

### 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>	07.01.2020
<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>	Central Ward
<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 car in an on-street pay and display bay in King Street, Hereford on 19<sup>th</sup> November 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 an unlimited amount of free parking in this city centre location.</p> <p>The defendant's wife (badge holder) was at home around 13 miles away at the time the badge was being used, there is no doubt that the blue badge concession was being abused.</p> <p>The defendant repeatedly lied to the enforcement officer around the whereabouts of the badge holder, stating that he had dropped her off at the hospital.</p> <p>The defendant stated that the person with him was disabled but confirmed that he did not have a disabled persons parking badge. No evidence has been provided to show that he would qualify for such a badge.</p> <p>In the PACE interview by post the defendant confirmed that he was the person responsible for the offence but did not provide any further information nor did he provide any mitigation.</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:

7/1/20