



<b>Title of Report:</b>	<b>Outcome of Legal Proceedings</b>
<b>Committee Report Submitted To:</b>	<b>Environmental Services Committee</b>
<b>Date of Meeting:</b>	<b>8<sup>th</sup> March 2022</b>
<b>For Decision or For Information</b>	<b>For Information</b>

<b>Linkage to Council Strategy (2021-25)</b>	
Strategic Theme	Resilient, Engaged and Health Communities
Outcome	Securing compliance with legal regulatory requirements using available enforcement powers.
Lead Officer	Head of Health & Built Environment

<b>Budgetary Considerations</b>	
Cost of Proposal	N/A
Included in Current Year Estimates	YES
Capital/Revenue	N/A
Code	N/A
Staffing Costs	N/A

<b>Screening Requirements</b>	Required for new or revised Policies, Plans, Strategies or Service Delivery Proposals.		
Section 75 Screening	Screening Completed:	N/A	Date:
	EQIA Required and Completed:	N/A	Date:
Rural Needs Assessment (RNA)	Screening Completed	N/A	Date:
	RNA Required and Completed:	N/A	Date:
Data Protection Impact Assessment (DPIA)	Screening Completed:	N/A	Date:
	DPIA Required and Completed:	N/A	Date:

## 1.0 **Purpose of Report**

1.1 The purpose of this report to update members on the outcome of recent legal proceedings.

## 2.0 **Background**

2.1 Council is the enforcing authority for a wide range of legislation. This enforcement role has been delegated to the staff of the Environmental Services Directorate.

## 3.0 **Outcome of Legal Proceedings**

3.1 The following cases were referred for legal proceedings and heard at Coleraine Magistrates Court sitting at Ballymena Courthouse over the period December 2021 to February 2022. The results of prosecution are as follows:

### 3.2 **Unlicensed Dogs**

<b>Ref. No.</b>	<b>Offence(s)</b>	<b>Result of Proceedings</b>
LC1108844	Keeping of an Unlicensed dog contrary to Article 17 (1) of the Dogs (NI) Order 1983 (2 offences)	Conviction Fine: £150 Legal Costs: £75 Court Costs: £52
LC1110343	Keeping of an Unlicensed Dog contrary to Article 17(1) (a) of The Dogs (NI) Order 1983	Conviction Fine: £75 Legal Costs: £50 Court Costs: £26
LC1112267	Keeping of an Unlicensed Dog contrary to Article 17(1) (a) of The Dogs (NI) Order 1983	Conviction Fine: £90 Legal Costs: £75 Court Costs: £26
LC1112169	Keeping of an Unlicensed Dog contrary to Article 17(1)(a) of The Dogs (NI) Order 1983	Conviction Fine: £90 Legal Costs: £75 Court Costs: £26

In above cases the dog owners had been made aware of the legal requirement to licence their dog but had not done so. In accordance with Council enforcement policy a fixed penalty notice was issued. This remained unpaid so legal proceedings were instigated.

### 3.3 Dogs Straying

<b>Ref. No.</b>	<b>Offence(s)</b>	<b>Result of Proceedings</b>
LC1111318	Allowing a dog to stray  A repeat offence of allowing dogs to stray resulted in the service of a Fixed Penalty Notice on the dog owner for the offence but went unpaid.	Conviction Fine: £100 Legal Costs: £105 Court Costs: £52
LC1113128	Allowing a dog to stray  Linked to dog attack below	Conviction Fine: £75

### 3.4 Dog Attacks on Livestock or other animals

<b>Ref. No.</b>	<b>Offence(s)</b>	<b>Result of Proceedings</b>
LC1113128	A dog attack on a dog contrary to Article 28 (2) (b) of the Dogs (NI) Order 1983  A stray German Shepherd dog attacked and injured West Highland Terrier in a public place.	Conviction Fine: £150 Legal Costs: £50 Court Costs: £26
LC1105542	A dog attack on livestock contrary to Article 28 (2) (a) of the Dogs (NI) Order 1983  A German Shepard Dog and American Bulldog worried livestock, up to 12 Sheep injured. This matter was contested in Court and Council achieved a successful prosecution.	Conviction Fine: £500 Court Costs: £200  The dog owner was also ordered to pay a £1000 Compensation Order to the farmer

### 3.5 The Clean Neighbourhoods and Environment Act (NI) 2011

<b>Ref. No.</b>	<b>Offence(s)</b>	<b>Result of Proceedings</b>
LC1110467	Failure to remove dog faeces contrary to Article 40 (3) of the Clean Neighbourhoods and Environment Act (NI) 2011	Conviction Fine: £150 Legal Costs: £100 Court Costs: £26

### 3.6 The Litter (Northern Ireland) Order 1994

<b>Ref. No.</b>	<b>Offence(s)</b>	<b>Result of Proceedings</b>
817716	Failure to return information contrary to Article 20 of the Litter (NI) Order 1994	Conviction Fine: £150 Costs: £110

### 4.0 Recommendation

**It is recommended** that the Environmental Service Committee recommends to Council to note the above.