

Record of officer decision

Decision title:	Decision to prosecute an individual under section 117 of the Road Traffic Regulation Act 1984
Date of decision:	06/06/2022
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:	Ross-on-Wye East 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 an offence 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 Gloucester Road, Ross-on-Wye on 25th April 2022 in order to shop. 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 town centre location.</p> <p>The defendant could have parked in an on-street limited waiting bay 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 enforcement officer saying that she was about to collect the badge holder (friend who lived with her) from Sainsbury's / badge holder was part of the journey. In a back office check a call was made to the badge holder who said she was at home and had not gone out all morning.</p> <p>In the PACE interview by post the defendant confirmed that she was the person responsible for the offence, said that her prescribed medication had caused light headiness which had affected her concentration.</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: 06/06/2022