

Record of officer decision

Decision title:	Decision to prosecute 1 defendant for fly tipping and failing in their waste duty of care, transporting waste without a licence and failing to produce documents to an officer
Date of decision:	11 July 2022
Decision maker:	Head of Public Protection
Authority for delegated decision:	Economy and Environment Scheme of Delegation, item 70 (23/12/2021)
Ward:	Three Crosses
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 1 defendant for offences for offences under Environmental Protection Act 1990, S33 S34 & S35 and Control of Pollution (Amendment) Act 1989 S1.
Reasons for decision:	<p>In February 2022 a report was received that waste had been fly tipped on private land. Evidence in the waste linked back to one of the witnesses who had employed the defendant to remove the waste for a charge. The defendant was advertising on Facebook. The owner of the waste identified it as their waste and asked the defendant why he had fly tipped it. The defendant did not have a licence to transport waste and did not respond to notices served at his address. Officers attempted to make contact with the defendant but he did not attend interview.</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> <p>(i) If legal proceedings are not instigated, then it is likely that he will repeat offend;</p> <p>(ii) The defendant acted fraudulently, wilfully or negligently;</p> <p>(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,</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 made:	None

Signed:

Date: 11 July 2022