

Record of officer decision

Decision title:	Decision to prosecute an Individual (company director) and his company for contravening The Consumer Protection From Unfair Trading Regulations 2008.
Date of decision:	29 June 2021
Decision maker:	Assistant Director for Regulatory, Environment and Waste Services
Authority for delegated decision:	Economy and Place Scheme of Delegation – Item 70 (28/04/2021)
Ward:	Eign Hill
Consultation:	Legal Services: In accordance with S222 of the Local Government Act 1972 we consider a prosecution is both appropriate and reasonable in this matter for the promotion or protection of the interests of the people of the County of Herefordshire which is also in accordance with the Herefordshire Council's Enforcement and Prosecution Policy.
Decision made:	To prosecute one defendant director and one defendant company for contravening the requirements of professional diligence under Regulations 3 & 8 of the Consumer Protection From Unfair Trading Regulations 2008.
Reasons for decision:	<p>The defendant is the sole director of a company contracted to fit a new kitchen in a family home. The defendant himself carried out illegal gas work, due to not being qualified/Gas Safe registered, resulting in the gas hob being left in a dangerous condition. The gas supply leaked into the kitchen and if the home owner had not smelled the gas before going up to bed, her whole family could have been killed in a subsequent explosion. Fortunately she rang the emergency gas number and an engineer came out and made the gas hob safe immediately.</p> <p>Traders who are not qualified and registered with Gas Safe must never conduct gas work of any kind. The consequences could be fatal. The public would rightly demand that strong action is taken in such matters.</p> <p>There is sufficient reliable admissible evidence for a realistic prospect of conviction.</p> <p>The public interest test is met due to the nature and circumstances of this matter namely, from the Enforcement Policy:</p> <ul style="list-style-type: none"> (a) a conviction is likely to result in a significant sentence; (e) the risk presented to the public, trade or environment by the commission of the offence was serious; (g) the defendant acted fraudulently, willfully or negligently; (h) harm was caused to human health, animal health or the environment; (k) there is evidence that the offence was premeditated; (t) there are grounds for believing that the alleged offence is likely to be continued or repeated; (v) a prosecution would have a significant positive impact on maintaining community confidence;
Highlight any associated risks/finance/legal/equality considerations:	None
Details of any alternative options considered and rejected:	The interim covid 19 protocol has been applied to this case to determine if there is another way of disposing of the offence. In this instance a warning or caution is not sufficient when considering the seriousness of the offence.
Details of any declarations of interest made:	None

Signed:

Date: 29/06/2021