

BIRMINGHAM CITY COUNCIL

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

13 DECEMBER 2017
ALL WARDS

PROSECUTIONS AND CAUTIONS – OCTOBER 2017

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

Contact Officer: Alison Harwood, Acting Director of Regulation and Enforcement
Telephone: 0121 303 0201
E-Mail: Alison.harwood@birmingham.gov.uk

3. Results

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

- One Licensing case was finalized resulting in a fine of £400 and prosecution costs of £559. Six penalty points were awarded. 11 simple cautions were administered as set out in Appendix 1.
- 69 Environmental Health cases resulted in fines of £51,773 and a 12 month conditional discharge. Prosecution costs of £23,351 were awarded together with clean-up costs in the sum of £160.50. No simple cautions were administered as set out in Appendix 2.
- One Trading Standards case was finalised resulting in a 12 month community order with 120 hours unpaid work. No Prosecution costs were awarded. One simple caution was administered as set out in Appendix 3.
- Appendix 4 lists cases finalised by district in October 2017 and cases finalised by district April - October 2017.
- Appendix 5 lists the enforcement activity undertaken by the Waste Enforcement Team in April - September 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 October 2017 the following costs have been requested and awarded:

Licensing

£12,259 has been requested with £7,742 being awarded (63%)

Environmental Health

£199,709 has been requested with £166,113 being awarded (83%).

Trading Standards

£73,251 has been requested with £65,036 being awarded (89%).

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

Licensing

£559 has been requested with £559 being awarded. (100%)

Environmental Health

£25,480 has been requested with £23,351 being awarded (92%).

Trading Standards

No costs requested or awarded

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**

| | Date Case Heard | Name & Address | Offence details (including Legislation) | Fine/Penalty & Costs | Ward of defendant | Ward - Offence committed |
|---|--------------------------------|---|--|---|------------------------------|-------------------------------------|
| 1 | 26/10/17 | Mazhar Iqbal 97 College Road Moseley Birmingham B13 9LR | Town Police Clauses Act 1847 & Road Traffic Act 1988 Pleaded guilty to two offences: one of plying for hire in Hurst Street, Birmingham and one of consequently having invalid insurance. | Total £400 (£160 x plying £240 x no insurance) + 6 penalty points £559 costs (£559 requested) | Springfield | Ladywood |

LICENSING SIMPLE CAUTIONS

During the period of October 2017, 11 simple cautions have been administered.

Local Government (Miscellaneous Provisions) Act 1976

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

Section 54(2) One caution was issued for failing to wear the drivers badge in a position and manner as to be plainly and distinctly visible

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

Section 48(6) & 64(3) One caution was issued for failing to display a private hire vehicle licence plate and for waiting on a Hackney Carriage stand without being licensed as Hackney Carriage

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

WASTE OFFENCES

| | Date Case Heard | Name & Address | Offence details (including Legislation) | Fine/Penalty & Costs | Ward of defendant | Ward - Offence committed |
|---|--------------------------------|---|--|--|------------------------------|-------------------------------------|
| 1 | 6/10/17 | Booze Burst Ltd 321-323 Fox Hollies Road Acocks Green Birmingham B27 7PS | Environmental Protection Act 1990 Pleaded guilty to three offences; one offence of failing to prevent controlled waste from being deposited near to Tesco, Swan Centre, Birmingham, one of failing to prevent waste from Booze Burst Ltd, 321-323 Fox Hollies Road from being deposited on the pavement outside 317-319 Fox Hollies Road and one offence of failing to comply with a statutory demand requiring written information relating to the transfer of controlled waste from the business within 7 days. | £1,666 x offence 2 No separate penalty for remaining offences £711 costs (£711 requested) | Acocks Green | Acocks Green |
| 2 | 6/10/17 | Dar Makkah International Ltd 23-27 Parliament Street Nechells Birmingham B10 0QJ | Environmental Protection Act 1990 Pleaded guilty to two offences; one offence of failing to ensure that controlled waste was only passed to legitimate persons in that cardboard, plastic and documentation relating to the business was found on the corner of Parliament Street and Herbert Road and one offence of failing to comply with a statutory demand requiring written information relating to the transfer of controlled waste from the business within 7 days. | £2,000 x offence 1 No separate penalty for offence 2 £1,738 costs (£1,738 requested) | Nechells | Nechells |

| | | | | | | |
|---|----------|--|--|---|--------------------------|----------------|
| 3 | 6/10/17 | William Kennedy 102 Grange Road Kings Heath Birmingham B14 7RR | Environmental Protection Act 1990 Pleaded guilty to one offence of knowingly causing controlled waste, namely one black bag containing green waste, to be deposited from a vehicle onto the front driveway area of a property on Edgcombe Road, Hall Green, Birmingham. | £320 £812 costs (£812 requested) | Moseley & Kings Heath | Hall Green |
| 4 | 12/10/17 | Kuldeep Singh 102 Alfred Road Handsworth Birmingham B21 9NQ | Environmental Protection Act 1990 Pleaded guilty to one offence of depositing controlled waste, namely one black bag, a headboard and a sofa cushion on Sladefield Road, Birmingham. | £300 £621 costs (£621 requested) | Lozells & East Handworth | Washwood Heath |
| 5 | 18/10/17 | Mohammed Abdul Haque 25 Freer Road Birmingham B6 6NE | Environmental Protection Act 1990 Pleaded <u>not guilty</u> to one offence of failing to comply with a statutory demand requiring written information relating to the transfer of controlled waste from Manor Road Tyres, 7-11 Manor Road within 7 days. Found guilty after trial. | 12 month conditional discharge £380 costs (£524 requested) | Aston | Aston |
| 6 | 20/10/17 | Steven Kiernan 121 Horrell Road Sheldon Birmingham B26 2PX | Environmental Protection Act 1990 Pleaded guilty to one offence of depositing controlled waste, namely a large amount of tree cuttings, on private land used as an access to the rear of houses in Benedon Road, Birmingham. | £400 £310 costs (£1,069 requested) | Sheldon | Sheldon |
| 7 | 26/10/17 | Daniel Gough 35 Woodvale Road Hall Green Birmingham B28 0PH | Environmental Protection Act 1990 Pleaded guilty to one offence of failing to ensure that waste was transferred to an authorised person, in that waste namely a mattress and 25 black bags containing clothes and documentation, was found deposited in Redditch Road, Kings Norton. | £500 £739 costs (739 requested) £160.50 clean-up costs | Hall Green | Kings Norton |

FOOD HYGIENE OFFENCES

| | Date Case Heard | Name & Address | Offence details (including Legislation) | Fine/Penalty & Costs | Ward of defendant | Ward - Offence committed |
|---|-----------------------|--|---|--|----------------------|-----------------------------|
| 1 | 26/10/17 | Unique Bakers Ltd 113 Electric Avenue Birmingham B6 7EF | Food Safety and Hygiene (England) Regulations 2013 Pleaded guilty to four offences relating to conditions at Royal Bakeries, 113 Electric Avenue, Birmingham. Bakery trays were filthy and heavily burnt, the flooring was in such a poor condition that there was pooling water which was attracting flies, there was no hot water at the premises, large pieces of equipment were dirty and cooked biscuits were stored on dirty fabric chairs. | Total £10,000 (£2,500 x 4) No separate penalty for remaining offences. £627 (£627 requested) | Perry Barr | Perry Barr |

PEST OFFENCES

| | | | | | | |
|---|----------|---|--|--|-------------|--------------|
| 1 | 16/10/17 | Refrose Properties Ltd Oakwood 2B The Avenue Potters Bar Herefordshire EN6 1EB | Prevention of Damage by Pests Act 1949 Pleaded <u>not guilty</u> to one offence of failing to comply with a notice requiring the removal of an accumulation of rubbish, to cut back and remove all overgrowth and eradicate all pests from inside the property and land at 124 Walkers Heath Road, Birmingham within 21days. Found guilty after trial. | £500 £2,225 costs (£3,016 requested) | Out of area | Kings Norton |
|---|----------|---|--|--|-------------|--------------|

HEALTH & SAFETY OFFENCES

| | Date Case Heard | Name & Address | Offence details (including Legislation) | Fine/Penalty & Costs | Ward of defendant | Ward - Offence committed |
|---|-----------------------|---|--|--|----------------------|-----------------------------|
| 1 | 3/10/17 | <p>Boxxed Limited 104-108 Floodgate Street Digbeth Birmingham B5 5SR</p> <p>HTF Media Limited Unit F3 The Arch 48-52 Floodgate Street Digbeth Birmingham B5 5SL</p> | <p>Health & Safety at Work etc Act 1974</p> <p>Pleaded guilty to one offence of failing to ensure the safety of persons not in their employment, by allowing them to go onto the flat roof of the two storey property at 104-108 Floodgate Street, Digbeth, Birmingham without any suitable precautions to prevent a fall from an exposed edge or through unprotected skylights.</p> <p>Pleaded guilty to two offences; one offence of failing to ensure that work at height at 104-108 Floodgate Street, Birmingham was properly planned and carried out in a safe manner and one offence of failing to take suitable and sufficient measures to prevent any person falling a distance liable to cause personal injury.</p> | <p>£6,000</p> <p>£1,160 costs (£1,160 requested)</p> <p>£8,000 (£4,000 x 2)</p> <p>£1,088 costs (£1,088 requested)</p> | Nechells | Nechells |
| 2 | 19/10/17 | J Vickerstaff & Co Ltd 27-29 Wholesale Market Pershore Street Birmingham B5 6UB | <p>Health & Safety at Work etc Act 1974</p> <p>Pleaded guilty to one offence of failing to ensure the health and safety of employees at Unit 27-29 Wholesale Fish Market, Pershore Street, Birmingham in that a suitable and sufficient risk assessment was not made in respect of the use of the delivery door hatch, the hatch door handle was broken and one of the bolts did not work.</p> | <p>£10,000</p> <p>£3,225 costs (£3,225 requested)</p> | Nechells | Nechells |

LITTERING OFFENCES

| | Date Case Heard | Name & Address | Offence details (including Legislation) | Fine/Penalty & Costs | Ward of defendant | Ward - Offence committed |
|---|--------------------------------|--|---|--|------------------------------|-------------------------------------|
| 1 | 6/10/17 | Arron Edward D Rees Flat 19 Gadds Drive Rowley Regis West Midlands B65 9LN | 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 |
| 2 | 6/10/17 | Ryan Reading 85 Barretts Road Kings Norton Birmingham B38 9HU | Environmental Protection Act 1990 Pleaded guilty to one offence of dropping a cigarette butt on the pavement in Temple Row, Birmingham. | £107 £175 costs (£175 requested) | Kings Norton | Ladywood |
| 3 | 6/10/17 | Luke Williams 106 Worlds End Lane Quinton Birmingham B32 1LA | Environmental Protection Act 1990 Pleaded guilty to one offence of dropping a cigarette butt on the pavement in High Street, Birmingham. | £80 £20 costs (£175 requested) | Quinton | Ladywood |
| 4 | 6/10/17 | Paul Silcock 102 Overgreen Drive Kingshurst Solihull B37 6ES | Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in New Street, Birmingham. | £220 £175 costs (£175 requested) | Out of area | Ladywood |
| 5 | 6/10/17 | Leah Alleyne 41c Huntly Road London SE25 6QY | Environmental Protection Act 1990 Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in Corporation Street, Birmingham. | £220 £175 costs (£175 requested) | Out of area | Ladywood |

| | | | | | | |
|----|---------|--|---|--|-----------------|----------|
| 6 | 6/10/17 | Aaron Baker 41 St Giles Court Reservoir Road Rowley Regis West Midlands B65 9PE | 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 |
| 7 | 6/10/17 | Florin Adrian Cocione 8 Dunsink Road Aston Birmingham B6 6PL | Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in High Street, Birmingham. | £220 £175 costs (£175 requested) | Aston | Ladywood |
| 8 | 6/10/17 | Oliver Kirkman 1 Woodhouse Close Worcester WR5 3FB | 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 |
| 9 | 6/10/17 | George Bogdan Mitan 29 Nine Elms Lane Wolverhampton WV10 9AH | 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 |
| 10 | 6/10/17 | Cosmin Nicolae 339 Stratford Road Sparkbrook Birmingham B11 4JY | 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) | Sparkbrook | Ladywood |
| 11 | 6/10/17 | Pedro Pablo Martinez 242 Short Heath Road Erdington Birmingham B23 6JY | 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) | Stockland Green | Ladywood |

| | | | | | | |
|----|----------|--|---|--|-------------|----------|
| 12 | 6/10/17 | Lewis Pan 4 Dollary Drive Edgbaston Birmingham B5 7TD | 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) | Edgbaston | Ladywood |
| 13 | 6/10/17 | Abrar Patel 24 Smethurst Lane Bolton Lancashire BL3 3QE | Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Moat Lane, Birmingham. | £220 £175 costs (£175 requested) | Out of area | Ladywood |
| 14 | 6/10/17 | Neil David Waterfield 5 Jubilee Street Kettering NN14 6BJ | 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) | Out of area | Ladywood |
| 15 | 6/10/17 | Joseph Williams 7 Lindon Road Dudley DY1 3HD | Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Stephenson Place, Birmingham. | £220 £175 costs (£175 requested) | Out of area | Ladywood |
| 16 | 12/10/17 | Chris Brown 35 Hilton Road Burntwood Staffordshire WS7 1FQ | 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) | Out of area | Ladywood |
| 17 | 12/10/17 | Laurentiu Catalan Mornea 47 Howett Road Coventry CV7 8JN | 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 |

| | | | | | | |
|----|----------|---|--|--|-------------|----------|
| 18 | 12/10/17 | Stuart Kelly 29 Crossman Close Birmingham B37 7NZ | 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 |
| 19 | 12/10/17 | Zeng Yi 9 Queen Victoria Road Coventry CV1 3JS | 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 |
| 20 | 20/10/17 | Simon Bennett 7 Cedar Close Bayston Hill Shrewsbury SY3 0PD | Environmental Protection Act 1990 Pleaded guilty to one offence of dropping a cigarette butt on the pavement in Smallbrook Queensway, Birmingham. | £80 £175 costs (£175 requested) | Out of area | Ladywood |
| 21 | 20/10/17 | Ninea Stefanescu 460a Stratford Road Sparkhill Birmingham B11 4AE | Environmental Protection Act 1990 Pleaded guilty to one offence of dropping a cigarette butt on the pavement in High Street, Birmingham. | £80 £20 costs (£175 requested) | Springfield | Ladywood |
| 22 | 20/10/17 | Bobi Vaduva 460a Stratford Road Sparkhill Birmingham B11 4AE | Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in High Street, Birmingham. | £220 £175 costs (£175 requested) | Springfield | Ladywood |
| 23 | 20/10/17 | Qiang Wang 4 Dollary Drive Edgbaston Birmingham B5 7TD | 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) | Edgbaston | Ladywood |

| | | | | | | |
|----|----------|--|---|--|------------------------------|----------|
| 24 | 20/10/17 | Daniel Tocitu 23 Wentworth Mews London E3 4UA | 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 |
| 25 | 20/10/17 | Bogdan Tocitu 23 Wentworth Mews London E3 4UA | 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 |
| 26 | 20/10/17 | Daniel James Smith 2 Midhill Drive Rowley Regis West Midlands B65 9SD | 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 |
| 27 | 20/10/17 | Daniel Rhodes 3 Neville Street Glascote Tamworth B77 2BA | 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 |
| 28 | 20/10/17 | Sergio Constantin Plesca 850 Stratford Road Sparkhill Birmingham B11 4BS | 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) | Springfield | Ladywood |
| 29 | 20/10/17 | Paul Kenny 70 Lyttelton Road Stechford Birmingham B33 8BJ | 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) | Stechford & Yardley North | Ladywood |

| | | | | | | |
|----|----------|---|---|--|------------------------------|----------|
| 30 | 20/10/17 | Henry Jamieson 1 The Orchards Newnham Gloucestershire GL14 1EX | 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 | 20/10/17 | Catalin Ivascu 128 Oak Tree Lane Selly Oak Birmingham B29 6HY | 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) | Selly Oak | Ladywood |
| 32 | 20/10/17 | Leonie Ebanks 15 Holly Mews Eden Park Brownsover Rugby CV21 1TA | 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 |
| 33 | 20/10/17 | Ionut Costin Cosma 128 Oak Tree Lane Selly Oak Birmingham B29 6HY | 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) | Selly Oak | Ladywood |
| 34 | 20/10/17 | Tiberius Buruiana 307 Goldon Hillock Road Sparkbrook Birmingham B11 2QL | 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) | Sparkbrook | Ladywood |
| 35 | 20/10/17 | Cristian Burdulea 4 Roland Road Birmingham B19 1RS | Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Temple Row, Birmingham. | £220 £175 costs (£175 requested) | Lozells & East Handsworth | Ladywood |

| | | | | | | |
|----|----------|--|--|--|--------------------|----------|
| 36 | 20/10/17 | John Bosworth 49 Selwyn House Waterson Croft Birmingham B37 6TT | Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in High Street, Birmingham. | £220 £175 costs (£175 requested) | Out of area | Ladywood |
| 37 | 20/10/17 | Hasan Alsabaghah Apartment 69 41 Essex Street Birmingham B5 4TR | 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 |
| 38 | 26/10/17 | David Urwin 5 Ashgrove Steeton Keighley BD20 6RR | Environmental Protection Act 1990 Pleaded guilty to one offence of dropping a cigarette butt on the pavement in New Street, Birmingham. | £80 £50 costs (£175 requested) | Out of area | Ladywood |
| 39 | 26/10/17 | Lumeng Ye Apartment 2000 The Rotunda 150 New Street Birmingham B2 4PG | 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 |
| 40 | 26/10/17 | Conor Walton 149 Alexander Road Acocks Green Birmingham B27 6ET | 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) | Acocks Green | Ladywood |
| 41 | 26/10/17 | Mihal Virvara 10 Deerpark Road Birmingham B20 1DY | 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) | Handsworth Wood | Ladywood |

| | | | | | | |
|----|----------|---|---|--|-----------------|----------|
| 42 | 26/10/17 | Lydia Swanston 60 City View Erdington Birmingham B23 6GP | 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) | Stockland Green | Ladywood |
| 43 | 26/10/17 | Ahmad Salari 215 Tudor Road Leicester LE3 5JH | 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 | 26/10/17 | Helena Rezmues 112 Sandwell Street Walsall WS1 3EG | 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 |
| 45 | 26/10/17 | Jake Pidgley 39 Langdown Road Hythe Southampton SO45 6EX | 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 |
| 46 | 26/10/17 | Ionut Razvan Neacso 18 Parker Street Warrington WA1 1LT | 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 |
| 47 | 26/10/17 | Dragos Mirea Flat 1050 150 Metro Court High Street West Bromwich B70 6JJ | Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Lower Temple Street, Birmingham. | £220 £175 costs (£175 requested) | Out of area | Ladywood |

| | | | | | | |
|----|----------|--|---|--|--------------|----------|
| 48 | 26/10/17 | Ben Menzies 112 Marissal Road Bristol BS10 7NP | 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 |
| 49 | 26/10/17 | Robert Horvath 105 Saint Pauls Road Smethwick West Midlands B66 1EY | Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Lower Temple Street, Birmingham. | £220 £175 costs (£175 requested) | Out of area | Ladywood |
| 50 | 26/10/17 | Scott Higgins 238 Brandwood Park Road Kings Heath Birmingham B14 6QT | 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) | Brandwood | Ladywood |
| 51 | 26/10/17 | Tony Harris 131 Dean House Tumulus Avenue Newcastle upon Tyne NE6 4UT | Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Lower Bull Street, Birmingham. | £220 £175 costs (£175 requested) | Out of area | Ladywood |
| 52 | 26/10/17 | Cassie Garland 8 Flamingo Gardens Erdington Birmingham B23 5AW | Environmental Protection Act 1990 Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in Bull Street, Birmingham. | £220 £175 costs (£175 requested) | Kingstanding | Ladywood |
| 53 | 26/10/17 | Florin Alexandru Fira Flat 1050 150 Metro Court High Street West Bromwich B70 6JJ | Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Lower Temple Street, Birmingham. | £220 £175 costs (£175 requested) | Out of area | Ladywood |

| | | | | | | |
|----|----------|--|---|--|---------------------------|----------|
| 54 | 26/10/17 | Gina David 366 Harborne Lane Harborne Birmingham B17 0NY | 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) | Harborne | Ladywood |
| 55 | 26/10/17 | Costel Ciobotaru 68 Soho Hill Room 510 Lozells Birmingham B19 1AA | Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Priory Queensway, Birmingham. | £220 £175 costs (£175 requested) | Lozells & East Handsworth | Ladywood |
| 56 | 26/10/17 | Jessica Beazer 4 Caval Close Apley Telford TF1 6DB | 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 |
| 57 | 26/10/17 | Jamie Bailey 137 Carpenters Road Lozells Birmingham B19 2BB | Environmental Protection Act 1990 Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Priory Queensway, Birmingham. | £220 £175 costs (£175 requested) | Lozells & East Handsworth | Ladywood |
| 58 | 26/10/17 | Ryan Matthew Wilkes 74 Windmill Avenue Rubery Birmingham B45 9TA | 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 |

ENVIRONMENTAL HEALTH SIMPLE CAUTIONS

No simple cautions were administered during October 2017.

TRADING STANDARDS CASES

APPENDIX 3

| | Date Case Heard | Name & Address | Offence details (including Legislation) | Fine/Penalty & Costs | Ward of defendant | Ward - Offence committed |
|---|------------------------|--|---|--|--------------------------|---------------------------------|
| 1 | 3/10/17 | Reza Nozmiyeh 29 Paganal Road Weoley Castle Birmingham B29 5TG | <p>Tobacco Products (Manufacture, Presentation and Sale) (Safety) Regulations 2002 and Consumer Protection Act 1987. Licensing Act 2003 Tobacco Products Duty Act 1979 Trade Marks Act 1994</p> <p>Pleaded guilty to four offences; one offence of having in possession for supply at Venus International Off Licence, 247 Dudley Road, Winson Green, Birmingham, 579 packs of cigarette and 32 packs of tobacco consisting of various brands, which did not carry the required warnings. One offence of knowingly allowing the packets of cigarettes and tobacco to be kept at the off licence when they had been imported without payment of duty. One relating to the packets not carrying a compliant duty-paid fiscal mark. One offence of having in possession for supply 49 packets of Mayfair cigarettes which bore a sign identical to or likely to be mistaken for a registered trade mark, namely Mayfair stylised logo, without the consent of the trade mark holder.</p> | <p>12 month community order 120 hours unpaid work</p> <p>No costs due to confiscation order.</p> <p>Confiscation Order made in the sum of £85,726.</p> <p>Default period of 18 months if not paid within 3 months.</p> <p>Forfeiture Order granted for destruction of all cigarettes and tobacco seized.</p> | Bartley Green | Soho |

TRADING STANDARDS SIMPLE CAUTIONS

One simple caution was administered during October 2017.

Package Travel, Package Holidays and Package Tours Regulations 1992 & European Communities Act 1972

One caution was issued under the above legislation.

CASES FINALISED BY DISTRICT (PLACE OF OFFENCE) – OCTOBER 2017

| <u>WARDS & CONSTITUENCIES FINALIZED BY OFFENCE</u> | | | | |
|---|-------------------------|---|---|---------------------------------|
| | <u>Licensing</u> | <u>Environmental Health - Non FPNs</u> | <u>Environmental Health - FPNs</u> | <u>Trading Standards</u> |
| EDGBASTON | | | | |
| Bartley Green | | | | |
| Edgbaston | | | | |
| Harborne | | | | |
| Quinton | | | | |
| ERDINGTON | | | | |
| Erdington | | | | |
| Kingstanding | | | | |
| Stockland Green | | | | |
| Tyburn | | | | |
| HALL GREEN | | | | |
| Hall Green | | 1 | | |
| Moseley & Kings Heath | | | | |
| Sparkbrook | | | | |
| Springfield | | | | |
| HODGE HILL | | | | |
| Hodge Hill | | | | |
| Washwood Heath | | 1 | | |
| Bordseley Green | | | | |
| Shard End | | | | |
| LADYWOOD | | | | |
| Aston | | 1 | | |
| Ladywood | 1 | | 58 | |
| Nechells | | 3 | | |
| Soho | | | | 1 |
| | | | | |

| | | | | |
|---------------------------|---|----|----|---|
| NORTHFIELD | | | | |
| Kings Norton | | 2 | | |
| Longbridge | | | | |
| Northfield | | | | |
| Weoley | | | | |
| | | | | |
| PERRY BARR | | | | |
| Lozells & East Handsworth | | | | |
| Handsworth Wood | | | | |
| Oscott | | | | |
| Perry Barr | | 1 | | |
| | | | | |
| SELLY OAK | | | | |
| Billesley | | | | |
| Bournville | | | | |
| Brandwood | | | | |
| Selly Oak | | | | |
| | | | | |
| SUTTON COLDFIELD | | | | |
| Sutton Four Oaks | | | | |
| Sutton New Hall | | | | |
| Sutton Trinity | | | | |
| Sutton Vesey | | | | |
| | | | | |
| YARDLEY | | | | |
| Acocks Green | | 1 | | |
| Sheldon | | 1 | | |
| South Yardley | | | | |
| Stechford & North Yardley | | | | |
| | | | | |
| | | | | |
| | | | | |
| TOTAL | 1 | 11 | 58 | 1 |
| | | | | |

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

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

| | | | | |
|---------------------------|---|----|----|---|
| NORTHFIELD | | | | |
| Kings Norton | | | 1 | |
| Longbridge | | | | |
| Northfield | | | | |
| Weoley | | | | |
| | | | | |
| PERRY BARR | | | | |
| Lozells & East Handsworth | | 1 | 3 | |
| Handsworth Wood | | | 1 | |
| Oscott | | | | |
| Perry Barr | | 1 | | |
| | | | | |
| SELLY OAK | | | | |
| Billesley | | | | |
| Bournville | | | | |
| Brandwood | | | 1 | |
| Selly Oak | | | 2 | |
| | | | | |
| SUTTON COLDFIELD | | | | |
| Sutton Four Oaks | | | | |
| Sutton New Hall | | | | |
| Sutton Trinity | | | | |
| Sutton Vesey | | | | |
| | | | | |
| YARDLEY | | | | |
| Acocks Green | | 1 | 1 | |
| Sheldon | | 1 | | |
| South Yardley | | | | |
| Stechford & North Yardley | | | 1 | |
| | | | | |
| OUT OF AREA | | 1 | 33 | |
| | | | | |
| TOTAL | 1 | 11 | 58 | 1 |
| | | | | |

CASES FINALISED BY DISTRICT (PLACE OF OFFENCE) – OCTOBER 2017

| | Edgbaston | Erdington | Hall Green | Hodge Hill | Ladywood | Northfield | Perry Barr | Selly Oak | Sutton Coldfield | Yardley | Out of Area | Total |
|---|-----------|-----------|------------|------------|----------|------------|------------|-----------|------------------|---------|-------------|-----------|
| Licensing | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| Environmental Health (FPNs) Not paid and prosecuted | 0 | 0 | 0 | 0 | 58 | 0 | 0 | 0 | 0 | 0 | 0 | 58 |
| Environmental Health (non FPNs) | 0 | 0 | 1 | 1 | 4 | 2 | 1 | 0 | 0 | 2 | 0 | 11 |
| Trading Standards | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |

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

| | Edgbaston | Erdington | Hall Green | Hodge Hill | Ladywood | Northfield | Perry Barr | Selly Oak | Sutton Coldfield | Yardley | Out of Area | Total |
|---|-----------|-----------|------------|------------|----------|------------|------------|-----------|------------------|---------|-------------|-----------|
| Licensing | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| Environmental Health (FPNs) Not paid and prosecuted | 4 | 3 | 5 | 0 | 3 | 1 | 4 | 3 | 0 | 2 | 33 | 58 |
| Environmental Health (non FPNs) | 0 | 0 | 2 | 0 | 4 | 0 | 2 | 0 | 0 | 2 | 1 | 11 |
| Trading Standards | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |

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

| | Edgbaston | Erdington | Hall Green | Hodge Hill | Ladywood | Northfield | Perry Barr | Selly Oak | Sutton Coldfield | Yardley | Out of Area | Total |
|---|-----------|-----------|------------|------------|----------|------------|------------|-----------|------------------|---------|-------------|------------|
| Licensing | 1 | 0 | 3 | 0 | 10 | 2 | 0 | 1 | 1 | 2 | 0 | 20 |
| Environmental Health (FPNs) Not paid and prosecuted | 2 | 0 | 2 | 0 | 354 | 1 | 0 | 5 | 0 | 0 | 0 | 364 |
| Environmental Health (non FPNs) | 0 | 8 | 8 | 7 | 36 | 5 | 13 | 3 | 1 | 11 | 0 | 92 |
| Trading Standards | 1 | 0 | 2 | 1 | 5 | 0 | 0 | 0 | 0 | 2 | 0 | 11 |

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

| | Edgbaston | Erdington | Hall Green | Hodge Hill | Ladywood | Northfield | Perry Barr | Selly Oak | Sutton Coldfield | Yardley | Out of Area | Total |
|---|-----------|-----------|------------|------------|----------|------------|------------|-----------|------------------|---------|-------------|------------|
| Licensing | 1 | 0 | 5 | 6 | 2 | 1 | 1 | 0 | 0 | 0 | 4 | 20 |
| Environmental Health (FPNs) Not paid and prosecuted | 15 | 14 | 15 | 21 | 41 | 11 | 25 | 25 | 6 | 7 | 184 | 364 |
| Environmental Health (non FPNs) | 3 | 8 | 8 | 10 | 22 | 2 | 11 | 4 | 3 | 11 | 10 | 92 |
| Trading Standards | 1 | 0 | 2 | 0 | 5 | 0 | 0 | 0 | 0 | 1 | 2 | 11 |

WASTE ENFORCEMENT UNIT – ENFORCEMENT ACTIVITY
APRIL 2017 – MARCH 2018

| | Apr-17 | May-17 | Jun-17 | Jul-17 | Aug-17 | Sep-17 | Total 2017/2018 |
|--|--------|--------|--------|--------|--------|--------|--------------------|
| Waste Investigation Outcomes | | | | | | | |
| Investigations into commercial waste disposal suspected offences and offences | 23 | 35 | 83 | 101 | 88 | 43 | 373 |
| <u>Section 34 Environmental Protection Act</u> demand notices issued: (trade waste statutory information demands) | 20 | 32 | 75 | 85 | 75 | 37 | 324 |
| <u>Section 34 Environmental Protection Act</u> fixed penalty notices issued to businesses (£300) | 11 | 13 | 25 | 29 | 89 | 28 | 195 |
| <u>Section 87 Environmental Protection Act.</u> Fixed Penalty notices issued for commercial and residential litter offences (£80) | 5 | 0 | 5 | 0 | 3 | 0 | 13 |
| <u>Section 33 Environmental Protection Act</u> fixed penalty notices issued for fly tipping (£400) | 4 | 9 | 7 | 1 | 6 | 2 | 29 |
| Prosecutions | | | | | | | |
| Number of prosecution files submitted to legal services (number produced quarterly) | | | 15 | | | 19 | 34 |