

**BIRMINGHAM CITY COUNCIL**

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

**10 NOVEMBER 2021**  
**ALL WARDS**

**PROSECUTIONS AND CAUTIONS – JULY AND AUGUST 2021**

1. Summary
  - 1.1 This report summarises the outcome of legal proceedings taken by Regulation and Enforcement during the months of July and August 2021.
2. Recommendation
  - 2.1 That the report be noted.

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### 3. Results

3.1 During the months of July and August 2021, the following cases were heard at Birmingham Magistrates Court, unless otherwise stated:

- 29 Environmental Health cases were finalised resulting in fines of £865,459 and a suspended prison sentence. Prosecution costs of £149,664 were awarded. Two simple cautions were administered as set out in Appendix 1.
- Two Licensing cases were finalised resulting in fines of £410 together with 6 penalty points. Prosecution costs of £2,035 were awarded. No simple cautions were administered as set out in Appendix 2.
- No Trading Standards cases were finalised in August 2021. One simple caution was administered as set out in Appendix 3.
- Four Waste Enforcement cases were finalised resulting in fines of £2,917. Prosecution costs of £1,660 were awarded. No simple cautions were administered as set out in Appendix 4.
- Appendix 5 lists cases finalised by district in July and August 2021 and April 2021 to August 2021.
- Appendix 6 lists the enforcement activity undertaken by the Waste Enforcement Team from April 2021 to August 2021.
- Appendix 7 lists Penalty Charge Notices issued by Parking Enforcement specifically for individuals parking on Taxi Ranks across the City from April 2021 to August 2021. 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 2021 to August 2021 the following costs have been requested and awarded:

Environmental Health (including Waste Enforcement cases)

£320,658 has been requested with £297,821 being awarded (93%)

Licensing

£3,742 has been requested with £2,535 being awarded (68%)

Trading Standards

£24,592 has been requested with £6,534 being awarded (26%)

- 5.3 For the months of July and August 2021 the following costs have been requested and awarded:

Environmental Health (including Waste Enforcement cases)

£154,659 has been requested with £151,324 being awarded (98%)

Licensing

£2,874 has been requested with £2,035 being awarded (71%)

Trading Standards

No costs have been requested.

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

Licensing

£1,280 has been received.

Environmental Health

£33,292 has been received including Waste Enforcement cases.

Trading Standards

£2,270 has been received.

(Total £36,841).

- 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 HYGEINE 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	19/8/21	Zurbiyan Restaurant Ltd 392 Coventry Road Small Heath Birmingham B10 0UF	Food Safety and Hygiene (England) Regulations 2013.  Found guilty in their absence of four offences relating to conditions found at Zurbiyan Restaurant Ltd, 392 Coventry Road, Small Heath, Birmingham. Adequate procedures were not in place to control pests as mouse droppings were found throughout the premises. The premises were not kept clean, there was dirt and grease on gas pipework and plugs beneath the cooking equipment. There was raw meat splattered on the floor and on crates in the walk-in chiller. There was evidence of food debris within the double silver fridge in the kitchen as well as cracked plastic containers storing food. Washbasins used for cleaning hands were not provided with hot and cold running water. There were no procedures based on HACCP.	£20,000  £1,707 (£1,707 requested)	Bordesley Green	Bordesley Green

## HEALTH & SAFETY OFFENCES

	Date Case Heard	Name & Address	Offence details (including Legislation)	Fine/Penalty & Costs	Ward of defendant	Ward - Offence committed
2	20/7/21 at Birmingham Crown Court	Vue Entertainment Ltd 10 Chiswick Park 566 Chiswick High Road London W4 5XS	Health & Safety at Work etc. Act 1974  Pleaded guilty to two offences: one of failing to ensure the health and safety of persons not employed by the company in connection with the installation, maintenance and use of powered cinema seating at Vue Cinema, Star City, Watson Road, Birmingham and one of failing to make a suitable and sufficient risk assessment of the risks to health and safety in connection with the use of the powered seating	£750,000 – 1 <sup>st</sup> offence  No separate penalty – 2 <sup>nd</sup> offence  £130,000 costs (£130,000 requested)	Out of area	Nechells
3	2/8/21	Younis and Sons Limited 50 Edgbaston Street 102 Indoor Market Birmingham B5 4RQ  Nadeem Hussain Birmingham	Health and Safety at Work etc. Act 1974.  The Company and Director each pleaded guilty to one offence of failing to ensure the health, safety and welfare of all employees at Younis and Sons, 102 Indoor Market, Birmingham by failing to maintain a Medoc BG220 band saw in efficient working order and in good repair, to prevent access to the moving saw blade; and to ensure that an (un-named and unmarked) band saw was provided with a suitable adjustable guard so as to prevent access to the dangerous moving saw blade.	Company - £46,800  £3,776 costs  Director – 12 week prison sentence (suspended for 12 months)  £3,775 costs  (£7,551 requested)	Bordesley & Highgate	Bordesley & Highgate

4	6/8/21	<p>365 Services Ltd 18-22 Stoney Lane Yardley Birmingham B25 8YP</p> <p>Blue Tyres Birmingham Ltd Unit 13, 201 Coventry Road Small Heath Birmingham B10 0RA</p>	<p>Health &amp; Safety at Work etc Act 1974</p> <p>365 Services Ltd, being the landlord and person in control of the premises and plant at Unit 13, 201 Coventry Road, Birmingham, pleaded guilty to one offence of failing to ensure, so far as was reasonably practicable, safety and absence of risks to health arising from the platform lift which served the ground to first floor of the premises and Blue Tyres pleaded guilty to one offence of being the person in control of the premises and failing to ensure the safety of, or the absence of risk to health of employees, in connection with the use and handling of articles and substances on the platform lift.</p>	<p>365 Services - £16,666</p> <p>£4,000 costs (£4,774 requested)</p> <p>Blue Tyres - £26,667</p> <p>£3,751 costs (£3,751 requested)</p>	Yardley East	Bordesley Green
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#### **LITTERING OFFENCES – SINGLE JUSTICE PROCEDURE**

Date Cases Heard	Total Number of Cases	Total Fines imposed	Total Costs awarded	Total Costs requested
13/7/21	13	£2,860	£1,105	£2,275
10/8/21	6	£1,146	£950	£1,050
24/8/21	6	£1,320	£600	£1,050

	Date Case Heard	Name	Fine/Penalty & Costs	Ward of defendant
5	13/7/21	<p>Roma Bailey Leicester</p> <p>Proved in absence</p>	<p>£220</p> <p>£85 costs (£175 requested)</p>	Out of area
6	13/7/21	<p>Anthony Burke Widnes</p> <p>Proved in absence</p>	<p>£220</p> <p>£85 costs (£175 requested)</p>	Out of area

7	13/7/21	Robert David Shrewsbury  Proved in absence	£220  £85 costs (£175 requested)	Out of area
8	13/7/21	Gjika Eduart Solihull  Proved in absence	£220  £85 costs (£175 requested)	Out of area
9	13/7/21	Sarah Harris Birmingham  Proved in absence	£220  £85 costs (£175 requested)	Yardley East
10	13/7/21	Michael Jones Southend-on-Sea  Proved in absence	£220  £85 costs (£175 requested)	Out of area
11	13/7/21	Carmen Moreno Market Rasen  Proved in absence	£220  £85 costs (£175 requested)	Out of area
12	13/7/21	Sian Radcliffe Market Rasen  Proved in absence	£220  £85 costs (£175 requested)	Out of area
13	13/7/21	Shane Rolinds Redditch  Proved in absence	£220  £85 costs (£175 requested)	Out of area



14	13/7/21	Salah Turki Solihull  Proved in absence	£220  £85 costs (£175 requested)	Out of area
15	13/7/21	Cristina Elisabeta Vasile Birmingham  Proved in absence	£220  £85 costs (£175 requested)	Ladywood
16	13/7/21	Irena Wiczerzynska Birmingham  Proved in absence	£220  £85 costs (£175 requested)	Edgbaston
17	13/7/21	Andrew James Williams Shrewsbury  Proved in absence	£220  £85 costs (£175 requested)	Out of area
18	10/8/21	Dean Banks Runcorn  Proved in absence	£220  £175 costs (£175 requested)	Out of area
19	10/8/21	Elisa Chinta Worcester  Guilty plea	£46  £75 costs (£175 costs)	Out of area
20	10/8/21	Thomas Keenan Bilston  Proved in absence	£220  £175 costs (£175 requested)	Out of area

21	10/8/21	Robert MacArthur Nottingham  Proved in absence	£220  £175 costs (£175 requested)	Out of area
22	10/8/21	Seleman Munyamdekwe Coventry  Proved in absence	£220  £175 costs (£175 requested)	Out of area
23	10/8/21	Viorel Nitu Newcastle Upon Tyne  Proved in absence	£220  £175 costs (£175 requested)	Out of area
24	24/8/21	Liberty Bodycot Leicester  Proved in absence	£220  £100 costs (£175 requested)	Out of area
25	24/8/21	John Paul Jones Liverpool  Proved in absence	£220  £100 costs (£175 requested)	Out of area
26	24/8/21	Peter Jones Wrexham  Proved in absence	£220  £100 costs (£175 requested)	Out of area
27	24/8/21	Edward Stanton Birmingham  Proved in absence	£220  £100 costs (£175 requested)	Sparkbrook & Balsall Heath East
28	24/8/21	Xudong Sun Birmingham  Proved in absence	£220  £100 costs (£175 requested)	Bordesley & Highgate

29	24/8/21	Thomas Uppard Westcliffe on Sea  Proved in absence	£220  £100 costs (£175 requested)	Out of area
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### **ENVIRONMENTAL HEALTH SIMPLE CAUTIONS**

Two simple cautions were administered during July and August 2021.

#### **Food Safety Act 1990 Section 10(2)**

One caution was issued for failing to comply with an Improvement Notice

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

One caution was issued for failing to comply with Food Hygiene Regulations

**APPENDIX 2****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>
30	19/7/21	Muhammed Shazad West Bromwich	Town Police Clauses Act 1847 and Road Traffic Act 1988  Pleaded <u>not guilty</u> to two offences; one offence of plying for hire on Ladywell walk, Birmingham and one offence of consequently invalidating his insurance.  Case found proved following trial. Notice of appeal against conviction and sentence has been received	£200 – plying  No separate penalty – no insurance  + 6 penalty points  £1,000 costs (£1,839 requested)	Out of area	Bordesley & Highgate
31	19/8/21	Robert Shufflebottom Dudley	Local Government (Miscellaneous Provisions) Act 1982  Pleaded guilty to one offence of engaging in street trading in a consent street, namely High Street, Birmingham, without being authorised to do so.	£210  £1,035 costs (£1,035 requested)	Out of area	Ladywood

**LICENSING SIMPLE CAUTIONS**

No simple cautions were administered during July and August 2021.

**TRADING STANDARDS CASES**

No cases were finalised in July or August 2021

**TRADING STANDARDS SIMPLE CAUTIONS**

One simple caution was administered during July and August 2021.

**Tobacco and Related Products Regulations 2016**

One caution was issued for having packets of chewing tobacco for supply which failed to contain the required health warnings on the packaging

**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>
32	8/7/21	Mohammed Safian Smethwick	Environmental Protection Act 1990  Pleaded guilty to one offence of causing controlled waste, namely a bed base, black table and drawers, to be deposited from a motor vehicle on Winson Street, Birmingham.	£1,600  £660 costs (£660 requested)	Out of area	North Edgbaston
33	19/8/21	Imran Zafar Birmingham	Environmental Protection Act 1990 Fraud Act 2006  Pleaded guilty to two offences; one offence of depositing controlled waste, namely over 1,000 cellophane wrapped bundles of BT Phone Book directories, from a motor vehicle on Burbidge Road, Birmingham and one offence of making a false representation by notifying the Letterbox Team of Effipap Limited that he had completed an allocated route and delivered 1001 BT Phone Book directories when in fact they had been deposited on Burbidge Road, Birmingham and intending to make a gain for himself, or to cause loss to another, namely to obtain payment for the delivery of the fly tipped directories.	£440  £400 costs (£667 requested)	Alum Rock	Bordesley & Highgate
34	19/8/21	Jamal Hamasalih Karim Smethwick	Environmental Protection Act 1990  Pleaded guilty to one offence of knowingly causing or permitting controlled waste, namely several black bags, to be deposited from a Ford Transit Van of which he was the registered keeper and insurance holder, on to land on Crick Lane, Handsworth, Birmingham.	£692  £400 costs (£628 requested)	Out of area	Birchfield

35	19/8/21	Anthony Humphries Birmingham	Environmental Protection Act 1990  Pleaded guilty to one offence of depositing controlled waste, namely a flat screen television, black bin bags, some wooden planks and a headboard, from a motor vehicle on land around Kingsbridge House, Faulkners Farm Drive, Birmingham.	£185  £200 costs (£546 requested)	Castle Vale	Stockland Green
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#### **WASTE ENFORCEMENT SIMPLE CAUTIONS**

No simple cautions were administered during July and August 2021.

**CASES FINALISED BY DISTRICT (PLACE OF OFFENCE) – JULY AND AUGUST 2021**

	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	0	0	0	25	0	0	0	0	0	0	<b>25</b>
Environmental Health (including WEU)	0	1	0	0	6	0	1	0	0	0	0	<b>8</b>
Trading Standards	0	0	0	0	0	0	0	0	0	0	0	<b>0</b>

**CASES FINALISED BY DISTRICT (DEFENDANT'S HOME ADDRESS/REGISTERED OFFICE) JULY AND AUGUST 2021**

	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	1	0	1	0	2	0	0	0	0	1	20	<b>25</b>
Environmental Health (including WEU)	0	1	0	1	2	0	0	0	0	1	3	<b>8</b>
Trading Standards	0	0	1	0	0	0	0	0	0	0	1	<b>0</b>



### **CASES FINALISED BY DISTRICT (PLACE OF OFFENCE) – APRIL-AUGUST 2021**

	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	<b>3</b>
Environmental Health (FPNs) Not paid and prosecuted	0	0	0	0	197	0	0	0	0	0	0	<b>197</b>
Environmental Health (including WEU)	1	2	4	4	11	2	3	2	3	3	0	<b>35</b>
Trading Standards	0	0	2	0	0	0	0	0	0	1	0	<b>3</b>

### **CASES FINALISED BY DISTRICT (DEFENDANT'S HOME ADDRESS/REGISTERED OFFICE) APRIL-AUGUST 2021**

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	0	0	0	1	0	0	0	0	0	0	2	<b>3</b>
Environmental Health (FPNs) Not paid and prosecuted	3	5	11	13	21	6	12	4	1	7	114	<b>197</b>
Environmental Health (including WEU)	0	5	2	4	8	1	4	1	2	3	5	<b>35</b>
Trading Standards	0	0	1	0	1	0	0	0	0	0	1	<b>3</b>

**APPENDIX 6****WASTE ENFORCEMENT UNIT – ENFORCEMENT ACTIVITY**

Waste Investigation Outcomes													
	Apr-21	May-21	Jun-21	Jul-21	Aug-21	Sep-21	Oct-21	Nov-21	Dec-21	Jan-22	Feb-22	Mar-22	Total
Duty of care inspections into the waste disposal arrangements of commercial premises	19	55	23	29	35								161
Section 34 Environmental Protection Act demand notices issued:(trade waste statutory information demands)	19	33	17	29	17								115
Section 34 Environmental Protection Act Fixed Penalty Notices issued to businesses (£300)	1	0	3	0	0								4
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)	4	5	6	5	6								26
Prosecutions													
Number of prosecution files submitted to legal services, (number produced quarterly.	2	10	6	5	3								26

## APPENDIX 7

Monthly Parking Pcns Issued in Taxi Ranks	Processing
April 2021	103
May 2021	154
June 2021	142
July 2021	106
August 2021	114
September 2021	
October 2021	
November 2021	
December 2021	
January 2022	
February 2022	
March 2022	
TOTAL	619