

Record of officer decision

Decision title:	Decision to prosecute
Date of decision:	10 JAN 2019
Decision maker:	Acting Assistant Director for Regulation, Environment & Waste Services
Authority for delegated decision:	The chief executive's scheme of delegation
Ward:	Old Gore
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 the defendant for one offence under The Animal Welfare Act 2006 Sections 4 and one offence under The Mutilations (Permitted Procedures) (England) Regulations 2007 schedule 5 section 5
Reasons for decision:	<p>On 18th August 2018 an Officer attended a field near Ross on Wye and found one sheep collapsed with fly strike and maggots, another 4 sheep were found to have severe fly strike. The owner of the sheep was called and attended the field. The Officer requests that owners vet is called immediately. A vet arrives and immediately puts the fallen sheep to sleep as it is clearly suffering. He finds 3 others that are suffering so severely that they have to be put to sleep. The fifth sheep was suffering but could be treated but it was decided that the best course of action was to put to sleep as well.</p> <p>The field is about 2 acres with no high vegetation so inspection of the sheep would be easy. The defendant stated he was checking the sheep and treating them for fly strike with a product that was not suitable for use on animals. The defendant did not seek veterinary advice.</p> <p>The evidence is met through witness statements and video and photographic evidence and the defendant's admission of the offences.</p> <p>It is in the public interest to prosecute because</p> <ol style="list-style-type: none"> 1) a conviction is likely to result in a banning order; 2) harm was caused to animal health and the environment; 4) there are grounds for believing that the alleged offence is likely to be repeated; 5) a prosecution would have a significant positive impact on maintaining community confidence
Highlight any associated risks/finance/legal/equality considerations:	—
Details of any alternative options considered and rejected:	None
Details of any declarations of interest made:	None

Signed:

Date: 10/1/2019