


## EXEMPT EXECUTIVE DECISION NOTICE

<b>SERVICE AREA:</b>	<b>GOVERNANCE &amp; PENSIONS</b> Legal Services
<b>SUBJECT MATTER:</b>	<b>AUTHORISATION TO PROSECUTE FOR BREACHES OF SECTION 34(2A) AND SECTION 87 OF THE ENVIRONMENTAL PROTECTION ACT 1990</b>
<b>DECISION:</b>	To institute legal proceedings to prosecute under Section 34(2A) and Section 87 of the Environmental Protection Act 1990.
<b>DECISION TAKER(S):</b>	Suzanne Antrobus
<b>DESIGNATION OF DECISION TAKER (S):</b>	Head of Legal Services
<b>DATE OF DECISION:</b>	3 August 2022
<b>REASON FOR DECISION:</b>	<p>The Council is under a statutory duty to enforce the Environmental Protection Act 1990.</p> <p>This has been breached (as detailed in the exempt report).</p> <p>Where there has been such a breach of the legislation, it is necessary for the Council to take steps in the public interests of residents within the Borough of Tameside.</p>
<b>ALTERNATIVE OPTIONS REJECTED (if any):</b>	The Offender was issued with a fixed penalty notice to discharge liability for the offence of littering however has failed to pay. The Offender has not responded to communications from the Council.
<b>CONSULTEES:</b>	Environmental Services - Regulatory Compliance Officers
<b>FINANCIAL IMPLICATIONS:</b>	As set out in the exempt report.
<b>LEGAL IMPLICATIONS:</b>	As set out in the exempt report.
<b>CONFLICT OF INTEREST:</b>	None
<b>DISPENSATION GRANTED BY STANDARDS COMMITTEE ATTACHED:</b>	n/a
<b>ACCESS TO INFORMATION:</b>	<p>This report contains exempt information relating to paragraph 3 of Part 1 of Schedule 12 A of the Local Government Act 1972 (as amended).</p> <p>On balance, under paragraph 10 of Part 2 of Schedule 12A, it would not be in the public interest to disclose this information to the public because disclosure would, or would likely to, disclose and or prejudice information relating to any individual:</p> <ul style="list-style-type: none"><li>• Information, which is likely to reveal the identity of an individual.</li><li>• Information relating to the financial or business affairs</li></ul>

	<p>of any particular person (including the authority holding that information).</p> <ul style="list-style-type: none"><li>• Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.</li></ul> <p>The background papers relating to this report can be inspected by contacting Rifat Iqbal, Solicitor by:</p> <p> Telephone: 0161 342 2924</p> <p> E-mail: <a href="mailto:rifat.iqbal@tameside.gov.uk">rifat.iqbal@tameside.gov.uk</a></p>
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Signed  Dated: 3 August 2022  
Suzanne Antrobus, Head of Legal Services