

## Record of officer decision

<b>Decision title:</b>	Decision to prosecute
<b>Date of decision:</b>	07.11.2018
<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>	Leominster East
<b>Consultation:</b>	In accordance with s.222 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 the defendant for littering offences under section 87 of the environmental protection act 1990.
<b>Reasons for decision:</b>	<p>Information was received that household waste has been dumped in the bin store (and not in the bins) and around one of the flats. The officer visited the area and found the bins were over flowing and numerous bags dumped in the bin store along with bags dumped around one of the flats. The defendant was spoken to and stated that she had taken around 20 bags to the bin store and filled the bins they left the remaining on the floor. In regard to the waste around the flat the defendant said that as a single parent she did not have time to take the rubbish bins out.</p> <p>Officer issued a fixed penalty notice but it was not paid. The defendant was invited for interview but failed to attend.</p> <p>The evidential test is met in this instance as there is an officer statement and a number of photographs.</p> <p>The public interest test is met due to the nature and circumstances of this matter namely:</p> <p>(i) If legal proceedings are not instigated, then it is likely that he will repeat offend; and</p> <p>(ii) A prosecution would have a significant impact on maintaining community confidence and should act as a deterrent to others who may be contemplating similar actions,</p>
<b>Highlight any associated risks/finance/legal/equality considerations:</b>	
<b>Details of any alternative options considered and rejected:</b>	

<b>Details of any declarations of interest made:</b>	None

Signed



e: 07.11.2018