

### Record of officer decision

<b>Decision title:</b>	Decision to prosecute 4 defendants for fly tipping and waste duty of care offences
<b>Date of decision:</b>	2 September 2021
<b>Decision maker:</b>	Assistant Directorate for Regulatory, Environment and Waste Services
<b>Authority for delegated decision:</b>	Economy and Place Scheme of Delegation item 70 (20/07/2021)
<b>Ward:</b>	Bromyard Bringsty
<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 4 defendants for illegally depositing waste and failing in duty of care under Sections 33(1)(a) and 33(6) and 34 (1) & 34(6) of the Environmental Protection Act 1990.
<b>Reasons for decision:</b>	<p>The defendants were advertising on Facebook and collecting waste to which they are paid to remove and are then depositing that waste on land which belongs to the council where there is no licence to deposit the waste. Investigations revealed advertisements for waste collections on Facebook, collecting the waste and the fly tipping on the land. Evidence was found as to whose waste it was and then linked to the defendants.</p> <p>From the Council's enforcement policy the public interest factors in favour of prosecution are:-</p> <ul style="list-style-type: none"> <li>(a) conviction is likely to result in a significant sentence</li> <li>(b) risk to the environment is widespread</li> <li>(c) the defendant acted willfully or negligently</li> <li>(d) harm was caused to the environment</li> <li>(e) a prosecution would have a positive impact on maintaining community confidence- the public consider fly tipping serious and want to see offenders prosecuted.</li> <li>(f) a prosecution will draw public attention to the issue of fly tipping</li> </ul>
<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: 2 September 2021