

**Council****19 January 2004**

**Report title: Response to the Environmental Services Scrutiny Panel report on the Administration of the Blue Badge Scheme in Haringey**

**Report of: Chief Executive**

**Ward(s) affected All**

Boroughwide

**1. Purpose**

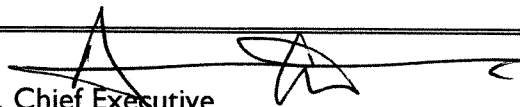
To set out the Executive's response to the Scrutiny Review of the Administration of the Blue Badge Scheme in Haringey.

**2. Recommendations**

That the Council:

- agree and endorse the Executive response to the Environmental Services Scrutiny Panel's report contained in the report and summarised in the Action Plan set out in Section 9.
- note that some of the actions are dependent on additional investment and that these are to be considered as part of the budget-setting process for 2004/5.

**Report authorised by:** David Warwick, Chief Executive



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**4. Access to information:**

Local Government (Access to Information) Act 1985

Environmental Services Scrutiny Panel Report on the Administration of Blue Badge Parking

## **5. Background**

- 5.1 This report sets out a proposed response to nineteen recommendations contained in the Environmental Services Scrutiny Panel's report on the administration of the Blue Badge scheme in Haringey.

## **6.0 Summary of Scrutiny Panel findings**

- 6.1 The Scrutiny Panel concluded that the Council provided an efficient service, and although a number of measures could be taken in order to improve the service, much was outside the control of the Council.
- 6.2 The main findings related to the issuing and processing of applications for Disabled Badges, enforcement and provision of disabled parking bays. These are detailed in the recommendations below.

## **7.0 Summary of response to the Scrutiny Panel report.**

- 7.1 The Executive welcomed the Environmental Services Scrutiny Panel report on the Administration of the Blue Badge Scheme in Haringey and its recommendations.
- 7.2 Since the scrutiny of the service took place, the Concessionary Travel team, which dealt with the issue of Blue Badges as well as Freedom Passes and Taxi card applications, had transferred from the Highways to the Parking Service. It was felt that this closer link with parking activities would assist with mainstreaming this service for people with disabilities with parking activities and improve the service offered to Disabled Badge holders. The Scrutiny Report helped to inform that process.
- 7.3 However, while the recommendations were a welcome input into this improvement process, it was felt that they tended to focus on the fraud prevention aspects of the service. It was important to recognise that this was a very positive service for people with disabilities. The provision of mobility was a key to the quality of life and service access for many people with disabilities and their carers and it was important that genuine users of the service were not penalised by attempts to crack down on fraud by a minority of users.
- 7.4 In this context the Action Plan set out in paragraph 9.0, below included proposals to work with Social Services to improve the service and improvement work already underway, as well action on the recommendations made by the Panel.
- 7.5 It also needs to be recognised that a number of the recommendations had resource implications. These had been considered and taken into account as part of the Street

Scene Pre-Business Plan Review. However, the Executive had yet to decide on whether these resources would be agreed.

7.6 The detailed response to each of the Scrutiny Panel's recommendations is set out below. The Action Plan outlined in paragraph 9.0 prioritises these and sets out a timetable of proposed actions.

## **8.0 Detailed response to Scrutiny Panel Recommendations**

### **8.1 Recommendation A to C – Blue Badge issuing and processing**

**Consideration should be given to the use of a standard questionnaire and interview by trained staff, e.g. Occupational therapists or contracted medical advisers to assist in assessing eligibility.**

**The Director of Environmental Services should explore the viability of appointing an external medical practitioner for the purposes of assessing eligibility for Blue badge applications**

**The Director of Environmental Services should undertake a review of all applications to determine if any pattern exists between areas or GPs, in order to ensure compliance with government guidance on applying the discretionary criteria.**

Response

- The Executive accepts the need for the consistent application of Government guidance on the issue of Disabled Badges.
- It is proposed to work jointly with Social Services to develop a more effective way of undertaking assessments on discretionary applications with the aim of introducing a more objective assessment that is not carried out by the applicants own doctor. Any increased costs of assessments will continue to be met by Enfield and Haringey Health Authority.
- A review of all existing applications will be undertaken to determine where efforts need to be concentrated to make assessment more effective.

### **8.2 Recommendation D**

**The Director of Environmental Services should establish a 'fraud hotline' for reporting stolen badges and reporting abuse of disabled Persons parking bays.**

Response

- The Executive supports this recommendation, but feels that the establishment of a 'hotline' to report stolen badges or misuse of bays should be not be at the expense of positive promotion of the service to genuine users.
- As part of the review of the Parking Service Structure, a supporting role will be established to address the misuse of bays and to look at more effective means of enforcement, for example through by the deployment of a mobile enforcement unit, appropriate investigation and prosecution of stolen badges. This approach might be helped by high profile prosecutions to act as a deterrent.

### **8.3 Recommendation E**

**The Director of Environmental Services should consider a pilot project to evaluate the effectiveness of placing a bar code which can be read by the hand held devices issued to parking enforcement staff, on blue badges issued by the Department**

Response

- In principle the Executive would have no difficulty in supporting this recommendation. However the handheld units currently used by the parking attendants do not have bar code readers.
- There are solutions available, which include the means of reading bar codes and passive transponder cards that can hold relevant information. Further information is being sought to establish the actual costs and benefits.

### **8.4 Recommendation F**

**The Director of Environmental Services should ensure any increase in administration fees, proposed under the government's review, should be utilised in improving enforcement and deterring fraud, including the cost for use of bar codes.**

Response

- The Executive supports this recommendation and any decisions taken will depend on levels of proposed charges and whether or not it would be cost effective to collect those charges.

### **8.5 Recommendation G**

**The Director of Environmental Services should explore the viability of providing a response based enforcement officer for non-CPZ areas.**

Response

- The Executive supports this recommendation, and the parking enforcement mobile units [motorcyclists] currently provide a quick response that linked to recommendation D would formalise an arrangement for disabled badge holders.

## **8.6 Recommendation H**

**The Council should prosecute a number of high profile cases to strengthen the enforcement message – at a time of the Councils choosing.**

Response

- The service accepts this recommendation and the absence of legal action to date is predominantly due to lack of resources, which the service aims to address.

## **8.7 Recommendation I**

**The Director of Environmental Services should ensure that all lost and stolen badges are linked with Parking Control so that in the event of parking attendants coming across automatically.**

Response

- The Executive supports this recommendation, which endorses proposed developments within Environmental Services.
- The Parking Management system – Civica provides a module for issue and management of Disabled Badges. The service proposes to purchase this module and transfer data from the client index.
- This will fully integrate the disabled badge function with parking enforcement and administration. It will also allow the download of information onto the Handheld equipment used by the parking attendants allowing them to easily identify badges issued by Haringey that have subsequently been reported stolen.
- This will also provide a mechanism for taking appropriate enforcement action ie issue of Penalty charge notice or removal [from April 2004] and provide baseline information for further legal action.

## **8.8 Recommendation J - M – 16 Disabled Persons Parking bays**

**The Director of Environmental Services should explore the viability of installing dedicated disabled persons parking bays outside the homes of individuals (who request this facility) under exceptional circumstances. The Director should ensure (in consultation with Members) that a strict set of criteria is in place to determine ‘exceptional circumstances’**

Response

- The Executive agrees to explore this recommendation further. Current policy does not support the introduction of dedicated disabled bays and as such this will require a change to existing policy. The Executive will provide a detailed response to this recommendation in its interim report in 6 months time.

### **8.9 Recommendation K**

**The Director of Environmental Services should look at ways to increase the effectiveness of enforcement, which primarily assist in deterring non badge holders abusing Disabled Persons parking Bays, and maximises income from penalty fines**

Response

- The Service supports this recommendation and the Council aims to introduce a parking removal service in April 2004. Non Disabled Badge holders parking in disabled persons bays will be identified as the highest priority for removal. This will impose a fine totaling up to £200.00 [including the penalty charge notice] and if the person does not pay the council will dispose of their vehicle.

### **8.10 Recommendation L**

**The Director of Environmental Services should ensure that Enforcement Officers are trained appropriately and that they should be sensitive to the needs of Disabled people and the reasons for the Blue badge Scheme.**

Response

- The service supports this recommendation and feels that it should be linked with Recommendation D and overall efforts to combat fraud.

### **8.11 Recommendation M**

**The Director of Environmental services should ensure that contact details and telephone numbers are clearly publicised in order that unauthorized use of disabled person's bays can be readily reported by members of the public**

Response

- The Executive supports this recommendation and while the parking helpline is widely published an out of hours number will also be made available.

### **8.12 Recommendation N**

**The Director of Environmental services should ensure that there is dedicated officer support for monitoring the use of disabled persons parking bays outside shopping areas. That the officer has the responsibility to engage in dialogue with shop managers to ensure the efficient use of parking bays for disabled drivers.**

Response

- The Service supports this recommendation and would link this with the response to recommendation D and L. It would form part of a Fraud Officer's remit to create local networks to identify cases of misuse.

### **8.13 Recommendation O**

**The Director of Environmental services should review the provision of disabled persons parking bays close to shops and community facilities, such as libraries and health centres.**

Response

- The service fully supports this recommendation and this is a primary concern with the introduction of any new parking schemes. The service also undertakes to review the provision of disabled persons parking bays in existing schemes that are close to shops and community facilities. The Mobility panel that has recently been established will lead on this area.

### **8.14 Recommendations P**

**The Council should engage in dialogue with supermarkets to explore ways of enforcing/discouraging illegal parking in disabled persons parking bays and organise an awareness campaign to publicise the problems experienced by disabled people when other people abuse them. For example the 'bay watch' campaign (in conjunction with disabled organisations) - developing a poster campaign aimed at non-disabled drivers, thereby enhancing awareness.**

Response

- The Executive supports this recommendation and this can again be linked to action proposed in recommendation D and I. A partnership approach can be adopted, linking with local supermarkets and the publicity team promoting proper use of disabled person's bays.

### **8.15 Recommendation Q**

**The Director of Environmental Services should ensure, in consultation with Housing services and regeneration Unit, that all new builds of community and local amenities have disabled persons parking bays.**

Response

- The service supports this recommendation. The Council's UDP parking standards for new developments requires the provision of disabled person's parking bays. Generally, the required provision is 5% of the total number of parking spaces or a minimum number of parking bays depending on the proposed land use. The service is currently consulting on a revised UDP, which sets out minimum parking standards for disabled parking bays.

### **8.16 Recommendation R**

**The process for appealing against the issuing of a Blue Badge should be carried out under independent appeals procedures**

Response

- The Executive supports this recommendation and the independent panel of medical Practitioners will handle all Appeals. As an interim measure an independent senior officer will assess all Appeals.

### 8.17 Recommendation S

**That all recommendations contained in this report be included in the Council's Transport Strategy.**

Response

The Executive supports this recommendation.

### 9.0 Action Plan

An action plan has been drawn up to establish a way forward and prioritise recommendations and proposed actions. It is proposed that progress be monitored by the Mobility Panel.

Recommendation linked to	Proposed action	Implementation Date
A – C	<ul style="list-style-type: none"> <li>▪ To work with Social Service to develop an effective system to assess eligibility for Disabled Badges</li> <li>▪ To review applications to determine where efforts need to be concentrated to eliminate fraud.</li> <li>▪ To establish an independent appeals process</li> </ul>	<ul style="list-style-type: none"> <li>▪ March 2004</li> <li>▪ Review undertaken by March 2004</li> <li>▪ March 2004</li> </ul>
D & N & P	<ul style="list-style-type: none"> <li>▪ To establish effective public reporting mechanisms for stolen badges or misuse of disabled bays</li> <li>▪ To establish a dedicated role for monitoring usage of disabled bays and leading on combating fraudulent use of badges and preparing case work for prosecution.</li> </ul>	<ul style="list-style-type: none"> <li>▪ April 2004</li> <li>▪ April 2004 (dependent on resources)</li> </ul>
E	<ul style="list-style-type: none"> <li>▪ Explore the viability of printing bar codes on badges</li> </ul>	<ul style="list-style-type: none"> <li>▪ Detail established by end January 2004</li> </ul>



Recommendation linked to	Proposed action	Implementation Date
G	<ul style="list-style-type: none"> <li>▪ Response based officer for non CPZ areas</li> </ul>	<ul style="list-style-type: none"> <li>▪ Informal arrangement in place</li> <li>▪ Disabled badge holders to be notified of contact numbers by end of February 2004.</li> </ul>
I	<ul style="list-style-type: none"> <li>▪ The introduction of the new module linking Disabled badge function to Parking</li> </ul>	<ul style="list-style-type: none"> <li>▪ Module purchased in April 2004</li> <li>▪ Data transferred by end of July 2004</li> </ul>
J	<ul style="list-style-type: none"> <li>▪ Exploring the viability of introducing dedicated disabled bays.</li> </ul>	<ul style="list-style-type: none"> <li>▪ March 2004</li> </ul>
O& Q	<ul style="list-style-type: none"> <li>▪ A review of disabled bay provision close to shops and community facilities</li> <li>▪ To ensure that all new builds of community and local amenities have disabled persons parking bays</li> </ul>	<ul style="list-style-type: none"> <li>▪ Review complete by end March 2004</li> <li>▪ Ongoing</li> </ul>

## 10.0 Equalities Comment

10.1 These recommendations are an integral part of the Council's equalities agenda. The provision of parking facilities for people with disabilities is recognised as a major way in which the quality of life can be improved for people with mobility difficulties. The aim of the service is to help disabled people gain access to an effective service, to reduce fraudulent use of these facilities and to ensure disabled parking bays are not used by non-disabled people.

## 11.0 Comments of Acting Head of Legal

11.1 The recommendations in this report are consistent with the need to comply with the Council's duties under the Disability Discrimination Act 1995.

## 12.0 Financial Implications

12.1 An investment bid of £100,000 has been included in the Street Scene Pre Business Plan Review. This represents a £50,000 one off to cover IT investments and Bar Coding of Disabled Badges and £50,000 on-going to cover staffing to deal with the fraudulent use of disabled badges. This bid has yet to be agreed by the Executive. If not approved, there would be implications for the delivery of the Action Plan.



# Scrutiny Review

## ADMINISTRATION OF THE BLUE BADGE SCHEME IN HARINGEY

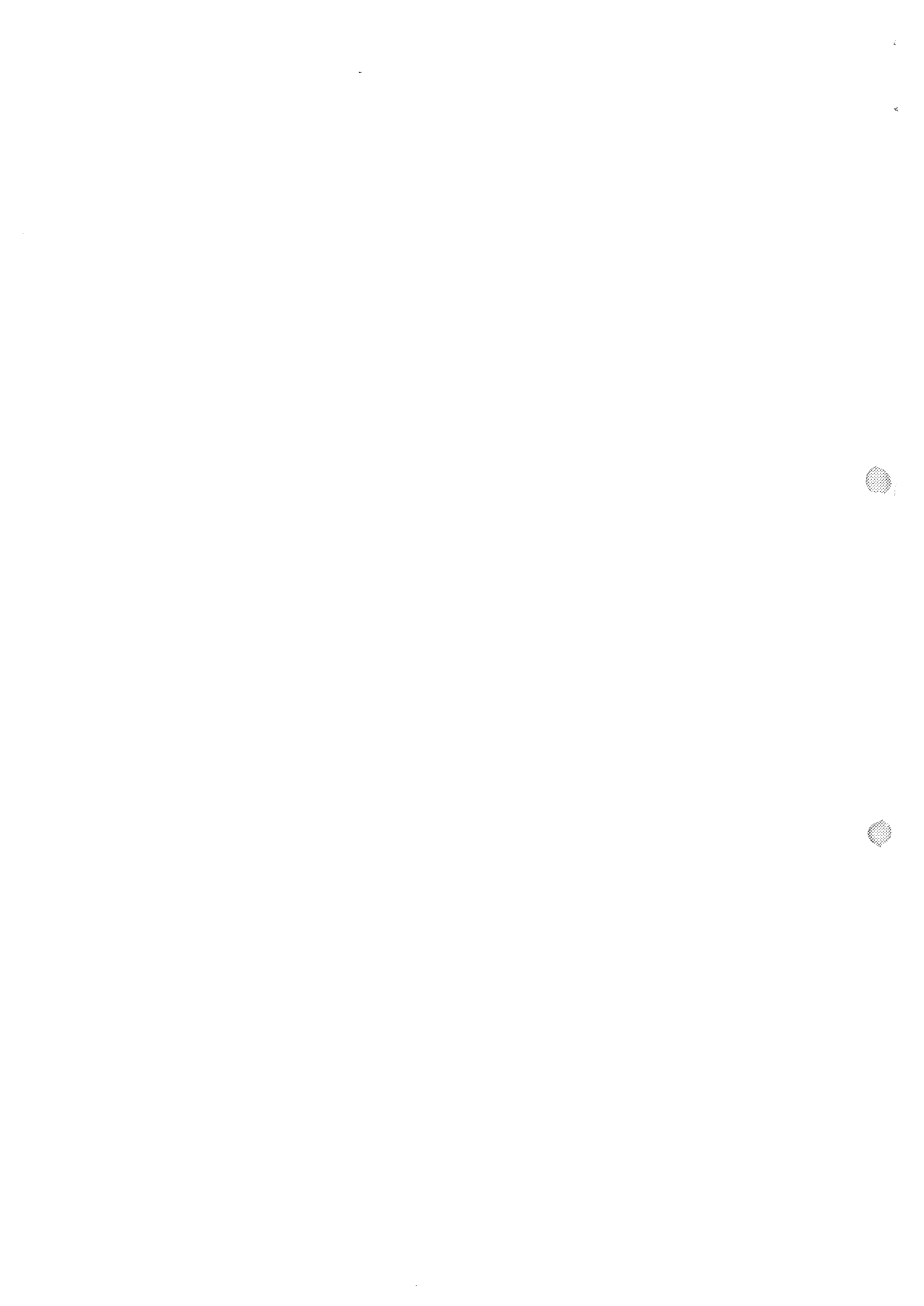




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## **1.0 EXECUTIVE SUMMARY**

- 1.1 The management and operation of parking for disabled people in Haringey was chosen for a scrutiny review on the suggestion of members and general concerns from the public regarding abuse of the system. There was a feeling that enforcement of unauthorised use of Blue Badges and disabled persons parking bays was not as effective as it could be.
- 1.2 Members decided to look at the whole management and operation of parking facilities for disabled people in Haringey, from the point of entry for the service to the processing of applications and how the Council deals with enforcement and monitoring. Members were aware that the Department of Transport has recently undertaken a major review of the Blue Badge Scheme. However, this scrutiny review would concentrate on the relationships between the different parts of the Council which administer the scheme and look at whether improvements could be made to the operation, monitoring and implementation of the current system.
- 1.3 The review process involved gathering and evaluating evidence that was put before the review panel. This included interviewing internal witnesses, reviewing documents, consulting with users and comparison with other local authorities.
- 1.4 The main issues that users felt required improvement were the:
  - (a) policing of disabled persons parking bays;
  - (b) insufficient bays outside community venues such as libraries, community centres and health centres etc.
- 1.5 The review found that the majority of bays have been installed on a formal basis. These bays are backed by Traffic Management Order and consist of white lines and a post/plates and are enforceable by Traffic Wardens, who can issue Penalty Charge Notices to drivers parked illegally.
- 1.6 Two quotes received from disabled drivers sum up well the review's findings:
  - (i) "There should be more stringent and rapid action taken against those who use the bays (Disabled Persons Parking Bays) without authority. Outsiders to the area often park without sanction and make it difficult for me to access my front door".
  - (ii) "I am reluctant to take my car out for fear that the space would not be available on my return. More bays should be provided in areas where there are frequent visitors from out of the borough".

- 1.7 The Blue Badge scheme was devised to help people with very severe walking difficulties. It enables those people to park their vehicles close enough to their desired destination to allow them to work, fulfil their domestic responsibilities and enjoy leisure pursuits.
- 1.8 The scrutiny review concluded that the Council provided an efficient service. Although a number of measures could be taken in order to improve the service, much was outside the control of the Council.
- 1.9 The review panel would like the Director of Environmental Services to report back to the Scrutiny Panel at a future date regarding progress made with the implementation of the recommendations contained in this report.

### **The Blue Badge Scheme - The National Context**

***"The Blue Badge Scheme is invaluable for disabled people and it is vital that we make sure that those people who need the concessions it offers most are the ones who benefit from it. With the strengthening of the scheme disabled people will be able to use the concessions they need whilst we ensure that only individuals who are eligible will be able to take advantage of the benefits the badge brings."***

- 1.10 2003 is the European Year for Persons with Disabilities. It is fitting therefore that at national level the Government has undertaken a review of the Blue Badge (Parking) Scheme for people with disabilities following recommendations by the Disabled Persons Transport Advisory Committee (DPTAC). (The DPTAC was set up under the Transport Act of 1985 to advise the Government on the transport needs of all disabled people). In light of the significant rise in the number of badges on issue and the reported abuse of the system, which is undermining the value of the scheme, DPTAC believes there is a need to review:
  - (a) The application of the eligibility criteria (particularly the discretionary element).
  - (b) The manner in which applications are handled by local authorities and
  - (c) Enforcement issues.
- 1.11 The outstanding element of the Government's review is the primary legislation that is needed (for example to introduce the right to inspect the badge) and the new guidance that will be issued in tandem with the legislation. As the Government has published its response to The DPTAC recommendations there is no reason why the Council cannot prepare for the types of changes that are in the pipeline. The DPTAC recommendations are appended to this report (Appendix A).

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<sup>1</sup> David Jamieson, Transport Minister



1.12 DPTAC were asked to make firm recommendations on the changes necessary in any updated scheme which would:

- Meet the requirements of those who need the concessions for independent mobility.
- Minimise the potential for abuse.
- Be fair, robust and justifiable and
- Link with related integrated transport policy implementation.

**Fees:**

1.13 Currently local authorities can make a charge of up to £2 for issuing a badge. This costs more to collect than the revenue gained. For many local authorities the administration of the scheme is a drain on already stretched resources. Recent survey conducted by the Disabled Driver's Motor Club suggested that many disabled people found the cost of mobility extremely onerous and far in excess of the mobility component of the Disability Living Allowance.

1.14 However, under the Government's review there is consensus among DPTAC that the current fee of £2 is unacceptable as the administrative cost of collection is greater than the fee income. There was no consensus on whether fees should be raised to a realistic level or abolished.

1.15 There is no reliable evidence on what it costs local authorities to administer the scheme and suggested charges ranged from £4.50 to £40.00. The most common proposal, particularly by personal responses and disability organisations, was set between £5-£20. Higher fees were considered unrealistic and raise the possibility of needing to provide concessions for those on low income.

## 2.0 RECOMMENDATIONS

### **Blue Badge - issuing and processing**

- A. Consideration should be given to the use of a standard questionnaire and interview by trained staff, e.g. occupational therapists or contracted medical advisers to assist in assessing eligibility.
- B. The Director of Environmental Services should undertake a review of all blue badge applications to determine if any pattern exists between areas or GPs, in order to ensure compliance with Government guidance on applying the discretionary criteria.
- C. The Director of the Environmental Services should explore the viability of appointing an external medical practitioner for the purposes of assessing eligibility for Blue Badge applications.

### **Blue Badge - Enforcement**

- D. The Director of Environmental Services should establish a 'fraud hotline' or publicise the contact number of enforcement officers for reporting stolen badges and reporting abuse of Disabled Persons Parking Bays.
- E. The Director of Environmental Services should consider a pilot project to evaluate the effectiveness of placing bar a code which can be read by the hand held devices issued to parking enforcement staff, on Blue Badges issued by the Department.
- F. The Director of Environmental Services should ensure that any increase in administration fees, proposed under the Government's review, should be utilised in improving enforcement and deterring fraud, including the cost for the use of bar codes.
- G. The Director of Environmental Services should explore the viability of providing a response based enforcement officer with primary responsibility for enforcement in non-CPZ areas.
- H. The Council should prosecute a number of high profile cases to strengthen the enforcement message - at a time of the Council's choosing.
- I. The Director of Environmental Services should ensure that mechanisms are in place to enable all reported lost and stolen badges to be linked with Parking Control so that in the event of parking attendants coming across fraudulent use of badges the service would be notified automatically.

### **Disabled Persons Parking Bays**

- J. The Director of Environmental Services should explore the viability of installing dedicated disabled persons parking bays outside the homes of disabled individuals (who request this facility) under exceptional circumstances. The Director should ensure (in consultation with Members) that a strict set of criteria is in place to determine 'exceptional circumstances'.

- K. The Director of Environmental Services should look at ways to increase the effectiveness of enforcement, which primarily assists in deterring non badge holders from abusing disabled persons parking bays, and maximising income from penalty fines.
- L. The Director of Environmental Services should ensure that Enforcement Officers are trained appropriately, and that they are sensitive to the needs of disabled people and the reasons for the Blue Badge Scheme.
- M. The Director of Environmental Services should ensure that contact details and telephone numbers are clearly publicised in order that unauthorised use of disabled persons parking bays can be readily reported by members of the public.

### **Parking close to shops and other amenities**

- N. The Director of Environmental Services should ensure that there is dedicated officer support for monitoring the use of disabled persons parking bays outside shopping areas and that the officer has the responsibility to engage in dialogue with shop managers to ensure the efficient use of parking bays for disabled drivers.
- O. The Director of Environmental Services should review the provision of disabled persons parking bays close to shops and community facilities, such as libraries and health centres to enable disabled individuals to park close enough to their desired destination.
- P. The Council should engage in dialogue with supermarkets to explore ways of enforcing/discouraging illegal parking in disabled persons parking bays and organise an awareness campaign to publicise the problems experienced by disabled people when other people abuse the system. For example working with the 'Bay Watch' campaign (in conjunction with disabled organisations) - developing a poster campaign aimed at non-disabled drivers, to raise public awareness of the scheme. (para 10.2 page 27).
- Q. The Director of Environmental Services should ensure, in consultation with Housing Services and the Regeneration Unit, that all new buildings of community and local amenities have sufficient numbers of Disabled Persons Parking Bays.

### **Independent Appeals process**

- R. The process for appealing against the issuing of a Blue Badge and the installation of disabled persons parking bays should be carried out under independent appeals procedures.

The panel further recommend:

- S. That all the recommendations contained in this report be included in the Council's Transport Strategy.
- T. That an interim update on the implementation of these recommendations be presented to the Environment Services Scrutiny Panel in 6 months time.

- U. That the Service keep up to date with all outstanding elements of the Government's review of the Blue Badge Scheme and in particular to be aware of any implications for Haringey, especially in relation to:
- (a) Assessing eligibility of applicants and the Government's guidance on how to apply the existing criteria.
  - (b) The Database for holding information on blue badges - (the Government's research to assess the viability of a national database of blue badge holders).

### **3.0 AIMS OF THE REVIEW**

- 3.1 The Disabled Person's Parking Scheme (the Blue Badge Scheme - formerly the Orange Badge) was introduced in 1971 under provisions of the Chronically Sick and Disabled Person's Act 1970. It is an on-street parking concession and does not apply to off-street car parks (although some private landowners often provide concessions to badge holders). The scheme is an attempt to promote social inclusion and a better quality of life for disabled people, by allowing badge holders to park closer to their destination. Following a number of reviews and modifications to the scheme, a Blue European Badge was introduced on 1<sup>st</sup> April 2000.
- 3.2 The Council provides disabled persons parking bays, which are sited outside or near the place of residence of Blue Badge holders who have vehicles, registered at their address and close to shops and other community venues.
- 3.3 Members decided to look at the whole management and operation of parking facilities for disabled people in Haringey, from the point of entry for the service to the processing of applications and how the Council deals with enforcement and monitoring. Members were aware of the Department of Transport's recent review of the Blue Badge Scheme. However, this review would concentrate on the relationships between the different parts of the Council, which administer the scheme and look at whether improvements could be made to the operation, monitoring and implementation of the current system.

#### **Terms of Reference**

- 3.4 The review looked at the procedures, policy and operations of the Parking (Blue Badge) Scheme for people with disabilities, particularly: -
- Processing of applications by the Council under the 'discretionary' criteria.
  - Adherence to the Council's equalities policies in issuing badges and the provision of parking bays.
  - Allocation of disabled person's parking bays.
  - Enforcement and Monitoring (Prosecution and abuse).
- 3.5 The process involved gathering and evaluating evidence that was put before the review panel. This included interviewing internal witnesses, reviewing documents, consulting with users and comparison with other local authorities.

## 4.0 INTRODUCTION

- 4.1 The management and operation of parking for disabled people in Haringey was chosen for a scrutiny review on the suggestion of members and general concerns from the public regarding abuse of the system. There was a feeling that enforcement of unauthorised use of Blue Badges and disabled persons parking bays was not as effective as it could be.

### BACKGROUND

- 4.2 Disabled Person's Parking (Blue Badge) Scheme was introduced in 1971 under provisions of the Chronically Sick and Disabled person's Act 1970. The scheme was established in an attempt to promote social inclusion and a better quality of life for disabled people, by allowing badge holders to park closer to their destination. The scheme was reviewed in the 1980s and again in the early 1990s. A redesigned badge and modified concessions were introduced in March 1992. A Blue European Badge was introduced on 1 April 2000.
- 4.3 Changes to regulations in 1975 extended concessions to badge holders by permitting vehicles displaying badges to park on yellow lines for a maximum of two hours. In 1986 the time limit was extended to three hours. The Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000 currently provide for exemption, in favour of vehicles displaying disabled person's badges, from waiting restrictions (in certain circumstances), on-street parking charges and time limits.

### Blue Badge Criteria

- 4.4 Issuing of Blue Badges was previously the responsibility of Social Services Department but is now managed by the Environment Services Department in Haringey. In order to be eligible for a Blue Badge, a disabled person must fall within one of the categories contained in Paragraph 4 of the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000, which are as follows:
- ◆ People who meet at least one of the following criteria have an 'automatic right' to a badge.
  - ◆ Applicants must be more than two years old and a person who: -
    - Receives the higher rate of mobility component of the Disability Living Allowance, in accordance with section 73 of the Social Security and Benefits Act 1982 **or**

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<sup>ii</sup> Children under two years of age do not qualify for a badge because they would not normally be expected to walk independently. Organisations caring for disabled people meeting one or more of the above criteria may be able to get a badge, but this is entirely at the local authority's discretion and the conditions for using such a badge must be strictly observed.

- Is in receipt of a War Pensioner's Mobility Supplement *or*
  - Is registered blind *or*
  - Uses a motor vehicle supplied for disabled people by a Government Health Department *or*
  - Has a severe disability in both upper limbs, regularly drives a motor vehicle, but cannot turn the steering wheel of a motor vehicle by hand even if that wheel is fitted with a turning knob
- 4.5 Although a local authority issues badges for disabled persons who are resident in its own borough, the badge may be used almost anywhere in Europe. Some sections of Central London, where the authorities administer their own scheme, are excluded. A blue badge can be used in any vehicle that the disabled person uses. Currently local authorities can make a charge of up to £2 for issuing a badge.

### **Controlled Parking Zones**

- 4.6 The Council's consultation process for the implementation of Controlled Parking Zones aims to afford residents and businesses the opportunity to develop ideas when addressing issues such as parking stress in a "joined up" approach. Overall CPZ is an effective form of deterring commuters from entering into parking stress areas. The special needs of disabled badge holders are specifically catered for in the provision of on street parking spaces and specific areas where there are no loading restrictions.
- 4.7 At the time of commencing this Scrutiny Review, the Government had completed its review of the Blue Badge Scheme, including the eligibility criteria together with the administration and enforcement of the scheme. The Panel was aware that the Disabled Persons Transport Advisory Committee (DPTAC) had submitted recommendations to the Secretary of State for consideration during the Government's review.
- 4.8 The DPTAC recommend that local authorities in developing traffic management strategies such as controlled parking schemes (including residents' parking schemes) and pedestrianisation of town centres must have regard to the impact these will have on the ability of Blue Badge holders to park near their chosen destination.

## **Blue Badge - Additional criteria**

- 4.10 There is an additional 'discretionary' criterion. Under this, disabled people may be issued with a badge if they have a permanent and substantial disability that means they are unable to walk or have very considerable difficulty in walking. The local authority has responsibility for assessing those applications, but currently they may also consult the applicant's GP who may be asked to answer a series of questions to help determine whether the person is eligible.
- 4.11 Badges are generally issued for a period of three years and are currently administered and issued in Haringey by the Parking Service in Environmental Services Department.
- 4.12 The form and use of the badge are prescribed by law. A person who drives a motor vehicle displaying a badge which has not been issued under Section 21 of the 1970 Act, or displayed other than in the prescribed manner is committing an offence and if convicted could be fined up to £1,000.
- 4.13 Badges remain the property of the issuing authority and are issued for a period of three years and must be returned to the authority under specified circumstances.

## **Disabled Persons Parking Bays**

- 4.14 The Council provides disabled person's parking bays, marked out on the road as such, for people with disabilities. These are for disabled people who are drivers or have a nominated driver who lives at the same address. A supporting statement from the applicant's G.P or other medical practitioner is required, confirming that their mobility is less than 50 metres, walking unaided.
- 4.15 There is currently an estimated 1,380 formal disabled persons parking bays in the borough and the Service is receiving 150/200 new applications annually.

## **Increase in car use**

- 4.16 In recent years the number and proportion of households in the borough owning one or more cars has been increasing and is forecast to continue rising. Therefore, there is an increasing pressure on the limited number of parking spaces available.

## **Increase in the number of badges on issue**

- 4.17 Between 1994/95 and 1999/2000 the number of badges in use nationally increased from 1.4m to 1.85m, an increase of 26.7%. Within Greater London the increase was from 164,677 to 213,276, an increase of 29.5%. Figures for Haringey indicate an increase from 4,575 to 6,833 last year, up by 33%.



- 4.18 The Disabled Persons Transport Advisory Committee believe that the arrangements in local authorities for processing applications and maintaining the scheme are contributing to the increase.
- 4.19 In most authorities, the responsibility for administration of badges rests with Social Services Departments. It is difficult for such departments to refuse an application that is supported by a GP, particularly with the availability of an appeals process to elected Members. Since they have no involvement in traffic management and parking control, or in the enforcement procedure, they are also unlikely to have any feel for the impact that their approach has on the credibility of the Scheme itself and on the mobility of severely disabled people.
- 4.20 The Mayor of London has recently published his Transport Strategy, which includes proposals for accessible transport. The Strategy recognises that a large number of people in London experience mobility problems. This includes at least half a million physically disabled people and people with health problems who find it very difficult or impossible to use public transport or to walk.

### **The Scheme in Central London**

- 4.21 An investigation by London Assembly's Transport Committee has found that a lack of consistency and transparency between disabled parking schemes in Central London is resulting in confusion, stress and unexpected parking tickets for disabled people and their carers.
- 4.22 Parking concessions offered under the national disabled parking scheme (the Blue Badge Scheme) do not apply within Central London. Instead, each of the central boroughs and Transport for London (TfL) operate separate disabled parking schemes. The committee found that there was little or no co-operation between the various schemes. It was generally agreed that there was a need to work together to unify the various schemes.
- 4.23 The report 'Access Denied' calls on the Mayor to review current Central London parking exemptions and to provide clear guidance to boroughs on improving accessibility for people with mobility problems. It also calls on the Government to introduce legislation to enable traffic wardens to inspect badges and for joint borough working with contractors to ensure parking officers are sensitive to the needs of Blue Badge holders.
- 4.24 The Transport Committee will be pressing the Mayor, Transport for London (TfL) and the boroughs to work with disability organisations to improve the situation.

## **5.0 DISABLED PERSON'S PARKING BAYS (DPPB) - GENERAL**

- 5.1 The Traffic and Road Safety Group, Highways Division, in Environmental Services Department is responsible for the administration and provision of Disabled Persons' Parking Bays. The criteria for Disabled Persons Parking Bays are outlined in paragraph 9.13.
- 5.2 Disabled Persons Parking Bays are not provided for the sole use of individual badge holders. The Council is obliged under the Disabilities Discrimination Act (DDA) to ensure that the road networks has sufficient facilities for people with disabilities. Under the Highways Act the Council has powers to formalise a disabled parking bay. The distinction between formal and informal bays is described at paragraphs 9.1 and 9.2.
- 5.3 There are approximately 1,380 formal disabled persons parking bays across the borough, in addition to some 96 on the Council's Housing Estate Controlled Parking Scheme.

## 6.0 FOCUS OF THE SCRUTINY REVIEW.

- 6.1 Members decided to scrutinise the entire management and operation of parking facilities for disabled people in Haringey, from the processing of applications to how the Council managed enforcement and monitoring.
- 6.2 The review concentrated on the relationship between the different parts of the Council responsible for administering the related schemes and looked at whether improvements could be made to the operation, monitoring and implementation of the current system. Particular emphasis was placed on the enforcement and monitoring of the use of blue badges and disabled persons parking bays.

### FINDINGS

- 6.3 The first step of the investigation was to look at the Blue Badge Scheme, including the application process. Members were informed that all aspects of the scheme were formally the responsibility of the Environment Services Department. The Concessionary Travel Manager was responsible for managing all matters relating to the application process of the scheme. Members looked at a number of application forms, selected at random, to ensure consistency in the applications process.
- 6.4 The Panel received presentations from officers within the Environmental Service Department including the Concessionary Travel Manager. Members learnt that in recent years there has been a significant increase in the number of blue badges in use.

### Department of Transport's Survey

- 6.5 The Department for Transport has produced the results of an annual survey of the number of vehicle badges issued by local authorities to people who have disabilities. <sup>iii</sup>The survey indicates that over 2 million valid badges were on issue nationally as at 31 March 2002. Of these 99 percent were on issue to individuals and 1 percent were on issue to institutions i.e. Dial-a-ride. The number of badges has increased to three times the 1987 survey. The increase in all valid badges on issue in the year to 31 March 2002 was 5 percent.

	Badges issued	Rate per 1000 of the population
Nationally	2,019,073	41
Inner London	64,329	26
Outer London	158,179	34
Hackney	5,050	25
Haringey	6,833	31.5

<sup>iii</sup> Blue Badges on issue at 31 March 2002 - A survey of Local Authorities in England.

6.6 Currently there are approximately 6,833 Blue Badge holders in the borough, which equates to almost 3.15% of the population of Haringey, that is, 216,000.<sup>iv</sup> This compared with 5,050 badges issued in London Borough of Hackney, which equates to almost 2.49% of the population, that is, 202,800.

6.7 Members were not overly concerned with this level of increase. Contributory factors for the increase in issuing badges include:

- The increase in car use and ownership.
- Implementation of Control Parking Zones
- More restrictions on parking
- Lack of on street parking.
- Inner London Congestion charges.

6.8 Whilst the Panel acknowledged that any increase in the number of blue badge holders could put pressure on the already congested streets of Haringey, they fully accepted that anyone who was entitled to and required to have a badge should be encouraged to apply.

### **Fraudulent use of Blue Badges**

6.9 There were concerns however that blue badges may become even more attractive for fraudulent use, especially with the concessions given to blue badge holders under the Mayor of London's Congestion Charge.

6.10 The local press recently reported that black market trade in Blue Badges has sprung up in Green Lanes as drivers try to avoid paying parking charges by pretending to be disabled. The business has emerged over the last few months.

6.11 Shopkeepers say they have been approached with offers of blue badges, which allow them to skip parking charges. The black market badges sell for around £50.00. The Metropolitan Police state that: "we are aware of a large number of people reporting disabled badges lost or stolen." The Police would like to see a clamp down on the trade but are careful about civil liberties.<sup>v</sup>

### **Duplicate Badges**

6.12 The Service reports that approximately 46 new badges are issued each week, four of which are to replace lost or stolen badges. Of 2,392 badges issued annually, 208 are duplicates, which equates to 8.7% of badges lost or stolen annually. Disabled Drivers interviewed by the panel were of the view that all applicants reporting a stolen badge should be required to inform the police and obtain a crime number. Repeated requests for a duplicate badge should be thoroughly investigated.

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<sup>iv</sup> Office for National Statistics - mid year estimates for London Boroughs

<sup>v</sup> The Advertiser 24/04/03.

## **Timescale for allocating a Blue Badge**

- 6.13 In addition to holding a focus group with disabled drivers, the Panel received written submissions from service users. People were generally happy with the service they receive and found the process pretty straightforward. The timescale for processing applications is within two working days of receipt of all the necessary documentation, whether automatic or discretionary. However, if applications are received without the supporting documentation it can take considerably longer depending on the receipt of all information, i.e. proof of residence, GP reports etc.
- 6.14 With regards to eligibility, there were various methods through which people found out they were entitled to a badge. These include through their own knowledge, friends and family, community centres, their hospital consultant, word of mouth or their GP. An explanatory leaflet accompanies the badge and users felt this information was quite clear.
- 6.15 The main issues users felt required improvement was the policing of disabled persons parking bays and the need to address the lack of bays outside community venues such as libraries, community and health centres etc.

## **Blue Badge - Application of Discretionary Criteria**

- 6.16. The Department for Transport's review identified a lack of consistency amongst local authorities in applying the criteria for 'discretionary' badges.
- 6.17 Under the regulations there are 7 descriptions of eligibility for issuing a Blue Badge. Six refer to circumstances where a blue badge can be obtained automatically on the production of documentary evidence about the level of disability.
- 6.18 The remaining description refers to the application of discretionary criteria by the issuing authority.
- 6.19 In Haringey, all applications are processed in accordance with guidelines from The Disabled Persons (badges for motor vehicles) (England) Regulations 2000.
- 6.20 An example of discretionary criteria is where the applicant has a substantial and permanent disability that causes inability to walk, or very considerable difficulty in walking. If these applicants cannot supply documentary evidence to support the automatic issue of a badge, they need to provide medical reports to substantiate their applications on medical grounds.

The criteria are as follows:

- ◆ Applicants must have a disability, which severely affects their walking ability.
- ◆ The disability must be permanent.
- ◆ Unable to walk 50 metres
- ◆ If the applicant meet all the criteria a Blue Badge will be issued.

- 6.21 The Disabled Persons Transport Advisory Committee believes that many of the people who have now been issued with an orange/Blue Badge, under the discretionary criteria, should not have been judged eligible. There is strong suspicion that GPs are being placed under pressure from patients to support their application for a badge. In borderline cases, the GP can probably see no reason why they should resist such pressure, particularly when they have no further involvement in the process after they have made a recommendation.
- 6.22 The discretionary criteria were primarily intended to cover those people who become disabled over the age of 65, and who consequently, are ineligible for the higher rate mobility component of the Disability Living Allowance (DLA). It would follow therefore that, except for one or two exceptions, i.e. those who choose not to claim DLA who would otherwise qualify; and children between the age of 2 and 5, everyone issued with the badge under the discretionary criteria should be over the age of 65.
- 6.23 The Panel looked at how the Council applies these criteria and discovered that the criteria currently applied by Environmental Services did not match those set out in the regulations as we have elected to apply the discretionary criteria to anyone who request a badge, with the support of their GP.
- 6.24 The Panel was concerned that the wrong criteria had been applied for some time. Members therefore recommend that the Service should ensure that any changes and interpretations of the regulations are consistent.

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## **RECOMMENDATION**

In order to ensure compliance with the discretionary criteria, the panel recommends that:

- ◆ The Director of Environmental Services should undertake a review of all blue badge applications to determine if any pattern exists between areas or GPs, in order to ensure compliance with Government guidance on applying the discretionary criteria.
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## 7.0 ASSESSING ELIGIBILITY

- 7.1 In Haringey once medical reports are received the application is assessed on medical criteria. If applicants fulfil the discretionary criteria they are issued a badge. Medical documentation is needed for any one of the three criteria. For example someone may have a learning difficulty which affects their mobility, someone on dialysis with fluctuating health problems.
- 7.2 There could be better ways of assessing needs as the patient/G.P relationship could be compromised by the application of the discretionary criteria. Consideration should be given to the use of a standard questionnaire and interview by trained staff to determine eligibility, e.g. occupational therapists or contracted medical advisers.
- 7.3 Whilst the Environmental Services Department recognise the need for an independent health care professional to undertake assessment, it was acknowledged that funding would be required to provide this service as Haringey does not charge a fee for the blue badges at present. However if a £10 fee was introduced the Director would consider charging for the blue badges and fees utilised in appointing an independent health care professional.
- 7.4 Where authorities have introduced more stringent handling arrangements the number of badges on issue reduced. For example in Hillingdon, where GPs have been removed from the system and applicants are interviewed by local authority staff, the number of badges on issue decreased by 39% in the three years between 1993 and 1996.
- 7.5 There is general debate around the number of people with badges who don't need them. The Government intends to issue comprehensive new guidance on how to apply the existing eligibility criteria and will implement a monitoring programme to assess the impact of the new guidance on the scheme. However, no timescale has been set.

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### RECOMMENDATIONS:

- ◆ Consideration should be given to the use of a standard questionnaire and interview by trained staff, e.g. occupational therapists or contracted medical advisers to assist in assessing eligibility.
  - ◆ The Director of the Environmental Services should explore the viability of appointing an external medical practitioner for the purposes of assessing eligibility for Blue Badge applications.
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<sup>vi</sup> UK Disabled Persons Transport Advisor Committee 1/7/03

## **Appeals process:**

- 7.6 If applicants do not meet the criteria, a refusal letter is sent to them informing them why their application has been refused and explaining the appeals procedures.
- 7.7 Applicants must appeal within three months from the date their application was refused.
- 7.8 DPTAC believes there should be a uniform two-tier appeals system throughout the UK as follows:
- (a) An initial right of appeal to the local authority to review the grounds of refusal
  - (c) A subsequent right of appeal to a local Government ombudsman if the applicant believes that the local authority has not followed the due process correctly.
- 7.9. At present there is no independent appeals mechanism for people refused a Blue Badge in Haringey. Two members of staff (one of who considered the original application) make a decision once further medical records are produced. It is the view of the Service that there is no need for an independent appeals panel, as the procedure is quite specific and the medical report forms are designed to address the points required to meet the criteria directly.

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## **RECOMMENDATION**

- ◆ The process for appealing against the issuing of a Blue Badge and the installation of Disabled Persons Parking Bays should be carried out under independent appeals procedures.
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## **8.0 DATABASE FOR HOLDING INFORMATION ON BLUE BADGES.**

- 8.1 All Blue Badge applications in Haringey are kept on a client index database, which is accessible borough wide. However this system is not linked to Benefits and Fraud Services.
- 8.2 The Head of Parking Services has suggested that all lost and stolen badges should be linked with Parking Control, so that in the event of parking attendants coming across fraudulent use of badges, the department will automatically be notified.
- 8.3 There has been some debate around the issue of establishing a London-Wide database of blue badge holders. However, under the Mayor of London's Congestion Charge scheme, if drivers have a vehicle, which is Vehicle Excise Exempt, they do not have to register for that vehicle as the details are already held on the DVLA central computer. This would apply to all vehicle owners who receive Higher Rate Mobility component of Disability Living Allowance or War Pensioners Mobility Supplement. They would only have to register if they were using another vehicle and transferring their blue badge.
- 8.4 The Metropolitan Police state that: 'there are some thorny issues about whether people with disabilities should be on a database. If someone is displaying a disabled badge, there is no way you can find out whether that person is disabled or not'.
- 8.5 The Government has announced that it will be initiating further research to assess the viability of a national database of Blue Badge holders operated by a relevant body, such as the Driver Vehicle Licensing Authority or Motability.
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### **RECOMMENDATION:**

- ◆ The Director of Environmental Services should ensure that mechanisms are in place to enable all reported lost and stolen badges to be linked with Parking Control so that in the event of parking attendants coming across fraudulent use of badges the service would be notified automatically.
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## **ABUSE OF THE BLUE BADGE SCHEME**

- 8.6 Powers exist under current legislation to enable local authorities to address abuse of the Blue Badge Scheme. Although there is much anecdotal evidence of abuse, obtaining evidence and prosecution is almost impossible, without extensive resources being in place. Fraud can take place through a number of methods, through a family member or friend of the badge holder using the badge for his or her own use, with or without the consent of the holder or it could be stolen or counterfeit copies being sold on for profit. Given that badges are issued to people and not vehicles, it is not inconceivable for a foreign issued badge to be displayed on a British registered vehicle. It would be impossible to check the validity of the badge.
- 8.7 Currently a badge holder has to misuse their badge leading to at least three convictions before it can be withdrawn. There is a right of appeal against withdrawal.
- 8.8 Very few badges are withdrawn for reasons of abuse. Local authorities find that collecting evidence of three different instances of abuse is time consuming.
- 8.9 Another suggestion from The DPTAC is that guidance to local authorities on the implications of regulations and when they can remove a badge for alleged misuse would be useful.
- 8.10 The Disabled Persons Transport Advisory Committee, as part of the Government's Review, has recommended that legislation should be introduced to improve the enforcement of the scheme, by allowing badges to be checked. This power already exists in Northern Ireland and Scotland. Suggestions to make enforcement easier also include a redesign of the badge. The Government has accepted this recommendation and will seek the earliest opportunity, to consult with the Home Office on the introduction of powers for the Police, Traffic Wardens and local authority parking enforcement officers to check the holder's details on the reverse of the badge.
- 8.11 Many badge holders who took part in the focus group discussion with Members advocated harsher penalties for abusers. Some felt larger fines were appropriate; some suggested fixed penalties; and others believed that points on driving licences would be more effective. Others were of the view that a fraud hotline should be established and publicised to enable the immediate reporting of offences.

## **Bar coding Blue Badges**

- 8.12 The panel was keen on the concept of carrying out a pilot project to evaluate the effectiveness of placing bar codes on all blue badges, which can be read by the hand held equipment issued to parking enforcement officers. The Department of Transport (DfT) has been approached to ascertain whether there were any reasons why bar codes cannot be used on newly issued badges. At the time of writing this report the Head of the Mobility & Inclusion Unit at the DfT confirmed that there are no legal obstacles and is very keen on the idea and discussions are ongoing.

## **Cost implications for the use of Bar Codes**

- 8.13 The review panel recognises the cost implications for programming bar codes on newly issued blue badges and suggest that any increase in administration fees, proposed under the Government's review, should be utilised in improving enforcement and deterring fraud, including the cost of bar codes.
- 8.14 The Disabled Persons Transport Advisory Committee recommends that local authorities should encourage prosecution of those who use badges illegally and publicise all prosecutions.

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## **RECOMMENDATIONS**

- ◆ The Director of Environmental Services should consider a pilot project to evaluate the effectiveness of placing a bar code, which can be read by the hand held devices issued to parking enforcement staff, on blue badges issued by the Department.
- ◆ The Council should prosecute a number of high profile cases to strengthen the enforcement message - at a time of the Council's choosing.
- ◆ The Director of Environmental Services should establish a 'fraud hotline' or publicise the contact number of enforcement officers for reporting stolen badges and reporting abuse of Disabled Persons Parking Bays.
- ◆ The Director of Environmental Services should ensure that any increase in administration fees, proposed under the Government's review, should be utilised in improving enforcement and deterring fraud, including the cost for the use of bar codes.

## **9.0 DISABLED PERSONS PARKING BAYS**

- 9.1 The Traffic and Road Safety Group in the Environmental Services Department has responsibility for the provision of Disabled Person's Parking Bays. The Council is obliged under the Disability Discrimination Act (DDA) to ensure that the road network has sufficient facilities for people with disabilities.

### **Informal Bays**

- 9.2 An informal bay is defined by white bay markings on the road, and has no post or signage. This is not enforceable by Parking Attendants therefore anyone can park in the bay without fear of a Penalty Charge Notice. The bay holder is reliant on people respecting the bay.

### **Formal Bays**

- 9.3 Formal bays are also defined by white markings on the road, but this also has a metal post in the pavement and a sign stating that the bay is for a Disabled Badge Holder only. These bays have no time limit but are only enforceable between 8:30am to 6:30pm Monday to Sunday. Outside these hours others can and do park in these bays, without blue badges. There is currently a proposal to make these bays enforceable 24 hours seven days per week.
- 9.4 Figures for Haringey indicates an increase in the number of applications for blue badges (approximately 6,833 since 1997). The panel learned that despite this increase there are only an estimated 1,380 formal disabled persons parking bays across the borough. It should be noted that not all blue badge holders apply for a bay or qualify for one.

### **Application process**

- 9.5 Once an application form for a Disabled Persons Parking Bay is submitted, an officer logs the details onto the database, if all relevant evidence has been submitted. A check is then carried out to ascertain whether the application meets all the essential criteria. Applicants are informed of the approval or otherwise of their application. The Officer undertakes a site visit and a decision is made (sometimes with extended consultation with the applicant) about siting of the bay.
- 9.6 At least 25 bays together are made into a Traffic Management Order (TMO) proposal. The proposal of the TMO is advertised. Neighbours of the applicants are asked to respond if the potential bay encroaches on the road in front of their property. After a consultation period of three weeks for receipt of objections, a TMO is made of the non-contentious bays and an instruction issued to contractors, to implement the bay and signage.

- 9.7 If an objection is received to the siting of disabled persons parking bays the objection is sometimes forwarded to Legal Services for comments and action as appropriate.

The panel received the following comments from users:

"I am reluctant to take my car out for fear that the space would not be available on my return. More bays should be provided in areas where there are frequent visitors from out of the borough".

"There should be more stringent and rapid action taken against those who use the bays without authority.

Outsiders to the area often park without sanction and make it difficult for me to access my front door".

- 9.7 During the course of the investigation, several disabled drivers expressed difficulties they have experienced when they find that other drivers use the bay marked out for their properties. Some have reported that they are reluctant to take their vehicles out for fear that the place would not be available on their return.

- 9.8 There were also concerns that drivers from outside the borough have managed to park in disabled drivers parking bays without sanctions, making it difficult for them to get to their front door. Users felt that:

- ◆ More bays should be provided near areas such as the Tottenham Hotspur Football Ground, where there are frequent visitors from out of the area.
- ◆ More stringent and rapid action taken against those who use disabled persons parking bays without authority.

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## RECOMMENDATIONS

- ◆ The Director of Environmental Services should look at ways to increase the effectiveness of enforcement, which primarily assists in deterring non badge holders from abusing Disabled Persons Parking Bays, and maximizing income from penalty fines.
  - ◆ The Director of Environmental Services should ensure that Enforcement Officers are trained appropriately, and that they are sensitive to the needs of disabled people and the reasons for the Blue Badge Scheme.
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## **Disabled Person's Parking Bays - Application Form**

- 9.9 The panel found that the scheme for approving bays is fairly well designed. The more needy get their bays and the less needy are deterred by the slightly more stringent criteria. Some of the most needy do not own cars and would benefit from a DPPB for their carers to use. The scheme does not allow for this. Some individuals interviewed by the panel reported that there is inflexible treatment where there are multiple carers. However the scheme allows for review of applicants without vehicles applying for a bay and in certain circumstances bays are provided. Each request is considered on its merits.
- 9.10 Members examined the current application form and compared these with applications from other neighbouring boroughs. They were satisfied with the design and the information contained on the form.
- 9.11 In terms of prosecution, the review panel learned that in the calendar year 2002 the number of Penalty Charge Notices (PCNs) issued for parking in a disabled parking space without a valid disabled person's parking badge was 1,565.

## **Disabled Persons Parking Bays - Criteria**

- 9.12 The criteria for the provision of Disabled Persons Parking Bays are as follows:
- A. Applicant should be the disabled driver of the vehicle for which the parking space is to be provided.
  - B. If the disabled person is not the driver but the passenger of the vehicle, the nominated driver must live at the same address as the applicant. A bay may be provided where the applicant:
    - (i) Requires substantial physical assistance from the driver of the vehicle when entering and leaving the vehicle and the driver is generally the only person available to assist the passenger and should also live at the same address.
    - (ii) Is sufficiently mentally or physically incapacitated to necessitate constant supervision by the driver of the vehicle. The driver of the vehicle should be the only person available to effect this provision and should also live at the same address.
    - (iii) Is between the ages of 2 and 17 years and meets either or both of the criteria stated in sections i or ii above.

- C. The applicant must be the holder of a Blue Badge, issued under the Disabled Persons (Badge for Motor Vehicles) Regulations.
  - D. The applicant must provide written medical evidence that they or the person whom the application is being made has considerable difficulty in walking.
  - E. Disabled persons parking bays will only be provided were in the opinion of the Council Officers and the Metropolitan Police there is a proven difficulty in parking and no suitable alternative off-street parking is available.
  - F. Where off-street parking facilities are available a bay may be provided if the applicant can demonstrate that the facilities are unsuitable for the use of a disabled person due to the nature of the disability.
- 9.13 Disabled bays are open to use by *any* European blue badge holder and are enforceable by Haringey Parking Enforcement Officers between 8.30am and 6.30pm Monday to Saturday.

### **Enforcement issues.**

- 9.14 Parking Service states that it responds to all requests for enforcement when the alleged unauthorised occupation of a disabled bay is reported; usually a mobile patrol would be deployed to enforce as quickly as possible. As the vast majority of bays are outside the regularly patrolled Controlled Parking Zones officers would not be aware of abuse of the scheme unless residents report that particular bays are being abused. This might lead to the perception that bays are not enforced. The service does not have the resources to look at every bay in every street on a random basis.
- 9.15 However witnesses stated that it was not clear who to contact in order to report unauthorised use of a disabled persons parking bay, they added that the telephone number should be clearly publicised. Furthermore the review recommends that the Director of Environmental Services should explore the viability of providing a response based enforcement officer with primary responsibility for enforcement in non-CPZ areas.

### **Individual Disabled Persons Parking Bays**

- 9.16 Many people believe that the disabled persons parking bay should be for the sole use of the applicant and not other blue badge holders. This was on the grounds that the bay was installed to enable someone with mobility difficulties to park outside their home but was not much use if they came home to find someone else legitimately parked there.
- 9.17 Designated bays for some individuals would be very useful. Some of the most vulnerable drivers live near shops, stations or other popular spots and their bays are used constantly even though they have gone through the process to have the bay allocated. One driver who lives near the Spurs Football ground reported particular problems on match days. They feel that the bay should be for their personal use.

- 9.18 Some individuals who attended the focus group are of the opinion that the service would be greatly enhanced if there was a small team of staff who were dedicated to marking and signposting bays in the borough. Some applicants are dissatisfied that their bays were designated as informal and therefore not enforceable.
- 9.19 The panel noted concerns that providing dedicated bays for some individuals could result in a two-tier system for disabled persons parking bays that are enforceable as this could lead to pressure on the Department to upgrade to the top tier. Therefore members would need to agree a strict set of criteria to determine 'exceptional circumstances.'

**Council Policy:**

- 9.20. Members were informed that the Council's policy is not to give every Blue Badge holder a bay. Also one of the criteria is that a parking bay outside someone's house should only be allocated if they own a car (vehicle registration documents and licence of applicant or nominated driver indicating that they live at the address in question). This causes some problems for those carers who do not live at the same address as their clients, or who only use ambulances, taxis, or dial-a-ride etc. They do not usually get a bay, although depending on the case they make and the parking problems experienced they may get an informal bay or a full bay. Additionally, some blue badge holders have off street parking and therefore do not require an additional bay.
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**RECOMMENDATIONS:**

- ◆ The Director of Environmental Services should explore the viability of installing dedicated disabled persons parking bays outside the homes of disabled individuals (who request this facility) under exceptional circumstances. The Director should ensure (in consultation with Members) that a strict set of criteria is in place to establish what constitute exceptional circumstances.
  - ◆ The Director of Environmental Services should ensure that contact details and telephone numbers are clearly publicised in order that unauthorised use of disabled persons parking bays can be readily reported by members of the public.
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## **10.0 DIFFICULTY IN PARKING CLOSE OF SHOPS AND CIVIL AMENITIES**

- 10.1 The Blue Badge Scheme does not apply to off-street car parks and enforcement of disabled persons' parking bays is therefore a matter for the individual owner or operator concerned. <sup>vii</sup>In the case of local authority off-street car parks, parking place orders normally either make it an offence for someone not displaying a valid orange or Blue Badge to park in a disabled persons' parking bay or make it subject to the payment of an 'excess charge'.

### **Private Parking Facilities.**

- 10.2 In private off-street car parks, such as those at supermarkets, the position is more complicated. These car parks are private property and the charges and conditions of use are essentially a contractual matter between the owner and the motorist. In such car parks, spaces marked for badge holders only are in most cases not legally enforceable, but depend on the courtesy and consideration of other drivers. Company employees could ask a non-disabled driver to move their car from a space set aside for disabled people but they might not be in a position to insist upon it.

### **Abuse of Private Parking Facilities.**

- 10.3 Where there is suspected misuse of marked out disabled persons parking bays in private car parks, it should be brought to the attention of the management of the store or premises concerned so that they may consider effective action to enforce the parking restrictions in their car parks.
- 10.4 As an observation exercise Members visited a number of supermarkets in the borough and noted that non-disabled drivers could park with ease in disabled persons parking bays unchallenged by supermarket attendants. When approached these drivers became defensive and in one case a blue badge was produced from the glove compartment of the vehicle.
- 10.5 It appeared that there was a general disregard on the part of non-disabled drivers for the purpose of the bays. It is of course in the interest of the supermarkets and other stores to enforce the parking restrictions in their parking bays, as unauthorised use can lead to loss of trade if disabled people are unable to shop at their stores.

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<sup>vii</sup> Department for Transport - Measures to Tackle Misuse of Off-Street Disabled Persons' Parking Spaces - April 03

## **Enforcement on Private property**

- 10.6 The Department for Transport's view is that it is also possible in law for the owners of a private car park to agree with the local authority that a Parking Place Order be made in respect of that car park. Conditions of use can then be enforced as if it were a local authority car park, with penalties or excess charges levied on offenders. Such an agreement would enable the local authority to make an order regulating the use of the disabled persons' parking spaces for the entire car park and does not require the land to be transferred by sale or lease to the local authority. Parking not authorised under the terms of the order; for instance, parking in reserved spaces would be an offence. However, to be effective, any arrangement along these lines would naturally require commitment from the local authority in terms of enforcement activity.

## **Obligations under the Disability Discrimination Act 1995**

- 10.7 Additionally, Part III of The Disability Discrimination Act 1995 requires service providers to take reasonable steps to ensure that disabled people do not find it impossible, or unreasonably difficult, to enjoy the service on the same basis as non-disabled people. This will have implications for car park operators, who may have to demonstrate that as well as marking out disabled person's parking spaces; they have taken reasonable steps to ensure that they are available to disabled people.

## **The Bay Watch Campaign**

- 10.8 The 'Bay Watch' campaign is a coalition of major supermarkets and disability organisations (including the Disabled Driver's Association, Disabled Driver's Motor Club and The British Polio Fellowship) and is committed to encouraging more protection of disabled person's parking bays in retail car parks from abuse by non-disabled drivers. The Government has offered support for this initiative and has pledged funds to part-fund a pilot project with supermarket companies to test different approaches to raising awareness and deterring abuse.
- 10.9 The review panel identified that there was an issue with disabled people parking close to shops and community facilities, such as libraries, health centres, banks etc. Figures for Haringey indicate an increase in the number of applications for Blue Badges (approximately 6,833 since 1997), yet there is only an estimated 1,380 parking bays available across the borough.

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## **RECOMMENDATIONS**

- ◆ The Director of Environmental Services should ensure that there is dedicated officer support for monitoring the use of disabled persons parking bays outside shopping areas and that the officer has the responsibility to engage in dialogue with shop managers to ensure the efficient use of parking bays for disabled drivers.

- ◆ The Council should engage in dialogue with supermarkets to explore ways of enforcing/discouraging illegal parking in disabled persons parking bays and organise an awareness campaign to publicise the problems experienced by disabled people when other people abuse the system. For example the 'Bay Watch' campaign (in conjunction with disabled organisations) - developing a poster campaign aimed at non-disabled drivers, to raise public awareness of the scheme.

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## **Parking facilities and Regeneration Programmes**

10.10 As part of the review, the panel contacted various regeneration organisations to ascertain whether their programmes addressed the issue of parking for people with disabilities and received the following responses:

"I am not aware of any policies or plans built into Single Regeneration programmes that take account of the parking needs of disabled people".  
- Finsbury Park Partnership

"This has not been raised as an issue at our NDC Community Theme Groups; therefore we have no policies or plans in place".

- Programme Director New Deal for Communities

" To the best of my knowledge no schemes have specifically addressed this issue. The provision of parking is not one of the major primary goals of regeneration activity.

It is possible that there may have been secondary benefits where funds have resulted in estate layout improvements or the construction of new buildings with parking spaces. In these cases it is quite likely disabled spaces might have been provided but we hold no records of this".

- Assistant Chief Executive Strategy

10.11 One of DPTAC's recommendation is that local authorities must be required to include policies on designated parking provision for badge holders in their local transport planning process (Local transport plans, strategies and implementation plans).

10.12 The provision of parking for blue badge holders should be enhanced by:

- a) Requiring local authorities through their planning policies and procedures to include parking strategies in all developments to determine the percentage and/or minimum numbers of designated parking spaces available for blue badge holders.
- b) Requiring service to provide and manage off-street car parking to maintain accessible parking for badge holders to the agreed standards contained within current National Planning Policy Guidance notes PPG13 and THE DTLR Traffic Advisory Leaflet 5/95.

10.13 The Panel believes that all new buildings of local amenities should ensure there is positive provision for accessible parking for blue badge holders through local transport planning process to reflect local need.

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**RECOMMENDATION:**

- ◆ The Director of Environmental Services should review the provision of disabled persons parking bays close to shops and community facilities, such as libraries and health centres to enable disabled individuals to park close enough to their desired destination.

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**Disabled Persons Parking Bays on the Council's Housing Estates**

10.14 The Environment Services Department is working closely with Housing Services who will fund the implementation of bays on housing land. More recently, the Urban Regeneration Unit has funded the implementation of some bays. The table below indicates the number of disabled persons parking bays currently on the Council's housing estates:

Estate Controlled Parking Scheme	Total number of disabled persons parking bays included in Estate Controlled Parking Scheme
Post code area:	
London N4	01
London N6	02
London N8	00
London N15	30
London N17	41
London N22	22
Total number of Estates = 65	Total number of bays = 96

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**RECOMMENDATION**

- ◆ The Director of Environmental Services should ensure, in consultation with Housing Services and Regeneration Unit, that all new buildings of community and local amenities have sufficient numbers of Disabled Persons Parking Bays.

## 11.0 **ENFORCEMENT OF DISABLED PERSONS PARKING BAYS.**

- 11.1 It is not always obvious to the casual observer why an individual has been issued with a Blue Badge and this together with the need to observe parked vehicles over a period of time makes it difficult to enforce parking and waiting regulations. With the increase in the number of badges and the incidence of abuse, the scheme is falling into disrepute with both the general public and the genuine blue badge users.
- 11.2 Misuse of the badge itself by a non-disabled person is an offence under Section 117 of the Road Traffic Regulation Act 1984, as amended by Section 35(6) of the Road Traffic Act 1991. The maximum fine on conviction is £1,000 in addition to whatever penalty may be imposed for the associated parking offence. It is also an offence under Section 221 (4B) of the chronically Sick and Disabled Persons Act 1970, as introduced by Section 35(4) of the Road Traffic Act 1991, to drive a motor vehicle displaying a badge unless the badge is properly issued and displayed. This measure was introduced to counter the problems where the badge was not being removed from the vehicle and people other than the badge holder were taking advantage of the parking concessions available under the Scheme.
- 11.3 It is also an offence under Section 47 of the Road Traffic Regulation Act 1984 to park a vehicle which is not displaying a badge in a designated disabled persons parking bay.
- 11.4 The police and traffic wardens do take action in appropriate cases but inevitably the many competing demands on resources limit the manpower that can be directed to enforcing parking restrictions, including those relating to the Blue Badge scheme. There can be no guarantee that there will always be someone available on the spot to take action against every instance of abuse. Nevertheless it is open to anyone to bring a case of suspected misuse to the attention of the local police or traffic wardens.
- 11.5 To curb demand for road space by blue badge holders to a manageable level, it is increasingly likely that some local authorities will seek to introduce local parking badges. However such schemes would seriously undermine the effectiveness of a national scheme and adversely affect the mobility of disabled people from surrounding areas and other visitors who can effectively be barred from accessing neighbouring town centres.
- 11.6 Even if local schemes are not implemented, the demand for Blue Badge parking can be so intense that disabled people find it difficult to find designated spaces. They are therefore forced to use the concession to park on yellow lines. In some areas, because of the increased use of this concession, highway authorities have then reviewed waiting restrictions and no loading/unloading bans have been imposed in order to prevent such parking. This has further restricted the mobility of badge holders.

The Panel considers it essential that attention be paid to enforcement issues with appropriate action taken on all areas of abuse.

## **12.0 CONCLUSIONS**

- 12.1 The Review concluded that the Council provided an efficient service. Although a number of measures could be taken in order to improve the service, much was outside the control of the Council. Many of the findings in respect of the scheme may be addressed by the Government's Review, such as eligibility and enforcement. However, the way in which Blue Badges are issued and administered on a local level and the fact that they can be used throughout Europe, makes enforcement extremely difficult.
- 12.2 The main issues that users felt required improvement was the policing of disabled persons parking bays and insufficient bays outside community venues such as libraries and community centres.
- 12.3 With reference to disabled persons' parking bays, the review found that the majority of bays have been installed on a formal basis. These bays are backed by Traffic Management Orders and consist of white lines and a post/plates and are enforceable by Traffic Wardens, who can issue Parking Charge Notices to drivers parked illegally. However, the review panel concluded that an enforcement campaign coupled with high profile prosecutions and a publicity drive to highlight the effect of not respecting disabled persons parking bays should be undertaken.
- 12.4 The Government has completed its review of the Blue Badge Scheme. Members would like to see clear advice on the administration and guidance of the scheme and the assessment of applicants to ensure a greater level of consistency. Abuse, theft and forgery of Blue Badges needs to be tackled and it is hoped that this will be addressed as part of the Government review.
- 12.5 The outstanding element of the Government's review is the primary legislation that is needed (for example to introduce the right to inspect the Badge) and the new guidance that will be issued in tandem with the legislation. As the Government has published its response to The DPTAC recommendations there is no reason why the Council cannot prepare for the types of changes that are in the pipeline. The DPTAC recommendations are appended to this report.
- 12.6 The review panel further recommend that the Service keep up to date with all outstanding elements of the Government's review of the Blue Badge Scheme and in particular to be aware of any implications for Haringey, especially in relation to:
- (c) Assessing eligibility of applicants and the Government's guidance on how to apply the existing criteria.
  - (d) The Database for holding information on blue badges - (the Government's research to assess the viability of a national

database of blue badge holders).

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### **RECOMMENDATIONS:**

In order to ensure monitoring of the implementation of the recommendations emanating from this review, the panel recommends:

- ◆ That the Environment Scrutiny Panel be given an interim update on the implementation of these recommendations in 6 months time.
- ◆ That the Service keep up to date with all outstanding elements of the Government's review of the Blue Badge Scheme and in particular to be aware of any implications for Haringey, especially in relation to:
  - (a) Assessing eligibility of applicants and the Government's guidance on how to apply the existing criteria.
  - (b) The Database for holding information on blue badges - (the Government's research to assess the viability of a national database of blue badge holders).

## APPENDICES:

- (A) The Blue Badge Review - The Government's response to the DPTAC recommendations.
- (B) Statutory Instrument 2000 No: 682
- (C) Statutory Instrument 2000 No: 683

### **KEY DOCUMENTS USED DURING THE COURSE OF THE INVESTIGATION**

- ◆ Response of the Disabled Drivers' Motor Club to the Consultation paper Issued on 17<sup>th</sup> December 2001.
- ◆ Department of Transport - Measures to Tackle Misuse of Off-Street Disabled Persons' Parking Spaces.
- ◆ Review of the Disabled persons Parking Scheme (The Blue Badge Scheme) Recommendations for change - The Disabled Persons Transport Advisory Committee - April 2002.
- ◆ Department for Transport News Release - New Measures to help disabled motorists.

### Members of the Review Panel

Councillor Mankanji - Chair of the Review Panel  
Councillor Herbie Brown  
Councillor Hare  
Councillor Robertson  
Councillor Oatway

External Adviser to the panel Ed Passant, Chief Executive Disabled Drivers Motor Club.

The Panel would like to thank all the individuals who contributed to the review by attending the focus group, meetings and submitting written evidence.

The Panel would also like to thank those officers who attended the meetings and provided essential information.



# APPENDIX A

## The Blue Badge Review

The Government's\* response to the DPTAC recommendations

\*Government is DfT, the devolved administrations and the Northern Ireland Office.

The following table details the Government's response to the Disabled Persons Transport Advisory Committee's (DPTAC) recommendations for the future shape of the Blue Badge Scheme of parking concessions for disabled motorists. The Committee's recommendation is repeated in full and is followed by the Government's response on that issue. Further consultation will be undertaken on all accepted recommendations.

1	<p><b>Eligibility should remain linked to the higher rate mobility component of the Disability Living Allowance and other existing automatic criteria, these being;</b></p> <ul style="list-style-type: none"> <li>• <b>people who receive a War Pensioners' Mobility Supplement; people who use a motor vehicle supplied for disabled people by a Government Health Department;</b></li> <li>• <b>people who are registered blind; and</b></li> <li>• <b>people who have severe disability in both upper limbs, regularly drive a motor vehicle but cannot turn the steering wheel of a motor vehicle by hand even if that wheel is fitted with a turning knob.</b></li> </ul> <p>The Government accepts this recommendation.</p>
2	<p><b>Eligibility is considered in terms of either being "automatic without further assessment" (under the criteria described in recommendation 1) or "eligible subject to further assessment". The terminology 'Discretionary' should be replaced with 'Assessed Eligibility'.</b></p> <p>The Government accepts this recommendation.</p>
3	<p><b>Eligibility criteria under "further assessment" should be consistent nationally.</b></p> <p>The Government accepts this recommendation (see also recommendation 6).</p>
4	<p><b>Eligibility criteria under "further assessment" should only be used for those who;</b></p> <ul style="list-style-type: none"> <li>• <b>are aged 65 or over who, but for their age, would have met the criteria for the higher rate mobility component of the Disability Living Allowance (HRDLA) or ,</b></li> <li>• <b>are under 65 but would qualify for the HRDLA or to be registered blind but have chosen not to do so.</b></li> </ul> <p>The Government does not accept this recommendation and notes that there was no consensus of opinion amongst respondents on the proposal. The Government plans instead to issue comprehensive new guidance to issuing authorities on how to apply the existing eligibility criteria (see recommendation 6). We will also implement a monitoring programme to assess the impact of the new guidance on the Scheme and consider the need for changes to eligibility based on that evidence.</p>

5	<p><b>Children under two whose medical needs require the transport of bulky medical equipment at all times should be eligible although this must be subject to further assessment and will need clear definition.</b></p> <p>The Government accepts this recommendation and will seek the earliest opportunity to amend the legislation governing the Scheme.</p>
6	<p><b>DfT on behalf of all four UK administrations issue guidance tightly specifying the criteria for further assessment and support relating to its application.</b></p> <p>The Government accepts the need for clear, common guidance across the UK and the DfT will be working with the devolved administrations to agree common guidance that each administration will issue. Although guidance was issued to local authorities after the last review (1991), we recognise that more detailed information is required on the assessment of applicants to reduce inconsistencies between issuing authorities' interpretation of the criteria. Local authorities are responsible for training their staff but the issue will be included in the new guidance.</p>
7	<p><b>There is further research into the independent mobility needs of certain groups of people to determine whether there is a need for extending the eligibility for a Badge. These groups include; people with mental health problems, partially sighted people, people with severe learning difficulties or severe behavioural difficulties and people with severe autism.</b></p> <p>The Government accepts this recommendation and will take forward research in this area.</p>
8	<p><b>A transitional arrangement be established to enable those people immediately affected by the revised eligibility criteria to retain their Badges until expiry of their current Badge or their next assessment (3 years or less).</b></p> <p>This recommendation is linked to recommendation 4 which the Government rejects but we would have no intention of advising authorities to withdraw badges before their expiry date.</p>
9	<p><b>Assessments of independent mobility are required where people do not automatically qualify and should be undertaken by an accredited health professional, other than the applicant's GP, in line with DfT guidance.</b></p> <p>The Government accepts this recommendation which is in line with the Cabinet Office's report on 'Making a Difference: Reducing General Practitioner (GP) Paperwork' and widely supported by GPs themselves. Many issuing authorities, who are responsible for the procedures for assessing applicants, already employ independent health care professions (such as Occupational Therapists) to undertake assessments. This will also be picked up in the guidance to be issued under Recommendation 6.</p>
10	<p><b>Local authority staff should, following appropriate training, process the application on the basis of DfT guidance and the independent mobility assessment.</b></p> <p>The Government accepts this recommendation, which ties closely with recommendations 3, 6 and 9.</p>
11	<p><b>The Scheme should continue to be a national Scheme for on-street parking concessions administered locally.</b></p> <p>The Government accepts this recommendation.</p>
12	<p><b>Local authorities should continue to be responsible for administering the Scheme but there should be no rigid determination of which Department should be responsible within any one authority.</b></p> <p>The Government accepts this recommendation and recognises that individual issuing authorities are best placed to decide which department within an authority should handle the Scheme.</p>

13	<p><b>There should be a national (centrally funded) database of Badge holders operated by a relevant body, such as Driver Vehicle Licensing Authority.</b></p> <p>The Government accepts this recommendation in principle and will be initiating further research to assess the viability of a national database.</p>
14	<p><b>The period of issue for Badges should be no more than three years before renewal is required and no less than 12 months.</b></p> <p>The Government accepts this recommendation except in cases where an award of Disability Living Allowance may be given for a period of less than 12 months (see recommendation 15).</p>
15	<p><b>Where entitlement is linked to the higher rate mobility component of the DLA, the period of issue should be linked to that of receipt of that allowance.</b></p> <p>The Government accepts this recommendation and will be discussing the matter further with the Department for Work and Pensions.</p>
16	<p><b>Where automatic entitlement to a Badge is linked to the higher rate mobility component of the DLA all applicants should give explicit consent to agreeing to the sharing of personal data under the Data Protection Act.</b></p> <p>The Government accepts this recommendation in principle and will be discussing the matter further with the Department for Work and Pensions.</p>
17	<p><b>The Scheme must be properly resourced by Government at both national and local level to make the Scheme effective.</b></p> <p>See recommendation 18.</p>
18	<p><b>There should be no fee to the applicant for the issue of a Badge.</b></p> <p>The Government does not accept this recommendation. The consensus amongst respondents was that the fee, which has remained at £2 since 1983, should be raised to a more appropriate level. This could support other improvements to the Scheme and we will be consulting further on the level of fee to set for a badge.</p>
19	<p><b>A refusal by the local authority to issue a Badge should be accompanied by a statement of the reasons for refusal and an explanation of the appeals process.</b></p> <p>The Government accepts this recommendation and will be including details in the new guidance on the Scheme (see recommendation 6).</p>
20	<p><b>There should be a uniform two-tier appeals system throughout the UK as follows;</b></p> <ul style="list-style-type: none"> <li>• <b>An initial right of appeal to the local authority to review the grounds of refusal; and</b></li> <li>• <b>A subsequent right of appeal to a local government ombudsman if the applicant believes that the local authority has not followed the due process correctly.</b></li> </ul> <p>The Government accepts this recommendation in principle and the need to strengthen the appeals structure. Further work will be required to establish the best means of taking this forward.</p>
21	<p><b>DfT should issue guidance to Local Authorities on; (a) establishing an appeals Scheme (b) the grounds for appeal.</b></p> <p>See recommendation 6 &amp; 20.</p>

22	<p><b>Renewal reminders should be issued automatically through the central database 3 months before expiry to ensure no gap in usage before a new Badge is issued.</b></p> <p>The Government accepts this recommendation in principle subject to the outcome of research on recommendation 13. Issuing authorities are already required under The Chronically Sick and Disabled Persons Act 1970 and CSDP (Northern Ireland) Act 1978 to keep records of all badges they have issued and reminder notices will be covered in the new guidance to be issued (see recommendation 6).</p>
23	<p><b>Return of the Badge should be added into the action pack when registering a death.</b></p> <p>The Government accepts this recommendation and will hold further discussions with the Home Office for its inclusion.</p>
24	<p><b>There should be no charge for replacement for Badges stolen or otherwise damaged provided the applicant produces a crime number or returns the damaged Badge.</b></p> <p>The Government accepts this recommendation. Regulations are already in place describing the circumstances under which issuing authorities can issue a badge and governing regulations do not allow them to charge for this service. This will be covered in the guidance (see recommendation 6).</p>
25	<p><b>Replacement Badges should have a new serial number.</b></p> <p>The Government accepts this recommendation and we will seek to include this in the new guidance issued as best practice.</p>
26	<p><b>Persistent loss of a Badge may require the removal of entitlement.</b></p> <p>The Government accepts this recommendation in principle and will consult on the criteria to be applied in such cases.</p>
27	<p><b>Temporary Badges should be available for people with a clearly defined temporary mobility impairment for a period as specified under Recommendation 14 (over 12 months but less than 3 years) but requiring an independent mobility assessment.</b></p> <p>The Government accepts this recommendation subject to the development of additional eligibility criteria (see also recommendation 14).</p>
28	<p><b>An alternative wording to 'institutional' should be used, such as organisation or group.</b></p> <p>The Government accepts this recommendation that will require an amendment to The Chronically Sick and Disabled Persons Act 1970 and CSDP (Northern Ireland Act 1978). We will consult further on this issue.</p>
29	<p><b>The issue of such Badges should be restricted, perhaps equivalent to Disabled Passenger Vehicle tax-exempt class process for organisations.</b></p> <p>The Government accepts that the qualifying organisations need to be better defined in guidance. The suggested link to Disabled Passenger Vehicle tax-exempt class would not be appropriate as this is not linked to disabled people who would meet the qualifying criteria for a blue badge.</p>
30	<p><b>There should be no charge for such Badges.</b></p> <p>The Government position is the same as that for recommendation 18.</p>
31	<p><b>Local Disabled Parking Schemes involving further application for exemption from parking restrictions for on-street parking should be abolished.</b></p> <p>The Government accepts this recommendation in principle and will continue to encourage local authorities who have introduced such restrictions to reconsider their position. It is noted that Part III of the Disability Discrimination Act may have implications in this area.</p>

32	<p><b>Central London Boroughs should not be exempt from the national Scheme.</b></p> <p>The Government considers that this is an issue that needs further, more specific, consultation particularly in light of congestion schemes for London.</p>
33	<p><b>The existing restrictions of three hours for parking without charge on single or double yellow lines in England and Wales with the use of a parking disc (time clock) should remain. There should continue to be no time limit introduced in Scotland.</b></p> <p>The Government accepts this recommendation which is well understood by badge holders and enforcement officials.</p>
34	<p><b>Legislation be introduced at the earliest opportunity in England and Wales to enable Badges to be checked by police officers, traffic wardens and parking attendants.</b></p> <p>The Government accepts this recommendation and will seek the earliest opportunity, in discussion with the Home Office, to introduce a power for the Police, traffic wardens and local authority parking enforcement officials to check the holder's details on the reverse of the badge.</p>
35	<p><b>Consideration be given to the early introduction of smart cards linked to the national database to aid enforcement and facilitate concessions on payments.</b></p> <p>The Government will consider the introduction of smart cards as the Scheme develops and the infrastructure is available to support them (see also recommendation 13).</p>
36	<p><b>Illegal use of Badges should be prosecuted.</b></p> <p>The Government accepts this recommendation. Issuing authorities already have powers to prosecute offenders and we will seek to make their obligations with regard to misuse more widely known by incorporating it into future guidance.</p>
37	<p><b>Penalty notices should also be issued to Badge holders parking on street illegally.</b></p> <p>The Government accepts this recommendation. Powers already exist and badge holder are not exempt from penalty notices.</p>
38	<p><b>Guidance should be issued on appropriate penalties for abuse by Badge holders and when it is appropriate to withdraw a Badge.</b></p> <p>The Government accepts this recommendation and will publicise these in the new guidance (see recommendation 6).</p>
39	<p><b>Penalties should increase with the incidence of abuse, leading to the withdrawal of the Badge.</b></p> <p>Powers already exist under which issuing authorities can withdraw badges if they are consistently misused.</p>
40	<p><b>Penalty notices should be issued to every vehicle owner not displaying a Badge when the vehicle is parked in an on-street parking space designated for Badge holders.</b></p> <p>The Government accepts this recommendation and would expect enforcement officials, under their existing powers, to issue penalty notices and prosecute offenders to the full extent of the law.</p>
41	<p><b>Penalties should be increased and include points on driving licences to strengthen the deterrence for misuse of designated disabled persons parking spaces on the street by non Badge holders and for misuse of Badges by non Badge holders.</b></p> <p>Further discussions with the Home Office will be necessary to explore the possibilities presented by this recommendation.</p>
42	<p><b>There should be more information, training and publicity about the purpose of the Scheme for Badge holders and non-Badge holders, including those responsible for administering and enforcing it.</b></p> <p>The Government accepts this recommendation and the need for revised guidance is already covered in a number of recommendations.</p>

43	<p><b>This information should be available in alternative media and targeted at specific audiences.</b></p> <p>The Government accepts this recommendation and already has a commitment to making publicity material as widely accessible as possible.</p>
44	<p><b>Local authorities must be required to include policies on designated parking provision for Badge holders in their local transport planning process (Local transport plans, strategies and implementation plans).</b></p> <p>Local authorities are already required to take account of the needs of disabled people in their Local Transport Plans. It is noted that Part III of the Disability Discrimination Act may also have implications in this area.</p>
45	<p><b>The provision of parking for Badge holders should be enhanced by:</b></p> <ul style="list-style-type: none"> <li>a) requiring Local Authorities through their planning policies and procedures to include parking strategies in all developments to determine the percentage and/or minimum numbers of designated parking spaces available for Blue Badge holders.</li> <li>b) requiring service to provide and manage off-street car parking to maintain accessible parking for Badge holders to the agreed standards contained within current National Planning Policy Guidance notes PPG13 and DfT Traffic Advisory Leaflet 5/95 and the equivalent guidance in other parts of the UK.</li> </ul> <p>This recommendation falls outside the scope of the review that is concerned only with on-street parking. Further discussions are needed with the Office of the Deputy Prime Minister on this issue.</p>
46	<p><b>Employers should be required to make parking places available to disabled employees and visitors with Badges to reduce pressure on public parking provision and to ensure that their parking provision is respected.</b></p> <p>Employers have certain duties under Part III of the Disability Discrimination Act 1995 with regard to making reasonable adjustments for disabled staff.</p>
47	<p><b>Badge holders should be exempt from congestion charging.</b></p> <p>Where it has powers to introduce congestion charging the Government has already committed to a uniform minimum standard of concession or exemption from congestion charging for disabled motorists. In N Ireland, there is currently no legislative provision for congestion charging, and policy development in this area is still under consideration</p>

## Statutory Instrument 2000 No. 682

### **The Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000**

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STATUTORY INSTRUMENTS

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2000 No. 682

**ROAD TRAFFIC, ENGLAND**

The Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000

<i>Made</i>	<i>9th March 2000</i>
<i>Laid before Parliament</i>	<i>10th March 2000</i>
<i>Coming into force</i>	<i>1st April 2000</i>

**ARRANGEMENT OF REGULATIONS**

PART I

*Preliminary*

1. Citation, commencement and extent
2. Interpretation
3. Amendment of 1982 Regulations and transitional provisions

PART II

*Issue, duration and revocation of badges*

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5. Institutional badges
6. Fee for issue and period of issue of a badge
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### PART III

#### *Form and display of badges*

11. Form of badge
12. Manner in which a badge is to be displayed
13. Display of an individual's badge when a vehicle is being driven
14. Display of an individual's badge when a vehicle is parked
15. Display of an institutional badge when a vehicle is being driven
16. Display of an institutional badge when a vehicle is parked

#### THE SCHEDULE

- Part I      Form of individual's badge
- Part II     Form of institutional badge
- Part III    Specifications for badge

The Secretary of State, in exercise of the powers conferred by section 21 of the Chronically Sick and Disabled Persons Act 1970[1], now vested in him[2], and of all other powers enabling him in that behalf, and after consultation with the Council on Tribunals in accordance with section 21(7E) of that Act, hereby makes the following Regulations:

### PART I

#### PRELIMINARY

#### **Citation, commencement and extent**

1. - (1) These Regulations may be cited as the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 and shall come into force on 1st April 2000.

(2) These Regulations extend to England.

### **Interpretation**

2. - (1) In these Regulations-

"the 1970 Act" means the Chronically Sick and Disabled Persons Act 1970;

"the 1982 Regulations" has the meaning given by regulation 3(1);

"the 1984 Act" means the Road Traffic Regulation Act 1984<sup>[3]</sup>;

"disabled person" means a person more than 2 years old and falling within at least one of the prescribed descriptions in regulation 4;

"disabled person's badge" means a badge in the form prescribed by regulation 11 issued by a local authority for display on a motor vehicle driven by a disabled person, or used for the carriage of a disabled person, and includes a replacement badge issued in accordance with regulation 7;

"disabled person's concession" has the meaning given by section 117(3) of the 1984 Act;

"holder", in relation to a disabled person's badge, means the individual or institution to whom a disabled person's badge was issued;

"institution" means an institution concerned with the care of disabled persons to which a disabled person's badge may be issued in accordance with section 21(4) of the 1970 Act;

"individual's badge" means a disabled person's badge issued to an individual disabled person;

"institutional badge" means a disabled person's badge issued to an institution;

"issuing authority", in relation to a disabled person's badge, means the local authority which issued the badge; and

"local authority" means a county council, district council, the Council of the Isles of Scilly, a London borough council or the Common Council of the City of London.

(2) In these Regulations a reference to an order made under any provision of the 1984 Act is to an order made, or having effect as if made, under that provision including an order varying or revoking an order made or having effect as if made under that Act.

(3) In these Regulations "relevant conviction" means-

(a) any conviction of-

(i) the holder of a disabled person's badge; or

(ii) any other person using such a badge with the holder's consent,

for an offence specified in paragraph (4); or

(b) any conviction of a person other than the holder of a disabled person's badge of an offence under section 117(1) of the 1984 Act where the badge was displayed on the vehicle with the consent of the holder at any time during which the offence was being committed.

(4) The offences mentioned in paragraph (3)(a) are-

(a) any offence under section 5, 8, 11 or 16(1) of the 1984 Act so far as it relates to any contravention of or failure to comply with any provision of an order made under section 1, 6, 9 or 14 of that Act-

(i) prohibiting or restricting the waiting of vehicles on any road; or

(ii) relating to any of the matters mentioned in paragraph 7 or 8 of Schedule 1 to that Act; or

(b) any offence under section 35A(1) and (2), 47(1), 53(5), 53(6) or 117(1) of that Act.

(5) Any notice given under these Regulations shall be in writing.

### **Amendment of 1982 Regulations and transitional provisions**

**3. - (1)** In the Disabled Persons (Badges for Motor Vehicles) Regulations 1982[4] (in these Regulations called "the 1982 Regulations"), after regulation 2 there shall be inserted the following regulation-

**" Extent**

2A. These Regulations shall not apply to England."

(2) Without prejudice to section 17 of the Interpretation Act 1978[5]-

(a) any application made to, or other thing done under, the 1982 Regulations before the coming into force of those Regulations by or in relation to a local authority in England shall have effect as if made or done, and may be continued, under the corresponding provision of these Regulations;

(b) any badge issued by a local authority in England under the 1982 Regulations shall have effect as if issued under these Regulations and shall remain in force until-

- (i) the happening of an event specified in regulation 9(1) or the giving of a notice in accordance with regulation 9(2); or
- (ii) the issue of a replacement in accordance with regulation 7.

(3) Any order made under the 1984 Act which refers to a disabled person's badge shall, in relation to times falling after the coming into force of these Regulations, have effect as if the reference included a reference to a badge issued, or having effect as if issued, in accordance with these Regulations.

**PART II****ISSUE, DURATION AND REVOCATION OF BADGES****Descriptions of disabled persons**

4. - (1) The prescribed descriptions of disabled person to whom a local authority may issue a disabled person's badge are a person who is more than 2 years old who falls within one or more of the descriptions specified in paragraph (2).

(2) The descriptions are a person who-

(a) receives the higher rate of the mobility component of the disability living allowance in accordance with section 73 of the Social Security and Benefits Act 1982[6];

- (b) uses a motor vehicle supplied by the Department of Social Security or the Scottish Executive or is in receipt of a grant pursuant to section 5(2)(a) of the National Health Service Act 1977[7] or section 46 of the National Health Service (Scotland) Act 1978[8];
- (c) is registered as blind under section 29(4)(g) of the National Assistance Act 1948[9] or, in Scotland, is a blind person within the meaning of section 64(1) of that Act;
- (d) receives a mobility supplement under article 26A of the Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Order 1983[10] including such a supplement by virtue of any scheme or order under article 25A of the Personal Injuries (Civilians) Scheme 1983[11];
- (e) drives a motor vehicle regularly, has a severe disability in both upper limbs and is unable to turn by hand the steering wheel of a motor vehicle even if that wheel is fitted with a turning knob; or
- (f) has a permanent and substantial disability which causes inability to walk or very considerable difficulty in walking.

#### **Institutional badges**

5. An institutional badge may be issued to an institution for a motor vehicle when the vehicle is to be used to carry disabled persons as specified in regulation 4(2).

#### **Fee for issue and period of issue of a badge**

6. - (1) The fee (if any) which a local authority may charge for the issue of a disabled person's badge is a fee not exceeding £2.

(2) Subject to regulations 7(2) and 9, a disabled person's badge shall be issued for a period of three years beginning with the date of issue.

#### **Replacement badges**

7. - (1) When a disabled person's badge ("the original badge") has been lost, stolen or destroyed, or has become so damaged or faded as no longer to be adequately legible when displayed on a vehicle, a replacement badge may be issued with the word "duplicate" marked on the front.

(2) A replacement badge shall be valid from the date of issue until such time as the original badge would have ceased to be valid.

**Grounds for refusal to issue a badge**

8. - (1) A local authority may refuse to issue a badge on any of the grounds specified in paragraph (2).

(2) The grounds are-

- (a) the applicant holds or has held a badge issued under these Regulations or under the 1982 Regulations and misuse has led to at least three relevant convictions;
- (b) the applicant fails to provide the local authority with adequate evidence-
  - (i) in the case of an individual, that he is a person to whom one of the descriptions prescribed by regulation 4 applies; or
  - (ii) in the case of an institution, that it is an institution eligible to apply for a disabled person's badge in accordance with regulation 5;
- (c) the applicant fails to pay the fee (if any) chargeable for the issue of a badge; or
- (d) the local authority has reasonable grounds for believing that the applicant-
  - (i) is not the person that he claims to be; or
  - (ii) would permit another person to whom the badge was not issued to display it on a motor vehicle.

(3) Where a local authority receives an application for a disabled person's badge and refuses to issue one, it shall give the applicant particulars of the grounds of refusal in its notice of determination.

**Return of badge to issuing authority**

9. - (1) A disabled person's badge shall be returned to the issuing authority immediately on the occurrence of any of the following events-

- (a) the expiry of the period for which the badge was issued;
- (b) the death of the holder or, in the case of an institutional badge, the institution ceasing to exist;

- (c) the holder of the badge ceases to be a disabled person or, in the case of an institutional badge, the institution ceases to be eligible under regulation 5;
  - (d) a replacement badge has been issued under regulation 7 to replace a lost or stolen badge and that badge is subsequently found or recovered;
  - (e) the badge has become so mutilated or faded as no longer to be clearly legible when displayed on a vehicle;
  - (f) the badge ceases to be required by the holder.
- (2) Subject to the provisions of regulation 10, a disabled person's badge shall, within the prescribed period, be returned to the issuing authority if the authority gives to the holder a notice-
- (a) stating that the authority refuses to allow the badge to continue in use on account of its misuse leading to at least three relevant convictions and giving particulars of that misuse; or
  - (b) stating that the authority is satisfied that the badge was obtained by false representation.
- (3) For the purposes of paragraph (2) the prescribed period is-
- (a) where no appeal is made in accordance with regulation 10, the period of 28 days beginning with the day on which the notice under paragraph (2) was issued;
  - (b) where an appeal is made in accordance with regulation 10(1) and the appeal is not allowed and no further appeal is made under regulation 10(11), the period of 28 days beginning with the day on which the Secretary of State gives notice of his determination of the appeal.
  - (c) where any appeal is made in accordance with regulation 10(11) and the appeal is not allowed, the period of 28 days beginning with the day on which the magistrates' court gives notice of its determination of the appeal.
- (4) The issuing authority may take such action as may be appropriate to recover a disabled person's badge which the holder is liable to return in accordance with this regulation.

#### Appeals

10. - (1) An applicant for a disabled person's badge whose application has been refused on the ground specified in regulation 8(2)(a) or the holder of a badge who has been required to return it in accordance with regulation 9(2) may appeal to the Secretary of State against the determination of the local authority in accordance with this regulation.
- (2) The appeal shall be made by notice given within the period of 28 days beginning with the date on which the notice of the determination is given and the procedure specified in the following provisions of this regulation shall apply, except that, if the Secretary of State considers it appropriate in the circumstances of a particular case, he may determine an appeal even though the provisions of paragraphs (3) to (5) have not been complied with.
- (3) The notice of appeal shall be dated and signed by the appellant (or by a person authorised to sign on his behalf) and shall state the grounds of appeal.
- (4) The notice of appeal shall be served on the Secretary of State either by posting it in a prepaid envelope or by delivering it by hand to the Department of the Environment, Transport and the Regions, Great Minster House, 76 Marsham Street, London SW1P 4DR.
- (5) On receipt of the appeal the Secretary of State shall send a copy of it to the local authority against whose determination the appeal is made and, within the period of 28 days beginning with the date of the notice of appeal, the local authority shall send to the Secretary of State and the appellant-
- (a) a copy of the notice issued by it to the appellant in accordance with regulation 8(3) or 9(2); and
  - (b) any representation that it wishes the Secretary of State to take into account in determining the appeal.
- (6) The appellant may make representations by way of reply to any representations made by the local authority within the period of 28 days beginning with the date of those representations.
- (7) Any representations made by the local authority or the appellant shall be signed and dated and submitted to the Secretary of State on the date they bear.
- (8) The Secretary of State may in a particular case give directions setting later time limits than those prescribed by these Regulations.
- (9) When the Secretary of State determines an appeal he shall-
- (a) give notice to the appellant of his determination and of the reasons for it; and



(b) send a copy of the notice to the local authority.

(10) If the Secretary of State refuses an appeal and a further appeal is not made under paragraph (11) the appellant shall return the disabled person's badge to the local authority within the time prescribed by regulation 9(3)(c).

(11) A person aggrieved by notice given by the Secretary of State under paragraph (9) may, within the period of 28 days beginning with the day on which that notice is given, appeal to a magistrates' court acting for the petty sessions area in which the applicant for the disabled person's badge resides and the court may confirm, vary or quash the notice as it thinks fit, and make such order in the matter as it considers appropriate, and the determination of the court on any such appeal shall be binding on all the parties, and shall be final.

(12) If the magistrates' court refuses an appeal the appellant shall return the disabled person's badge to the local authority within the time prescribed by regulation 9(3)(c).

(13) In this regulation references to representations include a reference to supporting documents.

### PART III

#### FORM AND DISPLAY OF BADGES

##### **Form of badge**

11. A disabled person's badge is in the prescribed form if-

- (a) the front and reverse of the badge are in the form shown in-
  - (i) Part I of the Schedule to these Regulations in the case of an individual's badge; or
  - (ii) Part II of the Schedule in the case of an institutional badge, and
- (b) the badge complies with the specifications in Part III of the Schedule.

##### **Manner in which a badge is to be displayed**

12. For the purposes of section 21(4A) of the 1970 Act a disabled person's badge is displayed on a vehicle in the prescribed manner if-

- (a) the badge is exhibited on the dashboard or fascia of the vehicle, or
- (b) where the vehicle is not fitted with a dashboard or fascia, the badge is exhibited in a conspicuous position on the vehicle,

so that the front of the badge is clearly legible from the outside of the vehicle.

**Display of an individual's badge when a vehicle is being driven**

13. - (1) This regulation prescribes for the purposes of section 21(4A) of the 1970 Act the circumstances in which an individual's badge may be displayed while a vehicle is being driven.

- (2) An individual's badge may be displayed on a vehicle while the holder is either driving or being carried in it.
- (3) An individual's badge may also be displayed on a vehicle if-
  - (a) the vehicle is being used for the collection of the holder and no other purpose;
  - (b) a disabled person's concession (other than a concession relating to parking) would be available to a vehicle lawfully displaying a disabled person's badge; and
  - (c) it would not be practicable for the vehicle to be lawfully driven to, or to stop at, the place at which the holder is to be collected if the concession did not apply to the vehicle.
- (4) An individual's badge may be displayed on a vehicle if-
  - (a) the vehicle, after being driven by or carrying the holder, is leaving the place where he got out;
  - (b) a disabled person's concession (other than a concession relating to parking) is available to a vehicle lawfully displaying a disabled person's badge; and
  - (c) it would not have been practicable for the vehicle to have left that place if the concession did not apply to the vehicle.

**Display of an individual's badge when a vehicle is parked**

14. - (1) This regulation prescribes for the purposes of section 21(4A) of the 1970 Act the circumstances in which an individual's badge may be displayed while a vehicle is parked.

(2) An individual's badge may be displayed on a vehicle while it is parked if it-

- (a) has been driven by the holder, or has been used to carry the holder, to the place where it is parked; or
- (b) is to be driven by the holder, or is to be used to carry the holder, from that place.

**Display of institutional badge when a vehicle is being driven**

15. - (1) This regulation prescribes for the purposes of section 21(4A) of the 1970 Act the circumstances in which an institutional badge may be displayed while a vehicle is being driven.

(2) An institutional badge may be displayed on a vehicle while it is being driven by or on behalf of the holder and is carrying a disabled person.

(3) An institutional badge may also be displayed on a vehicle while it is being driven by or on behalf of the holder and-

- (a) the vehicle is being used for the collection of a disabled person and for no other purpose;
- (b) a disabled person's concession (other than a concession relating to parking) is available to a vehicle lawfully displaying a disabled person's badge; and
- (c) it would not have been practicable for the vehicle to be lawfully driven to or to stop at the place at which the disabled person is to be collected if that concession did not apply to the vehicle.

(4) An institutional badge may also be displayed on a vehicle while it is being driven by or on behalf of the holder and-

- (a) the vehicle, after carrying a disabled person, is leaving the place where he got off;
- (b) a disabled person's concession (other than a concession relating to parking) is available to a vehicle lawfully

displaying a disabled person's badge; and

(c) it would not have been practicable for the vehicle to have left that place if the concession had not applied to the vehicle.

**Display of an institutional badge when a vehicle is parked**

16. - (1) This regulation prescribes for the purposes of section 21(4A) of the 1970 Act the circumstances in which an institutional badge may be displayed while a vehicle is parked.

(2) An institutional badge may be displayed on a vehicle while it is parked if it has been, or is to be, used by or on behalf of the holder for carrying a disabled person to or from the place where it is parked.

Signed by the authority of the Secretary of State for the Environment, Transport and the Regions

*Keith Hill*  
Parliamentary Under Secretary of State, Department of the Environment, Transport and the Regions

9th March 2000

THE SCHEDULE

(Regulation 11)

Part I

Form of Individual's Badge



## Part II

## Form of Institutional Badge

## Part III

## Specifications for Badge

The badge shall be-

- (a) 106 millimetres in height;
- (b) 148 millimetres in width;
- (c) the background on the front and reverse sides of the badge shall be coloured light blue and shall include a background of wheelchair symbols;
- (d) the square box containing the wheelchair symbol and the rectangular box containing the country identifier shall be coloured dark blue. All other boxes on the badge shall be coloured white.

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**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations replace, in relation to England the Disabled Persons (Badges for Motor Vehicles) Regulations 1982. They consolidate those Regulations with modifications in their application to England.

Council Recommendation 98/376/EC of 4 June 1998 on a parking card for people with disabilities recommends the use

of a Community-model parking card for people with disabilities. These Regulations provide for the new form of disabled person's badge to be issued in England.

Regulation 2 provides certain definitions.

Regulation 3 disappplies the Disabled Persons (Badges for Motor Vehicles) Regulations 1982 in relation to England and makes transitional provisions in relation to applications made or other things done under the 1982 Regulations.

Regulation 4 prescribes the descriptions of disabled persons to whom a badge may be issued. They include persons-

- (a) who receive the higher rate of the mobility component of the disability living allowance;
- (b) who use specially supplied motor vehicles;
- (c) are registered blind;
- (d) receive a mobility supplement under article 26A of the Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Order 1983 including such a supplement by virtue of any scheme or order under article 25A of the Personal Injuries (Civilians) Scheme 1983;
- (e) drive motor vehicles regularly and have severe disability in both upper limbs and are unable to turn by hand the steering wheel of a motor vehicle; or
- (f) have a permanent and substantial disability which causes inability to walk or very considerable difficulty in walking. Regulation 5 provides for the issue of a badge to an institution for a motor vehicle used to carry disabled persons.

Regulation 6 provides that a local authority may not charge a fee of more than £2 for issuing a badge. Subject to regulations 7(2) and 9, a badge is to be issued for three years.

Regulation 7 provides for the issue of replacement badges where the original badge has been lost, stolen or destroyed or has become badly damaged or faded.

Regulation 8 prescribes the cases in which a local authority may refuse to issue a badge. Those grounds are-

- (a) the applicant holds or has held a badge and misuse led to at least three relevant convictions;

- (b) the applicant fails to provide the local authority with adequate evidence as to his or its eligibility;
- (c) the applicant fails to pay any fee for the issue of a badge; or
- (d) the local authority has reasonable grounds for believing the applicant is not the person he claims to be or would permit another person to whom the badge was not issued to display it on a motor vehicle.

Regulation 9 prescribes the circumstances in which a badge shall be returned. These circumstances include the authority giving the holder notice of the misuse of the badge which led to at least three relevant convictions.

Regulation 10 provides for appeals to the Secretary of State in certain circumstances against decisions of local authorities to issue a badge or to require the return of one. Regulation 10 also provides for appeals to the magistrates' court acting for the petty sessions area in which the applicant for a badge resides.

Regulation 11 prescribes the form of a badge by reference to the Schedule.

Regulation 12 prescribes the manner in which a badge is to be displayed.

Regulation 13 prescribes the circumstances in which an individual's badge may be displayed while a vehicle is being driven.

Regulation 14 prescribes the circumstances in which an individual's badge may be displayed while a vehicle is parked.

Regulation 15 prescribes the circumstances in which an institutional badge may be displayed while a vehicle is being driven.

Regulation 16 prescribes the circumstances in which an institutional badge may be displayed while a vehicle is parked.

The Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000 are of related interest. They replace the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England and Wales) Regulations 1986, in relation to England.

Copies of relevant Regulations can be obtained from the Stationery Office.

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*Notes:*

- [1] 1970 c. 44; section 21 was amended by the Local Government Act 1972 (c. 70), Schedule 30; the Local Government (Scotland) Act 1973 (c. 65), Schedule 14; the Transport Act 1982 (c. 49), section 68; the Road Traffic Regulation Act 1984 (c. 27), Schedule 13, paragraph 11; the Local Government Act 1985 (c. 51), Schedule 5; the Road Traffic Act 1991 (c. 40), section 35, Schedule 8; the Local Government (Wales) Act 1994 (c. 19), Schedule 10, paragraph 8; and the Local Government etc. (Scotland) Act 1994 (c. 39), Schedule 13, paragraph 86.[back](#)
- [2] See S.I. 1970/1681, 1979/571 and 1981/238.[back](#)
- [3] 1984 c. 27.[back](#)
- [4] S.I. 1982/1740, amended by S.I. 1991/2708, 1992/200.[back](#)
- [5] 1978 c. 30.[back](#)
- [6] 1992 c. 4.[back](#)
- [7] 1977 c. 49.[back](#)
- [8] 1978 c. 29.[back](#)
- [9] 1948 c. 29.[back](#)
- [10] S.I. 1983/883, amended by S.I. 1983/1116 and 1121, 1984/1154 and 1687, 1985/1201, 1986/592, 1988/248 and 2248, 1989/156, 1990/250 and 1308, 1991/766, 1992/710 and 3208, 1993/598, 1994/772 and 1906, 1995/766, 1996/732, 1638 and 2282, 1997/286.[back](#)
- [11] S.I. 1983/686, amended by S.I. 1983/1164, 1540, 1984/1289, 1675, 1985/1313, 1986/628, 1987/191, 1988/367, 2260, 1989/415, 1990/535, 1300, 1991/708, 1992/702, 3226, 1993/480, 1994/715, 2021, 1996/445, 1996/502, 1997/812, 1998/278.[back](#)
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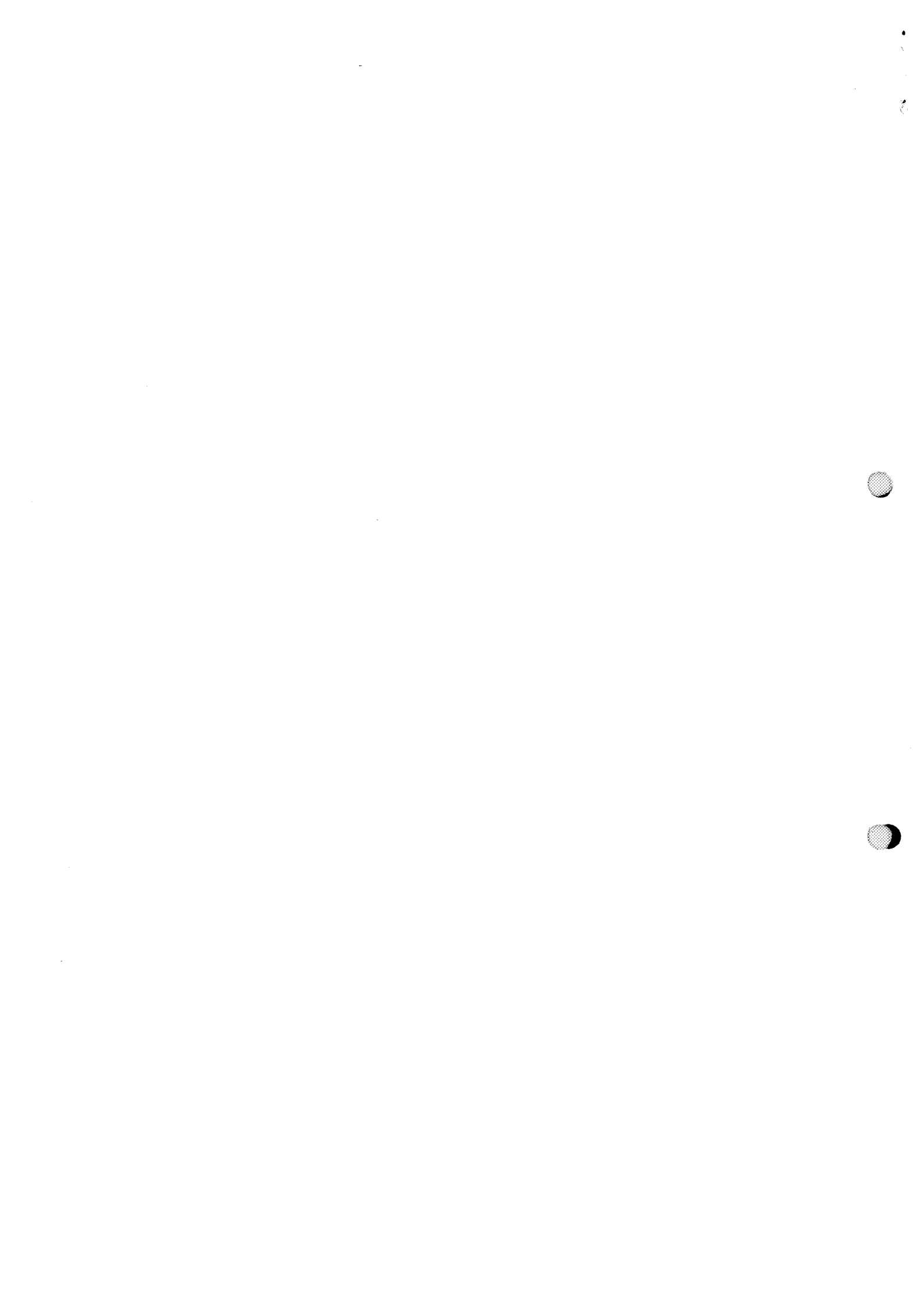
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*Prepared 20 March 2000*



## Statutory Instrument 2000 No. 683

### The Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000

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STATUTORY INSTRUMENTS

2000 No. 683

**ROAD TRAFFIC, ENGLAND**

The Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000

*Made*

*9th March 2000*

*Laid before Parliament*

*10th March 2000*

*Coming into force*

*1st April 2000*

The Secretary of State for the Environment, Transport and the Regions, in exercise of the powers conferred by paragraph 23 of Schedule 9 to the Road Traffic Regulation Act 1984[1] as extended by section 21(1)(b) of the Chronically Sick and Disabled Persons Act 1970[2] and of all other powers enabling him in that behalf, and after consultation with representative organisations in accordance with section 134(2) of the 1984 Act, hereby makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000 and shall come into force on 1st April 2000.

**Amendment of the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England and Wales) Regulations 1986**

2. - (1) The Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England and Wales) Regulations 1986[3] shall be amended as follows.

(2) After regulation 1 there shall be inserted the following regulation-

**" Extent**

1A. These Regulations shall not apply to England."

**Interpretation****3. - (1) In these Regulations-**

"the 1984 Act" means the Road Traffic Regulation Act 1984;

"the Badges Regulations" means the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 [4];

"bus lane" has the meaning given by regulation 23(3) of the Traffic Signs Regulations 1994[5];

"cycle lane" has the meaning given by regulation 4 of the Traffic Signs Regulations 1994;

"disabled person's badge" means a badge which was-

(a) issued, or has effect as if issued, to a disabled person or an institution under the Badges Regulations or under regulations having effect in Scotland or Wales under section 21 of the Chronically Sick and Disabled Persons Act 1970; and

(b) has not ceased to be in force;

"hours of operation" in relation to a bus lane or a cycle lane means the periods during which the restrictions, by virtue of which it is a bus lane or cycle lane, apply;

"local authority" means a county council, district council, the Council of the Isles of Scilly, a London borough council or the Common Council of the City of London;

"parking disc" has the meaning given by regulation 8(5); and

"road" in relation to Greater London includes a street as defined by section 6(6) of the 1984 Act.

**(2) In these Regulations-**

- (a) a reference to an order which includes a provision of a specified kind includes a reference to an order which applies a provision of that kind in an existing order; and
- (b) a reference to an order made under any provision of the 1984 Act includes a reference to an order having effect as if made under that Act and to an order varying or revoking an order made or having effect as if made under that Act.

**Meaning of "relevant position"**

4. - (1) A vehicle displays a disabled person's badge in the relevant position if it is displayed in the manner prescribed by regulation 12 of the Badges Regulations.

(2) A vehicle displays a parking disc in the relevant position if-

- (a) the disc is exhibited on the dashboard or fascia of the vehicle; or
- (b) where the vehicle does not have a dashboard or fascia, the disc is exhibited in a conspicuous position on the vehicle,

so that, when marked to show the quarter-hour period during which a period of waiting began, that period is clearly legible from the outside of the vehicle.

**Application**

5. - (1) These Regulations apply to-

- (a) any order made in relation to a road by a county or district council in England or by the Council of the Isles of Scilly under section 1, 9, 35, 45 or 46 of the 1984 Act;
- (b) any order made in relation to a road by a London borough council or the Common Council of the City of London under section 6, 9, 45 and 46 of the 1984 Act except so far as the order applies to an excepted area or any part of one.

(2) Each of the following is an excepted area-

- (a) the City of London;

- (b) the City of Westminster;
- (c) the Royal Borough of Kensington and Chelsea;
- (d) that part of the London borough of Camden, bounded by and including the borough boundary, Euston Road, Upper Woburn Place, Tavistock Square, Woburn Place, Russell Square, Southampton Row, Theobalds Road and Clerkenwell Road.

**Exemption in favour of vehicles displaying disabled person's badges**

6. - (1) The following provisions of these Regulations have effect for requiring local authorities to include, in orders to which these Regulations apply, exemptions in favour of a vehicle displaying a disabled person's badge.

(2) Any exemption from a provision which these Regulations require to be included in an order may be limited to vehicles of the same class as those to which the provision applies.

**Exemption from prohibitions on waiting beyond a specified time**

7. - (1) This regulation applies to an order made under section 1, 6, 9, 35, 45 or 46 of the 1984 Act if-

- (a) the order includes a provision prohibiting the waiting of vehicles or vehicles of any class in a road either-
    - (i) beyond a specified period; or
    - (ii) where less than a specified period has elapsed since a previous period of waiting by the same vehicle in that road, and
  - (b) the prohibition does not apply to all vehicles except disabled persons' vehicles.
- (2) An order to which this regulation applies shall include an exemption from the prohibition in favour of any vehicle displaying a disabled person's badge in the relevant position.

**Exemptions from prohibitions on waiting at all times or during specified periods**

8. - (1) This regulation applies to an order made under section 1, 6, 9, 35, 45 or 46 of the 1984 Act which includes a provision which-

- (a) prohibits (except for the purposes of loading or unloading) the waiting of vehicles, or any class of vehicles, in

- a road at all times of day or during one or more specified periods of the day;
  - (b) does not apply to a bus lane or cycle lane during its hours of operation; and
  - (c) is not a provision of the kind referred to in regulation 7(1).
- (2) An order to which this regulation applies shall include an exemption from the prohibition in accordance with whichever of paragraphs (3) and (4) is appropriate in favour of any vehicle displaying a disabled person's badge in the relevant position.
- (3) Where the period of the prohibition does not exceed 3 hours the exemption shall be for the whole of that period.
- (4) Where the period of the prohibition exceeds 3 hours the exemption shall be for a period of 3 hours subject to the conditions that-
- (a) the period of exempted waiting does not begin less than one hour after a previous period of exempted waiting by the same vehicle in the same road on the same day;
  - (b) a parking disc is displayed in the relevant position on the vehicle marked to show the quarter hour period during which the period of exempted waiting began.
- (5) In this regulation "parking disc" means a device which-
- (a) is 125 millimetres square and coloured blue, if issued on or after 1st April 2000 or orange, if issued before that date;
  - (b) has been issued by a local authority and has not ceased to be valid; and
  - (c) is capable of showing the quarter hour period during which a period of waiting has begun.

**Exemptions from other provisions of orders under section 45 or 46 of the Road Traffic Regulation Act 1984**

9. - (1) This regulation applies to an order made under section 45 or 46 of the 1984 Act which prescribes-

- (a) a charge to be paid for a vehicle or vehicle of any class left in a parking place designated by the order;



- (b) a maximum period during which a vehicle may wait in a parking place; or
  - (c) a period which must elapse before a vehicle taken away from a parking place may be left there again.
- (2) An order to which this regulation applies shall include an exemption, from each of the matters so prescribed, in favour of a vehicle displaying a disabled person's badge in the relevant position.

Signed by authority of the Secretary of State for the Environment, Transport and the Regions

*Keith Hill*

Parliamentary Under Secretary of State, Department of the Environment, Transport and the Regions

9th March 2000

Map to come.

SCHEDULE

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**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations replace the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England and Wales) Regulations 1986, in relation to England.

The Regulations concern orders made by local authorities under the Road Traffic Regulation Act 1984 which, inter alia, prohibit vehicles from waiting at all times or during specified periods on roads marked by yellow lines, or prohibit beyond a certain period the waiting of vehicles in roads or in street parking places, whether a charge is made or not. The Regulations require the orders to which they relate to include an exemption from waiting prohibitions in certain

circumstances, and from charges and time-limits at places where vehicles may park or wait, in respect of vehicles displaying a disabled person's badge.

Regulation 3 provides certain definitions. A "disabled person's badge" includes a badge issued under the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000, as well as under the equivalent regulations for Scotland and Wales.

Regulation 4 provides that a vehicle displays a disabled person's badge in the relevant position if it is displayed in the manner prescribed by regulation 12 of the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000.

Regulation 5 provides that the Regulations apply to orders made by various types of Council.

The following areas are excepted areas-

- (a) the City of London;
- (b) the City of Westminster;
- (c) the Royal Borough of Kensington and Chelsea;
- (d) part of the London Borough of Camden.

Regulation 6 provides that the following provisions of the Regulations have effect for requiring local authorities to include, in orders to which the Regulations apply, exemptions in favour of a vehicle displaying a disabled person's badge.

Regulation 7 relates to an exemption from prohibitions on waiting beyond a specified time.

Regulation 8 relates to exemptions from prohibitions on waiting at all times or during specified periods.

Regulation 9 relates to exemptions from other provisions of orders under section 45 or 46 of the Road Traffic Regulation Act 1984.

Copies of Regulations which are relevant to these Regulations can be obtained from the Stationery Office.

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*Notes:*

[1] 1984 c. 27.[back](#)

[2] 1970 c. 44; section 21 was amended by the Local Government Act 1972 (c. 70), Schedule 30; the Local Government (Scotland) Act 1973 (c. 65), Schedule 14; the Transport Act 1982 (c. 49), section 68; the Road Traffic Regulation Act 1984 (c. 27), Schedule 13, paragraph 11; the Local Government Act 1985 (c. 51), Schedule 5; the Road Traffic Act 1991 (c. 40), section 35, Schedule 8; the Local Government (Wales) Act 1994 (c. 19), Schedule 10, paragraph 8; and the Local Government etc. (Scotland) Act 1994 (c. 39), Schedule 13, paragraph 86.[back](#)

[3] S.I. 1986/178, to which there are amendments not relevant to these Regulations.[back](#)

[4] S.I. 2000/682.[back](#)

[5] S.I. 1994/1519, see Part I.[back](#)

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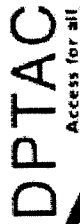
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## Motoring

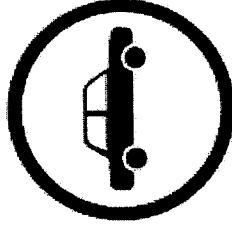
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## Overview

For many disabled people private cars are the only form of transport that is accessible. Yet, there barriers created by the management and operation of the our roads and parking systems and design of vehicles that restrict access for disabled people.

The Government has asked DPTAC to advise on why this is the case and recommend strategic actions to address problems facing disabled people when driving. Much is already being done.

For many people the information they require is not available or not accessible. For disabled people, this can make the difference between an accessible or inaccessible journey.

The Government has asked DPTAC to advise on why this is the case and recommend strategic actions to address problems facing disabled people when private vehicles. Much is already being done.

The Disability Discrimination Act (DDA) 1995 aims to prevent the discrimination of disabled people.

Disabled people can qualify for assistance with buying a car, adaptations, exemption from vehicle excise duty (road tax) and relief from car tax and VAT.

Assessment centres can give advice on how to best meet the individual requirements of disabled drivers.

The [Blue Badge Scheme](#) (formerly Orange) provides a national arrangement of parking concessions for some disabled people. It allows badge holders to park on the streets closer to their destination. Concessions may also be applied in off-street car parks.

Disabled people who rely on private vehicles for their mobility will be exempt from any future road user charging schemes and workplace parking.

[Transport 2010](#): The [10 Year Plan for Transport](#) makes a commitment that accessibility for disabled people will be a condition of public money being spent. Where public money is required for investment in the road infrastructure, accessibility for disabled people will be a condition of investment. This may include ensuring adequate crossing points, exemptions from charging schemes and accessible parking close to final destinations.

## Role of the working group

The Personal Mobility Working Group (PMWG) was established in 1996.

One of our main objectives is to advise on improving access for disabled people who rely on private vehicles for their independent mobility, taking into account complementary advice from other DPTAC Working Groups. We also consider the needs of disabled people in the walking environment.

Our membership includes representatives from disability interests and those concerned with personal mobility services. We also have observers from the Department of the Environment, Transport and the Regions.

Our role is to focus on the strategic issues. This enables DPTAC to be more effective in influencing the process and outcome in all areas rather than specific schemes. Our work helps to inform those seeking to improve access at a local level. Local people will be aware of how this guidance can be applied to local circumstances.

We advocate the promotion of an accessible transport system in the advice we give to Government.

An accessible transport system is one that recognises the need for every stage in the journey to be accessible to disabled people, including parking and the needs of disabled motorists who may never be able to use accessible public transport. It sets out to include as many people as possible. It does not attempt to meet every single need. Rather, by considering people's diversity, accessible transport systems try to break down unnecessary barriers and exclusion. In doing so it will often achieve superior solutions that benefit everyone.

## What we have done

In the last twelve months we have;

- Co-ordinated responses to the DTLR Blue Badge [Discussion Paper](#), and made recommendations to the Government;
- Advised on the review of the [Blue Badge Scheme](#).
- Advised on exemptions from road user charging and workplace parking levies.
- Advised on the Worlds Squares for All scheme in Trafalgar Square.

## What we are doing

We are currently considering the following;

- Consider recommendations on car hire and breakdown services, following publication of DTLR's consultation;
- Monitor proposals for road user charging and workplace parking levies;
- Commenting on reviews of [Local Transport Plans and Strategies](#).

We welcome your comments and views on the issues raised above and any priorities not considered. Click here to [e-mail](#) us ideas.

## Top Tips

If you are a local authority;

- ensure your staff can demonstrate qualifications and competencies in access issues. Training courses are available;
- ensure you follow recommended guidelines on access in developing pedestrianisation, parking and road user charging schemes;

- regularly review access for disabled people;
- publish information on what you provide for disabled people.

If you are a disabled person;

- contact your local access group if you want to get more closely involved;
- ask your local authority about provision for disabled motorists;
- consider if you would benefit from a more detailed assessment and additional vehicles adaptations.

If you provide services to the public;

- be aware of the guidance and good practice on accessible parking provision;
- ask disabled people what problems they experience using your services.

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