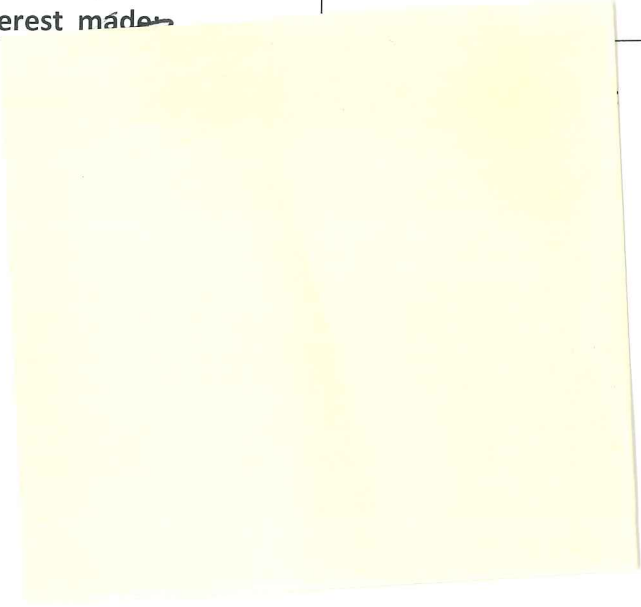


### Record of officer decision

<b>Decision title:</b>	Decision to prosecute
<b>Date of decision:</b>	05/02/2019
<b>Decision maker:</b>	Director of Economy and Place
<b>Authority for delegated decision:</b>	The chief executive's scheme of delegation
<b>Ward:</b>	Ledbury north
<b>Consultation:</b>	<i>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</i>
<b>Decision made:</b>	To prosecute the defendant for offences under the Road Traffic Regulation Act 1984, Section 117
<b>Reasons for decision:</b>	<p>The defendant parked his car in a designated disabled parking bay in The Homend, Ledbury on 11<sup>th</sup> December 2018. He displayed her wife's disabled persons parking badge which if used correctly would have allowed up to three hours free parking in what can be considered a prime town centre location.</p> <p>The defendant's partner was at home at the time the badge was being used, there is no doubt that the blue badge concession was being abused.</p> <p>When the enforcement officer asked the defendant who the badge belonged to, he said the badge belonged to him. He then informed the officer that the badge belonged to his wife who was at an appointment within the TSB bank on Broad Street. He finally admitted that his wife was at home and not part of the journey. Therefore he lied in order to try and get away with the offence</p> <p>In the PACE interview by post the defendant confirmed that he was the person responsible for the offence. He stated that pleaded guilty to the offence, he has nothing to add in mitigation other than he was desperate to bank and put it down to old age and stupidity.</p> <p>Although the defendant is elderly (age 84 at time of the offence), he lied to the enforcement officer which showed that he was fully aware of what he was doing and it wasn't a genuine mistake. Therefore his age alone in the absence of any other mitigating reasons isn't a strong enough factor not to prosecute.</p>
<b>Highlight any associated risks/finance/legal/equality considerations:</b>	Motorists who misuse a disabled persons blue badge in order to obtain free parking can potentially prevent a disabled person from parking near to where they need to go and living an independent life.
<b>Details of any alternative options considered and</b>	Considered a warning or caution but feel stronger action is required in order to try and reduce the level of abuse of the blue

<b>rejected:</b>	parking badges. The charity Disabled Motoring UK states "The charity believes that by persisting with prosecutions and highlighting the consequences of Blue Badge fraud and misuse, can and will work to fight abuse of the scheme. It really makes people stop and think twice before attempting to misuse a Blue Badge, which deprives a disabled person from parking and living an independent life".
<b>Details of any declarations of interest made</b>	None

Signed:



05/02/2019,