

Record of officer decision

Decision title:	Decision to prosecute an individual under section 117 of the Road Traffic Regulation Act 1984
Date of decision:	23 June 2021
Decision maker:	Director for Economy and Place
Authority for delegated decision:	Chief Executive Scheme of Delegation – Updated 7 June 2021 Appendix 1 – Item SA60
Ward:	Central Ward
Consultation:	Legal Services: In accordance with S222 of the Local Government Act 1972 I 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 her car in an on-street disabled persons parking bay in Union Street, Hereford on 7 June 2021. 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 was seen by an enforcement officer walking away from her vehicle who noted the disabled persons parking badge on display belonged to a male.</p> <p>The female driver initially advised the officer, whilst under caution, that the badge holder (her husband) was in a coffee shop in town. She finally admitted that he was not part of the journey but at home.</p> <p>In the PACE interview by post the defendant confirmed that she was the person responsible for the offence, her husband had not been well enough to accompany her, had a lapse of judgement and parked where she did to get home more quickly.</p> <p>There is no doubt that the blue badge concession was being abused.</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:

Date: 23 June 2021