

## Annex 5 - Summary of prosecution cases concluding April – August 2018

The following prosecution cases arising from investigations conducted across the Shared Service, have been concluded recently.

Case	Court date	Offence(s)	Outcome
1	6.4.18	<p>The defendant, a Food Business Operator had pleaded guilty at an earlier hearing to 6 offences under the Food Hygiene (Wales) Regulations 2006. The offences were in respect of failures at the defendant's restaurant, namely</p> <ul style="list-style-type: none"> <li>• Failure to ensure adequate procedures in place to control pests</li> <li>• Failure to protect food from contamination from pests</li> <li>• Failure to maintain food premises in a clean condition</li> <li>• Failure to implement the Food Safety Management System</li> <li>• Failure to clean and disinfect all equipment which food comes into contact</li> <li>• Failure to maintain food premises in good repair</li> </ul>	<p>The District Judge imposed a sentence of 4 months imprisonment for each offence to run concurrently, and this was suspended for 2 years. The defendant was ordered to carry out 200 hours of unpaid work and to pay costs of £31250, a victim surcharge of £115 and a compensation award to the victim in the case of £200</p>
2	6.4.18	<p>The case concerned a visit to a retail premises by Trading Standards in July 2017 when 213 packets of illicit cigarettes and 14 pouches of illicit hand rolling tobacco were seized. They were later confirmed to be</p>	<p>The defendant pleaded guilty to 6 offences under the Trade Marks Act 1994 and to 2 offences under the Tobacco and Related Products Regulations 2016. The Magistrates find him £180 for the first Trade Mark offence and a further £180 for</p>

		counterfeit and did not carry the required health warnings.	one of the Tobacco Related Product offences. There was no separate penalty for the other 6 offences. He was ordered to pay costs of £300, a victim surcharge of £30 and a Forfeiture Order was granted.
3	13.4.18	<p>The defendant pleaded guilty to 40 charges concerning the sale and possession of, with intent to supply, counterfeit goods. The magistrates ordered a fast track report on the defendant that afternoon.</p> <p>The court was advised that the defendant had previous convictions and had been subject to a community order with unpaid work in 2016. The court was told that he had come to the UK to make a better life for himself but had fallen into a life of crime. He had not been the main perpetrator of these crimes and had merely been told where to go with the goods and what to do. He is low on the rungs of the ladder and is of limited financial means</p>	The magistrates ordered a 12 month community order to include a 12 day Rehabilitation Order and 150 hours of unpaid work requirement. He was ordered to pay investigation costs of £200 and legal costs of £300. A victim surcharge was imposed of £85 and a Forfeiture Order for the goods seized was also granted
4	13.4.18	A Food Business Operator, pleaded guilty to one offence under Regulation 4 of the General Food Regulations 2004 and one offence under Section 14 of the Food Safety Act 1990. The offences concerned the test purchase of food from the defendant's Takeaway premises. The food, namely special fried rice, had been ordered without egg on the basis that the purchaser had an egg allergy. When tested the food was found to contain egg. This purchase took place following a previous informal sample where egg had also been found and despite advice and guidance	The defendant was fined £1300 for the first offence with no separate penalty for the other offence. She was ordered to pay Legal Costs of £500, SRS costs of £750 and a victim surcharge of £130.

		in Mandarin being given to the premises about allergens.	
5	15.4.18	The defendant had previously been found guilty in his absence of two offences in connection with his operation of a motor vehicle as a private hire vehicle when he was not licensed to do so, and also driving without the required insurance.	The Magistrates imposed a fine of £660 for driving without insurance and the defendant was given 8 penalty points on this licence. No separate penalty was imposed for the other offence. He was ordered to pay legal costs of £500, SRS costs of £350 and a victim surcharge of £66.
6	20.4.18	The defendant pleaded guilty to one offence of plying for hire and one offence of failing to have insurance when plying for hire.	The Magistrates fined the defendant £230 for the insurance offence and imposed 8 penalty points on his licence. There was no separate penalty given for the plying for hire offence. He was also ordered to pay costs of £150 and a victim surcharge of £30.
7	25.4.18	<p>The defendant faced a number of 26 charges in relation to his property which operates as a House in Multiple Occupation. The property was inspected following a complaint from a PCSO about the welfare of one of the tenants at the property.</p> <p>He pleaded guilty to charges relating to:-</p> <ul style="list-style-type: none"> <li>• Failure to provide structural fire protection: meter cupboard.</li> <li>• Failure to provide structural fire protection.</li> <li>• Failure to provide adequate heating appliance</li> </ul>	<p>For the 3 Rent Smart Wales offences, the defendant was fined £450 per offence</p> <p>For the 13 offences to which he had pleaded guilty he was fined £900 per offence (Total £11,700)</p> <p>For the 4 offences for which he was found guilty he was fined £1000 per offence (Total £4000)</p> <p>He was also ordered to pay legal costs of £5385 and a victim surcharge of £100.</p> <p>His total financial penalty was £22,085.00.</p>

		<ul style="list-style-type: none"><li>• Failure to provide sufficient electrical sockets.</li><li>• Failure to provide safe steps.</li><li>• Failure to provide adequate controllable heating.</li><li>• Guarding to the first floor landing was too low</li><li>• Failure to maintain floor coverings.</li><li>• Failure to maintain the garden boundary wall.</li><li>• Failure to prevent damage to the gas installation.</li><li>• Defective electrical installations.</li><li>• Loose floor coverings.</li><li>• Failure to produce documents when requested to do so by Rent Smart Wales</li><li>• Failure to obtain a licence as a landlord from Rent Smart Wales</li><li>• Failure to obtain a licence to manage property from Rent Smart Wales</li></ul> <p>And not guilty to charges relating to:-</p> <ul style="list-style-type: none"><li>• Failure to provide an adequate fire alarm system.</li></ul>	
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8	26.4.18	<p>This case resulted from the defendant's running of a dog breeding business for the purposes of which some 266 adverts were placed for puppies over a three year period. In particular she:</p> <ul style="list-style-type: none"> <li>• misdescribed the breed of the puppies being sold,</li> <li>• misdescribed the vaccination/medical history of the puppies,</li> <li>• presented animals being sold as private,</li> <li>• bred animals in breach of her dog breeding licence,</li> <li>• advertised puppies for sale that she did not have in order to sell consumer an alternative puppy and</li> <li>• advertised and sold puppies as being bred by her when in fact the animals came from a third party.</li> </ul>	<p>In sentencing, the District Judge told the defendant that she had criminally enriched herself by over £50,000 and not considered the upset she caused to her customers and their families. She received 30 weeks imprisonment on each of the 5 offences to run concurrently which was suspended for 2 years. She must carry out 200 hours of an unpaid work requirement and be subject to a 4 month curfew. Costs were awarded in the sum of £46,595.80 and Compensation was ordered to be paid to the victims, totalling in excess of a further £3000.</p>

		The defendant had pleaded guilty on the 29 <sup>th</sup> March 2018 to 4 counts under the Fraud Act 2006 and 1 count under the Consumer Protection from Unfair Trading Regulations 2008.	
9	27.4.18	<p>This doorstep crime case resulted from two elderly residents being charged significant sums for unnecessary work done at their properties. A surveyor estimated that the overcharges amounted to in excess of £30,000. The defendant had previously pleaded guilty to one count of money laundering under the Proceeds of Crime Act 2002 and two counts of engaging in misleading commercial practices under the Consumer Protection from Unfair Trading Regulations 2008.</p> <p>The investigation demonstrated that the defendant was part of a criminal gang targeting the vulnerable, however he was uncooperative in identifying the other gang members.</p>	<p>The District Judge HHJ Crowther acknowledged that the defendant was part of a group which had systematically targeted and took advantage of the vulnerable and elderly. However, he had facilitated the scheme by physically being a part of it and allowing funds to go through his bank account.</p> <p>The defendant was sentenced to 12 months imprisonment, of which he will serve half and the remainder on conditional release, for the offence of money laundering and to 4 months imprisonment to run concurrently for the other offences.</p> <p>Sadly, he had no funds with which to pay back the victims</p>
10	3.5.18	<p>In this case, the prosecution was able to show that a used car sales business sold unsafe vehicles and misdescribed vehicles prior to sale. In particular vehicles were falsely described with regard to condition, number of owners, applicable warranty, and MOT and/or road tax status.</p> <p>In addition the business failed to inform potential buyers that vehicles had previously been declared insurance write offs. .</p>	<p>The director was sentenced to a 12 month community order for each offence to run concurrently and to carry out an unpaid work requirement for 80 hours. He was also ordered to pay a victim surcharge of £85.00</p> <p>The Manager was given 24 months imprisonment for each offence which was suspended for 18 months. He was ordered to carry out a Rehabilitation activity requirement for 7 days and unpaid work for 150 hours. He is to pay a victim surcharge of £115. Compensation Orders were agreed for the victims in the</p>

		<p>Proceedings were brought against the director of the company and also a manager employed by the company who entered guilty pleas in respect of various offences under the Consumer Protection from Unfair Trading Regulations, the General Product Safety Regulations and the Fraud Act. However, the prosecution showed that both were working under the direction and control of a person subject to a Criminal Behaviour Order banning him from running a business.</p>	<p>case.</p> <p>While the third person had previously pleaded guilty to breaching the terms of his Criminal Behaviour Order, he had subsequently failed to attend court and a warrant had been issued for his arrest. He was finally sentenced in his absence, receiving 8 months imprisonment for the breach of the Criminal Behaviour Order and 8 months imprisonment for the original offence, to run consecutively. A victim surcharge of £100 was ordered.</p>
11	17.5.18	<p>The defendant was the landlord of a House in Multiple Occupation. Following an inspection of the property a number of issues were raised by officers from the SRS regarding his management of the property. He pleaded guilty to the following offences:</p> <ul style="list-style-type: none"> <li>• the manager's name, address and any telephone contact number were not clearly displayed in a prominent position in the HMO</li> <li>• the means of escape were not kept free from obstruction</li> <li>• failing to ensure the fire alarms were maintained in good working order</li> <li>• failing to take all such measures as are reasonably required to protect the occupiers of the HMO from injury having regard to the design of the HMO and the structural conditions in the HMO</li> <li>• failing to supply to the Local Housing Authority within the required time the latest gas appliance test certificate</li> <li>• failing to supply to the Local Housing Authority</li> </ul>	<p>The Magistrates imposed fines totalling £3,600 and awarded costs of £1,650 and a victim surcharge of £130.</p>

		<p>within the required time the latest electrical appliance test certificate</p> <ul style="list-style-type: none"> <li>• failing to ensure the common parts of the HMO were maintained in good and clean decorative repair, maintained in a safe and working condition and kept reasonably clear from obstruction</li> <li>• failing to ensure that outbuildings, yards and forecourts were maintained in repair, clean condition and good order</li> <li>• operating a HMO that was required to be licensed under Part 2 of the Housing Act 2004 without such a licence</li> <li>• failing to provide the tenancy agreements for the property</li> </ul> <p>The bench noted the mitigation that some of the trouble was caused by his tenant's untidy behaviour, that he had good character references and importantly had worked with the council since the offences to become registered and comply with requirements.</p>	
12	18.5.18	The defendant pleaded guilty to 3 offences of failing to comply with a noise abatement notice in respect of loud music at her property. During her court appearance the defendant blamed a dispute with a neighbour who had started complaining about her playing loud music.	The Magistrates imposed a conditional discharge for 12 months, ordered her to pay costs of £80 and a victim surcharge of £20.
13	18.5.18	The defendant had been out of the country since last year, having left before the conclusion of the case in court. Upon returning to the UK he was arrested for	The magistrates fined him £220 for each of the 2 food offences He was also ordered to pay costs of £420 and a victim surcharge of £44. This gave a total financial penalty of £1204



		<p>this and another matter.</p> <p>He pleaded guilty to 2 offences under the Food Safety Act 1990 arising from the sale of food described as a ham and cheese pizza, however the 'ham' was found to be turkey and the 'cheese' was found to be analogue cheese comprising 70% vegetable oil and only 30% cheddar cheese.</p>	<p>which the defendant advised the court would be paid within 14 days.</p>
14	24.5.18	<p>This case concerned food hygiene offences at three of the defendant's premises There was a further offence in October 2017 when the defendant failed to comply with a Hygiene Improvement Notice which had been served in respect of one of the premises.</p> <p>At the first, the following breaches were identified and a Hygiene Emergency Prohibition Notice was served to close the premises immediately:</p> <ul style="list-style-type: none"> <li>• Failure to ensure wash hand basins for cleaning hands were provided with hot and cold running water.</li> <li>• Failure to provide adequate facilities for the cleaning, disinfection and storage of working utensils and equipment with an adequate supply of hot and cold water</li> <li>• Failure to ensure that adequate procedures were in place to control pests</li> <li>• Failure to ensure that the food premises were kept clean and maintained in good repair and</li> </ul>	<p>The defendant was fined £3350 for the breach of the Hygiene Improvement Notice and £1000 for each of the 3 offences under Reg 17(1) which concerned the cleanliness of working utensils, failure to ensure an adequate number of wash basins and failure to ensure appropriate facilities were in place to maintain adequate personal hygiene.</p> <p>This gave a total fine of £6350. There were no separate penalties for the other 11 offences. He was also ordered to pay investigation costs of £1500 and a victim surcharge of £335.</p>

		<p>condition</p> <ul style="list-style-type: none"><li>• Failures to put in place, implement and maintain a permanent procedure or procedures based on HACCP principles.</li></ul> <p>At the second, the following breaches were identified:</p> <ul style="list-style-type: none"><li>• Failure to ensure that the food premises were kept clean and maintained in good repair and condition</li><li>• Failure to put in place, implement and maintain a permanent procedure or procedures based on HACCP principles</li><li>• Failure to ensure wash hand basin was provided with soap</li></ul> <p>Finally, at the third premises, the following were identified:</p> <ul style="list-style-type: none"><li>• Failure to ensure that appropriate facilities were available to maintain adequate personal hygiene including facilities for the hygienic washing and drying of hands</li><li>• Failure to ensure that premises were maintained in good repair and condition as to avoid the risk of contamination</li></ul> <p>The defendant pleaded guilty to 14 offences under Regulation 17(1) and 1 offence under Regulation 6(2) of the Food Hygiene (Wales) Regulations 2006.</p>	
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15	7.6.18	This case arose following the failure of a taxi driver to produce his insurance. He did not attend court and was found guilty in his absence.	The Magistrates found the charge proved and the defendant was fined £100 and ordered to pay £150 costs and a £30 victim surcharge.
16	29.6.18	A test purchase had been carried out at the defendant's takeaway business in relation to allergens. Special fried rice without egg was ordered and the business was told it was for someone who was allergic to egg. Nevertheless the food was later found to contain 77 times the amount of egg required to cause a reaction in an allergic person. This test purchase was conducted only 3 months after an informal test purchase had been carried out, following which the business had been visited by officers in the interim and advice given.  The defendant pleaded guilty to one offence of placing unsafe food on the market under the General Food Regulation 2004.	The District Judge imposed a 12 month community order with 300 hours of unpaid work requirement and ordered the defendant to pay costs of £575 and a victim surcharge of £85.
17	6.7.18	The defendant pleaded guilty to 3 offences between of failing to comply with a noise abatement notice in respect of his property.	The defendant was fined £200 for the first offence with no separate penalty for the other 2 offences. He was also ordered to pay costs of £220 and a victim surcharge of £30. The magistrates re-iterated to the defendant the need to abide by the abatement notice and to have consideration for his neighbours.
18	25.7.18	The defendant had previously pleaded guilty to one offence under the Financial Services and Markets Act 2000 for lending money when not authorised to do so. A basis of plea had been put forward by the defence	The defendant was sentenced to a 12 month community order incorporating 200 hours of unpaid work requirement, to complete a Thinking Skills programme with a 10 day rehabilitation requirement. The complainant was awarded

		<p>concerning the amount of loans provided to the complainant in the case and the amount of money repaid by that complainant. The prosecution did not accept the defendant's basis of plea and a Newton Hearing was conducted on the 15<sup>th</sup> May 2018 and completed today at Swansea Magistrates Court.</p> <p>After hearing all of the evidence the District Judge concluded that he was satisfied that £11,550 had been loaned by the defendant and that £12,950 had been repaid by the complainant.</p>	<p>compensation in the sum of £1400, costs were awarded of £3600 and the defendant will pay a victim surcharge of £85.</p>
19	25.7.18	<p>Two brothers pleaded guilty to offences under the Fraud Act 2006, the Consumer Protection from Unfair Trading Regulations 2008 and the Companies Act 2006, after customers were taken in by false representations and then left out of pocket when work to their homes was not completed.</p> <p>The magistrates considered the charges were serious enough for a pre-sentence report to be prepared and a verbal report was given by the Probation Service.</p>	<p>The magistrates considered that the offences were serious enough to cross the custody threshold. One of the brothers was given an 8 week custodial sentence suspended for 12 months, ordered to carry out 100 hours of unpaid work and ordered to pay £720 compensation to the complainants in the case.</p> <p>The other brother received a 12 month community order, was ordered to carry out 200 hours of unpaid work and pay £720 in compensation to the complainants in the case.</p>
20	2.8.18	<p>The defendant did not attend court and the case was therefore proved in his absence. He was found guilty of 2 offences of illegal street trading namely selling hot dogs and beef burgers, in October and November 2017. The magistrates were advised that he had 12 previous convictions for similar offences since 2011.</p>	<p>The Magistrates stated that they considered the selling of food to be an aggravating feature of the case and he was fined £660 for each offence giving a total fine of £1320, ordered to pay costs of £150 and a victim surcharge of £66.</p>

21	2.8.18	<p>The defendant had previously pleaded guilty to one offence under the General Food Regulations 2004 for placing unsafe food on the market. The case concerned the sale of a takeaway fried rice dish ordered without egg as it was to be eaten by someone with an egg allergy.</p> <p>When tested, the dish was found to contain egg protein, and this followed a similar purchase some months earlier, after which officers had provided guidance.</p>	<p>The District Judge fined the defendant £500, and he was ordered to pay costs of £150 together with a victim surcharge of £50.</p>
22	8.8.18	<p>The defendant pleaded guilty to one offence of playing for hire while uninsured and one offence of having no insurance, as he was only insured for private hire. As the insurance offence carried 6 points and the defendant already had 6 points on his licence from other motoring offences, the Judge had the discretion to disqualify the defendant for a minimum of 6 months. The defendant was however able to demonstrate that losing his licence would cause exceptional hardship.</p>	<p>The Judge imposed 8 points for the insurance offence bringing the defendant's total on his licence to 14 points. The defendant was warned to avoid any motoring offences until June 2020 or he would be liable to disqualification again.</p> <p>He was also fined £100 for the plying for hire offence, £200 for the insurance offence and ordered to pay costs of £120 together with a victim surcharge of £30.</p>
23	10.8.18	<p>The defendant operated a gardening and landscaping business. The SRS received two complaints from consumers who had paid the defendant money for materials and services which were subsequently never provided. He pleaded guilty to 3 offences under the Fraud Act 2006 and 1 offence under the Consumer Protection from Unfair Trading Regulations 2008. The magistrates ordered an oral probation report before sentencing.</p>	<p>The defendant was made the subject of a 12 month Community Order with a 10 day rehabilitation element and a requirement for 200 hours of unpaid work to be carried out. In addition, the court made compensation orders amounting to £5665 per month and ordered the defendant to pay £200 contribution towards the prosecution costs.</p>

24	17.8.18	The defendant pleaded guilty to one offence under the Health Act 2006 of failing to prevent smoking (shisha) in a smoke-free place at his premises.	The Magistrates gave a conditional discharge for 12 months, and ordered the defendant to pay costs of £100 and a victim surcharge of £20.
25	17.8.18	The defendant appeared in court to answer one charge of failing to pleaded guilty after failing to prevent smoking (shisha) in a smoke-free place contrary to the Health Act 2006. He pleaded guilty for himself as the company director and also on behalf of the company. The company already had one previous conviction for the same offence	The company director was fined £200, ordered to pay costs of £180 and a victim surcharge of £30; while the company was fined £350 ordered to pay costs of £180 and a victim surcharge of £35.
26	17.8.18	The defendant pleaded guilty to one offence of plying for hire. An offence of having no insurance was withdrawn after seeing his insurance certificate which showed that he was indeed covered for playing for hire.	He was fined £120, ordered to pay costs of £150 and a victim surcharge of £30.
27	17.8.18	The defendant pleaded guilty to one offence of plying for hire and one offence of having no insurance as he was only covered for private hire.	He was fined £150 for having no insurance and given 8 penalty points. He was also fined £150 for plying for hire, ordered to pay costs of £150 and also a victim surcharge of £30
28	17.8.18	The defendant pleaded guilty to one offence of plying for hire and one offence of having no insurance as he was only covered for private hire.  He apologised to the court and accepted that he shouldn't have taken the fare.	The defendant was fined £150 for having no insurance and given 8 penalty points. He was also fined £150 for plying for hire, ordered to pay costs of £150 and a victim surcharge of £30.
29	17.8.18	The defendant pleaded guilty to one offence of plying for hire and one offence of having no insurance as he	He was fined £100 for having no insurance and given 8 penalty points. He was also fined £100 for plying for hire, ordered to

		<p>was only covered for private hire.</p> <p>The Magistrates queried the version of events put forward by the defendant as it was inconsistent with the officers' statements.</p>	<p>pay costs of £75 and a victim surcharge of £30.</p>
30	17.8.18	<p>The defendant pleaded guilty to one offence of plying for hire and one offence of having no insurance as he was only covered for private hire.</p> <p>He told the court that the officers got in his car without asking and he felt trapped. He had just dropped off a fare and so he was busy but he thought he was being kind by taking them. It was a mistake and not intentional.</p>	<p>He was fined £150 for having no insurance and given 8 penalty points. He was also fined £150 for plying for hire, ordered to pay costs of £150 and a victim surcharge of £30.</p>
31	17.8.18	<p>The defendant pleaded guilty to one offence of plying for hire and one offence of having no insurance as he was only covered for private hire.</p>	<p>He was fined £150 for having no insurance and given 8 penalty points. He was also fined £150 for plying for hire, ordered to pay costs of £150 and a victim surcharge of £30.</p>
32	17.8.18	<p>The defendant pleaded guilty to one offence of plying for hire and one offence of having no insurance as he was only covered for private hire.</p> <p>He told the court that he had taken pity on the officers and thought he was being helpful. He didn't realise that he would not be covered by his insurance.</p>	<p>He was fined £150 for having no insurance and given 8 penalty points. He was also fined £150 for plying for hire, ordered to pay costs of £150 and a victim surcharge of £30.</p>
33	17.8.18	<p>The defendant pleaded guilty to one offence of plying for hire and one offence of having no insurance as he was only covered for private hire.</p> <p>He told the court that he saw that no other vehicles</p>	<p>He was fined £150 for having no insurance and given 8 penalty points. He was also fined £150 for plying for hire, ordered to pay costs of £150 and a victim surcharge of £30.</p>

		would pick the officers up so he did	
34	17.8.18	<p>The defendant pleaded guilty to one offence of plying for hire and one offence of having no insurance as he was only covered for private hire.</p> <p>He told the court that it was raining and he wanted to help the officers.</p>	He was fined £150 for having no insurance and given 8 penalty points. He was also fined £150 for plying for hire, ordered to pay costs of £150 and a victim surcharge of £30.
35	17.8.18	<p>The defendant pleaded guilty to one offence of plying for hire and one offence of having no insurance as he was only covered for private hire.</p> <p>He told the court that the prosecution got it wrong as to how he was approached. The officers approached him and asked for the lift. The weather was cold and it was a moment of weakness. He already had 3 points on his licence from a speeding offence.</p>	He was fined £150 for having no insurance and given 8 penalty points. He was also fined £150 for plying for hire, ordered to pay costs of £150 and a victim surcharge of £30.
36	17.8.18	The defendant did not attend court and the matter was proved in his absence. He was found guilty of one offence of plying for hire and one offence of having no insurance as he was only covered for private hire.	He was fined £660 for having no insurance and given 8 penalty points. He was also fined £660 for plying for hire, ordered to pay costs of £150 and a victim surcharge of £66.
37	17.8.18	The defendant did not attend court and the matter was proved in his absence. He was found guilty of one offence of plying for hire and one offence of having no insurance as he was only covered for private hire.	He was fined £660 for having no insurance and given 8 penalty points. He was also fined £660 for plying for hire, ordered to pay costs of £150 and a victim surcharge of £66.