

Record of officer decision

Decision title:	Decision to issue a simple caution against an individual under section 117 of the Road Traffic Regulation Act 1984
Date of decision:	12 May 2020
Decision maker:	Director for Economy and Place
Authority for delegated decision:	Chief Executive Scheme of Delegation – Appendix 1 – Item SA60
Ward:	Central Ward
Consultation:	Legal Services: In accordance with S222 of the Local Government Act 1972 we consider a prosecution is not 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.
Decision made:	To issue the defendant a simple caution for offences under the Road Traffic Regulation Act 1984, Section 117
Reasons for decision:	<p>The defendant parked her car in an on-street pay and display bay in King Street, Hereford on 11th March 2020. There was a photocopied disabled persons parking badge on display in her vehicle which she was not entitled to use. If a genuine badge had been used correctly it would have allowed an unlimited amount of free parking in this city centre location. By doing so she avoided paying for her parking.</p> <p>The defendant's father (badge holder) was not part of the journey, there is no doubt that the blue badge concession was being abused.</p> <p>In the PACE interview by post the defendant confirmed that she was the person responsible for the offence, said she made the copy of her father's badge as he sometimes misplaces it and in the event of him not having it with him she could still take him out and park near shop entrances.</p> <p>She also provided mitigation including sleep deprivation and constant stress which impacted on her decision making at the time of the offence.</p>
Highlight any associated risks/finance/legal/equality considerations:	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.
Details of any alternative options considered and rejected:	Considered a written warning or prosecution but due to the mitigation feel a simple caution is more appropriate in this case in order to try and reduce the level of abuse of the blue parking badges.
Details of any declarations of interest made:	None

Signed:

Date: 12 May 2020