

**BIRMINGHAM CITY COUNCIL**

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

**12 JULY 2017**  
**ALL WARDS**

**PROSECUTIONS AND CAUTIONS – MAY 2017**

1. Summary
  - 1.1 This report summarises the outcome of legal proceedings taken by Regulation and Enforcement during the month of May 2017.
2. Recommendation
  - 2.1 That the report be noted.

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### 3. Results

#### 3.1 During the month of May 2017 the following cases were heard at Birmingham Magistrates Court, unless otherwise stated:

- Four Licensing cases resulted in fines of £899. Prosecution costs of £1,184 were awarded with a total of 18 penalty points. 15 simple cautions were administered as set out in Appendix 1.
- 66 Environmental Health cases resulted in fines of £23,443 and a 12 month community order. Prosecution costs of £26,013.94 were awarded. Two simple cautions were administered as set out in Appendix 2.
- Three Trading Standards cases was finalised resulting in fines of £20,000 and prosecution costs of £7,802 were awarded. No simple cautions were administered as set out in Appendix 3.
- Appendix 4 lists cases finalised by district in May 2017 and cases finalised by district April - May 2017.
- Appendix 5 lists the enforcement activity undertaken by the Waste Enforcement Team in April 2017.

### 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 2017 to May 2017 the following costs have been requested and awarded:

##### Licensing

£5,288 has been requested with £2,608 being awarded (49%)

##### Environmental Health

£53,834 has been requested with £49,209 being awarded (91%).

##### Trading Standards

£15,061 has been requested with £9,776 being awarded (64%).

- 5.3 For the month of May 2017 the following costs have been requested and awarded:

Licensing

£1,967 has been requested with £1,184 being awarded (60%)

Environmental Health

£29,976 has been requested with £26,013 being awarded (87%).

Trading Standards

£13,087 has been requested with £7,802 being awarded (59%).

6. Implications for Policy Priorities

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

7. Public Sector Equality Duty

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

**ACTING DIRECTOR OF REGULATION AND ENFORCEMENT**

Background Papers: Nil

**LICENSING CASES**

**APPENDIX 1**

	<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	11/5/17	Sultan Sorosh 31 Mayswood Grove Quinton Birmingham B32 2RG	Town Police Clauses Act 1847 & Road Traffic Act 1988.  Pleaded guilty to two offences: one of plying for hire in High Street, Harborne, Birmingham and one of consequently having invalid insurance.	£185 x No Insurance  + 6 penalty points  No separate penalty for plying  £135 costs (£452 requested)	Quinton	Harborne
2	11/5/17	Abdirahman Ahmed 35 Whisley Brook Lane Hall Green Birmingham B28 8SR	Equalities Act 2010.  Found guilty in his absence of one offence of failing to carry out a booking accepted by the operator, Excel Cars, as the disabled customer was accompanied by an assistance dog.	£440  £499 costs (£499 requested)	Hall Green	Springfield
3	25/5/17	Muhammed Idrees Kiyani 9 Truda Street Palfrey Walsall WS1 4LD	Town Police Clauses Act 1847 & Road Traffic Act 1988.  Pleaded guilty to two offences: one of plying for hire in Bromsgrove Street, Birmingham and one of consequently having invalid insurance.	£134 x No Insurance  + 6 penalty points  No separate penalty for plying  £250 costs (£524 requested)	Out of area	Nechells

	Date Case Heard	Name & Address	Offence details (including Legislation)	Fine/Penalty & Costs	Ward of defendant	Ward - Offence committed
4	25/5/17	Allah Ditta 1591 Stratford Road Hall Green Birmingham B28 9JB	Town Police Clauses Act 1847 & Road Traffic Act 1988.  Pleaded guilty to two offences: one of plying for hire in Bromsgrove Street, Birmingham and one of consequently having invalid insurance.	£140 x No Insurance  + 6 penalty points  No separate penalty for plying  £300 costs (£492 requested)	Hall Green	Nechells

## LICENSING SIMPLE CAUTIONS

During the period of May 2017, 15 simple cautions have been administered:

### Local Government (Miscellaneous Provisions) Act 1976

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

**Section 50(3)** One caution was issued for failing to report an accident to Birmingham City Council

**Section 54(2)** Five cautions were issued for failing to wear a private hire driver's badge in a manner as to be plainly and distinctly visible

### Town Police Clauses Act 1847 Section 45 & Road Traffic Act 1988 Section 143

Two cautions were issued for plying for hire and driving without insurance

### Licensing Act 2003

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

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

**FOOD HYGIENE OFFENCES**

	<b>Date Case Heard</b>	<b>Name &amp; Address</b>	<b>Offence details (including Legislation)</b>	<b>Fine/Penalty &amp; Costs</b>	<b>Ward of defendant</b>	<b>Ward - Offence committed</b>
1	5/5/17	VIP Stores Ltd 52A Lozells Road Birmingham B19 2TJ	Food Safety & Hygiene (England) Regulations 2013 Environmental Protection Act 1990  Pleaded guilty to two offences; one offence of failing to produce written information relating to the transfer of waste from premises at Select & Save VIP Stores, 52A Lozells Road, Birmingham within 7 days and one offence of failing to comply with a hygiene improvement notice requiring a permanent procedure or procedures to be put in place based on the HACCP principles.	£4,000  £1,000 costs (£1,103 requested)	Aston	Aston
2	24/5/17	Carlos Sheibani Somerford Middlewich Road Allostock Knutsford WA16 9JX	Food Safety & Hygiene (England) Regulations 2013  Pleaded guilty to four offences relating to conditions at The Flamin Chicken, 10 Alum Rock Road, Birmingham on two separate occasions. There were no procedures in place to control pests, mouse droppings were found throughout the premises and there were no procedures in place based on the HACCP principles.	Total £4,800 (£1,200 x 4)  £4,500 costs (£4,500 requested)	Out of area	Washwood Heath
3	25/5/17	Kalim Hussain 202 Frederick Road Birmingham B6 6DG	Food Safety & Hygiene (England) Regulations 2013  Pleaded guilty to 12 offences relating to conditions at Broadway 3, 237-239 Witton	12 month Community Order with 20 day Rehabilitation Activity	Aston	Aston

			<p>Road, Birmingham. There was evidence of mouse activity throughout the premises, a bag of pasta in the store room had been damaged by pest activity, the premises was not kept clean and fittings and equipment which food comes into contact with were not effectively cleaned. The floor and food surfaces, food packaging and a chest freezer were littered with mouse droppings. The rear door to the premises was left open and there was a hole in the suspended ceiling tile in the preparation room. There were no procedures based on HACCP. Food handlers were not supervised, instructed or trained in food hygiene matters.</p>	<p>Requirement.</p> <p>£1,030 costs (£2,079 requested)</p>		
4	25/5/17	<p>Muhammed Ayaz T/A Jav Kebabish 41 Colonial Road Birmingham B9 5NR</p>	<p>Food Safety &amp; Hygiene (England) Regulations 2013 Health &amp; Safety at Work etc Act 1974</p> <p>Pleaded guilty to 12 offences relating to conditions at Jav Kebabish, 172-174 Slade Road on two separate occasions. There were no procedures in place to control pests and the premises were not kept clean. Cooked foods on display for sale were not kept at the correct temperatures and a panini maker was filthy with remnants of old dried on food debris.</p> <p>Live copper conductors were exposed from a broken light switch from a broken plug. There were cracks along the ceiling where food was prepared allowing waste water to drip through. A foul water inspection chamber had been left open posing a risk of contamination to food.</p>	<p>£2,140</p> <p>£1,885 costs (£1,885 requested)</p>	Bordesley Green	Stockland Green

## **WASTE OFFENCES**

	<b>Date Case Heard</b>	<b>Name &amp; Address</b>	<b>Offence details (including Legislation)</b>	<b>Fine/Penalty &amp; Costs</b>	<b>Ward of defendant</b>	<b>Ward - Offence committed</b>
1	11/5/17	Clive Orville Dupont 12 Francis Road Yardley Birmingham B25 8HP	Environmental Protection Act 1990  Pleaded guilty to two offences; one offence of depositing controlled waste, namely a number of black sacks containing empty tins of dog food and an ironing board, on Brickfield Road, Birmingham and one offence of failing to comply with a notice requiring written details to be provided of the person in charge of vehicle registration number YX04 BAA on 9th October 2016 when the waste was deposited.	Total £535  £152 costs (£1,001 requested)  £160.50 – clean-up costs (£160.50 requested)	South Yardley	South Yardley
2	11/5/17	James Evans 11 Cherry Walk Hollywood Birmingham B47 5RL	Environmental Protection Act 1990  Pleaded guilty to one offence of being in control of a Vauxhall Vivaro van which was used to deposit controlled waste, namely roof tiles, in a skip at 186 Dawlish Road, Selly Oak, Birmingham	£116  £340 costs (£732 requested)	Out of area	Selly Oak
3	15/5/17	Apna Food & Wines Ltd 2 Wheeleys Road Birmingham B15 2LD	Environmental Protection Act 1990  Pleaded guilty to one offence of failing to comply with a demand requiring information on how Apna Food & Wines, 238 Albert Road, Birmingham, disposes of its business waste.	£160  £1,407 costs (£1,407 requested)	Edgbaston	Lozells & East Handsworth
4	17/5/17	Aejaz Ahmed 90 Swanshurst Lane Birmingham B13 0AL	Prevention of Damage by Pests Act 1949  Pleaded guilty to one offence of failing to comply with a notice requiring the removal of rubbish from the rear garden of 12	Total £1,900  A Ahmed fined £900 £1,060 costs	Springfield	Nechells

		Umar Ahmed 90 Swanshurst Lane Birmingham B13 0AL	Talfourd Street, Birmingham and to cut back and remove all overgrowth from the land and eradicate all rats.  Found guilty of one offence in his absence of failing to comply with a notice requiring the removal of rubbish from the rear garden of 12 Talfourd Street, Birmingham and to cut back and remove all overgrowth from the land and eradicate all rats	U Ahmed fined £1,000 £1,060 costs  (£2,120 requested)		
5	19/5/17	Adnan Hussain Shah 784 Coventry Road Nechells Birmingham B10 0TX	Prevention of Damage by Pests Act 1949  Pleaded guilty to one offence of failing to comply with a notice requiring the eradication of rodents and removal of waste from land at the rear of 15 Broad Road, Acocks Green, Birmingham	£83  £340 costs (£680 requested)  £2,759.44 clean-up costs (£2,759.44 requested)	Bordesley Green	Acocks Green

#### **ANIMAL WELFARE OFFENCES**

	<b>Date Case Heard</b>	<b>Name &amp; Address</b>	<b>Offence details (including Legislation)</b>	<b>Fine/Penalty &amp; Costs</b>	<b>Ward of defendant</b>	<b>Ward - Offence committed</b>
1	5/5/17	Amina Bibi 275 Heather Road Small Heath Birmingham B10 9BE	Animal Welfare Act 2006  Pleaded guilty to one offence of being the person responsible for an animal, namely a cross breed dog, and failing to take all reasonable steps to ensure that the needs of the animal were met.	£120  £1,070 costs (£1,070 requested)	Bordesley Green	Bordesley Green

2	11/5/17	Kerry Appleby 5 Blakesley Mews Yardley Birmingham B25 8TU	The Microchipping of Dogs (England) Regulations 2015 made under the Animal Welfare Act 2006  Pleaded guilty to one offence of being the owner of a dog and failing to comply with a notice requiring the home address to be amended on the microchipping database within 21 days.	£40  £160 costs (£319 requested)	South Yardley	South Yardley
3	11/5/17	Samantha Trenfield 604 Kings Road Oscott Birmingham B44 9JB	The Microchipping of Dogs (England) Regulations 2015 made under the Animal Welfare Act 2006  Pleaded guilty to one offence relating to the sale of a Chihuahua puppy which had not been micro chipped.	£220  £450 costs (£450 requested)	Oscott	Oscott

### **LITTERING OFFENCES**

	<b>Date Case Heard</b>	<b>Name &amp; Address</b>	<b>Offence details (including Legislation)</b>	<b>Fine/Penalty &amp; Costs</b>	<b>Ward of defendant</b>	<b>Ward - Offence committed</b>
1	5/5/17	Ataur Rahman 475 Simmons Drive Quinton Birmingham B32 2UJ	Environmental Protection Act 1990  Pleaded guilty to one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.	£50  No costs awarded (£175 requested)	Quinton	Ladywood
2	5/5/17	Jennifer Stuart Flat 3 Serenity 32 Moss Lane Manchester M33 6BE	Environmental Protection Act 1990  Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.	£220  £175 costs (£175 requested)	Out of area	Ladywood
3	5/5/17	Giao Zhang 72a Berkeley Road South Coventry CV6 6EE	Environmental Protection Act 1990  Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in New	£220  £175 costs (£175 requested)	Out of area	Ladywood

			Street, Birmingham.			
4	5/5/17	Constantine Ionascu 207 Hatters Hostel 92-95 Hatters Hostel Birmingham B3 1RJ	Environmental Protection Act 1990  Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.	£220  £175 costs (£175 requested)	Ladywood	Ladywood
5	5/5/17	Sorina Loredana Fieraru 15 Fashoda Road Birmingham B29 7QB	Environmental Protection Act 1990  Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Corporation Street, Birmingham.	£220  £175 costs (£175 requested)	Selly Oak	Ladywood
6	5/5/17	Octavian Dumitru 10 Ryman Road Birmingham B34 6BT	Environmental Protection Act 1990  Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.	£220  £175 costs (£175 requested)	Hodge Hill	Ladywood
7	5/5/17	Irinder Dulai Apartment 221 Derwent Foundary 5 Mary Ann Street Birmingham B3 1BG	Environmental Protection Act 1990  Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Stephenson Street, Birmingham.	£220  £175 costs (£175 requested)	Ladywood	Ladywood
8	5/5/17	Jack Chalmers 44 Chestnut House Birmingham B37 7TB	Environmental Protection Act 1990  Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.	£220  £175 costs (£175 requested)	Out of area	Ladywood
9	5/5/17	Bargash Mohammed Alnaimi Apartment 49 Albion Street Wolverhampton WV1 3EB	Environmental Protection Act 1990  Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Temple Street, Birmingham.	£220  £175 costs (£175 requested)	Out of area	Ladywood

10	5/5/17	Hamza Ali 25 Holmsdale Road Coventry CV6 5BL	Environmental Protection Act 1990  Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Stephenson Street, Birmingham.	£220  £175 costs (£175 requested)	Out of area	Ladywood
11	5/5/17	Jacqueline Ann Ellis 55 Quince Tamworth B77 4EN	Environmental Protection Act 1990  Pleaded guilty to one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.	£80  £100 costs (£175 requested)	Out of area	Ladywood
12	5/5/17	Havel Sheko Ali 130 Romney Avenue Bristol BS7 9TJ	Environmental Protection Act 1990  Pleaded guilty to one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.	£50  No costs awarded (£175 requested)	Out of area	Ladywood
13	5/5/17	Mark Adlington 17 Ipswich Crescent Great Barr Birmingham B42 1LY	Environmental Protection Act 1990  Pleaded guilty to one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.	£146  £100 costs (£175 requested)	Perry Barr	Ladywood
14	8/5/17	David James McKenzie 3 Mount Pleasant Wardington Banbury OX17 1SL	Environmental Protection Act 1990  Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Temple Street, Birmingham.  Originally listed for trial	£80  £240 costs (£436 requested)	Out of area	Ladywood
15	11/5/17	Katie Chinn 50 Thulestone Road Longbridge Birmingham B31 4LS	Environmental Protection Act 1990  Pleaded guilty to one offence of dropping a cigarette butt on the pavement in Stephenson Street, Birmingham.	£40  £70 costs (£175 requested)	Northfield	Ladywood

16	11/5/17	Geoageta Ciucure 189A Wooley Avenue Selly Oak Birmingham B8 1QL	Environmental Protection Act 1990  Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.	£220  £175 costs (£175 requested)	Washwood Heath	Ladywood
17	11/5/17	Rebecca Elena Ciucure 189A Wooley Avenue Selly Oak Birmingham B8 1QL	Environmental Protection Act 1990  Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.	£220  £175 costs (£175 requested)	Washwood Heath	Ladywood
18	11/5/17	Lisa Briggs 71 Beech Road Birmingham B23 5QJ	Environmental Protection Act 1990  Pleaded guilty to one offence of dropping a cigarette butt on the pavement in Union Street, Birmingham.	£95  £175 costs (£175 requested)	Erdington	Ladywood
19	11/5/17	Kristianne Jones 15 Trigo Croft Bromford Birmingham B36 8SB	Environmental Protection Act 1990  Pleaded guilty to one offence of dropping a cigarette butt on the pavement in Colmore Row, Birmingham.	£65  £80 (£175 requested)	Hodge Hill	Ladywood
20	11/5/17	Jordan Lunn 20 Farnhurst Road Bromford Birmingham B36 8HT	Environmental Protection Act 1990  Pleaded guilty to one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.	£50 No costs awarded (£175 requested)	Hodge Hill	Ladywood
21	11/5/17	Samantha Marie Marsh 15 Beeches Road Rowley Regis West Midlands B65 0BB	Environmental Protection Act 1990  Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.	£220  £175 costs (£175 requested)	Out of area	Ladywood
22	11/5/17	Alice Stubbs 5 Charminster Road Fishponds	Environmental Protection Act 1990  Found guilty in her absence of one offence of	£220  £175 costs	Out of area	Ladywood

		Bristol BS16 3QZ	dropping a cigarette butt on the pavement in New Street, Birmingham.	(£175 requested)		
23	11/5/17	Claudiu Vrancianu 88 Gibson Road Birmingham B20 3UD	Environmental Protection Act 1990  Pleaded guilty to one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.	£85  £175 costs (£175 requested)	Lozells & East Handsworth	Ladywood
24	11/5/17	Ella Catherine Walker 37 Sheldon Hall Avenue Birmingham B33 0ER	Environmental Protection Act 1990  Pleaded guilty to one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.	£100  £175 costs (£175 requested)	Shard End	Ladywood
25	19/5/17	Pamela Sellars 21 Thompson Gardens Smethwick West Midlands B67 6RX	Environmental Protection Act 1990  Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.	£220  £175 costs (£175 requested)	Out of area	Ladywood
26	19/5/17	Shakira Williams Flat 17 93 Northmoor Road Manchester M12 5RT	Environmental Protection Act 1990  Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in Stephenson Street, Birmingham.	£220  £175 costs (£175 requested)	Out of area	Ladywood
27	19/5/17	Jasvena Mehmi 84 Friary Road Handsworth Birmingham B20 1BB	Environmental Protection Act 1990  Pleaded guilty to one offence of dropping a cigarette butt on the pavement in Smallbrook Queensway, Birmingham.	£83  £175 costs (£175 requested)	Handsworth Wood	Ladywood
28	19/5/17	Aksa Hussain 76 Burlington Road Birmingham B10 9PA	Environmental Protection Act 1990  Pleaded guilty to one offence of dropping a cigarette butt on the pavement in Smallbrook Queensway, Birmingham.	£83  £175 costs (£175 requested)	Bordesley Green	Ladywood

29	19/5/17	Diane O'Connor 106 Dreghorn Road Birmingham B36 8LN	Environmental Protection Act 1990  Pleaded guilty to one offence of dropping a cigarette butt on the pavement in Stephenson Street, Birmingham.	£83  £175 costs (£175 requested)	Hodge Hill	Ladywood
30	19/5/17	Sean Daniel Nutley 9 Kingswood Heights Queen Mary Avenue London E18 2FP	Environmental Protection Act 1990  Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Stephenson Street, Birmingham.	£220  £175 costs (£175 requested)	Out of area	Ladywood
31	19/5/17	Joon Park 5 Hawthorn Drive Selly Oak Birmingham B29 5BZ	Environmental Protection Act 1990  Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in St Martins Queensway, Birmingham.	£220  £175 costs (£175 requested)	Weoley	Ladywood
32	19/5/17	Jacek Grzegarz Chechlac 11 Damson Wharf Tipton Dudley DY4 7UL	Environmental Protection Act 1990  Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Moor Street, Birmingham.	£220  £175 costs (£175 requested)	Out of area	Ladywood
33	19/5/17	James Clark 17 Claythorn Avenue Glasgow G40 2LT	Environmental Protection Act 1990  Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Smallbrook Queensway, Birmingham.	£220  £175 costs (£175 requested)	Out of area	Ladywood
34	19/5/17	Caroline Marilyn Coughlin 208 Lyng Lane West Bromwich B70 7RQ	Environmental Protection Act 1990  Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.	£220  £175 costs (£175 requested)	Out of area	Ladywood
35	19/5/17	Rashid Mohammed Hadidi 203 Albion Street	Environmental Protection Act 1990  Found guilty in his absence of one offence of	£220  £175 costs	Out of area	Ladywood

		Wolverhampton WV1 3EJ	dropping a cigarette butt on the pavement in Temple Street, Birmingham.	(£175 requested)		
36	19/5/17	Ensanullah Jabarkhel 98a Vernons Lane Nuneaton Warwickshire CV10 8AA	Environmental Protection Act 1990  Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Bull Street, Birmingham.	£220  £175 costs (£175 requested)	Out of area	Ladywood
37	19/5/17	Armando Mirone 37 Pollard Road Acocks Green Birmingham B27 7EG	Environmental Protection Act 1990  Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Smallbrook Queensway, Birmingham.	£220  £175 costs (£175 requested)	Acocks Green	Ladywood
38	19/5/17	Ali Mohammed Naimi Apartment 49 Albion Street Wolverhampton WV1 3EB	Environmental Protection Act 1990  Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Temple Street, Birmingham.	£220  £175 costs (£175 requested)	Out of area	Ladywood
39	25/5/17	Craig Cook 14 Tamworth Close Brownhills Walsall WS8 7QH	Environmental Protection Act 1990  Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.	£220  £175 costs (£175 requested)	Out of area	Ladywood
40	25/5/17	Max Yang Apartment 80 St Johns Walk Birmingham B5 4TN	Environmental Protection Act 1990  Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.	£220  £175 costs (£175 requested)	Nechells	Ladywood
41	25/5/17	Hasan Aly Hasan Alsabaghah 69 Island Apartments 41 Essex Street Birmingham B5 4TL	Environmental Protection Act 1990  Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Stephenson Street, Birmingham.	£220  £175 costs (£175 requested)	Nechells	Ladywood

42	25/5/17	Gunita Batalova 94 Paynes Lane Coventry CV1 5LJ	Environmental Protection Act 1990  Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in Smallbrook Queensway, Birmingham.	£220  £175 costs (£175 requested)	Out of area	Ladywood
43	25/5/17	Artis Batalovs 94 Paynes Lane Coventry CV1 5LJ	Environmental Protection Act 1990  Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Smallbrook Queensway, Birmingham.	£220  £175 costs (£175 requested)	Out of area	Ladywood
44	25/5/17	Matthew Foyster 1 Ashgate Close Sheffield S10 3DL	Environmental Protection Act 1990  Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.	£220  £175 costs (£175 requested)	Out of area	Ladywood
45	25/5/17	Georeta Jilca 35 Paddington Road Birmingham B21 0AR	Environmental Protection Act 1990  Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in High Street, Birmingham.	£220  £175 costs (£175 requested)	Soho	Ladywood
46	25/5/17	Kerry McMahon 15 Brockwell Road Great Barr Birmingham B44 9PF	Environmental Protection Act 1990  Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in Union Street, Birmingham.	£220  £175 costs (£175 requested)	Oscott	Ladywood
47	25/5/17	Kerrie O'Sullivan Flat 26 Auckland House Welsh House Farm Road Birmingham B32 2NE	Environmental Protection Act 1990  Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in Edmund Street, Birmingham.	£220  £175 costs (£175 requested)	Quinton	Ladywood
48	25/5/17	Charlotte Tamarit Sanchez 29 Crosby Close	Environmental Protection Act 1990  Found guilty in her absence of one offence of	£220  £175 costs	Ladywood	Ladywood

		Birmingham B1 2QB	dropping a cigarette butt on the pavement in Broad Street, Birmingham.	(£175 requested)		
49	25/5/17	Florin Tomescu 184 Nineveh Road Handsworth Birmingham B21 0TB	Environmental Protection Act 1990  Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.	£220  £175 costs (£175 requested)	Soho	Ladywood
50	25/5/17	Codrut Gheorghe Adam 25 Cann Hall Drive Bridgenorth Wolverhampton WV15 5BG	Environmental Protection Act 1990  Pleaded guilty to one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.	£146  £175 costs (£175 requested)	Out of area	Ladywood
51	25/5/17	Giles Knox Quenington Court Church Road Quenington Gloucestershire GL7 5BN	Environmental Protection Act 1990  Pleaded guilty to one offence of dropping a cigarette butt on the pavement in Smallbrook Queensway, Birmingham.	£153  £175 costs (£175 requested)	Out of area	Ladywood
52	25/5/17	Reece Letherland 5 Wellington Street Cradley Heath West Midlands B64 5NF	Environmental Protection Act 1990  Pleaded guilty to one offence of dropping a cigarette butt on the pavement in Newhall Street, Birmingham.	£80  £175 costs (£175 requested)	Out of area	Ladywood
53	25/5/17	David Mann 27 Steatham Grove Kingstanding Birmingham B44 0UD	Environmental Protection Act 1990  Pleaded guilty to one offence of dropping a cigarette butt on the pavement in Stephenson Street, Birmingham.	£80  £175 costs (£175 requested)	Kingstanding	Ladywood
54	25/5/17	Anwar Nasrollah 1 Berners Street Birmingham B19 2DR	Environmental Protection Act 1990  Pleaded guilty to one offence of dropping a cigarette butt on the pavement in Corporation	£80  £175 costs (£175 requested)	Lozells & East Handsworth	Ladywood

			Street, Birmingham.			
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#### **ENVIRONMENTAL HEALTH SIMPLE CAUTIONS**

Two simple cautions were administered during May 2017.

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

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

# TRADING STANDARDS

# APPENDIX 3

	Date Case Heard	Name & Address	Offence details (including Legislation)	Fine/Penalty & Costs	Ward of defendant	Ward - Offence committed
1	15/5/17	<p>Aamer Nawaz Malik 60 Key Hill Hockley Birmingham B18 5NX</p> <p>Cars &amp; Cars Ltd 60 Key Hill Hockley Birmingham B18 5NX</p>	<p>Consumer Protection from Unfair Trading Regulations 2008 &amp; Road Traffic Act 1988</p> <p>Both defendants pleaded <u>not guilty</u> to two offences relating to the sale of a VW Golf vehicle from 60 Key Hill, Hockley, Birmingham: one of advertising the vehicle as "condition is good" when in fact the vehicle was dangerous and unroadworthy and one offence of failing to rectify the known faults of the vehicle. The company pleaded <u>not guilty</u> to a further offence of supplying the vehicle in an unroadworthy condition to a member of the public</p> <p>Found guilty following trial.</p>	<p>Total £2,500</p> <p>Director fined £2,000 and banned from being a Company Director for 5 years.</p> <p>Company fined £500</p> <p>No costs awarded (£5,285 requested)</p>	Ladywood	Ladywood
2	25/5/17	<p>Chaudhrys Cash &amp; Carry Limited 350 Coventry Road Birmingham B10 0XE</p> <p>Mohammed Zaman Chaudhry 153 Hampton Lane Solihull B91 2RS</p> <p>Mohammed Dilpazir</p>	<p>General Product Safety Regulations 2005 &amp; Cosmetic Products Enforcement Regulations 2013</p> <p>The company pleaded guilty to 10 offences of being a distributor: and making products available on the market at Chaudhry's Cash and Carry, 350-354 Coventry Road, Birmingham; two of having products exposed for supply which were found to contain lead and eight offences of having</p>	<p>Total £13,000</p> <p>Company fined £3,500 x 1<sup>st</sup> lead offence</p> <p>£2,500 x 1<sup>st</sup> labelling offence</p> <p>No separate penalty for remaining offences</p>	Nechells	Nechells

		Chaudhry 350-354 Coventry Road Small Heath Birmingham B10 0XE	<p>cosmetic products in possession for supply, including Henna hair dye and Henna paste, which failed to comply with labelling requirements in that the packaging failed to display the required information.</p> <p>Mohammed Zaman Chaudhry, Director, pleaded guilty to two offences of having products exposed for supply which were found to contain lead.</p> <p>Mohammed Dilpazir Chaudhry, Director, pleaded guilty to eight offences of having cosmetic products in possession for supply which failed to comply with labelling requirements in that the packaging failed to display the required information.</p>	<p>£2,802 costs (£2,802 requested)</p> <p>Both Directors fined £3,500 each</p> <p>Forfeiture granted for seized items</p>		
3	26/5/17 Birmingham Crown Court	Meet UK Ltd 49 Great Hampton Street Hockley Birmingham B18 6EL	<p>Trade Marks Act 1994</p> <p>Pleaded guilty to six offences of having in possession goods, namely watches, sunglasses and purses, at Kings Watches, 49 Great Hampton Street, Birmingham which bore the registered trademarks of Apple, ICE, Chanel, Louis Vuitton and Michael Kors, without the consent of the trade mark holders.</p>	<p>Total £4,500 (£750 x 6)</p> <p>£5,000 costs (£5,000 requested)</p> <p>Forfeiture granted for seized items</p>	Aston	Aston

### **TRADING STANDARDS SIMPLE CAUTIONS**

No simple cautions were administered during May 2017.

**CASES FINALISED BY DISTRICT (PLACE OF OFFENCE) – MAY 2017**

<b><u>WARDS &amp; CONSTITUENCIES FINALISED BY OFFENCE</u></b>				
	<b><u>Licensing</u></b>	<b><u>Environmental Health - Non FPNs</u></b>	<b><u>Environmental Health - FPNs</u></b>	<b><u>Trading Standards</u></b>
<b>EDGBASTON</b>				
Bartley Green				
Edgbaston				
Harborne	1			
Quinton				
<b>ERDINGTON</b>				
Erdington				
Kingstanding				
Stockland Green		1		
Tyburn				
<b>HALL GREEN</b>				
Hall Green				
Moseley & Kings Heath				
Sparkbrook				
Springfield	1			
<b>HODGE HILL</b>				
Hodge Hill				
Washwood Heath		1		
Bordseley Green		1		
Shard End				
<b>LADYWOOD</b>				
Aston		2		1
Ladywood			54	1
Nechells	2	1		1
Soho				

<b>NORTHFIELD</b>				
Kings Norton				
Longbridge				
Northfield				
Weoley				
<b>PERRY BARR</b>				
Lozells & East Handsworth		1		
Handsworth Wood				
Oscott		1		
Perry Barr				
<b>SELLY OAK</b>				
Billesley				
Bournville				
Bradwood				
Selly Oak		1		
<b>SUTTON COLDFIELD</b>				
Sutton Four Oaks				
Sutton New Hall				
Sutton Trinity				
Sutton Vesey				
<b>YARDLEY</b>				
Acocks Green		1		
Sheldon				
South Yardley		2		
Stechford & North Yardley				
<b>OUT OF AREA</b>				
<b>TOTAL</b>	4	12	54	3

**CASES FINALISED BY DISTRICT (DEFENDANT'S HOME ADDRESS/REGISTERED OFFICE ) – MAY 2017**

WARDS & CONSTITUENCIES - FINALISED BY DEFENDANT'S ADDRESS					
		<u>Licensing</u>	<u>Environmental Health - non FPNs</u>	<u>Environmental Health - FPNs</u>	<u>Trading Standards</u>
EDGBASTON					
Bartley Green					
Edgbaston			1		
Harborne					
Quinton		1		2	
ERDINGTON					
Erdington				1	
Kingstanding				1	
Stockland Green					
Tyburn					
HALL GREEN					
Hall Green		2			
Moseley & Kings Heath					
Sparkbrook					
Springfield			1		
HODGE HILL					
Hodge Hill				4	
Washwood Heath				2	
Bordseley Green			3	1	
Shard End				1	
LADYWOOD					
Aston			2		1
Ladywood				3	1
Nechells				2	1
Soho				2	

<b>NORTHFIELD</b>					
Kings Norton					
Longbridge					
Northfield			1		
Weoley			1		
<b>PERRY BARR</b>					
Lozells & East Handsworth			2		
Handsworth Wood			1		
Oscott		1	1		
Perry Barr			1		
<b>SELLY OAK</b>					
Billesley					
Bournville					
Bradwood					
Selly Oak			1		
<b>SUTTON COLDFIELD</b>					
Sutton Four Oaks					
Sutton New Hall					
Sutton Trinity					
Sutton Vesey					
<b>YARDLEY</b>					
Acocks Green			1		
Sheldon					
South Yardley		2			
Stechford & North Yardley					
<b>OUT OF AREA</b>		1	2	26	
<b>TOTAL</b>		4	12	54	3

### **CASES FINALISED BY DISTRICT (PLACE OF OFFENCE) – MAY 2017**

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	1	0	1		2	0	0	0	0	0	0	<b>4</b>
Environmental Health (FPNs) Not paid and prosecuted	0	0	0	0	54	0	0	0	0	0	0	<b>54</b>
Environmental Health (non FPNs)	0	1	0	2	3	0	2	1	0	3	0	<b>12</b>
Trading Standards	0	0	0	0	3	0	0	0	0	0	0	<b>3</b>

### **CASES FINALISED BY DISTRICT (DEFENDANT'S HOME ADDRESS/REGISTERED OFFICE) – MAY 2017**

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	1	0	2	0	0	0	0	0	0	0	1	<b>4</b>
Environmental Health (FPNs) Not paid and prosecuted	2	2	0	8	7	2	5	1	0	1	26	<b>54</b>
Environmental Health (non FPNs)	1	0	1	3	2	0	1	0	0	2	2	<b>12</b>
Trading Standards	0	0	0	0	3	0	0	0	0	0	0	<b>3</b>

**CASES FINALISED BY DISTRICT (PLACE OF OFFENCE) – APRIL - MAY 2017**

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	1	0	1		2	2	0	0	0	2	0	<b>8</b>
Environmental Health (FPNs) Not paid and prosecuted	0	0	0	0	102	0	0	0	0	0	0	<b>102</b>
Environmental Health (non FPNs)	0	2	1	2	7	2	4	1	0	5	0	<b>24</b>
Trading Standards	0	0	0	0	3	0	0	0	0	1	0	<b>4</b>

**CASES FINALISED BY DISTRICT (DEFENDANT'S HOME ADDRESS/REGISTERED OFFICE) – APRIL - MAY 2017**

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	1	0	3	2	0	1	0	0	0	0	1	<b>8</b>
Environmental Health (FPNs) Not paid and prosecuted	5	3	2	12	12	3	8	3	0	2	52	<b>102</b>
Environmental Health (non FPNs)	2	1	2	4	6	1	3	0	0	2	3	<b>24</b>
Trading Standards	0	0	0	0	3	0	0	0	0	1	0	<b>4</b>

**WASTE ENFORCEMENT UNIT – ENFORCEMENT ACTIVITY**  
**APRIL 2017 – MARCH 2018**

	Apr-17	Total 2017/2018
<b>Waste Investigation Outcomes</b>		
Investigations into commercial waste disposal suspected offences and offences	23	<b>23</b>
<u>Section 34 Environmental Protection Act</u> demand notices issued: (trade waste statutory information demands)	20	<b>20</b>
<u>Section 34 Environmental Protection Act</u> fixed penalty notices issued to businesses (£300)	11	<b>11</b>
<u>Section 87 Environmental Protection Act.</u> Fixed Penalty notices issued for commercial and residential litter offences (£80)	5	<b>5</b>
<u>Section 33 Environmental Protection Act</u> fixed penalty notices issued for fly tipping (£400)	4	<b>4</b>
<b>Prosecutions</b>		
Number of prosecution files submitted to legal services (number produced quarterly)		<b>0</b>