

Record of operational decision

Decision title:	Decision to prosecute against an individual under section 117 of the Road Traffic Regulation Act 1984
Date of decision:	27 February 2023
Decision maker:	Corporate Director, Economy and Environment
Authority for delegated decision:	Chief Executive Scheme of Delegation – Appendix 1 – Item EE-16 (22/11/2022)
Ward:	Central Ward
Consultation:	Legal: In accordance with section 222 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 in an on-street pay and display parking bay in Bridge Street, Hereford on 29th December 2022. 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 an unlimited amount of free parking in this city centre location.</p> <p>The defendant could have paid to park in a nearby car park, in choosing not to she caused the loss of parking income to the Local Authority.</p> <p>The defendant repeatedly lied under caution to the enforcement officer, saying that she had dropped the badge holder (her mother) off in town when really she was at home.</p> <p>A PACE interview form sent by post to the defendant was returned on 12 January 2023. In this interview she states she had borrowed her mother’s car to drive into work for the morning of 29th December 2022 as she needed to go back to her mother’s home at lunch time as she was unwell.</p> <p>This is disputed as at the time of the offence she did not mention this and admitted to the enforcement officer, at the time of the offence, that it was about money</p> <p>The defendant did not apologise and has shown no remorse.</p>
Equality Considerations	The decision to prosecute does not discriminate, harass or victimize nor encourage conduct prohibited under the Equality Act 2010. It also does not unfairly impact upon anyone with a relevant protected characteristic nor hinder relations between persons sharing such a characteristic.
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: