

## Appendix 2

### ENVIRONMENTAL HEALTH AND TRADING STANDARDS ENFORCEMENT ACTIONS

#### PROSECUTIONS FROM APRIL 2014 TO MARCH 2015 – CUMULATIVE LIST

PROSECUTIONS									
Name & Location	Defendants Trade	Nature of Offence	Act	No of Charges	Plea	Result	Costs Requested	Costs Awarded	Remarks
Mr Nigel Davies, 4 Canon View, Much Dewchurch, HR2 8DW  KE/658 <b>COMMUNITY PROTECTION TEAM</b>  Box A61 01.04.14 – 30.06.14	Unemployed	1 x charge for fly tipping	S33(1)(a) & 33 (6) of the Environmental Protection Act 1990	1	<b>Guilty</b>	120 hours  <b>Hearing: 20.06.14</b>	£729.82	£500.00	
Mr Steven Lock Snr, 18 Cedar Close, Moreton on Lugg, Hereford.  CS/659 <b>COMMUNITY PROTECTION</b>	Building	1 x charge for fly tipping  1 x charge for transporting	S33(1)(a) & 33 (6) of the Environmental Protection Act 1990  S1 Control of Pollution (Amendment)	1  1	<b>Guilty</b>  <b>Guilty</b>	£235.00 fine  <b>Hearing: 20.06.14</b>	£776.89	£350.00	Payable at £5 p/w (£10 per fortnight)

For further information please contact  
 Marc Willimont, Head of Environmental Health & Development Management on 01432 261986  
 Mike Pigrem, Head of Trading Standards & Licensing on 01432 261658

<b>TEAM</b>  <b>Box A61</b> 01.04.14 – 30.06.14		waste when not a registered carrier	Act 1989, as amended						
Mr Steven Lock Jnr, 6 St Peters Garden, Bromyard, Hereford, HR7 4DA  CS/662 <b>COMMUNITY PROTECTION TEAM</b>  <b>Box A61</b> 01.04.14 – 30.06.14	Building	1 x charge for fly tipping	S33(1)(a) & 33 (6) of the Environmental Protection Act 1990	1	<b>Guilty</b>	£140.00 fine  <b>Hearing: 20.06.14</b>	£408.27	£200.00	Payable at £5 p/w (£10 per fortnight)
Mr Martin Rohde 2 Cambria Cottages Bishopstone Village Bishopstone HR4 7JE  <b>"St Martins House", 1 St Martins Avenue, Hereford, Herefordshire</b>  <b>ENV HEALTH HOUSING TEAM</b>  01.07.14 – 30.08.14	Landlord	Allowing residential occupation of flat 1 St Martins House in contravention of a Prohibition Order.	S32(1) of the Housing Act	1	<b>Guilty</b>	£2750.00 Fine  <b>Hearing: 31.07.14</b>	Not known	£1250.00 £120.00 compensation	

<p>Mr Vernon Williams 14 Homestead, Hereford, HR2 6HJ</p> <p>CS/679 <b>COMMUNITY PROTECTION TEAM</b></p> <p><b>Box A62</b> 01.07.14 – 30.09.14</p>	Building	<p>1 x charge for fly tipping</p> <p>1 x charge for transporting waste when not a registered carrier</p>	<p>S33(1)(a) &amp; 33 (6) of the Environmental Protection Act 1990</p> <p>S1 Control of Pollution (Amendment) Act 1989, as amended</p>	<p>1</p> <p>1</p>	<b>Guilty</b>	<p>18 months conditional discharge</p> <p><b>Hearing: 05.09.14</b></p>	£281.41	£200.00 £15.00 victim surcharge	Payable at £5 p/w
<p>Mr Martin Preece 61 Woodlands Avenue, Talgarth, Brecon, LD3 0AT</p> <p>CS/673 <b>COMMUNITY PROTECTION TEAM</b></p> <p><b>Box A62</b> 01.07.14 – 30.09.14</p>	Roofer	1 x charge for fly tipping	S33(1)(a) & 33 (6) of the Environmental Protection Act 1990	1	<b>Guilty</b>	<p>Fine £100.00</p> <p><b>Hearing: 22.08.14</b></p>	£289.91	£283.91	-

<p>Ms Kerrie Brownlie, 45 Winston Road, Hereford, HR2 6DJ ** TEGAN-CALLIE ** LR/676</p> <p><b>CHILDRENS TEAM</b></p> <p><b>Box A62</b> 01.07.14 – 30.09.14</p>	Parent	1 x charge for failing to secure regular attendance at school of child.	S444(1) of The Education Act 1996	1	<b>Guilty</b>	6 months conditional discharge  <b>Hearing: 26.09.14</b>	£387.36	£60.00	
<p>Ms Deborah Keeley, 37 Brookside, Colwall, Malvern, Worcestershire, WR13 6QU ** BEN **</p> <p>LR/685 <b>CHILDRENS TEAM</b></p> <p><b>Box A62</b> 01.07.14 – 30.09.14</p>	Parent	1 x charge for failing to secure regular attendance at school of child.	S444(1) of The Education Act 1996	1	<b>Guilty</b>	3 years conditional discharge  <b>Hearing: 26.09.14</b>	£354.83	£250.00 £15.00 victim surcharge	
<p>Mr Jimmy Price 2 Trilleck Avenue Hereford HR2 7HY</p> <p>TT/682</p>	Builder	1 x charge for failing to give notice of cancellation rights	Regs 7 and 17 of 2008 Cancellation of Contracts Made in a Consumer's Home or Place of Work etc Regulations 2008	1	<b>Guilty</b>	No Separate Penalty	£583.69	£300.00 £15.00 VS	

<p><b>TRADING STANDARDS TEAM</b></p> <p><b>Box A62</b> 01.07.14 – 30.09.14</p>		<p>1 x charge for omitting material information- namely omitting to state the price of the gardening work at the time the contract was made and before the work was carried out,</p>	<p>Regs 6 and 10 of Consumer Protection From Unfair Trading Regulations 2008</p>	<p>1</p>	<p><b>Guilty</b></p>	<p>18 months conditional discharge</p> <p><b>Hearing: 05.09.14</b></p>			
<p>Ali Omar Shukir Flat 2 43 Catherine Street Hereford HR1 2DU</p> <p>TT/665 <b>TRADING STANDARDS TEAM</b></p> <p><b>Box A62</b> 01.07.14 – 30.09.14</p>	<p>Retailer</p>	<p>2 x charges for possession for supply tobacco &amp; cigarettes, which failed to carry English Health warnings</p> <p>2 x charges for having in possession tobacco which was</p>	<p>Regs 7 and 14 of the Tobacco Products (Manufacture, Presentation and Sale) (safety) Reg 2002, as amended, and contrary to S 12 of the Consumer Protection Act 1987</p> <p>S 92 of the Trade Marks Act 1994</p>	<p>2</p> <p>2</p>	<p><b>Guilty</b></p> <p><b>Guilty</b></p>	<p>Community Order 300 hours unpaid. £60 Govn Surcharge</p> <p><b>Hearing: 15.08.14</b></p> <p>-</p>	<p>£1577.32</p>	<p>£750.00 £60 Govn Surcharge</p>	<p>Ali unemployed. Probation report recommended unpaid work.. One previous conviction for similar offences in Feb 2013</p>

		counterfeit							
<p>Mr Robin Juden, 6 Kingstone Court, Etnam Street, Leominster, Herefordshire HR6 8AD</p> <p><b>** THOMAS **</b></p> <p>LR/686 <b>CHILDRENS TEAM</b></p> <p><b>Box A62</b> 01.07.14 – 30.09.14</p>	Parent	1 x charge for failing to secure regular attendance at school of child.	S444(1) of The Education Act 1996	1	<b>Guilty</b>	£150 fine + £20 Surcharge (payable within 14 days)  <b>Hearing: 26.09.14</b>	£298.22	£350.00	
<p>Mr Mohammed Khedir Bakhtyer</p> <p>t/a European Fresh Foods 141-143 Eign Street Hereford</p> <p>PDL/669 <b>TRADING STANDARDS TEAM</b></p>	Shop Owner	1 x charge for possession for supply of 4227 packets of cigarettes, which failed to carry English Health warnings	Regs 7 and 14 of the Tobacco Products (Manufacture, Presentation and Sale) (safety) Reg 2002, as amended, and contrary to S 12 of the Consumer Protection Act 1987	1	<b>Guilty</b>	16 weeks prison suspended for 12 months 80 hours unpaid work	£1169	£1169 £80 VS	Forfeiture order for the tobacco products. £80 VS  Amount due added to an existing motor offence fine which currently payable at £50 per month.
		1 x charge	Regs 7 and 14	1	<b>Guilty</b>	14 days prison			

<b>Box A63</b> 01.10.14 – 31.12.14		for possession for supply of 36 packets of hand rolling tobacco, which failed to carry English Health warnings	of the Tobacco Products (Manufacture, Presentation and Sale) (safety) Reg 2002, as amended, and contrary to S 12 of the Consumer Protection Act 1987			– concurrent Suspended for 12 months  <b>Hearing:</b> <b>10.10.14</b>			Defendant had a fast track probation report done at the hearing.
Mr Khurseed M Kadir t/a Kabka 16 Eign Gate Hereford HR4 0AB  PDL/688 <b>TRADING STANDARDS TEAM</b>  <b>Box A63</b> 01.10.14 – 31.12.14	Shop Owner	1 x charge for possession for supply of 17 packets of cigarettes, which failed to carry English Health warnings  1 x charge for possession for supply of 15 pouches of tobacco, which were counterfeit  1 x charge for possession for supply of 421 packets & 132 pouches of tobacco, which failed to carry English Health warnings	S12 of Consumer Protection Act 1987  S92 of Trade Marks Act 1994  S12 of Consumer Protection Act 1987	1  1  1	<b>Guilty</b>  <b>Guilty</b>  <b>Guilty</b>	12 weeks prison suspended for 12 months.  150 hours community order unpaid work.  <b>Hearing:</b> <b>25.11.14</b>	£1350	£1350 £80 gov surcharge	Forfeiture order for the tobacco products.  Order to pay costs of £1350 plus £80 government surcharge, repayable at £300 pcm.  Kadir remains owner of Zabka although trying to sell business, probation report recommended unpaid

		1 x charge for possession for supply of 10 packets of cigarettes, which failed to carry English Health warnings 1 x charge for possession for supply of 2 packets of cigarettes, which failed to carry English Health warnings	S12 of Consumer Protection Act 1987  S12 of Consumer Protection Act 1987	1  1	<b>Guilty</b>  <b>Guilty</b>				work, no previous convictions.
Mr Christopher Eyre Honeysuckle Cottage Little Parks Canon Pyon Hereford HR4 8NP	Unemployed	2 x charge for fly tipping  1 x charge for transporting waste when not a registered carrier	S33(1)(a) & 33 (6) of the Environmental Protection Act 1990  S1 Control of Pollution (Amendment) Act 1989, as amended	2  1	<b>Guilty</b>  <b>Guilty</b>	£185.00 fine  Included in the above figure	£402 total	£200.00 £15.00 victim surcharge	Costs to be deducted from their benefits
Mr Bradley Harwood 23 St Peters Close Moreton on Lugg Herefordshire HR4 8DL	Unemployed	2 x charge for fly tipping	S33(1)(a) & 33 (6) of the Environmental Protection Act 1990	2	<b>Guilty</b>	£185.00 fine  <b>Hearing: 03.10.14</b>	Included in the above figure	£200.00 £15.00 victim surcharge	

CS/671 <b>COMMUNITY PROTECTION TEAM</b>  Box A63 01.10.14 – 31.12.14									
Mizeley Biddle 47 Hopyard Close Leominster Herefordshire HR6 9AA  LR/687 <b>CHILDRENS TEAM</b>  Box A63 01.10.14 – 31.12.14	Parent	1 x charge for failing to secure regular attendance at school of child.	S444(1) of The Education Act 1996	1	<b>Guilty</b>	6 months conditional discharge  <b>Hearing: 28.11.14</b>	£267.54	Nil	No costs or fine – low income
Stephen Gurney Court Farm How Caple Hereford HR1 4SS	Parent	1 x charge for failing to secure regular attendance at school of child.	S444(1) of The Education Act 1996	1	<b>Not Guilty</b>	£200.00 fine	£508.61 total	£250.00 £20.00 victim surcharge	Mr Gurney - did not attend, request to prove in absence
Sarah Gurney Court Farm How Caple Hereford HR1 4SS  LR/680	Parent	1 x charge for failing to secure regular attendance at school of child.	S444(1) of The Education Act 1996	1	<b>Not Guilty</b>	Conditional Discharge (12mths)  <b>Hearing: 18.11.14</b>		£200.00 £15.00 victim surcharge	Mrs Gurney – proved beyond reasonable doubt

<b>CHILDRENS TEAM</b>  <b>Box A63</b> 01.10.14 – 31.12.14									
Thomas W Hopkins 17 Moorfields Burghill Hereford HR4 7RR  CS/690 <b>COMMUNITY PROTECTION TEAM</b>  <b>Box A64</b> 01.01.15 – 31.03.15	Steel Erector	1 x fly tipping charge	S33(1)(a) & 33 (6) of the Environmental Protection Act 1990	1	<b>Guilty</b>	£355.00 fine  <b>Hearing: 17.02.15</b>  (warrant issued and defendant surrendered)	£399.47	£445.00	No costs or fine – low income
Clive Williams 2 Seabourne Cottages Madley Herefordshire HR2 9PL  JH/720 <b>ANIMAL HEALTH TEAM</b>  <b>Box A64</b> 01.01.15 – 31.03.15	Farmer	2 x failed to properly dispose of dead sheep (summons 1) and burnt sheep bones (summons 3)  2 x failed to hold dead sheep (2) and burnt sheep bones (4) in manner to prevent other	Art 4 (1), 4(2) and 13 of EC Regulations 1069/2009, contrary to S 17 of Animal By-Products (Enf) (Eng) Reg 2013  Art 21(1) of EC Regulations 1069/2009 and Reg 4(3) of the Animal By-Products (Enf)(Eng) Reg 2013, by virtue	2 charges withdrawn  2	-  <b>Guilty</b>	-  1 month suspended sentence for 2 years & £500 costs  <b>Hearing: 23.01.15</b>	-  £1052.13	-  £500.00	RSPCA prosecution: - 3 months animal cruelty (suspended for 2 years) - 30 hours community order - £1000 costs - 1 month custodial concurrent with 3 months

		animals / birds getting access	of EC Act 1972						depreivation Order for Sheep
Thomas W Hopkins 17 Moorfields Burghill Hereford HR4 7RR  CS/690 <b>COMMUNITY PROTECTION TEAM</b>  Box A64 01.01.15 – 31.03.15	Steel Erector	1 x fly tipping charge	S33(1)(a) & 33 (6) of the Environmental Protection Act 1990	1	<b>Guilty</b>	£355.00 fine  <b>Hearing: 17.02.15</b>  (warrant issued and defendant surrendered)	£399.47	£445.00	No costs or fine – low income
Frankie Smith 26 Katherine Walk Hereford HR8 2XN  CS/698 <b>COMMUNITY PROTECTION TEAM</b>  Box A64 01.01.15 – 31.03.15	Unemployed	1 x fly tipping charge	S33(1)(a) & 33 (6) of the Environmental Protection Act 1990	1	<b>Guilty</b>	£182 fine  <b>Hearing: 24.02.15</b>	£360.59	£100.00 CPT  £150 LEGAL	

<p>Charlene Johnson 29 Church Street Bromyard Hereford</p> <p>LR/696 <b>CHILDRENS TEAM</b></p> <p><b>Box A64</b> 01.01.15 – 31.03.15</p>	Not Known	1 x charge for failing to secure regular attendance at school of child.	S444(1) of The Education Act 1996	1	<b>Guilty</b>	£120 fine  <b>Hearing: 24.02.15</b>	£291.67	£100.00 CPT £20.00 vs	
<p>Rekan Gafoor t/a International Food 10 Commercial Road Herefordshire</p> <p>TT/693 <b>TRADING STANDARDS TEAM</b></p> <p><b>Box A64</b> 01.01.15 – 31.03.15</p>	Retailer	9 x Charges against shop owner relating to illicit tobacco sold from his store over a 7 month period,	5 under Consumer Protection Act 1987, S12, for failure to have English health warnings and  4 for selling counterfeit tobacco under Trade Marks Act 1994.	9	<b>Guilty</b>	12 months Community Order involving 100 hours unpaid work  <b>Hearing: 24.02.15</b>	£1300 TS £250 Legal	£650 TS £150 Legal £60 Govn Surcharge	
<p>Charlotte Middleton 49 Escley Drive Hereford Herefordshire HR2 7LY</p> <p>LR/697 <b>CHILDRENS TEAM</b></p>	Parent	2 x charge for failing to secure regular attendance at school of child.	S444(1) of The Education Act 1996	2	<b>Guilty</b>	12 months Conditional Discharge  <b>Hearing: 09.01.15</b>	£455.02 TS	£150 TS £15 Victim Surcharge	

<b>Box A64</b> 01.01.15 – 31.03.15									
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FORMAL CAUTIONS			Date of Caution	
TB/667 <b>ANIMAL HEALTH TEAM</b> <b>Box A61</b> 01.04.14 – 30.06.14	Farmer	1 x charge for applying rubber rings to lambs tails to constrict the flow of blood to the tail when they are over the age of 7 days, an offence under Sch 5, Para 5 of The Mutilations (Permitted Procedures) (England) Regulations 2007 as amended.	30.06.14	
CS/660 <b>COMMUNITY PROTECTION TEAM</b> <b>Box A61</b> 01.04.14 – 30.06.14		1 x charge for fly tipping, under S33(1)(a) & 33 (6) of the Environmental Protection Act 1990	29.04.14	
<b>COMMUNITY PROTECTION TEAM</b> <b>Box A61</b> 01.04.14 – 30.06.14	Gardener	1 x charge for fly tipping, under S33(1)(a) & 33 (6) of the Environmental Protection Act 1990	30.06.14	
CS/670	Gardener	1 x charge for fly tipping, under S33(1)(a) & 33 (6) of the Environmental Protection Act 1990	30.06.14	

<b>COMMUNITY PROTECTION TEAM</b>  <b>Box A61</b> 01.04.14 – 30.06.14				
CS/666 <b>COMMUNITY PROTECTION TEAM</b>  <b>Box A62</b> 01.07.14 – 30.09.14	Carer	1 x charge for fly tipping, under S33(1)(a) & 33 (6) of the Environmental Protection Act 1990	24.07.14	
DE/681 <b>COMMUNITY PROTECTION TEAM</b>  <b>Box A62</b> 01.07.14 – 30.09.14	Retired	1 x charge for duty of care resulting in fly tipping, under S34(2a) of the Environmental Protection Act 1990	29.07.14	
<b>ENV HEALTH HOUSING TEAM</b>  <b>Box A62</b> 01.07.14 – 30.09.14	Landlord	1 x charge for cutting off electricity supply and parking vehicles in an obstructive way	29.07.14	
CS/695 <b>COMMUNITY PROTECTION TEAM</b>  <b>Box A63</b> 01.10.14 – 31.12.14	Self Employed	1 x charge for depositing trade waste at a household waste recycling centre, under Section 33 (1) (a) and 33 (6) of the Environmental Protection Act 1990.	02.12.14	

CS/689 <b>COMMUNITY PROTECTION TEAM</b> Box A63 01.10.14 – 31.12.14	Gardener	1 x charge for fly tipping, under Section 33 (1) (a) and 33 (6) of the Environmental Protection Act 1990.	23.10.14	
JH/714 <b>PARKING / TRADING STANDARDS TEAM</b> Box A64 01.01.15 – 31.03.15	Retail Worker	1 x charge of misusing a Blue Disabled Parking Badge	05.03.15	
NS/694 <b>ANIMAL HEALTH TEAM</b> Box A64 01.01.15 – 31.03.15	Farmer	1 x failed to dispose of dead sheep in accordance with Animal By-Products (Enforcement)(England) Regulations 2013 1 x failed to hold dead sheep in manner to ensure that animal / birds did not have access, in accordance with Animal By-Products (Enforcement)(England) Regulations 2013	26.03.15	
TB/700 <b>ANIMAL HEALTH TEAM</b> Box A64 01.01.15 – 31.03.15	Farmer	1 x failed to dispose of dead sheep in accordance with Animal By-Products (Enforcement)(England) Regulations 2013 1 x failed to hold dead sheep in manner to ensure that animal / birds did not have access, in accordance with Animal By-Products (Enforcement)(England) Regulations 2013	12.02.15	

WRITTEN WARNINGS			
<b>ENV HEALTH HOUSING TEAM</b> 01.07.14 – 30.09.14	-	Mr B broke into the property (during prolonged absence due to ill health) of Mrs B (protected tenant) and changed locks thereby restricting access.	07/08/2014



<b>ENV HEALTH HOUSING TEAM</b>  <b>Box A63</b> 01.10.14 – 31.12.14	Landlord	1 x charge for failing to licence a HMO (with 12 person on 3 storeys)  NFA	23/10/2014
JWM/691 <b>ENV HEALTH - ENV PROTECTION TEAM</b>  <b>Box A64</b> 01.01.15 – 31.03.15	N/K	1 x charge for breaching abatement notice S 80 of Environmental Protection Act 1990.  ** CASE WITHDRAWN AS CURRENTLY BEING HELD ON REMAND WITH VARIOUS OTHER CASES PENDING **	05.01.2015