

Report for: Cabinet Member Signing – 20 December 2021

Title: Disabled Residential Parking Permit

Report authorised by: Mark Stevens, Assistant Director Direct Services,
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Lead Officer: Simi Shah, Group Engineer Traffic and Parking,
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Ward(s) affected: Boroughwide (all wards)

Report for Key/

Non-Key Decision: Key decision

1 Describe the issue under consideration

- 1.1 To report on the feedback of statutory consultation which commenced on 13 October 2021 for 21 days, closing on 3 November 2021, on the proposal to extend the concessions of the disabled (virtual) residential parking permit as detailed in paragraph 6.4.
- 1.2 To request approval to proceed to implementation of these concessions, having taken objections into consideration.

2 Cabinet Member Introduction

- 2.1 I am pleased that we can extend the concessions of the disabled virtual residential parking permit. We understand the importance of this concession and benefit arising for our disabled motorists.

3 Recommendations

The Cabinet Member is asked:

- 3.1 To approve the proposal to extend the concessions of the disabled virtual residential parking permit, as detailed in Table 1 in paragraph 6.4 of the report.

4 Reasons for decisions

- 4.1 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.
- 4.2 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.
- 4.3 Following approval granted under Delegated Authority in October 2021, statutory consultation was undertaken on extending the concessions of the disabled residential parking permit. The Council is required to consider the

feedback to this consultation prior to deciding whether or not to implement the proposed changes.

- 4.4 A total of 4 submissions were received to the statutory consultation - 3 objections and 1 in favour. Of the objections received, none could be considered as a 'substantial objection' for example, relating to the consultation process not following required legal process or statutory documents containing fundamental errors. A summary of objections received are detailed in Table 2, paragraph 6.10 of this report.

5 Alternative options considered

- 5.1 An alternative was to not introduce proposed changes to extend the concessions of the disabled (virtual) residential parking permit borough wide. This is not recommended as the changes proposed are to ensure the Council meets its obligations under the Equality Act 2010.

6 Background Information

- 6.1 The Council has offered a Blue Badge substitute scheme to help reduce the theft of Blue Badges. 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.
- 6.2 This scheme was recently replaced with a free (disabled) virtual residential parking permit, for the badge holder's 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.
- 6.3 However, on implementation of the new scheme, existing Companion Badge holders report that they find the new scheme too restrictive. They feel that being limited to their home CPZ fails to provide the protections required. Concerns were also raised regarding the requirement that the vehicle be registered to the Blue Badge holder. There are situations where a Blue Badge is issued to a minor and, in some situations, the vehicle is registered to the badge holder's partner or spouse. Consideration has therefore been given to extending the concessions to address those concerns, but with some checks and balances introduced to manage risk of the virtual permit being used to avail of free parking when the Blue Badge holder is not present.
- 6.4 The proposed extended concessions to the disabled virtual residential parking permit include the following:

Table 1

Item	Description
(a)	Extend eligibility for the disabled virtual residential parking permit to allow the vehicle to be registered to anyone in the same household as the Blue Badge holder.
(b)	The disabled virtual residential parking permit be extended borough-wide, allowing holders to park in non-dedicated disabled parking bays, residential permit parking bays, permit holders parking place, pay by phone bays, shared use residential permit parking place/pay by phone bays and shared use permit holder parking place/pay by phone bays.
(c)	Those permit holders would be prohibited from parking on single or double yellow lines
(d)	When using the disabled virtual residential parking permit, the Blue Badge must be available for inspection when requested by an Enforcement Officer.
(e)	When using the 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.
(f)	The disabled virtual residential parking permit would remain free of charge.

6.5 The disabled virtual residential parking permit will currently have to be renewed annually. However, the Council will update its systems as soon as possible to provide a 3-year permit which mirrors the start and expiry dates of the 3-year Blue Badge.

Statutory Consultation

6.6 Statutory notifications were undertaken on the proposals detailed in Table 1 section 6.5, on 13 October 2021 for a period of 21 days. This adheres to the legal requirements set out in section 9 of this report.

6.7 As part of the statutory process, a Notice of Proposal was published in the London Gazette, Enfield and Haringey Independent. In addition, the documents were uploaded to the Haringey TMO webpage and hard copies printed and held on deposit as indicated by the instructions in the Notice of Proposal. A copy of the statutory notice of proposal that was advertised is attached as Appendix 1.

6.8 As part of the statutory process, the views of the following statutory bodies were also sought:

- AA
- London Transport
- Police (local)
- Fire brigade
- London Ambulance Service

- Freight Transport Association
- Road Haulage Association
- RAC
- Metropolitan Police (traffic)
- London Travel Watch
- Haringey Cycling Campaign

6.9 A copy of e-mail sent to the above statutory bodies is attached as **Appendix 2**.

Statutory Notification Feedback

6.10 3 objections and 1 general comment were received to the proposal. An overview of these objections and comment, with officer recommendations, can be found in Table 2 below. Full detail of the objections received, and officer comments, can be found in **Appendix 3**.

Table 2

Reference	Objection/Comment	Officer Recommendation
Comment 1	To introduce a virtual permit to allow disabled badge holders to park anywhere within the Borough.	The proposal will satisfy this resident as the concessions will be extended to allow anyone with a valid disabled virtual residential parking permit to park anywhere within the Borough rather than limiting parking to the CPZ in which they reside in.
Objector 1, 2 & 3	Carer of disabled family member would not qualify for a disabled virtual residential parking permit under the extended concessions as they do not reside in the property which the disabled person lives. Can this be extended?	As this is a (disabled) residential parking permit, it needs to be limited to Blue Badge holders or those who reside with them as part of the household. The Blue Badge may be used by carers when transporting the badge holder.

6.11 After considering the statutory consultation results and noting that there were 3 objections to the consultation as detailed above, it is concluded that no alterations should be made to the proposals detailed in Table 1 of section 6.5 of this report.

7 Contribution to strategic outcomes

7.1 The introduction and management of disabled parking places aligns with the Council's current [Borough Plan](#) and [Transport Strategy](#) section 3.2 with respect to the management of on-street parking and its prioritisation to those with disabilities and who live locally.

- 7.2 The eligibility for introduction of disabled and dedicated disabled parking places is clearly defined by the current [disabled-parking-place-policy.pdf \(haringey.gov.uk\)](#).
- 7.3 The use of disabled parking and dedicated parking places contributes to the Council meeting its obligations for disabled parking set out in section 149 of the Equality Act 2010 (the Public Sector Equality Duty ('PSED')). This duty includes having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic (including people with a disability) and persons who do not share it.

Statutory Officers' comments

8 Finance

- 8.1 This report seeks Cabinet Member approval for the implementation of the proposal to formalise and extend the concessions of the disabled virtual residential parking permit as detailed in Table 1 of section 6.5. Blue Badge holders are entitled to park free of charge and therefore they the disabled permit is currently issued free of charge.
- 8.2 The cost of the consultation is estimated to be between £2-3k; there are no other requirements such as changed signage etc. The cost for running the scheme will be funded from existing revenue resources.

9 Legal

- 9.1 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 a disabled person's disabilities, even where that involves treating disabled persons more favorably than other persons by, for example, offering concessionary parking fees.
- 9.2 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.
- 9.3 Before reaching a decision to make the necessary traffic management order to extend the concessions of the disabled virtual residential parking permit, the Council must follow the statutory consultation procedures pursuant to the Road Traffic Regulation Act 1984 ("RTRA") (as amended) and the Local Authorities Traffic Orders (Procedure) (England and Wales) Regulations 1996 (as amended). In carrying out the notification, the Council must comply with the principles ("Sedley Principles") set out also by the courts which are: that notification must be at a time when proposals are still at a formative stage; that the proposer must give sufficient reasons for any proposal to permit of intelligent consideration and response; that adequate time must be given for consideration and response; and that the product of notification must be conscientiously taken into account in finalising any statutory proposals. All objections received must

be properly considered in the light of administrative law principles, Human Rights law and the relevant statutory powers.

- 9.4 The Council's powers to make traffic management orders arise mainly under sections 6, 9, 45, 46, 122 and 124 and schedules 1 paragraph 8 and 9 of the RTRA.
- 9.5 By virtue of section 122, the Council must exercise its powers under the RTRA 1984 so as to secure the expeditious, convenient and safe movement of vehicular and other traffic including pedestrians, and the provision of suitable and adequate parking facilities on and off the highway. These powers must be exercised so far as practicable having regard to the following matters: -
- The desirability of securing and maintaining reasonable access to premises.
 - The effect on the amenities of any locality affected including the regulation and restriction of heavy commercial traffic so as to preserve or improve amenity.
 - The national air quality strategy.
 - Facilitating the passage of public service vehicles and securing the safety and convenience of their passengers.
 - Any other matters appearing to the council to be relevant
- 9.6 The legal position in relation to traffic management orders and the statutory requirements in respect of consultation are set out in section 9.1 through 9.5 of this report. Public consultation has been undertaken and due consideration given to representations by the public. As long as the statutory consultation is undertaken and due consideration similarly given to representations made, the Council should be acting in accordance with the law were it to proceed with the proposals set out in this report.

10 Equalities

- 10.1 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.
- 10.2 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.
- 10.3 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 advance equality of opportunity 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. Preserving access to parking spaces for

disabled people will allow for fuller participation in public life for those reliant on a vehicle for mobility,

11 Use of Appendices

Appendix 1 - Notice of Proposal

Appendix 2 – Consultation e-mail to statutory consultees.

Appendix 3 – Full objections received to the statutory consultation with officer comments.

Public Notice



HARINGEY COUNCIL – PUBLIC NOTICE PROPOSED EXTENSION OF CONCESSIONS FOR DISABLED VIRTUAL RESIDENTIAL PARKING PERMIT

The Haringey (Free Parking Places, Loading Places and Waiting, Loading and Stopping Restrictions) (Amendment No.**) Order 202*
The Haringey (Charged for Parking Places) (Amendment No. *) Order 202*

T51

Notice is hereby given that the Council of the London Borough of Haringey proposes to make the above mentioned Orders under sections 6, 45, 46, 49 and 124 of and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984, as amended.

The general effect of the Orders would be to ~~formalise~~ and extend the concessions of the disabled virtual residential parking permit as detailed below:

1. Extend eligibility for the disabled virtual residential parking permit to allow the vehicle to be registered to anyone in the same household.
2. The disabled virtual residential parking permit be extended borough-wide, allowing holders to park in non-dedicated disabled parking bays, residential permit parking bays, permit holders parking place, pay by phone bays, shared use residential permit parking place/pay by phone bays and shared use permit holder parking place/pay by phone bays.
3. Those permit holders would be prohibited from parking on single or double yellow lines (However Disabled Badge holders may park for up to 3 hours on single or double yellow lines where loading restrictions do not apply, providing the badge and associated clock is displayed correctly).
4. When using the disabled virtual residential parking permit, the Blue Badge must be available for inspection when requested by an Enforcement Officer.
5. When using the 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. The disabled virtual residential parking permit would remain free of charge.

Copies of the proposed Orders and of the Council's statement of reasons for making the Orders may be inspected during normal office working hours until the end of a period of 6 weeks from the date on which the Orders are made or the Council decides not to make the Orders, at the reception desk, Alexandra House, 10 Station Road, Wood Green, N22 7TR or can be viewed online at www.haringey.gov.uk/traffic_orders

Any person wishing to object to the proposed Orders or make other representation should send grounds for their objection via email to traffic.orders@haringey.gov.uk or alternatively write to Traffic Management Group, River Park House, 1st floor, 225, High Road, Wood Green, N22 8HQ quoting reference 2021-T51, by 3rd November 2021.

Dated: 13th October 2021

Ann Cunningham
Head of Highways & Parking

Appendix 2 - Consultation e-mail to statutory consultees

T51 - Changes to disabled virtual residential parking permit



Hills Gemma

To [Adam C](#); [Ambulance](#); [Ambulance2](#); [Arriva](#); [Arriva2](#); [Arriva3](#); [Fire Service](#); [Frieght](#); [London Travel Watch](#); [Met Police](#); [Met Police2](#); [One Search Direct](#); [One Search Direct2 \(highways@onesearchdirect.co.uk\)](#); **+5 others**

Cc [TMO](#)

Retention Policy Haringey Global Retention (7 years)

Expires 10/10/2028

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T51 - Changes to disabled virtual residential parking permit - Consultation.zip
121 KB

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Tue 12/10/2021 10:07

Dear Sir/Madam

I attach for your information a copy of the Public Notice relating to the above proposal which will appear in the London Gazette and Enfield & Haringey Independent on 13th October 2021 as required by the Local Authority Traffic Orders (Procedure) (England and Wales) Regulations 1996.

I also attach copies of the draft Order, Statement of Reasons and map(s) illustrating the proposal. The scheme will also be available to view through our online portal <https://consultation.appyway.com/haringey> during the 21 day statutory consultation period.

I should be grateful if you could please forward any comments you may wish to make on these proposals by 3rd November 2021.

Thank you in anticipation of your assistance in this matter.

Yours Faithfully

Gemma Hills

Traffic Order Maker

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Appendix 3 -

Full objections received to the statutory consultation
with officer comments

Reference	Objection/Comment	Officer Comments
Comment 1	<p>I am a Disabled Blue Card holder. I cannot buy a paper Companion Badge anymore as they have been replaced by a very bad Virtual Badge scheme. I parked my car near my home and displayed my Blue Badge. My car window was smashed and the card stolen.</p> <p>If I park anywhere in Haringey and display my Blue Badge I am living in fear that my car will be vandalised and my Badge stolen. I have to pay to replace my Blue Badge and pay an excess for car window repair. Also, I may get a ticket and can't park anywhere until Blue Badge is replaced.</p> <p>The Virtual Badge Scheme has replaced the Paper Companion Badge scheme. If I apply for the Virtual Badge I can only park in my own CPZ and limits my mobility.</p> <p>The paper companion badge scheme allowed parking all over Haringey but that scheme cannot be joined now.</p> <p>PLEASE INTRODUCE A VIRTUAL BADGE SCHEME OR ANOTHER PAPER BADGE SCHEME SO THAT I CAN PARK WITHOUT FEAR ANYWHERE IN HARINGEY. THANKS.</p>	<p>Many thanks for taking the time to respond to this consultation. I'm sorry to hear of the unfortunate news regarding the theft of your disabled Blue Badge. This is one of the main reasons why the disabled virtual residential parking permit (originally known as the Companion Badge) was introduced to enable those disabled residents to continue to park and move around the Borough with added peace of mind.</p> <p>Following comments raised by existing Companion Badge/virtual permit holders, the concessions are proposed to be extended, allowing the vehicle for which the permit is to be registered to be owned anyone in the same household as the disabled badge holder. It is also proposed to extend the use of the permit to borough-wide, thereby allowing holders to park in all non-dedicated disabled parking bays, residential permit parking bays, permit holders parking place, pay by phone bays, shared use residential permit parking place/pay by phone bays and shared use permit holder parking place/pay by phone bays across the Borough.</p> <p>I hope this answers your concerns raised. Should you have any additional queries please do not hesitate to contact me.</p>
Objector 1	<p>It is essential to extend the validity of the Blue Badge to other cars when a disabled person is being given a lift. Example: I hold a B.B and I am being driven to Covent Garden by my son in his car. I need to use my badge a) to drive to the congestion zone without having to pay and b) to be able to park at our destination on a yellow</p>	<p>Many thanks for taking the time to respond to this consultation.</p> <p>As this is a (disabled) residential parking permit it is limited to Blue Badge holders who reside within the borough or to someone in the household. It is limited to one vehicle. It is also limited to use in Haringey and may not be used on yellow lines. It will not be</p>

	<p>line etc. The same applies if I am being driven to a medical or other appointment in somebody else's car.</p> <p>Please ensure that this hugely important facility continues to exist.</p>	<p>recognised by other London Boroughs. The disabled Blue Badge will need to be used in those circumstances.</p> <p>Further details can be found here</p>
Objector 2	<p>My sister and visit my disabled mother every day. She lives in a CPZ road. Without the disabled blue badge which we display on our cars, we will not have the flexibility to share the Blue Badge in order to take my mother out.</p> <p>We do not live with her.</p> <p>We do not have our cars registered at her address.</p> <p>To use the CPZ parking vouchers 3x a day 7x a week is an impossibility.</p> <p>We cannot afford Parking Fines</p> <p>We do not have time to visit her by public transport as we work.</p> <p>My mother needs daily visits, regular car outings (she cannot walk more than 10 steps)</p> <p>We would like the present system to continue.</p> <p>Thank you for you kind attention</p>	<p>Many thanks for taking the time to respond to this consultation.</p> <p>While you and your sister will not qualify for a disabled residential parking permit, you may continue to display your mother's Blue Badge when she travels with you as a passenger in your vehicle. It may be helpful to note that carers permits are available</p> <p>Further details can be found here</p>
Objector 3	<p>I am a carer for my elderly father - he is 86 years old and has Dementia and Parkinson's.</p> <p>We have a blue badge, which I don't need for outside the house, as I have always just paid for a full residents permit. However, I do need to take my dad to various places - appointments, groups for Dementia sufferers etc and other places.</p> <p>I was going to apply for a companions badge, but I have heard that the new virtual badge means that the car has to be registered with the blue badge holder themselves. Is that true? Would there be any exceptions for carers? I always try to avoid using the blue badge, as I am very worried</p>	<p>Many thanks for taking the time to respond to this consultation.</p> <p>As this is a disabled residential parking permit scheme it is not extended to carers who do not reside in the same property as the disabled person.</p> <p>Further details can be found here</p>

	<p>about the car being broken into and the badge being stolen. However, I do need to be able to take my dad places, so it is a struggle. I see cars broken into in the area on almost a daily basis and mostly due to the thefts of blue badges. I am hoping you could reconsider these proposals, so you can take into consideration the disabled people who cannot drive themselves around / do not own a car and therefore, rely on their carers.</p>	
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