

Record of officer decision

Decision title:	Decision to prosecute one defendant for waste duty of care offences
Date of decision:	2 November 2022
Decision maker:	Head of Public Protection
Authority for delegated decision:	Economy and Environment Scheme of Delegation item 70 (03/08/2022)
Ward:	Bromyard and Bringsty
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 failing in their duty of care under Sections 34 (1) & 34(6) of the Environmental Protection Act 1990, regulation 35 of the Waste (England and Wales) Regulations 2011 and section 1 of the Control of Pollution (Amendment) Act 1989
Reasons for decision:	<p>The defendant collected scrap metal from various sources and took this to a scrap metal merchant. The defendant also does not have a waste carrier's license and has not produced any waste transfer documents as required by law.</p> <p>From the Council's enforcement policy the public interest factors in favour of prosecution are:-</p> <ul style="list-style-type: none"> (a) conviction is likely to result in a significant sentence (b) risk to the environment is widespread (c) the defendant acted wilfully or negligently (d) harm was caused to the environment (e) a prosecution would have a positive impact on maintaining community confidence- the public consider offences regarding waste serious and want to see offenders prosecuted. (f) a prosecution will draw public attention to the issue of ensuring proper waste disposal.
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: 2 November 2022