

### Record of officer decision

<b>Decision title:</b>	Decision to prosecute 2 defendants for fly tipping and waste duty of care offences
<b>Date of decision:</b>	11 July 2022
<b>Decision maker:</b>	Head of Public Protection
<b>Authority for delegated decision:</b>	Economy and Environment Scheme of Delegation, item 70 (23/12/2021)
<b>Ward:</b>	Arrow
<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 the Environmental Protection Act 1990, S.33 & S.34
<b>Reasons for decision:</b>	<p>In June 2021, the Pembridge Traveller site was vacated for refurbishment. Between June and August 21 officers observed that fly tipping was taking place on the unoccupied site. Evidence within the fly tipped waste was found of the owner. The owner of the waste confirmed that the defendants were paid £40 to take the waste away, but they were not given any paperwork. The defendants denied the fly tipping and blamed someone else. The evidential test is met in this instance as there are witness statements and 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>
<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 July 2022