

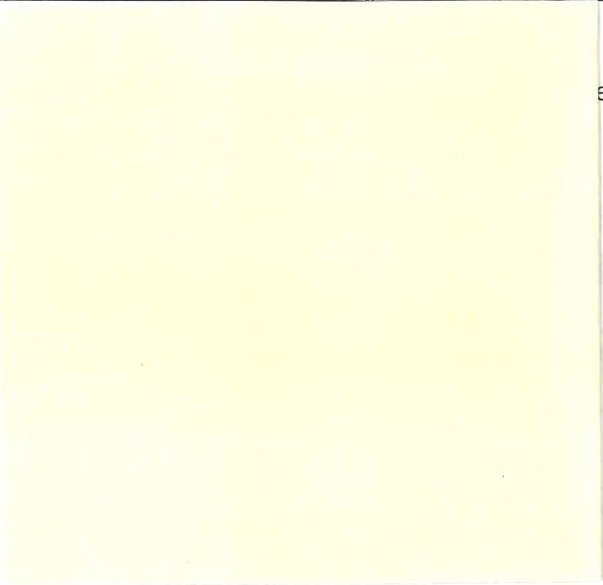
Record of officer decision

Decision title:	Decision to prosecute
Date of decision:	12 SEPT 2018
Decision maker:	Head of Regulatory & Development Management
Authority for delegated decision:	The chief executive's scheme of delegation
Ward:	Kings Acre
Consultation:	Legal Services - In accordance with S222 of the Local Government Act 1972 we consider a prosecution is both appropriate and reasonable in this matter for the promotion or protection of the interests of the people of the County of Herefordshire which is also in accordance with the Herefordshire Council's Enforcement and Prosecution Policy.
Decision made:	To prosecute two defendants for failing to comply with a Community Protection notice issued under Section 43 of the Anti-social Behaviour Crime and Policing Act 2014.
Reasons for decision:	<p>On 2nd June 2017 a community protection notice was individually served on both defendants to remove the vehicles and other items from the drive and stop repairing cars after 6.30 pm. Previously in June 2017 the defendants breached the notice and in December 2017 were prosecuted for the offences and given conditional discharges.</p> <p>In March 2018 information began to be received that vehicles were being repaired at the property and the untidiness was reoccurring. Officers visited the address in several occasions during July 2018 and found vehicles being repaired cars being badly parked and general untidiness was reoccurring in breach of the community protection notice.</p> <p>Defendants were invited for interview but could not attend.</p> <p>The evidential test is met in this instance as there are a number of witness statements backed up by photographs of the property before and after the notices were issued.</p> <p>It is also in the public interest due to the nature and circumstances of this matter namely:</p> <ol style="list-style-type: none"> 1) the defendant has failed to comply, in part or in full, with a statutory notice; 2) there are grounds for believing that the alleged offence is likely to be continued or repeated; 3) A prosecution would have a significant impact on maintaining community confidence and should act as a deterrent to others who may be contemplating similar actions,
Highlight any associated risks/finance/legal/equality considerations:	
Details of any alternative options considered and rejected:	

Details of any declarations
of interest made:

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Signed



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12/9/18

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