

Title of Report: Outcome of Legal Proceedings: Non-compliance with an abatement notice served under the Clean Neighbourhoods and Environment Act (NI) 2011 – Accumulation/Odour Nuisance	Officer Presenting: Director of Health and Community Author: Head of Health and Community Wellbeing
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1 Purpose of Report/Recommendations

- 1.1 To advise members of the outcome of legal proceedings in relation to a local resident's non-compliance with an abatement notice served under the Clean Neighbourhoods and Environment Act 2011.

2 Background

- 2.1 Following investigation into complaints about the condition that the rear yard of a residential premises was being kept in, impacting on adjacent residential properties, an abatement notice in respect of statutory nuisance was served on the occupier of the dwelling in September 2017. The notice required the abatement of the nuisance and prevention of its recurrence and remains in force indefinitely.
- 2.2 Prior to the service of the notice informal attempts were made by officers to resolve the complaint.
- 2.3 Following the service of the notice and as a result of investigations into further complaints about the state of the yard to the dwelling and odour arising from it, Environmental Health officers were satisfied that the notice had not been complied with and legal proceedings were initiated.

3 Key Issues

- 3.1 The occupier of the property pleaded guilty to non-compliance with the abatement notice and was convicted on that basis. A fine of £125 was imposed along with legal fees totaling £82 and an offender levy of £15. The maximum fine that can be imposed for such offences is £5,000. The legislation also provides for a daily penalty of 1/10th of the fine to be imposed where the nuisance continues. Officers will be keeping the matter under review and will bring the matter back before the court where necessary.

4 Financial, Equality, Legal, HR, Improvement and other Implications

- 2.1 None

5 Recommendations

- 5.1 Members note the outcome of the above prosecution for non-compliance with an abatement notice served under the Clean Neighbourhoods and Environment Act 2011.

Background Papers

None