

Record of officer decision

Decision title:	Decision to prosecute against an individual under section 117 of the Road Traffic Regulation Act 1984
Date of decision:	21/04/2022
Decision maker:	Corporate Director for Economy and Environment
Authority for delegated decision:	Chief Executive Scheme of Delegation – Appendix 1 – Item SA60 (07.06.21)
Ward:	Hereford 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's parked car on double yellow lines in Commercial Road, Hereford near to the junction with Monkmoor Street on 16th February 2022.</p> <p>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 up to three hours of free parking in this city centre location.</p> <p>The defendant who was in a nearby café could easily have paid for his parking in a car park, in choosing not to he caused the loss of parking income to the Local Authority and also made it more difficult for other motorists trying to pull out of Monkmoor Street onto Commercial Road.</p> <p>The defendant informed the enforcement officer that the organisational badge was his partners for work, it was in the door and he just thought he'd pop it up.</p> <p>Two PACE interview forms were sent by post to the defendant who chose not to complete or return either.</p> <p>The defendant showed no remorse and didn't provide any mitigation.</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: 21/04/2022