



Title of Report:	Outcome of Legal Proceedings
Committee Report Submitted To:	Environmental Services Committee
Date of Meeting:	13th June 2023
For Decision or For Information	For Information

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

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

Legal Considerations	
Input of Legal Services Required	NO
Legal Opinion Obtained	N/A

Screening Requirements	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 in May 2023. The results of prosecution are as follows:

3.2 Unlawful Eviction

A private landlord was successfully prosecuted for the offence of unlawful eviction between 20 October 2020 and 13 November 2020 at a private rental address on Altnahinch Road, Loughguile, in a case brought by the Public Health & Housing Team.

In a complaint made to Council, the tenant stated their landlord, had changed the locks and would not allow him to return to the property. The landlord was subsequently contacted by Council, and claimed the tenant had breached the tenancy agreement and would not be allowed to return to the property. Despite a Council Environmental Health Officer advising the landlord of due process for ending a tenancy and the legal requirement to issue a notice to quit, the landlord remained insistent that the tenant would not be permitted to return to the property. At the time the notice to quit period the tenant was entitled to was 12 weeks' notice.

Unlawful eviction is an offence under Article 54(1) The Rent (NI) Order 1978 as amended by Article 60 of The Private Tenancies (NI) Order 2006. The defendant entered a guilty plea and a fine of £250 was handed down along with an order to pay costs of £169 and a £15 offender levy.

Due process must be followed when ending a tenancy. The written minimum notice to quit period a tenant must be given depends on the length of the tenancy and is set out in the table over page. If a tenant fails to leave the property when the notice to quit period has expired, a landlord must apply for a court order to get possession of the property, and this would be enforced by the courts.

Minimum Notice to Quit Period

Length of tenancy	Notice to quit
Tenancy not been in existence for more than 12 months	No less than 4 weeks' written notice
Tenancy has been in existence for more than 12 months but not more than 10 years	No less than 8 weeks' written notice
Tenancy has been in existence for more than 10 years	No less than 12 weeks' written notice

3.3 Dog Attack on another animal

Ref. No.	Offence	Result of Proceedings
LC1113171	<p>A dog attack on a dog contrary to Article 28 (1) (b) of the Dogs (NI) Order 1983</p> <p>A Staffordshire Bull Terrier escaped from the owners property and attacked a neighbours Jack Russell Terrie.</p>	<p>Conviction</p> <p>Fine: £250 for the offence of a dog attack on another dog.</p> <p>Court costs of £127 were also granted along with an offender levy of £15.</p>

3.4 Unlicenced dogs

Ref. No.	Offence(s)	Result of Proceedings
LC1114539	<p>Keeping a dog without a valid licence contrary to Article 17 (1) of the Dogs (NI) Order 1983.</p> <p>Failure to licence a Staffordshire Bull Terrier</p>	<p>Conviction</p> <p>Fine: £150 for the offence of failing to licence a dog.</p> <p>Court costs of £109 were also granted along with an offender levy of £15.</p>

Ref. No.	Offence(s)	Result of Proceedings
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LC1112394	<p>Keeping a dog without a valid licence contrary to Article 17 (1) of the Dogs (NI) Order 1983.</p> <p>Failure to licence a Pug type dog, a Chihuahua type dog and a German Shepard.</p>	<p>Conviction</p> <p>Fine : £200 for the offence of failing to licence 3 dogs.</p> <p>Court costs of £135 were also granted along with an offender levy of £15.</p>
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3.5 The Litter (Northern Ireland) Order 1994

Ref. No.	Offence(s)	Result of Proceedings
824638	<p>Depositing and leaving litter on the ground contrary to Article 3(1) of The Litter (Northern Ireland) Order 1994.</p>	<p>Conviction</p> <p>Fine: £150 for the offence of depositing and leaving litter.</p> <p>Court costs of £135 were also granted along with a £15 offender levy.</p>

4.0 Recommendation

It is recommended that the above information is noted.