

#### Appendix 4: Recent Prosecution Cases November 2016 – January 2017

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	25.11.16	<p>The owner of a fish and chip shop was charged with 10 offences under the Food Hygiene (Wales) Regulations for failing to</p> <ul style="list-style-type: none"> <li>• protect food from contamination</li> <li>• ensure high risk foods are stored below 8°C</li> <li>• ensure adequate cleaning and disinfection of equipment that comes into contact with food</li> <li>• ensure that persons working in food handling areas maintain a high degree of personal cleanliness and wear suitable clothing</li> <li>• maintain food equipment in a clean condition</li> <li>• provide adequate drainage facilities</li> <li>• maintain floor surfaces in a sound condition and so easy to clean</li> <li>• effectively implement and maintain the business's food safety management system</li> <li>• register as a food business</li> </ul>	The defendant was fined £1000, ordered to pay costs of £300 and a victim surcharge of £100
2	25.11.16	Failure to comply with a noise abatement notice in respect of barking dogs	The defendant was found guilty in her absence. She was fined £220, ordered to pay costs of £200 and a compensation order was made in the sum of £300 for her neighbour who had suffered mental distress as a result of the persistent barking

3	6.12.16	<p>Failure to display a food hygiene rating sticker in a suitable place as required by the Food Hygiene Rating (Wales) Act 2013. At the time of the offence the food business concerned had a food hygiene rating scheme score of 1</p>	<p>The company and one of its Directors were fined £150 each, and both were ordered to pay costs of £50 together with a victim surcharge of £15.</p>
4	9.12.16	<p>The defendant was charged with two offences under Schedule 4 Part III of the Local Government (Miscellaneous Provisions) 1982 relating to illegal street trading in a consent street where he was discovered selling ice-creams from a purpose built vehicle. The court was advised that the defendant had 10 previous convictions with the last one being in 2010.</p>	<p>A fine of £500 was imposed for the first offence and £750 for the second offence. He was also ordered to pay costs of £150 and a victim surcharge of £75.</p>
5	12.12.16	<p>The trader committed six offences under the Consumer Protection From Unfair Trading Regulations in the form of misleading actions purporting:-</p> <ul style="list-style-type: none"> <li>• membership of trade associations</li> <li>• that the work carried out was of a specific standard when it was not.</li> </ul> <p>A further offence concerned the provision of a quotation where while purporting to be a company which had in fact been dissolved</p>	<p>The defendant was fined £200 for each offence giving a total fine of £1200. In addition, he was also ordered to pay costs of £1503 which represented legal costs of £800 and investigation costs of £703. He was also ordered to pay a victim surcharge of £20.</p>
6	15.12.16	<p>A food company was charged with a number of failings under the Food Hygiene Wales Regulations including</p> <ul style="list-style-type: none"> <li>• Failure to comply with a food hygiene improvement notice</li> <li>• Failure to ensure that its food premises were kept clean</li> <li>• Failure to ensure that its food premises were kept in good repair and condition</li> <li>• Failure to ensure that food was protected against contamination</li> </ul>	<p>The Magistrates stated that the offences were extremely serious especially the failure to comply with the food hygiene improvement notice. The company was fined £1000 for failing to comply with the notice and £100 for each of the other offences, giving a total of £2000. It was also ordered to pay costs of £400 and victim surcharge of £100.</p>

		<ul style="list-style-type: none"> <li>• Failure to ensure that adequate procedures were in place to control pests</li> <li>• Failure to ensure that food handlers maintained a high degree of personal cleanliness</li> <li>• Failure to retain identification markings of live bivalve molluscs for the required period of 60 days</li> </ul>	
7	19.1.16	<p>The defendant food company had already pleaded guilty on the 22<sup>nd</sup> December 2016 to one offence of failing to comply with a remedial notice served on the 19<sup>th</sup> September 2014 in respect of delivering high risk foods out of temperature control contrary to the Food Hygiene (Wales) Regulation. In December 2015, the company was observed transporting high risk food including yoghurt and fresh meats in a non-refrigerated van in breach of the remedial notice.</p>	<p>In sentencing the District Judge wanted to impose a fine that had a real impact on the company and which would drive home to the shareholders and the company's management the need to act within the law. The company was fined £120,000 and ordered to pay costs of £2742, together with a victim surcharge of £170.</p>
8	23.1.17	<p>The Designated Premises Supervisor of a public house pleaded guilty to 3 offences of failing to comply with a noise abatement notice served on him in May 2016. The Notice required the defendant as the person responsible for the said nuisance to cease the recurrence of the nuisance by ensuring that the volume of amplified music and speech does not materially interfere with the use and enjoyment of any other premises.</p>	<p>The defendant was fined £75 per offence giving a total fine of £225 and ordered to pay costs of £235.</p>