

Summaries of Formal Enforcement Action 1st April 2018 to 31st March 2019

Public Protection (including Environmental Health, Trading Standards and Licensing)

Defendant	Legislation	Nature of Case	Penalty	Costs
Mr Giovanni Crobeddu	Food Safety and Hygiene (England) Regulations 2013	Failure to comply with a food hygiene improvement notice.	£265.00 Fine £30.00 Court Surcharge	£400.00
Mrs Fong Mee Tang	Food Safety and Hygiene (England) Regulations 2013	Failure to protect food from contamination	£600.00 Fine £30.00 Court Surcharge	£300.00
Milos (York) Ltd	Food Safety and Hygiene (England) Regulations 2013; Food Information Regulations 2014	Failure to keep premises clean, & provide adequate hand wash facilities, protect food from contamination or provide allergenic information.	£800.00 Fine £80.00 Court Surcharge	£700.00
Mr Mohammed Ali Akbar	Food Safety and Hygiene (England) Regulations 2013; Food Information Regulations 2014	Failure to keep premises clean, & provide adequate hand wash facilities, protect food from contamination & provide allergenic information.	£260.00 Fine £30.00 Court Surcharge	£300.00
Mr Abdur Rohim	Food Safety and Hygiene (England) Regulations 2013; Food Information Regulations 2014	Failure to keep premises and equipment clean, implement a food safety system & protect food from contamination.	£5,416.00 Fine £170.00 Court Surcharge	£789.41
Mr Ali Hussain	Food Safety and Hygiene (England) Regulations 2013; Food Information Regulations 2014	Failure to keep premises and equipment clean, implement a food safety system & protect food from contamination.	£5,416.00 Fine £170.00 Court Surcharge	£789.41
Mirchiz Bangladeshi Restaurant Ltd	Food Safety and Hygiene (England) Regulations 2013	Failure to keep premises and equipment clean, implement a food safety system & protect food from contamination.	£5,416.00 Fine £170.00 Court Surcharge	£789.41

Defendant	Legislation	Nature of Case	Penalty	Costs
Mirchiz Takeaway Ltd	Food Safety and Hygiene (England) Regulations 2013	Failure to keep premises and equipment clean, implement a food safety system & protect food from contamination.	£5,416.00 Fine £170.00 Court Surcharge	£789.41
Lucky Dragon York Ltd	Food Safety and Hygiene (England) Regulations 2013	Failure to protect from food from contamination, keep equipment clean, & implement a food safety system	£591.000 Fine £59.00 Court Surcharge	£0.00
Ms Yan Yun Zhou	Food Safety and Hygiene (England) Regulations 2013	Failure to protect from food from contamination, keep equipment clean, & implement a food safety system	£591.000 Fine £59.00 Court Surcharge	£2,710.07
China Regency Ltd	Food Safety and Hygiene (England) Regulations 2013	Failure to keep premises clean, provide material for cleaning and drying hands, & keep equipment clean.	£8,000.00 Fine £170.00 Court Surcharge	£1,906.63
Ms Xiu Lan Chen	Food Safety and Hygiene (England) Regulations 2013	Failure to keep premises clean, provide material for cleaning and drying hands, & keep equipment clean.	£540.00 Fine £54.00 Court Surcharge	£0.00
Infinity Hardheadedness	Food Safety and Hygiene (England) Regulations 2013	Failure to keep premises clean & comply with Hygiene Improvement Notices.	£7,500.00 Fine	£1,725.46
Mr Di Wu	Food Safety and Hygiene (England) Regulations 2013	Failure to keep premises clean & comply with Hygiene Improvement Notices.	£1,280.00 Fine £100 Court Surcharge	£1,000.00
Mr Thuhel Ahmed	Food Safety and Hygiene (England) Regulations 2013	Failure to keep premises & equipment clean.	£660.00 Fine £66 Court Surcharge	£2,000.00
Mr Meng Zhi Lin	Food Safety and Hygiene (England) Regulations 2013	Failure to keep premises and equipment clean, protect food from contamination, & keep walls in an easy to clean condition.	£738.00 Fine £73 Court Surcharge	£2,455.00

Defendant	Legislation	Nature of Case	Penalty	Costs
The Garden of India (York) Ltd	Food Safety Act 1990	Sold onion bhaji with pepper to allergy sufferer.	£3,334.00 Fine	£2,798.83
Mr Shahin Miah	Food Safety Act 1990	Sold onion bhaji with pepper to allergy sufferer.	£1,800.00 Fine	£2,798.83
RBC Corporation Ltd	Food Safety and Hygiene (England) Regulations 2013	Failure to keep premises clean & equipment clean.	£4,000.00 Fine £170.00 Court Surcharge	£600.00
Mr Rubel Uddin Choudhury	Food Safety and Hygiene (England) Regulations 2013	Failure to keep premises and equipment clean	£253.00 Fine £30 Court Surcharge	£200.00
Naz Spice Heworth Ltd	Food Safety and Hygiene (England) Regulations 2013; Food Information Regulations 2014	Failure to keep premises and equipment clean, keep equipment if good repair, implement a food safety system & provide allergenic information.	£4,000.00 Fine £120.00 Court Surcharge	£1,043.00
Mr Jabedur Rahman	Food Safety and Hygiene (England) Regulations 2013; Food Information Regulations 2014	Failure to keep premises and equipment clean, keep equipment if good repair, implement a food safety system & provide allergenic information.	£1,200.00 Fine £120.00 Court Surcharge	£1,043.083
Haz & Az Food Ltd	Food Safety and Hygiene (England) Regulations 2013	Failure to keep premises clean, ensure food handlers' personal cleanliness, & provide adequate materials for cleaning and drying hands.	£1,500.00 Fine £150.00 Court Surcharge	£1,123.26
Mr Redvan Musa	Food Safety and Hygiene (England) Regulations 2013	Failure to keep premises clean, ensure food handlers' personal cleanliness, or provide adequate materials for cleaning and drying hands.	£500.00 Fine £50.00 Court Surcharge	£0.00

Defendant	Legislation	Nature of Case	Penalty	Costs
Mr Hasan Timur	Food Safety and Hygiene (England) Regulations 2013	Failure to keep premises clean, implement a food safety system, & protect food from contamination.	£1,653.00 Fine £103.00 Court Surcharge	£2,015.49
The York Brewery Company Ltd	Health and Safety at Work etc Act 1974	Failure to conduct an undertaking in a way that does not expose person to risk, failure to make a suitable risk assessment, and failure to implement measures to prevent person falling.	£39,480.00 Fine £170.00 Court Surcharge	£4,972.54
Mr Ryan Griffin	Health and Safety at Work etc Act 1974	Failure to conduct an undertaking in a way that does not expose person to risk, and failure to make a suitable risk assessment.	25 day Rehabilitation Activity Requirement £85.00 Court Surcharge	£1,500.00
Clockhouse Partnership Ltd	Licensing Act 2003 and Environmental Protection Act 1990	Failure to comply with conditions on a premises licence and causing a statutory noise nuisance.	£2,000.00 Fine £170.00 Court Surcharge	£0.00
Mr Paul Harris	Licensing Act 2003 and Environmental Protection Act 1990	Failure to comply with conditions on a premises licence and causing a statutory noise nuisance.	£1,500.00 Fine £150.00 Court Surcharge	£1,069.26
Mr Milan Holan Senior	Animal Health Act 1981 Animals and Related Products Regulations 2011	Importing a puppy without health certificate or rabies vaccinations and other unfair commercial practices	£360.00 fine £417.00 compensation	£1,000.00
Mr Milan Holan Junior	Animal Health Act 1981 Animals and Related Products Regulations 2011	Importing puppy without health certificate or rabies vaccinations and other unfair commercial practices	£200.00 fine £417.00 compensation	£1,000.00
Mr Owen Danter	Consumer Protection from Unfair Trading Regulations 2008	Failure to carry out building works to properties as agreed and operating an unfair commercial practice.	2 year custodial sentence plus POCA confiscation order	£0.00

Defendant	Legislation	Nature of Case	Penalty	Costs
Brooke Lee	Fraud Act 2006	Fraud offences relating to false representations in the sale of a horse, falsifying a horse passport	20 month imprisonment suspended for two years, 200 Hours Community Service £2,362.50 Compensation	£0.00
Mr Frazer Pacy	Consumer Protection from Unfair Trading Regulations 2008	Misleading adverting relating to the sale of kittens.	Six month conditional discharge £400.00 Compensation £20 Court Surcharge	£400.00

6 x simple cautions were issued for breaching food safety requirements

2 x simple cautions for offering to supply unsafe toys

1 x simple caution for causing dark smoke

25 x taxi/private hire drivers licences revoked – no longer considered ‘fit and proper’ persons to hold a licence, of which:-

- 1 x exceeding limit on driving penalty points/failing to declare convictions
- 1 x conviction for assault
- 1 x caution for racially aggravated offence of using threatening, abusive words or behaviour
- 19 x failing to complete a disclosure and barring service check
- 3 x medical grounds

6 x fixed penalty notices for smoking in a public place.

*Please note that a Simple Caution is a Home Office approved procedure which is an alternative to prosecution. It involves a 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.

National Trading Standards Regional Investigation and eCrime Team

Defendant	Legislation	Nature of Case	Penalty	Costs
George ORWELL	Misleading actions and aggressive practices contrary to the Consumer protection from Unfair Trading Regulations 2008 / Proceeds of Crime Act 2002	Copycat website for supplying UK passports	12 months imprisonment suspended for 18 months. £150,000 confiscation order	£50,000

Housing Services

Anti-Social Behaviour

Number of Cases	Legislation	Nature of Case	Penalty	Costs
6	Housing Act 1985	Possession Application	Notice of Seeking Possession & Monitor	No court action
0	Housing Act 1985	Possession Application	Instructed to withdraw possession claim	No order for costs
1	Housing Act 1985	Possession Application	Adjourned generally with liberty to restore	No order for costs
2	Housing Act 1985	Possession Application	Suspended Possession Order granted	No order for costs – Legal Aid in place
4	Housing Act 1985	Possession Application	Suspended Possession Order granted	£355.00
3	Housing Act 1985	Possession Application	Possession Forthwith	No order for costs – Legal Aid in place
3	Housing Act 1985	Possession Application	Possession Forthwith	
6	Housing Act 1985	Warrant Application	Application dismissed – evicted	No order for costs – Legal Aid in place
5	Housing Act 1985	Warrant Application	Application granted – not evicted	No order for costs – Legal Aid in place
2	Anti-Social Behaviour, Crime & Policing Act 2014	Injunction Application	Final Order granted with power of arrest	No order for costs
5	Anti-Social Behaviour, Crime & Policing Act 2014	Premises Closure	Final Order granted	No order for costs

Rent (There has been a decrease in Suspended Possession orders (SPO) and increase in Adjourned generally with liberty to restore (AGLR) because of a change in the

Pre-action protocol for rent arrears cases. Courts are encouraged to AGLR first before considering SPO unless arrears are very high).

Number of Cases	Legislation	Nature of Case	Penalty	Costs
11	Housing Act 1985	Possession Application	Outright Possession Order	£394.50
0	Housing Act 1985	Possession Application	Outright Possession Order	No order for costs
40	Housing Act 1985	Possession Application	Suspended Possession Order (SPO)	£394.50
1	Housing Act 1985	Possession Application	Suspended Possession Order (SPO)	No order for costs
13	Housing Act 1985	Possession Application	Adjourned generally with liberty to restore	£394.50
17	Housing Act 1985	Possession Application	Adjourned generally with liberty to restore	No order for costs
1	Housing Act 1985	Possession Application	Application dismissed	No order for costs
22	Housing Act 1985	Application to suspend warrant	Warrant suspended	£121.00
0	Housing Act 1985	Application to suspend warrant	Warrant suspended	No order for costs
4	Housing Act 1985	Application to suspend warrant	Application dismissed – evicted	£121.00
5	Housing Act 1985	Application to suspend warrant	Application dismissed – evicted	No order for costs

Other Possessions (CYC)

Number of cases	Legislation	Nature of Case	Penalty	Costs
4	Housing Act 1996	Possession from Temporary Accommodation	Possession Forthwith	£394.50
2	Housing Act 1996	Introductory Tenancy	Possession Forthwith	£394.50
3	Housing Act 1996	Possession for Trespass	Possession Forthwith	£424.50

Community Safety

COMMUNITY PROTECTION WARNING/NOTICES

131 x warnings

15 x Notices

7 x Fixed Penalty Notices (FPN) (for breach of notice)

COMMERCIAL WASTE INAPPROPRIATELY PRESENTED

3 x Notices

1x FPN

CRIMINAL BEHAVIOUR ORDER (CBO)

1 x CBO

NB issued for 2 years. Key requirements: not to inject drugs in public, nor leave discarded drug paraphernalia and to engage with Changing Lives.

DANGEROUS DOGS

4 x Dog Control Orders obtained

1 x written undertaking

2 x prosecutions - Both ordered to pay £234 compensation to the injured party, ordered that the dog which has been already seized is not returned and banned from owning a dog for 5 years

DOG FOULING

1 x FPN

DOG NOT MICRO-CHIPPED

12 x dog micro chipping notices

2 x prosecutions - offenders also prosecuted for dog being dangerously out of control

DOMESTIC WASTE INAPPROPRIATELY PRESENTED

523 x Notices

1 x Prosecution - fined £50 ordered to pay £50 costs and a £30 victim surcharge

COMMERCIAL WASTE DUTY OF CARE/UNLAWFUL WASTE CARRIAGE

59 x Notices requiring production of waste information/transfer notes

30 x Notices requiring production of waste carrier's licence

13 x FPN's for failure to produce waste information/transfer notes

5 x FPN's for failure to produce waste carrier's licence.

5 x Simple cautions

6 x Prosecutions:

- Fine £1,100, Costs £800.70 Court surcharge £35
- Fine £1,107 Costs £65, Court surcharge £110, Compensation £50
- £750 fine, £50 court surcharge £470 prosecution costs
- £710 fine £46 court surcharge and £470 prosecution costs
- Fine £600, Costs £400, Court surcharge £30
- Community Order 18 months with 20 Rehabilitation days and 250 hours of unpaid work. £1,669.88. – Failed to complete Community Order was sentenced to 8 weeks imprisonment

UNLAWFUL SCRAP METAL DEALERS

2 x Prosecutions:

- Fine £150, £200 costs and £30 Court surcharge
- Offence 1 fine £150, Offence 2 fine £150, Offence 3 fine of £250, Costs £500, Court surcharge £55

FLY-GRAZING

5 x notices requiring horses to be removed.

3 x horses removed by bailiff

FLY-POSTING

40 x notices requiring removal of flyposting

128 x FPNs issued to 12 prolific offenders

FLY-TIPPING

12 x FPN's (small-scale fly-tipping)

5 x Prosecutions:

- £120 fine £30 court surcharge
- Community Order 100 hours unpaid Work Costs £1,366.43. Court surcharge £85
- Fine £1,107 Costs £651, Surcharge £ 110, Comp £50
- Fine £100, Costs £256, Court surcharge £30
- Fines (for 3 counts) £500, £1500, £1500. Surcharge £170. Plus costs £1000

LITTER

6 x Litter FPN's issued

NOISE

293 x Warning Letters sent

12 x noise abatement notices

1 x caution issued for noise

STREET URINATION

29 x prosecutions

UNAUTHORISED ENCAMPMENTS

13 x Directions to leave land

3 x Court orders obtained

2 x Incidents requiring instruction of bailiffs

PUBLIC SPACE PROTECTION ORDER (PSPO)

2 x FPNs for breach of PSPO

VEHICLES FOR SALE ON PUBLIC HIGHWAY

1 x FPN