

**Report for:** Cabinet 8 December 2021

**Item number:** To be added by the Committee Section

**Title:** **Blue Badge (Disabled Parking) Enforcement Policy.**

**Report**

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

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**Ward(s) affected:** All

**Report for Key/**

**Non-Key Decision:** Key Decision

**1. Describe the issue under consideration**

- 1.1 The National Disabled Blue Badge Scheme was introduced to improve access for disabled motorists, especially those with very limited mobility. It allows a wide range of parking concessions to help those who qualify under the scheme to park close to local services and facilities. This makes a considerable contribution to the independence and social inclusion of those individuals.
- 1.2 The demand for Blue Badges has increased significantly. The substantial monetary value of a Blue Badge has, in many ways, contributed to both increasing demand and abuse or misuse of the scheme. The misuse of Blue Badges undermines the benefits of the scheme, reducing access for legitimate badge holders. It impacts upon local traffic management and has significant cost implications for local authorities.
- 1.3 This report sets out a proposed Blue Badge (Disabled Parking) Enforcement Policy attached as Appendix 1.

**2. Cabinet Member Introduction**

- 2.1 I am pleased to introduce this report. As set out in the report, the Disabled Blue Badge Scheme is designed to support some of our most vulnerable residents. The rise in the theft and fraudulent use of those badges undermines the scheme benefits to those individuals. It causes additional stress and anxiety as they deal with the consequences, whether that be theft of their badge or their inability to access their parking space due to those without entitlement using it. This policy sets out the steps that the Council will take to deal with any misuse of the Scheme.

**3. Recommendations**

3.1 It is recommended that Cabinet adopts the Blue Badge (Disabled Parking) Enforcement Policy, attached as Appendix 1 to the report.

#### **4 Reasons for decision**

4.1 The Department for Transport (DfT) is responsible for the legislation that sets out the framework for the National Blue Badge (Disabled Parking) Scheme including, amongst other things, the eligibility criteria, maximum fee, design of the badge and the manner in which it should be displayed. The DfT also issues non-statutory guidance in order to share good practice.

4.2 Local authorities are responsible for managing local delivery of the scheme. This involves the day-to-day administration of policies and procedures, supporting the assessment process, local provisions, and enforcement of the scheme.

4.3 The benefits of undertaking enforcement action against the fraudulent use of Blue Badges are varied and far-reaching. They include:

- More space for those legitimately accessing the scheme: kerb space is limited, so parking spaces must be made available for those with severe disabilities to support them in accessing local facilities, maintaining independence and being active members of their communities.
- Better management of the kerbside: as people are discouraged from using prime locations as long-stay parking, this means a greater turnover of visitors to high streets.
- Improved traffic management and better air quality: for many, fraudulent use of the Blue Badge makes driving and parking a car affordable. By taking this advantage away, they may be forced to switch to public transport and active travel, reducing the number of vehicles on the road.

4.4 A formal policy will provide clarity for residents and officers regarding action the Council will take in dealing with abuse of the Blue Badge (Disabled Parking) Scheme.

#### **5 Alternative options considered**

5.1 Do nothing. The Council has undertaken ad-hoc enforcement of abuse of the Blue Badge (Disabled Parking) Scheme for several years. This informal arrangement has helped develop knowledge and understanding of the practicalities of enforcing relevant legislation. It has also helped build relationships with key partners and shape the proposed policy. A failure to adopt a formal policy will leave residents uninformed of the actions the Council will take to prevent and deal with abuse of the Scheme. It would also likely result in no prosecutions and no strong deterrent(s) to continued misuse.

#### **6 Background information**

- 6.1 The Blue Badge parking scheme is a key lifeline that means millions of disabled people can park their vehicle close to their destination, either as a passenger or a driver. Despite the fact the scheme is designed for some of the most vulnerable people in society, the theft and fraudulent use of Blue Badges has risen dramatically in recent years. Misuse can take several forms ranging from misuse of the badge by family members, to criminals and gangs stealing badges to sell on the dark web, in places like markets and pubs or to use themselves to obtain and benefit from free parking.
- 6.2 The DfT leaflet “The Blue Badge Scheme: Rights and Responsibilities” is provided to successful applicants when they receive a Blue Badge to inform them of how to use the badge correctly. The badge remains the property of the issuing local authority throughout and there are powers to withdraw the badge in specific circumstances.
- 6.3 The majority of badge holders comply with the conditions of use and access concessions legitimately and this new policy will protect their interests. The robust administration and enforcement of the Scheme will minimise the opportunity for abuse of the Scheme.
- 6.4 The new Blue Badge (Disabled Parking) Enforcement Policy (Appendix 1) sets out the steps the Council will take to deal with any misuse.

## 7. Consultation

- 7.1 The new policy has been developed after consultation with the Physical Disabilities Reference Group, with support provided by the Internal Audit Service.

## 8. Communications

- 8.1 The new Policy will be published on the Council’s website. A communications plan has been developed to raise awareness of the disabled parking offer. This also raises awareness of the impact of fraud and abuse of the Scheme.

## 9 Contribution to strategic outcomes

- 9.1 This new policy supports three Themes within the Borough Plan 2019-2023 – People, Place and Economy.
- **People Theme:** Our vision is a Haringey where strong families, strong networks and strong communities nurture all residents to live well and achieve their potential.
  - **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.
  - **Economy Theme:** A growing economy, which provides opportunities for all our residents and supports our businesses to thrive.
- 9.2 By being proactive in preventing misuse of the Blue Badge scheme and taking enforcement action where necessary, disabled people are supported in

accessing local facilities, maintaining independence and being active members of their communities.

## **10 Statutory Officers' comments**

### **10.1 Finance Comments**

10.1.1 This report seeks Cabinet approval to agree the Blue Badge Enforcement Policy detailed in Appendix 1 attached.

10.1.2 The cost of adopting this policy is contained within the existing service budgetary resources. The costs of publishing the required notices are in the region of £200-£300 and can be contained within the existing resources.

10.1.3 The operating costs of this service are already included within the service establishment.

### **10.2 Procurement comments**

Not applicable.

### **10.3 Legal comments**

10.3.1 The Head of Legal and Governance has been consulted in the preparation of this report and comments as follows.

10.3.2 The Blue Badge (Disabled Parking) Enforcement Policy is a non-statutory document that sets out the Council's policy regarding the unauthorised use of Blue Badges in its Borough.

10.3.3 The Department for Transport has issued non-statutory guidance to local authorities, in order to share good practice regarding the Blue Badge scheme. The non-statutory guidance draws from the statutory code of practice for the exercise of regulatory functions issued under section 22 of the Legislative and Regulatory Reform Act 2006. Council officers have had regard to the Guidance, together with the London Councils good practice guide on tackling Blue Badge fraud and have incorporated the guidance, code of practice and good practice guide within the Policy.

10.3.4 The exercise of powers contained in the Chronically Sick and Disabled Persons Act 1970 (the "1970 Act") are executive functions.

10.3.5 The making of policy for enforcing against the unauthorised use of Blue Badges in the Borough will facilitate the discharge of the Council's functions under the 1970 Act and so is authorised under section 111 of the Local Government Act 1972.

10.3.6 The making of policy to facilitate the discharge of the Council's functions under the 1970 Act is an executive decision to be taken by the Cabinet in accordance with the Council's Constitution.

10.3.7 There is no legal reason why the Cabinet should not adopt the recommendation in this report.

## 10.4 **Equality**

10.4.1 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.

10.4.2 The three parts of the duty applies 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.

10.4.3 This new policy will advance equality of opportunity between people who share a protected characteristic, and those who do not. It will help to ensure that disabled people are able to access local facilities, maintain independence and be active members of their communities. It ensures that disabled parking bays are prioritised for their genuine use, allowing them to keep and use a vehicle, giving them the freedom required to travel and access work, and all other amenities that could not be accessed without this provision.

## 11. **Use of Appendices**

11.1 Appendix 1 - **Blue Badge (Disabled Parking) Enforcement Policy**

## 12 **Local Government (Access to Information) Act 1985**

- Blue Badge Scheme Local Authority Guidance (England)
- Regulator's Code