduced in dealing with unauthorised encampments in a more effective and timely fashion.

Upon further consideration, it was:

1231

**RESOLVED:-**

- (i) That the report be noted and Outstanding Minute Number 1169 be discharged;
- (ii) that the Committee requested a further report be brought in 3 months to update on the various work items contained within this report;
- (iii) that the letter at Appendix 2 be approved subject to the comments of the portfolio Holder for Homes and Neighbourhoods.

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**PROSECUTIONS AND CAUTIONS REPORT – AUGUST 2019**

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

(See Document No. 3)

Paul Lankester, Interim Assistant Director, Regulation and Enforcement made introductory comments relating to the report.

Upon further consideration, it was:

1232

**RESOLVED:-**

That the report be noted.

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**OUTCOME OF APPEALS AGAINST SUB COMMITTEE DECISIONS:  
AUGUST 2019**

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

(See Document No. 4)

Emma Rohomon, Acting Head of Licensing, made introductory comments relating to the report. She highlighted that in future, any costs awarded or not by the Court would be detailed within the report.

Upon further consideration, it was:

1233

**RESOLVED:-**

That the report be noted.

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**SCHEDULE OF OUTSTANDING MINUTES**

The following schedule of Outstanding Minutes was submitted:-

(See Document No. 5)

Discharged under item 6.

1234 **RESOLVED:-**

That Outstanding Minute No. 1169 be discharged under item 6 and all other Outstanding Minutes be continued.

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**OTHER URGENT BUSINESS**

- 1235 The Chair was of the opinion that the following items could be considered as matters of other urgent business in order to expedite consideration thereof and instruct officers to act if necessary: -

**Retro-fitting of Hackney Carriage Vehicles – LPG**

The Chair agreed to make notice of the above-mentioned item raised by Councillor Lines.

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**AUTHORITY TO CHAIR AND OFFICERS**

1236 **RESOLVED:-**

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

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At 11:20 there was an adjournment to 12:15.

**CONTROL OF SEX ESTABLISHMENTS – SEXUAL ENTERTAINMENT  
VENUE, ADULT WORLD, 1 HINCKLEY STREET, BIRMINGHAM B5 4EB**

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

(See document No. 6)

The following people were in attendance for the hearing: -

Ryan McNulty	-	Director of Coventry Road Lingerie Limited
Doug Wright	-	Licensing Enforcement Officer
David Kennedy	-	Licensing Officer
Gary Stevens	-	Old Rep Theatre
Derek Pitt	-	Birmingham Ormiston Academy

At this junction, the Chair welcomed everyone to the meeting and made the necessary introductions. He outlined the running order of the business and times each party would have to make their representation and summary.

The Chair after seeking confirmation that the applicant did not wish to make any preliminary points invited the Licensing Officer to present the report.

David Kennedy, Licensing Section, made introductory comments relating to the report.

Ryan McNulty, Director of Coventry Road Lingerie Limited made the following comments in support of an application renewal for Adult World, 1 Hinckley Street, Birmingham, B5 4EB:

- He apologised to the representatives of the Old Rep Theatre and Birmingham Ormiston Academy at the beginning of the Hearing for any issues arising in a troubled area of Birmingham.
- He referred to the 4 CCTV's that had been recently installed at the front door of the SEV premises covering the surrounding area, which could be accessed by the Old Rep Theatre at any time, if there were any outdoor issues on Hinckley Street, adding that the cameras recorded over 30 days.
- He highlighted that the SEV premises had remained unchanged since he had taken over the business 3 months ago and that no changes had been sought on the SEV licence as part of the renewal application. He added that the staff employed by the business had worked there for the past 4 to 5 years.

In response to Members' questions, Ryan McNulty made the following points:

- The business had been trading for 18 years on Hinckley Street without any objection and as a SEV premises for 12 months.
- He had been a licensee for 6 years for two sex establishments in Small Heath, again without any objection.

Doug Wright, Licensing Enforcement Officer, reported that there were no residential premises nearby Adult World and the entrance to the premises was some distance away from the shops located at Grand Central Station to be considered an issue.

He reported that families using the facilities at the Old Rep Theatre and the Comfort Inn both located in Station Street and the Holiday Inn nearby Hill Street, and subsequently referred to the map detailing the following places of interest; Grand Central, John Lewis and the indoor market and their location in relation to Adult World.

He reported that Adult World had 3 licences on the premises; the shop, the cinema and the SEV shop. The cinema had been operating since 2010 without any representations or complaints and the SEV enforced since 2018.



He referred to the Big City Plan highlighting that there was no specific mention of Hinckley Street or Dudley Street albeit the redevelopment of New Street Station had now been completed.

At this juncture, Gary Stevens, Old Rep Theatre, made the following comments in objecting to the renewal of the SEV licence in respect of Adult World, 1 Hinckley Street, Birmingham B5 4EB:

- Hinckley Street was poorly lit and troubled with homelessness and drug issues, attracting people to sit in their cars.
- The Old Rep had developed a robust and educational complex whereby students from Birmingham Ormiston Academy used the facilities during the day through to the evening shows and children from 5 years upwards attended the youth theatre at the venue.
- There were safeguarding concerns, as its customer base profile was mainly young families and students aged 16 plus who visited the premises through the back-stage door on Hinckley Street.
- The back-stage door was several metres away from Adult World and served also as an access point for disabled customers.
- The Old Rep had issued guidance to students on travelling arrangements to its venue following an incident that occurred 14 months ago when a female student had been approached by a male in a car near to Adult World, although, could not confirm whether the male involved was in the vicinity, as a result of Adult World.
- The Old Rep and Birmingham Ormiston Academy had made several complaints to West Midland Police up until August 2019, however, confirmed that the evidence they held, could not be considered as a direct result of Adult World.

At this juncture, Derek Pitt, Birmingham Ormiston Academy, made the following comments in objecting to the renewal of the SEV licence in respect of Adult World, 1 Hinckley Street, Birmingham B5 4EB:

- Reference was made to Hinckley Street and how it was perceived by families, students and children having to walk past Adult World in order to get to the back-stage door of the Old Rep in poor street lighting.
- As some customers visiting the Old Rep had felt uncomfortable and vulnerable, it was highlighted that safeguarding was taken seriously due to the perception of a SEV premises located close by.
- Students attending the Old Rep during the year for schooling and for productions, would use the back-stage door to access the venue in order that they could be registered and counted which was all part of their safeguarding and wellbeing programme.

- It was noted that the front entrance of the Old Rep was not used due to the internal layout of the premises having different levels making access unsuitable for its visitors.

In response to a Members' questions the following points were made:

- Both representatives expressed concerns about undesirables on Hinckley Street baiting female students based on 2 complaints received some 12 to 18 months ago, albeit, could not confirm that they were attributable to Adult World.
- It was noted that there were parking restrictions on Hinckley Street which meant that only loading could take place for 30 minutes.
- It was noted that if the door of the premises was open, it could be seen that lap dancing was advertised.

The Licensing Officer confirmed that the licensee was compliant with the conditions, and the signage was in line with what would be expected from that type of establishment.

At this juncture, Gary Stevens, Old Rep Theatre and Derek Pitt, Birmingham Ormiston Academy provided very brief submissions in their objections to the renewal of the SEV licence.

Ryan McNulty, Director of Coventry Road Lingerie Limited, provided a very brief submission in support of the application renewal.

At 1328 hours the Committee adjourned, and the Chair requested that all present except for the Members, the Committee Lawyer and Committee Manager withdraw from the meeting.

After an adjournment, all parties were recalled to the meeting at 1338 hours and the decision of the Committee to grant the renewal application was announced with Ryan McNulty, Director of Coventry Road Lingerie Limited, being advised of the full decision and reasons as set out below in due course:-

1237

**RESOLVED:-**

That, having considered the application for renewal for the Sexual Entertainment Venue licence held under the Local Government (Miscellaneous Provisions) Act 1982, Schedule 3 by **Coventry Road Lingerie Limited**, in respect of: **Adult World, 1 Hinckley Street, Birmingham, B5 4EB** upon the representations by other persons.

**BE GRANTED SUBJECT TO THE FOLLOWING CONDITION**

**1. That the outline of the former illuminated sign of a woman displayed high above the front entrance of the premises is removed either by way of cleaning the façade or covered over with paint or other suitable method.**

At the start of the hearing, the Principal Licensing Officer presented the agenda report and confirmed that none of the mandatory grounds for refusal were engaged by the application.

Members noted the applicant conveyed his apologies to the representatives of the Old Rep and Birmingham Ormiston Academy at the beginning of the hearing for any issues in a troubled area of Birmingham. The applicant stated 4 CCTV's were recently installed at the front door of the SEV premises covering the surrounding area which could be accessed at any time by the Old Rep if there were any problems outside on Hinckley Street.

The applicant made clear that the SEV premises remained the same since he took over the business 3 months ago and that no changes were sought on the SEV licence as part of the renewal application. In response to Member's questions, the applicant explained the business has been trading for 18 years on Hinckley Street without any objection and as a SEV premises for a year, and that he was a licensee for 6 years for two sex establishments in Small Heath, again without any objection.

Members then carefully considered the written and oral representations made by those representing The Old Rep, and Birmingham Ormiston Academy who objected to the renewal of the SEV licence based on the perception of Adult World on Hinckley Street. The Licensing Enforcement Authority's inspection of the premises was also considered as submitted in writing and orally at the hearing.

The representative for the Old Rep spoke first explaining that Hinckley Street is poorly lit and troubled with homelessness and drug issues, attracting people to sit in their cars. The Old Rep had safeguarding concerns as its customer base profile was primarily young families and students aged 16 plus who visited the premises through the back-stage door on Hinckley Street. It was noted, the back-stage door was a few metres away from Adult World and served also as an access point for disabled customers. The Old Rep had issued guidance to students on travelling arrangements to its venue following an incident that occurred 14 months ago when a female student was approached by a male in a car near to Adult World.

The representative also commented in response to a member's question that both the Old Rep and Birmingham Ormiston Academy had made complaints to the Police up until August and conceded none of the evidence they had was directly attributable to Adult World.

The Birmingham Ormiston Academy's representative then addressed members on how Hinckley Street was perceived by families and children having to walk past Adult World in order to get to the back-stage door of the Old Rep in poor street lighting. The representative explained the front entrance of the Old Rep was not used due to the internal layout of the premises which had different levels making access unsuitable for its visitors.

In response to member's questions both representatives expressed concerns about undesirables on Hinckley Street baiting female students based on 2

complaints received 12 to 18 months ago. Some of the customers visiting the Old Rep felt uncomfortable and vulnerable, and as such safeguarding was taken seriously due to the perception of a SEV premises located a few metres away.

During closing submissions, members noted the SEV premises was compliant with the SEV licensing conditions and did not attract any comment from West Midlands Police during the representation period prior to the hearing. Further, there were parking restrictions on Hinckley Street that meant only loading could take place for 30 minutes. It was noted, the applicant had retained existing employee's on acquiring the business a few months ago who were quite familiar with the trading business and had gone the extra length to install 4 CCTV's outside the front entrance to assist his immediate neighbours.

Under the 1982 Act, the Committee has the discretion to refuse applications relating to sexual entertainment venues on the grounds that the grant or renewal of the licence would be inappropriate, having regard to the character of the relevant locality. For the purposes of the 1982 Act the relevant locality means, in relation to premises, the locality where the premises are situated. Members therefore considered whether the renewal of SEV licence would be inappropriate having regard to the character of that locality as described by the objectors.

The Committee considered the locality of the SEV had been characterised by the two representatives based on their perception of Hinckley Street, and that of their customer's travelling experiences of having to walk past Adult World to access the Old Rep via it's back-stage door. The Committee noted the feel of the locality was influenced by the issue of poor street lightening, and passers-by on the street that could be homeless or vulnerable individuals, both of which were outside of the applicant's and the Committee's control.

The nature of the clientele that sexual entertainment venues may attract, and their behaviour outside the premises, may also be inappropriate in the context of the character of the locality in which the premises are situated, however, Members could not find any evidential and causal links between the two incidents commented on by the objectors that occurred 12 to 18 months ago to the SEV premises. The same finding applied to the purported reports of incidents to the police by the objectors which were non- particularised. The Committee determined the objectors gave anecdotal information that was vague in detail which could not be directly associated with the SEV premises or it's business.

In the absence of any representation from West Midland Police on crime and or disorder occurring in the vicinity of the SEV premises, members considered Adult World was a compliant business [as did the Licensing Enforcement Officer] that should be allowed to continue with it's operation under a renewed licence subject to one condition. Members identified from the photo's attached to the agenda report, an image of a female above the front door of the SEV appeared to be visible and that could be covered over with paint to make the building exterior as plain as is possible to passers-by.

**Licensing and Public Protection Committee – 23 October 2019**

All parties are reminded that under the provisions contained within Schedule 3, paragraph 27 of the Local Government (Miscellaneous Provisions) Act 1982, the applicant has a right of appeal against the decision of the Licensing Authority to the Magistrates' Court, such an appeal to be made within twenty-one days of the date of notification of the decision.

The meeting concluded at 1340 hours.

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CHAIRMAN



<b>Report to:</b>	<b>LICENSING AND PUBLIC PROTECTION COMMITTEE</b>	
<b>Report of:</b>	<b>INTERIM ASSISTANT DIRECTOR REGULATION AND ENFORCEMENT AND INTERIM DIRECTOR FINANCE</b>	
<b>Date of Decision:</b>	<b>18 DECEMBER 2019</b>	
<b>SUBJECT:</b>	<b>LICENSING AND PUBLIC PROTECTION BUDGET MONITORING 2019/20 - QUARTER 2</b>	

<b>1. Purpose of Report:</b>
<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 September 2019 (Quarter 2) 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>

<b>2. Decision(s) Recommended:</b>
<p>The Licensing and Public Protection Committee is requested to :</p> <p>2.1 Note the latest Revenue budget position at the end of September 2019 (Quarter 2) 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 4.</p>

<b>Lead Contact Officer(s):</b>	<b>David Jones, Finance Manager – Services Finance</b>
<b>Telephone No:</b> <b>E-mail address:</b>	0121 675 0580 <a href="mailto:david.jones@birmingham.gov.uk">david.jones@birmingham.gov.uk</a>

<b>3.</b>	<b>Consultation</b>
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 Interim Assistant 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>

<b>4.</b>	<b>Compliance Issues:</b>
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 2) 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 Director of Finance (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 were no adjustments in the first quarter. However, quarter 2 has seen a number of changes including
- i) the transfer of the Waste Enforcement function (and budget) from Environmental Health to Street Scene
  - ii) First phase of the implementation of the management restructure – the remaining element will be adjusted in 2020/21 budget
  - iii) Additional budget resource for 2 FTE Environmental Planning Officers funded through another Division for 2 years (only part year in 2019/20).
- 5.3 The changes are summarised in the table below:

	£'m
<b>Original Budget 2019/20 Reported to LPPC 13 March 2019</b>	<b>6.986</b>
Quarter 1 – <i>no changes</i>	0.000
<u>Quarter 2</u>	
Transfer of Environmental Waste Enforcement Budget to Street Scene	(0.472)
PL126 Management Restructure (phase 1 in 2019/20)	(0.124)
Additional Budget for Environmental Planning Officers (part year)	0.027
<b>Current Approved Net Revenue Budget</b>	<b>6.417</b>

- 5.4 The current approved budget for this Committee is therefore £6.417m.
- 5.5 The City Council has well-established arrangements for monitoring spending against the cash limited budgets allocated to Directorates and Committees.
- 5.6 Reports are presented to Cabinet on a quarterly basis on the overall city-wide financial position. 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)**

- 5.7 The total expenditure at Quarter 2 (end of September 2019) is £3.131m. this excludes costs relating to the 1974 Inquest (£3.380m) as these are in the process of being reimbursed and will not be a financial pressure on this committee.
- 5.8 This is £0.709m below the net position expected for this time of year mainly due to the significant variation (£0.595m) on Highways Licensing.
- 5.9 An overall year end net surplus of (£0.396m) is being forecast formally.

- 5.10 Mitigating action has been implemented in most service areas – including additional contract work that has been delivered by Pest Control. Income generation at Register Office and additional external funding for Trading Standards.
- 5.11 Budgets continue to be managed rigorously. Any changes will be reported in future reports.
- 5.12 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.

<b>Forecast Year End Variations – Quarter 2</b>			
<b>Budget Head</b>	<b>Savings Programme £'m</b>	<b>Base Budget (underspend) / Pressures £'m</b>	<b>Total (underspend) / Pressures £'m</b>
Environmental Health	0.000	(0.448)	(0.448)
Pest Control	0.000	(0.174)	(0.174)
Register Office	0.000	(0.152)	(0.152)
Mortuary and Coroners	0.000	0.352	0.352
Trading Standards	0.000	(0.091)	(0.091)
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
<b>TOTAL</b>	<b>0.000</b>	<b>(0.396)</b>	<b>(0.396)</b>

The key components of the projection include:

- **Environmental Health (£0.448m underspend) - and Pest Control (£0.174m underspend)**

Environmental Health is holding vacancies to meet budget pressures across the Division and is forecast to benefit from surplus income.

The Pest Control Service is meeting its income generation target and has secured additional short term contract work that is generating a small surplus during this financial year.

The income derived from cleaning and remediation works at unauthorised encampment sites is expected to reduce from November onwards, including future years due to the opening of the Proctor Street Travellers Transit site.

- **Mortuary and Coroners (£0.352m pressure)**

The Coroners service has a number of pressures this year, which is mainly the cost of additional coronial staff (£0.216m) for which there is no available budget capacity.

Additional pressure of £0.084m is also in employees - the West Midlands Police funding for Coroner Investigators (transferred to this service in July 2015) has reached its first taper-down point (reducing by £0.084m). This funding is set to reduce down again in 2021/22, by a further £0.084m.

The remaining £0.052m pressure is a combination of unplanned property repairs needed to the Mortuary and to the main building such as roof repairs, significant repairs to the floor of the main room used for filing purposes and repairs to rectify general wear and tear on the whole building.

In addition there are ongoing pressures in respect of the continued need to rely on hiring-in of temporary ventilation systems (also for the mortuary) – the provision of additional courtroom facilities and the technical support which is required in respect of this, and the effects of the volume of cases affecting the Coroner (for example: post mortems, pathology, laboratory fees, witnesses, jurors and independent legal advice).

One area of pressure is from the need to provide additional courtrooms to deal with the case load. This is expensive and is being mitigated with both a medium term and long term approach:

- In the medium term this high cost will be partly mitigated by converting Birmingham Council premises at Margaret Street (to be operational from December 2019).
- In the longer term it is proposed to address this by pursuing alternative larger building accommodation for the service. The plan is for all the courts and associated support to be accommodated together to achieve economies of scale – and work is ongoing on the potential options.

- **Trading Standards (£0.091m saving)**

Trading Standards will continue to utilise additional income through sharing costs of officers assigned to projects and securing external funding for anti-counterfeiting and anti-knife crime 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 2 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.
- Mortuary and Coroners - pressures relating to the 1974 Inquest (currently £3.380m) will be met by specific Government Funding. This has been confirmed in writing by the Ministry of Justice.
- Mortuary and Coroners - pressures relating to need to provide additional courtrooms is being mitigated through the conversion of council premises at Margaret Street and progressing longer term property options seeking to accommodate the whole service in one location.

### **Capital (Appendix 3)**

- 5.13 The Capital programme for security and essential health and safety works in the mortuary including ventilation solutions is being reviewed and updated.
- 5.14 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 Intelligence Team.

### **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 £3.961m in 2019/20.
- 6.4 The expenditure at the end of September 2019 was £1.806m (46%) this is a reasonable level for half-way through the year - and it is anticipated that the programme will fully spend the grant allocated.

### **Regional Intelligence Team**

- 6.5 The Regional Intelligence Team (Scambusters) investigates and takes action against fraudsters operating across council boundaries in the central region.
- 6.6 Funding has been confirmed at £0.320m (the same level as in 2018/19).
- 6.7 The expenditure at the end of September 2019 was £0.131 (41%) – again this is also reasonable for this point in the year and the service is expected to fully spend the grant by the year end.

## **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 £0.304m at the end of Quarter 2 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 are running with a delay this financial year- so far only one payment has been received totalling £0.105m.

<b>8.</b>	<b>Balances and Reserves:</b>
8.1	The reserves at Quarter 2 are shown in Appendix 4. These currently total £1.614m and are ring-fenced.
8.2	There is a contribution to reserves from Revenue during the year of £0.116m, this was approved by Cabinet on Tuesday 29 October 2019 and has been implemented.
8.3	This reflects a decision at the Licensing and Public Protection Committee in June 2019 to ensure that the General Licensing underspend from 2018/19 is reflected in the ring-fenced reserve.
8.4	All planned income and expenditure on reserves will be reported to this Committee.

<b>9.</b>	<b>Evaluation of Alternative Option(s):</b>
9.1	During the year ahead the financial position will continue to be closely monitored and options identified to resolve budgetary pressures as necessary.

<b>10.</b>	<b>Reasons for Decision(s):</b>
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 2.
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.

<b>Signatures</b>
Paul Lankester Interim Assistant Director Regulation and Enforcement .....
Rebecca Hellard Interim Director of Finance .....
Date .....

<b>List of Background Documents used to Compile this Report:</b>
Licensing & Public Protection - Revenue and Capital Budget 2019/20 – 13 March 2019
Licensing & Public Protection – Budget Monitoring 2019/20 – Quarter 1 – 13 September 2019

<b>List of Appendices accompanying this Report (if any):</b>
Appendix 1 - Financial Performance Statement and Forecast Outturn
Appendix 2 - Savings Programme Performance
Appendix 3 - Capital Programme
Appendix 4 - Ring-Fenced Balances and Reserves
<b>Report Version</b> 3.2 <b>Dated</b> 03 December 2019



## Licensing and Public Protection - Financial Summary

Quarter 2

## Analysis A - Total per Service Area

	Year to Date			Annual		
	Budget	Actual	Variance	Budget	Forecast	Variance
	£'000	£'000	£'000	£'000	£'000	£'000
Environmental Health	1,376	1,380	4	2,752	2,304	(448)
Pest Control	144	(31)	(175)	276	102	(174)
Reg'n Births,Deaths&	442	231	(211)	731	579	(152)
Mortuary/Coroners *	1,015	1,133	117	1,594	1,946	352
Trading Standards	585	547	(38)	1,171	1,081	(91)
Licensing & Enforcemnt	216	446	230	(89)	27	116
Public Rights Of Way	38	36	(2)	75	75	0
Highway Licences	45	(550)	(595)	(49)	(49)	0
NRSWA Licences	(22)	(62)	(40)	(44)	(44)	0
<b>Net Expenditure</b>	<b>3,839</b>	<b>3,131</b>	<b>(709)</b>	<b>6,417</b>	<b>6,021</b>	<b>(396)</b>

\* excludes 1974 Inquest 3,380

## 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	5,043	5,202	158	10,102	9,772	(330)
Premises	528	433	(95)	848	854	6
Transport and moveab	91	65	(25)	181	197	16
Supplies and Service *	1,260	574	(686)	2,429	2,197	(232)
Capital Financing	109	109	(0)	217	217	0
Recharge Expenditure	440	441	1	588	588	0
<b>Total Expenditure</b>	<b>7,470</b>	<b>6,824</b>	<b>(646)</b>	<b>14,365</b>	<b>13,825</b>	<b>(540)</b>
Rev Income *	(3,522)	(3,588)	(66)	(7,730)	(7,587)	144
Below the Line Adjusts	(109)	(105)	4	(217)	(217)	0
<b>Net Expenditure</b>	<b>3,839</b>	<b>3,131</b>	<b>(709)</b>	<b>6,417</b>	<b>6,021</b>	<b>(396)</b>

\* excludes 1974 Inquest - Supplies/Servs 1,277

\* excludes 1974 Inquest - Rev Income 2,103

## Licensing and Public Protection - Savings (Consultation November 2018)

## Quarter 2

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 2

	Year to Date			Annual		
	Budget	Actual	Variance	Budget	Forecast	Variance
	£'000	£'000	£'000	£'000	£'000	£'000
Mortuary/Coroners	0	0	0	278	278	0
<b>Net Expenditure</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>278</b>	<b>278</b>	<b>0</b>

## Licensing and Public Protection - Reserves

Quarter 2

	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
<b>Ring-Fenced Licensing Reserves</b>					
Hackney Carriage and Private Hire	(237)	0	0	79	(158)
Entertainment and General *	0	(116)	0	0	(116)
<b>Ring-Fenced Grant Reserves</b>					
England Illegal Money Lending Team	(295)	0	0	0	(295)
<b>Ring-Fenced Proceeds of Crime Act</b>					
Trading Standards (Birmingham) **	(374)	0	0	0	(374)
Illegal Money Lending (England) **	(708)	0	0	0	(708)
<b>Total</b>	<b>(1,614)</b>	<b>(116)</b>	<b>0</b>	<b>79</b>	<b>(1,651)</b>

\* Entertainment and General appropriation to reserve included in Cabinet Report 29 October 2019

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

**18<sup>th</sup> December 2019**  
**ALL WARDS**

**Trading Standards – illicit tobacco update**

1. **Summary**

- 1.1 The report is to inform Committee of the work undertaken by the Trading Standards Service in delivering its service priority “Community Safety – prevent the sale of illicit/counterfeit alcohol and tobacco”. Illicit tobacco relates to both counterfeit, foreign labelled and non-duty paid products.

2. **Recommendation**

- 2.1 That the report be noted.

Contact Officer: Donna Bensley, Operations Manager (Chief Inspector of Weights and Measures)  
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### 3. **Background**

3.1 Controlling the supply of illicit tobacco remains a priority area for Birmingham Trading Standards.

3.2 The Chartered Trading Standards Institute (CTSI) has recently published the outcomes of the Tobacco Control Survey England 2018/19. The report can be read in its entirety here;

<https://www.tradingstandards.uk/media/documents/news--policy/tobacco-control/ctsi-tobacco-report-201819-final-version.pdf>

3.3 129 councils (out of 151 who undertake tobacco control), responded to the online survey. Although this response rate is of 85% high, the base for some findings does vary as not every respondent answered every question.

Respondents were asked which core tobacco control activities their council undertook (from a list of seven) in the financial year 2018/19.

98% of councils undertook at least one type of activity. Two councils replied no to all the activities outlined.

The activity most frequently undertaken related to illicit tobacco products (95%), with the least common activity (28%) being activities in relation to SPoT. (Standardised Packaging).

3.4 Statistics released in July 2019 by the Office of National Statistics show that 16.2% of people in Birmingham smoke - up from 13.7% in 2017. It's the highest proportion of smokers recorded in the city since 2014, when 17.9% of the population considered themselves current smokers

<https://www.birminghammail.co.uk/news/health/more-people-birmingham-taking-up-16522021>

3.5 In May 2018 a report from Public Health England revealed that people were admitted to hospital in Birmingham for smoking-related diseases on 9,107 occasions in 2016-17. In total it cost the NHS more than £15m to treat people in Birmingham for these diseases in hospital during that period.

<https://www.birminghammail.co.uk/news/midlands-news/smoking-putting-more-brummies-hospital-14667840>

3.6 Over the last ten years the price of tobacco has increased by 97%. The price of tobacco increased by 50% relative to retail prices; as a result, tobacco has become 30% less affordable since 2008. Cigarette smoking prevalence is higher in more deprived areas of England compared with less deprived areas.

3.7 The work that Birmingham Trading Standards does helps to reduce the prevalence of supply of cheap, illicit tobacco and is focussed on the following objectives:

- Protecting Health by preventing access to cheap tobacco products
- Supporting legitimate business by creating a level playing field

- Preventing tax evasion
- Undertaking Proceeds of Crime cases
- Undertaking intelligence led operations
- Identifying other areas of criminality such as modern slavery, illegal immigration and organised crime groups and sharing that information with partner agencies.

#### 4. **Birmingham's outcomes for 2018/19**

- 4.1 A total of 105 complaints were received regarding illicit tobacco; this resulted in 81 visits to premises. The intention of the visits was to initially provide trader advice; these included sixty four small retailers, five independent newsagents and twelve off-licences.

144,900 sticks of illegal cigarettes was seized which equates to 7,245 packets of 20 cigarettes and 107.9kg of illicit hand rolling tobacco.

There is a huge market for illicit tobacco, largely driven by price, which in most cases is less than half that of the legitimate tobacco products.

- 4.2 In the CTSI survey 94% of all councils that undertook work in relation to illicit tobacco products had seized illicit tobacco products. 79 out of the 111 councils that seized illicit tobacco products, the three most frequently seized illicit tobacco products were:

- Cigarette brands that are not for legitimate sale in the UK; these were seized by 91% of councils, with a median average of 19,320 sticks per council. In Birmingham we seized 127,512 sticks.
- Counterfeit cigarettes; these were seized by 86% of councils, with a median of 10,770 sticks per council. In Birmingham we seized 17,388 sticks.
- Counterfeit hand-rolling tobacco; this was seized by 78% of councils, with a median average of 13 kg per council. In Birmingham we seized 57.65kg.

#### 5. **Legislation**

Guidance is available on tobacco legislation at:

<https://www.businesscompanion.info/en/quick-guides/miscellaneous/tobacco-etc-packaging-labelling-advertising-and-tracking>

The main areas concerning illicit tobacco generally relate to labelling, packaging and counterfeiting. HMRC deal with matters concerning the payment of duty on tobacco products.

##### 5.1 **The Tobacco & Related Products Regulations 2016**

These deal with the manufacture, presentation and sale of tobacco and related products, including herbal products for smoking, e-cigarettes and refill

containers as well as smokeless and novel tobacco products. *(A novel tobacco product is not a cigarette, hand rolling tobacco, pipe tobacco, waterpipe tobacco, a cigar, a cigarillo, chewing tobacco, nasal tobacco or tobacco for oral use)*

## **5.2 Standardised Packaging of Tobacco Products Regulations 2015**

These standardise the packaging of certain tobacco products by requiring the removal of all promotional features. The packaging must be a specific shape and colour; all other colours, trademarks, logos and promotional graphics are prohibited.

## **5.3 The Tobacco Products (Traceability and Security Features) Regulations 2019**

These deal with traceability and security features systems for tobacco products. Existing stocks of cigarettes and hand-rolling tobacco that were manufactured or imported into the EU before 20 May 2019 can still be supplied until 20 May 2020. The rules will apply to all other tobacco products from 20 May 2024. There are registration requirements for those involved in the supply.

## **5.4 The Trade Marks Act 1994**

Benson and Hedges is a registered trade mark and the trade mark owner is Philip Morris Incorporated. A person commits an offence if they use that trade mark, without permission, on packaging and subsequently supplies them.

## **6. Intelligence led operations**

6.1 When complaints are received an intelligence log is recorded. Background checks are made regarding the person/premises and if no previous history exists in relation to illegal tobacco then an officer will visit the premise to give advice only. Intelligence will be reviewed and those where most complaints have been received will be considered for inspection. These operations require police support and often the services of a tobacco detection dog. Any enforcement action[s] taken as a result of the operations are subject to our Enforcement Policy. Attached as Appendix one is a summary of actions taken since April 2018.

## **6.2 Operation Kernow – Handsworth 25 & 26 September 2018**

During this operation six shops were visited. Five of which were found with illicit products. Cigarettes were concealed in various places including vehicles outside the stores, above shelves and hidden at the back of premises. Illicit cigarettes worth £21,000 were seized along with £1,750 worth of hand rolling tobacco.

### 6.3 Operation Liskeard – Erdington 14 June 2019

During this operation three shops were visited. Cigarettes were concealed under counters, behind false walls and inside two vehicles parked behind the shops. Illicit cigarettes and tobacco worth over £30,000 was seized.

### 6.4 Operation Juno – Handsworth 22 July 2019

Three premises were visited and two were found to have illicit products. Around 22,000 cigarettes were seized. In addition almost £7,000 in cash was seized. These matters are ongoing.

## 7. Premises Licence Reviews

- 7.1 Trading Standards has duties as a Responsible Authority under the Licensing Act 2003. This enables us to request a review of the premises licence, thus ensuring licence holders have due regard for the licensing objectives particularly Crime and Disorder and Protecting Children from Harm. Since 1 April 2018 there have been four such reviews. Two had their licence revoked, one surrendered before the hearing took place. One was revoked but appealed but withdrew the appeal. There are currently two pending. Details can be found in Appendix one.

During a recent underage test purchase of alcohol a 14 year old female purchaser was sold alcohol. Officers also found a small quantity of counterfeit hand rolling tobacco. This will also result in a premises licence review and potential legal proceedings.

## 8. Proceeds of Crime

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

All criminal cases taken by Trading Standards are assessed to decide whether a Proceeds of Crime confiscation investigation may apply.

Below is a summary of proceedings taken that relate to illicit tobacco seizures.

Defendant / Business	Street Value of Tobacco	Ordered to Pay
Sumara JAVID, t/a Alisha Polski Sklep, Wellington Road	£3,499.00	£34,729.00
Shadab KHAN t/a Subhan Newsagents, Havelock Road	£5,879.00	£20,000.00
Akbar MADANI-ESFAHANI t/a Norooz Supermarket, Hagley Road	£1,493.00	£36,493.00
Dildar KHAN t/a Zahir Supermarket, Bordesley Green	£1,285.00	Case On-going
Jambaz AHMADZAI t/a Metro	£6,419.00	£22,230.00

Express, Alum Rock Road		
Jameil TAREEN t/a Murad Superstore, Ladypool Road	£4,353.00 (joint with TARIN)	£12,257.00
Janbaz TARIN t/a Murad Superstore, Ladypool Road	£4,353.00 (joint with TAREEN)	£1,614.13
Najaf BOUSJIN t/a Pick & Save Grocers, Springfield Road	£280.00	£21,548.56
Mastu TARIN & Murad Superstore Limited, Ladypool Road	£1,094.00	£16,000.00
Total	£28,655.00	£164,871.69

## 9. **HMRC considerations**

Data produced by HMRC in Measuring Tax Gaps 2019 edition 7 summarises the position as follows: *"The tobacco tax gap is driven by the illicit market in cigarettes and hand-rolling tobacco and is estimated to be £1.8 billion in 2017-18. An estimated total of £1.4 billion has been lost in tobacco duties and a further £0.4 billion in VAT. The cigarette tax gap is estimated to be £1 billion and the hand-rolling tobacco tax gap is estimated to be £0.8 billion in 2017-18."*

## 10. **Implications for Resources**

- 10.1 The work identified in this report was undertaken within the resources available to your Committee. The cost of the tobacco detection dogs was paid for using Proceeds of Crime money.

## 11. **Implications for Policy Priorities**

- 11.1 Controlling the supply of illicit tobacco has a direct impact on the fair trading environment and protects the public's health within the City. The work contributes to the Trading Standards priorities around Community Safety by taking illicit products out of the supply chain this contributes to improved health outcomes and the Council's strategic outcome of being a great city to live in.

## 12. **Public Sector Equality Duty**

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

## **INTERIM ASSISTANT DIRECTOR OF REGULATION AND ENFORCEMENT**

Background Papers: The Chartered Trading Standards Institute (CTSI) Tobacco Control Survey England 2018/19



**ILLICIT TOBACCO CASES**

	<b>Date</b>	<b>Name</b>	<b>Offence Details</b>	<b>Penalty &amp; Costs Awarded</b>	<b>Defendant' Ward</b>	<b>Offence Location Ward</b>
1	06/04/2018  Birmingham Crown Court	Jambaz Ahmadzai	Tobacco and Related Products Regulations 2016 and Trade Marks Act 1994  Pleaded guilty to six offences: two of supplying 898 packs of cigarettes and tobacco of various brands and 220 packs of snuff from Metro Express, 704 Alum Rock Road, Birmingham, which failed to carry the health warnings required on the packaging and a further offence relating to the supply of 84 packs of snuff which failed to carry the health warnings required and 3 offences relating to packets of cigarettes of various brands and hand rolling tobacco which bore registered trademarks without the consent of the trade mark holders.	18 month Community Order with 100 hours unpaid work x 6  To run concurrently  POCA Confiscation Order: £22,230.00	Washwood Heath	Washwood Heath
2	11/06/2018  Birmingham Crown Court	Mastu Tarin	Tobacco and Related Products Regs 2016 Trade Marks Act 1994  Four offences: 2 offences of supplying 112 packets of cigarettes of various brands, 25 pouches of hand rolling tobacco and 111 packets of snuff from Murad Superstore, 347-349 Ladypool Road, Birmingham, which did not carry the required health warnings and two offences relating to the possession of 16 packets of Mayfair cigarettes and 9 pouches of hand rolling tobacco which bore registered trademarks without the consent of the trade mark holders.	Community Order x 12 months  80 hours unpaid work  POCA Confiscation Order: £16,000.00	Sparkhill	Sparkbrook & Balsall Heath East
3	22/10/2018  Birmingham	Nawzad Khidr Howla	Trade Marks Act 1994 Tobacco and Related Products Regulations 2016	Howla: 12 month Community Order with 100 hours	Perry Barr	Lozells & East Handsworth

	Magistrates' Court	Sywash Mashkhaty	Both pleaded guilty to five offences; four relating to the possession of 26 pouches of hand rolling tobacco and 184 packets of cigarettes at International Supermarket, 117 Villa Road, Birmingham which bore registered trademarks, namely Golden Virginia, Amber Leaf, Mayfair and Richmond, without the consent of the trade mark holders and one offence of supplying 1308 packets of cigarettes of various brands which did not carry the required health warnings.	unpaid work  Mashkhaty: 12 month Community Order with 150 hours unpaid work  Each ordered to pay £2,258 costs (£4,516 requested)		
4	24/07/2019  Birmingham Magistrates' Court	Shadab Khan	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 trademarks without the consent of the proprietors.	£400 fine (£100 x 4)  £3,557 costs (£3,557 requested)	Alum Rock	Alum Rock
5	30/8/2019  Birmingham Crown Court	Dildar Khan	Tobacco and Related Products Regulations 2016, Trade Marks Act 1994 & Fraud Act 2006  Pleaded guilty to six offences; one of possessing for supply 35 packets of cigarettes at Zahir Supermarket, 476-478 Bordesley Green, Birmingham which failed to carry the	12 month Community Order with a 20 day rehabilitation activity requirement focusing on criminal behaviour  POCA On-going	Heartlands	Heartlands

			required health warnings, one of possessing for supply 335 packs of oral tobacco which was prohibited as tobacco for oral use must not be produced or supplied, three offences of possessing hand rolling tobacco which bore registered trademarks without the consent of the trade mark holders and one offence of carrying on a fraudulent business, namely offering counterfeit hand rolling tobacco and cigarettes, not lawfully permitted to be sold in the UK.			
6	19/09/2019  Birmingham Crown Court	Akbar Madani Esfahani	<p>Tobacco Products (Manufacture, Presentation and Sale) (Safety) Regulations 2002, Consumer Protection Act 1987 &amp; Trade Marks Act 1994</p> <p>Pleaded <u>not guilty</u> to four offences; two of possessing for supply at Norooz Convenience Store, 161 Hagley Road, Edgbaston, Birmingham, 262 packs of cigarettes of various brands which did not show the visible warnings on the surface of the products and did not show the picture health warnings on the packaging, one relating to 11 packets of cigarettes which bore the registered trademark "Mayfair" without the consent of the trade mark holder and one offence of possessing for sale 32 packets of various flavours of Al Fakher brand tobacco shisha which did not bear the safety warning or pictorial representations as required</p> <p>Found guilty after trial at Magistrates Court and committed to Crown Court for sentence.</p>	<p>Total fine £3,000 (£750 x 4)</p> <p>£5,000 costs (£17,000 requested)</p> <p>POCA Confiscation Order: £36,493</p> <p>Forfeiture and destruction of all items was ordered</p> <p>Notice of Appeal against conviction received.</p>	Weoley & Selly Oak	Ladywood

**August 2019**

**Tobacco and Related Products Regulations 2006 & Standardised Packaging of Tobacco Products Regulations 2015**

Two cautions were issued for selling tobacco products for smoking which breached regulations in that the colour of the packaging was incorrect and they did not carry health warnings

**Premises Licence Reviews**

Extra Supermarket, 187 High Street, Erdington; had its licence revoked following seizure of 183 packs illegal cigarettes and 184 bottles of illegal alcohol.

24/7 Convenience Express, 41 Horsefair, B1 1DA; had its licence revoked following seizure of tobacco from a briefcase behind the counter.

Drinks R Us , 3 Little Bromwich Road, B9 5JU; illicit alcohol seized on two occasions with a small amount of illicit tobacco on the first occasion, licence was revoked and the owner appealed; the appeal was subsequently withdrawn.

Kani Mini Market, 27-29 Grove Lane, Handsworth, B21 9ES; seizure of 1626 packs of illicit cigarettes from a van behind the shop. They surrendered their licence just prior to the review hearing.

**BIRMINGHAM CITY COUNCIL**

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

**18 DECEMBER 2019**  
**ALL WARDS**

**LICENSING AUTHORITY DELEGATIONS –  
HACKNEY CARRIAGE AND PRIVATE HIRE AND SEX ESTABLISHMENTS**

1. Summary

- 1.1 Following a review of the current policies, procedures and delegations of the Licensing and Public Protection Committee some proposals have been made in order to reduce the administrative burden on licensing committees, both at subcommittee and main committee level.
- 1.2 This report proposes changes to the delegated authorities to Senior Officers in the Licensing Service in order that they may act, within specific Licensing Committee policy guidelines, in relation to Hackney Carriage and Private Hire licensing matters.
- 1.3 This report also proposes to delegate certain matters relating to sex establishments to sub-committee level for determination.

2. Recommendation

- 2.1 That the Committee approves the proposal to delegate, with immediate effect, the matters at 4.3 to Senior Licensing Officers,
- 2.2 That the Committee approves the proposal to delegate, with immediate effect, the matters at 5.3 to the Licensing Sub Committees.
- 2.3 That these delegations be included within the annual Policies Procedures and Delegations Report to the Licensing and Public Protection Committee.

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### 3. Background – Licensing and Public Protection Committee

- 3.1 The City Council has a number of licensing, regulatory and registration powers and duties and the exercise of these powers and duties are delegated to the Licensing and Public Protection Committee. The granting and issuing of specific licences, permits and registrations is delegated to the Director of Regulation and Enforcement on the understanding that any applications giving rise to concern or difficulty may be referred to the Licensing and Public Protection Committee or its subcommittees for determination where appropriate.
- 3.2 The licensing function of the City Council is disposed of through the processes and procedures of the Licensing and Public Protection Committee, sub-committees and officers by virtue of the Local Government Acts and other relevant statutory provisions.
- 3.3 The Licensing Service is responsible for the administration of grants, renewals and transfers as appropriate of hackney carriage and private hire vehicles, drivers and operators licences and for issuing licences under the Licensing Act 2003 and Gambling Act 2005, sex establishment and animal welfare legislation, and issuing permits for charitable collections and massage and special treatments etc. as well as the associated variations, amendments and transfers, which are carried out under policies delegated by your Committee.
- 3.4 The Court of Appeal stated in the “Hope and Glory” case (2011) that the licensing function of the licensing authority is an administrative function, by contrast with the function of the magistrates, which is a judicial function. The Court of Appeal said this:

*“The licensing authority has a duty, in accordance with the rule of law, to behave fairly in the decision-making procedure, but the decision itself is not a judicial or quasi-judicial act. It is the exercise of power delegated by the people as a whole to decide what the public interest requires.”*

This means that it must act in accordance with the two rules of natural justice. These are firstly that everyone has a right to be heard and secondly the rule against bias.

- 3.5 The right to be heard requires that a person directly affected by the matter under consideration must be given a fair opportunity both to state his/her case and to know of and to respond to any objections.
- 3.6 The rule against bias prohibits members participating in any decision if they have a financial or other interest in the outcome. Members will be familiar with this requirement from their general duties as Councillors.

#### 4. Matters relating to Hackney Carriage and Private Hire

- 4.1 A large number of decisions regarding hackney carriage and private hire drivers and vehicles are already delegated to officers.
- 4.2 These tend to be the more straightforward administrative matters and delegating the decisions to senior officers allows for applications to be dealt with expeditiously. For example, in February 2016, your Committee agreed to delegate the determination of applications requests regarding late renewals on medical grounds, and also in relation to applicants who cannot comply with the DBS requirements.
- 4.3 It is a licence requirement that approval must be sought before any alterations can be carried out on a vehicle. It is proposed to delegate consideration of applications from proprietors seeking conversion of their vehicle to LPG to senior officers. (subject to the vehicle being entered on the UKLPG register).
- 4.4 Delegating this matter to senior licensing officers will ensure applications of this kind can be expedited without having to wait for a committee date, saving time for officers, the applicant and the committee.
- 4.5 Should the circumstances be more complex, or should there be any other aggravating factors, the Officers still retain the right to refer decisions to the Licensing Sub Committee for consideration.

#### 5 Sex Establishments

- 5.1 The scheme of delegations from the current Sexual Entertainment Venue Policy is attached at Appendix 1.
- 5.2 It is proposed to bring this licensing area into line with the other legislative regimes such as the Licensing Act 2003 and Gambling Act 2005.
- 5.3 Appendix 1 has been annotated to indicate those matters proposed for delegation to the sub-committee from the main, namely:
  - a) Applications for the grant or transfer of a licence
  - b) Applications for renewal or variation where a relevant objection has been received,
  - c) Consideration of licence revocation and
  - d) consideration of a licence waiver.
- 5.4 This move to sub-committees will enable much greater flexibility for both officers and applicants in terms of scheduling matters for determination and will enable applications to be dealt with in a more efficient and timely manner.
- 5.5 The full Committee process requires reports to be submitted over a month in advance of the date of the meeting, whereas the meetings of the sub-committees are much more frequent and more flexible in their scheduling requirements. This means there should be no unnecessary delays either in

processing applications for new licences or for acting against problem premises.

6. Consultation

- 6.1 These proposals do not seek to amend any policy matters, nor will they have any detrimental impact on service users. They seek to improve the service. No formal consultation process has been carried out on the matters contained in this report.

7. Implications for Resources

- 7.1 It is the responsibility of the Committee Chairman and the Director of Regulation and Enforcement to ensure the services provided by the Committee are contained within the approved budget.
- 7.2 Should the proposals be agreed there will be a slight reduction in business for Main Committee, fewer matters going to driver sub committees and an increase in business for general licensing sub-committees, although the overall workload should remain relatively unchanged.
- 7.3 Moving matters in this way will allow for a much quicker turnaround of applications of this kind, and will reduce the administrative burden.

8. Implications for Policy Priorities

- 8.1 The issues addressed in this report relate to the City Council priorities associated with creating a cleaner, greener and safer city and providing excellent services.

9. Implications for Equality and Diversity

- 9.1 The matters identified in this report are in accordance with Regulation and Enforcement's enforcement policies which ensure that equality issues have been addressed.

**INTERIM ASSISTANT DIRECTOR OF REGULATION AND ENFORCEMENT**



**Sex Establishments  
Scheme of Delegations**

Nothing within this scheme of delegations shall prevent matters being referred to a higher level where appropriate. E.g. officers may refer matters to a sub committee, or a sub-committee may refer a matter to full committee. <b>Decision to be made by:</b>			
<b>Matter to be dealt with:</b>	<b>Full Committee</b>	<b>Sub-Committee</b>	<b>Officers (Senior Licensing Officer or above)</b>
Application for grant or transfer	All cases	All cases	
Application for renewal or variation	If relevant objection made	If relevant objection made	If no relevant objection made
Revocation of Licence	All cases	All cases	
Cancellation of Licence			All cases
Make/amend regulations prescribing standard conditions, terms and restrictions	All cases		
Setting of fees	All cases		
Waiver	All cases	All cases	
To make and amend policy relating to the licensing of sex establishments	All cases		
To enforce the provisions of Part II and Schedule 3 of the Local Government Miscellaneous Provisions Act 1982			All cases



**BIRMINGHAM CITY COUNCIL**

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

**18 December 2019**  
**ALL WARDS**

**OUTCOME OF APPEALS AGAINST SUB COMMITTEE DECISIONS:**  
**September & October 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.

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### 3. Summary of Appeal Hearings for September and October 2019

	Magistrates'	Crown
Total	6	1
Allowed	1	
Dismissed	4	1
Appeal lodged at Crown		
Upheld in part		
Withdrawn pre-Court	1	
Consent Order		

### 4. Implications for Resources

- 4.1 The details of costs requested and ordered in each case are set out in the appendix below.
- 4.2 In September 2019 costs have been requested to the sum of £4393.20 so far with reimbursement of £4143.20 so far (94.31%) ordered by the Courts.
- 4.3 In October 2019 costs have been requested to the sum of £750.00 so far with reimbursement of £750.00 so far (100.00%) ordered by the Courts.
- 4.4 For the fiscal year thus far, April 2019 to October 2019, costs associated to appeal hearings have been requested to the sum of £12,497.45 so far with reimbursement of £11,051.45 so far (88.42%) ordered by the Courts.
- 4.5 For the fiscal year thus far, April 2019 to October 2019, costs contra Birmingham City Council associated to appeal hearings is not currently known.

### 5. Implications for Policy Priorities

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

### 6. Public Sector Equality Duty

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

### 7. Consultation

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

## **INTERIM 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	Masood Sadiq	02.09.2019	Dismissed	£350.00	£100.00	The appeal was against the decision of the Sub Committee to refuse to grant a private hire driver licence to Mr Sadiq on the 10.06.2019, due to driving endorsements and a conviction recorded against him. The matter came before Deputy District Judge Gascoyne. Having heard evidence from Mr Sadiq, he said that he was not satisfied that Mr Sadiq was a fit and proper person to hold a private hire driver's licence and dismissed the appeal. He added that, in his view, the Sub Committee had looked at the matter very carefully and made the correct decision. The Deputy District judge ordered him to pay a contribution of £100 towards the requested costs of £350.
2	Muhammad Hussain	25.09.2019	Allowed	Not Known (Contra BCC)	Not Known (Contra BCC)	The appeal was against the decision of the Sub Committee to refuse to grant a private hire driver licence to Mr Hussain on 30.01.2019 due to a conviction recorded against him. Upon hearing the representations made, which included his licence from another authority and the lack of any further offences, the Judge was minded to allow the appeal, with the effect that the licence should be granted. The judge was satisfied that the Sub Committee were wrong, and that Mr Hussain is a fit and proper person. An application for costs was allowed (although no figure was given).
3	Ranjit Singh	09.10.2019	Dismissed	£250.00	£250.00	The appeal was against the decision of the Sub Committee to revoke Mr Singh's private hire driver licence on 02.07.2019 due to a conviction recorded against him. The magistrates upheld the decision and therefore dismissed the appeal. Full costs of £250 were awarded.

4	Rub Nawaz	09.10.2019	Dismissed	£250.00	£250.00	The appeal was against the decision of the Sub Committee to revoke Mr Nawaz's private hire driver licence on 20.03.2019, due to convictions for plying for hire and no insurance recorded against him. The Magistrates upheld the decision of the licensing committee and therefore dismissed the appeal. Full costs were awarded in the sum of £250.
5	Babar Rasul	24.10.2019	Dismissed	£250.00	£250.00	The appeal was against the decision of the Sub Committee to refuse to grant a private hire driver licence to Mr Rasul due to a conviction recorded against him. Having heard submissions and evidence from Mr Rasul the magistrates determined to dismiss the Appeal, being of the view that they were not satisfied that the Councils decision to refuse to grant a licence was wrong in view of his conviction for drink driving which was serious as it related to the potential safety of the fare paying public. They were not satisfied that Mr Rasul was a "fit and proper" person and upheld the committee's decision. An award of £250 costs was made.

### **MAGISTRATES' COURT – LICENSING ACT 2003**

	Name	Date Case Heard	Result	Costs Requested	Costs Ordered	Comments
1	Gurdev Singh Khakh In respect of Drinks R Us 3 Little Bromwich Road Birmingham B9 5JU	05.09.2019	Withdrawn pre-Court	£3500.00	£3500.00	The appeal was against the Sub Committee decision to revoke the premises licence on 22.02.2019 following an application for review submitted by the Trading Standards Department of Birmingham City Council. Bottles of suspected illicit non-duty paid alcohol were found on the premises. The appeal was withdrawn formally on 05.09.2019, costs of £3500.00 were awarded to Birmingham City Council.

**CROWN COURT – PRIVATE HIRE OPERATOR’S LICENCE**

	Name	Date Case Heard	Result	Costs Requested	Costs Ordered	Comments
1	Muniba Khan	06.09.2019	Dismissed	£543.20	£543.20	<p>The appeal was against the Sub Committee decision to refuse to renew the private hire operator’s licence issued to Mrs Khan on 08.01.2019, due to a conviction recorded against her and an investigation carried out by Licensing Enforcement Officers which identified a number of matters. Mrs Khan’s appeal against the decision was dismissed by Birmingham Magistrates Court on 10.04.2019. There was no attendance by or on behalf of Mrs Khan. After some enquiries were made it transpired that her previous solicitor was no longer instructed.</p> <p>After hearing submissions, the Court were satisfied that she had knowledge of the hearing and therefore dismissed her appeal. Costs were awarded in full. (in addition to the full costs of £410 having been previously awarded at the Magistrate’s Appeal)</p>





**BIRMINGHAM CITY COUNCIL**

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

**18 DECEMBER 2019**  
**ALL WARDS**

**PROSECUTIONS AND CAUTIONS – SEPTEMBER AND OCTOBER 2019**

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

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### 3. Results

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

- 141 Environmental Health cases were finalised resulting in fines of £210,795. Prosecution costs of £37,693 were awarded. Two simple cautions were administered as set out in Appendix 1.
- Ten Licensing cases were finalised resulting in fines of £3,859 and 42 penalty points issued. Prosecution costs of £4,009 were awarded. 15 simple cautions were administered as set out in Appendix 2.
- Four Trading Standards cases were finalised resulting in fines of £3,601, a 21 month custodial sentence and a five year disqualification from being a Director. Prosecution costs in the sum of £7,493 were awarded and an agreed POCA confiscation order was made in the sum of £36,493. One simple caution was administered as set out in Appendix 3.
- 15 Waste Enforcement cases were finalised resulting in fines of £78,980. Prosecution costs in the sum of £8,148 were awarded. No simple cautions were administered as set out in Appendix 4.
- Appendix 5 lists cases finalised by district in September and October 2019 and cases finalised by district April 2019 – October 2019.
- Appendix 6 lists the enforcement activity undertaken by the Waste Enforcement Team from April 2019 to October 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 October 2019 the following costs have been requested and awarded:

#### Environmental Health (including Waste Enforcement cases)

£177,358 has been requested with £139,609 being awarded (79%).

#### Licensing

£12,264 has been requested with £6,772 being awarded (55%)

#### Trading Standards

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

- 5.3 For the months of September and October 2019 the following costs have been requested and awarded:

Environmental Health (including Waste Enforcement cases)

£51,662 has been requested with £45,841 being awarded (89%).

Licensing

£8,580 has been requested with £4,009 being awarded (47%)

Trading Standards

£19,493 had been requested with £7,493 being awarded (38%).

- 5.4 The following income has been received so far from the courts in 2019/20. However, please note that there has been no new income items received since May 2019.

Environmental Heath

£11,952 has been received including Waste Enforcement cases.

Licensing

£828 has been received.

Trading Standards

£757 has been received.

(Total £13,537).

- 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

**ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING 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	5/9/19	Birmingham Grab Hire and Haulage Ltd Cradley Enterprise Centre Maypole Fields Halesowen B63 2QB	Anti-Social Behaviour, Crime and Policing Act 2014  Found guilty in their absence of one offence of failing to comply with the conditions of a notice requiring they cease the practice of using "illegal advertisements" to promote Birmingham Grab Hire and Haulage Ltd and any associated trading names. Unauthorised advertisements were found on Chester Road, Erdington, Birmingham.	£2,500  £447 costs (£447 requested)	Out of area	Erdington
2	17/10/19	Prime Properties Birmingham Ltd 13a Washwood Heath Road Birmingham B8 1SH	Anti-Social Behaviour, Crime and Policing Act 2014 & Environment Act 1995  Pleaded guilty to two offences; one offence of failing to respond to a demand for information relating to the removal and disposal of waste from 1760a Pershore Road, Birmingham and one offence of failing to clear all waste, litter and refuse from the rear access way of 1758-1770 Pershore Road, Birmingham within 21 days.	£2,000 – offence 1  No separate penalty for remaining offence  £1,404 costs (£1,404 requested)	Alum Rock	Stirchley

## **NOISE NUISANCE 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>
3	3/10/19	Lindsey Johnston Birmingham	Environmental Protections Act 1990  Found guilty in her absence of two offences of failing to comply with an abatement notice and causing a noise nuisance at 255 Gospel Lane, Birmingham by the playing of amplified music.	£100 – offence 1  No separate penalty for remaining offence  £688 costs (£688 requested)  Forfeiture order granted in respect of sound equipment.	Acocks Green	Acocks Green

## **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>
4	5/9/19	Cleveland Bailey Birmingham	Food Safety and Hygiene (England) Regulations 2013  Pleaded guilty to three offences relating to conditions at Nyam 'n' Jam Eat In 'n' Takeaway Restaurant, 44a Barker Street, Birmingham. There were no procedures in place to control pests, mouse droppings were found littered throughout the premises and within boxes of tomatoes and green peppers in the kitchen. There were gaps, cracks and crevices within the structure and construction of the building, in particular open sky lights in the food storeroom which could allow access to pests.	£400 – offence 1  No separate penalty for remaining offences  £1,508 costs (£1,508 requested)	Newtown	Lozells

5	23/9/19	Westbourne Leisure Ltd Westbourne Head Office Strawberry Bank Hotel 72 Main Road Meriden Coventry CV7 7NF	Food Safety and Hygiene (England) Regulations 2013  Pleaded guilty to nine offences relating to conditions found at the Irish Centre, High Street, Nechells, Birmingham on three separate occasions. During each visit there were no adequate procedures in place to control pests; there was evidence of mouse activity throughout the kitchen and adjacent food storage areas, bar areas and beer cellar. They failed to ensure the premises were kept clean and maintained in good repair and condition. A large number of mouse droppings were found throughout the premises and there was a build-up of dirt, grease and debris in the kitchen. There was a dirty damaged chiller unit and broom in the kitchen and a dirty air conditioning unit and mouldy ice machine in the beer cellar. The layout, design, construction, siting and size of the premises failed to permit good hygiene practices. There was a lack of pest proofing to doors leading into the kitchen and missing ceiling tiles in the area between the downstairs kitchen and bar. There were holes and gaps around the external roller shutter. There was damage to the wall in the main bar area and walkway between the glass wash and beer cellar. There was damage to the floor/wall junction of the dressing room. There was a hole in the bench in the customer seating area. There was a damaged mechanical extractor grill in the upstairs kitchen.	Total fine £133,334  £6,500 costs (£7,000 requested)	Out of area	Bordesley & Highgate
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6	31/10/19	PG Wu Ltd C/O Tan & Co 5 <sup>th</sup> Floor Albany House 31 Hurst Street Birmingham B5 4BD	Food Safety and Hygiene (England) Regulations 2013  Pleaded guilty to five offences relating to conditions found at Peach Garden, 34 Ladywell Walk, Birmingham. Live cockroaches were found on shelves which were used to store food and takeaway containers. Cockroaches were found on the floor close to where food was stored and inside an egg box under the cooking range. The premises was not kept clean in that there was an accumulation of dead cockroaches, grease, dirt and food debris throughout the kitchen on floors and walls. Filthy cloths were found on work surfaces used to store and prepare food. Chopping boards used to prepare foods were covered in filth and dirt which had become deeply ingrained. There were no procedures based on HACCP. The Company also failed to register as a food business with the Local Authority.	£40,000  £1,650 costs (£1,650 requested)	Bordesley & Highgate	Bordesley & Highgate
7	31/10/19	Rasoul Shahneshtin Solihull	Food Safety and Hygiene (England) Regulations 2013  Pleaded guilty to three offences; one offence of placing food on the market which was unsafe in that a meat based pizza from Pizza Bank, 391 Sheldon Heath Road, Sheldon, Birmingham was contaminated with glass and two offences relating to conditions found at Pizza Bank following an inspection. There was no documented food safety management system in place and the kitchen window had been broken and unsuitably secured with sticky tape.	£1,600  £1,200 costs (£1,200 requested)	Out of area	Garretts Green

**PEST 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>
8	5/9/19	Ramanbhai Bhanabhai Patel Birmingham	Prevention of Damage by Pests Act 1949  Pleaded guilty to one offence of failing to comply with a notice requiring the removal of accumulations of rubbish and overgrowth from the front and rear gardens of 45 Gillott Road, Birmingham and to suitably treat the land to eradicate any infestation of rodents within 21 days.	£500  £608 costs (£608 requested)	Balsall Heath West	North Edgbaston
9	5/9/19	Mohammed Saleem Shahzad Birmingham	Prevention of Damage by Pests Act 1949  Pleaded guilty to one offence of failing to comply with a notice requiring the removal of accumulations of rubbish and overgrowth from the front and rear gardens of 12 Brockley Place, Birmingham and to suitably treat the land to eradicate any infestation of rodents within 21 days.	£500  £426 costs (£426 requested)	Pype Hayes	Nechells
10	31/10/19	Muhammed Khan Birmingham	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 of rubbish and cut back and remove all overgrowth from the rear garden of 406 West Boulevard, Quinton, Birmingham and to suitably treat the land to eradicate any infestation of rodents within 21 days.	£112  £912 costs (£912 requested)	Sparkhill	Harborne



**LITTER OFFENCES – NON SJP**

	<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>
11	3/10/19	Joseph Peter Cashmore Birmingham	Environmental Protection Act 1990  Pleaded guilty to one offence of dropping a cigarette butt on the pavement in Smallbrook Queensway, Birmingham.  Originally listed for trial.	£100  £150 costs (£450 requested)	Sutton Vesey	Ladywood

**LITTER OFFENCES – SJP**

	<b>Date Case Heard</b>	<b>Name</b>	<b>Fine/Penalty &amp; Costs</b>	<b>Ward of defendant</b>
12	13/9/19	Fahd Alajmy Liverpool  Proved in absence	£220 fine  £175 costs (£175 requested)	Out of area
13	13/9/19	Mohammed Aziz Birmingham  Proved in absence	£220 fine  £175 costs (£175 requested)	Bartley Green
14	13/9/19	Leva Burkvica Luton  Proved in absence	£220 fine  £175 costs (£175 requested)	Out of area
15	13/9/19	Sava Catalin Birmingham  Proved in absence	£220 fine  £175 costs (£175 requested)	Ward End

16	13/9/19	Kimberley Cattell Bilston  Proved in absence	£220 fine  £175 costs (£175 requested)	Out of area
17	13/9/19	Nathaniel Chapman Cardiff  Proved in absence	£220 fine  £175 costs (£175 requested)	Out of area
18	13/9/19	Jason Colvin Goole  Proved in absence	£220 fine  £175 costs (£175 requested)	Out of area
19	13/9/19	Kelly Cooper Birmingham  Proved in absence	£220 fine  £175 costs (£175 requested)	Druids Heath & Monyhull
20	13/9/19	Tammy Deepröse Birmingham  Proved in absence	£220 fine  £175 costs (£175 requested)	Bartley Green
21	13/9/19	Farshad Fishtami Birmingham  Proved in absence	£220 fine  £175 costs (£175 requested)	Allens Cross
22	13/9/19	Blerin Grabolli Tamworth  Proved in absence	£220 fine  £175 costs (£175 requested)	Out of area
23	13/9/19	Alexsandru Ion Birmingham  Proved in absence	£220 fine  £175 costs (£175 requested)	Small Heath

24	13/9/19	Amar Jawejed Wolverhampton  Proved in absence	£220 fine  £175 costs (£175 requested)	Out of area
25	13/9/19	Jason Jennings Sheffield  Proved in absence	£220 fine  £175 costs (£175 requested)	Out of area
26	13/9/19	Ruben Dias Joeirinho Birmingham  Proved in absence	£220 fine  £175 costs (£175 requested)	Edgbaston
27	13/9/19	Amardeep Singh Khera Walsall  Proved in absence	£220 fine  £175 costs (£175 requested)	Out of area
28	13/9/19	Lavrendios Konstandindis Birmingham  Proved in absence	£220 fine  £175 costs (£175 requested)	Edgbaston
29	13/9/19	Dina Maftei Birmingham  Proved in absence	£220 fine  £175 costs (£175 requested)	Stockland Green
30	13/9/19	Valentin Bogden Marin Birmingham  Proved in absence	£220 fine  £175 costs (£175 requested)	Handsworth Wood

31	13/9/19	Shazia Mazir Nottingham  Proved in absence	£220 fine  £175 costs (£175 requested)	Out of area
32	13/9/19	Sarah Mellor Birmingham  Proved in absence	£220 fine  £175 costs (£175 requested)	Balsall Heath West
33	13/9/19	Mirela Mihai Leicester  Proved in absence	£220 fine  £175 costs (£175 requested)	Out of area
34	13/9/19	Catalin Mocanu Birmingham  Proved in absence	£220 fine  £175 costs (£175 requested)	Ladywood
35	13/9/19	Farooq Naeem Burton-upon-Trent  Proved in absence	£220 fine  £175 costs (£175 requested)	Out of area
36	13/9/19	Sophie Owen Chester  Proved in absence	£220 fine  £175 costs (£175 requested)	Out of area
37	13/9/19	Nicu Paleru Birmingham  Proved in absence	£220 fine  £175 costs (£175 requested)	Heartlands
38	13/9/19	Courtney Paris Birmingham  Proved in absence	£220 fine  £175 costs (£175 requested)	Frankley Great Park

39	13/9/19	Omar Parvez Birmingham  Proved in absence	£220 fine  £175 costs (£175 requested)	Sparkbrook & Balsall Heath East
40	13/9/19	Madalin Petrache Birmingham  Proved in absence	£220 fine  £175 costs (£175 requested)	Ward End
41	13/9/19	Bang Quang Birmingham  Proved in absence	£220 fine  £175 costs (£175 requested)	Yardley West & Stechford
42	13/9/19	Moynur Rahman Birmingham  Proved in absence	£220 fine  £175 costs (£175 requested)	Edgbaston
43	13/9/19	Saira Shah Wolverhampton  Proved in absence	£220 fine  £175 costs (£175 requested)	Out of area
44	13/9/19	Waqas Shah Walsall  Proved in absence	£220 fine  £175 costs (£175 requested)	Out of area
45	13/9/19	Lisa Spencer Worcester  Guilty plea	£180 fine  £175 costs (£175 requested)	Out of area
46	13/9/19	Luke Stephenson Bude  Proved in absence	£220 fine  £175 costs (£175 requested)	Out of area

47	13/9/19	Sajidur Talukdar Birmingham  Proved in absence	£220 fine  £175 costs (£175 requested)	Alum Rock
48	13/9/19	Paul Taylor Birmingham  Proved in absence	£220 fine  £175 costs (£175 requested)	Allens Cross
49	13/9/19	Mohammed Usman London  Proved in absence	£220 fine  £175 costs (£175 requested)	Out of area
50	13/9/19	Mihai Virvara Birmingham  Proved in absence	£220 fine  £175 costs (£175 requested)	Handsworth Wood
51	13/9/19	Jade Walker Birmingham  Proved in absence	£220 fine  £175 costs (£175 requested)	Frankley Great Park
52	13/9/19	Wenhe Zhang Birmingham  Proved in absence	£220 fine  £175 costs (£175 requested)	Bordesley & Highgate
53	13/9/19	Xiaoho Zhu Birmingham  Proved in absence	£220 fine  £175 costs (£175 requested)	Bordesley & Highgate
54	27/9/19	Adriana Bghean Birmingham  Proved in absence	£440 fine  £175 costs (£175 requested)	Acocks Green

55	27/9/19	Marian Biliuz Birmingham  Proved in absence	£440 fine  £175 costs (£175 requested)	North Edbaston
56	27/9/19	Tony Holland Milton Keynes  Proved in absence	£440 fine  £175 costs (£175 requested)	Out of area
57	27/9/19	Azir Iqbal Birmingham  Proved in absence	£440 fine  £175 costs (£175 requested)	Perry Common
58	27/9/19	Monica Kedzierska London  Proved in absence	£440 fine  £175 costs (£175 requested)	Out of area
59	27/9/19	Zbigniew Wieslaw Kuczara Birmingham  Proved in absence	£440 fine  £175 costs (£175 requested)	Stockland Green
60	27/9/19	Attila Micziz Birmingham  Proved in absence	£440 fine  £175 costs (£175 requested)	Newtown
61	27/9/19	Emily Powell Birmingham  Proved in absence	£440 fine  £175 costs (£175 requested)	Allens Cross

62	27/9/19	Mohamed Said Birmingham  Proved in absence	£440 fine  £175 costs (£175 requested)	Birchfield
63	27/9/19	Martin Stankov Coventry  Proved in absence	£440 fine  £175 costs (£175 requested)	Out of area
64	27/9/19	Jassim Tarek Birmingham  Proved in absence	£440 fine  £175 costs (£175 requested)	Ladywood
65	11/10/19	Zabar Ali Birmingham  Proved in absence	£220  £175 costs (£175 requested)	Handsworth
66	11/10/19	Alaa Alsaedi Cardiff  Proved in absence	£220  £175 costs (£175 requested)	Out of area
67	11/10/19	James Andrews West Bromwich  Proved in absence	£220  £175 costs (£175 requested)	Out of area
68	11/10/19	Jacob Atkinson Stourbridge  Proved in absence	£220  £175 costs (£175 requested)	Out of area
69	11/10/19	Yu Cai Coventry  Proved in absence	£220  £175 costs (£175 requested)	Out of area



70	11/10/19	Robert Close Birmingham  Proved in absence	£220  £175 costs (£175 requested)	Quinton
71	11/10/19	Alun Davies Rugby  Proved in absence	£220  £175 costs (£175 requested)	Out of area
72	11/10/19	Dean Delaney Birmingham  Proved in absence	£220  £175 costs (£175 requested)	South Yardley
73	11/10/19	Sheila Dennison Birmingham  Proved in absence	£220  £175 costs (£175 requested)	Billesley
74	11/10/19	Sarah Doody Birmingham  Proved in absence	£220  £175 costs (£175 requested)	Northfield
75	11/10/19	Olive Hay Edie Stafford  Guilty plea	£40  £100 costs (£175 requested)	Out of area
76	11/10/19	Gemma Evans London  Proved in absence	£220  £175 costs (£175 requested)	Out of area
77	11/10/19	Leah Evans Birmingham  Proved in absence	£220  £175 costs (£175 requested)	Perry Barr

78	11/10/19	Muhammad Faisal Birmingham  Proved in absence	£220  £175 costs (£175 requested)	Ward End
79	11/10/19	Danny Fandon Tipton  Proved in absence	£220  £175 costs (£175 requested)	Out of area
80	11/10/19	Dunstan Gabagambi Oldbury  Proved in absence	£220  £175 costs (£175 requested)	Out of area
81	11/10/19	Taylor Marie Gilman Uttoxeter  Guilty plea	£70  No costs awarded (£175 requested)	Out of area
82	11/10/19	Alvaro Gizler Smethwick  Proved in absence	£220  £175 costs (£175 requested)	Out of area
83	11/10/19	Daniel Richard William Green Birmingham  Proved in absence	£220  £175 costs (£175 requested)	Sparkhill
84	11/10/19	Amjad Gul Birmingham  Proved in absence	£220  £175 costs (£175 requested)	Heartlands
85	11/10/19	Andrew Harbury Retford  Proved in absence	£220  £175 costs (£175 requested)	Out of area

86	11/10/19	Liam Harrison Blackburn  Proved in absence	£220  £175 costs (£175 requested)	Out of area
87	11/10/19	Susan Healy London  Proved in absence	£220  £175 costs (£175 requested)	Out of area
88	11/10/19	Elliot Holmes Birmingham  Proved in absence	£220  £175 costs (£175 requested)	Bordesley & Highgate
89	11/10/19	Linda Hopkins Birmingham  Proved in absence	£220  £175 costs (£175 requested)	Bordesley & Highgate
90	11/10/19	Richard Howard Birmingham  Guilty plea	£40  £100 costs (£175 requested)	Bordesley Green
91	11/10/19	Sean Hurcombe London  Proved in absence	£220  £175 costs (£175 requested)	Out of area
92	11/10/19	Ismail Hussain Birmingham  Proved in absence	£220  £175 costs (£175 requested)	Aston
93	11/10/19	Marius Viorel Ivascu Birmingham  Proved in absence	£220  £175 costs (£175 requested)	Sparkbrook & Balsall Heath East

94	11/10/19	Yvonne Jarrett Birmingham  Guilty plea	£40  £100 costs (£175 requested)	Sparkbrook & Balsall Heath East
95	11/10/19	Dev Johal Birmingham  Proved in absence	£220  £175 costs (£175 requested)	Sutton Roughley
96	11/10/19	Mhamad Kareme Smethwick  Proved in absence	£220  £175 costs (£175 requested)	Out of area
97	11/10/19	Samantha Karime Birmingham  Proved in absence	£220  £175 costs (£175 requested)	Edgbaston
98	11/10/19	Ayesha Khan Birmingham  Proved in absence	£220  £175 costs (£175 requested)	Handsworth Wood
99	11/10/19	Jack Knight Henley on Thames  Proved in absence	£220  £175 costs (£175 requested)	Out of area
100	11/10/19	Clement Laguerre Birmingham  Proved in absence	£220  £175 costs (£175 requested)	Weoley & Selly Oak
101	11/10/19	Bowen Li Birmingham  Proved in absence	£220  £175 costs (£175 requested)	Ladywood

102	11/10/19	Daryl Liney Chelmsford  Proved in absence	£220  £175 costs (£175 requested)	Out of area
103	11/10/19	Siobhan Littlechild Basildon  Proved in absence	£220  £175 costs (£175 requested)	Out of area
104	11/10/19	Damien Lojewski Birmingham  Proved in absence	£220  £175 costs (£175 requested)	Sparkbrook & Balsall Heath West
105	11/10/19	Connor Loxton Birmingham  Proved in absence	£220  £175 costs (£175 requested)	Hall Green North
106	11/10/19	Jonathan Mason Birmingham  Proved in absence	£220  £175 costs (£175 requested)	Kingstanding
107	11/10/19	Salehi Masood Smethwick  Proved in absence	£220  £175 costs (£175 requested)	Out of area
108	11/10/19	Joel McNamee Doncaster  Proved in absence	£220  £175 costs (£175 requested)	Out of area
109	11/10/19	Kyle Morris Birmingham  Proved in absence	£220  £175 costs (£175 requested)	Stockland Green

110	11/10/19	Gabriel Musi Birmingham  Proved in absence	£220  £175 costs (£175 requested)	Aston
111	11/10/19	Alin Nemciuc Birmingham  Proved in absence	£220  £175 costs (£175 requested)	Sheldon
112	11/10/19	Xiaoxia Nian London  Proved in absence	£220  £175 costs (£175 requested)	Out of area
113	11/10/19	Luke Steven Nicholls Bromsgrove  Proved in absence	£220  £175 costs (£175 requested)	Out of area
114	11/10/19	Ian Nie Wolverhampton  Proved in absence	£220  £175 costs (£175 requested)	Out of area
115	11/10/19	Alison Nightingale Birmingham  Proved in absence	£220  £175 costs (£175 requested)	Oscott
116	11/10/19	Zara Nisar Birmingham  Proved in absence	£220  £175 costs (£175 requested)	Bordesley Green
117	11/10/19	Marian Nitu Birmingham  Proved in absence	£220  £175 costs (£175 requested)	Bournbrook & Selly Park

118	11/10/19	Daniel Owen Reading  Proved in absence	£220  £175 costs (£175 requested)	Out of area
119	11/10/19	Georgiana Paduraru Birmingham  Proved in absence	£220  £175 costs (£175 requested)	Soho & Jewellery Quarter
120	11/10/19	Artur Pajak Coventry  Proved in absence	£220  £175 costs (£175 requested)	Out of area
121	11/10/19	Elena Peris Dudley  Proved in absence	£220  £175 costs (£175 requested)	Out of area
122	11/10/19	Boris Poliakov Chertsey  Proved in absence	£220  £175 costs (£175 requested)	Out of area
123	11/10/19	Marian Ramandan Birmingham  Proved in absence	£220  £175 costs (£175 requested)	Aston
124	11/10/19	Andrew Liam Rogers Wolverhampton  Proved in absence	£220  £175 costs (£175 requested)	Out of area
125	11/10/19	Gintautas Saltemis Birmingham  Proved in absence	£220  £175 costs (£175 requested)	Newtown

126	11/10/19	Abdulrahman Ali Shafi Birmingham  Proved in absence	£220  £175 costs (£175 requested)	Ladywood
127	11/10/19	Karan Sharma Cardiff  Proved in absence	£220  £175 costs (£175 requested)	Out of area
128	11/10/19	Richard Sheridan Birmingham  Proved in absence	£220  £175 costs (£175 requested)	Kings Norton South
129	11/10/19	Donna Simkiss Birmingham  Proved in absence	£220  £175 costs (£175 requested)	Longbridge & West Heath
130	11/10/19	Amun Thompson Smith Dudley  Proved in absence	£220  £175 costs (£175 requested)	Out of area
131	11/10/19	Catherine Stuart Birmingham  Guilty plea	£40  £100 costs (£175 requested)	Perry Barr
132	11/10/19	Aurika Titaite Birmingham  Proved in absence	£220  £175 costs (£175 requested)	Newtown
133	11/10/19	Wang Guo Tong Walsall  Proved in absence	£220  £175 costs (£175 requested)	Out of area



134	11/10/19	Raluca Vasile Stevenage  Proved in absence	£220  £175 costs (£175 requested)	Out of area
135	11/10/19	Alison Wall Birmingham  Guilty plea	£53  £175 costs (£175 requested)	Highters Heath
136	11/10/19	Astie Wallis Birmingham  Proved in absence	£220  £175 costs (£175 requested)	Kingstanding
137	11/10/19	Lewis Walters Warwick  Proved in absence	£220  £175 costs (£175 requested)	Out of area
138	11/10/19	Aimee Waude Birmingham  Proved in absence	£220  £175 costs (£175 requested)	Bartley Green
139	11/10/19	Paul White Birmingham  Proved in absence	£220  £175 costs (£175 requested)	Bournbrook & Selly Park
140	11/10/19	Jordan Woodward Willenhall  Guilty plea	£106  £175 costs (£175 requested)	Out of area
141	11/10/19	Anna Wrobel Birmingham  Proved in absence	£220  £175 costs (£175 requested)	Stockland Green

### **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>
13/9/19	42	£9,200	£7,350	£7,350
27/9/19	11	£4,840	£1,925	£1,925
11/10/19	77	£15,609	£12,925	£13,475

### **ENVIRONMENTAL HEALTH SIMPLE CAUTIONS**

During the period of September and October 2019 two simple cautions were administered.

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

Two cautions were 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>
142	5/9/19	Mahabat Khan Smethwick	Town Police Clauses Act 1847, Road Traffic Act 1988 & Local Government (Miscellaneous Provisions) Act 1976  Pleaded guilty to three offences: one of plying for hire on Temple Row West, Birmingham, one of consequently having invalid insurance and one offence of failing to exhibit the vehicle identity plate externally on the rear of the vehicle.	£300 – no insurance  + 6 penalty points  No separate penalty for remaining offences.  £511 costs (£511 requested)	Out of area	Ladywood
143	5/9/19	Faud Kayse Omer Birmingham	Town Police Clauses Act 1847 & Road Traffic Act 1988  Pleaded guilty to two offences: one of plying for hire on Bristol Road, Birmingham and one of consequently having invalid insurance.	£465 – no insurance  + 6 penalty points  No separate penalty for plying  £499 costs (£499 requested)	Newtown	Ladywood
145	5/9/19	Javaid Iqbal Birmingham	Town Police Clauses Act 1847 & Road Traffic Act 1988  Pleaded guilty to two offences: one of plying for hire on Alcester Road, Birmingham and one of consequently having invalid insurance.	£770 – no insurance  + 6 penalty points  No separate penalty for plying  £499 costs (£499 requested)	Oscott	Moseley

146	3/10/19	Afzol Hussain Chowdhury Walsall	Town Police Clauses Act 1847 & Road Traffic Act 1988  Pleaded guilty to two offences; one of plying for hire on High Street, Sutton Coldfield, Birmingham and one of consequently having invalid insurance.	£276 – no insurance  No separate penalty for plying  + 6 penalty points  £150 costs (£456 requested)	Out of area	Sutton Trinity
147	3/10/19	Mostafa Abera Birmingham	Town Police Clauses Act 1847 & Road Traffic Act 1988  Pleaded guilty to two offences; one of plying for hire on High Street, Sutton Coldfield, Birmingham and one of consequently having invalid insurance.	£660 – no insurance  No separate penalty for plying  + 6 penalty points  £150 costs (£464 requested)	Nechells	Sutton Trinity
148	17/10/19	Mohammed Emran Khan Birmingham	Equality Act 2010  Pleaded guilty to one offence of failing or refusing to carry out a booking accepted by his operator at Sainsbury's, Castle Vale, Birmingham made by a disabled person and the reason for the failure was that the disabled person was accompanied by an assistance dog.	£113  £400 costs (£846 requested)	Birchfield	Castle Vale
149	31/10/19	Casem Ahmed Abdul Hafidh West Bromwich	Local Government (Miscellaneous Provisions) Act 1976  Pleaded guilty to one offence of causing a vehicle, not being a Hackney Carriage, to wait on a stand for Hackney Carriages in Station Street, Birmingham.	£147  £100 costs (£593 requested)	Out of area	Ladywood

150	31/10/19	Abdiweli Jaama Birmingham	Town Police Clauses Act 1847 & Road Traffic Act 1988  Pleaded guilty to two offences; one of plying for hire on Smallbrook Queensway, Birmingham and one of consequently having invalid insurance.	£133 – no insurance  No separate penalty for plying  + 6 penalty points  £100 costs (£459 requested)	Gravelly Hill	Ladywood
151	31/10/19	Mohammed Jakir Hussain Shipu Birmingham	Town Police Clauses Act 1847 & Road Traffic Act 1988  Pleaded <u>not guilty</u> to two offences; one of plying for hire in Aston, Birmingham and one of consequently having invalid insurance.  Found guilty after trial. Exceptional hardship found – not disqualified from driving.	Total fine £380  (£330 for no insurance £50 for plying)  + 6 penalty points  £50 costs (£2,703 requested)	Aston	Aston
152	31/10/19	Shavan Abbas Ali Oldbury  Shemal Ali Birmingham	Licensing Act 2003  Pleaded guilty to three offences; one offence of selling alcohol from The Local Shop, 94 Ridgacre Lane, Quinton, Birmingham without a licence; one offence of exposing alcohol for sale at the premises and one offence of keeping alcohol on the premises for unauthorised sale.  Found guilty in his absence of one offence of selling alcohol from The Local Shop, 94 Ridgacre Lane, Quinton, Birmingham without a licence	Shavan £175 – offence 1  No separate penalty for remaining offences  £1,150 costs (£1,150 requested)  Shemal £440  £400 costs (£400 requested)	Out of area	Quinton

## LICENSING SIMPLE CAUTIONS

During the period of September and October 2019 fifteen simple cautions were administered.

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

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

**Section 54(2)** One caution was 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)** Two cautions were 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 57** One caution was issued for failing to disclose change of address details on an application form

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

### **Town Police Clauses Act Section 47 & Road Traffic Act 1988 Section 143**

One caution was issued for plying for hire and consequently having invalid insurance

### **Licensing Act 2003**

**Section 57** One caution was issued for failing to produce upon request and display a premises licence

**Section 136** One caution was issued for carrying on a licensable activity otherwise than in accordance with an authorisation

### **Licensing Act 2006**

**Section 57 & 136(a)** One caution was issued for failing to display a summary licence and breaching conditions of a licence

**TRADING STANDARDS 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>
153	3/10/19	Iqbal Hussain Birmingham	Criminal Justice Act 1988  Pleaded guilty to two offences of selling knives on two separate dates, namely an 8 inch chef knife and a seven piece kitchen set, from Big H, 15-17 Priory Square off Bull Street Birmingham to persons under the age of 18 years.	£268 – offence 1  No separate penalty for second offence.  £764 costs (£764 requested)	Sparkbrook & Balsall Heath East	Ladywood
154	3/10/19	Priceland Ltd 133 Tame Road Birmingham B6 7DG	Criminal Justice Act 1988  Pleaded guilty to two offences of selling knives on two separate dates, namely a professional kitchen knife and a utility knife, from Priceland Ltd, 184-186 Soho Road, Birmingham to persons under the age of 18 years.	£333 – offence 1  No separate penalty for second offence.  £1,729 costs (£1,729 requested)	Aston	Handsworth
155	21/10/19	Chetan Pal Panesar Birmingham	Companies Act 2006  Pleaded guilty to one offence of knowingly carrying on a fraudulent business, namely E-Tickets Worldwide Limited, a travel agent based at 94 Grove Lane, Handsworth, Birmingham, for a fraudulent purpose, namely defrauding customers of E-Tickets Worldwide Limited. Numerous customers booked and paid for flight tickets but did not receive any tickets. A number of customers arrived at their departure airport, expecting to catch flights that they had paid for, only to find that the business had not paid for their flights and they were denied boarding by the airlines.	21 months imprisonment.  5 year disqualification from acting as a Director.  POCA timetable set.	Holyhead	Handsworth

## **TRADING STANDARDS SIMPLE CAUTIONS**

During the period of September and October 2019 one simple caution was administered.

### **Criminal Justice Act 1988**

One caution was issued for selling a knife to a person under the age of 18 years.



**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>
156	5/9/19	Scizzor Sisters Midlands Ltd 586 Bristol Road Selly Oak Birmingham B29 6BE	Environmental Protection Act 1990  Pleaded guilty to one offence of failing to comply with a notice requiring written information of how waste from Scissor Sisters, 586 Bristol Road, Birmingham was disposed of within 7 days.	£300  £100 costs (£386 requested)	Bournbrook & Selly Park	Bournbrook & Selly Park
157	5/9/19	Amara 138 Ltd 138b Ladypool Road Birmingham B12 8JA	Environmental Protection Act 1990  Pleaded guilty to one offence of failing to comply with a notice requiring written information of how waste from Amara Shoe Boutique, 138 Ladypool Road, Birmingham was disposed of within 7 days.	£300  £392 costs (£392 requested)	Sparkbrook & Balsall Heath East	Bournbrook & Selly Park
158	30/9/19	Aman Supermarket Saleh Ltd 127-131 Bordesley Green Birmingham B9 5EG	Environmental Protection Act 1990  Pleaded guilty to one offence of failing to comply with a notice requiring written information of how waste from Aman Supermarket, 127-131 Bordesley Green, Birmingham was disposed of within 7 days	£150  £200 costs (£620 requested)	Bordesley Green	Bordesley Green
159	30/09/19	Tayyaba Foods Ltd 146-148 Bordesley Green Birmingham B9 4SU	Environmental Protection Act 1990  Pleaded guilty to one offence of failing to comply with a notice requiring written information of how waste from Star Grillz, 146/148 Bordesley Green, Birmingham was disposed of within 7 days.	£300  £400 costs (£669 requested)	Bordesley & Highgate	Bordesley & Highgate

160	30/09/19	The Moors Garden Ltd 441 Moseley Road Birmingham B12 9BX	Environmental Protection Act 1990  Pleaded guilty to one offence of failing to comply with a notice requiring written information of how waste from Moors Garden, 441 Moseley Road, Birmingham was disposed of within 7 days.	£500  £700 costs (£700 requested)	Balsall Heath West	Balsall Heath West
161	30/09/19	Mahdi Mohammadi Birmingham	Environmental Protection Act 1990  Pleaded <u>not guilty</u> to one offence of failing to comply with a notice requiring written information of how waste from Istanbul Fashions, 615 Washwood Heath Road, Birmingham was disposed of within 7 days.  Found guilty after trial.	£300  £500 costs (£1,133 requested)	Ward End	Ward End
162	3/10/19	Sardar Khan Birmingham	Environmental Protection Act 1990  Pleaded guilty to one offence of knowingly causing controlled waste, namely building waste to be deposited onto land on Crick Lane, Handsworth, Birmingham.	£100  £961 costs (£961 requested)	Handsworth	Birchfield
163	7/10/19	Peter Lewis Birmingham	Environmental Protection Act 1990  Pleaded <u>not guilty</u> to two offences; 1 of knowingly causing controlled waste, namely wood and other waste, to be deposited from a vehicle onto south side of Alum Rock Road and north side of Couchman Road, Saltley, Birmingham and 1 offence of failing to comply with a notice requiring written information of how waste from Fast Response Rubbish Removals, 120 Biirkenshaw Road, Birmingham was disposed of within 7 days.  Found guilty after trial.	£180  £520 (£1,758 requested)	Oscott	Alum Rock

164	17/10/19	Steven Lawson Birmingham	Environmental Protection Act 1990  Pleaded guilty to one offence of depositing controlled waste, namely a mattress, plastic boxes, commercial signage, wood, cardboard, black bags, a fridge freezer, children's toys, plastic crates and boxes and general waste to be deposited on Baker Street, Small Heath, Birmingham.	£350  £100 costs (£1,120 requested)	Small Heath	Sparkhill
165	17/10/19	Magic Wedding Services Ltd 458 Stratford Road Birmingham B11 4AE	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 Magic Party Balloons, 458 Stratford Road, Birmingham was disposed of within 7 days.	£400  £420 costs (£420 requested)	Sparkhill	Sparkhill
166	17/10/19	Sangam1 Ltd 334 Soho Road Birmingham B21 9NA	Environmental Protection Act 1990  Pleaded guilty to one offence of failing to comply with a notice requiring written information of how waste from Sangam (Veg) Restaurant, 334 Soho Road, Birmingham was disposed of within 7 days.	£400  £520 costs (£520 requested)	Handsworth	Handsworth
167	21/10/19	Zahid Maroof Birmingham	Environmental Protection Act 1990  Pleaded guilty to one offence of failing to comply with a notice requiring written information of how waste from TZ Convenience Store, 96-98 St Margaret's Avenue, Birmingham was disposed of within 7 days.	£300  £600 costs (£600 requested)	South Yardley	Ward End
168	31/10/19	All Nationz Barbers Ltd 57 Marsh Hill Birmingham B23 7DS	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 All Nationz Barbers, 57 Marsh Hill, Birmingham was disposed of within 7 days.	£400  £870 costs (£870 requested)	Stockland Green	Stockland Green

169	31/10/19	Springfield Car Spares Ltd 966 Stratford Road, Sparkhill Birmingham B11 4BU	Environmental Protection Act 1990  Pleaded guilty to one offence of failing to comply with a notice requiring written information of how waste from Springfield Car Spares, 966 Stratford Road, Birmingham was disposed of within 7 days.	Absolute discharge  No costs awarded (£605 requested)	Hall Green North	Hall Green North
170	31/10/19	Saif Supermarket Ltd 444-446 Alum Rock Road Birmingham B8 3HT	Environmental Protection Act 1990  Found guilty in their absence of three offences; two offences of depositing controlled waste, namely black bags of food waste and plastic packaging from Saif Supermarket, 444-446 Alum Rock Road, Birmingham, on Foxton Road on two separate dates and one offence of failing to comply with a notice requiring written information on how waste from the business was disposed of within 7 days.	£75,000 – offence 1 no separate penalty for remaining offences.  £1,865 (£1,865 requested)	Alum Rock	Alum Rock

### **WASTE ENFORCEMENT SIMPLE CAUTIONS**

No simple cautions were administered in September or October 2019.

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

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	0	0	1	0	2	0	0	0	0	0	0	<b>3</b>
Environmental Health (FPNs) Not paid and prosecuted	0	0	0	0	53	0	0	0	0	0	0	<b>53</b>
Environmental Health (non FPNs)	0	1	1	1	5	0	1	2	0	0	0	<b>11</b>
Trading Standards	0	0	0	0	1	0	0	0	0	0	0	<b>1</b>

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

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	0	0	0	0	1	0	1	0	0	0	1	<b>3</b>
Environmental Health (FPNs) Not paid and prosecuted	5	3	1	5	6	5	3	1	0	3	21	<b>53</b>
Environmental Health (non FPNs)	0	1	3	1	3	0	0	1	0	0	2	<b>11</b>
Trading Standards	0	0	0	0	0	1	0	0	0	0	0	<b>1</b>

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

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	1	1	0	0	3	0	0	0	2	0	0	<b>7</b>
Environmental Health (FPNs) Not paid and prosecuted	0	0	0	0	78	0	0	0	0	0	0	<b>78</b>
Environmental Health (including WEU)	1	1	3	2	1	0	3	1	0	2	0	<b>14</b>
Trading Standards	0	0	0	0	1	0	2	0	0	0	0	<b>3</b>

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

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	0	1	0	0	2	0	1	0	0	0	3	<b>7</b>
Environmental Health (FPNs) Not paid and prosecuted	4	4	5	3	9	3	7	4	2	2	35	<b>78</b>
Environmental Health (including WEU)	0	1	3	4	1	0	2	0	0	2	1	<b>14</b>
Trading Standards	0	0	1	0	0	0	2	0	0	0	0	<b>3</b>

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

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	2	1	1	0	9	0	0	0	3	0	0	<b>16</b>
Environmental Health (FPNs) Not paid and prosecuted	0	1	0	0	399	0	0	0	0	0	0	<b>400</b>
Environmental Health (including WEU)	2	5	15	18	31	2	9	6	2	4	0	<b>94</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-OCTOBER 2019**

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	0	2	0	2	5	0	2	0	0	1	4	<b>16</b>
Environmental Health (FPNs) Not paid and prosecuted	26	19	21	26	47	15	32	14	4	19	177	<b>400</b>
Environmental Health (including WEU)	1	9	18	17	22	0	8	4	1	4	10	<b>94</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
Duty of care inspections into the waste disposal arrangements of commercial premises	64	97	93	94	92	83	127					
Section 34 Environmental Protection Act demand notices issued:(trade waste statutory information demands)	37	59	64	51	45	50	76					
Section 34 Environmental Protection Act Fixed Penalty Notices issued to businesses (£300)	7	9	39	37	10	36	39					
Section 87 Environmental Protection Act Fixed Penalty notices issued for commercial and residential litter offences (£80)	0	0	0	0		0	2					
Section 33 Environmental Protection Act Fixed penalty notices issued for fly tipping (£400)	4	7	4	7	4	10	6					
Prosecutions												
Number of prosecution files submitted to legal services, (number produced quarterly.	13	10	35	9	9	7						



**BIRMINGHAM CITY COUNCIL**

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

**18<sup>th</sup> DECEMBER 2019**  
**ALL WARDS**

**FIXED PENALTY NOTICES ISSUED APRIL – OCTOBER 2019**

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

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

### 3. Background

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

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

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

### 4. Enforcement Considerations and Rationale

4.1 The attached appendix shows the wards where FPNs were issued between April and October 2019.

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

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

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

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

## 5. Consultation

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

## 6. Implications for Resources

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

## 7. Implications for Policy Priorities

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

## 8. Public Sector Equality Duty

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

# **ACTING DIRECTOR OF REGULATION AND ENFORCEMENT**

Background Papers: FPN records



## APPENDIX 1

Wards where FPN's are issued

Ward	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Total
Acocks Green	0	0	1	2	1	0	1						5
Allens Cross	0	0	0	0	1	0	0						1
Alum Rock	1	2	1	3	2	1	1						11
Aston	0	0	0	8	2	1	0						11
Balsall Heath West	0	0	0	1	0	0	1						2
Bartley Green	0	0	0	0	0	0	0						0
Billesley	0	0	0	1	0	1	0						2
Birchfield	0	0	0	0	0	0	0	2					2
Bordelsey & Highgate	0	0	1	3	0	8	1						13
Bordesley Green	0	0	0	1	0	0	0						1
Bournbrook & Selly Park	0	0	1	0	0	0	0						1
Bournville & Cotteridge	0	0	0	0	0	0	1						1
Brandwood & Kings Heath	0	1	5	0	0	0	0						6
Bromford & Hodge Hill	0	0	2	3	0	1	1						7
Castle Vale	0	0	0	0	0	0	0						0
Druids Heath and Monyhull	0	1	0	0	0	0	0						1
Edgbaston	2	0	0	3	0	0	0						5
Erdington	0	1	10	2	0	2	1						16
Frankley Great Park	0	0	0	0	2	0	0						2
Garretts Green	1	0	0	1	0	0	0						2
Glebe Farm & Tile Cross	0	0	0	1	1	3	1						6
Gravelly Hill	0	0	0	0	1	0	0						1
Hall Green North	0	3	6	6	0	0	1						16
Hall Green South	0	0	3	3	0	5	0						11
Handsworth Wood	0	0	0	0	0	0	0						0
Handsworth	0	1	0	0	0	2	1						4
Harborne	0	0	0	1	0	1	0						2
Heartlands	0	0	0	0	0	0	1						1
Highters Heath	0	0	0	0	0	0	0						0
Holyhead	0	0	0	1	0	0	0						1
Kings Norton North	0	0	0	0	0	0	0						0
Kings Norton South	0	0	0	0	0	0	0						0
Kingstanding	2	0	1	0	0	0	0						3
Ladywood	330	327	447	551	546	586	610						3,397
Longbridge & West Heath	0	1	0	0	1	0	1						3
Lozells	0	0	1	0	0	0	2						3
Moseley	0	0	0	1	0	0	5						6
Nechells	0	0	0	0	3	2	2						7
Newtown	0	0	0	0	1	2	1						4
North Edgbaston	0	1	0	0	1	0	1						3
Northfield	0	0	0	0	2	0	1						3

Oscott	0	0	0	2	0	0	0							2
Perry Barr	0	0	0	0	0	2	0							2
Perry Common	0	0	0	0	0	0	0							0
Pype Hayes	0	0	0	0	0	0	1							1
Quinton	0	0	0	1	0	2	0							3
Rubery & Rednal	0	0	0	0	0	0	0							0
Shard End	0	0	0	0	0	0	0							0
Sheldon	0	0	0	1	0	0	0							1
Small Heath	4	0	1	0	0	0	3							8
Soho & Jewellery Quarter	3	0	1	1	1	0	0							6
South Yardley	0	0	0	1	0	1	0							2
Sparkbrook & Balsall Heath East	0	0	1	2	0	0	4							7
Sparkhill	3	3	0	0	0	0	0							6
Stirchley	0	0	0	0	0	0	0							0
Stockland Green	0	0	1	0	0	0	3							4
Sutton Four Oaks	0	0	0	0	0	1	0							1
Sutton Mere Green	0	0	0	0	0	0	0							0
Sutton Reddicap	0	0	0	0	0	0	0							0
Sutton Roughley	0	0	0	0	0	0	0							0
Sutton Trinity	0	0	0	0	1	0	0							1
Sutton Vesey	0	0	2	0	0	0	0							2
Sutton Walmley & Minworth	0	0	0	0	0	0	0							0
Sutton Wylde Green	0	0	0	0	0	0	0							0
Tyseley & Hay Mills	0	0	0	0	0	1	0							1
Ward End	0	0	0	3	8	3	0							14
Weoley & Selly Oak	0	0	0	6	0	0	1							7
Yardley East	1	0	3	2	0	0	2							8
Yardley West & Stretford	0	0	1	4	0	1	0							6
	347	341	489	615	574	626	650	0	0	0	0	0	0	3,642

**BIRMINGHAM CITY COUNCIL**

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

**18 December 2019**  
**ALL WARDS**

**ACTION TAKEN BY THE CHAIR OF THE LICENSING  
& PUBLIC PROTECTION COMMITTEE:**  
**October - November 2019**

1. Summary
  - 1.1 This report advises the Committee of action taken by the Chair under authority from the Licensing & Public Protection Committee, together with an explanation as to why this authority was used.
2. Recommendation
  - 2.1 That the report be noted.

Contact Officer: Emma Rohomon, Acting Head of Licensing  
Telephone: 0121 303 6111  
E-mail: [emma.rohomon@birmingham.gov.uk](mailto:emma.rohomon@birmingham.gov.uk)

3. Background Information

- 3.1 On 16 March 2007 Section 52 of the Road Safety Act 2006 came into force. This has had the effect of enabling a licensing authority to suspend or revoke a hackney carriage or private hire driver's licence with immediate effect – meaning that the suspension or revocation takes effect immediately once notice of the authority's decision has been given to the driver – where this decision is considered necessary in the interests of public safety.

4. Summary of Action Taken for October and November 2019

- 4.1 On 28 October 2019 authority was sought to revoke with immediate effect the private hire driver licence held by driver reference 32694. On 28 October 2019 the Licensing Enforcement Section received information from West Midlands Police to the effect that the driver has been arrested for an allegation of intent to supply class A drugs.
- 4.2 The interests of public safety being considered paramount, an authorisation of the Director of Regulation and Enforcement, acting in consultation with the Chair, was obtained and on 28 October 2019 notice was hand delivered personally to driver 32694's last known address, advising that his private hire driver licence was revoked with immediate effect, in accordance with Sections 61(1)(b) and 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976.
- 4.3 On 28 October 2019 authority was sought to revoke with immediate effect the private hire driver licence held by driver reference 63728. On 28 October 2019 the Licensing Enforcement Section received information to the effect that the driver has been arrested for an allegation of rape.
- 4.4 The interests of public safety being considered paramount, an authorisation of the Director of Regulation and Enforcement, acting in consultation with the Chair, was obtained and on 28 October 2019 notice was hand delivered personally to driver 63728's last known address, advising that his private hire driver licence was revoked with immediate effect, in accordance with Sections 61(1)(b) and 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976.
- 4.5 On 8 November 2019 authority was sought to suspend with immediate effect the private hire driver licence held by driver reference 105265. On 8 November 2019 the Licensing Section received an allegation of serious inappropriate behaviour by the driver.
- 4.6 The interests of public safety being considered paramount, an authorisation of the Director of Regulation and Enforcement, acting in consultation with the Chair, was obtained and on 8 November 2019 notice was hand delivered personally to driver 105265's last known address, advising that his private hire



driver licence was suspended with immediate effect, in accordance with Sections 61(1)(b) and 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976.

5. Implications for Resources

- 5.1 No specific implications have been identified; however, drivers retain the right to appeal through a Magistrates' Court, which may result in the imposition of costs either to or against the City Council.

6. Implications for Policy Priorities

- 6.1 The contents of the report contribute to the City Council's published policy priority of improving the standards of licensed vehicles, people and premises in the City.

7. Implications for Equality and Diversity

- 7.1 The actions identified in this report were taken in accordance with the Regulatory Services enforcement policy, which ensures that equality issues have been addressed.

**INTERIM ASSISTANT DIRECTOR OF REGULATION AND ENFORCEMENT**



**BIRMINGHAM CITY COUNCIL**

**LICENSING AND PUBLIC PROTECTION COMMITTEE**

**18 DECEMBER 2019**

**SCHEDULE OF OUTSTANDING MINUTES**

<b>MINUTE NO./DATE</b>	<b>SUBJECT MATTER</b>	<b>COMMENTS</b>
11-- 23/10/2019	<b><u>Update Report On Unauthorised Encampments</u></b> – 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.	January 2020

