

Record of officer decision

Decision title:	Decision to prosecute an individual under section 117 of the Road Traffic Regulation Act 1984
Date of decision:	3 December 2021
Decision maker:	Interim Director for Economy and Place
Authority for delegated decision:	Chief Executive Scheme of Delegation – Appendix 1 – Item SA60 (07/06/2021)
Ward:	Central Ward
Consultation:	Legal: 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>An enforcement officer witnessed the defendant parking his car in an on-street disabled persons parking bay in Broad Street, Hereford on 13th September 2021 and join a queue outside Greggs. There was a disabled persons parking badge on display in his vehicle which he 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 further up the street or in a nearby car park, in choosing not to he 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 informed the enforcement officer that he had parked in the bay and walked his partner (badge holder) to work. He was uncooperative, repeatedly swore at the officer and threatened to assault him.</p> <p>In the PACE interview by post the defendant did not admit to the offence and stated that he was helping his partner into town. As she was going to be some time he returned to his vehicle and whilst he was waiting he went into Greggs to get a snack</p> <p>CCTV evidence supports the enforcement officer.</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

I am an officer delegated to make the decision

Signed:

Print Name:

Job Title: