

Record of officer decision

Decision title:	To prosecute a defendant for failing to comply with a duty under the Health and Safety at Work etc. Act 1974
Date of decision:	1 st November 2021
Decision maker:	Head of Public Protection
Authority for delegated decision:	Economy and Place Scheme of Delegation – Item 70 (22/10/2021)
Ward:	Whitecross
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 limited company, under section 33(1)(a) of the Health and Safety at Work etc. Act 1974 namely section 3(1).
Reasons for decision:	A decision has been made to prosecute. In light of the significant risk posed to the public, the fact that actually bodily harm was caused to members of the public and the failure of the employer to respond to reasonable enquires during investigation. The case passes the evidential and public interest tests and the decision complies with The Code of Crown Prosecutors and Herefordshire Council’s Enforcement and Prosecutions Policies.
Highlight any associated risks/finance/legal/equality considerations:	There is a possibility that the prosecution may fail and cost would be awarded to the defence.
Details of any alternative options considered and rejected:	The seriousness of the offence does not warrant alternative measures such as a caution or warning letter.
Details of any declarations of interest made:	None

Signed:

Date: 1st November 2021