

<b>OUTCOME OF LEGAL PROCEEDINGS</b>	<b>2<sup>nd</sup> February 2016</b>
<b>To: ENVIRONMENTAL SERVICES COMMITTEE</b>	
<b>For Information</b>	

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

**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.

## **2.0 Background**

In December 2014 Environmental Health Officers in local Councils carried out a survey across Northern Ireland to assess the compliance of part-worn tyre retailers with the Motor Vehicle Tyre (Safety) Regulations 1994. Following the purchase, examination and subsequent breaches of the afore mentioned legislation by one retailer in the legacy area of Coleraine authorisation to instigate legal proceedings was granted by Coleraine Borough Council.

**2.1 Defendant:** Mr Trevor Corscadden of A1 Tyres and Auto Salvage

**Address:** Unit 4, 1 Letterloan Road, BT51 4PP

## **2.2 Offences**

Penetration damage to the centre of the tyre sampled which extended through to the interior. Subsequent use of this tyre in service would have resulted in a gradual and progressive loss of inflation pressure. A reduction in tyre pressure can result in vehicle instability and the tyre therefore was considered to be in an unsafe condition.

The absence of part worn identification which is a contravention of the afore mentioned regulations.

## **2.3 Result**

Mr Trevor Corscadden entered a guilty plea to both offences with fines of £300 and £200 for each offence plus summons costs of £92 and court costs of £150.

## **2.4 Awareness Raising**

Following the completion and conclusion of this survey across Northern Ireland councils are issuing press releases urging the public to check the safety of part-worn tyres. As part of this awareness raising Council will highlight this recent prosecution and remind those selling part worn tyres of their responsibilities.