

Record of officer decision

Decision title:	Decision to prosecute an individual under section 117 of the Road Traffic Regulation Act 1984 for misusing a blue badge in Union Street, Hereford on 19.11.2020
Date of decision:	22 January 2021
Decision maker:	Director for Economy and Place
Authority for delegated decision:	Chief Executive Scheme of Delegation – Appendix 1 – Item SA 59 (29/09/2020)
Ward:	Central Ward
Consultation:	Legal Services: 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.
Decision made:	To prosecute the defendant for offences under the Road Traffic Regulation Act 1984, Section 117
Reasons for decision:	<p>The defendant parked his car in an on-street disabled persons parking bay in Union Street, Hereford on 19th November 2020. 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 was seen by an enforcement officer parking his vehicle in a disabled persons parking bay and walking away on his own. There were no passengers in the vehicle. He returned a few minutes later on his own with a Subway takeaway in his hand. The defendant claimed the badge holder was in town.</p> <p>After the badge was seized the defendant lunged forwards, grabbed the badge from the officer and was saying "Don't touch my fucking badge". He then drove off in his car on his own.</p> <p>In the PACE interview by post the defendant confirmed that he was the person responsible for the offence, said he had used his daughters badge as he had dropped her and his wife off in town for shopping.</p> <p>There is no doubt that the blue badge concession was being abused as he was seen arriving and leaving on his own with a takeaway meal.</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 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".
Details of any declarations of interest made:	None