

BIRMINGHAM CITY COUNCIL

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

16 NOVEMBER 2022
ALL WARDS

PROSECUTIONS & CAUTIONS – AUGUST 2022

1. Summary
 - 1.1 This report summarises the outcome of legal proceedings taken by Regulation and Enforcement during the month of August 2022.
2. Recommendation
 - 2.1 That the report be noted.

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3. Results

3.1 During the month of August 2022, the following cases were heard at Birmingham Magistrates Court, unless otherwise stated:

- 55 Environmental Health cases were finalised resulting in fines of £11,779. Prosecution costs of £7,855 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 £1,807 were awarded. Three simple cautions were administered as set out in Appendix 2.
- No Trading Standards cases were finalised. One simple caution was administered as set out in Appendix 3.
- One Waste Enforcement case was finalised resulting in 13 month prison sentence and a deprivation order. No order as to costs was made. No simple cautions were administered as set out in Appendix 4.
- Appendix 5 lists cases finalised by district in August 2022 and April-August 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)

£84,954 has been requested with £58,008 awarded (68%)

Licensing

£5,240 has been requested with £2,607 being awarded (50%)

Trading Standards

No costs were requested or awarded to date.

- 5.3 For the month of August 2022 the following costs have been requested and awarded:

Environmental Health (including Waste Enforcement cases)

£9,625 has been requested with £7,855 awarded (82%)

Licensing

£1,807 has been requested with £1,807 awarded (100%)

Trading Standards

No costs were requested or awarded during August 2022.

- 5.4 The following income has been received so far from the courts in 2022/23.

Licensing

£7,910 has been received.

Environmental Health

No income has been received including Waste Enforcement cases.

Trading Standards

No income has been received.

(Total £7,910).

- 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**LITTERING OFFENCES – SINGLE JUSTICE PROCEDURE**

Date Cases Heard	Total Number of Cases	Total Fines imposed	Total Costs awarded	Total Costs requested
9/8/22	32	£6,713	£3,920	£5,600
18/8/22	2	£880	£350	£350
24/8/22	6	£1,066	£1,050	£1,050
26/8/22	15	£3,120	£2,535	£2,625

	Date Case Heard	Name	Fine/Penalty & Costs	Ward of defendant
1	9/8/22	Neelam Arif Birmingham Proved in absence	£220 £125 costs (£175 requested)	Soho & Jewellery Quarter
2	9/8/22	David Averall Solihull Guilty plea	£40 £85 costs (£175 requested)	Out of area
3	9/8/22	Karl Butler Birmingham Proved in absence	£220 £125 costs (£175 requested)	Rubery & Rednal
4	9/8/22	William Doyle Birmingham Proved in absence	£220 £125 costs (£175 requested)	Brandwood & Kings Heath

5	9/8/22	Hoang Dung Birmingham Proved in absence	£220 £125 costs (£175 requested)	Bordesley & Highgate
6	9/8/22	Simon Ga Birmingham Proved in absence	£220 £125 costs (£175 requested)	Sparkhill
7	9/8/22	Sidesa Gordon Cardiff Proved in absence	£220 £125 costs (£175 requested)	Out of area
8	9/8/22	Garth Griffith Solihull Proved in absence	£220 £125 costs (£175 requested)	Out of area
9	9/8/22	John Herron Birmingham Proved in absence	£220 £125 costs (£175 requested)	Quinton
10	9/8/22	John Hurley Solihull Proved in absence	£220 £125 costs (£175 requested)	Out of area
11	9/8/22	Wei Jiang Birmingham Proved in absence	£220 £125 costs (£175 requested)	Bordesley & Highgate
12	9/8/22	Craig Kallear Cannock Proved in absence	£220 £125 costs (£175 requested)	Out of area

13	9/8/22	Gints Lazdins Birmingham Proved in absence	£220 £125 costs (£175 requested)	Stockland Green
14	9/8/22	Zaneta Lewandowska Birmingham Proved in absence	£220 £125 costs (£175 requested)	Stockland Green
15	9/8/22	Leah Morgan Northampton Proved in absence	£220 £125 costs (£175 requested)	Out of area
16	9/8/22	Julia Nash Birmingham Guilty plea	£73 £85 costs (£175 requested)	Billesley
17	9/8/22	Lee Nguyen Dudley Proved in absence	£220 £125 costs (£175 requested)	Out of area
18	9/8/22	David Oliver Birmingham Proved in absence	£220 £125 costs (£175 requested)	Bordesley Green
19	9/8/22	Esmail Panpoor Birmingham Proved in absence	£220 £125 costs (£175 requested)	Ladywood
20	9/8/22	Hagi Paun Birmingham Proved in absence	£220 £125 costs (£175 requested)	Yardley West & Stechford

21	9/8/22	Brittne Vannessa Peters Birmingham Proved in absence	£220 £125 costs (£175 requested)	Aston
22	9/8/22	Thanh Phan Birmingham Proved in absence	£220 £125 costs (£175 requested)	Bordesley & Highgate
23	9/8/22	Marian Traian Poenaru Birmingham Proved in absence	£220 £125 costs (£175 requested)	Weoley & Selly Oak
24	9/8/22	Mohammed Rashidabadi Birmingham Proved in absence	£220 £125 costs (£175 requested)	Ladywood
25	9/8/22	Nina Shaw Birmingham Proved in absence	£220 £125 costs (£175 requested)	Erdington
26	9/8/22	Fathy Shoaib Birmingham Proved in absence	£220 £125 costs (£175 requested)	Bordesley & Highgate
27	9/8/22	Kelly Slater Burton on Trent Proved in absence	£220 £125 costs (£175 requested)	Out of area
28	9/8/22	David Tankard Birmingham Proved in absence	£220 £125 costs (£175 requested)	Newtown

29	9/8/22	Tony Tyler Birmingham Proved in absence	£220 £125 costs (£175 requested)	Weoley & Selly Oak
30	9/8/22	Crystal Tyndall Birmingham Proved in absence	£220 £125 costs (£175 requested)	Kings Norton South
31	9/8/22	Jai Ping Wang Birmingham Proved in absence	£220 £125 costs (£175 requested)	Handsworth Wood
32	9/8/22	Louise Williams Birmingham Proved in absence	£220 £125 costs (£175 requested)	Newtown
33	18/8/22	Daniel Mahon Birmingham Proved in absence	£440 £175 costs (£175 requested)	Garretts Green
34	18/8/22	Vacila Pricop Birmingham Proved in absence	£440 £175 costs (£175 requested)	Sparkbrook & Balsall Heath East
35	24/8/22	Marco Andrea Birmingham Proved in absence	£220 £175 costs (£175 requested)	Balsall Heath West
36	24/8/22	Steven Bingham Birmingham Guilty plea	£146 £175 costs (£175 requested)	Hall Green North

37	24/8/22	Tracy Boden Dudley Proved in absence	£220 £175 costs (£175 requested)	Out of area
38	24/8/22	Debra Chadwick London Proved in absence	£220 £175 costs (£175 requested)	Out of area
39	24/8/22	Elvis Dumitru Birmingham Proved in absence	£220 £175 costs (£175 requested)	Glebe Farm & Tile Cross
40	24/8/22	Sarah Insley Birmingham Guilty plea	£40 £175 costs (£175 requested)	Garretts Green
41	26/8/22	Salem Garfrouche Birmingham Proved in absence	£220 £175 costs (£175 requested)	North Edgbaston
42	26/8/22	Asad Khan Birmingham Proved in absence	£220 £175 costs (£175 requested)	Small Heath
43	26/8/22	Amelia McKeown Birmingham Proved in absence	£220 £175 costs (£175 requested)	Perry Barr
44	26/8/22	Rizwan Miah Birmingham Proved in absence	£220 £175 costs (£175 requested)	Aston

45	26/8/22	Marek Miko Dudley Proved in absence	£220 £175 costs (£175 requested)	Out of area
46	26/8/22	Rachel Mitton Birmingham Proved in absence	£220 £175 costs (£175 requested)	North Edgbaston
47	26/8/22	Ian Parsonage Weston-Super-Mare Proved in absence	£220 £175 costs (£175 requested)	Out of area
48	26/8/22	Vasile Raduta Birmingham Proved in absence	£220 £175 costs (£175 requested)	Handsworth Wood
49	26/8/22	Dominike Ratke Birmingham Proved in absence	£220 £175 costs (£175 requested)	Moseley
50	26/8/22	Rebecca Reilly Oldbury Proved in absence	£220 £175 costs (£175 requested)	Out of area
51	26/8/22	Robert Sheridan Birmingham Proved in absence	£220 £175 costs (£175 requested)	Balsall Heath West
52	26/8/22	Bereket Tsehay Birmingham Proved in absence	£220 £175 costs (£175 requested)	Sparkbrook & Balsall Heath East

53	26/8/22	Jahir Uddin Birmingham Guilty plea	£40 £85 costs (£175 requested)	Aston
54	26/8/22	Tuan Tran Van Walsall Proved in absence	£220 £175 costs (£175 requested)	Out of area
55	26/8/22	Ion Vasile Birmingham Proved in absence	£220 £175 costs (£175 requested)	Small Heath

ENVIRONMENTAL HEALTH SIMPLE CAUTIONS

No simple cautions were administered during August 2022.

LICENSING CASES

	Date Case Heard	Name & Address	Offence details (including Legislation)	Fine/Penalty & Costs	Ward of defendant	Ward - Offence committed
56	1/8/22	Jamie Buffery Chelmsley Wood	Local Government (Miscellaneous Provisions) Act 1982 Found guilty in his absence of two offences of engaging in street trading on High Street, Birmingham, on two separate occasions when not authorised to do so.	£1,000 (£500 x 2) £1,807 costs (£1,807 requested)	Out of area	Ladywood

LICENSING SIMPLE CAUTIONS

Three simple cautions were administered during August 2022.

Local Government (Miscellaneous Provisions) Act 1976

Section 48(6) One caution was issued for failing to display a private hire vehicle licence plate.

Section 48(6) & 64(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.

Licensing Act 2003

Section 136(1)(a) One caution was issued for selling alcohol from a premises when not licensed to do so.

TRADING STANDARDS CASES

No Trading Standards cases were finalised during August 2022.

TRADING STANDARDS SIMPLE CAUTIONS

One simple caution was administered during August 2022.

Licensing Act 2003

Section 146(1) One caution was issued for selling alcohol to a person under the age of 18.

APPENDIX 4**WASTE ENFORCEMENT CASES**

	Date Case Heard	Name & Address	Offence details (including Legislation)	Fine/Penalty & Costs	Ward of defendant	Ward - Offence committed
57	24/8/22 at Birmingham Crown Court	Cristin Rincaciu 4 North Road Handsworth Birmingham B20 3HX	Environmental Protection Act 1990 Scrap Metal Dealers Act 2013 Pleaded guilty to one offence of depositing controlled waste, namely household and commercial inert waste together with approximately 15 sheep carcasses, from a Ford Galaxy vehicle on Priory Road, Aston, Birmingham. Pleaded <u>not guilty</u> to one offence of acting as a scrap metal dealer without a licence. Case proved in absence and a warrant without bail was issued in March 2016. Warrant executed in July 2022 when defendant returned from Romania.	13 months custody – fly tipping offence No separate penalty – scrap metal offence No order for costs Deprivation Order made depriving the defendant of any rights to the Ford Galaxy vehicle, DOIN1314	Aston	Nechells

WASTE ENFORCEMENT SIMPLE CAUTIONS

No simple cautions were administered during August 2022.

CASES FINALISED BY DISTRICT (PLACE OF OFFENCE) – AUGUST 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	1	0	0	0	0	0	0	1
Environmental Health (FPNs) Not paid and prosecuted	0	0	1	0	53	0	0	0	0	1	0	55
Environmental Health (including WEU)	0	0	0	0	1	0	0	0	0	0	0	1
Trading Standards	0	0	0	0	0	0	0	0	0	0	0	0

CASES FINALISED BY DISTRICT (DEFENDANT'S HOME ADDRESS/REGISTERED OFFICE) – AUGUST 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	1	1
Environmental Health (FPNs) Not paid and prosecuted	1	3	8	3	15	3	3	2	0	3	14	55
Environmental Health (including WEU)	0	0	0	0	1	0	0	0	0	0	0	1
Trading Standards	0	0	0	0	0	0	0	0	0	0	0	0

CASES FINALISED BY DISTRICT (PLACE OF OFFENCE) – APRIL-AUGUST 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	3	0	0	0	0	0	0	3
Environmental Health (FPNs) Not paid and prosecuted	0	7	2	0	339	3	0	0	0	7	0	358
Environmental Health (including WEU)	0	0	1	1	6	1	1	1	0	1	0	12
Trading Standards	0	0	0	0	0	0	0	0	0	0	1	1

CASES FINALISED BY DISTRICT (DEFENDANT'S HOME ADDRESS/REGISTERED OFFICE) – APRIL-AUGUST 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	3	3
Environmental Health (FPNs) Not paid and prosecuted	14	18	20	13	48	12	15	12	3	16	187	358
Environmental Health (including WEU)	0	0	1	0	5	1	1	1	0	1	2	12
Trading Standards	0	0	0	0	0	0	0	0	0	0	1	1

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	30								364
Section 34 Environmental Protection Act demand notices issued:(trade waste statutory information demands)	147	43	35	31	24								280
Section 34 Environmental Protection Act Fixed Penalty Notices issued to businesses (£300)	6	17	11	11	17								62
Section 87 Environmental Protection Act Fixed Penalty notices issued for commercial and residential litter offences(£80)	0	0	0	0	0								0
Section 33 Environmental Protection Act Fixed penalty notices issued for fly tipping (£400)	14	12	7	11	9								53
Prosecutions													
Number of prosecution files submitted to legal services, (number produced quarterly.	2	2	0	4	3								11

Monthly Parking Pcms Issued in Taxi Ranks	Processing
April 2022	198
May 2022	243
June 2022	264
July 2022	330
August 2022	249
September 2022	
October 2022	
November 2022	
December 2022	
January 2023	
February 2023	
March 2023	
TOTAL	1284