


## Record of officer decision

<b>Decision title:</b>	Decision to prosecute an individual under section 117 of the Road Traffic Regulation Act 1984
<b>Date of decision:</b>	4/12/19
<b>Decision maker:</b>	Director for Economy and Place
<b>Authority for delegated decision:</b>	Chief Executive Scheme of Delegation – Appendix 1 – Item 60
<b>Ward:</b>	Leominster East
<b>Consultation:</b>	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.
<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 van on a single yellow line in Church Street, Leominster on 25<sup>th</sup> September 2019. There was a disabled persons parking Badge on display in his vehicle which he was not entitled to use. If used correctly it would have allowed three hours of free parking in this town centre location.</p> <p>The defendant's partners Nan was in a nursing home around 207 miles away at the time the badge was being used, there is no doubt that the blue badge concession was being abused.</p> <p>CEO 40 was approached by some nearby shop owners who told him that the vehicle had been there all day from 09.00 hours and had also been there the previous day. They also informed him that a male came back to the vehicle during the day to change the clock.</p> <p>The defendant advised the enforcement officer that he was not using the disabled badge (that was clearly on display in his work van) as it had been left in the vehicle after previously taking his partners Nan out, he was not in a disabled bay, he was unloading tools from his van and there was nowhere to park.</p> <p>In the PACE interview by post the defendant confirmed that he was the person responsible for the offence but stated that he had previously taken his partners Nan out and she had left the badge on the dashboard, then that evening he drove 5 hours to work and it didn't cross his mind to remove the badge. He also states he was not parked in a disabled bay, he was working in a High Street bank and parked outside it to unload his tools. He also states that he didn't realise the badge was on display and it was a genuine mistake. This is disputed.</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 rejected:</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 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:  .....

..... Date:

4/12/19