

OUTCOME OF LEGAL PROCEEDINGS	5th April 2016
ENVIRONMENTAL SERVICES COMMITTEE	
FOR INFORMATION	

Linkage to Council Strategy (2015-19)	
Strategic Theme	Health & Wellbeing
Outcome	Enforcement of statutory duty
Lead Officer	Bryan Edgar
Cost: (If applicable)	N/A

The purpose of this report is to update members in relation to recent enforcement action.

1.0 Background

The owner of the dog and the person who was in charge of the dog when a member of the public was bitten on Mettican Road, Garvagh would not give Council a statement.

The case was heard in December and sentencing deferred until January, giving the dog owner an opportunity to attend court.

UPDATE

The defendant, Mr Hugh Glass, lodged an appeal the day after sentencing. The appeal was heard in Antrim County court on Tuesday 1 March 2016.

- 1.1 Defendants:**
- Mr Hugh Glass
52 Mettican Road
GARVAGH
BT51 5HS
- Mrs Helen McAneany
52 Mettican Road
GARVAGH
BT51 5HS

- 1.2 Offences:** Allowing a dog to attack a person contrary to Article 29 (2) of The Dogs (NI) Order 1983.

- 1.3 Date of Offence:** 29 April 2015

1.4 Results: Fine: £100
Legal Costs: £ 75
Court Costs: £ 16

The dog is to be muzzled should it re-appear in this jurisdiction.

Appeal update:

The appeal by Mr Hugh Glass to Antrim County court was heard on Tuesday 1 March 2016. The appeal was rejected after evidence was heard and cross examination of Council Officers. The magistrate confirmed the above results.

2.0 Background

On 1 May Council Enforcement Officer observed defendant throwing litter from car travelling along Lodge Road, Coleraine. The case was heard on 4 March 2016.

2.1 Defendant: Mrs Francis D Butcher

Address: 71 Loguestown Park, Coleraine, BT52 2HR

2.2 Offences:

Leaving litter under Article 3(1) of Litter (NI) Order 1994 as amended by the Clean Neighbours and Environment Act (NI) 2011.

2.3 Date of Offence: 1 May 2015

2.4 Result:

Fine: £100
Legal Costs: £ 15
Court Costs: £ 42

The defendant did not appear in court and the above fine and costs were imposed.

3.0 Background

On 3rd September 2015 the defendant who was a front seat passenger in a works vehicle was witnessed smoking a lit cigarette whilst travelling along the Bushmills Road, Coleraine. On disembarking from the vehicle a short time later on Railway Road, he was subsequently noted discarding the cigarette onto the public footpath.

3.1 Defendant: Mr Mark Thompson

3.2 Offences: The Smoking (NI) Order 2006
Litter (NI) Order 1994

3.3 Results: Fine: £50.00 smoking offence
£100.00 litter offence
Legal Costs: £75.00
Court Costs: £34.00 + £15 offenders levy

By way of update this matter was dealt with at court on 3rd March 2016. Mr Thompson did not attend and the court dealt with it in his absence.