

### Record of officer decision

<b>Decision title:</b>	Decision to Prosecute Two Individuals for Fly Tipping Offences
<b>Date of decision:</b>	11/12/2019
<b>Decision maker:</b>	Acting Assistant Directorate for Regulatory, Environment and Waste Services
<b>Authority for delegated decision:</b>	Economy and Place Scheme of Delegation – Item 64
<b>Ward:</b>	Bromyard West
<b>Consultation:</b>	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.
<b>Decision made:</b>	To prosecute 2 defendants for offences under Environmental Protection Act 1990 Section 33, 34, section 108 of the Environment Act 1995 and section 1 of the control of pollution act 1989 .
<b>Reasons for decision:</b>	<p>In January 2019 information was received that there had been a fly tip adjacent to a nature reserve. A nature reserve officer visited the area and after finding evidence of where the waste had come from cleared up the waste. Enforcement officers subsequently found the owner of the waste who advised them of whom he had employed to dispose of the waste initially, which was only the scrap metal waste but they offered to remove the other waste as well. Investigations led to the 2 defendants who have been scrap metal collector for a number of years. The vehicle used has been identified and found hidden on of the defendants land:</p> <p>(i) If legal proceedings are not instigated, then it is likely that he will repeat offend;</p> <p>(ii) a prosecution would have a significant positive impact on maintaining community confidence;</p>
<b>Highlight any associated risks/finance/legal/equality considerations:</b>	None
<b>Details of any alternative options considered and rejected:</b>	None
<b>Details of any declarations of interest made:</b>	None

Signed:



Date:

11/12/2019