

Title of Report: Legal Proceedings instigated in respect of Deer Carcasses – outcome update	Officer Presenting: Director of Health & Community Author: Head of Health & Community Wellbeing
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1 Purpose of Report/Recommendations

- 1.1 The purpose of this report is to update Members on the outcome of legal proceedings which Council instigated in respect of food related offences pertaining to Deer Carcasses found at a domestic premises in Ashleigh Court, Castlederg, Co Tyrone.

2 Background

- 2.1 Derry City & Strabane District Council does not hold any records to indicate that a food business is registered (in accordance with Article 6(2) Regulation (EC) No. 852/2004) at the address in question or that it has been in the past.

3 Key Issues

- 3.1 Environmental Health Officers visited the domestic property and observed a commercial style cold room sited to the rear of the property.
- 3.2 In view of the volume of deer observed in the rear of the property, the presence of butchery equipment and the quantities of deer contained in delivery notes, which were seized by PSNI officers on 16th January 2020, Environmental Health Officers were satisfied that there was sufficient evidence to indicate that a food business was being operated from this premises.
- 3.3 These officers were also satisfied that there was sufficient evidence of activity in the shed/garage to indicate a scale of operation which goes significantly beyond that for personal use. The owner of the property was therefore required to be registered as a food business, under Regulation (EC) No 852/2004 Art 6 (2). No exemptions apply under 178/2002 or 852/2004.
- 3.4 In addition, the owner of the property was required to provide traceability information regarding the circumstances of how and where the animals were slaughtered. This information was requested in writing in a letter to him, asking for the following details pertaining to the carcasses, namely records to confirm where the carcasses were shot and for whom they were intended to be supplied to. This information was not provided by the specified time period.

- 3.5 Traceability is about being able to identify suppliers and customers. The requirements of Articles 14 and 19 of Regulation 178/2002 apply to all Food Business Operators (FBOs), including primary producers, hunters and retailers and cover the whole food chain.
- 3.6 There are a number of exemptions from having to comply with food hygiene legislation for the hunting of game, as specified in The Wild Game Guide 2015. However due to the volume of deer found at the property on 16th January 2020 and information contained on the delivery notes for the large quantities of deer, officers were satisfied that the owner of the property could not avail of an exemption as a hunter who shoots game for private consumption.
- 3.7 If any food is certified as not being produced, processed or distributed in compliance with the hygiene regulations, it shall be treated for the purposes of Article 8 of the Food Safety (Northern Ireland) Order 1991 as failing to comply with food safety requirements.
- 3.8 Thus the carcasses failed to meet the Food Safety Requirements due to (a) the lack of traceability as to their origin and (b) the premises not being registered with DCSDC as a food business.

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

- 4.1 Legal proceedings were instigated against Mr Trevor Gannon, Ashleigh Court Crescent, Castleberg in respect of the following offences:
 - 4.1.1 Failure to register as a Food Business as required under Article 6 of Regulations (EC) No 852/2004 and
 - 4.1.2 Failure to provide traceability as required under Article 18 of Regulation 18 (EC) 178/2002
- 4.2 The matter was mentioned at Omagh Court in October, November and December 2020. Following discussions between the barristers for both sides, guilty pleas were entered in respect of both offences on 10th December 2020. The matter was then adjourned until 14th January 2021 for sentencing.
- 4.3 At Omagh Court on 14th January 2021, before District Judge McGarrity, the defendant, Mr Gannon was fined as follows: -
 - a. Offence of failing to register as a food business - Fine of £2,500
 - b. Offence of failing to provide traceability - Fine of £3,500
 - c. The defendant was also ordered to pay £146.00 together with £15.00 offender levy.

- 4.4 In his sentencing the judge complimented the Council on their very thorough investigation and applauded Council for taking the case forward.
- 4.5 This ruling will act as an effective deterrent to anyone considering breaching food safety regulations.

5 Recommendations

- 5.1 That members note the content of this report.

Background Papers

[Regulation \(EC\) No 852/2004](#)

[Regulation 18 \(EC\) 178/2002](#)