

**Derbyshire County Council**

**Meeting with Cabinet Member, Health and Communities**

**10 September 2013**

**Report of the Strategic Director Cultural and Community Services**

**COMPLETED PROSECUTIONS UNDER TRADING STANDARDS LEGISLATION**

**1 Purpose of Report**

To advise the Cabinet Member, Health and Communities of completed prosecutions.

**2 Information and Analysis**

The list of prosecutions attached at Appendix 1 has been completed since the last report was made to the Cabinet Member on 06 November 2012.

**3 Legal and Human Rights Act Considerations**

The Head of Trading Standards, and named senior officers, have authorisation to institute legal proceedings, and are required to prepare regular reports to the Cabinet Member in order to keep him informed of those matters which have been subject to legal proceedings and are now completed.

**4. Other considerations**

In preparing this report the relevance of the following factors has been considered; financial, prevention of crime and disorder, equality of opportunity; and environmental, health, human resources, property and transport considerations.

**5. Background papers**

None

**6. Key Decision**

No

**7. Call-in**

Is it required that call-in be waived for any decision on this report?

No

**8. Strategic Director's recommendation:**

That the Cabinet Member, Health and Communities notes the report.

**Martin Molloy**  
**Strategic Director**  
**Cultural and Community Services**

## APPENDIX 1

DATE OF HEARING	COURT	NAME	ADDRESS	LEGISLATION	NATURE OF REPORT	FINE	COMP	COSTS	POCA	NOTES
14/11/2012	Derby MC	Debbie Louise Reynolds T/A Infocus Letting Agency of Midway, Swadlincote	Whitehaven, Cumbria	Consumer Protection from Unfair Trading Regs 2008	Engaged in unfair commercial practices by falsely stating that deposits paid by 3 tenants would be lodged in a tenancy deposit scheme as required by the Housing Act.	3 x Conditional Discharge	£1,880.00	£1,000.00		Compensation to be split between the 3 tenants who were left out of pocket due to their lost deposits.
14/11/2012	Derby MC	JJ Food Services Limited	7 Solar Way, Innova Park, Enfield, Middlesex	Road Traffic Regulation Act 1984	Used a heavy commercial vehicle on Station Road at Ilkeston in contravention of a 7.5 tonne weight restriction.	Fined £600		£115.00		Breach of weight restriction by company
14/11/2012	Derby MC	Terry Jacobs	Redditch, Worcestershire	Road Traffic Regulation Act 1984	Used a heavy commercial vehicle on Swarkestone Causeway in contravention of the 7.5 tonne weight restriction on the causeway.	Fined £1000		£115.00		Breach of weight restriction by driver
22/11/2012	Derby MC	Joseph Stewart Limited	Unit 8a GK Davies Trading Estate, Hayes Lane, Stourbridge, West Midlands	Consumer Protection Act 1987	Supplied a corner unit where the cover fabric failed to meet the flammability requirements of the Furniture and Furnishings (Fire) (Safety) Regs 1988.	Fined £2500.00		£2,028.00		UK-based furniture manufacturer produced an upholstered corner sofa which failed the legal flammability tests
05/12/2012	Derby MC	99P Stores Limited	Pineham (Unit DC3) Style Way, Swan Valley, Northamptonshire	Consumer Protection Act 1987	Supplied a sofa and a pair of dining chairs where the filling material and cover fabric failed to meet the flammability requirements of the Furniture and Furnishings (Fire) (Safety) Regs 1988.	Fined 2 x £5000.00		£2,062.44		Discount retailer imported upholstered furniture from China. Furniture failed the legal flammability tests
09/01/2013	Chesterfield MC	Robin MacDonald T/A Solar Initiative	Ashby de la Zouch	Consumer Protection from Unfair Trading Regs 2008	Engaged in a commercial practice which contravened requirements of professional diligence - 4 offences. Failed to give consumers notice of right to cancel contract, failed to state name of proprietor on business paperwork, failed to return money paid by customers after cancellation of contracts	Compensation Order	£11,125.00	£0.00		Compensation to be split between the 4 customers whose solar panel installations were not completed by the business, despite payment being received.

09/01/2013	Chesterfield MC	Mr Neil Ian Johnson also known as Najim Ud Din	Heeley, Sheffield	Animal Welfare Act 2006	Contravened the requirements of a previous 10 year disqualification order by participating in the keeping of sheep.	12 months conditional discharge. Previous 4 month prison sentence was suspended for 12 months. Length of suspension increased by 1 month	£95.00	In 2011 defendant was prosecuted for 8 offences relating to his sub-standard care of sheep on land at Hognaston. Part of the sentence saw him disqualified from keeping sheep for 10 years. Despite this ban, in 2012, defendant was found in control of sheep on 2 occasions at Hognaston and Holymoorside. He was prosecuted for breaching his earlier ban.
18/01/2013	Derby Crown	Steven John Shaw	Long Eaton, Derbyshire	Trade Marks Act 1994	Ran a home-based t-shirt printing business which printed counterfeit designs onto t-shirts which were then sold on eBay - 9 charges re various designs. 1 charge re making a screen used to print counterfeit designs onto t-shirts.	6 months prison sentence suspended for 12 months and order for 60 hours unpaid work		At the POCA hearing a confiscation order was made in the sum of £4603 – 6 months to pay with up to 3 months imprisonment in default. Proceeds of Crime Act (POCA) allows recovery of money made from crime. Enquiries revealed that Shaw had made £47,583.59 from the sale of fake t-shirts. However, he only had £4,603 available for repayment. This sum has been repaid.
31/01/2013	Derby MC	Teatime Tasties Limited	Unit 5, Old Fieldhouse Lane Industrial Estate, Old Fieldhouse Lane, Huddersfield	Road Traffic Regulation Act 1984	Used a heavy commercial vehicle on Swarkestone Causeway in contravention of the 7.5 tonne weight restriction on the causeway.	Fined £270.00	£115.00	Breach of weight restriction by company
14/02/2013	Derby MC	Mr Tracy Gaskin	Codnor, Derbyshire	Horse Passport Regulations 2009	Owned a black and white female pony which did not have a horse passport	Prosecution taken in conjunction with RSPCA - No Separate Penalty for horse passport offence		Gaskin was sentenced to 100 hours of community work and ordered to pay £4,077 costs to the RSPCA, who brought the case to court alongside the police and Trading Standards.
13/03/2013	Derby MC	Billy Hillas	Littleborough, Rochdale	Consumer Protection from Unfair Trading Regulations 2008	3 offences in relation to the sale of a second-hand car to a Belper man. Advertised the car with a false recorded mileage, sold the car with false recorded mileage and failed to disclose that it had been an insurance write-off.	Community order for 12 months - unpaid work in the community for 160 hours.	£1,540.00	Car was advertised on eBay and sold as having travelled 75,000 miles. True mileage was 175,000 and car had been written off and repaired following accident damage.

14/03/2013 POCA Hearing	Nottingham Crown Court	Wayne Michael Foster	Heanor, Derbyshire	Trade Marks Act 1994	Sale and possession for sale counterfeit goods at Ilkeston Market. Around 7000 items seized - clothing, perfume and cosmetics	Community Service and Confiscation Order		£49,000 given 6 months to pay with 15 months imprisonment in default	Enquiries revealed that Foster had made £49,000 from the sale of fake clothing and cosmetics. He had assets which exceeded this sum and so was ordered to repay the full amount by 14/09/2013.
Sentenced 17/12/2012 and POCA Hearing 21/03/2013	Derby Crown Court	Amarjit Gill	Owner of Virgo Healthcare / Lifestyle, Long Eaton, Derbyshire	Fraud Act 2006	25 counts of fraud relating to failure to provide mobility aids to customers	Custodial Sentence 18 months imprisonment, banned from being a Director for 5 years.	£21,233.00	Ordered to repay £90,000 within 6 months or face a default prison term of 21 months.	Enquiries revealed that Mr Gill had benefited from criminal activity in the sum of £141,000. However, his available assets were £90,000. This sum to be repaid by 20/09/2013
Sentenced 17/12/2012 and POCA Hearing 21/03/2013	Derby Crown Court	Ranjit Gill	Joint owner of Virgo Healthcare / Lifestyle, Long Eaton, Derbyshire	Fraud Act 2006	25 counts of fraud relating to failure to provide mobility aids to customers	Custodial Sentence - 12 months imprisonment suspended for 2 years. Ordered to do 200 hours unpaid work and banned from directorships for 5 yrs	£21,233.00	Ordered to repay £80,000 within 6 months or face a default prison term of 21 months.	Enquiries revealed that Mrs Gill had benefited from criminal activity in the sum of £113,135. However, her available assets were £80,000. This sum to be repaid by 20/09/2013
Sentenced 17/12/2012 and POCA Hearing 21/03/2013	Derby Crown Court	David William Messom	Long Eaton, Derbyshire - Manager at Virgo Healthcare / Lifestyle	Fraud Act 2006	9 counts of Fraud	Custodial Sentence -12 months imprisonment suspended for 2 years. Ordered to do 200 hours unpaid work		Available amount for confiscation purposes was a nominal £1.00 – he had no identifiable assets.	Enquiries revealed that Mr Messom had benefited from criminal activity in the sum of £16,488. However he had no available assets so a nominal order of £1 was made.
17/12/2012 POCA Hearing 8/04/2013	Leicester Crown Court and Derby Crown Court	Samuel Peter Routh	Spondon, Derby,	Fraud Act 2006	8 counts of Fraud	9 months imprisonment suspended for 2 years and ordered to do 180 hours unpaid work in the community.		£3000 or 3 months prison sentence in default	Enquiries revealed that Mr Routh had benefited from criminal activity in the sum of £13,153. However, his available assets were £3000. This sum to be repaid by 20/09/2013

10/04/2013	Derby MC	Rhys Davies & Sons Limited	Moys Road Industrial Estate, Taffs Well, Cardiff	Road Traffic Regulation Act 1984	Used a heavy commercial vehicle on Station Road Ilkeston in contravention of a traffic regulation order.	Fine £300.00		£115.00		Breach of weight restriction by company
13/03/2013 POCA Hearing 13/5/2013	Nottingham Crown Court	Lorraine Thornley	t/a Charms UK, Ilkeston, Derbyshire	Trade Marks Act 1994	Sold and had in possession for sale jewellery bearing false registered trade marks.	Community order 180hrs to run concurrently.			£10771.10. To be paid back in 6 months or face a default prison sentence of 12 months.	The figure of £10771.10 represents the amount of money made from the sale of counterfeit Pandora jewellery through Amazon. To be repaid by 12/11/13.
23/05/2013	Derby MC	Mr Adil Zangana	Derby	Consumer Protection Act 1987	Supplied and had in possession for supply foreign labelled tobacco which was not marked with the required warnings in English - 4 offences.	Fined 1 X £110 3 x £50		£500.00		Tobacco had been smuggled into UK with no duty paid. It was labelled in foreign languages so mandatory health warnings were illegible.
27/06/2013	Derby MC	Mr John Alan Brown	t/a Nothing Like Home, Ripley	Consumer Protection Act 1987	Supplied an electric freezer which failed to satisfy Electrical Equipment (Safety) Regs 1994 and which wasn't fitted with the correct type of plug.	Combined Fine of £130.00		£100.00		Freezer purchased as part of a safety sampling exercise to assess the safety of second hand electrical goods. Insulation breakdown posed a risk of electric shock.
27/06/2013	Derby MC	Aquaseal Limited	Kirkby-in-Ashfield	Consumer Protection from Unfair Trading Regs 2008	Engaged in a commercial practice without stating on documents given to consumers of their right to cancel transactions. Failed to reimburse consumers' monies after cancellation of contracts.	Fined £500	£870.00	£600.00		Company contracted with customers for various home improvements after cold calling. Inadequate cancellation rights given.
27/06/2013	Derby MC	Mr Phillip Jack William Wright	Aquaseal Limited, Kirkby-in-Ashfield	Consumer Protection from Unfair Trading Regs 2008	Engaged in a commercial practice without stating on documents given to consumers of their right to cancel transactions.	Fined £200	£400.00	£270		Mr Wright is the only Director of Aquaseal and was personally responsible for the dealing with one of the customers in this case.
10/07/2013	Derby MC	Andrew James Wilkes	Wilnecote, Tamworth, Staffordshire,	Road Traffic Regulation Act 1984	Used a heavy commercial vehicle on Rushy Lane, School Lane, Main Street, Stanhope Street and Littlewell Lane, Stanton-by-Dale in contravention of a traffic regulation order.	Fined £100.00		£115.00		Breach of weight restriction by driver