



## DECISION OF DIRECTOR OF DEVELOPMENT AND ENVIRONMENT,

DECISION No. 15/16 – 16/17 DE 298

**SUBJECT: General Authorisation to initiate Prosecutions**

**DETAILS**

The procedure for initiating prosecutions varies across the Directorate. In some cases it is done by a formal director decision published on the Council's website whilst in other cases a written memorandum is used. Publication on the website means that decisions to prosecute may get into the public domain and others may hear about it before the defendant receives a summons. In some case Legal may advise that the prosecution should not proceed, but in the meantime damage may have been done to the defendant's reputation. The matter has been discussed with the Council Solicitor who has advised that in every case Legal staff require a written authorisation to prosecute but that provided the Director gives a clear general written authorisation for prosecutions separate Director Decisions for each individual case are not necessary.

**DECISION:**

1. That the Director's power to initiate prosecutions, relating to matters for which the Directorate is responsible, is authorised to the Heads of the Services shown in schedule 1 or in their absence the appropriate service manager.
2. That the initiation of prosecutions is done by sending an internal document headed "Authority to prosecute" to the Council Solicitor.

**Reasons:**

The general authorisation will improve the efficiency of the administration of the Directorate and be fairer to the defendant for the reasons stated.

**Other Alternatives Considered:**

Having individual Director Decisions each time prosecution is initiated

**Financial Implications and Implications for Future Years:**

There are no financial implications arising from this decision.

**Risk Assessment:**

The changed procedure will not carry any greater risk than the existing procedure.

Signed  Director of Development and Environment

Dated 28/4/16

**Schedule 1**

**Development Management  
Environmental and Consumer Services  
Highways and Transport  
Streets and Open Spaces**