

Environmental Health, Trading Standards and Licensing Formal Enforcement Action 1st October 2013 to 31st December 2013

Food Unit

A simple caution was issued under the Food Hygiene (England) Regulations 2006 (as amended) made under the European Communities Act 1972 for hygiene offences.

3 simple cautions were issued under the Food Safety Act 1990 for falsely describing alcohol.

2 simple cautions were issued under the Food Safety Act 1990 for selling fish which was not of the nature demanded.

Health & Safety

A simple caution was issued under the Health and Safety at Work Etc. Act 1974 for failing to ensure the health, safety and welfare of an employee.

Environmental Protection

Defendant	Legislation	Nature of Case	Penalty	Costs
Robert MASUKU (Private Individual)	Environmental Protection Act 1990	Noise nuisance	Fine £300.00	£1002.90

Trading Standards

Defendant	Legislation	Nature of Case	Penalty	Costs	Compensation
Samuel Anthony DODDS (Partner - Minster Legal Associates)	Consumer Protection from Unfair Trading Regulations 2008	Breach of general duty to trade fairly in the course of selling wills and related products.	8 mths imprisonment suspended for 2 yrs 250 hrs community punishment order 4 yrs ban from being company director	Decision adjourned	Decision adjourned
Andrew Joseph GASKIN (Roofer)	Consumer Protection from Unfair Trading Regulations 2008	False claims, aggressive and intimidating behaviour, no cancellation rights and poor quality roofing work.	280 hrs community punishment	None	£1400.00
Gary JONES (Partner - Minster Legal Associates)	Consumer Protection from Unfair Trading Regulations 2008	Breach of general duty to trade fairly in the course of selling wills and related products.	8 mths imprisonment suspended for 2 yrs 250 hrs community punishment order 4 yrs ban from being company director	Decision adjourned	Decision adjourned
Michael John WILD (Salesman - Minster Legal Associates)	Consumer Protection from Unfair Trading Regulations 2008	Falsely stated to customers that a product would only be available for a limited time in order to elicit an immediate decision and deprive customers of sufficient opportunity or time to make an informed choice	6 mths imprisonment suspended for 2 yrs 200 hrs community punishment order + extra 50 hrs community punishment order for breach of a suspended sentence	Decision adjourned	Decision adjourned

A simple caution was issued under the Trade Marks Act 1994 for offering for sale counterfeit football shirts.

Scambusters

Defendant	Legislation	Nature of Case	Penalty	Costs	Com- pensation
Sajid AYUB	Consumer Protection from Unfair Trading Regs 2008	Contravened professional diligence.	Fine £400.00	£923.20	
Mohammed Ahmed (Financial Director)	Common Law Fraud Act 2006	Conspiracy to defraud	6 1/2 years imprisonment + 3 1/2 years imprisonment (West Yorks Police) 15 year ban from being a director.		
Craig BRANNIGAN (Director)	Proceeds of Crime Act 2002	Confiscation hearing – conspiring with others to defraud the customers of Motorshop UK	If default within 6 mths – 30 mths imprisonment	£209,789.61	£5983.43
Michael Shaun Duffy (Sales Manager)	Common Law Fraud Act 2006	Conspiracy to defraud	Conditional discharge 3 years ban from being a director		
Rebecca Hyland (Director of EBH)	Common Law Fraud Act 2006	Conspiracy to defraud	Conditional discharge 3 years ban from being a director	£15,000	
Diane Lynch (Office Manager)	Common Law Fraud Act 2006	Conspiracy to defraud	Conditional discharge 3 years ban from being a director	£11,000	
Paul Lynch (Business Associate)	Common Law Fraud Act 2006	Conspiracy to defraud	Conditional discharge 3 years ban from being a director		

Anti Social Behaviour (CYC)

Legislation	Nature of Case	Penalty	Costs
Housing Act 1985	Warrant Application	Warrant suspended on terms	£110.00
Housing Act 1985	Possession Application	2 year suspended possession order granted	£252.00
Housing Act 1985	Injunction Breach	28 days imprisonment suspended until 24 February 2015	No order for costs
Housing Act 1996	Injunction Breach	2 months and 28 days (see suspended sentence above) consecutive	No order for costs
Housing Act 1996	Injunction Breach	Injunction Order varied	No order for costs
Housing Act 1996	Injunction Application	Interim Order granted	
Housing Act 1996	Breach of Undertaking	Proceedings adjourned generally with liberty to restore with automatic strike out if no application made by 4pm on 31.12.14	No order for costs
Housing Act 1996	Variation of Injunction	Proceedings adjourned generally with liberty to restore with automatic strike out if no application made by 4pm on 31.12.14	No order for costs
Housing Act 1985	Warrant Application	Warrant application dismissed on basis that CS surrendered tenancy at hearing with immediate effect	No order for costs
Housing Act 1985	Warrant Application	Warrant suspended on terms	No order for costs
Housing Act 1996	Injunction Application	Undertaking given to court in relation to his future conduct towards staff	No order for costs
Housing Act 1985	Possession Application	Suspended Possession order made for 18 months	£252.00
Housing Act 1885	Possession Application	Outright Possession order (has since been evicted)	£252.00
Housing Act 1996	Injunction Breach	Proceedings adjourned generally with liberty to restore with automatic strike out if no application made by 4pm on 31.12.14	No order for costs

Rent (CYC) – Held in Chambers (Private) so details as to names cannot be disclosed.

Legislation	Nature of Case	Penalty	Costs	Number of Cases
Housing Act 1885	Possession Application	Outright Possession Order	£169.50	2
Housing Act 1885	Possession Application	Outright Possession Order	No order for costs	0
Housing Act 1885	Possession Application	Suspended Possession Order (SPO) granted	£169.50	22
Housing Act 1885	Possession Application	Suspended Possession Order (SPO) granted	No order for costs	0
Housing Act 1885	Possession Application	adjourned generally with liberty to restore with automatic strike out if no application made within 12 months	£169.50	8
Housing Act 1885	Possession Application	Adjourned generally with liberty to restore with automatic strike out if no application made within 12 months	No order for costs	3
Housing Act 1885	Application to suspend warrant	Warrant suspended	£110.00	6
Housing Act 1885	Application to suspend warrant	Warrant suspended	No order for costs	0
Housing Act 1885	Application to suspend warrant	Application dismissed – evicted	£110.00	1
Housing Act 1885	Application to suspend warrant	Application dismissed – evicted	No order for costs	0

Other Possessions (CYC)

Legislation	Nature of Case	Penalty	Costs
	Trespass	Immediate Possession Order	No order for costs
Housing Act 1985	Possession (non occupation)	Immediate Possession Order	£10,000
	Trespass (Appeal)	Our appeal was successful, case passed back to York County Court to list for directions, has since withdrawn his application so set aside possession order, so property back to CYC	No order for costs
	Trespass	Outright Possession Order	£252.00
	Trespass	Immediate Possession Order	No order for costs
	Trespass	Possession Order made but on certain terms including provision of alternative accommodation and payment of FTA's	No order for costs

Most of the cases do not attract costs as the Defendant is publicly funded therefore, the court will not order that they pay the Council's costs.

Anti Social Behaviour (YHA)

Legislation	Nature of Case	Penalty	Costs

Anti Social Behaviour (TVHA)

Legislation	Nature of Case	Penalty	Costs
Housing Act 1996	Injunction	Injunction order granted preventing tampering with utilities until 31.12.14	None
Housing Act	Variation of Possession Order	Possession Order varied to last until 31.12.14	No order for costs

Private Rented Sector

Legislation	Nature of Case	Penalty	Costs

Housing Standards and Adaptations

1 Work in default regarding property that was open to trespass

Landlords team

4 Evictions due to non payment of rent.