

**REPORT TO:** Health Policy and Performance Board (PPB)

**DATE:** 19<sup>th</sup> September 2017

**REPORTING OFFICER:** Strategic Director, People

**PORTFOLIO:** Health & Wellbeing

**SUBJECT:** Blue Badge Policy, Procedure & Practice

**WARDS:** Borough wide

## **1.0 PURPOSE OF THE REPORT**

- 1.1 To present the Health PPB with the revised Blue Badge Policy, Procedure & Practice (PPP) following comprehensive review (copy attached at appendix 1). To make the Board aware of two key issues that have arisen during the review process with regards to:
- Enforcing correct use and tackling potential abuse of the scheme;
  - The eligibility requirements for organisational badges.

## **2.0 RECOMMENDATION:**

**RECOMMENDED: That the Board**

- 1) Note the contents of the report and associated appendices; and**
- 2) Comment on the revised Policy.**

## **3.0 SUPPORTING INFORMATION**

- 3.1 The Blue Badge Scheme helps disabled people with severe mobility problems to access goods and services by allowing them to park close to their destination, whether they are a driver or a passenger.
- 3.2 The scheme was introduced in 1971 under Section 21 of the Chronically Sick and Disabled Person's Act 1970. It was amended by the Disabled Persons' Parking Badges Act 2013 and the scheme as it currently stands is governed by the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 (plus amendments).
- 3.3 The Department for Transport (DfT) is responsible for the legislation that sets out the framework for the scheme, which includes:
- The eligibility criteria;
  - The maximum fee that local authorities can charge for issuing a badge;
  - The period of issue of a badge;
  - Grounds for refusing to issue a badge and for withdrawing a badge;
  - Circumstances under which a badge should be returned to the issuing authority;
  - The manner in which the badge should be displayed; and

- National concessions available to badge holders.
- 3.4 Local authorities are responsible for administering and enforcing the scheme. The DfT publish non-statutory guidance<sup>1</sup> to assist local authorities by sharing good practice. This guidance states that local authorities are *“responsible for determining and implementing administrative, assessment and enforcement procedures which they believe are in accordance with the governing legislation.”*
- 3.5 The existing version of the Blue Badge PPP was produced in 2012 and last reviewed in 2014. The current review process has been comprehensive involving close consultation with Halton Direct Link and the Initial Assessment Team as both teams are responsible for dealing with badge applications. Legal Services have also been involved.
- 3.6 In summary, the following changes have been made to the policy:
- The policy section has been amended so that it makes reference to the DfT guidance rather than repeating it;
  - Repetition between various sections of the document has been removed and the flow now follows the DfT guidance;
  - The application forms have been amended to follow the model application form contained within the DfT guidance and are now included as separate appendices to the policy for ease of updating (the application forms are not attached with this report, as there are seven separate forms; however, they can be provided on request);
  - The procedure sections detailing application, assessment and appeal processes have been made clearer with associated flow charts included as appendices;
  - Appendices that are subject to frequent change for operational use (i.e. standard letters) have been removed as it is not necessary to include them within the PPP;
  - The overall length of the document has been reduced from 115 pages to 28 pages (plus the application forms as separate appendices), making it easier to navigate.
- 3.7 In addition to the above, considerable work has taken place in connection with the issues surrounding enforcement and organisational badges. These issues are explained in more detail at 3.8 and 3.9.
- 3.8 **Enforcement of the scheme**
- 3.8.1 As part of reviewing the policy, it was felt that the enforcement procedures needed to be clearer and more robust. There is a range of information included within the DfT guidance regarding local authority enforcement powers. However, they are focussed on authorities with Parking Enforcement Officers, of which there are none in Halton. Instead, parking enforcement is the responsibility of Cheshire Police.

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<sup>1</sup> [The Blue Badge Scheme Local Authority Guidance \(England\), October 2014](#)

3.8.2 Discussions were therefore held with Legal Services, Traffic Management and Cheshire Police along with HDL and IAT and a process for enforcement was agreed (detailed in section 2.15 of the policy). However, it should be noted that we are fairly limited in our enforcement powers, not least because parking restrictions are fairly minimal in Halton. Also, it is quite unlikely that badge misuse would proceed to prosecution as substantial evidence of the misuse would be required. Nonetheless, the policy now contains a clear process which is applicable to the local area.

### 3.9 Organisational badges

3.9.1 The DfT guidance states that *“an organisational badge may be issued to an organisation for use in a motor vehicle or vehicles when the vehicle or vehicles are to be used to carry disabled people who would themselves be eligible for a badge as specified in Section 4(2) of the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000. An organisation is defined in the 2000 Regulations as meaning an organisation concerned with the care of disabled persons to which a disabled person’s badge may be issued in accordance with Section 21(4) of the Chronically Sick and Disabled Persons Act 1970.”*

3.9.2 It further states that *“Local authorities will need to check whether the organisation in question:*

- *Cares for and transports disabled people who would themselves meet one or more of the eligibility criteria for an individual Blue Badge; and*
- *Has a clear need for an organisational badge rather than using the individual Blue Badges of people it is transporting.”*

3.9.3 During the review process, a number of issues became apparent in terms of the content of the 2014 policy and the approval of previous organisational applications. As a result of these issues it has been necessary to strengthen the new policy with clearer details on which organisations are eligible, in order to ensure compliance with legislation and DfT guidance.

3.9.4 To assist with this process, a number of other local authorities within the North West were contacted and asked about how they deal with organisational applications (see appendix 2 for the questions and responses). Their responses reinforced our thinking that we simply need to be clearer within the policy about the organisational eligibility criteria, as described in the DfT guidance (see 3.9.2).

3.9.5 Therefore, the policy now makes it clear that to be eligible organisations must be *“concerned with the care of disabled people who would themselves be eligible for a badge”* and they must care for **and** transport such people and have a clear need for an organisational badge rather than using individual badges.

3.9.6 The new policy also makes it clear (see section 1.3 on page 7) that

the provision of care is the primary consideration and that in order to be eligible organisations will be required to evidence that they are registered with CQC or Ofsted as a provider of care to people with disabilities (who would be eligible for a badge individually). This is to ensure that only those organisations that are “concerned with the care of disabled people” are eligible for badges and those that simply provide assistance during transportation fall short of the criteria. We believe this to be in line with DfT expectations given that their guidance states:

*“It is unlikely that taxi or private hire operators and community transport operators would be eligible for an organisational Blue Badge as they are not usually concerned with the care of disabled people.....Common examples of organisations that may be eligible include residential care homes, hospices or local authority social services departments...”*

- 3.9.7 The tightening of the policy does mean that some organisations that currently have badges will no longer be eligible on renewal. To mitigate the negative impact of this change, it is suggested that all current organisational badge holders are made aware of the new policy immediately rather than finding out when their badge(s) expire. Some organisations have multiple badges, each of which may have a different expiry date so if such an organisation is no longer eligible they will lose their badges on a phased badge-by-badge basis. There are currently a total of 74 organisational badges across 20 organisations in Halton; it is anticipated that the majority of these organisations are eligible with less than five of them being unlikely to meet the eligibility criteria on renewal (these organisations currently hold approximately 50 of the organisational badges).

#### **4.0 POLICY IMPLICATIONS**

- 4.1 Approval of the revised policy will ensure that the Council is compliant with DfT guidance and regulations.

#### **5.0 FINANCIAL IMPLICATIONS**

None identified.

#### **6.0 IMPLICATIONS FOR THE COUNCIL’S PRIORITIES [\(click here for list of priorities\)](#)**

##### **6.1 Children and Young People in Halton**

None

##### **6.2 Employment, Learning and Skills in Halton**

None

##### **6.3 A Healthy Halton**

The Blue Badge Scheme enables disabled people with severe mobility problems to access amenities within their community more easily. Ensuring that the scheme is properly administered in line with legislation

and guidance helps to maintain the robustness of the scheme, upholding the benefits of it for those who truly need it.

**6.4 A Safer Halton**

None

**6.5 Halton's Urban Renewal**

None

**7.0 RISK ANALYSIS**

7.1 The changes to the policy in terms of organisational badges may result in some organisations that currently have badges no longer being eligible upon renewal. This is likely to be met with some dissatisfaction. However, the changes are required in order to ensure that local administration of the scheme complies with national guidance and legislation.

7.2 To mitigate the negative impact, it is suggested that organisations are notified in advance of their potential ineligibility upon renewal (as described at 3.9.7).

**8.0 EQUALITY AND DIVERSITY ISSUES**

An Equality Impact Assessment (EIA) has been completed – copy attached at appendix 3. No negative impact was identified.

**9.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972**

None under the meaning of the Act.