

Record of officer decision

Decision title:	Decision to prosecute
Date of decision:	29 Aug 2019
Decision maker:	Acting Assistant Directorate for Regulatory, Environment and Waste Services
Authority for delegated decision:	The chief executive's scheme of delegation
Ward:	Holmer
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 1 defendant for a fly tipping offence under section 33 and an offence under section 34 duty of care of the environmental protection act 1990.
Reasons for decision:	<p>The location of the fly tip was an area that had a high quantity of fly tipped waste. The owner was clearing the waste when evidence was found showing the details of the defendant. The defendant first stated he had got someone on Facebook to remove the waste but subsequent investigation showed that he was a van driver and the van tracker showed he visited the fly tip area and that the delivery company he worked for have stated he did not have any deliveries in that area. The defendant failed to attend interview.</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>
Highlight any associated risks/finance/legal/equality considerations:	None
Details of any alternative options considered and rejected:	None
Details of any declarations of interest made:	None

Signed:

Date: 29/8/19