

Record of officer decision

Decision title:	To prosecute an individual under section 117 of the Road Traffic Regulation Act 1984
Date of decision:	27 th July 2021
Decision maker:	Interim Director of Economy and Place
Authority for delegated decision:	Chief Executive Scheme of Delegation update 7 June 2021 – Appendix 1 – Item SA60
Ward:	Central Ward
Consultation:	Legal Services: In accordance with s.222 of The Local Government Act 1972 I consider that 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 20th May 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 set the time clock indicating time of arrival and was seen by an enforcement officer starting to walk away from her vehicle. The badge belonged to her sister.</p> <p>The defendant disputed that she had left her car, although admitted setting the time of arrival on the clock. Under caution she repeatedly lied to the officer and said her sister was having her hair done. She eventually admitted she was here for work purposes to quickly drop some samples off at a hairdressers.</p> <p>In the PACE interview by post the defendant confirmed that she was the person responsible for the offence, she'd had a particularly traumatic morning that day, and the badge is always in the car as she pops in and out of shops for her sister. She is sorry that she did not think to remove the badge.</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
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Signed:

Date: 27th July 2021