

Formal Enforcement Action 1st October 2008 – 31st December 2008

Animal Health

Defendant	Legislation	Nature of Case	Penalty	Costs	Victim Surcharge
Mr David THOMPSON (Private Individual)	Dogs Act 1871	Failed to keep a dog under control.	Control Order	£273.53	
Mr Gary CLARK (Private Individual)	Dogs (Fouling of Land) Act 1996	Allowed dog to foul/failed to remove faeces.	Fine £50.00	£135.00	£15.00
Mr Christopher PITT (Farmer)	Animal Welfare Act 2006	Caused unnecessary suffering to an animal.	12 months Conditional Discharge	£675.78	£15.00

6 x £50.00 fixed penalty notices were issued under the Dogs (Fouling of Land) Act 1996 for allowing a dog to foul and failing to remove the faeces.

Food

A Caution was issued under the Food Safety Act 1990 for falsely describing vodka.

2 Cautions were issued under the Food Hygiene (England) Regulations 2006 for failing to comply with a provision to keep food premises/fittings and equipment clean and maintained in good repair.

A Caution was issued under the Food Hygiene (England) Regulations 2006 for failing to comply with a Hygiene Improvement Notice requiring the implementation of a food safety management system.

A Caution was issued under the Food Hygiene (England) Regulations 2006 to a Company Director for failing to comply with a Hygiene Improvement Notice requiring the implementation of a food safety management system.

Health & Safety

6 x £50 fixed penalty notices were issued under Section 7 of the Health Act 2006 for smoking in a vehicle/premise.

Trading Standards

Defendant	Legislation	Nature of Case	Penalty	Costs	Victim Surcharge
Andrew EVANS trading as A Property Maintenance (Builder/Roofer)	Consumer Protection from Unfair Trading Regulations 2008.	Carrying on an unfair commercial practice – i.e. poor quality and unnecessary roof repairs.	Fine £600.00	£654.16	£15.00
Spencer Scot MARTIN (eBay Trader)	Trade Marks Act 1994/ Criminal Law Act 1977	Sold/possessed counterfeit clothing	150 hours unpaid work	Referred for confiscation under the Proceeds of Crime Act 2002	
Mohammed Amir ISMAIL (Market Trader)	Proceeds of Crime Act 2002	Counterfeit clothing	*Confiscation Order for £273,015.18	£23,190.00	

* On 23rd November 2006, Mr Ismail was also ordered to do 150 hours unpaid work and 9 months imprisonment suspended for 12 months for offences under the Trades Mark Act 1994.

Environmental Protection

Defendant	Legislation	Nature of Case	Penalty	Costs	Victim Surcharge
Marvin GABRIEL (Private Individual)	Environmental Protection Act 1990 as amended	breach of noise abatement notice.	£200.00 Forfeiture Order	£514.88	£15.00
Barry NIXON (Private Individual)	Environmental Protection Act 1990 as amended	breaches of noise abatement notices.	*2 year Criminal Anti Social Behaviour Order	*See below	*See below
Carl MASON (Private Individual)	Environmental Protection Act 1990 as amended	Breaches of noise abatement notices.	£360.00 Forfeiture Order Indefinite Criminal Anti Social Behaviour Order	£770.00	£15.00

A Caution was issued under the Environmental Protection Act 1990 as amended for a breach of a noise abatement notice.

* On the 21st August 2008, Mr Nixon was also fined £300.00, ordered to pay £300.00 costs and £15.00 victim surcharge and a Forfeiture Order for equipment was made.

Licensing

2 Cautions were issued under the Licensing Act 2003 for breaching 2 conditions of licence at The Reindeer, Penlys Grove Street, York.