

## Record of officer decision

<b>Decision title:</b>	Decision to prosecute an individual under section 117 of the Road Traffic Regulation Act 1984
<b>Date of decision:</b>	08/12/2021
<b>Decision maker:</b>	Director for Economy and Place
<b>Authority for delegated decision:</b>	Chief Executive Scheme of Delegation – Appendix 1 – Item SA60 (07.06.21)
<b>Ward:</b>	Central Ward
<b>Consultation:</b>	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
<b>Decision made:</b>	To prosecute the defendant for offences under the Road Traffic Regulation Act 1984, Section 117
<b>Reasons for decision:</b>	<p>The defendant parked his car in an on-street disabled persons parking bay in Union Street, Hereford on 5<sup>th</sup> October 2021. 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 two hours of free parking in this city centre location. By doing so he potentially deprived a disabled person from using the disabled persons parking bay.</p> <p>The defendant said it was not his badge, he had borrowed the vehicle from the badge holder who was in Gloucestershire, as he was her carer and the badge always stays there. He also said he was parked in the disabled bay and used the badge as he was her driver (even though she wasn't part of the journey).</p> <p>The defendant initially said he didn't know he couldn't use the badge in this way and the badge holder had given it to him and advised him to display it. He later said "Yeah, I know I'm not allowed to use it".</p> <p>In the PACE interview by post the defendant confirmed that he was the person responsible for the offence and he was the registered keeper of the vehicle. He also stated states that he was told by the badge holder, after he had dropped her off in Hereford Town, to take stuff over to her charity shop in Union Street.</p> <p>There is no doubt that the blue badge concession was being abused, there are discrepancies in the defendants 'story' and no remorse was shown at the scene or in the PACE interview form.</p>
<b>Highlight any associated risks/finance/legal/equality considerations:</b>	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.
<b>Details of any alternative options considered and rejected:</b>	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".
<b>Details of any declarations of interest made:</b>	None

I am an officer delegated to make the decision

Signed:

Print Name:

Job Title: