

Report for: Overview and Scrutiny Committee – 12 March 2020

Title: Scrutiny Review on Blue Badges

Report authorised by: Cllr Jogee, Chair of Environment and Community Safety Scrutiny Panel

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Ward(s) affected: All

**Report for Key/
Non Key Decision:**

1. Describe the issue under consideration

- 1.1 Under the agreed terms of reference, the Overview and Scrutiny Committee (OSC) can assist the Council and the Cabinet in its budgetary and policy framework through conducting in-depth analysis of local policy issues and can make recommendations for service development or improvement. The Committee may:
- (a) Review the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
 - (b) Conduct research to assist in specific investigations. This may involve surveys, focus groups, public meetings and/or site visits;
 - (c) Make reports and recommendations, on issues affecting the authority's area, or its inhabitants, to Full Council, its Committees or Sub-Committees, the Executive, or to other appropriate external bodies.
- 1.2 In this context, the Overview and Scrutiny Committee on 30 April 2019 agreed to set up a review project to look at Blue Badges and how the Council could support better access to parking for people with disabilities.

2. Cabinet Member Introduction

N/A

3. Recommendations

- 3.1 That the Committee approve the report and its recommendations and that it be submitted to Cabinet for response.

4. Reasons for decision

- 4.1 The Committee is requested to approve the report and the recommendations within it so that it may be submitted to Cabinet for response.

5. **Alternative options considered**

- 5.1 The Committee could decide not to agree the report and its recommendations, which would mean that it could not be referred to Cabinet for response.

6. **Background information**

- 6.1 The rationale for the setting up of the review, including the scope and terms of reference, is outlined in paragraphs 1.1 to 1.7 of the report.

7. **Contribution to strategic outcomes**

- 7.1 This review relates to Outcome 7 of the Borough Plan: All adults are able to live healthy and fulfilling lives, with dignity, staying active and connected in their communities.

8. **Statutory Officers comments (Chief Finance Officer (including procurement), Assistant Director of Corporate Governance, Equalities)**

Finance and Procurement

- 8.1 In September 2019 Cabinet approved the Blue Badge and Disabled Bay Operational Review, this enabled the introduction of dedicated disabled bays and change in eligibility criteria for disabled bays and to delegate authority in consultation with relevant cabinet member to make operational and policy changes.
- 8.2 Cabinet were also asked to note changes to the eligibility criteria for Blue Badges as set by the Department for Transport. this included Entitlement without further assessment (automatic entitlement) for the following individuals:-
- Receives the Higher Rate of the Mobility Component of the Disability Living Allowance; or
 - Score 8 points or more under the “moving around” activity of awarded a lump the mobility component of Personal Independence Payment (PIP); or
 - Receives the mobility component of PIP and has obtained 10 points specifically for Descriptor E under the “planning and following journeys” activity, on the grounds that they are unable to undertake any journey because it would cause them overwhelming psychological distress; or
 - Is registered blind (severely sight impaired); or
 - Receives a War Pensioner's Mobility Supplement (WPMS); or
 - Has been both sum benefit at tariffs 1-8 of the Armed Forces Compensation Scheme and certified as having an enduring and substantial disability which causes inability to walk or very considerable difficulty in walking.

Or

Entitlement subject to further assessment

- A person who drives a vehicle regularly, has a severe disability in both arms and is unable to operate, or has considerable difficulty in operating, all or some types of parking meter; or
 - A person who has been certified by an expert assessor as having an enduring and substantial disability which causes them, during the course of a journey, to:
 1. Be unable to walk;
 2. Experience very considerable difficulty whilst walking, which may include very considerable psychological distress; or
 3. Be at risk of serious harm when walking; or pose, when walking, a risk of serious harm to any other person.
- 8.3 This included recognising hidden disabilities' extending the concession to those with Dementia, Autism and ADHT.
- 8.4 Funds have been identified to implement these changes and the capital works are included in the Capital programme.
- 8.5 Paragraph 21 discusses the prospect of commissioning additional providers to carry out assessments, however the current arrangements are that Whittington Trust provide this service to the Council free of charge. Therefore any additional provision would have budgetary implications which would need to be considered

Legal

- 8.6 Under Section 9F Local Government Act 2000 ("The Act"), Overview and Scrutiny Committee have the powers to to make reports or recommendations to the executive – the Cabinet - with respect to the discharge of its functions, or on matters which affect the authority's area or the inhabitants of its area.
- 8.7 There is no specific statutory obligation on the Council to provide disabled parking bays (designated or otherwise). It has the discretion and the statutory power to do so however, through the making of Traffic Management Orders (TMOs) under the Road Traffic Regulation Act 1984 (RTRA).
- 8.8 This provision is an executive function.
- 8.9 In making such TMOs to introduce dedicated Disabled Parking Bays, the Council must follow statutory procedures including as to consultation. Eligibility criteria for applications for Disabled Parking Bays are set by the Council.
- 8.10 "Blue badge fraud" takes a number of forms, from outright forgery via theft to misuse by the person entitled to it or their associates.
- 8.11 Further legal implications appear in the body of the report.

Equality

- 8.9 Disabled people are protected under the Public Sector Equality Duty (PSED). Better access to disabled parking services can advance equality of opportunity. A equalities impact assessment would be carried out if the proposals proceeds to Cabinet

9. Use of Appendices

Appendix A: Draft report of Scrutiny Review on Blue Badges and Supporting Better Access to Parking for People with Disabilities.

10. Local Government (Access to Information) Act 1985

N/A