

## 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>	29/01/2020
<b>Decision maker:</b>	Acting Assistant Director for Regulatory, Environment and Waste Services
<b>Authority for delegated decision:</b>	Economy and Place Scheme of Delegation – Item 70
<b>Ward:</b>	Central Ward
<b>Consultation:</b>	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.
<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 disabled persons parking bay in Union Street, Hereford on 18<sup>th</sup> December 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 two hours of free parking in this city centre location. By doing so he potentially deprived a disabled person from using the disabled persons parking bay.</p> <p>The defendant's Mother-in-Law (badge holder) 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>The defendant said he had come to give his wife a telephone so she could keep in contact with his Mother-in-Law as the electricity had just gone off as they were having an extension built for her. The defendant also stated he had used the badge before to carry out errands for the badge holder.</p> <p>In the PACE interview by post the defendant confirmed that he was the person responsible for the offence, said he was taking money and a phone to his wife so she could pay the electricity people and thought it was legal to use the badge when carrying out errands on behalf of the badge holder.</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: 29/01/2020