
**Decision Session – Cabinet Member for Crime and
Community Safety**

9 August 2012

Report of the Assistant Director for Housing and
Community Safety

Public Protection Legal Actions

Summary

1. The purpose of this report is to enable the Cabinet Member for Communities & Neighbourhoods to review the results of legal actions (prosecutions, cautions and fixed penalties) undertaken by Environmental Health, Trading Standards, and Licensing Services in the Communities and Neighbourhoods Directorate for the period 1 April 2012 – 30 June 2012.

Background

2. The Cabinet Member for Crime and Community Safety approved an updated enforcement policy for Environmental Health, Trading Standards, Licensing, Street Environment and Enforcement Services in February 2012.
3. This report details the results of prosecutions taken in the period 1 April 2012 – 30 June 2012 by Environmental Health, Trading Standards, and Licensing Services. Each case is considered on its merits before legal proceedings are instituted.
4. Annex A summarises the prosecutions completed, fixed penalty notices and simple cautions that have been issued. 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.

Consultation

5. Not applicable.

Options

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

Analysis

7. Not applicable.

Council Priorities

8. Three council priorities are “Protect jobs and grow the economy”, “Protect vulnerable people” and “Protect the environment”. Many legal actions are taken in support of these priorities.

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 the Cabinet Member approves this report.

Reason: so that the Cabinet Member reviews formal enforcement activity undertaken by Environmental Health, Trading Standards, and Licensing Services.

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Steve Waddington
Assistant Director (Housing and
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**Report
Approved**



Date 09/08/2012

Specialist Officer Implications: None

Wards Affected:

All

Background Papers:

Environmental Health, Trading Standards, Licensing, Street Environment and Enforcement Services Enforcement Policy (February 2012)

Annexes

Annex A: EH, TS and Licensing Formal Enforcement Action 1 April 2012 – 30 June 2012

Annex 1

Environmental Health, Trading Standards and Licensing Formal Enforcement Action 1st April – 30th June 2012

Animal Health

Defendant	Legislation	Nature of Case	Penalty	Costs
Martin JACKSON (Private Individual)	Dogs Act 1871 as amended by the Dangerous Dogs Act 1991	Dangerous dog	Control Order	£100.00

Food

Defendant	Legislation	Nature of Case	Penalty	Costs
Mehmet ALTIN (Proprietor – off licence)	Trade Marks Act 1994/Food Safety Act 1990 as amended	Counterfeit/falsely described alcohol	Fine £1,400.00	£1,000.00
Adil Azad MUGHAL (Proprietor – Indian restaurant)	Food Hygiene (England) Regulations 2006 (as Amended)	Poor hygiene/ failing to put in place, implement and maintain food safety procedures	Total Fine £9,500.00	£931.82

A simple caution was issued under the Food Labelling Regulations, made under the Food Safety Act 1990 for possessing for sale food after the date shown in the 'use by date'.

2 simple cautions were issued under the Food Safety Act 1990, as amended for falsely describing alcohol.

Health & Safety/Licensing

1 x £50 fixed penalty notice was issued under the Health Act 2006 for smoking in a vehicle/premise.

Environmental Protection

Defendant	Legislation	Nature of Case	Penalty	Costs
Jamie Lee CASEY (Private Individual)	Environmental Protection Act 1990 as amended	Breach of an abatement notice for noise nuisance (x2)	Fine £400.00 and forfeiture of seized equipment	£1143.89
Susan DIXON (Private Individual)	Environmental Protection Act 1990 as amended	Breach of an abatement notice for noise nuisance	Fine £300.00 and forfeiture of seized equipment	£200.00
Grant MORTIMER (Private Individual)	Environmental Protection Act 1990 as amended	Breach of an abatement notice for noise nuisance	2 years conditional discharge	None

Trading Standards

Defendant	Legislation	Nature of Case	Penalty	Costs
Gemma MAJOR (Owner – internet sales)	Consumer Protection Act 1987/Nightwear (Safety) Regulations 1985	Supplied unsafe nightwear	12 months conditional discharge	£400.00
Powell-Craft Ltd (Clothing seller - internet sales)	Consumer Protection Act 1987/Nightwear (Safety) Regulations 1985	Supplied unsafe nightwear	Total Fine £3315.00	£2000.00

A simple caution was issued under the Consumer Protection from Unfair Trading Regulations 2008 for falsely claiming to be a member of a trade association.

A simple caution was issued under the Trade Marks Act 1984 for selling a counterfeit bag.

A simple caution was issued under the Children and Young Persons Act 1933 for selling cigarettes to a person under 18 years of age.