

Record of officer decision

Decision title:	Decision to prosecute an individual under section 117 of the Road Traffic Regulation Act 1984
Date of decision:	22/05/2019
Decision maker:	Director of Economy and Place
Authority for delegated decision:	Economy and Place Scheme of Delegation – Item 31
Ward:	Central
Consultation:	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 a designated disabled parking bay in Union Street, Hereford on 15th April 2019. He displayed his wife's disabled persons parking badge which if used correctly would have allowed up to two hours free parking in what can be considered a prime city centre location.</p> <p>The defendant's wife was at hospital at the time the badge was being used, there is no doubt that the blue badge concession was being abused.</p> <p>The defendant initially lied to the enforcement officer stating that he and his wife had arrived together in Union Street and his wife had walked from the car up to the hospital. When CEO 40 advised the defendant that he would check with CCTV, the defendant changed his story and said he had dropped his wife off at the hospital and driven down to Union Street and parked there.</p> <p>In the PACE interview by post the defendant confirmed that he was the person responsible for the offence but entirely guided by the incorrect information provided by the badge holder in that he was allowed to park in a disabled bay and use her badge.</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

Signed:

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