

## Record of officer decision

<b>Decision title:</b>	Decision to prosecute one defendant for a waste duty of care offence
<b>Date of decision:</b>	12 May 2022
<b>Decision maker:</b>	Head of Public Protection
<b>Authority for delegated decision:</b>	Economy and Environment Scheme of Delegation item 70
<b>Ward:</b>	Leominster 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 one defendant under the Environmental Protection Act 1990, Section 34.
<b>Reasons for decision:</b>	<p>In November 2021 a fly tip was found in the Leominster west ward. Investigations revealed that the defendants were paid by the previous tenant to dispose of waste following a house swap. Instead of legally disposing of the waste, it was fly tipped. The defendants stated they paid someone to dispose of the waste but did not have any paperwork to prove the proper transfer of this waste.</p> <p>The evidential test is met in this instance as there are witness statements and an expert report including photographs of the evidence.</p> <p>It is in the public interest due to:</p> <ul style="list-style-type: none"> <li>(i) If legal proceedings are not instigated, then it is likely that he will repeat offend;</li> <li>(ii) The defendant acted fraudulently, wilfully or negligently;</li> <li>(iii) 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,</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: 12 May 2022