

## DECISION MAKING REPORT

**Report for:** Councillor Seema Chandwani, Cabinet Member for Customer Service, Welfare and The Public Realm

**Item number:** N/A

**Title:** Disabled Residential Parking Permit

**Report authorised by:** Stephen McDonnell, Director of Environment and Neighbourhoods.

**Lead Officer:** Ann Cunningham, Head of Highways and Parking.

**Ward(s) affected:** All

**Report for Key / Non-Key Decision:** key decision

### **1. Describe the issue under consideration**

- 1.1 The Blue Badge parking scheme is a lifeline that allows millions of disabled people to park their vehicle close to their destination, either as a passenger or driver. The badge can only be used lawfully if the disabled person is either driving the vehicle or being carried as a passenger and being dropped-off or picked-up at that location.
- 1.2 The scheme is designed to support the most vulnerable people in society, but is subject to fraud and abuse, ranging from misuse of the badge by family members, to criminals and gangs stealing badges to sell on the black market.
- 1.3 The Council has made auxiliary permits available to Haringey Blue Badge holders for several years, avoiding the need for the Blue Badge to be displayed when parking for long periods, reducing the opportunity for theft.
- 1.4 This report sets out the details of the current disabled residential parking permit scheme and proposes an extension of concessions that apply providing the necessary protections and assurance to Blue Badge Holders.

### **2. Recommendations**

- 2.1 To authorise officers to proceed to statutory consultation on changing the legal orders to incorporate the following:

- Extend eligibility to allow the vehicle to be registered to anyone in the same household.
- The free (disabled) virtual residential parking permit be extended borough-wide, allowing holders to park in non-dedicated disabled parking bays, residential, shared use and paybyphone bays.
- Those permit holders will be prohibited from parking on single or double yellow lines (Blue Badge holders may park for up to 3 hours on yellow lines where loading restrictions do not apply. They must display the associated clock).
- When using the virtual residential parking permit, the Blue Badge must be available for inspection when requested by an Enforcement Officer.
- When using the free (disabled) virtual residential parking permit, the blue badge holder must be present either as the driver or passenger of the vehicle and therefore personally making use of the concession, unless parked outside the home of the blue badge holder.

2.2 It is proposed that the scheme is reviewed again after 6 months of implementation to evaluate its effectiveness.

### **3. Reasons for decision**

3.1 Statutory consultation is required prior to changes being legally implemented to parking permit schemes. This report seeks approval to proceed to statutory consultation on the extension of concessions that apply to the disabled residential parking permit. This is intended to increase take up and reduce the theft of disabled blue badges.

### **4. Alternative options considered**

4.1 Due to the inherent risks of extending concessions, consideration was given to retaining the current conditions of use and allow the new disabled residential parking permit scheme to settle in and evaluate following 6 months of operation. This was viewed as unsatisfactory as many Blue Badge holders feel vulnerable and want to retain as many features of the original companion badge scheme as possible.

### **5. Background information**

5.1 The Department for Transport (DfT) is responsible for the legislation that sets out the framework for the Blue Badge scheme, including associated guidance and for sharing good practice.

5.2 It is the role of local authorities to manage the day-to-day administration policies and procedures, and to support the assessment, local provisions, and enforcement services to ensure customers are:

- Treated fairly and consistently

- Provided with a timely and cost-effective service, and
- That all administration processes are robust and resistant to abuse.

5.3 Fraudulent Blue Badge parking can be categorised into two groups:

- Abuse of badges. This includes using a counterfeit badge, using a lost or stolen badge and using the badge of a deceased person.
- Misuse of genuine badges. This means using the badge when the holder is not present. Some people who fall into this category think (wrongly) that what they are doing is not fraudulent. A few will have failed to understand the restrictions on use, but most will chance their luck on the basis that it can be hard to prove. Either way, this is still a criminal offence; it can lead to prosecution and a criminal conviction.

5.4 Haringey introduced a scheme many years to help reduce Blue Badge theft. The original scheme, known as the Companion Badge, incorporated the vehicle registration number so that it could not be used on any other vehicle and was therefore of no value to anyone other than the legitimate holder. It did not replace the Blue Badge but could be used 24 hours a day in Haringey. Take-up of the scheme was relatively low, with 15% of Blue Badge holders choosing to purchase a Companion Badge.

5.5 This scheme was recently replaced with a free (disabled) virtual residential parking permit, for the badge **holders' home** Controlled Parking Zone (CPZ). This mirrored arrangements in two neighbouring boroughs (Islington and Hackney). Being free of charge, this was expected to appeal to a wider cohort of badge holders. This would, in turn, reduce the numbers of Blue Badges being displayed, and therefore at risk of being stolen. This scheme requires the vehicle to be registered in the Blue Badge holder's name at the address within the CPZ. Those residents could already purchase a residential parking permit. The new scheme therefore did not, by default, increase any opportunity for misuse of the scheme.

5.3 However, on implementation of the new scheme, existing Companion Badge holders report that they find the new scheme too restrictive. They feel that the benefits being limited to their home CPZ fails to provide the protections required. Consideration has therefore been given to extending the concessions borough-wide, but with some checks and balances introduced to manage risk. This would reduce incidences of misuse where the virtual permit is being used to avail of free parking when the blue badge holder is not present. In addition, a paper will be taken to Cabinet later to this for decision on adopting a formal policy on the enforcement of the fraudulent use of Disabled Blue Badges.

5.4 It is therefore proposed that statutory consultation is undertaken as follows.

- o Eligibility to be extended to allow the vehicle to be registered to anyone in the same household. This is intended to deal with situations of a Blue Badge holder

being precluded where the vehicle is registered in the partner's name or where the Blue Badge is issued to a minor.

- The free (disabled) virtual residential parking permit be extended borough-wide, allowing holders to park in non-dedicated parking bays, residential, shared use and paybyphone bays.
- Those permits holders will be prohibited from parking on single or double yellow lines. (Blue Badge holders may park for up to 3 hours on yellow lines where loading restrictions do not apply. They must display the associated clock).
- When using the virtual residential parking permit, the Blue Badge must be available for inspection when requested by an Enforcement Officer.
- When using the free (disabled) virtual residential parking permit, the blue badge holder must be present either as the driver or passenger of the vehicle and therefore personally making use of the concession, unless parked outside the home of the blue badge holder.

## 6. Contribution to strategic outcomes

Disabled parking services supports two key Themes within the Borough Plan 2019-2023:

- People Theme: A Haringey where strong families, strong networks and strong communities nurture all residents to live well and achieve their potential. Disabled parking services makes a considerable contribution to the independence and social inclusion of disabled residents.
- Place Theme: A place with strong, resilient & connected communities where people can lead active and healthy lives in an environment that is safe, clean and green. Disabled Parking services enables access to those with severe mobility issues or other conditions that limit the use of other modes of travel.

## 7. Statutory Officers' comments (Chief Finance Officer (including procurement), Assistant Director of Corporate Governance, Equalities)

### 7.1 Finance

7.1.1 This report seeks Member Approval to proceed to statutory consultation on the extension of concessions that apply to the disabled residential parking permit as set out in paragraph 2.1; with a proposed **6-month implementation to evaluate the scheme's effectiveness.**

7.1.2 The cost of the consultation is estimated to be £3k; there are no other requirements such as changed signage etc. The cost for running the scheme will be funded from existing revenue resources.

### 7.2 Legal

- 7.2.1 The Council has a general duty under the Disability Discrimination Act 2005 and the Council has to have regard in the provision of its services (including car parking services) **to take steps to take account of disabled person's disabilities, even where that involves treating disabled persons more favourably than other persons by, for example, offering concessionary parking fees.**
- 7.2.2 The Council may under sections 6 and 45 of the Road Traffic Regulation Act 1984, (the 1984 Act) designate parking places on highways, for various classes of vehicles.
- 7.2.3 The Council has a statutory obligation to provide disabled parking facilities and to effectively manage the delivery of the national Blue Badge scheme. As long as due consideration is given to representations made, the decisions within this report are in accordance with the law, and the Council would be entitled to carry out those proposals. There is no legal reason why the proposals set out in this report cannot be implemented.
- 7.2.4 It is the view of Legal Services that what is being proposed and recommended within this report is in accordance with the law, as set out in this section.

### 7.3 Procurement

Not applicable

### 7.4 Equality

- 7.4.1 The Council has a Public Sector Equality Duty under the Equality Act (2010) to have due regard to the need to:
- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act
  - Advance equality of opportunity between people who share those protected characteristics and people who do not
  - Foster good relations between people who share those characteristics and people who do not.
- 7.4.2 The three parts of the Duty apply to the following protected characteristics: age, disability, gender reassignment, pregnancy/maternity, race, religion/faith, sex and sexual orientation. Marriage and civil partnership status apply to the first part of the Duty.
- 7.4.3 Proposals in this report offers Blue Badge holders protections from the theft of their badges. Those proposals include measures to prevent misuse of the concession. This will, in particular, satisfy the requirement to foster good relations between people who share those characteristics and people who do not. The abuse and misuse of disabled parking concessions impacts on disabled and non-disabled residents, preventing access to parking spaces by those legitimately entitled to use them.

8. Use of Appendices / background documents

None

9. Local Government (Access to Information) Act 1985

- Parking Charges report – ULEZ Readiness February 2020.
- Parking Charges report – Outcome of Statutory Consultation September 2020