

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:	10/03/2023
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:	Ross-on-Wye, East 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 car parked in a disabled persons parking bay in The Maltings car park, Ross-on-Wye on 25th January 2023. 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 town centre location.</p> <p>The defendant could easily have parked in a non-disabled persons parking bay and have paid to park, in choosing not to he may have deprived a disabled person from using the bay and caused the loss of parking income to the Local Authority.</p> <p>The defendant has previously (03.08.2021) been given an on-street verbal warning by an enforcement officer for misusing the same disabled persons parking badge by parking in a disabled persons parking bay on Broad Street, Ross-on-Wye without the badge holder being part of the journey. Therefore it is more likely than not that the defendant has ignored the on-street verbal warning and has continued to misuse his wife’s disabled persons parking badge for his own personal benefit.</p> <p>Although the defendant is elderly, his age is taken in to consideration but it is not an excuse to commit a criminal offence.</p> <p>A PACE interview form sent by post to the defendant was returned on 1st February 2023. In this interview he states that his wife is normally with him when he goes shopping but she is waiting to go into hospital. He is truly sorry for his parking offence.</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: