

BIRMINGHAM CITY COUNCIL

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

19 SEPTEMBER 2018
ALL WARDS

PROSECUTIONS AND CAUTIONS – MAY, JUNE AND JULY 2018

1. Summary
 - 1.1 This report summarises the outcome of legal proceedings taken by Regulation and Enforcement during the months of May, June and July 2018.
2. Recommendation
 - 2.1 That the report be noted.

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3. Results

3.1 During the months of May, June and July 2018 the following cases were heard at Birmingham Magistrates Court, unless otherwise stated:

- 16 Licensing cases was finalised resulting in fines of £7,595 and prosecution costs of £7,691. 88 penalty points were issued. 28 simple cautions were administered as set out in Appendix 1.
- 238 Environmental Health cases resulted in fines of £125,312, a 12 month community order and prosecution costs of £59,797 were awarded. Compensation for clean-up costs in the sum of £321 was awarded. Two simple cautions were administered as set out in Appendix 2.
- Three Trading Standards cases were finalised resulting in a 12 month community order, fines of £1,130 and prosecution costs of £2,000. No simple cautions were administered as set out in Appendix 3.
- Appendix 4 lists cases finalised by district in May, June and July 2018 and cases finalised by district April – July 2018.
- Appendix 5 lists the enforcement activity undertaken by the Waste Enforcement Team in April - June 2018.

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 2018 to July 2018 the following costs have been requested and awarded:

Licensing

£10,066 has been requested with £8,459 being awarded (84%).

Environmental Health

£120,400 has been requested with £81,922 being awarded (68%).

Trading Standards

£5,476 has been requested with £4,425 being awarded (81%).

- 5.3 For the months of May, June and July 2018 the following costs have been requested and awarded:

Licensing

£9,084 has been requested with £7,691 being awarded (85%).

Environmental Health

£91,439 has been requested with £59,797 being awarded (65%).

Trading Standards

£3,051 has been requested with £2,000 being awarded (66%).

6. Implications for Policy Priorities

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

7. Public Sector Equality Duty

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

DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: Nil

LICENSING CASES**APPENDIX 1**

	Date Case Heard	Name & Address	Offence details (including Legislation)	Fine/Penalty & Costs	Ward of defendant	Ward - Offence committed
1	10/5/18	Tayyab Hanif Dar Slough	Town Police Clauses Act 1847 & Road Traffic Act 1988 Pleaded guilty to two offences: one of plying for hire in Broad Street, Birmingham and one of consequently having invalid insurance.	£350 – No Insurance + 6 penalty points No separate penalty for plying £200 costs (£491 requested)	Out of area	Ladywood
2	30/5/18	Tariq Alam Walsall	Equalities Act 2010 Pleaded guilty to one offence of failing to carry out a booking accepted by his operator as the customer was accompanied by an assistance dog.	£495 £500 costs (£1,279 requested)	Out of area	Ladywood
3	7/6/18	Muhammed Akram Hodge Hill Birmingham	Town Police Clauses Act 1847 & Road Traffic Act 1988 Pleaded guilty to two offences: one of plying for hire in Bromsgrove Street, Birmingham and one of consequently having invalid insurance.	£515 – Plying No separate penalty for no Insurance. + 8 penalty points £464 costs (£464 requested)	Bromford & Hodge Hill	Ladywood

4	7/6/18	Mehar Adeel Sparkbrook Birmingham	Town Police Clauses Act 1847 & Road Traffic Act 1988 Found guilty in his absence of two offences: one of plying for hire in Bristol Road, Birmingham and one of consequently having invalid insurance.	£770 – Plying No separate financial penalty for the no Insurance. + 8 penalty points £641 costs (£641 requested)	Sparkbrook & Balsall Heath East	Bournbrook & Selly Park
5	18/6/18	Harkamal Sumbal Little Aston Staffordshire	Licensing Act 2003 Found guilty in his absence of two offences; one offence of carrying on a licensable activity, namely the supply of alcohol at PJ's Express, 111 The Parade, Sutton Coldfield, Birmingham and failing to produce staff training records when requested by an authorised officer and one offence of failing to notify the Local Authority of any change of address as stated in a personal licence.	£1,500 (£1,000 – offence 1 £500 – offence 2) Personal licence suspended for 3 months (Magistrates suspended the effect of this decision for 14 days to allow time for him to appeal) £984 costs (£984 requested)	Out of area	Sutton Trinity
6	21/6/18	Ahmed Hamid Nour Bordesley Green Birmingham	Town Police Clauses Act 1847 & Road Traffic Act 1988 Pleaded guilty to two offences: one of plying for hire in Broad Street, Birmingham and one of consequently having invalid insurance.	£140 – no insurance + 6 penalty points No separate penalty for plying. £300 costs (£523 requested)	Bordesley Green	Ladywood

7	21/6/18	Mohammed Akhlaq Handsworth Birmingham	Town Police Clauses Act 1847 & Road Traffic Act 1988 Pleaded guilty to two offences: one of plying for hire in Broad Street, Birmingham and one of consequently having invalid insurance.	£210 – no insurance + 6 penalty points No separate penalty for plying £300 (£400 requested)	Handsworth	Ladywood
8	5/7/18	Abdul Zahid Smethwick	Town Police Clauses Act 1847 & Road Traffic Act 1988 Pleaded guilty to two offences: one of plying for hire in Bennetts Hill, Birmingham and one of consequently having invalid insurance.	£40 – Plying £120 – No insurance + 6 penalty points £493 costs (£493 requested)	Out of area	Ladywood
9	5/7/18	Naseer Ahmed Hodge Hill Birmingham	Town Police Clauses Act 1847 & Road Traffic Act 1988 Pleaded guilty to two offences: one of plying for hire in Broad Street, Birmingham and one of consequently having invalid insurance.	£295 – Plying £440 – No Insurance + 6 penalty points £452 costs (£452 requested)	Bromford & Hodge Hill	Ladywood
10	5/7/18	Saleem Shazad Moseley Birmingham	Town Police Clauses Act 1847 & Road Traffic Act 1988 Pleaded guilty to two offences: one of plying for hire in Bristol Road, Birmingham and one of consequently having invalid insurance.	£40 – Plying £120 – No Insurance + 6 penalty points £452 costs (£452 requested)	Sparkhill	Bournbrook & Selly Park

11	5/7/18	Abdul Rahim Birmingham	Town Police Clauses Act 1847 & Road Traffic Act 1988 Pleaded guilty to two offences: one of plying for hire in Bennetts Hill, Birmingham and one of consequently having invalid insurance.	£40 – Plying £120 – No Insurance + 6 penalty points £400 costs (£400 requested)	Heartlands	Ladywood
12	19/7/18	Humayun Kabir Chowdhury Small Heath Birmingham	Town Police Clauses Act 1847 & Road Traffic Act 1988 Pleaded guilty to two offences: one of plying for hire in Bristol Road, Birmingham and one of consequently having invalid insurance.	£400 (£200 x 2) + 6 penalty points £472 costs (£472 requested)	Bordesley Green	Bournbrook & Selly Park
13	19/7/18	Aslam Ahmed West Bromwich	Town Police Clauses Act 1847 & Road Traffic Act 1988 Pleaded guilty to two offences: one of plying for hire in Bristol Road, Birmingham and one of consequently having invalid insurance.	£600 (£300 x 2) + 6 penalty points £462 costs (£462 requested)	Out of area	Bournbrook & Selly Park
14	19/7/18	Asad Sajjad Walsall	Town Police Clauses Act 1847 & Road Traffic Act 1988 Pleaded guilty to two offences: one of plying for hire in Suffolk Street Queensway, Birmingham and one of consequently having invalid insurance.	£400 (£200 x 2) + 6 penalty points £493 costs (£493 requested)	Out of area	Ladywood
15	19/7/18	Shakwan Faieq Abdullah Birmingham	Town Police Clauses Act 1847 & Road Traffic Act 1988 Pleaded guilty to two offences: one of plying for hire in Stephenson Street, Birmingham and one of consequently having invalid insurance.	£400 (£200 x 2) + 6 penalty points £544 costs (£544 requested)	Lozells	Ladywood

16	19/7/18	Khalid Muhmud Rasab Hall Green Birmingham	Town Police Clauses Act 1847 & Road Traffic Act 1988 Pleaded guilty to two offences: one of plying for hire in Ladywell Walk, Birmingham and one of consequently having invalid insurance.	£600 (£200 x 2) + 6 penalty points £534 costs (£534 requested)	Acocks Green	Ladywood
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APPEAL AGAINST CONVICTION

	Date Case Heard	Name & Address	Offence details (including Legislation)	Fine/Penalty & Costs	Ward of defendant	Ward - Offence committed
1	27/7/18 at Birmingham Crown Court	Mohammed Nawaz Moseley Birmingham	Equalities Act 2010 Appeal against conviction imposed on 26.2.18 following trial relating to one offence of being the driver of a Hackney Carriage and failing to carry out a booking as the disabled customer was accompanied by an assistance dog.	Appeal dismissed Sentence imposed at Birmingham Magistrates Court on 26.2.18 stands £350 fine £1,318 costs + Costs of the Appeal £853	Moseley & Kings Heath	Ladywood

LICENSING SIMPLE CAUTIONS

During the period of May, June & July 2018, 28 simple cautions have been administered

Local Government (Miscellaneous Provisions) Act 1976

Section 44(3) & 46(1) One caution was issued for allowing a person to act as a private hire driver without a current licence and allowing a vehicle to operate without the driver having a current licence.

Section 48(6) 16 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 56(3) One caution was issued for failing to produce records

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

Town Police Clauses Act 1847 & Road Traffic Act 1988

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

Criminal Justices and Public Order Act 1994

Section 167(1) Two cautions were issued for soliciting persons to hire a vehicle, to carry them as passengers.

Byelaw 26 of the Birmingham City Council Hackney Carriage Byelaws 2008 made under section 68 of the Town Police Clauses Act 1847 and section 171 of the Public Health Act 1875 One caution was issued for failing to produce upon request, by an authorised officer, a copy of the Hackney Carriage Byelaws for perusal and inspection.

Byelaw 26 of the Birmingham City Council Hackney Carriage Byelaws 2008 made under section 68 of the Town Police Clauses Act 1847 and section 171 of the Public Health Act 1875 One caution was issued for failing to display a fare table in a manner as to be plainly and distinctly visible

Licensing Act 2003

Section 136(1)(a) Two cautions were issued for carrying on a licensable activity otherwise than in accordance with an authorisation

ENVIRONMENTAL HEALTH CASES

WASTE OFFENCES

	Date Case Heard	Name & Address	Offence details (including Legislation)	Fine/Penalty & Costs	Ward of defendant	Ward - Offence committed
1	2/5/18	Focus 4 Learning Ltd Suite 208 Wolverley House 18 Digbeth Birmingham B5 6BJ Alton Fuller Birmingham	Environmental Protection Act 1990 The Company and Director both pleaded <u>not guilty</u> to two offences of failing to comply with notices requiring written information of how waste from the business at Focus 4 Learning Ltd, Wolverley House, 18 Digbeth, Birmingham was disposed of within 7 days. Found guilty after trial.	Total £300 (Each fined £150) £1,984 costs (£992 each) (£1,984 requested)	Bordesley & Highgate	Bordesley & Highgate
2	10/5/18	SNK Retails Ltd 15-17 Idmiston Croft Birmingham B14 5NJ	Environmental Protection Act 1990 Pleaded guilty to one offence of failing to comply with a notice requiring written information of how waste from the business at Lifestyle Express, 15-17 Idmiston Croft, Birmingham was disposed of within 7 days.	£835 £440 costs (£440 requested)	Druids Heath & Monyhull	Druids Heath & Monyhull
3	10/5/18	Shannon McGrath Stirchley Birmingham	Environmental Protection Act 1990 Pleaded guilty to six offences; 3 offences of knowingly causing or permitting controlled waste to be deposited on land at Warstock Lane, on two occasions and Moseley Bog Car park, Yardley Wood Road. The waste consisted of 46 black bags of rubbish. One offence of failing to provide details of the person in control of the vehicle on the dates of offence, one offence of driving without a licence and one offence of driving without insurance.	£140 - No Insurance offence + 6 penalty points No separate penalty for remaining offences. £60 costs (£1,749 requested) £321 clean-up costs	Stirchley	Moseley

4	14/5/18	Mohammed Yamin Castle Bromwich Birmingham	Environmental Protection Act 1990 Pleaded guilty to two offences; one of knowingly causing or permitting controlled waste, namely a broken sofa, to be deposited on land on Baker Street, Nechells, Birmingham and one offence of failing to provide details of the person in control of the vehicle on the date of offence.	£1,080 – offence 1 No separate penalty for offence 2 £1,500 costs (£2,000 requested)	Out of area	Sparkhill
5	6/6/18	Daniel Lefter Birmingham	Environmental Protection Act 1990 Pleaded guilty to one offence of failing to take all measures to prevent a contravention in that waste from the business Barber and Beauty Salon, 612 Washwood Heath Road, was found in a bin designated for domestic waste.	£153 £1,339 costs (£1,339 requested)	Ward End	Ward End
6	7/6/18	Marsha Lee Whilby Birmingham	Environmental Protection Act 1990 Pleaded guilty to one offence of failing to comply with a notice requiring written information of how waste from the business at Unique Diva, 516 Birchfield Road, Birmingham was disposed of within 7 days.	£305 £65 costs (£495 requested)	Gravelly Hill	Perry Barr
7	7/6/18	Bartosz Czubacki Stockland Green Birmingham	Environmental Protection Act 1990 Pleaded guilty to one offence of instructing a person to collect and dispose of waste from 504 Slade Road without ensuring that the person was authorised for the transfer of waste.	£45 No costs awarded (£358 requested)	Stockland Green	Perry Barr

8	18/6/18	A2Z DIY Hardware, Plumbing & Heating Merchant Ltd 98 Bromford Lane Erdington Birmingham B24 8BY	Environmental Protection Act 1990 Pleaded guilty to two offences; one offence of failing to prevent controlled waste from being fly tipped in that the company had a policy to allow cardboard waste and general waste to be collected and removed by an unknown person and one offence of failing to supply written information as to how the business at A2Z DIY Hardware, Plumbing & Heating Merchant Ltd, 98 Bromford Lane, Birmingham disposes of its waste.	£10,500 (£10,000 – offence 1 £500 – offence 2) £2,528 costs (£2,528 requested)	Pype Hayes	Pype Hayes
9	18/6/18	Mr Signz Ltd 248 Dudley Road Birmingham B18 4HN	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 the business at Mr Signz, 248 Dudley Road, Birmingham was disposed of within 7 days.	£1,000 £520 costs (£520 requested)	North Edgbaston	North Edgbaston
10	18/6/18	Seelan Indra UK Ltd 2 Wheleys Road Birmingham B15 2LD	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 the business at Select Xpress, 209 Hagley Road, Birmingham was disposed of within 7 days.	£1,000 £560 costs (£560 requested)	Edgbaston	North Edgbaston
11	18/6/18	Al Shifa Eyecare Ltd 521 Green Lane Birmingham B9 5PT	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 the business at Al Shifa Opticians, 176 Alum Rock Road, Birmingham was disposed of within 7 days.	£1,000 £588 costs (£588 requested)	Bordesley Green	Alum Rock

12	21/6/18	A&S Supermarket (PAL) Ltd Unit 1 73 Milton Street Walsall WS1 4LA	Environmental Protection Act 1990 Pleaded guilty to three offences; one offence of instructing an unknown person to collect and dispose of waste from A&S Supermarket (PAL) Ltd, Unit 1, 73 Milton Street, Walsall without ensuring that he was an authorised person to transfer waste and two offences of failing to provide written information as to how waste is disposed of from the business within 7 days	£2,500 – offence 1 No separate penalty for remaining offences £1,789 costs (£1,789 requested)	Out of area	Out of area
13	21/6/18	Vapin Ltd 1088 Stratford Road Hall Green Birmingham B28 8AD	Environmental Protection Act 1990 Found guilty in their absence of three offences; one offence of causing or permitting controlled waste, namely documents and packaging relating to the business at Vapin Ltd, 1088 Stratford Road, Birmingham, to be deposited by a lamp post near 1088 Stratford Road, one offence of failing to take measures to prevent a contravention in that employees were instructed to deposit waste on the pavement outside the business and one offence of failing to comply with a notice requiring written information of how waste from the business was disposed of within 7 days.	£500 – offence 1 No separate penalty for remaining offences £1,500 costs (£1,500 requested)	Hall Green North	Hall Green North
14	21/6/18	Craiova Ltd 149 Dudley Road Birmingham B18 7QY	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 the business at Craiova, 149 Dudley Road, Birmingham was disposed of within 7 days.	£300 £610 costs (£610 requested)	North Edgbaston	North Edgbaston

15	21/6/18	Abdul Mohammed Gapper Birmingham	Environmental Protection Act 1990 Pleaded guilty to two offences; one of failing to take all reasonable measures to prevent the escape of waste in that waste from Raznur Café, 553 Coventry Road, Birmingham was found on Coventry Road and one offence of failing to comply with a notice requiring written information of how waste from the business was disposed of within 7 days.	£1,020 – offence 1 No separate penalty for remaining offences £812 costs (£812 requested)	Small Heath	Small Heath
16	21/6/18	Gurjinder Kaur Ghatour Acocks Green Birmingham	Environmental Protection Act 1990 Pleaded guilty to two offences; one of depositing controlled waste, namely one black bin bag, on the pavement in Westley Road, Acocks Green, Birmingham and one offence of failing to comply with a notice requiring written information of how waste from Dimples Beauty, 14 Westley Road, was disposed of within 7 days.	£320 – offence 1 No separate penalty for offence 2 £200 costs (£599 requested)	Acocks Green	Acocks Green
17	21/6/18	Junaid Akhtar Birmingham	Environmental Protection Act 1990 Pleaded guilty to three offences; one offence of causing controlled waste, namely black sacks, to be deposited on land in Brunswick Road, one offence of failing to take measures to prevent a contravention by their employees in that there were no adequate procedures in place and no legitimate means of waste disposal and one offence of failing to comply with a notice requiring written information of how waste from the business at Sheikh Hameed and Sons, 248 Ladypool Road, was disposed of within 7 days.	£640 – offence 1 No separate penalty for remaining offence £567 costs (£567 requested)	Sparkbrook & Balsall Heath East	Sparkbrook & Balsall Heath East

18	21/6/18	Mohammed Younis Birmingham	Environmental Protection Act 1990 Pleaded guilty to four offences; two offences of knowingly permitting controlled waste, namely 7 black bags of waste from Recom Phones, 95 High Street, Kings Heath, Birmingham to be deposited, on two separate dates, on land at 95 High Street, Kings Heath and two offences of failing to comply with notices requiring written information of how waste from the business was disposed of within 7 days.	£375 – offence 1 No separate penalty for remaining offences £765 costs (£1,165 requested)	Alum Rock	Brandwood & Kings Heath
19	5/7/18	Rock General Store Ltd 88 Alum Rock Road Birmingham B8 1HZ	Environmental Protection Act 1990 Pleaded guilty to one offence of failing to comply with a notice requiring written information of how waste from the business at Saida Store, 88 Alum Rock Road, Birmingham was disposed of within 7 days.	£200 £481 costs (£481 requested)	Alum Rock	Alum Rock
20	5/7/18	Liberty Luwaca Hockley Birmingham	Environmental Protection Act 1990 Pleaded guilty to one offence of depositing controlled waste, namely a quantity of black bags, from a Mercedes Sprinter Van on land on Monument Road, Birmingham.	£640 £1,113 costs (£1,113 requested)	Lozells	Ladywood
21	5/7/18	R & A Carpets Ltd 175-177 Alum Rock Road Birmingham B8 1NU	Environmental Protection Act 1990 Pleaded guilty to two offences of failing to comply with notices requiring written information of how waste from the business at National Carpets, 175-177 Alum Rock Road, Birmingham was disposed of within 7 days.	£175 – offence 1 No separate penalty for offence 2 £415 costs (£415 requested)	Alum Rock	Alum Rock

22	5/7/18	Kym Rees Maypole Birmingham	Environmental Protection Act 1990 Pleaded guilty to one offence of depositing controlled waste, namely envelopes, plastic packaging, pieces of ribbon and fabric, on land outside 28 Station Road, Acocks Green, Birmingham.	£130 £460 costs (£581 requested)	Highter's Heath	Acocks Green
23	5/7/18	Aaron Crutchley Kings Heath Birmingham	Environmental Protection Act 1990 Pleaded guilty to one offence of depositing controlled waste, namely plastic, wood and cardboard boxes, on land on Tunnel Lane, Kings Norton, Birmingham.	£320 £1,232 costs (£1,232 requested)	Brandwood & Kings Heath	Druids Heath & Monyhull
24	9/7/18	Dylan James Reed Birmingham	Environmental Protection Act 1990 Pleaded guilty to one offence of failing to comply with a notice requiring written details as to the driver and/or person in charge of a Ford Transit vehicle which was used to deposit waste on land in Dee Grove, Kings Norton, Birmingham within 14 days. Originally listed for trial	£265 £100 costs (£4,000 requested)	Bartley Green	Bartley Green
25	16/7/18	Justin Williams Yardley Birmingham	Environmental Protection Act 1990 Pleaded guilty to seven offences; one of depositing controlled waste, namely a large amount of laminate flooring planks, on land at Poolway, Stechford, Birmingham and six offences of knowingly causing or permitting controlled waste, namely fridges, freezers, sofas, beds, building waste and timber, to be deposited from two Ford Panel vans, on land in Arthur Road, South Yardley, Radleys Walk, Sheldon and Poundland car park in Coventry Road, Yardley. Originally listed for trial	12 month community order 200 hours unpaid work Both vehicles forfeited £500 costs (£2,872 requested)	Yardley East	Garretts Green

26	19/7/18	Aidan Patrick Shenstone Lichfield	Environmental Protection Act 1990 Pleaded guilty to one offence of failing to comply with a notice requiring written information of how waste from the business at Aidan Patric Hairdressers, 7 Little Sutton Road, Sutton Coldfield was disposed of within 7 days.	£300 £475 costs (£475 requested)	Out of area	Sutton Roughley
27	19/7/18	Rabia & Sons Ltd 131 Lozells Road Birmingham B19 2TR	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 the business at Pound Plus, 131 Lozells Road, Birmingham was disposed of within 7 days.	£300 £489 costs (£489 requested)	Lozells	Lozells
28	19/7/18	Northway Links Ltd 1026 Coventry Road South Yardley Birmingham B25 8DP	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 the business at Phone Shop, 1026 Coventry Road, Birmingham was disposed of within 7 days.	£300 £431 costs (£431 requested)	Tyseley & Hay Mills	Tyseley & Hay Mills
29	19/7/18	Jolly News Ltd 308 Tessall Lane Birmingham B31 5EN	Environmental Protection Act 1990 Found guilty in their absence of three offences; one offence of knowingly causing controlled waste, namely 10 bags of waste from Jolly News to be deposited on land at the junction of Tessall Lane and Fernan Road, one offence of failing to have in place a suitable system to dispose of waste and one offence of failing to comply with a notice requiring written information of how waste from the business was disposed of within 7 days.	£1,500 (£500 x 3) £576 costs (£576 requested)	Frankley Great Park	Frankley Great Park

30	19/7/18	Sufyan Ahmed Birmingham	Environmental Protection Act 1990 Pleaded guilty to two offences; one offence of depositing 10 bags of wall plaster and render on the grass near Molliet Park in Dugdale Street and one offence of depositing six bags of wall plaster, render and metal strips on the side of the road in Abberley Street, Birmingham.	£600 (£300 x 2) Costs £400 (£1,197 requested)	North Edgbaston	North Edgbaston
31	23/7/18	Dudley Road Fast Food Ltd 249 Dudley Road Birmingham B18 4HB	Environmental Protection Act 1990 Pleaded guilty to one offence of failing to comply with a notice requiring written information of how waste from the business at Dixy Chicken, 349 Dudley Road, Birmingham was disposed of within 7 days. Originally listed for trial.	£500 £1,311 costs (£1,311 requested)	North Edgbaston	North Edgbaston
32	30/07/18	Shehnai.UK (Birmingham) Ltd 18-22 Stoney Lane South Yardley Birmingham B25 8YP	Environmental Protection Act 1990 Pleaded guilty to one offence of failing to comply with a notice requiring written information of how waste from the business at Shehnai.UK, 66 Alum Rock Road, Birmingham was disposed of within 7 days.	£1,000 £995 costs (£1,995)	Yardley East	Alum Rock

ANIMAL WELFARE OFFENCES – SINGLE JUSTICE PROCEDURE

	Date Case Heard	Name & Address	Offence details (including Legislation)	Fine/Penalty & Costs	Ward of defendant	Ward - Offence committed
1	11/5/18	Petru Sulintan Birmingham	The Microchipping of Dogs (England) Regulations 2015 Found guilty in his absence of one offence of being the keeper of a Shih-Tzu dog and failing to comply with a notice requiring the dog to be microchipped within 21 days.	£220 £85 costs (£175 requested)	North Edgbaston	North Edgbaston
2	29/5/18	Mark Andrew Price Sutton Coldfield	Dogs on Leads Order 2017 Found guilty in his absence of one offence of being a person in charge of a dog and failing to keep it on a lead on public roads, verges and pathways on Carhampton Road, Birmingham.	£220 £80 costs (£175 requested)	Sutton Reddicap	Sutton Reddicap

FOOD HYGIENE OFFENCES

	Date Case Heard	Name & Address	Offence details (including Legislation)	Fine/Penalty & Costs	Ward of defendant	Ward - Offence committed
1	10/5/18	Roti & Curry Junction Original Ltd 80 Stoney Lane Sparkbrook Birmingham B12 8AF	Food Safety and Hygiene (England) Regulations 2013 Pleaded guilty to three offences relating to conditions at Roti & Curry Junction, 80-82 Stoney Lane, Sparkbrook, Birmingham. There was evidence of mouse activity throughout the premises. The premises was not kept clean and maintained in good condition, there was a build-up of grease underneath equipment, the drainage gulley was dirty and a shower head used to clean equipment had signs of mould. A white chopping board used to cut cucumber had signs of mould growth and dirt. There was food debris and liquid at the bottom of a fridge.	£4,000 £700 costs (£700 requested)	Sparkbrook & Balsall Heath East	Sparkbrook & Balsall Heath East
2	10/5/18	Pizza Italiano Ltd Unit 3 Lawford Close Birmingham B7 4HJ	Food Safety and Hygiene (England) Regulations 2013 Pleaded guilty to three offences relating to conditions at Pizza Italiano, Unit 3 Lawford Close, Birmingham. There was evidence of mouse activity throughout the premises. Mouse droppings were found on container lids, ready to eat onions and on surfaces. The kitchen floor was littered with mouse droppings. There was an accumulation of grease and dirt on equipment and surfaces.	£1,800 £1,575 costs (£1,575 requested)	Nechells	Nechells

3	10/5/18	Mohammed Jamil Alum Rock Birmingham	Food Safety and Hygiene (England) Regulations 2013 Pleaded guilty to three offences relating to conditions at Pelham Halal Meat and Poultry Centre, 832 Alum Rock Road, Birmingham. There was evidence of mouse activity throughout the premises. The premises was not clean, the floors were littered with mouse droppings and there was an accumulation of dirt and grease on equipment, surfaces in ridge units, the walk in chiller and underneath preparation surfaces. There was a lack of pest proofing.	£1,400 £1,254 costs (£1,254 requested)	Alum Rock	Washwood Heath
4	18/5/18	Raja Trading Ltd 244 High Street Erdington Birmingham B23 6SN	Food Safety and Hygiene (England) Regulations 2013 Found guilty in their absence of three offences relating to conditions at Attock, 244 High Street, Erdington, Birmingham. No adequate procedures were in place to control pests, mouse droppings were found throughout the premises and ready to eat foods had been gnawed by mice. The premises were not kept clean and food had not been protected against contamination.	£12,000 (£4,000 x 3) £2,731 costs (£2,731 requested)	Erdington	Erdington

5	4/6/18	Maheer Gamoom Birmingham	<p>Food Safety and Hygiene (England) Regulations 2013</p> <p>Pleaded guilty to seven offences relating to conditions at Pastry House, 207 Soho Road, Birmingham. There were no adequate procedures in place to control pests and the premises were not kept clean. Floors, shelving, boxes, a chair and a work surface were dirty with mouse droppings. There were gaps around the sink waste pipe going into the wall which could allow the ingress of mice. Chopping boards were heavily scored and unable to be effectively cleaned. A dirty fryer was stored in a box with mouse droppings. Plastic fruit bags and carrier bags were contaminated by mouse droppings and there were mouse droppings on an open box storing onions and peppers.</p>	<p>£690 (£230 x 3)</p> <p>No separate penalty for remaining offences</p> <p>£3,000 costs (£3,273 requested)</p>	North Edgbaston	Soho & Jewellery Quarter
6	7/6/18	Gmall Yafai Birmingham	<p>Food Safety and Hygiene (England) Regulations 2013</p> <p>Pleaded guilty to seven offences relating to conditions at Le Codfather, 95-97 Baker Street, Birmingham on three separate occasions. Walls and cladding were damaged and could not be effectively cleaned. The premises were in a dirty condition and chopping boards were scored and mouldy. The oven drained directly onto the floor in the food preparation room. There were no procedures based on HACCP and no working light in a tall freezer.</p>	<p>£800 – offence 1</p> <p>No separate penalty for remaining offences</p> <p>£1,735 costs (£1,735 requested)</p>	Bordesley & Highgate	Sparkhill

7	18/6/18	Xian Zhong Li Hall Green Birmingham	Food Safety and Hygiene (England) Regulations 2013 Pleaded guilty to two offences of failing to comply with two improvement notices served relating to conditions at Ruby Garden, 311 Highfield Road, Birmingham. The notices required procedures based on HACCP to be put in place, mouldy grout behind the wash sinks to be removed and replaced, a lobby space between the kitchen and the toilet to be installed, cleaning materials to the wash hand basins to be provided, carpet to be removed and a damaged tile to be replaced and peeling and loose paint from the ceiling in the rear hallway to be removed.	£6,000 – offence 1 No separate penalty for offence 2. £930 costs (£930 requested)	Hall Green South	Hall Green South
8	9/7/18	Shy Group Ltd 93 Durham Road Birmingham B11 4LH	Food Safety and Hygiene (England) Regulations 2013 Pleaded guilty to four offences relating to conditions at Huan Gate, 151 Hurst Street, Birmingham. There were no procedures in place to control pests; mouse droppings were found on surfaces and shelving and in the kitchen storeroom. The kitchen was dirty and shelving in the fridge was covered in food debris and grease. Mouse droppings were in direct contact with the meat sliver and pots and pans were dirty. An adequate number of wash basins were not provided.	£8,000 £1,143 costs (£1,143 requested)	Sparkhill	Bordesley & Highgate

9	18/7/18	Rohan Kumar Food Ltd Alexander House 60 Tenby Street North Birmingham B1 3EG	Food Safety and Hygiene (England) Regulations 2013 Pleaded guilty to 27 offences relating to conditions at Rohan Kumar Foods, 9a Queens Head Road, Birmingham during two separate inspections. The premises was not kept clean and in a dirty condition, there were holes around pipework and around the base and top of the roller shutter doors in the manufacturing area which allowed pest entry. Part of the floor in the mixing area was bare concrete and not easily cleaned. Part of the wall in the mixing room was not easy to clean as it was damaged with holes, bare plaster and bare wooden struts exposed. The door frame to the samosa room was damaged in places with flaking paint. Cardboard was being used to line the surface of equipment and shelves. There were no adequate facilities for cleaning large equipment as pans were being cleaned in the rear yard. Equipment was rusty and the ceiling, walls and floors to the walk in chiller were in poor repair with flaking paint and rust. Rubbish was overflowing from bins in the rear yard. Raw materials and ingredients were not kept in appropriate conditions. There were no adequate procedures in place to control pests, mouse droppings were found in the staff changing area, on top of a box behind paperwork, underneath stairs and there was a gnawed plastic bag in the staff toilet.	£18,000 (£8,000 – March 2017 offences & £10,000 – May 2017 offences) £3,610 costs (£3,610 requested)	Soho & Jewellery Quarter	Soho & Jewellery Quarter
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HEALTH & SAFETY OFFENCES

	Date Case Heard	Name & Address	Offence details (including Legislation)	Fine/Penalty & Costs	Ward of defendant	Ward - Offence committed
1	20/06/18	Rodroj Fish & Chips Limited 25-27 Smallbrook Queensway Birmingham B5 4HE	Health & Safety at Work etc Act 1974 Pleaded guilty to three offences of failing to ensure the health and safety of employees at Rodroj Fish & Chips, 30 Smallbrook Queensway, Birmingham by failing to provide a guard to a pizza dough roller preventing access to the running nip at the powered moving dough rollers and two offences of failing to comply with notices prohibiting the use of the pizza dough roller until effective guarding was in place.	£3,000 £1,319 costs (£1,319 requested)	Bordesley & Highgate	Bordesley & Highgate

NOISE NUISANCE OFFENCES

	Date Case Heard	Name & Address	Offence details (including Legislation)	Fine/Penalty & Costs	Ward of defendant	Ward - Offence committed
1	27/6/18	Otis Glendon Sharpe Birmingham	Environmental Protection Act 1990 Found guilty in his absence of five offences of failing to comply with an Abatement Notice and causing a noise nuisance from the playing of amplified music at Flat 2 Olton Boulevard West, Birmingham.	£500 (£100 x 5) £500 costs (£2,273 requested)	Tyseley & Hay Mills	Tyseley & Hay Mills

LITTERING OFFENCES (NON SJP)

	Date Case Heard	Name & Address	Offence details (including Legislation)	Fine/Penalty & Costs	Ward of defendant	Ward - Offence committed
1	10/5/18	Fiona Wilkinson Wolverhampton	Environmental Protection Act 1990 Attended and made a statutory declaration. Matter originally proved in absence of 8 th September 2017. Pleaded guilty to one offence of dropping a cigarette butt on the pavement in Stephenson Street, Birmingham.	£50 No costs awarded (£175 requested)	Out of area	Ladywood
2	25/5/18	John Hayfield Hall Green Birmingham	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Stephenson Street, Birmingham.	£120 £170 costs (£175 requested)	Hall Green North	Ladywood
3	21/6/18	Brendan Caddy Par Cornwall	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Stephenson Street, Birmingham.	£220 £175 costs (£175 requested)	Out of area	Ladywood
4	21/6/18	Artur Wilkoszewski Brierley Hill	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.	£220 £175 costs (£175 requested)	Out of area	Ladywood
5	5/7/18	Stephen Wilson Flat 4 Handsworth Birmingham	Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Cherry Street, Birmingham.	£80 £50 costs (£175 requested)	Birchfield	Ladywood

LITTERING OFFENCES – SINGLE JUSTICE PROCEDURE

Date Cases Heard	Total Number of Cases	Total Fines imposed	Total Costs awarded	Total Costs requested
11/5/18	34	£7,185	£2,890	£5,950
29/5/18	19	£4,180	£1,520	£3,325
8/6/18	30	£6,018	£2,550	£5,250
22/6/18	55	£11,546	£4,620	£9,625
13/7/18	29	£6,200	£2,395	£5,075
27/7/18	21	£4,620	£1,785	£3,675

ENVIRONMENTAL HEALTH SIMPLE CAUTIONS

Three simple cautions were administered during May, June and July 2018.

Food Safety and Hygiene (England) Regulations 2013

Three cautions were issued for failing to comply with Food Hygiene Regulations

TRADING STANDARDS CASES

	Date Case Heard	Name & Address	Offence details (including Legislation)	Fine/Penalty & Costs	Ward of defendant	Ward - Offence committed
1	10/5/18	Cell Solutions (West Midlands) Ltd 1Barr Street Hockley Birmingham B19 3EH	Equipment (Safety) Regulations 2016, Trade Marks Act 1994 Pleaded guilty to nine offences; one offence of failing to ensure that before placing electrical equipment on the market, namely a Samsung AC/DC Adaptor, that it was labelled with a postal address of the manufacturer, that it was accompanied with instructions and safety information in English and that the plug in device conformed to BS1363. Eight offences of having in possession, custody or control in the course of a business at Cell Solutions, 1 Barr Street, Hockley, Birmingham, items, Namely two 'Samsung' batteries, six 'Samsung' Ear Pods, two 'Samsung' AC/DC adaptors, one 'Samsung' mobile phone case, seven 'Samsung' mobile phone screens, 1 'Apple' magnetic cable, 16 'Apple' ear pods and six 'Apple' and 'Spigeon' phone cases which bore signs identical to or likely to be mistaken for the registered trademarks, Apple and Samsung, without the consent of the trade mark holders	£1,030 £1,500 costs (£1,903 requested)	Newtown	Newtown

2	11/6/18 at Birmingham Crown Court	Mastu Tarin Birmingham	<p>Tobacco and Related Products Regs 2016 Trade Marks Act 1994</p> <p>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.</p>	<p>Community Order x 12 months + 80 hours unpaid work</p> <p>POCA timetable set</p>	Sparkhill	Sparkbrook & Balsall Heath East
3	21/6/18	Clair Shaughnessy Balsall Heath Birmingham	<p>The Licensing Act 2003</p> <p>Found guilty in her absence of one offence of being the designated premises supervisor, licence holder and owner of Just Drinks, 9 Faraday Avenue, Quinton, Birmingham, an employee sold alcohol, namely a bottle of WKD, to a person under the age of 18.</p>	<p>£100</p> <p>Licence to be forfeited</p> <p>£500 costs (£1,148 requested)</p>	Balsall Heath West	Quinton

TRADING STANDARDS SIMPLE CAUTIONS

No simple cautions were administered during May, June and July 2018

CASES FINALISED BY DISTRICT (PLACE OF OFFENCE) – MAY 2018

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	0	0	0	0	2	0	0	0	0	0	0	2
Environmental Health (FPNs) Not paid and prosecuted	0	0	0	0	55	0	0	0	0	0	0	55
Environmental Health (non FPNs)	0	1	3	1	3	0	0	1	1	0	0	10
Trading Standards	0	0	0	0	1	0	0	0	0	0	0	1

CASES FINALISED BY DISTRICT (DEFENDANT'S HOME ADDRESS/REGISTERED OFFICE) – MAY 2018

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	0	0	0	0	0	0	0	0	0	0	2	2
Environmental Health (FPNs) Not paid and prosecuted	1	0	6	4	9	2	0	3	0	1	29	55
Environmental Health (non FPNs)	0	1	1	1	3	0	0	2	1	0	1	10
Trading Standards	0	0	0	0	1	0	0	0	0	0	0	1

CASES FINALISED BY DISTRICT (PLACE OF OFFENCE) – JUNE 2018

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	0	0	0	0	3	0	0	1	1	0	0	5
Environmental Health (FPNs) Not paid and prosecuted	0	0	0	0	87	0	0	0	0	0	0	87
Environmental Health (non FPNs)	1	2	5	2	4	0	1	0	0	3	1	19
Trading Standards	1	0	1	0	0	0	0	0	0	0	0	2

CASES FINALISED BY DISTRICT (DEFENDANT'S HOME ADDRESS/REGISTERED OFFICE) – JUNE 2018

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	0	0	1	2	0	0	1	0	0	0	1	5
Environmental Health (FPNs) Not paid and prosecuted	3	2	5	4	16	6	7	2	1	1	40	87
Environmental Health (non FPNs)	1	3	3	4	5	0	0	0	0	2	1	19
Trading Standards	0	0	2	0	0	0	0	0	0	0	0	2

CASES FINALISED BY DISTRICT (PLACE OF OFFENCE) – JULY 2018

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	0	0	0	0	6	0	0	3	0	0	0	9
Environmental Health (FPNs) Not paid and prosecuted	0	0	0	0	51	0	0	0	0	0	0	51
Environmental Health (non FPNs)	1	0	0	3	5	1	1	1	1	3	0	16
Trading Standards	0	0	0	0	0	0	0	0	0	0	0	0

CASES FINALISED BY DISTRICT (DEFENDANT'S HOME ADDRESS/REGISTERED OFFICE) – JULY 2018

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	0	0	1	2	1	0	1		0	1	3	9
Environmental Health (FPNs) Not paid and prosecuted	0	2	1	4	8	4	2	1	1	4	24	51
Environmental Health (non FPNs)	1	0	1	2	3	1	2	2	0	3	1	16
Trading Standards	0	0	0	0	0	0	0	0	0	0	0	0

CASES FINALISED BY DISTRICT (PLACE OF OFFENCE) – APRIL-JULY 2018

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	0	0	0	0	13	0	0	4	1	0	0	18
Environmental Health (FPNs) Not paid and prosecuted	0	0	0	0	254	0	0	0	0	0	0	254
Environmental Health (non FPNs)	2	7	10	9	19	1	2	3	1	8	1	63
Trading Standards	1	1	1	1	1	0	0	0	0	0	0	5

CASES FINALISED BY DISTRICT (DEFENDANT'S HOME ADDRESS/REGISTERED OFFICE) – APRIL-JULY 2018

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	0	0	2	5	1	0	2	0	0	1	7	18
Environmental Health (FPNs) Not paid and prosecuted	8	7	15	16	39	15	19	7	3	8	117	254
Environmental Health (non FPNs)	2	5	9	9	15	1	2	5	1	6	8	63
Trading Standards	0	1	2	1	1	0	0	0	0	0	0	5

WASTE ENFORCEMENT UNIT – ENFORCEMENT ACTIVITY
APRIL 2018 – MARCH 2019

	Apr-18	May-18	Jun-18	Total 2018/2019
Waste Investigation Outcomes				
Duty of Care inspections into the waste disposal arrangements of commercial premises	125	120	157	402
<u>Section 34 Environmental Protection Act</u> demand notices issued: (trade waste statutory information demands)	105	102	122	329
<u>Section 34 Environmental Protection Act</u> fixed penalty notices issued to businesses (£300)	30	41	50	121
<u>Section 87 Environmental Protection Act.</u> Fixed Penalty notices issued for commercial and residential litter offences (£80)	0	2	0	2
<u>Section 33 Environmental Protection Act</u> fixed penalty notices issued for fly tipping (£400)	4	5	3	12
Prosecutions				
Number of prosecution files submitted to legal services (number produced quarterly)			43	43