

Record of officer decision

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| Decision title: | Decision to prosecute |
| Date of decision: | 21/08/18 |
| Decision maker: | Head of Regulatory & Development Management Services |
| Authority for delegated decision: | ECC directorate scheme of delegation |
| Ward: | Birch |
| 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 company and 1 director for offences under Environmental Protection Act 1990 Section 33, 34 |
| Reasons for decision: | <p>In November 2017 a tri axle articulated trailer was found abandoned on a layby on A49 near Much Birch. When officers entered the trailer approximately 24000 litres of waste oil type substance was found in containers. The trailer appeared to have all details removed but further investigations have found that the trailer was purchased by the defendants in September 2017. Officers visited the premise to find an industrial process being carried out and similar containers with an oil product was in them. Further enquires put the trailer at the business and that it was moved at the beginning of November 2017.</p> <p>The defendants attended interview and a written statement was given admitting the trailer was purchased by them and they had paid someone unknown to dispose of the trailer and its contents. The evidential test is met in this instance and the public interest test is met due to the nature and circumstances of this matter namely:</p> <ul style="list-style-type: none"> (i) If legal proceedings are not instigated, then it is likely that he will repeat offend; (ii) a prosecution would have a significant positive impact on maintaining community confidence; |
| Highlight any associated risks/finance/legal/equality considerations: | |
| Details of any alternative options considered and rejected: | |
| Details of any declarations of interest made: | 1 |

Signed: .

Date:

21/8/2018