

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:	19.04.23
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:	Hereford, Widemarsh 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 parking bay in Plough Lane car park, Hereford on 6th February 2023. 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 staff and visitor car park.</p> <p>The defendant could easily have paid to park, in choosing not to she caused the loss of parking income to the Local Authority.</p> <p>When the enforcement officer advised the defendant that it was a criminal offence to misuse a badge she replied “I’m not using it, I’ve been to do the school run this morning”. There had been no attempt to pay the parking charges and the badge was clearly on display in the vehicle.</p> <p>A PACE interview form was sent by post to the defendant’s home address on 14 February 2023. This PACE interview was not returned. Therefore a second PACE interview form was sent to the defendant’s home address on 9 March 2023. This PACE interview was also not returned. Therefore, in not doing so, the defendant has failed to comply with the investigation, demonstrating a lack of remorse for committing the 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

I am an officer delegated to make the decision

Signed:

Print Name:

Job Title: