

**Report for:** Cabinet Member Signing

**Title:** Disabled Residential Parking Permit - result of consultation

**Report authorised by:** Barry Francis, Director of Environment and Resident Experience

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**Ward(s) affected:** All

**Report for Key/**

**Non-Key Decision: Non-Key**

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

- 1.1 The disabled virtual residential parking permit was introduced in December 2021 to replace the Companion Badge. Both schemes were introduced to reduce the theft of Blue Badges and associated car break-ins. The original Companion Badge allowed Blue Badge holders to park in disabled bays, residential and shared parking bays, as well as pay to park bays and for up to 3 hours on single or double yellow lines (where no loading restrictions apply), across the borough, without the need of displaying the Blue Badge thereby reducing the risk of theft.
- 1.2 This permit has since been branded as the new Resident Blue Badge Holder Permit and was originally introduced with slightly less favourable conditions in an attempt to balance the benefits of the scheme with the risk of abuse. The Resident Blue Badge Holder Permit scheme has since been reviewed to fully align with the original Companion Badge and this report finalises the associated legal process.
- 1.3 Following Cabinet Member approval, statutory consultation was carried out from 9 November 2022 to 30 November 2022 under Regulations 6-7 of the Local Authority Traffic Orders Regulations 1996 and Schedule 9 of the Road Traffic Regulations Act 1984 (the 1984 Act) on changing the legal Traffic Management Orders under Section 6 of the 1984 Act to incorporate the following proposal.
- 1.4 The proposal is to allow holders of a Resident Blue Badge Holder Permit to park on single or double yellow lines for up to 3 hours where loading restrictions do not apply, without the need to display the Blue Badge itself. The Blue Badge clock, however, will need to be displayed to determine the time that the vehicle was left. Resident Blue Badge Holder Permits currently require displaying both the Blue Badge and the Blue Badge clock if parking on single or double yellow lines for up

to 3 hours, where loading restrictions do not apply. The Blue Badge must be available for inspection if required.

- 1.5 This report details the results of the statutory consultation on the proposed change to concessions to allow parking on 'Timed and At Any Time Waiting Restrictions' for those with a valid Resident Blue Badge Holder Permit and seeks approval by the Cabinet Member for Tackling Inequality and Resident Services to proceed with implementation.

## **2 Cabinet Member Introduction**

Not applicable

## **3 Recommendations**

The Cabinet Member for Tackling Inequality and Resident Services is recommended to:

- 3.1 Note the outcome of the statutory consultation
- 3.2 Authorise officers to formally change the traffic management orders to reflect the full conditions of use of the Resident Blue Badge Holder Permit.

## **4 Reasons for decision**

- 4.1 Statutory consultation was carried out from 9 November 2022 to 30 November 2022 as it is required prior to changes being legally implemented to extend the concessions applied to the disabled virtual residential parking permit. This is intended to increase take up and reduce the theft of Blue Badges.
- 4.2 During the statutory consultation, one comment was received from a representative of the Haringey Cycling Campaign. Whilst this was not a formal objection, the requirement for the physical Blue Badge to be displayed when parking on yellow lines as well as on other forms of parking bays was stated as the objector's preference. This comment can be found in full under Appendix 3.
- 4.3 Whilst the Haringey Cycling Campaign views opposed the proposed extension of disabled virtual residential parking permit concessions, officer recommendations are to proceed with the changes due to the expected benefits for Blue Badge holders set out in this report as well as negating the risk of physical Blue Badges being stolen if physically displayed. No other comments or objections were received.
- 4.4 No objections (substantial or otherwise) were received to the statutory consultation carried out in November 2022.

## **5 Alternative options considered.**

- 5.1 This is part of a package of measures to improve disabled parking services in Haringey. The aim of the virtual permit is to reduce the theft of Blue Badges which is being achieved with a 65% reduction noted since the permit was introduced. No other options were considered.

## **6 Background information**

- 6.1 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.
- 6.2 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 timely and cost-effective service, and
  - That all administration processes are robust and resistant to abuse.
- 6.3 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.
- 6.4 Haringey Council introduced a scheme 4 years ago 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.
- 6.5 With the implementation of the new parking management IT system, the need to display the actual Blue Badge was replaced by the Blue Badge holder having access to a new free virtual permit. Take up of this permit is much higher and the benefits were evident from a very early stage with the numbers of Blue Badges stolen dropping quite quickly.
- 6.6 The statutory consultation carried out from 9 November to 30 November 2022 was intended to satisfy the legal process by defining the exact conditions of use of this permit.

## **7 Statutory Consultation**

- 7.1 Statutory consultation was carried out from 9 November 2022 to 30 November 2022 on the proposal to allow Resident Blue Badge Permit holders to park on single or double yellow lines for up to 3 hours where loading restrictions do not apply.
- 7.2 This process consisted of a Notice of Proposal (Appendix 1) published in the London Gazette and the Enfield and Haringey Independent. A copy of the notice along with a copy of the draft orders and statement of reasons were held on deposit at the Council and uploaded to the Council website, allowing members of the public to view and to make any comments or representations to the proposed changes.
- 7.3 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
- \*See Appendix 2 for a copy of the email sent to the above statutory bodies.
- 7.4 During the statutory consultation, one comment was received from a representative of the Haringey Cycling Campaign. Whilst this was not a formal objection, the requirement for the physical Blue Badge to be displayed when parking on yellow lines as well as on other forms of parking bays was stated as the objector's preference. This comment can be found in full under Appendix 3.
- 7.5 Whilst the expressed Haringey Cycling Campaign view opposed the proposed extension of disabled virtual residential parking permit concessions, officer recommendations are to proceed with the changes due to the expected benefits for Blue Badge holders set out in this report as well as negating the risk of physical Blue Badges from being stolen if physically displayed. No other comments or objections were received.

## **8 Contribution to strategic outcomes**

- 8.1 Disabled parking services help remove barriers for residents with severe mobility restrictions. Those services support them living independent lives by accessing employment, education, and leisure as well as attending medical appointments.

## **9 Statutory Officer Comments**

## 9.1 Finance

- 9.1.1 This report seeks Cabinet Member approval to proceed with 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. Since the introduction of the permit, Blue Badge theft has reduced by 65%. This new permit supports paid for parking, reducing abuse by those accessing concessions without entitlement.
- 9.1.2 The cost of the scheme is estimated to be £3599; there are no other requirements, such as changed signage etc. The cost of running the scheme will be funded by existing revenue resources.

## 9.2 Legal

- 9.2.1 The Council has a statutory obligation to provide disabled parking facilities and to effectively manage the delivery of the national Blue Badge scheme. The Council also has a general duty under the Equality Act 2010, and the Council must 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.
- 9.2.2 The Council may, under section 6 of the Road Traffic Regulation Act 1984 (the 1984 Act), make an order for controlling or regulating vehicular and other traffic (including pedestrians) for the purpose under schedule 1 of the 1984 Act. This includes places in streets where vehicles, or vehicles of any class, may, or may not, wait, either generally or at particular times. Prior to making any order, the Council must carry out the consultations as set out in Schedule 9 of the 1984 Act and Regulations 6 and 7 of the Local Authority Traffic Orders Procedure Regulations 1996.
- 9.2.3 A consultation will not be lawful unless it is
- (1) undertaken at a time when proposals are still at a formative stage;
  - (2) sufficient reasons are given for any proposal to enable people who are interested in the same to consider the proposals and make representations;
  - (3) adequate time has been given for such consideration and response; and
  - (4) all representations have been conscientiously taken into account when finalising the proposals.
- 9.2.4 The Head of Legal and Governance has been consulted on the content of this report. What is being recommended is in accordance with legal requirements as the Council has carried out the necessary statutory consultation.

## 9.3 Procurement

Not applicable

## 9.4 Equalities

- 9.4.1 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.
- 9.4.2 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.
- 9.4.3 Proposals in this report extend the concessions of the disabled virtual residential parking permit, facilitating the transport and movement of vulnerable people throughout the borough and offering Blue Badge holders protections from the theft of their badges which would otherwise have to be displayed.

## **10 Use of Appendices/background documents**

Appendix 1 – Notice of Proposal

Appendix 2 – Statutory Consultation Email

Appendix 3 – Comments Received

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

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