

Record of officer decision

Decision title:	Decision to prosecute
Date of decision:	26/2/19
Decision maker:	Acting Assistant Directorate for Regulatory, Environment and Waste Services
Authority for delegated decision:	The chief executive's scheme of delegation
Ward:	Queenswood
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 offences under the Environmental Protection Act 1990 Section 33(1), 34(1) & (6), The waste (England and Wales Regulations 2011 Regulation 35 (6). The Control of Pollution Act 1989 section 1 and The Environment Act 1995 Section 110
Reasons for decision:	<p>A report was received from a landowner of a fly tip in a field at Lyde in Herefordshire. The location of the fly tip in the field required the use of a 4 wheel drive vehicle. A business card of the defendant was found and when located the defendant's vehicle was in fact a 4 wheel drive pickup. Officers issued a notices to provide documentation that he was disposing of his waste properly. The defendant did not provide any documents. It was also found that the defendant did not have a waste carriers licence. The defendant was invited for interview but failed to attend.</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 offend;</p> <p>(ii) a prosecution would have a significant positive impact on maintaining community confidence;</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:	None

Signed:

26/2/19