

Record of officer decision

Decision title:	To prosecute against an individual under section 117 of the Road Traffic Regulation Act 1984
Date of decision:	31 August 2021
Decision maker:	Interim Director for Economy and Place
Authority for delegated decision:	Chief Executive Scheme of Delegation – Appendix 1 – Item SA60
Ward:	Central Ward
Consultation:	Legal: 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 Broad Street, Hereford on 29th July 2021. 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 city centre location.</p> <p>The defendant could easily have parked in an on-street pay and display bay further up the street or in a nearby car park, in choosing not to he caused the loss of parking income to the Local Authority and took up a disabled parking bay that a genuine user could have used.</p> <p>The defendant initially indicated to the enforcement officer that it was his badge, then his fathers before saying that a friend had given it to him.</p> <p>A back office check showed the badge was reported as stolen in February 2020.</p> <p>In the PACE interview by post the defendant confirmed that he was the person responsible for the offence. He sincerely apologises and asks for forgiveness as he has brought shame to his family and community. He says this is not who he is and is pleading guilty to the offence.</p>
Highlight any associated risks/finance/legal/e quality 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 simple caution but prosecution is most 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: 31 August 2021