

Appendix 7: Recent Prosecution Cases August - November 2016

A number of prosecutions have been successfully concluded in recent months, arising from investigations conducted across the Shared Service.

Case	Court date	Offence(s)	Outcome
1	4.8.16	<p>Failure to comply with a prohibition notice in respect of a rental property and failing to provide documents requested.</p> <p>In this case, the owner had allowed residents to live at the property despite only 5% of the required work being completed to make the property habitable.</p>	<p>A fine of £4000 was imposed in respect of the prohibition notice offence and a fine of £1000 for the second offence. The defendant was also ordered to pay costs of £485 and a victim surcharge of £400.</p>
2	5.8.16	<p>A private hire operator was charged with permitting the use of a vehicle by an unlicensed driver; permitting the use of a vehicle without insurance and failing to maintain and produce the licences of drivers in his employ.</p>	<ul style="list-style-type: none"> • A fine of £360 for permitting the use of a vehicle by an unlicensed driver • A fine of £180 and 6 penalty points for permitting the use of a vehicle without insurance • No separate penalty for failing to keep a record of licenced driver • Costs £750 • Victim Surcharge £36
3	25.8.16	<p>A landlord pleaded guilty to five offences in respect of a property being run as a house in multiple occupation comprising three flats. The offences relate to:</p> <ol style="list-style-type: none"> 1. Failure to take appropriate safety measures as the fire alarm was defective, doors were incomplete and defective, heating systems were inadequate and bedrooms had no natural lighting and ventilation. 	<p>The defendant was fined £500 for each offence, making a total fine of £2500. He was also ordered to pay costs of £200 and a victim surcharge of £50.</p>

		<p>2. Failure to maintain the electrical installation in the ground floor flat which was defective.</p> <p>3. Failure to maintain the common parts of the property with doors not having locks, penetrating damp in the hallway and the area containing the electrical consumer units containing flammable materials</p> <p>4. Failing to maintain the living accommodation given that the heating systems were defective, the flat roofs were leaking leading to penetrating damp and doors did not close and were not provided with locks.</p> <p>5. Failing to display manager's details</p> <p>A Prohibition Notice was issued on the property.</p>	
4	25.8.16	The defendant was found guilty in his absence of failing to register two of his properties in Cardiff as houses in multiple occupation. Numerous attempts had been made previously to get the defendant to comply with the legislation.	The Magistrates imposed a fine of £1500 in relation to the first property and £900 in respect of the second, making a total fine of £2400. The defendant was also ordered to pay costs of £200.
5	1.9.16	A shop assistant pleaded guilty to three offences for possessing for supply counterfeit tobacco which infringed the trademarks of Golden Virginia, Amber Leaf and Mayfair.	The defendant was fined £80 for each offence giving a total fine of £240. He was also ordered to pay costs of £200 and a victim surcharge of £20.
6	1.9.16	Following the discovery and seizure of illegal tobacco products in a basement, it proved impossible to establish the owner.	A forfeiture order was granted by the Magistrates so that the illegal product could be destroyed.

7	1.9.16	A resident pleaded guilty to two offences under the Environmental Protection Act 1990 of failing to comply with a noise abatement notice. It was claimed that the loud music was being played so loud to drown out the arguing of the couple in the flat below.	The defendant was prosecuted for a similar offence earlier in the year and was fined £80 for each offence, making a total fine of £160. In addition, she was ordered to pay costs of £200 and a victim surcharge of £30.
8	1.9.16	A resident pleaded guilty to an offence of failing to comply with a noise abatement notice on her at her premises. The court heard that while responsibility rests with the resident as the registered occupant, the loud music was actually being played by her son.	The mother was fined £150 and ordered to pay costs of £100 and a victim surcharge of £20; while the son was fined £440, and ordered to pay costs of £100 and a victim surcharge of £44.
9	6.10.16	The defendant appeared in court for sentencing after being found guilty at a previous hearing of two offences under the Dangerous Dogs Act 1990.	The District Judge made a Disqualification Order banning the defendant from owning dogs for a period of 2 years. He was fined £25 for each offence making a total fine of £50, and ordered to pay costs of £120 and a victim surcharge of £30.
10	14.10.16	Illegal street trading involving the selling welsh flags from a trolley in Wood Street, Cardiff	The defendant was fined £220 and ordered to pay costs of £150 and a victim surcharge of £22.
11	17.10.16	<p>During a visit to a takeaway premises, Officers witnessed serious breaches of food hygiene requirements which safety requirements which posed a significant risk of food poisoning. These included:-</p> <ul style="list-style-type: none"> • Cross contamination hazards such handling raw chicken on the ready to eat and cooked preparation surface • A raw meat knife was in use on the ready to food 	The Magistrates imposed a fine of £1200 and ordered the defendant to pay costs of £280.15, legal fees of £600 and a victim surcharge of £20, making a grand total of £2100.25

		<p>preparation chopping board.</p> <ul style="list-style-type: none"> • Dirty damp cloths in use on both raw meat and ready to eat food contact surfaces. • There was poor temperature control due to food being cooled very slowly which allows the growth of harmful bacteria and the production of toxins • A failure to clean and disinfect food contact equipment adequately, including ready to eat food chopping boards • A failure to implement and maintain written food safety procedures at the business demonstrated a lack of control and care • And of particular concern, falsification of temperature control records 	
12	25.10.16	<p>The case followed concerns over the safety of a quantity of balance or 'hover' boards. The Service imposed a suspension order preventing the products from being supplied or otherwise moved while their safety was in question. The defendant could not demonstrate the products complied with product safety requirements while under suspension and so the Service applied to court for a forfeiture order.</p>	<p>The defendant had written to the court to confirm that he did not object to the application and the court granted a forfeiture order for the goods</p>
13	25.10.16	<p>A second case arising from concerns over the safety of balance or 'hover' boards. The Service imposed a suspension order to prevent the products from being supplied or otherwise moved while their safety was</p>	<p>The defendant made no contact with the court and forfeiture of the goods was granted.</p>

		in question. The defendant was unable to demonstrate that the products complied with the relevant product safety requirements while under suspension and so the Service applied to court for a forfeiture order.	
14	11.11.16	A shopkeeper pleaded guilty to one offence selling alcohol to a child	The defendant was fined £390, ordered to pay costs of £200 and a victim surcharge of £39.
15	11.11.16	A resident failed to comply with a noise abatement notice in respect of loud amplified music, having already been prosecuted for a similar offence the previous year. The prosecution requested a compensation order for the victim in this case.	The defendant was fined £40 and ordered to pay costs of £380 and a victim surcharge of £30. The magistrates refused to grant a compensation order as they felt that it would only inflame the already poor relationship between the defendant and the victim
16	18.11.16	A resident agreed to have work done on their front step for a certain price only to find that the doorstep criminal inflated the price to £1400. The defendant was charged with offences under the Fraud Act	The Magistrates find the defendant £120.00 for each of two offences. He was ordered to pay a £20.00 Victim Surcharge and a contribution to the Council's costs amounting to £550.00.
17	18.11.16	A case against a landlord for failure carry out necessary works to comply with an improvement notice under the Housing Act 2004.	The Magistrates fined the defendant £400, and ordered the defendant to pay a £40 victim surcharge and £180 costs.