

Record of officer decision

Decision title:	Decision to prosecute 1 defendants for fly tipping waste
Date of decision:	11/12/19
Decision maker:	Acting Assistant Directorate for Regulatory, Environment and Waste Services
Authority for delegated decision:	Economy and Place Scheme of Delegation item 64
Ward:	Newton Farm
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:	In March 2019 a number of black bags were found fly tipped in a water course. On inspection of the waste it leads back to a local address where there was a long history of waste issues around the property in regard in improper storage and disposal. The defendant refused to communication with the officer. Previously another officer had advised the defendant at length on how to comply with the legislation. The defendant failed to attend interview. The public interest test is met due to the nature and circumstances of this matter namely: (i) If legal proceedings are not instigated, then it is likely that he will repeat offend; and (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,
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

Signec



Date:

11/12/2019