1 **Purpose of Report/Recommendations**

1.1 To update Members on the outcome of a legal case following prosecution brought against Ms. Caroline Fusco by Derry City and Strabane Council under the Dogs NI Order 1983 (as amended) and The Fouling of Land by Dogs (Derry City and Strabane District Council) Order 2015.

2 **Background**

2.1 Following an investigation by Dog Control Officers in January 2019 charges in relation to failure to obtain a valid licence and failing to remove dog faeces from land were brought against Ms. Caroline Fusco by Derry City and Strabane District Council.

2.2 Dog Fouling is one of Council's most common complaints and receives significant media coverage.

2.3 The offences are a breach of the council's enforcement policy in respect of fouling and dog licensing.

2.4 A successful prosecution may improve dog owner’s awareness of the dangers from dog faeces and promote responsible dog ownership including their legal obligations.

3 **Key Issues**

3.1 In January 2019 a Dog Control Officer witnessed Ms Fusco failing to remove her dog's faeces from a footpath at Derry Road, Strabane. An £80 Fixed Penalty Notice offering the dog owner an opportunity of discharging any liability to conviction for that offence was subsequently issued to Ms Fusco and she was also asked to licence her dog within seven days.

3.2 As Ms. Fusco failed to licence her dog a £75 Fixed Penalty Notice was also issued for this offence.
3.3 Ms. Fusco failed to pay the two Fixed Penalty Notices.

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

4.1 Charges were brought against Ms Fusco by Derry City and Strabane District Council under Article 3(1) of The Fouling of Land by Dogs (Derry City and Strabane District Council) Order 2015 and Article 17(1) of the Dogs (Northern Ireland) Order 1983 (as amended).

4.2 The case was heard District Judge McGarrity at Strabane Magistrates Court on 13th February 2020.

4.3 The defendant entered a plea of guilty in respect of the failure to obtain a valid licence. The individual’s circumstances were taken into consideration and on this occasion the charge of fouling was withdrawn. The Judge took into consideration the limited financial income of the defendant and fined Ms. Fusco £10.00 and ordered her to pay court costs of £50.00, legal costs of £50.00 together with £15.00 offender levy.

4.4 Council officers will continue to enforce the Dog Control legislation in line with Council’s enforcement policy.

5 Recommendations

5.1 Members are asked to note the outcome of the prosecution and endorse the enforcement action taken.

Background Papers

None.