

Record of officer decision

Decision title:	To prosecute against an individual under section 117 of the Road Traffic Regulation Act 1984
Date of decision:	25 June 2021
Decision maker:	Acting Deputy Chief Executive
Authority for delegated decision:	Chief Executive Scheme of Delegation – Appendix 1 – Item SA60 (07.06.21)
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 Broad Street, Hereford on 8th April 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 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 on the opposite side of the road or in a nearby car park, in choosing not to she 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 repeatedly lied to the officer saying that she had dropped the badge holder (husband) off down the street, only finally admitting the offence after the officer advised that he would check with CCTV.</p> <p>In the PACE interview by post the defendant confirmed that she was the person responsible for the offence, but did not offer any further information or any mitigation. Nor did she show any remorse</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 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: 25 June 2021