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## Meeting of the Executive Member for Neighbourhoods

8<sup>th</sup> June 2006

Report of the Director of Neighbourhood Services

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

#### **Summary**

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> January 2006 to 31<sup>st</sup> March 2006. 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).

#### **Consultation**

5. Not applicable.

#### **Options**

6. Not applicable as members are being asked to note the content of the report.

#### **Analysis**

7. Not applicable.

## Corporate Objectives

8. Corporate Objective 4.8 is to provide effective consumer and environmental protection services.

## Implications

9. **Financial:** There are no financial implications associated with this report.
10. **Human Resources:** There are no Human Resources implications associated with this report.
11. **Equalities:** There are no equalities implications associated with this report.
12. **Legal:** There are no legal implications associated with this report
13. **Crime and Disorder:** Formal enforcement action taken by environmental health, trading standards and licensing services contributes to reducing anti social behaviour and dishonest trading.
14. **Information Technology (IT):** There are no IT implications associated with this report.
15. **Other:** There are no other implications associated with this report.

## Risk Management

16. There are no known risks associated with this report.

## Recommendations

17. That members note the contents of this report.

**Reason:** to update the Executive Member.

## Contact Details

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### Chief Officer Responsible for the report:

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Report Approved

Date 15<sup>th</sup> May 2005

SPECIALIST IMPLICATIONS OFFICERS - none

**Wards Affected:** *List wards or tick box to indicate all*

All

**For further information please contact the author of the report**

**Background Papers:**

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

Trading Standards and Environmental Health Services Enforcement Policy (2001)

**Annexes**

Annex A: EH&TS Prosecutions 1<sup>st</sup> January – 31<sup>st</sup> March 2006

## Annex A

### Prosecutions 1 January 2006 – 31 March 2006

#### Animal Health

Defendant	Legislation	Nature of Case	Penalty	Costs
Paul BOLAM (Private individual)	Dogs Act 1871	Failed to keep a dog under proper control.	Control Order	£409.15
Deborah KIRBY (Private individual)	Dogs Act 1871	Failed to keep a dog under proper control.	Control Order	£90.00
Carol Louise RABBITS (Private individual)	Dogs (Fouling of Land) Act 1996	Dog fouling.	Fine £50.00	£90.00
Paula Louise ROSE (Private individual)	Dogs (Fouling of Land) Act 1996	Dog fouling.	Fine £50.00	£90.00

Suzie Melanie WATSON  
(Private individual) - A formal caution was issued under Protection of Animals Act 1911 for causing unnecessary suffering to an animal.

#### Food

Defendant	Legislation	Nature of Case	Penalty	Costs
Robert Neville CHAMBERLAIN Trading as Sous Le Mont (Restaurant proprietor)	Food Safety Act 1990/Food Safety (General Food Hygiene) Regulations 1995	Poor food hygiene/dirty premises/failed to ensure adequate food safety procedures were in place.	Fine £7000	£905.99

Thuhel AMED trading as Saffron Spice  
(Restaurant proprietor) - A formal caution was issued under the Food Safety (General Food Hygiene) Regulations 1995 for failing to ensure adequate safety procedures were in place and poor standards of hygiene.

Living Ventures Limited trading as The Living Room  
(Bar owner) - A formal caution was issued under the Weights and Measures Act 1985 for misrepresenting the quantity of gin sold.

Rawcliffe Caravan Company Ltd trading as The Lysander Arms  
(Public house owner) - A formal caution was issued under the Trade Descriptions 1968 Act for falsely describing gin.

Philip John STOCKHILL trading with another as Acorn Meat Products  
(Partner in a butchery business) - A formal caution was issued under the Food Safety Act 1990 for selling a previously frozen turkey crown described as fresh.

## Health and Safety

Defendant	Legislation	Nature of Case	Penalty	Costs
Fiona PARKINSON trading with another as The Cornish Pasty Baker (Partner in a bakery)	Health and Safety At Work Etc Act 1974	Failed to discharge duty as employer and ensure measures to prevent injury.	Fine £3000	£364.70
Richard Adam PARKINSON trading with another as The Cornish Pasty Baker (Partner in a bakery)	Health and Safety At Work Etc Act 1974	Failed to discharge duty as employer and ensure measures to prevent injury.	Fine £3000	£364.70

## Trading Standards

Defendant	Legislation	Nature of Case	Penalty	Costs
Mark Dominic ALLEN Trading as Swift Car Sales (Car dealer)	Road Traffic Act 1988/ Business Names Act 1985	Supplied an unroadworthy motor vehicle/failed to disclose business ownership details.	Fine £1200.00	£2480.00
John AYLWARD (DVD seller)	Trade Marks Act 1994	Supplying counterfeit DVDs at Rufforth car boot sale.	40 hrs Community Service	£300.00
Craig COSGRAVE (DVD seller)	Trade Marks Act 1994	Supplying counterfeit DVDs at Rufforth car boot sale.	120 hrs Community Service	£500.00
Joseph HORNER (Roofer/builder)	Trade Descriptions Act 1968	False statements on invoices as to the nature of work carried out.	12 Months imprisonment & Criminal Anti-Social Behaviour Order issued	None
Darren THOMPSON (Window fitter)	Trade Descriptions Act 1968	False membership of FENSA (double glazing trade body).	12 months conditional discharge/ £117.50 compensation	£584.50
Stuart WILLIAMS (Private individual)	Trade Descriptions Act 1968	Caused a motor dealer to offer a secondhand car for sale with a false mileage reading.	Fine £600.00	£1000.00
Vet Way Ltd	Trade Descriptions Act 1968	Falsely stated the levels of iodine present in a veterinary product.	Fine 4000.00	£3830.65

B & Q Plc trading as B&Q Warehouse (DIY store)

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

## Trading Standards (continued)

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| Rachel Louise HEWITT<br>(Seller – One Stop Shop)   | - A formal caution was issued under the Licensing Act 1964 for selling alcohol to person under the age of 18.                   |
| Adam Philip INGLEDEW<br>(Seller – B & Q)   | - A formal caution was issued under the Anti-Social Behaviour Act 2003 for selling spray paint to a person under the age of 16. |
| Susan Margaret LAMMING<br>trading with another as<br>P & S Hobbies and<br>Models<br>(Model shop partner)   | - A formal caution was issued under the Anti-Social Behaviour Act 2003 for selling spray paint to a person under the age of 16. |
| Katie Louise WILLIAMS<br>(Seller – Homebase Ltd)   | - A formal caution was issued under the Anti-Social Behaviour Act 2003 for selling spray paint to a person under the age of 16. |
| Lee PAYNE<br>(Seller – Co-op)  | - A formal caution was issued under the Licensing Act 1964 for selling alcohol to person under the age of 18.                   |
| Anna Marie SHANKS<br>(Seller – Morrisons)  | - A formal caution was issued under the Licensing Act 1964 for selling alcohol to person under the age of 18.                   |
| Ian Andrew SIMPSON<br>trading with another as<br>Londons News<br>and Toys<br>(Newsagent and toy<br>shop)   | - A formal caution was issued under the Consumer Protection Act 1987 for selling fireworks to a person under the age of 18.     |
| Joanna Carol SIMPSON<br>trading with another as<br>Londons News<br>and Toys<br>(Newsagent and toy<br>shop) | - A formal caution was issued under the Consumer Protection Act 1987 for selling fireworks to a person under the age of 18.     |
| Stephen Michael WARD<br>trading as Monk Bar<br>Garage<br>(Garage proprietor)                               | A formal caution was issued under the Trade Descriptions Act 1968 for offering to supply a car with a false mileage.            |