

Written Question to Executive Member for Sustainable Communities Full Council 14th June 2012

There was recently a prosecution against a Dunstable resident who is a market trader in various parts of the district for allegedly dumping household items outside a Tidy Tip. The perpetrator was denied access as he had a van.

While the strength of the evidence was disputed by each side the magistrates decided the defendant was not guilty as he maintained from the outset some 12 months earlier.

This case prompts concerns about the veracity of the evidence and the methodology in which it was obtained. There was no photographic evidence and some statements were made a year after the offence was said to have taken place.

Will there be an investigation into all the circumstances surrounding this case and whether the prosecution was in the best interests of this Authority?

What is the total number of prosecutions that this Council initiates for environmental crimes and what is the success rate?

Response:

There will be no investigation into the circumstances surrounding this case.

- **Officers from the Environmental Protection Team received the complaint from one of the Councils' Waste Services Contract Officers who had witnessed the incident.**
- **The complaint was investigated following established procedures with appropriate evidence being gathered and a prosecution file being submitted to Legal Services for assessment as to whether the evidence gathered was of a satisfactory standard, and whether it was appropriate for the Authority to pursue a prosecution.**
- **On consideration of the nature of the offence and the available evidence the legal advice was that it was appropriate to prosecute.**
- **The Magistrates were clear that they found all witnesses to be credible, indicating that they believed the witnesses evidence but felt that there were weaknesses in relation to identification, noting the legal guidance provided upon the issue.**
- **Following the verdict, Legal Services produced a summary of the two learning points in this case. These are already being acted upon and they do not warrant any further investigation.**

Since April 2009 the Council has undertaken 40 environmental crime prosecutions investigated by the Environmental Protection Team, of which 4 were withdrawn and 1, this particular case, was unsuccessful.