

Record of officer decision

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:	Bromyard Bringsty
Consultation:	Legal Services have been consulted and confirmed "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".
Decision made:	To prosecute the defendant for offences under Environmental Protection Act 1990 Sections 34(1) and control of Pollution (Amendment) Act 1989 Section 1
Reasons for decision:	<p>1) Not disposing of commercial waste namely a slot machine, commercial fridge, chest freezer to an authorised person and failing to secure the transfer with a written description of the waste between on 13th March 2018</p> <p>2) Not being a registered waste carrier to transport commercial waste in the course of a business.</p> <p>In this case the defendant visited the Bromyard Recycling Centre to deposit commercial waste. The enforcement officer refused the tipping because it was trade waste. The defendant stated that the items were from his house and stored in his garage. Further investigating revealed the defendant does not have a garage and that the housing officer has confirmed that no items of the description on the property.</p> <p>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> <p>(i) If legal proceedings are not instigated, then it is likely that he will repeat offence; and</p> <p>(ii) The offence is fairly widespread throughout the area and is a blight on the natural landscape;</p>
Highlight any associated risks/finance/legal/equality considerations:	
Details of any alternative options considered and rejected:	None

Details of any declarations of interest made:	None

Signe

Date:

21/8/2018