

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:	26 March 2021
Decision maker:	Director for Economy and Place
Authority for delegated decision:	Chief Executive Scheme of Delegation – Appendix 1 – Item SA60 (29.09.20)
Ward:	Central Ward
Consultation:	Legal Services: In accordance with S222 of the Local Government Act 1972 we consider a caution 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 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 disabled persons parking bay in Union Street, Hereford on 3 December 2020. There was a disabled persons parking badge on display in her vehicle which she 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 she potentially deprived a disabled person from using the disabled persons parking bay.</p> <p>The defendant returned back to her vehicle along with another female carrying shopping bags and had been parked for around one and a half hours. Her home address was around 22 miles away.</p> <p>The defendant's father (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>In the PACE interview by post the defendant confirmed that she was the person responsible for the offence, used her fathers disabled persons badge as she was running behind time to get back to her dad who has terminal cancer.</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:

Richard Ball
Director for Economy & Place

Date: 26 March 2021