

CAMBRIDGE CITY COUNCIL

Record of Executive Decision

Delegation to South Cambridgeshire District Council pursuant to the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000

Decision of: Executive Councillor for Environmental and Waste Services, Cllr Swanson

Reference: 13/URGENCY/ENV/5

Date of decision: 13/12/13 **Recorded on:** 13/12/13

Decision Type: Non-Key

Matter for Decision: To delegate to South Cambridgeshire District Council the authority to:

1. Prosecute "A" under the Environmental Protection Act 1990 in relation to offences relating to the unlawful disposal of waste (see attached Confidential Report)

Why the decision had to be made (and any alternative options):

Background

South Cambridgeshire District Council (SCDC) has recently investigated the unlawful deposit of waste in its area. SCDC is intending to prosecute the person responsible (“A”) for failing to dispose of the waste to an authorised person or alternatively to an authorised carrier.

During the course of their investigation, SCSC officers became aware that City Council officers had also investigated a similar offence committed by “A” in relation to waste unlawfully deposited within the City, and that the City Council were intending to prosecute.

As the offences are closely related, the delegation to SCDC will enable them to summons “A” for both offences before the Magistrates at the same time so that the cases can be dealt with together.

Powers

The City Council has power under the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000, regulation 7, to delegate the function, which would enable South Cambridgeshire Council to make enforcement decisions and to take such action under the delegation as they consider appropriate.

The Executive Councillor’s decision(s):

Pursuant to regulation 7 of the Local Authorities (Arrangement for the Discharge of Functions) (England) Regulations 2000, the Executive Councillor delegated to South Cambridgeshire District Council the power to prosecute “A” under the Environmental Protection Act 1990 in relation to offences relating to the unlawful disposal of waste.

Reasons for the decision:

These are explained above.

Scrutiny consideration:

The Executive Councillor and Spokesperson were consulted prior to the decision being made.

Report: See attached confidential briefing note.

Conflicts of interest: No conflicts of interest were declared by the Executive Councillor.

Comments: THE ATTACHED REPORT IS NOT FOR PUBLICATION: The report relates to an item during which the public is likely to be excluded from the meeting by virtue of paragraph 7 of Part 1 of Schedule 12A of the Local Government Act 1972. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.