

## Record of officer decision

<b>Decision title:</b>	Decision to prosecute
<b>Date of decision:</b>	13.12.2018
<b>Decision maker:</b>	Acting Assistant Director for Regulatory, Environment and Waste Services
<b>Authority for delegated decision:</b>	The chief executive's scheme of delegation
<b>Ward:</b>	Central
<b>Consultation:</b>	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.
<b>Decision made:</b>	To prosecute 1 defendant for contravening an emergency prohibition order on or around 15 <sup>th</sup> June 2018 contrary to S32 of the housing act 2004
<b>Reasons for decision:</b>	<p>On 7<sup>th</sup> April 2018 a visit was made by officers to a takeaway with a flat above. Officers found a number of people living at the flat in which there was no automatic fire detection system and a small pantry room off the kitchen was being used as a bedroom. Taking these issues into consideration an emergency prohibition order was placed on a flat above the takeaway restricting the use of the accommodation to certain rooms and only the defendant, his wife and children.</p> <p>On 15<sup>th</sup> June 2018 a revisit was made to the premise and officers found that a worker from the restaurant was using the small pantry room off the kitchen as a bedroom which was a prohibited room. It is in the Public Interest to prosecute because</p> <ol style="list-style-type: none"> <li>1. If this matter is not prosecuted there are grounds for believing that the alleged offence is likely to continue</li> <li>2. A prosecution would have a significant positive impact on maintaining community confidence.</li> </ol>
<b>Highlight any associated risks/finance/legal/equality considerations:</b>	NONE
<b>Details of any alternative options considered and rejected:</b>	NONE
<b>Details of any declarations of interest made:</b>	NONE

Signed

Date: 13.12.18