

# **BIRMINGHAM CITY COUNCIL**

## **LICENSING AND PUBLIC PROTECTION COMMITTEE**

**WEDNESDAY, 21 SEPTEMBER 2022 AT 10:30 HOURS**  
**IN COMMITTEE ROOMS 3 & 4, COUNCIL HOUSE, VICTORIA**  
**SQUARE, BIRMINGHAM, B1 1BB**

### **A G E N D A**

1 **NOTICE OF RECORDING/WEBCAST**

The Chair to advise/meeting to note that this meeting will be webcast for live or subsequent broadcast via the Council's meeting You Tube site ([www.youtube.com/channel/UCT2kT7ZRPFCXq6\\_5dnVnYlw](http://www.youtube.com/channel/UCT2kT7ZRPFCXq6_5dnVnYlw)) 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 - 10**

4 **MINUTES**

To confirm and sign the Minutes of the meeting held on 29 June, 2022.

**11 - 18**

5 **ELECTRIC HACKNEY CARRIAGE VEHICLE CONVERSIONS REPORT**

Report of Director of Regulation & Enforcement

**19 - 20**

6 **PSPO FPN - FEES AND CHARGES ADDENDUM REPORT**

The report of Director of Regulation & Enforcement

- 21 - 66**      7      **PROSECUTIONS & CAUTIONS REPORT - MAY JUNE JULY 2022**  
Report of Director of Regulation & Enforcement
- 67 - 80**      8      **R&E ACTIVITY REPORT - (QUARTER 1) 2022-23**  
Report of Director of Regulation & Enforcement
- 81 - 82**      9      **CHAIRS AUTHORITY REPORT - JULY 2022**  
Report of Director of Regulation & Enforcement
- 10      **DATE AND TIME OF NEXT MEETING**  
To note the date and time of the next meeting.
- 11      **OTHER URGENT BUSINESS**  
To consider any items of business by reason of special circumstances (to be specified) that in the opinion of the Chair are matters of urgency.
- 12      **AUTHORITY TO CHAIR AND OFFICERS**  
Chair to move:-  
  
'In an urgent situation between meetings, the Chair jointly with the relevant Chief Officer has authority to act on behalf of the Committee'.

# BIRMINGHAM CITY COUNCIL

**LICENSING AND  
PUBLIC PROTECTION  
COMMITTEE  
29 JUNE, 202**

**MINUTES OF A MEETING OF THE LICENSING  
AND PUBLIC PROTECTION COMMITTEE HELD  
ON WEDNESDAY, 29 JUNE, 2022 AT 1030  
HOURS AT THE COUNCIL HOUSE,  
BIRMINGHAM B1 1BB**

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

Councillors Diane Donaldson, Barbara Dring, Sam Forsyth,  
Adam Higgs, Zafar Iqbal, Ziaul Islam, Izzy Knowles, Mary  
Locke, Saddak Miah, Simon Morrall, Sybil Spence and Penny  
Wagg

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**NOTICE OF RECORDING/WEBCAST**

- 1 The Chair advised that this meeting will be webcast for live or subsequent broadcast via the Council's meeting You Tube site ([www.youtube.com/channel/UCT2kT7ZRPFCXq6\\_5dnVnYlw](http://www.youtube.com/channel/UCT2kT7ZRPFCXq6_5dnVnYlw)) and that members of the press/public may record and take photographs except where there are confidential or exempt items.

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

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**DECLARATIONS OF INTEREST**

- 2 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.

There were no declarations made.

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**APOLOGIES**

- 3 An apology was received from Councillor Julien Pritchard for non-attendance.

**APPOINTMENT OF LICENSING AND PUBLIC PROTECTION COMMITTEE**

- 4 The appointment by the City Council of the Committee and Chair for the Municipal Year 2022/2023 was noted as follows:-

**Labour Group (10)**

Councillor Phil Davis (**Chairman**)  
Councillor Diane Donaldson  
Councillor Barbara Dring  
Councillor Sam Forsyth  
Councillor Zafar Iqbal  
Councillor Ziaul Islam  
Councillor Narinder Kooner  
Councillor Mary Locke  
Councillor Saddak Miah  
Councillor Sybil Spence

**Conservative Group (2)**

Councillor Adam Higgs  
Councillor Simon Morrall

**Liberal Democrat Group (2)**

Councillor Izzy Knowles  
Councillor Penny Wagg

**Green Party (1)**

Councillor Julien Pritchard

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**ELECTION OF DEPUTY CHAIR**

It was proposed and seconded

- 5 **RESOLVED:-**

That Councillor Diane Donaldson be appointed as Deputy Chair of the Committee for the Municipal Year 2022/23.

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**FUNCTIONS, POWERS AND DUTIES**

The following schedule was submitted:-

(See Document No. 1)

- 6 **RESOLVED:-**

That the Committee's functions, powers and duties, as agreed by City Council and set out in the attached schedule be noted.

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**PRESENTATION FROM HEADS OF SERVICE**

- 7 The Chair informed that Paul Lankester, Interim Assistant Director Regulation and Enforcement had sent his apologies for the meeting as he was engaged in Commonwealth Games Business. He congratulated Sajeela Nasser upon being successful in being appointed as Assistant Director of Regulation and Enforcement

Presentations were made by each of the Heads of Service

Sajeela Nasser- Register Officer  
Mark Croxford – Environmental Health  
Work Environmental Health Board  
Clean Air Zone monitoring  
Emerging Trends  
Exhumations

Tony Quigley – Trading Standards

Following the presentations officers responded to questions from Members. Copies of the presentations would be sent to Members.

- Members were urged to contact the team if they had any concerns about counterfeit goods.
  - Counterfeit goods were usually identified from their price and packaging etc.
  - Tony Quigley undertook to discuss a noise and nuisance issue with a Member following the meeting.
  - There was no budget at present to expand the languages used in any literature.
  - In response to a comment the Committee was informed that any Trading Standards operations were risk based and there was a police presence as was deemed appropriate.
  - In response to a query about resources that could be shared with Councillors to make the public aware about the Illegal Money Lending Team, Tony Quigley informed that there was a website, posters and educational packs were also available. He undertook to provide details of an officer contact for Councillors to get assistance with their needs.
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**COMMITTEE CODE OF PRACTICE FOR MEMBERS AND OFFICERS**

The following document was submitted:-

(See Document No. 2)

8 **RESOLVED:-**

That the Committee's Code of Practice for Members and Officers, as agreed by City Council and set out in the attached document be noted.

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**DATES OF MEETINGS OF THE LICENSING AND PUBLIC PROTECTION COMMITTEE**

9 **RESOLVED:-**

That meetings of the Licensing and Public Protection Committee be held on the following Wednesdays at 1030 hours at the Council House, Birmingham B1 1BB (except where indicated.)

20 June 2022  
21 September 2022  
16 November 2022  
18 January 2023  
15 March 2023

**Informal online briefings to be held on the following dates**

20 July 2022  
26 October 2022  
14 December 2022  
15 February 2023

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**LICENSING SUB-COMMITTEES 2022/2023**

The Chair had raised with Legal Services whether the fixed membership of the Sub-Committees could be more flexible to meet Member's workload. He would report back on the issue.

10 **RESOLVED:-**

- (i) That the membership of Sub-Committees A, B and C appointed by the City Council for the Municipal Year 2022/2023 be noted as detailed below:-
- (II) Each Sub-Committee comprises 3 Members (with a quorum of 3) and will determine matters relating to The Licensing Act 2003, The Gambling Act 2005, Hackney Carriage Licences, Private Hire

## Licensing and Public Protection Committee – 29 June, 2022

- (iii) Licences and such other business as may be referred to them by the Director of Regulation and Enforcement Services.  
The Chairs of the Licensing and Public Protection (Licensing Sub-Committee's role is to chair the Licensing Sub-Committee meetings, deal with subsequent actions of appeals and assist in finding substitutes for Members as required.

Any Member nominated must have had formal training as set out in the Licensing Procedure Rules.

### **Licensing Sub-Committee A – Mondays (1000 hours)**

Cllrs Phil Davis (Chairman)	Lab	Billesley Ward
Mary Locke	Lab	Stirchley Ward
Simon Morrall	Con	Frankley Great Park

### **Licensing Sub-Committee B – Tuesdays (1000 hours)**

Cllrs Diane Donaldson	Lab	Bromford & Hodge Hill
		Ward
Saddak Miah	Lab	Garretts Green
Adam Higgs	Con	Highters Heath Ward

### **Licensing Sub-Committee C – Wednesdays (1000 hours)**

Cllrs Sam Forsyth	Lab	Quinton Ward
Narinder Kooner	Lab	Handsworth Wood Ward
Penny Wagg	L/D	Acocks Green Ward

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## **MINUTES**

- 11 The Minutes of the last meeting held on 9 March 2022 having been previously circulated, were confirmed and signed by the Chair.

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## **LPPC OUTTURN REPORT 2021/22**

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

(See document no. 3)

David Jones made introductory remarks relating to the report informing that much of the financial pressure during the year was owing to Covid. There was a separate appendix for Covid related matters.

12

**RESOLVED:-**

That the Licensing and Public Protection Committee is requested to:-

- i) Note the revenue outturn non-Covid related underspend of £0.483m shown in Appendix 1;
- ii) Note the financial pressure due to Covid of £0.510m shown in Appendix 2;
- iii) Note the expenditure on ring-fenced licensing services in Appendix 3;
- iv) Note the expenditure on grant funded and PoCA programmes in Appendix
- v) Note the position on reserves, as detailed in Appendix 5.

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**LICENSING POLICIES PROCEDURES AND DELEGATIONS 2022**

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

(See document no. 4)

Emma Rohomon made introductory remarks relating to the report. In response to a comment about the Licensing Register website being based on the old Ward boundaries she informed that the electronic register was in the process of being replaced. In the interim all Members were sent a summary of licensing applications. It was anticipated that the system would go live in October. The new system will have an online public register. When the system is ready to be launched it will be reported back to the Committee. The Chair asked Members to let him know their views on setting up a small group of Members to look at the subject.

13

**RESOLVED:-**

That the schemes of delegation detailed within the report be approved.

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**REGULATION & ENFORCEMENT ACTIVITY REPORT (QUARTER 4) – 2021/22**

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

(See document no. 5)



Tony Quigley informed there was some work being undertaken regarding vaping shops. A report of findings will be submitted to the Committee in the future.

14 **RESOLVED:-**

That the content of the report be noted

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**PROSECUTIONS AND CAUTIONS REPORT – FEBRUARY, MARCH, APRIL 2022**

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

(See document no. 6)

15 **RESOLVED:-**

That the report be noted.

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**CHAIRS AUTHORITY REPORT – JANUARY TO MAY 2022**

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

(See document no. 7)

16 **RESOLVED:-**

That the report be noted

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**OTHER URGENT BUSINESS**

17 In reply to a question from Councillor Morrall on progress with the issues raised by former Councillor Mike Sharpe about begging at traffic lights, the Chair advised that he had requested an update on the issue from the Cabinet Member and for an explanation why the issue was excluded from PSPO's. He will report back the response from the Cabinet Member to the Committee.

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**AUTHORITY TO CHAIRMAN AND OFFICERS**

18

**RESOLVED:-**

That 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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The meeting ended at 1140 hours.

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CHAIR

**BIRMINGHAM CITY COUNCIL**

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

**21 SEPTEMBER 2022**  
**ALL WARDS**

**REQUEST FOR POLICY AMENDMENTS TO FACILITATE THE LICENSING OF  
FULLY ELECTRIC HACKNEY CARRIAGE VEHICLE CONVERSIONS**

1. Summary

- 1.1 A proposal has been submitted from a company asking Birmingham City Council to consider the licensing of their fully electric hackney carriage vehicle (HCV) conversion within the Birmingham City Council taxi licensing regime.
- 1.2 The conversion is carried out on TX type vehicles (traditional hackney carriages), in similar fashion to that which is already approved for LPG conversion of the traditional London cabs.
- 1.3 Some amendments to policy would be necessary to allow the vehicles to be licensed, but also may be a factor in making the conversions cost effective.
- 1.4 While a fully electric conversion could give a useful new lease of life to older vehicles and these would be fully compatible with the emissions requirements of the Clean Air Zone (CAZ) and contribute to the Council's broader ambition to create a net zero carbon emissions city it is unclear as to whether or not the conversion of these vehicles also applies to the interiors.

2. Recommendation

- 2.1 That the report is noted and that any specific views are emailed to officers for consideration in the upcoming Hackney Carriage and Private Hire Policy Review.

Contact Officer: Chris Arundel  
Telephone: 0121 464 8994  
E-mail: [chris.arundel@birmingham.gov.uk](mailto:chris.arundel@birmingham.gov.uk)

### 3. Background

- 3.1 Prior to the pandemic, Birmingham licensed just under 1200 HCVs. Post pandemic the number of licensed vehicles has fallen to 675.
- 3.2 The pandemic appears to have had a significant impact on numbers, but so too has the introduction of the CAZ and the conversion of all taxi driver's licences to dual licences, allowing the holder to drive both hackney and private hire vehicles. Indeed, it appears that many drivers have opted to move to private hire during the pandemic as a way of upgrading to CAZ compliant vehicles that are considerably cheaper than hackney carriages.
- 3.3 The conversion process offers the market a fully electric zero emission alternative to an ultra-low emission LEVC TX (an electric hybrid vehicle). As such eligible HCV drivers could be able to benefit from the Clean Air Zone operating expenses grant (up to £10,000) towards the cost of a vehicle that had been converted in this way.
- 3.4 Cost differences might be offset against increased longevity, but that would require the current age limit of 15 years for vehicles that have been converted in this way to be significantly extended or removed altogether.

### 4. The Proposal

- 4.1 The attached proposal at Appendix 1, details the methodology and requests amendments to policy to accommodate the conversion. To date the conversion has been approved for licensing by Oxford City Council.
- 4.2 The conversion appears to offer a viable alternative to new electric hybrid hackney carriage vehicles and because it is based on an all-electric solution meets the emissions standards of the CAZ and contributes to the Council's ambition of creating a net zero carbon emissions city by 2030.
- 4.3 The company propose to offer the vehicles for rental initially, so the cost of conversions would be carried by the company in the first instance. However, as the conversion involves a complete rebuild and refurbishment of the donor vehicle, conversion of the transmission and installation of a new electric powerplant and batteries, it is potentially not viable without the suggested exemptions.
- 4.4 Some modifications to policy and practice would be necessary to accommodate the proposal. The first relates to allowing the converted vehicles to be licensed on the basis of an IVA, an Individual Vehicle Assessment, conducted by VOSA.
- 4.5 Policy requires BCC only license purpose built hackney carriage vehicles. For this reason a converted vehicle subject to an IVA is not usually considered sufficient to meet the standard. However, it should be emphasised that

position is intended to guard against second hand commercial vehicles and minibuses being turned into hackney carriages on an ad hoc basis. The vehicles under consideration here are already purpose-built hackney carriage vehicles and so the purpose of the IVA is to determine that the power plant conversion is safe and proper.

- 4.6 The second is potentially more problematic, as it relates to the vehicle age limit. Members may be aware a mandatory age limit of fifteen years applies to most black cabs. With an extension to the end of 2025 for vehicles re-engined with LPG powerplants under the CVRAS approved scheme, in order to ensure they have a minimum of five years useful life after conversion.
- 4.7 The company would like the Licensing and Public Protection Committee to consider amending age limits for vehicles that have undergone a full conversion to 100% electric. The proposer would prefer age limits to be removed altogether but acknowledges this may not be acceptable.
- 4.8 In order to offer an alternative and in acknowledgement of the amount of work put into stripping, rebuilding and returning these vehicles to near showroom condition, including the addition of a brand-new motor and battery, The proposed suggests resetting the clock on age to the date of remanufacture, as an alternative to removing the age limit.
- 4.9 The additional submission at Appendix 2 offers a breakdown of the remedial work undertaken in order to complete the conversion and to bring the vehicle back to near new condition. It is worth noting the TX series cabs are specifically designed so that individual parts of the bodywork can be removed and replaced very easily. So long as the chassis and sub-frame are sound, other parts can be replaced as necessary to produce a vehicle which is essentially as new.
- 4.10 Appendix 2 also includes details of pricing and intentions for financing and sale of vehicles.

## 5. Licensing Service Assessment

- 5.1 This proposal could offer a new lease of life for aging hackney carriage vehicles, in which fashion it is similar to the BCC approved CVRAS scheme, which retrofits engines and LPG gas tanks into older TX type hackney carriage vehicles. However, where the CVRAS approved scheme results in cleaner vehicles with less harmful emissions, this proposal would provide vehicles with zero emissions and would also include a full rebuild of the vehicle body.
- 5.2 Officers suggest allowing these converted vehicles to be licensed on the basis of an IVA would not undermine the policy requiring only purpose-built hackney carriage vehicles be licensed, as that is exactly what these cabs are. The purpose of the IVA in this instance being to confirm the conversion from a diesel to an electric powerplant had been carried out properly and safely.

- 5.3 The cost of converting the vehicles and returning them to as new condition is higher than the cost of an LPG conversion, but less expensive than purchasing a brand-new alternative outright. Owners with a suitable donor vehicle, might be tempted by the conversion, especially if your Committee is willing to allow an extended lifespan for these vehicles in recognition of the extensive rebuild and the lack of emissions.
- 5.4 Amending the age limit for electric only vehicles may result in an increase in requests to extend the active life of other hackney carriage vehicles. Such requests would need to be considered on an individual basis and according to the merits of each case, which the current licensing policy allows for. Any concession with respect to electric only vehicles would be subject to amendment of the existing policy, but would not bind your Committee, Subcommittee or Officers acting under delegation, to make similar concessions to other vehicles in other circumstances.

#### 5.5 Removing the Age for All-electric Vehicles

This option would be beneficial to the proposer and to any other all-electric manufacturer entering the market later, as it would remove any limit on the time scale available to recoup the cost of conversion and would be a positive selling point when competing for sales with vehicles which remain subject to the fifteen-year limit. It would also be seen as a benefit for those drivers able to take advantage of a converted vehicle, as they would not face a mandatory requirement to replace their vehicle at fifteen years old.

With no age limit at all the cost of conversion can be recouped over an indefinite period, which is likely to appeal to drivers. Similarly the indefinite lifespan itself will be attractive. This option would probably attract the most interest from drivers and so could have the positive effect of bringing a greater number of zero emission vehicles into the fleet.

The powerplant and emissions are not the only reasons for maintaining an age limit. Vehicles used in this role will become worn out and tatty in time and historically we have seen a tendency for vehicles to be kept in service long after they might reasonably have been retired. With no age limit, there is a danger we could see the same practice applied to these vehicles.

Having no age limit could also be seen as unfair by those members of the trade unable to benefit from the concession. Officers would expect to see an increase in exemption requests, especially from drivers of hybrid and gas converted vehicles, aggrieved their own vehicles were not included in the policy change.

#### 5.6 Resetting the age limit to date of remanufacture:

This option would also benefit the proposer and any other all-electric manufacturer entering the market at a later date. It would set a limit on the time scale available to recoup the cost of conversion, but that limit would be

the same fifteen years applicable to a brand-new vehicle. It would place converted vehicles on a similar footing when competing with conventional vehicles for sales. It would also be seen as a benefit for those drivers able to afford a converted vehicle, as whilst they would still face a mandatory requirement to replace their vehicle, it would be the same fifteen-year lifespan applicable to newly manufactured vehicles.

With a full fifteen-year lifespan to recoup the cost, drivers may well be tempted to move to an all-electric vehicle with the positive effect of bringing zero emissions vehicles into the fleet.

Again, the powerplant and emissions are not the only reasons for maintaining an age limit. With an extended age limit worn and tatty interiors are a risk and this, not unreasonably, is a real issue for passenger comfort.

An extended age limit may be seen as unfair by those members of the trade who were not able to benefit, and officers would expect to see an increase in exemption requests, especially from drivers of hybrid and gas converted vehicles, aggrieved their vehicles were not included in the policy change.

#### 5.7 Putting a limit on the age of vehicles to be converted:

Officers suggest this could be achieved by the simple expedient of refusing an extension to the age limit for converted vehicles or by agreeing a shorter extension. In effect the manufacturer would then self-regulate as there would be no benefit to converting a vehicle which was not young enough to maintain a valid licence for a period sufficient to comfortably recoup the cost of conversion. It should be noted, this is not an option suggested by the proposer as the cost of younger donor vehicles in addition to the cost of conversion would likely push the overall costs to a point where it was not commercially viable.

It is likely this option would be less attractive to drivers and so less likely to drive interest in the conversion.

From a licensing perspective this option would require the fewest concessions and with limited or possibly no extension to the age limit, issues of old, tired interiors are less likely and officers could reasonably expect the policy to provoke fewer additional exemption requests.

## 6. Next Steps

- 6.1 Officers will consider feedback from the Committee as part of the process to prepare the Hackney Carriage and Private Hire Policy Review that will be carried out later this year.

## 7. Implications for Resources

- 7.1 There are no direct resourcing issues for the Licensing Service.

## 8. Internal Consultation

- 8.1 The content of this report has been shared with the Cabinet Member for Transportation. and the CAZ Team. If members consider the proposal has merits, officers will liaise with the CAZ Team when preparing recommendations for implementation.

## 9. Implications for Policy Priorities

- 9.1 The content of this report is compatible with the Clean Air Strategy for Birmingham.

Public Health England described air pollution as the single biggest environmental risk to public health. And air pollution contributes to between 28,000 and 36,000 premature deaths across the UK every year through conditions such as cancer, heart and lung disease.

The Government and local authorities are working to tackle this issue in a number of ways. In Birmingham the air pollutant of greatest concern is nitrogen dioxide. And around 80% of the pollutant is created by internal combustion engines.

The Clean Air Zone is one of the tools the Council is using to address this public health issue. It will achieve this by encouraging the owners of the most polluting vehicles to avoid the zone or to upgrade or replace these vehicles.

## 10. Public Sector Equality Duty

- 10.1 The majority of people licensed as hackney carriage drivers identify as being from ethnic minority communities. The trade has been affected, by the introduction of the CAZ and far more so by the effects of the pandemic. Making more affordable CAZ compliant vehicles available, especially where many drivers already own potential donor vehicles may allow people to stay in the trade, who might otherwise be unable to afford to do so.
- 10.2 A decline in the number of wheelchair accessible vehicles could impact on those members of the community dependent on hackney carriages for their daily travel needs. Introducing an alternative source of CAZ compliant hackney carriage vehicles may help to address that problem.

## **DIRECTOR OF REGULATION AND ENFORCEMENT**

Background Papers: Technical submissions provided by Clipper Cabs at Appendix 3







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

**21 SEPTEMBER 2022  
ALL WARDS**

**ADDENDUM TO THE LICENSING AND PUBLIC PROTECTION  
FEES AND CHARGES REPORT 2022/2023**

1. Summary

1.1 The Corporate Charging Policy and Financial Regulations requires that fees and charges levied by the Licensing and Public Protection Committee are reviewed on an annual basis to ensure the continued full recovery of costs.

1.2 It has been identified that the tariff for fixed penalty notices relating to the failure to comply with a Public Space Protection Order were omitted from the report brought before your Committee on 9<sup>th</sup> March 2022, this report therefore seeks to address this.

2. Recommendations

2.1 That the proposed tariff for fixed penalty notices relating to the failure to comply with a Public Space Protection Order is approved to take effect from the 21 September 2022.

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

### 3. Background

3.1 The City Council's Corporate Charging Policy and Financial Regulations requires that Chief Officers, at least annually, report to and seek approval from Committee on a review of all fees and charges levied for services provided.

3.2 It has been identified that the fixed penalty tariff for failing to comply with a Public Space Protection Order was omitted from Fees and Charges Report brought before your Committee on the 9<sup>th</sup> March 2022.

### 4. Addendum

4.1 Committee can consider varying the tariff for the FPN and if so minded, reduce the tariff to any amount between £0 and £100.

4.2 Recommended tariff:

OFFENCE	LEGISLATION	PENALTY CAN BE SET	FPN TARIFF FOR 2022/2023
Public Space Protection Order	S68(6) Anti-Social Behaviour Crime and Policing Act 2014	Maximum £100 Indeterminate discount can be offered for early payment (the range is not specified).	£100 No discount for early payment.

4.3 Early repayment discounts were discontinued as few people took note of the timescales and most paid the lower payment significantly after the expiry of the discounted period. This led to inequalities and administration difficulties. It is your Officer's recommendation that Committee do not reinstate early payment rates.

### 5. Consultation

5.1 Your officers have liaised with the Community Safety Team, this would align all PSPO FPNs to the same amount.

### 6. Implication for Resources

6.1 None

### 7. Implications for Policy Priorities

7.1 The recommendations are in accordance with Financial Regulations, budget requirements and Corporate Charging Policy.

### 8. Public Sector Equality Duty

8.1 There are no specific implications identified.

**DIRECTOR OF REGULATION AND ENFORCEMENT**

**BIRMINGHAM CITY COUNCIL**

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

**21 SEPTEMBER 2022**  
**ALL WARDS**

**PROSECUTIONS & CAUTIONS – MAY, JUNE AND JULY 2022**

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 2022.
2. Recommendation
  - 2.1 That the report be noted.

Contact Officer: Sajeela Naseer  
Director, Regulation and Enforcement  
City Operations Directorate  
Telephone: 0121 675 2495  
E-Mail: **Paul.Lankester@birmingham.gov.uk**

### 3. Results

3.1 During the months of May, June and July 2022, the following cases were heard at Birmingham Magistrates Court, unless otherwise stated:

- 234 Environmental Health cases were finalised resulting in fines of £87,169. Prosecution costs of £38,184 were awarded. No simple cautions were administered as set out in Appendix 1.
- One Licensing case was finalised resulting in a fine of £1,000. Prosecution costs of £400 were awarded. Eleven simple cautions were administered as set out in Appendix 2.
- One Trading Standards case was finalised resulting in a six year prison sentence. No simple cautions were administered as set out in Appendix 3.
- Six Waste Enforcement cases were finalised resulting in a fine of £4,866. Prosecution costs of £5,819 were awarded. No simple cautions were administered as set out in Appendix 4.
- Appendix 5 lists cases finalised by district April-July 2022.
- Appendix 6 lists the enforcement activity undertaken by the Waste Enforcement Team from April 2022 to March 2023.
- Appendix 7 lists Penalty Charge Notices issued by Parking Enforcement specifically for individuals parking on Taxi Ranks across the City from April 2022 to March 2023. Please note this does not include other parking tickets issued anywhere else in the City.

### 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 2022 to March 2023 the following costs have been requested and awarded:

Environmental Health (including Waste Enforcement cases)  
£75,329 has been requested with £50,153 awarded (67%)

Licensing  
£3,433 has been requested with £800 being awarded (23%)

Trading Standards  
No costs were requested or awarded to date.

5.3 For the months of May, June and July 2022 the following costs have been requested and awarded:

Environmental Health (including Waste Enforcement cases)  
£62,379 has been requested with £44,003 awarded (71%)

Licensing  
£2,609 has been requested with £400 being awarded (15%)

Trading Standards  
No costs were requested or awarded during May, June and July 2022.

5.4 The following income has been received so far from the courts in 2021/22.

Licensing  
£3,180 has been received.

Environmental Health  
£301,255 has been received including Waste Enforcement cases.

Trading Standards  
£3,964 has been received.

(Total £308,398).

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



**ENVIRONMENTAL HEALTH CASES**

**FOOD HYGIENE OFFENCE**

	<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	27/5/22	Fuji Meat & Seafood Ltd Stall 113 Indoor Market 50 Edgbaston Street Birmingham B5 4RQ	Food Safety and Hygiene (England) Regulations 2013  Found guilty in absence of four offences; one of failing to comply with a Hygiene Improvement Notice requiring a permanent procedure based on HACCP principles to be put in place at Fuji, Stall 113 Indoor Market, 50 Edgbaston Street, Birmingham and three offences relating to conditions found at the premises. The walk-in chiller and chest freezer were dirty, a chopping board was dirty and heavily scored and hot running water was not provided to the wash hand basin.	£12,000 – 1 <sup>st</sup> offence  No separate penalty on remaining 3 offences  £2,116 costs (£2,116 requested)	Bordesley & Highgate	Bordesley & Highgate

2	14/6/22	Rose Bakery Ltd 170 Stratford Road Birmingham B11 1AG	<p>Food Safety Act 1990 Food Safety and Hygiene (England) Regulations 2013 The Food Information Regulations 2014</p> <p>Pleaded <u>not guilty</u> to 10 offences relating to conditions at Rose Bakery, 170 Stratford Road, Birmingham on two separate dates. One of failing to comply with an Improvement Notice requiring accurate information to be provided with regards to the 14 prescribed ingredients that could cause food allergies and intolerances in the food produced and sold at the premises. Four offences relating to conditions found during the first inspection; the premises was not kept clean, trolleys were covered with non-food grade plastic and proving dough was covered with material that was not food grade. Containers used for decanted/loose foods in the retail area were cracked and broken. Flour was stored open in the dry store. There was no hand wash basin available for the retail area where open breads and baklava were handled. One offence of failing to comply with a Hygiene Improvement Notice requiring all articles, fittings and equipment to be constructed of materials and kept in good order so as to minimise contamination and four further offences relating to conditions found on the second visit; the bread was proved in old fridges with steam provided by wallpaper strippers. The table in the front serving area was covered with the remnants of what appeared to be tape. There was still no hand wash basin available for the retail kitchen. The company could not identify which specific bread types contained sesame and there was no mention of wheat in any of the products.</p> <p>Found guilty following trial.</p>	<p>Total £7,000 (£3,000 - failure to comply with first Improvement Notice £4,000 - failure to comply with second Improvement Notice)</p> <p>No separate penalty for remaining offences.</p> <p>£4,000 costs (£4,902 requested)</p>	Sparkbrook & Balsall Heath East	Sparkbrook & Balsall Heath East
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3	30/6/22	Food Republic Nechells Limited 101 Nechells Park Road Birmingham B7 5PY	<p>Food Safety and Hygiene (England) Regulations 2013. The Food Information Regulations 2014</p> <p>Pleaded guilty to 11 offences relating to conditions at Sam and Harrys, 101 Nechells Park Road, Birmingham on two separate dates. The premises was not kept clean, walls, floors, doors, hand wash basins, equipment and the pizza oven were dirty. Mouse droppings were found throughout the premises. Lettuce was being chopped on a mouldy/dirty and heavily scored chopping board next to boxes of raw chicken. There were no procedures based on HACCP. During the second visit the company failed to make available information with regards to the 14 prescribed ingredients that could cause food allergies and intolerances in the food produced at the premises. Walls and floors were dirty in places, the hand wash basin seal was dirty and the tap was swivelling. Paint was flaking on the wall of the toilet. There was a hole in the wall behind the breading unit. The extraction canopy was dirty and had plastic attached to the front of it. Flour/breading containers in the dry store were left open. There was raw meat on the preparation table next to a colander of lettuce. There was raw meat on the lid of the open mayonnaise. Storage containers were dirty, cracked and broken. There were no procedures based on HACCP.</p>	<p>Total £3,500</p> <p>(£1,500 – first inspection £2,000 – second inspection)</p> <p>£1,500 costs (£2,042 requested)</p>	Nechells	Nechells
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4	7/7/22	Sichuan Garden Limited 590-592 Bristol Road Selly Oak Birmingham B29 6BQ	<p>Food Information Regulations 2014 Food Safety and Hygiene (England) Regulations 2013 The Food Safety Act 1990</p> <p>Pleaded guilty to three offences relating to conditions at Sichuan Garden, 590-592 Bristol Road, Selly Oak, Birmingham on two separate dates. One offence of failing to comply with a Hygiene Improvement Notice requiring that up to date and accurate information is available in relation to allergenic ingredients in all food and drink served at the premises. One offence of failing to make available particulars relating to relevant food with a clear reference to the name of the substance or product regarding any ingredient or processing aid causing allergies or intolerances used in the manufacture or preparation of food. One offence of failing to comply with a Hygiene Improvement Notice requiring that a permanent procedure based on HACCP be put in place, implemented and maintained.</p>	<p>£8,000</p> <p>£1,150 costs (£1,150 requested)</p>	Bournbrook & Selly Park	Bournbrook & Selly Park
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**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>
10/5/22	33	£7,260	£5,775	£5,775
24/5/22	39	£16,653	£6,735	£6,825
14/6/22	12	£1,931	£765	£2,100
28/6/22	39	£8,400	£6,726	£6,825
12/7/22	85	£18,204	£7,115	14,875
26/7/22	21	£4,021	£2,052	£3,675

	<b>Date Case Heard</b>	<b>Name</b>	<b>Fine/Penalty &amp; Costs</b>	<b>Ward of defendant</b>
5	10/5/22	Muhammad Abid Birmingham  Proved in absence	£220  £175 costs (£175 requested)	Hall Green North
6	10/5/22	Waeem Akhtar Birmingham  Proved in absence	£220  £175 costs (£175 requested)	Acocks Green
7	10/5/22	Lazar Alexandru Birmingham  Proved in absence	£220  £175 costs (£175 requested)	Acocks Green
8	10/5/22	Eliska Beranova Birmingham  Proved in absence	£220  £175 costs (£175 requested)	Birchfield
9	10/5/22	Kim Brady Birmingham  Proved in absence	£220  £175 costs (£175 requested)	Stockland Green

10	10/5/22	Siobhan Callaghan Birmingham  Proved in absence	£220  £175 costs (£175 requested)	Bordesley Green
11	10/5/22	Kelly Draper Birmingham  Proved in absence	£220  £175 costs (£175 requested)	Pype Hayes
12	10/5/22	Radu Fodge Birmingham  Proved in absence	£220  £175 costs (£175 requested)	Heartlands
13	10/5/22	David Foster Macclesfield  Proved in absence	£220  £175 costs (£175 requested)	Out of area
14	10/5/22	Archie Francis Walsall  Proved in absence	£220  £175 costs (£175 requested)	Out of area
15	10/5/22	Philip Colin Gill Harrogate  Proved in absence	£220  £175 costs (£175 requested)	Out of area
16	10/5/22	Craig Guest Coventry  Proved in absence	£220  £175 costs (£175 requested)	Out of area
17	10/5/22	Alexander Hammond Birmingham  Proved in absence	£220  £175 costs (£175 requested)	Kings Norton South

18	10/5/22	Robert Houghton Lowescroft  Proved in absence	£220  £175 costs (£175 requested)	Out of area
19	10/5/22	Caroline Howe Hemel Hempstead  Proved in absence	£220  £175 costs (£175 requested)	Out of area
20	10/5/22	Ali Jabr Birmingham  Proved in absence	£220  £175 costs (£175 requested)	Glebe Farm & Tile Cross
21	10/5/22	Matthew Johnson Sutton Coldfield  Proved in absence	£220  £175 costs (£175 requested)	Sutton Reddicap
22	10/5/22	Kareem Josephs Birmingham  Proved in absence	£220  £175 costs (£175 requested)	Newtown
23	10/5/22	Donna Laverty Coventry  Proved in absence	£220  £175 costs (£175 requested)	Out of area
24	10/5/22	Timothy Lewis Birmingham  Proved in absence	£220  £175 costs (£175 requested)	Bournbrook & Selly Park
25	10/5/22	Daniel Luney Cheltenham  Proved in absence	£220  £175 costs (£175 requested)	Out of area

26	10/5/22	Michael Manaaitireanu Coventry  Proved in absence	£220  £175 costs (£175 requested)	Out of area
27	10/5/22	Steven McKie Alloa Scotland  Proved in absence	£220  £175 costs (£175 requested)	Out of area
28	10/5/22	Heidi Merchant Birmingham  Proved in absence	£220  £175 costs (£175 requested)	Gravelly Hill
29	10/5/22	Llies Claudiu Mihai Birmingham  Proved in absence	£220  £175 costs (£175 requested)	Heartlands
30	10/5/22	Sophie Richardson Birmingham  Proved in absence	£220  £175 costs (£175 requested)	Billesley
31	10/5/22	Bridget Roberts Bath  Proved in absence	£220  £175 costs (£175 requested)	Out of area
32	10/5/22	Denise Rogers Birmingham  Proved in absence	£220  £175 costs (£175 requested)	Perry Common



33	10/5/22	Shane Sherlock Birmingham  Proved in absence	£220  £175 costs (£175 requested)	Highters Heath
34	10/5/22	Daniel John Smith Birmingham  Proved in absence	£220  £175 costs (£175 requested)	Billesley
35	10/5/22	Oliver Turiccki Redditch  Proved in absence	£220  £175 costs (£175 requested)	Out of area
36	10/5/22	Elise Wade London  Proved in absence	£220  £175 costs (£175 requested)	Out of area
37	10/5/22	Graham Watson Birmingham  Proved in absence	£220  £175 costs (£175 requested)	Yardley West & Stechford
38	24/5/22	Mohammed Badat Coventry  Proved in absence	£440  £175 costs (£175 requested)	Out of area
39	24/5/22	Marius Balan Burton on Trent  Proved in absence	£440  £175 costs (£175 requested)	Out of area
40	24/5/22	Laura Balode Bedford  Proved in absence	£440  £175 costs (£175 requested)	Out of area

41	24/5/22	Evana Belava Derby  Proved in absence	£440  £175 costs (£175 requested)	Out of area
42	24/5/22	Suzanne Burford Birmingham  Proved in absence	£440  £175 costs (£175 requested)	Bartley Green
43	24/5/22	Liam Bytler Birmingham  Proved in absence	£440  £175 costs (£175 requested)	Kingstanding
44	24/5/22	Ahmad Cagar Walsall  Proved in absence	£440  £175 costs (£175 requested)	Out of area
45	24/5/22	Gregory Chick Southend on Sea  Proved in absence	£440  £175 costs (£175 requested)	Out of area
46	24/5/22	Fung Chung Birmingham  Proved in absence	£440  £175 costs (£175 requested)	Bordesley & Highgate
47	24/5/22	Andrew Cona Consett  Proved in absence	£440  £175 costs (£175 requested)	Out of area
48	24/5/22	Ion Constantin Coventry  Proved in absence	£440  £175 costs (£175 requested)	Out of area

49	24/5/22	Thanh Dan Rowley Regis  Proved in absence	£440  £175 costs (£175 requested)	Out of area
50	24/5/22	Aleksander Dushku Birmingham  Proved in absence	£440  £175 costs (£175 requested)	North Edgbaston
51	24/5/22	Rhys Evans Bath  Proved in absence	£440  £175 costs (£175 requested)	Out of area
52	24/5/22	Vladimir Georgev Evesham  Proved in absence	£440  £175 costs (£175 requested)	Out of area
53	24/5/22	Joao Goncalves London  Proved in absence	£440  £175 costs (£175 requested)	Out of area
54	24/5/22	David Hughes Birmingham  Proved in absence	£440  £175 costs (£175 requested)	Brandwood & Kings Heath
55	24/5/22	Hassan Hussain Leicester  Proved in absence	£440  £175 costs (£175 requested)	Out of area
56	24/5/22	Mohamed Ben Jaouadi Birmingham  Proved in absence	£440  £175 costs (£175 requested)	Erdington

57	24/5/22	Martin Joiner Birmingham  Proved in absence	£440  £175 costs (£175 requested)	Quinton
58	24/5/22	Cameron Jones Birmingham  Guilty plea	£80  £175 costs (£175 requested)	Newtown
59	24/5/22	Karim Saman Abdulla Karim Birmingham  Proved in absence	£440  £175 costs (£175 requested)	Hall Green North
60	24/5/22	Melesela Ledwaba Birmingham  Proved in absence	£440  £175 costs (£175 requested)	North Edgbaston
61	24/5/22	Dass Mandeep Loughborough  Proved in absence	£440  £175 costs (£175 requested)	Out of area
62	24/5/22	Kumar Maniam Coventry  Proved in absence	£440  £175 costs (£175 requested)	Out of area
63	24/5/22	Dean Mayo Cannock  Proved in absence	£440  £175 costs (£175 requested)	Out of area
64	24/5/22	Mark McGough Coventry  Proved in absence	£440  £175 costs (£175 requested)	Out of area

65	24/5/22	John Mudd Walsall  Proved in absence	£440  £175 costs (£175 requested)	Out of area
66	24/5/22	Melanie Norman Birmingham  Proved in absence	£440  £175 costs (£175 requested)	Castle Vale
67	24/5/22	Robin Nurse Aberdeen  Proved in absence	£440  £175 costs (£175 requested)	Out of area
68	24/5/22	Mido Rashwane Coventry  Proved in absence	£440  £175 costs (£175 requested)	Out of area
69	24/5/22	Shvan Sagar Walsall  Proved in absence	£440  £175 costs (£175 requested)	Out of area
70	24/5/22	Gurdip Singh Bedford  Proved in absence	£440  £175 costs (£175 requested)	Out of area
71	24/5/22	Lisa Stanton Birmingham  Proved in absence	£440  £175 costs (£175 requested)	Bartley Green
72	24/5/22	Simon Sulinska Wolverhampton  Proved in absence	£440  £175 costs (£175 requested)	Out of area

73	24/5/22	Curtis Tew Birmingham  Proved in absence	£440  £175 costs (£175 requested)	Holyhead
74	24/5/22	Surat Thalkham Henley-in-Arden  Proved in absence	£440  £175 costs (£175 requested)	Out of area
75	24/5/22	William Thomas Turner Wolverhampton  Guilty plea	£293  £85 costs (£175 requested)	Out of area
76	24/5/22	Paula Westwood Birmingham  Proved in absence	£440  £175 costs (£175 requested)	Sheldon
77	14/6/22	Mardin Ali Stoke on Trent  Guilty plea	£13  £0 costs (£175 requested)	Out of area
78	14/6/22	Maria Allcock West Bromwich  Proved in absence	£220  £85 costs (£175 requested)	Out of area
79	14/6/22	Lindsay Allen Birmingham  Proved in absence	£220  £85 costs (£175 requested)	Birchfield
80	14/6/22	Elena Asan Birmingham  Proved in absence	£220  £85 costs (£175 requested)	Oscott
81	14/6/22	Luke Ashley Camberley  Guilty plea	£96  £85 costs (£175 requested)	Out of area

82	14/6/22	James Borrow Henley-in Arden  Proved in absence	£220  £85 costs (£175 requested)	Out of area
83	14/6/22	Scott Burnside Lichfield  Proved in absence	£220  £85 costs (£175 requested)	Out of area
84	14/6/22	Zheng Qi Chai London  Proved in absence	£220  £85 costs (£175 requested)	Out of area
85	14/6/22	Stefan Valentin Ciobanu Brixham  Proved in absence	£220  £85 costs (£175 requested)	Out of area
86	14/6/22	Mark Douglas Birmingham  Guilty plea	£116  £0 costs (£175 requested)	Quinton
87	14/6/22	Alexandru Padurariu Derby  Guilty plea	£50  £85 costs (£175 requested)	Out of area
88	14/6/22	Elisa Varga Birmingham  Guilty plea	£116  £0 costs (£175 requested)	North Edgbaston
89	28/6/22	Iuliana Ardac Birmingham  Proved in absence	£220  £175 costs (£175 requested)	South Yardley

90	28/6/22	Abdulahi Bana London  Proved in absence	£220  £175 costs (£175 requested)	Out of area
91	28/6/22	Warren Walter Bettam Cannock  Proved in absence	£220  £175 costs (£175 requested)	Out of area
92	28/6/22	Leomie Bingham Oldbury  Proved in absence	£220  £175 costs (£175 requested)	Out of area
93	28/6/22	Angel Bolger Coventry  Proved in absence	£220  £175 costs (£175 requested)	Out of area
94	28/6/22	Joanne Breen Birmingham  Proved in absence	£220  £175 costs (£175 requested)	Handsworth
95	28/6/22	Jak Cartwright Birmingham  Proved in absence	£220  £175 costs (£175 requested)	Soho & Jewellery Quarter
96	28/6/22	Maria Cernovske Birmingham  Proved in absence	£220  £175 costs (£175 requested)	Stockland Green



97	28/6/22	Whg Chen Coventry  Proved in absence	£220  £175 costs (£175 requested)	Out of area
98	28/6/22	Malcolm Collier Birmingham  Proved in absence	£220  £175 costs (£175 requested)	Moseley
99	28/6/22	Dumitru Ovidiu Dursan Birmingham  Proved in absence	£220  £175 costs (£175 requested)	North Edgbaston
100	28/6/22	Shannon Fisher Redditch  Proved in absence	£220  £175 costs (£175 requested)	Out of area
101	28/6/22	Patricia Fitzroy Coventry  Proved in absence	£220  £175 costs (£175 requested)	Out of area
102	28/6/22	Yjnas Ivanv Smethwick  Proved in absence	£220  £175 costs (£175 requested)	Out of area
103	28/6/22	Kevin Joiner Redditch  Proved in absence	£220  £175 costs (£175 requested)	Out of area
104	28/6/22	Josh Knill Manchester  Proved in absence	£220  £175 costs (£175 requested)	Out of area

105	28/6/22	Kmail Koper Birmingham  Proved in absence	£220  £175 costs (£175 requested)	Perry Barr
106	28/6/22	Yinkai Liao Birmingham  Proved in absence	£220  £175 costs (£175 requested)	Ladywood
107	28/6/22	Louise Lister Manchester  Proved in absence	£220  £175 costs (£175 requested)	Out of area
108	28/6/22	Amy Moore Birmingham  Proved in absence	£220  £175 costs (£175 requested)	Kings Norton South
109	28/6/22	Sian O'Connor Birmingham  Guilty plea	£40  £76 costs (£175 requested)	Allens Cross
110	28/6/22	Jessie Odell Birmingham  Proved in absence	£220  £175 costs (£175 requested)	Hall Green South
111	28/6/22	Joshua Patla Walsall  Proved in absence	£220  £175 costs (£175 requested)	Out of area
112	28/6/22	Emma Payne Tiverton  Proved in absence	£220  £175 costs (£175 requested)	Out of area

113	28/6/22	Leon Payne Tiverton  Proved in absence	£220  £175 costs (£175 requested)	Out of area
114	28/6/22	Olivia Perijoc Burton on Trent  Proved in absence	£220  £175 costs (£175 requested)	Out of area
115	28/6/22	Aubdeep Purwal Birmingham  Proved in absence	£220  £175 costs (£175 requested)	Ladywood
116	28/6/22	Carmen Riches Sutton Coldfield  Proved in absence	£220  £175 costs (£175 requested)	Sutton Roughley
117	28/6/22	Mohammed Sajon Oldham  Proved in absence	£220  £175 costs (£175 requested)	Out of area
118	28/6/22	Jasbinder Sangoo Birmingham  Proved in absence	£220  £175 costs (£175 requested)	Bordesley & Highgate
119	28/6/22	Arnold Shaba Birmingham  Proved in absence	£220  £175 costs (£175 requested)	Holyhead
120	28/6/22	Aqsa Shahzad Birmingham  Proved in absence	£220  £175 costs (£175 requested)	Alum Rock

121	28/6/22	Avni Trapi Birmingham  Proved in absence	£220  £175 costs (£175 requested)	Soho & Jewellery Quarter
122	28/6/22	Guy Underhill Kidderminster  Proved in absence	£220  £175 costs (£175 requested)	Out of area
123	28/6/22	Zi Tong Weng Chorley  Proved in absence	£220  £175 costs (£175 requested)	Out of area
124	28/6/22	Chantell Whitehouse Birmingham  Proved in absence	£220  £175 costs (£175 requested)	Handsworth
125	28/6/22	Kayley Williams Birmingham  Proved in absence	£220  £175 costs (£175 requested)	Druids Heath & Monyhull
126	28/6/22	Irfan Yusuf Leicester  Proved in absence	£220  £175 costs (£175 requested)	Out of area
127	28/6/22	Ahmed Zaman Birmingham  Proved in absence	£220  £175 costs (£175 requested)	Small Heath
128	12/7/22	Hayal Alsheri London  Proved in absence	£220  £85 costs (£175 requested)	Out of area

129	12/7/22	Robert Artiss Worksop  Proved in absence	£220  £85 costs (£175 requested)	Out of area
130	12/7/22	Neil Beasmore Bennett Radstock  Proved in absence	£220  £85 costs (£175 requested)	Out of area
131	12/7/22	Cassandra Brown Southam  Proved in absence	£220  £85 costs (£175 requested)	Out of area
132	12/7/22	Lucian Caldararu Birmingham  Proved in absence	£220  £85 costs (£175 requested)	Bournbrook & Selly Park
133	12/7/22	Jennifer Caroline Calvert Walsall  Proved in absence	£220  £85 costs (£175 requested)	Out of area
134	12/7/22	Elisa Cismariu Smethwick  Proved in absence	£220  £85 costs (£175 requested)	Out of area
135	12/7/22	Vali Ciuciuna Birmingham  Proved in absence	£220  £85 costs (£175 requested)	Stockland Green

136	12/7/22	Louise Helen Coleman Meriden  Proved in absence	£220  £85 costs (£175 requested)	Out of area
137	12/7/22	Daniel Criste Birmingham  Proved in absence	£220  £85 costs (£175 requested)	Nechells
138	12/7/22	Terek Dalhomi Birmingham  Proved in absence	£220  £85 costs (£175 requested)	North Edbaston
139	12/7/22	Zhilner Deguilmo Kidderminster  Proved in absence	£220  £85 costs (£175 requested)	Out of area
140	12/7/22	Alexandru Dobrica Oldbury  Proved in absence	£220  £85 costs (£175 requested)	Out of area
141	12/7/22	Shannon Donovan Birmingham  Proved in absence	£220  £85 costs (£175 requested)	Tyseley & Hay Mills
142	12/7/22	Jacqueline Drever Burton on Trent  Proved in absence	£220  £85 costs (£175 requested)	Out of area
143	12/7/22	Andy Evans Sowerby Bridge  Proved in absence	£220  £85 costs (£175 requested)	Out of area

144	12/7/22	Peter Everret Tredegar  Proved in absence	£220  £85 costs (£175 requested)	Out of area
145	12/7/22	Marzena Filpiuk West Bromwich  Proved in absence	£220  £85 costs (£175 requested)	Out of area
146	12/7/22	Demi Fivey Coventry  Proved in absence	£220  £85 costs (£175 requested)	Out of area
147	12/7/22	Lauren Fogarty Birmingham  Proved in absence	£220  £85 costs (£175 requested)	Shard End
148	12/7/22	Brian Foley Glasgow  Proved in absence	£220  £85 costs (£175 requested)	Out of area
149	12/7/22	Jeremy Stephen Gittos Bromsgrove  Proved in absence	£220  £85 costs (£175 requested)	Out of area
150	12/7/22	Anne Marie Green Kidderminster  Proved in absence	£220  £85 costs (£175 requested)	Out of area
151	12/7/22	Sean Griffith Belfast  Proved in absence	£220  £85 costs (£175 requested)	Out of area

152	12/7/22	Hannah Hafeez Birmingham  Proved in absence	£220  £85 costs (£175 requested)	North Edbgaston
153	12/7/22	Emma Jayne Hancocks Birmingham  Proved in absence	£220  £85 costs (£175 requested)	Brandwood & Kings Heath
154	12/7/22	Tina Harvey Worcester  Proved in absence	£220  £85 costs (£175 requested)	Out of area
155	12/7/22	Simon Hawkes Kidderminster  Proved in absence	£220  £85 costs (£175 requested)	Out of area
156	12/7/22	Joshua Hicks Swindon  Guilty plea	£100  £20 costs (£175 requested)	Out of area
157	12/7/22	Paula Jayne Hind Crewe  Proved in absence	£220  £85 costs (£175 requested)	Out of area
158	12/7/22	Rebecca Hooper Redditch  Guilty plea	£103  £85 costs (£175 requested)	Out of area



159	12/7/22	Barry Hughes Birmingham  Proved in absence	£220  £85 costs (£175 requested)	Soho & Jewellery Quarter
160	12/7/22	Taswar Hussain Solihull  Proved in absence	£220  £85 costs (£175 requested)	Out of area
161	12/7/22	Hannah Isherwood Birmingham  Proved in absence	£220  £85 costs (£175 requested)	Kings Norton South
162	12/7/22	Sheryl Ann Jarvis Birmingham  Proved in absence	£220  £85 costs (£175 requested)	Soho & Jewellery Quarter
163	12/7/22	Kirsty Jones Stafford  Guilty plea	£141  Costs £40 (£175 requested)	Out of area
164	12/7/22	Michael Jones Birmingham  Proved in absence	£220  £85 costs (£175 requested)	Moseley
165	12/7/22	Lauryn Keates Solihull  Proved in absence	£220  £85 costs (£175 requested)	Out of area
166	12/7/22	Natalija Lagzdina Birmingham  Proved in absence	£220  £85 costs (£175 requested)	Stockland Green

167	12/7/22	Jamie Lambden Birmingham  Proved in absence	£220  £85 costs (£175 requested)	Northfield
168	12/7/22	Cheuk Lau Birmingham  Proved in absence	£220  £85 costs (£175 requested)	Ladywood
169	12/7/22	Nguyen Le Birmingham  Proved in absence	£220  £85 costs (£175 requested)	Birchfield
170	12/7/22	Paul Lee Lanarkshire  Proved in absence	£220  £85 costs (£175 requested)	Out of area
171	12/7/22	Wat Ka Monica Leung Birmingham  Proved in absence	£220  £85 costs (£175 requested)	Ladywood
172	12/7/22	Jasbir Lgah Smethwick  Proved in absence	£220  £85 costs (£175 requested)	Out of area
173	12/7/22	Lin Long Birmingham  Proved in absence	£220  £85 costs (£175 requested)	Ladywood
174	12/7/22	Celso Renarto Martins Magalhaes Hinckley  Proved in absence	£220  £85 costs (£175 requested)	Out of area

175	12/7/22	Martin Maxwell Birmingham  Proved in absence	£220  £85 costs (£175 requested)	Hall Green North
176	12/7/22	Muhammed Mustafa Birmingham  Proved in absence	£220  £85 costs (£175 requested)	Soho & Jewellery Quarter
177	12/7/22	Pashawa Mustafa Croydon  Proved in absence	£220  £85 costs (£175 requested)	Out of area
178	12/7/22	Tung Van Ngayon Birmingham  Proved in absence	£220  £85 costs (£175 requested)	Tyseley & Hay Mills
179	12/7/22	Daniela Novak Birmingham  Proved in absence	£220  £85 (£175 requested)	Perry Barr
180	12/7/22	Precious O'Callaghan Birmingham  Proved in absence	£220  £85 costs (£175 requested)	North Edgbaston
181	12/7/22	Christopher Oakley London  Proved in absence	£220  £85 costs (£175 requested)	Out of area
182	12/7/22	Lulu Oriain London  Proved in absence	£220  £85 costs (£175 requested)	Out of area

183	12/7/22	Alexander Pandiyan Coventry  Proved in absence	£220  £85 costs (£175 requested)	Out of area
184	12/7/22	Danielle Parkes Birmingham  Proved in absence	£220  £85 costs (£175 requested)	Longbridge & West Heath
185	12/7/22	Dawud Parkes Birmingham  Proved in absence	£220  £85 costs (£175 requested)	Sparkbrook & Balsall Heath East
186	12/7/22	Jodi Plester Rugby  Proved in absence	£220  £85 costs (£175 requested)	Out of area
187	12/7/22	Eduard Pohrib Slough  Proved in absence	£220  £85 costs (£175 requested)	Out of area
188	12/7/22	Bogdan Popescu Rowley Regis  Proved in absence	£220  £85 costs (£175 requested)	Out of area
189	12/7/22	Diana Previsa Birmingham  Proved in absence	£220  £85 costs (£175 requested)	Birchfield
190	12/7/22	Mark Rice Portland  Proved in absence	£220  £85 costs (£175 requested)	Out of area

191	12/7/22	Michaela Rice Liverpool  Proved in absence	£220  £85 costs (£175 requested)	Out of area
192	12/7/22	Wendy Richards Coventry  Proved in absence	£220  £85 costs (£175 requested)	Out of area
193	12/7/22	Sharon Richardson Tamworth  Proved in absence	£220  £85 costs (£175 requested)	Out of area
194	12/7/22	Mark Roberts Caerphilly  Proved in absence	£220  £85 costs (£175 requested)	Out of area
195	12/7/22	Dean Robertson Harrow  Proved in absence	£220  £85 costs (£175 requested)	Out of area
196	12/7/22	David Rochelle Walsall  Proved in absence	£220  £85 costs (£175 requested)	Out of area
197	12/7/22	Alexander Rogers Birmingham  Proved in absence	£220  £85 costs (£175 requested)	Ladywood
198	12/7/22	Vacseala Rom Birmingham  Proved in absence	£220  £85 costs (£175 requested)	Stockland Green

199	12/7/22	Adam Smith Birmingham  Proved in absence	£220  £85 costs (£175 requested)	Stockland Green
200	12/7/22	Alan Smith Worcester  Proved in absence	£220  £85 costs (£175 requested)	Out of area
201	12/7/22	Christopher Smith Birmingham  Proved in absence	£220  £85 costs (£175 requested)	Weoley & Selly Oak
202	12/7/22	Morgan Smith Birmingham  Proved in absence	£220  £85 costs (£175 requested)	Bordesley Green
203	12/7/22	Richard Stowe Birmingham  Proved in absence	£220  £85 costs (£175 requested)	Druids Heath & Monyhull
204	12/7/22	Zoe Thompson Plymouth  Guilty plea	£40  £85 costs (£175 requested)	Out of area
205	12/7/22	Matthew Trigg Coventry  Proved in absence	£220  £85 costs (£175 requested)	Out of area
206	12/7/22	Iosif Vira Birmingham  Proved in absence	£220  £85 costs (£175 requested)	Moseley

207	12/7/22	Julie Whelan West Bromwich  Proved in absence	£220  £85 costs (£175 requested)	Out of area
208	12/7/22	Brandon Williams West Bromwich  Proved in absence	£220  £85 costs (£175 requested)	Out of area
209	12/7/22	Jackie Wilson Birmingham  Proved in absence	£220  £85 costs (£175 requested)	Gravelly Hill
210	12/7/22	Ming Yang Oldbury  Proved in absence	£220  £85 costs (£175 requested)	Out of area
211	12/7/22	Mund Zaman Birmingham  Proved in absence	£220  £85 costs (£175 requested)	Bordesley Green
212	12/7/22	Fangyoubo Zuo Birmingham  Proved in absence	£220  £85 costs (£175 requested)	Bordesley & Highgate
213	26/7/22	Almass Begun Birmingham  Proved in absence	£220  £100 costs (£175 requested)	Small Heath
214	26/7/22	Daniel Conatantin Birmingham  Proved in absence	£220  £100 costs (£175 requested)	Alum Rock

215	26/7/22	Yicheng Ding York  Guilty plea	£40  £76 costs (£175 requested)	Out of area
216	26/7/22	Oliver Forster Towchester  Proved in absence	£220  £100 costs (£175 requested)	Out of area
217	26/7/22	Victoria Greenway Fordbridge  Proved in absence	£220  £100 costs (£175 requested)	Out of area
218	26/7/22	Lee Hoane Birmingham  Proved in absence	£220  £100 costs (£175 requested)	Bordesley & Highgate
219	26/7/22	Lee Jang Paisley  Proved in absence	£220  £100 costs (£175 requested)	Out of area
220	26/7/22	Kerry McClaughlin Stafford  Proved in absence	£220  £100 costs (£175 requested)	Out of area
221	26/7/22	Omid Mohsennejad Swadlincote  Proved in absence	£220  £100 costs (£175 requested)	Out of area
222	26/7/22	Anton Motozor Birmingham  Proved in absence	£220  £100 costs (£175 requested)	Moseley



223	26/7/22	Ross Muir Irvine  Proved in absence	£220  £100 costs (£175 requested)	Out of area
224	26/7/22	Anh Nguyen Birmingham  Proved in absence	£220  £100 costs (£175 requested)	Bordesley & Highgate
225	26/7/22	Ban Nguyen Birmingham  Proved in absence	£220  £100 costs (£175 requested)	Holyhead
226	26/7/22	Kerry Owens Birmingham  Proved in absence	£220  £100 costs (£175 requested)	Sparkbrook & Balsall Heath East
227	26/7/22	Benjamin Ponder Stratford upon Avon  Proved in absence	£220  £100 costs (£175 requested)	Out of area
228	26/7/22	Daniel Kathleen Pugh Birmingham  Guilty plea	£92  £100 costs (£175 requested)	Perry Barr
229	26/7/22	Jonathan Richardson Hollywood  Guilty plea	£109  £100 costs (£175 requested)	Out of area
230	26/7/22	Lucinda Robertson London  Proved in absence	£220  £100 costs (£175 requested)	Out of area

231	26/7/22	Matthew Wang Birmingham  Proved in absence	£220  £100 costs (£175 requested)	Bordesley & Highgate
232	26/7/22	Katie Young Warwick  Proved in absence	£220  £100 costs (£175 requested)	Out of area
233	26/7/22	Quiyu Yu York  Guilty plea	£40  £76 costs (£175 requested)	Out of area

### **NOISE NUISANCE**

	<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>
234	30/6/22	Ray Williams Birmingham	Environmental Protection Act 1990  Pleaded guilty to four offences of failing to comply with an abatement notice and allowing a dog to bark and cause a noise nuisance at 365 Alwold Road, Weoley, Birmingham.	£200  £250 costs (£1,422 requested)	Weoley & Selly Oak	Weoley & Selly Oak

### **ENVIRONMENTAL HEALTH SIMPLE CAUTIONS**

No simple cautions were administered during May, June and July 2022.

**LICENSING 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>
235	9/5/22	Andrew Logie Burton-upon-Trent	Local Government (Miscellaneous Provisions) Act 1982  Pleaded <u>not guilty</u> to three offences of engaging in street trading on High Street, Birmingham on three occasions when not authorised to do so.  Found guilty following trial.	£1,000  £400 costs (£2,609 requested)	Out of area	Ladywood

**LICENSING SIMPLE CAUTIONS**

Twelve simple cautions were administered during May, June and July 2022.

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

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

**Section 48(6) & 68(3)** One caution was issued for failing to display a private hire vehicle licence plate and parking on a Hackney Carriage stand when not a Hackney Carriage.

**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>
236	16/5/22	Waheed Butt Reading	<p>Companies Act 2006</p> <p>Pleaded guilty to one offence of carrying on the business of WB Infrastructure Limited for fraudulent purposes, namely defrauding customers and creditors. Each victim engaged Butt to undertake various building/home improvement works to their properties. Large amounts of money were paid to him for extensions to be built, kitchens to be replaced, roofing, electrical and plumbing work to be done. In most cases low grade, and sometimes little or no work took place. Work that was carried out in at least two properties was adjudged by an independent building surveyor to be in a dangerous condition and required demolition. Butt often 'urgently' required money to buy goods which he never in fact provided. He promised refunds but didn't provide them. To some he wrote cheques from accounts that had long been closed or he pretended to be transferring refunds online.</p>	<p>6 years imprisonment</p> <p>Disqualified from being a company director for 8 years.</p> <p>No costs awarded or requested.</p>	Out of area	Out of area

**TRADING STANDARDS SIMPLE CAUTIONS**

No simple cautions were administered during May, June and July 2022.

**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>
237	27/5/22	Scripcariu Constantin Birmingham	Environmental Protection Act 1990  Pleaded <u>not guilty</u> to two offences of depositing or causing the deposit of controlled waste, namely building and general waste, from a vehicle on Station Road, Soho, Birmingham.  Found guilty in absence following trial.	£2,644  £3,699 costs (£3,699 requested)	Soho & Jewellery Quarter	Holyhead
238	13/6/22	Shamim Uddin Birmingham	Environmental Protection Act 1990  Pleaded <u>not guilty</u> to two offences; one offence of failing to ensure that waste from a domestic property was transferred to an authorised person and one offence of knowingly permitting controlled waste, namely 2 settees, to be deposited on the grass area beside 28 Bolton Road, Birmingham.  Found guilty after trial.	£414 – offence 2 No separate penalty for offence 1.  £200 costs (£1,135 requested)	Bordesley Green	Bordesley Green
239	23/6/22	Gurdave Singh Sharma Wythall	Environmental Protection Act 1990  Pleaded guilty to one offence of failing to comply with a demand requiring information as to how the business at Gloves Removals & Clearance, 334 Alcester Road, Birmingham, disposes of its waste.	£480  £720 costs (£720 requested)	Out of area	Bromford & Hodge Hill

240	27/6/22	Peter Moore aka Peter Wood Birmingham	Environmental Protection Act 1990  Pleaded guilty to one offence of depositing controlled waste, namely a mattress, onto land on Stuarts Drive, Yardley, Birmingham.	£360  No costs awarded or requested due to financial means.	Yardley West & Stechford	Yardley West & Stechford
241	30/6/22	Nicholas Alcide Birmingham	Environmental Protection Act 1990 Road Traffic Act 1988  Pleaded guilty to two offences; one of depositing controlled waste, namely 3 mattresses and a bed base, from a Mercedes Sprinter Van onto land on Bridge Street West, Birmingham and one offence of using the vehicle without being insured to do so.	£320 – depositing waste  No separate financial penalty for no insurance  + 6 penalty points  £200 costs (£1,556 requested)	Handsworth Wood	Newtown
242	25/7/22	Lynden Garbett Wednesbury	Consumer Protection from Unfair Trading Regulations 2008 Environmental Protection Act 1990  Pleaded guilty to two offences; one of engaging in a commercial practice as an authorised rubbish removal service which was a misleading action in that he gave an indication, by means of an Environment Agency Certificate of Registration, that he was an authorised waste carrier, whereas in fact he was not and one offence of depositing controlled waste, namely several mattresses, a fridge/freezer, cardboard boxes, items of broken furniture, children toys and in excess of 40 black bags containing domestic waste, from a vehicle onto Old Horns Crescent, Birmingham.  Originally listed for trial	£648  £1,000 costs (£3,562 requested)	Out of area	Oscott

**WASTE ENFORCEMENT SIMPLE CAUTIONS**

No simple cautions were administered during May, June and July 2022.

**CASES FINALISED BY DISTRICT (PLACE OF OFFENCE) – APRIL-JULY 2022**

	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	<b>2</b>
Environmental Health (FPNs) Not paid and prosecuted	0	7	1	0	286	3	0	0	0	6	0	<b>303</b>
Environmental Health (including WEU)	0	0	1	1	5	1	1	1	0	1	0	<b>11</b>
Trading Standards	0	0	0	0	0	0	0	0	0	0	1	<b>1</b>

**CASES FINALISED BY DISTRICT (DEFENDANT'S HOME ADDRESS/REGISTERED OFFICE) – APRIL-JULY 2022**

	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	<b>2</b>
Environmental Health (FPNs) Not paid and prosecuted	13	15	12	10	33	9	12	10	3	13	173	<b>303</b>
Environmental Health (including WEU)	0	0	1	0	4	1	1	1	0	1	2	<b>11</b>
Trading Standards	0	0	0	0	0	0	0	0	0	0	1	<b>1</b>



**APPENDIX 6**

**WASTE ENFORCEMENT UNIT – ENFORCEMENT ACTIVITY**

Waste Investigation Outcomes													
	Apr-22	May-22	Jun-22	Jul-22	Aug-22	Sep-22	Oct-22	Nov-22	Dec-22	Jan-23	Feb-23	Mar-23	Total
Duty of care inspections into the waste disposal arrangements of commercial premises	192	47	56	39									334
Section 34 Environmental Protection Act demand notices issued:(trade waste statutory information demands)	147	43	35	31									256
Section 34 Environmental Protection Act Fixed Penalty Notices issued to businesses (£300)	6	17	11	11									45
Section 87 Environmental Protection Act Fixed Penalty notices issued for commercial and residential litter offences (£80)	0	0	0	0									0
Section 33 Environmental Protection Act Fixed penalty notices issued for fly tipping (£400)	14	12	7	11									44
Prosecutions													0
Number of prosecution files submitted to legal services, (number produced quarterly.	2	2	0	4									8

Monthly Parking Pcn Issued in Taxi Ranks	Processing
April 2022	198
May 2022	243
June 2022	264
July 2022	330
August 2022	
September 2022	
October 2022	
November 2022	
December 2022	
January 2023	
February 2023	
March 2023	
TOTAL	1035

**BIRMINGHAM CITY COUNCIL**

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

**21 SEPTEMBER 2022**  
**ALL WARDS**

**REGULATION & ENFORCEMENT ACTIVITY REPORT**  
**APRIL/MAY/JUNE (QUARTER 1) 2022-23**

1. Summary

- 1.1 Birmingham City Council's Regulation and Enforcement Division covers a range of statutory functions including enforcement activities.
- 1.2 The purpose of this report is to provide the Committee with information as to the scale and type of activities that have been ongoing in the current financial year. This period covers the months of April, May and June 2022.

2. Recommendation

- 2.1 That the content of the report be noted.

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### 3.0 Background

3.1 The range of functions exercised by officers on behalf of the City Council are varied and occur across all parts of the city. The overview of activities in April, May and June 2022 is set out in the Appendix to this report.

### 4. Consultation

4.1 No public consultation has taken place, as this is an information report.

### 5. Implications for Resources

5.1 None

### 6. Implications for Policy Priorities

6.1 None

### 7. Public Sector Equality Duty

7.1 No further equality issues have been identified, as all enforcement activities are carried in accordance with the adopted enforcement policy, which was the subject of an equalities impact assessment.

## **DIRECTOR OF REGULATION AND ENFORCEMENT**

Background Papers: Nil

**REGULATION & ENFORCEMENT ACTIVITY REPORT**  
**APRIL, MAY, JUNE 2022**

### **Introduction**

The way the Council enforces its regulatory activities under the terms of the relevant legislation has altered significantly since the Covid 19 pandemic. Changes have been made to comply with national guidance and the introduction of new legislation. This report provides a snapshot of enforcement activity for the services in Regulation and Enforcement since 1 April to 30 June 2022. While services are seeking to enter the recovery phase, many services are reliant on changes to Government legislation and guidance.

### **Detailed Action**

The table below sets out the activities undertaken in Quarter 1 (April, May, June 2022)

#### **Environmental Health and Trading Standards**

Activity	Environmental Health (including litter but not WEU)			Trading Standards		
	Q1	Q2	Q3	Q1	Q2	Q3
Prosecution agreed*	119			1		
Simple Cautions	0			1		

### **Environmental Health**

The following table shows the total number of RFA (requests for assistance) received by quarter (RFA Recd) and how many were responded to in time (PI met).

Work type	Q1		Q2		Q3		Q4		Year Total
	RFA Recd	PI met	RFA Recd	PI met	RFA Recd	PI met	RFA Recd	PI met	RFA Total
H&S Accidents	122	100%							
Dogs	633	99.5%							
Infectious Disease	199	100%							
Pest Control	3,976	79.2%							
Request for Assistance	4,695	81.3%							
<b>Total</b>	9,625	82.2%							

### *Analysis of Requests for Assistance (RFA)*

The analysis of the types of activity in Environmental Health is shown above.

The Environmental Health team also respond to consultation requests from Planning Management covering a wide range of large scale and major developments. The number of applications (QTY) and the percentage responded to in time (%) is shown in the following table. The number of major schemes are also shown (these are included in the QTY and % for the Planning Consultations).

Work Type	Q1		Q2		Q3		Q4	
	QTY	%	QTY	%	QTY	%	QTY	%
Planning Consultations	720	91%						
Major Schemes	105							

### **Licensing**

170 matters have been finalised through the delegated process, which would have ordinarily come before the sub-committee, 30 of which were finalised in April/May/June.

During quarter one of 2022/23 one Summary / Expedited Review application was submitted by West Midlands Police under section 53A of the Licensing Act 2003 as amended by the Violent Crime Reduction Act 2006 which related to the following premises:

- Oasis Lounge, 30-31 Lower Tower Street, Birmingham, B19 3NH.

Activity	Licensing		
	Q1	Q2	Q3
Prosecution agreed*	0		
Simple Cautions	6		

Activity	Licensing							
	HCPH				General			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Licence applications	753				730			
Licence sub-committees	n/a				22			
Of which were reviews:								
Interim steps	n/a				1			
Expedited	n/a				1			
Standard	n/a				3			
Licence renewals	1228				9			
Requests for Actions Received	455				70			
Requests for Actions closed	390				76			

### Analysis of RFAs

The breakdown of types of Requests for Assistance in Licensing is shown below.

	Q1		Q2		Q3		Q4	
	Received	Closed	Received	Closed	Received	Closed	Received	Closed
<b>Total</b>	<b>525</b>	<b>466</b>						
Hackney Carriage	52	56						
Private Hire	403	334						
Licensing Act 2003	63	66						
Gambling Act 2005	0	2						
Scrap Metal Dealers	3	3						
Sexual Entertainment Venues	0	0						
Massage & Special Treatments	2	3						
Charitable Street Collections	1	1						
Street Trading	0	0						
Skin Piercers	1	1						

### Scrap Metal Dealers

There are currently 60 licences issued in Birmingham under the Scrap Metal Dealers Act 2013. The breakdown of licences issued is as follows:

Type of Licence	Number of active licences
Scrap Metal Site Licences	30
Scrap Metal Collector Licences	30

There have been the following actions taken with regards to Scrap Metal Site licences:

Type of Enforcement	Apr 22	May 22	Jun 22	Jul 22	Aug 22	Sep 22	Oct 22	Nov 22	Dec 22	Jan 23	Feb 23	Mar 23
Complaints	2	0	0									
Inspections	1	1	0									

Nb. This section is included for completeness, but enforcement of scrap metal dealer licensing is the responsibility of the Cabinet.

### **Trading Standards**

Trading Standards received 1159 requests for Assistance in the first quarter. These again are across a broad range of issues, from car trade, building work, product safety, scams, supply of illicit tobacco and alcohol as well as underage sales and other consumer frauds. Some of the jobs require direct intervention whilst others are logged for intel purposes. The table below shows just a selection of the 37 categories of jobs received:

	Q1	Q2	Q3	Q4	Year Total
<b>Work type</b>	<b>RFA</b>	<b>RFA</b>	<b>RFA</b>	<b>RFA</b>	
Consumer Fraud	84				
Age Restricted Sales	36				
Product Safety	51				
Counterfeit Goods	69				
Car Sales	87				
Advice and Assistance	440				

### **Prosecution**

#### **Rogue Trader Prosecution**

A rogue trader was sentenced to 6 years at Birmingham Crown Court on 16 May 2022.

Waheed Butt (49) of Waylen Street, Reading RG1 7UP, was jailed after pleading guilty to an offence of fraudulent trading under the Companies Act 2006. He was also disqualified from being a company director under the Company Directors Disqualification Act 1986 for eight years.

Following his guilty plea, Butt agreed to pay part refunds for 12 victims, including supplier companies, totalling £152,500.



Birmingham City Council's Trading Standards team launched an investigation in December 2019 after receiving numerous complaints from Butt's victims across the West Midlands, about WB Infrastructure Ltd based at Salisbury Drive, Water Orton, Birmingham, B46 1QJ, which had been contracted for various building works to their properties between February 2019 and September 2020.

Thousands of pounds were paid for extensions to be built, kitchens to be replaced, roofing, electrical and plumbing work to be done but in most cases, little or no work took place and it was alleged the work that had been carried out was found by an independent building surveyor to be in a dangerous condition and required demolition.

The case was widely publicised in the local and the national press.

### **Tobacco Prosecution**

An inspection of Sam Mini Market 898 Bristol Road South, Northfield, Birmingham, had resulted in the discovery of 900 packs of illicit cigarettes and 218 pouches of illicit tobacco. The defendant Shirkou Jaff the owner of the business pleaded guilty to all matters at Birmingham Magistrates Court on 23 June 2022 and the matter was sent up to the Crown Court for POCA and sentencing.

### **Licensing**

Following discovery of non-compliant tobacco and fireworks without a licence at Maral Mini Market Soho Hill, a licence review was submitted. On 25 April 2022 the Licensing Sub-Committee decision was to revoke the licence and that Mr Sirwan Ibrahim Rashid be removed as Designated Premises Supervisor.

### **Licensing Appeal**

On 20 January 2022 the Licensing Sub-Committee revoked the premise licence for Super Choice News and removed Mr Sajjad as Designated Premise Supervisor. The background to this case was that on 16 October 2022 an underage volunteer was sold alcohol during a test purchase exercise.

Mr Sajjad appealed the decision. On 20 June 2022 in Birmingham Magistrates Court the District Judge refused the appeal and costs of £2,500 were awarded to the Council.

### **Enforcement exercises**

#### **Visits with police to retailers for Age restricted products**

On 4 April 2022 TS officers worked with Bordesley Green police on age restricted advice and gave warnings to businesses regarding the sale of items to underage persons.

### **Execution of warrant for counterfeit clothing**

On 4 May 2022 TS assisted the RIT team for Op Beorma in a factory producing large quantities of counterfeit clothing. Items of suspected counterfeit clothing was seized.

### **Execution of warrant for builder complaints**

On 25 May 2022 TS executed a warrant on a premise in Warwickshire and a suspect builder who had 6 consumer complaints. The builder was later interviewed and charged to appear Magistrates.

### **Weights and Measures Verification & Measure Checks**

On 10 May 2022 Trading Standards officers tested and stamped as being passed as fit for use for trade 4 petrol pumps at a petrol station in Bordesley Green and charged approximately £400.00 for the work.

Four other petrol stations were also visited across the city where measure checks were carried out on pumps to follow-up complaints, but the outcomes were all satisfactory with the measures being correct.

### **Counterfeit wine seized**

On 21 June 2022 TS Officers visited an off-licence in Birmingham to follow up on a consumer complaint. Officers seized 24 bottles of Counterfeit Yellow Tail wine. The investigation is on-going, and a possible licence review will follow.

### **Civil Redress**

A Complaint regarding a recall washing machine was received through a Councillor. After negotiation with the business the Officer managed to get a settlement of £141.43 for the complainant.

### **Scams**

#### **NTS referrals Scams project**

TS are receiving around 5 monthly scam victim referrals. TS are updating the National Trading Standards Scams Team on the outcome of the referrals.

TS are doing full background checks on victims to see if any further support is required by Adult Social Care. TS continue to provide scam awareness advice to those who have entered bogus prize draws and other scams.

#### **Scam Alerts**

TS have been as always posting scam alerts of current scams on their twitter account and supporting the NTS Scams Team on campaigns on social media.

### **Scam Awareness Fortnight**

TS supported Scam Awareness fortnight 13-26 June 2022; the theme was scams around the cost of living crisis. The aim was to create a network of confident, alert consumers who know what to do when they spot a scam. TS promoted the campaign on their Twitter account. The social media campaign was well received, and one tweet alone earned 3,792 impressions.

### **ACG Award**

On 16 June 2022 The Anti-Counterfeiting Group (ACG) announced the winners of the 2022 ACG Awards for Excellence in Anti-Counterfeiting Enforcement at an event hosted by Phil Lewis, Director General at the ACG at the Chartered Trading Standards Institute (CTSI) Conference in Bristol.

ACG Special Awards were awarded to CENTSA Regional Investigations Team with special mention to Mohammed Tariq.

Mohammed Tariq, a Senior Trading Standards Officer from Birmingham Trading Standards also won the highly commended 'Dave Hankinson Memorial Award for Individual Excellence' in recognition of his specific contributions to anti-counterfeiting enforcement work during 2021/22.

### **POCA**

During the period April 2022 to June 2022 the following three Confiscation Orders have been made:

Ali Dyar Mahmood (Wolverhampton TS job) - £1 nominal Order with a declared benefit of £48k. May not want to include.

Inderjit SANGU – Order made for £75,000.00 (RIT Job)

Mohammed ASGHAR – Order for £30,000.00 (TS Job)

Payments have continued to be made re the Orders of Panesar (E-Tickets) and Op Swarm (RIT eco job) with all the money going to compensate the respective victims.

AFI Officers have submitted two S16 statement supporting a Fraud in Coventry and two S16 statements regarding a Wolverhampton counterfeiting job. We are continuing to offer support to other Centsa Authorities.

AFI's have obtained several Restraint Orders, Production Orders and Disclosure Orders regarding various ongoing investigations both TS and RIT.

AFI's also assisted in the BUTT case which hopefully will have seen £152k refunded to victims. I had restrained the equivalent in his wife's account.

One of our AFI's continues to the Chair both the National and Regional LA FI groups who both met during this period.

### **England Illegal Money Lending Team (IMLT) (Amended by RW 17.8.22)**

In April, May and June 2022, the England Illegal Money Lending Team (IMLT) received a total of 126 reports of illegal money lending (IML), an increase of 13 compared to the last quarter and an increase of 27 compared to the quarter 1 of the previous year.

48 of these referrals can be directly attributed to work carried out by the teams LIAISE officers., through their community engagement, with 60 victims provided with either direct or indirect support from the team

The referrals/intelligence received resulted in 35 new operations -an increase of 10 from the last quarter.

The team conducted 5 operations, executed 8 warrants, and made 6 arrests, where the subjects were released under investigation for further enquires to be completed in the following locations:

OPERATION GARDEN (EETSA) - Suffolk.  
OPERATION ZARIBA (CENTSA) - Oldbury.  
OPERATION ABSINTHE (EETSA) - Hemel Hempstead.  
OP WILDWOOD (CENTSA)- West Bromwich.  
OP WAPITI (NORTH WEST) - Colne, Lancashire.

OP ILLINOIS (YORKSHIRE & HUMBERSIDE) – Scarborough, where the subject received a formal Police caution.

Awareness raising work also continues with 3300 people trained on how to spot and support someone who has borrowed from an illegal lender during this quarter. The Stop Loan Sharks Community Fund opened for bids in April and 140 were received. Community groups, charities and statutory agencies can bid for up to £5000 for projects that help identify the victims of illegal lenders or stop people using them in the first place.

Work is also continuing with the consumer credit industry. IMLT have spoken at the CCTA conference and are booked to speak at several others. A number of companies have reached out for training, including Amigo Loans and H and T Pawnbrokers. Work has started with GAIN Finance to look at their automated loans process and see where an illegal money lending victim could hit a trigger to refer them for a manual decision on their loan (and a conversation with the loans officer about IML).

There are multiple projects running to look at whether illegal lenders, or their victims, can be identified through open banking data analysis. The first, with a social enterprise lender, has yielded information that may result in warrants taking place. Work is ongoing with a number of open banking providers, including Equifax and Lending Metrics, to identify within their systems places where loan shark victims may appear. The aim is to get a flag put on the system at this point – and train the agencies using

the open banking data to ask the right questions of the person applying for a loan to see if the reason they need access to credit is because of a loan shark debt.

## **Registration Service**

### **Death Registrations**

The Service had been processing death registrations in line with emergency provisions under The Coronavirus Act 2020 and the direction of the General Register Office (GRO). In late March 2020 a new process for registering was enacted and the service implemented this and honed the processes to improve performance. From midnight on 24 March 2022 the emergency provisions ceased, and death registrations were carried out in accordance with The Births and Deaths Registrations Act 1953 in that they were to be undertaken in person. The transmission of documents electronically was permitted to continue under secondary legislation. These changes have had an adverse impact on the timeliness of death registrations. The table below shows the level of death registrations for April 2021 to March 2022 compared to Quarter 1 for 2022/23.

<b>Deaths</b>	<b>2021/22</b>	<b>2022/23</b>	<b>% change</b>
<b>April</b>	811	789	-2.72
<b>May</b>	812	1139	+40.27
<b>June</b>	771	807	+4.67
<b>July</b>	826		
<b>August</b>	877		
<b>September</b>	978		
<b>October</b>	869		
<b>November</b>	1109		
<b>December</b>	1006		
<b>January</b>	1184		
<b>February</b>	922		
<b>March</b>	800		
<b>Total (to date)</b>	<b>10965</b>	<b>2735</b>	

### **Birth Registrations**

The Government reintroduced the registration of births in June 2020, with an optional alternative procedure, both procedures require face to face meetings. For operational reasons the service followed the standard process and was fully operational from mid-June. As of 23 June 2022, there were 3680 outstanding birth registrations, of which 1696 were over the statutory 42 days registration period. The table below shows the level of birth registrations for April 2021 through to March 2022 compared to Quarter 1 for 2022/23. It was necessary for the Service to divert staffing resources from birth to death registrations in order to register deaths quicker to limit the distress experienced by families waiting to arrange funerals.

<b>Birth Registrations</b>	<b>2021/22</b>	<b>2022/23</b>	<b>% change</b>

April	1959	1193	-39.10
May	1651	1629	-1.33
June	1833	1745	-4.80
July	1402		
August	1405		
September	1732		
October	1579		
November	1958		
December	1365		
January	1515		
February	1989		
March	1843		
<b>Total (to date)</b>	<b>20231</b>	<b>4567</b>	

### Ceremonies

Following the first national lockdown in 2020, the Government announced ceremonies could recommence in Covid 19 secure venues from July 2020. In line with national guidance the Register Office implemented measures to recommence ceremonies from 4 July 2020. Registrar General Licence Marriages were permitted to take place during the lockdown. During April – May 2021 citizenship ceremonies continued to be delivered by a combination of socially distance ceremonies and virtual ceremonies. The Service resumed the holding of citizenship ceremonies at the Register Office from June 2021. The tables below show the level of ceremonies and notices from April 2021 to March 2022 compared to Quarter 1 April – June 2022/23.

<b>Ceremonies</b>	<b>2021/22</b>	<b>2022/23</b>
April	103	132
May	131	145
June	172	147
July	210	
August	193	
September	194	
October	192	
November	171	
December	113	
January	88	

February	128	
March	99	
<b>Total (to date)</b>	<b>1794</b>	<b>424</b>

<b>Notice of Marriage and Civil Partnership</b>	<b>2021/22</b>	<b>2022/23</b>
April	646	579
May	603	833
June	699	706
July	704	
August	585	
September	452	
October	499	
November	465	
December	511	
January	492	
February	579	
March	789	
<b>Total (to date)</b>	<b>7024</b>	<b>2118</b>

<b>Adults Attending Citizenship Ceremonies</b>	<b>2021/22</b>	<b>2022/23</b>
April	397	331
May	387	354
June	531	301
July	424	
August	434	
September	267	
October	293	
November	381	
December	216	
January	358	
February	556	

March	874	
<b>Total (to date)</b>	<b>5118</b>	<b>986</b>

The Service was responding to significant challenges in Quarter 1. It was still in Covid 19 recovery and experiencing an increase in demand for most of its statutory services against a backdrop of significantly reduced staffing levels. A recruitment drive was underway to enable the Service to better respond to service demands.

**Paul Lankester**  
**Interim Director Regulation and Enforcement**



**BIRMINGHAM CITY COUNCIL**

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

**21 SEPTEMBER 2022**  
**ALL WARDS**

**ACTION TAKEN BY THE CHAIR OF THE LICENSING  
& PUBLIC PROTECTION COMMITTEE:**  
**JULY 2022**

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.

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### 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 July 2022

- 4.1 There were no actions taken during the month of July.

### 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.

## **DIRECTOR OF REGULATION AND ENFORCEMENT**