

Recent Prosecution Cases (June to end of August 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	1.6.17	Failure to provide information requested under the Local Government (Miscellaneous Provisions) Act 1976 in respect of 2 properties. The three defendants failed to attend the Magistrates Court and the case was heard in their absence.	The defendants were each found guilty of the two offences and were each fined £500 per offence giving a total fine of £1000 each. They were also ordered to each pay costs of £100 and a victim surcharge of £50.
2	2.6.17	The defendant had pleaded guilty at a previous court appearance to 14 offences under the Consumer Protection from Unfair Trading Regulations 2008. The offences arose from rogue trading activity that included engaging in misleading and unfair trading practices, failing to give consumers correct documentation, falsely claiming to be a member of trade associations, providing false guarantees for work, repeatedly cold calling when told not to and in one case digging up a driveway without the resident's consent and within the legal 'cooling off' period.	Her Honour Judge Eleri Rees made the following orders:- <ol style="list-style-type: none"> 1. A Confiscation Order in the sum of £7500 to be paid as compensation. A default term of 3 months to be imposed if the order is not complied with. 2. Both the company and its director were fined £3020 each and ordered to pay costs of £5720 each. They will also both pay a victim surcharge of £120. 3. A Criminal Behaviour Order was made against the defendant preventing him from cold calling for any business in the UK or instructing others to do so for a period of 5 years.
3	5.6.17	The defendant pleaded guilty to 22 offences under the Trade Marks Act 1994 for selling counterfeit goods through his Facebook account.	The magistrates ordered the defendant to pay costs of £200 and a victim surcharge of £85. A Forfeiture Order was made for all the goods and £500 in cash seized. A Community Order was put in place for 12 months with 120 hours of unpaid work and a

			finally, a 10 day rehabilitation requirement was imposed to address consequential thinking.
4	22.6.17	<p>The defendant pleaded guilty to eight offences under the Housing Act 2004 arising from his property ownership as follows:-</p> <ul style="list-style-type: none"> • Failure to ensure manager's details were displayed in the common areas • Failure to provide adequate structural protection between rooms • Failure to provide structural protection to the electricity and gas meters • Failure to provide sufficient electrical sockets • Failure to maintain waste water pipes, gutters and other rainwater goods • The presence of defective electrical sockets • Failure to maintain the conservatory roof • Failure to maintain windows 	The magistrates fined the defendant a total of £4664 and he was ordered to pay costs of £200 and a victim surcharge of £100.
5	3.7.17	The defendant had been found guilty in her absence on the 9 th June 2017 of failing to comply with a noise abatement notice in respect of loud music on ten occasions, contrary to the Environmental Protection Act 1990.	The magistrates fined the defendant £220 for each of the ten offences giving a total fine of £2200. She was also ordered to pay costs of £200 and a victim surcharge of £30.
6	17.7.17	The defendant pleaded guilty to three offences under the Consumer Protection from Unfair Trading Regulations 2008 relating to his trading practices at a consumers home. These related to	The Judge activated the 32 week suspended sentence and imposed a further 18 weeks sentence for each of the more recent offences to run concurrently but consecutively to the previous sentence. This resulted in a 50 week sentence in total,

		<ul style="list-style-type: none"> • Failure to carry out the work on the agreed timeline • Damage caused to the property (which the resident had to pay another trader to remedy) • Failure to provide notice of the statutory cancellation period. <p>in committing these offences in August 2016 the defendant breached a suspended sentence order imposed by the Crown Court in June 2016 for similar offences investigated by SRS and brought under the Fraud Act 2006.</p>	<p>for which he should serve at least 25 weeks.</p> <p>The Judge also ordered that the defendant pay compensation to the resident affected in the sum of £850 and £150 in costs.</p>
7.	14.8.17	The defendant pleaded guilty to four offences under the Trade Marks Act 1994 and eight offences in respect of safety issues under the General Product Safety Regulations 2005 and the Toys (Safety) Regulations 2011. The Magistrates were advised that 32 other offences under the same legislation were to be taken into account.	The defendant was fined £350 for each of the trade mark offences and £500 for each of the safety offences. This gave a total fine of £5400. He was also ordered to pay costs of £1000 and a victim surcharge of £50
8.	21.8.17	The defendant eventually pleaded guilty an offence under the Consumer Protection from Unfair Trading Regulations 2008 relating to falsely claiming FENSA membership	He was fined £440, ordered to pay costs of £787.50 and a victim surcharge of £44. He has now become a member of FENSA.
9.	29.8.17	The defendant pleaded guilty to two offences of illegal money lending under the Consumer Credit Act 1974 and the Financial Services and Markets Act 2000. The illegal lending covered the period 2013 to	The judge sentenced the defendant to 4 months imprisonment for each charge to run concurrently, suspended for 2 years. She was also ordered to undertake 200 hours of unpaid work. In addition, the judge made a Confiscation Order in the sum of

	2017 and involved the lending of money to colleagues at a Nursing Home. When lending money she would impose a fixed charge of £30 for every £100 borrowed, a late payment fee of either £12.50 or £15.00 and if no payment was made there would be a charge of £25.00. In one instance £650 in total was borrowed but the recipient paid back £3320 and was then told by the defendant that they still owed approx. £2000. When interviewed the defendant said that she had provided the loans out of friendship.	£12,302 which the defendant has to pay by 1 st December 2017. She was also ordered to pay costs of £4338 within 6 months and a victim surcharge of £80 within 2 months.
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In addition, the following Forfeiture Orders were sought:-

Court date	Details	Outcome
9.7.17	An application for forfeiture by way of complaint under the Trade Marks Act 1994 was heard in respect of 375 items of counterfeit clothing, goods and accessories seized from a market stall in December 2016.	The order was granted
14.8.17	An application for forfeiture by way of complaint under the General Product Safety Regulations 2005 in respect of approximately 5000 fancy dress costumes which failed safety requirements (failure to carry the appropriate safety warnings and instructions seized on the 23 rd January 2017	The order was granted