

Annex 6 - Recent Prosecution Cases (September to end of November 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	11.9.17	<p>The defendant pleaded guilty to 14 offences under the Licensing and Management of Houses in Multiple Occupation (Additional Provisions)(Wales) Regulations 2007 in respect of a property he manages.</p> <ul style="list-style-type: none"> • Failure to provide an adequate fire alarm system • Failure to install complete fire doors • Failure to provide adequate fire protection to the basement • Failure to eliminate risk of falls due to wide opening windows • Failure to obtain gas safety certificates • Failure to obtain Electrical Installation Condition Reports • Dangerous electrical installations 	<p>The Magistrates fined the defendant £600 for each of the seven more dangerous offences and gave no separate penalty for the other seven offences. This resulted in a total fine of £4200. He was also ordered to pay costs of £300 and a victim surcharge of £60.</p>
2	21.9.17	<p>The defendant was charged with nine offences under the Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (Wales)</p>	<p>The defendant pleaded guilty and was fined £120 for each of the management offences and a further £80 for the two other offences, making a total of £1240. She was also ordered to</p>

		<p>Regulations 2007. These related to:-</p> <ul style="list-style-type: none"> • Failure to provide an adequate fire alarm. • Failure to maintain the fire alarm. • Failure to provide adequate structural protection. • Dangerous layout to the first floor. • Failure to provide adequate heating & hot water system. • Failure to provide adequately designed and sized kitchens. • Failure to maintain the electrical installations. • Failure to maintain the gas installations. • Failure to provide a handrail to the stairs to the first floor. <p>A further offence under the Housing Act 2004 for failing to comply with a notice requiring submission of documents.</p> <p>And finally one offence under the Local Government (Miscellaneous Provisions) Act 1976 for failing to comply with a notice requiring provision of information.</p>	<p>pay costs of £578 and a victim surcharge of £30</p>
3	3.10.17	<p>A company pleaded guilty to one offence under the Health and Safety at Work etc Act 1974 for failing in its duty as an employer to ensure so far as was reasonably practicable the health and safety of</p>	<p>The District Judge fined the company £10,000 and ordered compensation to the injured child in the sum of £1000. They were also ordered to pay expert costs of £10,000, local</p>

		persons not in its employment. The prosecution concerned an incident on the 29 th October 2015 at the National Museum of Wales site at Cathays Park when a red penny press machine tipped over and struck a 5 year old child causing a head injury and bruising to his arm.	authority costs of £3544.70 and a victim surcharge of £170.
4	10.10.17	The defendant pleaded guilty to fourteen offences under the Consumer Protection from Unfair Trading Regulations. The court heard how the defendant had misled numerous consumers into giving him money for materials that he did not then purchase, failed to give cancellation rights to consumers and in some circumstances even started the work without permission. He contracted the work out to others who performed substandard work and he failed to check the work they had done, if any. In one instance a premises was left in a dangerous condition due to poor workmanship	The defendant was sentenced to 22 months imprisonment and was told that he would serve half of the term and will be released on licence for the remainder but if he breaches the licence he will go back to prison. He was ordered to pay a total of £2000 in victim compensation and £2000 in prosecution costs. A victim surcharge of £140 was also imposed and he was banned from being a director of a company for 5 years. In sentencing, Judge Bidder stated that the experiences of the consumers in this case should be a warning to others to obtain clear written quotations and to be aware that the legislation gives them the right to cancel contracts made at their home.
5	19.10.17	The defendant pleaded guilty to one offence of using a hackney carriage when his licence to apply for hire had previously not been obtained.	The Magistrates imposed a fine of £133. In addition, the defendant was ordered to pay costs of £475 and a victim surcharge of £30.
6	19.10.17	The defendant pleaded guilty to an offence of driving a vehicle used for the collection of scrap metal without having a scrap metal licence contrary to s.1(1) Scrap Metal Dealers Act 2013	The Magistrates imposed a fine of £500 and ordered the defendant to pay costs of £160 and a victim surcharge of £50.

7	19.10.17	<p>The defendant pleaded guilty to 17 offences under the Management of Houses in Multiple Occupation (Wales) Regulations 2006 which included failures to provide an appropriate alarm system, a lack of structural fire protection, out of date fire extinguishers, lack of fire protection to the gas and electricity meters, as well as:</p> <ul style="list-style-type: none"> • Operating a licensable house in multiple occupation without a licence. • Failure to register as a landlord under the Housing (Wales) Act 2014. • Managing a rented property without a landlord licence under the Housing (Wales) Act 2014. • Failure to comply with a notice under the Local Government (Miscellaneous Provisions) Act 1976 requiring the provision of information on ownership, etc. about the property. • Failure to comply with a notice under the Housing Act 2004 requiring the submission of documents, e.g. gas & electricity certificates. 	<p>The defendant was fined a total of £11,250 and ordered to pay costs of £250 as well as a victim surcharge of £120.</p>
8.	30.10.17	<p>At this trial, the defendant pleaded guilty to two charges relating to the management of a house in multiple occupation, and not guilty to a further twenty two offences related to the property.</p> <p>At the conclusion of the trial, the Magistrates found the defendant guilty of two of the charges for which not guilty pleas had been entered (relating to ripped</p>	<p>The defendant was fined £175 for each of the 2 offences he had originally pleaded guilty to, and £250 for each of the offences he was found guilty of. The total fine was £850. The Council was awarded only £400 of the £1522.50 costs application because of errors in the charges. A victim surcharge of £30 was imposed.</p>

		bathroom flooring and a damaged electrical socket in a ground floor bedroom). He was acquitted of the remainder.	
9.	9.11.17	<p>The defendant was the owner of a rental property and pleaded guilty to 16 offences under the the Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (Wales) Regulations 2007 in relation to his management of the property and 2 offences for failure to register and licence the property under Part 1 of the Housing (Wales) Act 2015. The management failures included the following:</p> <ul style="list-style-type: none"> • Failure to provide an adequate fire alarm system. • Provision of dangerous layouts. • Failure to provide adequate structural fire protection. • Failure to provide an adequate means of escape from fire. • Failure to provide adequate kitchen facilities. <p>Failure to provide adequate electrical installations.</p> <p>Failure to provide an adequate heating and hot water system to the first floor flat.</p> <ul style="list-style-type: none"> • Failure to ensure regular inspection of the gas 	<p>The defendant was fined £320 in respect of each of the Rentsmart Wales offences and in £480 in respect of each of the ten offences relating to safety, making a total fine of £5440. Costs of £350 and a victim surcharge of £170 were also ordered</p>

		<p>installations.</p> <ul style="list-style-type: none"> • Failure to ensure regular inspection of the electrical installations. 	
10.	9.11.17	<p>The defendant, a hackney carriage driver, pleaded guilty to one offence of failing to activate the fitted meter on the 30th March 2017.</p>	<p>The Magistrates imposed a fine of £145, and ordered that costs of £75 be paid together with a victim surcharge of £30.00.</p>
11.	16.11.17	<p>The defendants, owners of a rental property, each pleaded guilty to three offences concerning:-</p> <ul style="list-style-type: none"> • Failure to comply with an Improvement Notice • Failure to register with Rent Smart Wales • Failure to obtain a licence with Rent Smart Wales. 	<p>Both defendants were fined £1500 each for failing to comply with the Improvement Notice and £250 each for both of the Rent Smart Wales offences, making a total fine of £2000. They were also both ordered to pay costs of £125 and a victim surcharge of £150.</p>
12.	27.11.17	<p>The defendant had previously pleaded guilty to three offences under the Consumer Protection from Unfair Trading Regulations 2008 concerning a loft construction which was dangerously substandard and was not carried out with professional diligence.</p> <p>Inspections of the property had shown the works were 'utterly substandard' and 'load bearing beams were woefully insufficient'. An engineer's report highlighted the potential for a 'catastrophic collapse'. The</p>	<p>The defendant was sentenced to 4 months imprisonment on each offence to run concurrently. He was told that he would serve half of that sentence and then be released under supervision.</p> <p>A claim for compensation was made for the complainant in the case who had spent more than £27,000 to rectify the work and to ensure that everything complied with building control regulations.</p> <p>The Judge considered that a proceeds of crime application</p>

		defendant had displayed a 'devil may care attitude' and when interviewed by the local authority he had shown a 'breath-taking lapse of contrition'.	would be appropriate in order to allow the complainant to obtain compensation and a POCA timetable was set.
13	1.12.17	<p>On the 17th October 2017 the defendant pleaded guilty to 2 counts of illegal money lending, 1 count of money laundering, 1 count of possessing with a view to selling counterfeit goods and 1 count of perverting the course of justice. For over 20 years the defendant had traded as an illegal money lender whilst claiming benefits. A search of his premises revealed large amounts of counterfeit tobacco and cigarettes. It was estimated that in just the previous 3 years he had lent in cash loans approximately £61,000 per year. He charged his victims extortionate rates of interest on those loans.</p> <p>In sentencing the Recorder stated that during the 20 years of offending there had been approx. 160 victims and a £ ¼ million in terms of loans offered. He had brought a catalogue of misery by money lending and preyed on the vulnerable in the community. People who were desperate were tied into repeated indebtedness. He was claiming benefits whilst making a vast income from money lending. He had previous convictions for dishonesty and violence including the harassment of one of the debtors in the case. Furthermore after he was bailed he continued to collect money and attempted to get witnesses to</p>	<p>He was sentenced as follows:</p> <p>Count 1 (illegal money lending) 12 months imprisonment</p> <p>Count 3 (illegal money lending) 14 months consecutive</p> <p>Count 4 (money laundering) 3years 6 months concurrent</p> <p>Count 5 (Trade Marks) 4 months concurrent</p> <p>Count 6 (Perverting course of justice) 16 months consecutive</p> <p>This gave an overall custodial sentence of 3 years and 6 months. The 23 days that he had been tagged would count towards that figure. He will be realised on licence after he has served half of that sentence.</p>

		<p>change their evidence or give false evidence. Looking at his reference he was clearly a 'Jekyll and Hyde' character.</p> <p>A Proceeds of Crime application was made and a timetable set.</p>	
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