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**Meeting of the Executive Member for  
Environment & Sustainability and Advisory  
Panel**

8<sup>th</sup> February 2006

Report of the Deputy Chief Executive

**ENVIRONMENTAL HEALTH, TRADING STANDARDS AND LICENSING  
PROSECUTIONS**

**Purpose of Report**

1. To inform Members of the results of prosecutions undertaken by the council's environmental health, trading standards and licensing services.

**Background**

2. The Executive Member for Environment and Sustainability approved an enforcement policy for Environmental Health, Trading Standards and Licensing Services in September 2005. This policy replaced the previous policy which had been approved by members in 2001.
3. This report details the results of prosecutions taken in the period 1<sup>st</sup> October 2005 to 31<sup>st</sup> December 2005. In accordance with the policy each case is considered on its merits before legal proceedings are instituted.
4. Annex A summarises the prosecutions completed and the formal cautions that have been issued as an alternative to a prosecution (a formal caution is a Home Office approved written acceptance that an offence has been committed and may be drawn to the attention of a court if any subsequent offence is committed within two years of issue).

**Financial Implications**

5. There are no financial implications associated with this report.

**Legal & Human Resource Implications**

6. There are no legal or human resource implications associated with this report.

**Recommendation**

7. That members note the contents of this report.

## **Contact Details**

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### **Chief Officer Responsible for the report:**

Andy Hudson  
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### **Background papers:**

Environmental Health, Trading Standards and Licensing Enforcement Policy (September 2005)  
Trading Standards and Environmental Health Services Enforcement Policy (2001)

## Annex A

### Prosecutions 1 October 2005 – 31 December 2005

#### Animal Health

Defendant	Legislation	Nature of Case	Penalty	Costs
Barry BULLOCK (Private individual)	Protection of Animals Act 1911	Failed to seek veterinary treatment for dog thereby causing unnecessary suffering	Fine £500.00	£350.70
Mark Anthony GRAINGER (Private individual)	Dogs Act 1871 as amended by the Dogs Act 1989	Dangerous dog	Control Order	£90.00
Mark SELLARS (Private individual)	Dogs Act 1871 as amended by the Dogs Act 1989	Dangerous dog	Control Order	£90.00
Barry Thomas THORN (Private individual)	Dogs Act 1871 as amended by the Dogs Act 1989	Dangerous dog	Control Order	£90.00

#### Food

Defendant	Legislation	Nature of Case	Penalty	Costs
Milburns Restaurants Ltd trading as St William's College (Restaurant)	Regulation 44(1)(d) Food Labelling Regulations	Possessed food for sale after use by-dates.	Fine £2000.00	£496.82

Craig HARROP  
Trading as Craig's Den  
(Restaurant owner)

- A formal caution was issued under the Food Safety (General Hygiene) Regulations 1995 for failing to ensure food safety.

Gary LOVELL  
(The Gillygate public house)  
(Licensee)

- A formal caution was issued under the Trade Descriptions Act 1968 for applying a false description to Vodka.

Shirley BRIERLEY-LOVELL  
(The Gillygate public house)  
(Licensee)

- A formal caution was issued under the Trade Descriptions Act 1968 for applying a false description to Vodka.

University of York  
(Bar operator)

- Two formal cautions were issued under the Food Safety Act 1990 for falsely describing Vodka and Whisky.

## Trading Standards

Defendant	Legislation	Nature of Case	Penalty	Costs
Alan GREEN (Car boot sale trader)	S 92(1)(b) Trade Marks Act 1994	Counterfeit DVDs.	Conditional Discharge	£283.00
Homebase Ltd * (DIY Store)	S(12)(i) Consumer Protection Act 1987	Supplied fireworks to a person under 18.	Fine £3000.00	£3019.00
Merchant Retail Supplies Limited trading as Merchant Retail Supplies (Retail Supplier) (Company)	Section 2(1) and 2(2) Unsolicited goods and Services Act 1971	Making demands for payment/threatening legal proceedings for unsolicited goods.	Not Guilty	
James Joseph WALDRON ** (Car boot sale trader)	Trade Marks Act 1994	Counterfeit DVDs and CDs	12 Months - suspended for 2 years	
Jonathon WALDRON (Car boot sale trader)	Trade Marks Act 1994	Counterfeit DVDs and CDs	Withdrawn	
William Gardner WHITE (Car boot sale trader)	Section 92 Trade Marks Act 1994	5 x Possessed for sale counterfeit DVDs.	Community based sentence (curfew and electronic tagging for 2 months)	£175.35
Julie Dawn WHITE (Car boot sale trader)	Section 92 Trade Marks Act 1994	5 x Possessed for sale counterfeit DVDs.	Community based sentence (curfew and electronic tagging for 2 months)	£175.35

\*Subject to Appeal

\*\* Confiscation proceedings pending under the Proceeds of Crime Act 2002

Fahad AMJAD  
(Costcutter supermarket licensee)

- A formal caution was issued under the Licensing Act 1964 for selling alcohol to person under 18 years of age.

Elizabeth ASHBRIDGE  
trading with another as  
Craft Basics  
(Arts and crafts)

- A formal caution was issued under the Anti-Social Behaviour Act 2003 for selling spray paint to a person under 16 years.

R M ARROWSMITH  
(Boyes store employee)

- A formal caution was issued under the Anti-Social Behaviour Act 2003 for selling spray paint to a person under 16 years.

## **Trading Standards (Continued)**

- Thomas David CAUSER (Budgens store employee) - A formal caution was issued under the Licensing Act 1964 for selling alcohol to person under 18 years of age.
- Ernest Wilfred DARRELL (Rydal Garage employee) - A formal caution was issued under the Anti-Social Behaviour Act 2003 for selling spray paint to a person under 16 years.
- K M DEIGHTON (Project Parts car accessories store employee) - A formal caution was issued under the Anti-Social Behaviour Act 2003 for selling spray paint to a person under 16 years.
- Jessica Louise FOX (Budgens store employee) - A formal caution was issued under the Licensing Act 1964 for selling alcohol to person under 18 years of age.
- Julie GODLIMAN (Costcutter supermarket employee) - A formal caution was issued under the Licensing Act 1964 for selling alcohol to person under 18 years of age.
- Celia HAMMOND trading with another as Craft Basics (Arts and crafts) - A formal caution was issued under the Anti-Social Behaviour Act 2003 for selling spray paint to a person under 16 years.
- Frances Margaret HAYES trading with another as Pextons (DIY store) - A formal caution was issued under the Anti-Social Behaviour Act 2003 for selling spray paint to a person under 16 years.
- John Charles HAYES trading with another as Pextons (DIY store) - A formal caution was issued under the Anti-Social Behaviour Act 2003 for selling spray paint to a person under 16 years.
- Valerie HIELDS (Costcutter supermarket licensee) - A formal caution was issued under the Licensing Act 1964 for selling alcohol to person under 18 years of age.
- Andrew HICK trading as Continental Auto Spares (Car accessories) - A formal caution was issued under the Anti-Social Behaviour Act 2003 for selling spray paint to a person under 16 years.
- Graham HOOD (Unipart Automotive Ltd employee) - A formal caution was issued under the Anti-Social Behaviour Act 2003 for selling spray paint to a person under 16 years.
- Paul LAMMING Trading with another as P & S Hobbies and Models (Model shop) - A formal caution was issued under the Anti-Social Behaviour Act 2003 for selling spray paint to a person under 16 years.

## **Trading Standards (Continued)**

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|---|--|
| Susan LAMMING<br>trading with another as<br>P & S Hobbies and<br>Models<br>(Model shop) | - A formal caution was issued under the Anti-Social Behaviour Act 2003 for selling spray paint to a person under 16 years. |
| Mandy LAVERACK<br>(Pextons DIY store<br>employee)                                       | - A formal caution was issued under the Anti-Social Behaviour Act 2003 for selling spray paint to a person under 16 years. |
| George ROWAN<br>(Andrew Page Ltd<br>employee)   | - A formal caution was issued under the Anti-Social Behaviour Act 2003 for selling spray paint to a person under 16 years. |
| Carly SARR<br>(Late Shop supermarket<br>employee)                                       | - A formal caution was issued under the Licensing Act 1964 for selling alcohol to person under 18 years of age.            |
| Jon STAMMERS<br>(Halfords employee)   | - A formal caution was issued under the Anti-Social Behaviour Act 2003 for selling spray paint to a person under 16 years. |
| Transmaster Ltd<br>trading as Rydal Garage  | - A formal caution was issued under the Anti-Social Behaviour Act 2003 for selling spray paint to a person under 16 years. |
| Unipart Automotive Ltd<br>(Car accessories)   | - A formal caution was issued under the Anti-Social Behaviour Act 2003 for selling spray paint to a person under 16 years. |
| Sheila VOLLANS<br>(Craft Basics employee)   | - A formal caution was issued under the Anti-Social Behaviour Act 2003 for selling spray paint to a person under 16 years. |
| Kathryn WALKER<br>(Beer Ritz employee)  | - A formal caution was issued under the Licensing Act 1964 for selling alcohol to person under 18 years of age.            |
| Dominc WASDEN<br>(Motorworld employee)  | - A formal caution was issued under the Anti-Social Behaviour Act 2003 for selling spray paint to a person under 16 years. |