

Record of operational decision

Decision title:	Decision to prosecute one defendant for allowing an animal to suffer, failing to protect it from pain and suffering, failing to provide a suitable environment for livestock and failing to remove dead stock.
Date of decision:	13 February 2023
Decision maker:	Head of Public Protection
Authority for delegated decision:	Economy and Environment Scheme of delegation Paragraph 70 (03/08/2022)
Ward:	Three Crosses
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 for offences under Section 4 and 9 of the Animal Welfare Act 2006, and the Animal By-Products (Enforcement)(England) regulations 2013.
Reasons for decision:	<p>In June 2022 officers attended a field where the defendant had numerous animals, including llamas, sheep and a horse. Officers found dead carcasses and evidence of fly strike on one of the llamas. A veterinary surgeon determined that, due to the fly strike, one llama was suffering, whilst others had matted fleeces and the stockmanship was inadequate.</p> <p>The defendant has not responded to requests to be interviewed.</p> <p>The evidential test is met through witness statements and photographic evidence.</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; 3) the defendant's previous convictions are relevant to the present offence 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
Equality Considerations	The decision to prosecute does not discriminate, harass or victimize nor encourage conduct prohibited under the Equality Act 2010. It also does not unfairly impact upon anyone with a relevant protected characteristic nor hinder relations between persons sharing such a characteristic.
Highlight any associated risks finance/legal/equality considerations:	
Details of any alternative options considered and rejected:	
Details of any declarations of interest made:	

Signed

Date: 13 February 2023