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Health and Social Care Scrutiny Board (Scrutiny Board 5)  
Cabinet  
Council

16 June 2010  
22 June 2010  
24 June 2010

**Name of Cabinet Member:**

Cabinet Member (Community Services) – Councillor O'Boyle

**Director approving submission of the report:**

Director of Community Services

**Ward(s) affected:**

All

**Title:**

Blue Badge Reform Programme - consultation response

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**Is this a key decision?**

No

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**Executive summary:**

This report details the City Council's response to the Department for Transport consultation on proposals to improve access to, and enforcement of, the Blue Badge Scheme. The Blue Badge Scheme gives a concession to disabled people to park where particular restrictions may otherwise apply. Within this authority it also gives the concession of free parking within the City Council's car parks. It plays an important role in helping severely disabled people to access jobs, shops and other services.

Following a review by the Department for Transport in 2008, a five year reform strategy was established in order to modernise the Scheme, addressing provision, administration, assessment, enforcement and the charging policy. To drive the reform forward, nine Centres of Excellence have been established across the country. In the West Midlands Region Coventry City Council and Birmingham City Council were jointly awarded Centre of Excellence status. Coventry was considered to have a well developed assessment process and action plan to tackle abuse of the scheme. The City Council and Birmingham City Council have been working closely to agree joint approaches to assessment and enforcement across both areas.

This consultation seeks views on improvements to enforcement for the Blue Badge Scheme, including amendments to primary and secondary legislation; amendments to primary legislation on appeals and a number of other specific areas of guidance; extending the eligibility criteria; and the distribution methodology for funding, in order to help local authorities to establish independent medical assessments.

**Recommendations:**

Health and Social Care Scrutiny Board (Scrutiny Board 5) is asked to note the consultation response and forward any comments to Cabinet.

Cabinet is requested to consider any comments from Health and Social Care Scrutiny Board (Scrutiny Board 5) and recommend that Council approve the consultation response.

Council is requested to approve the consultation response.

**List of Appendices included:**

Consultation response

**Other useful background papers:**

Blue Badge Reform Programme: A Consultation Document, Department for Transport (2010)

The Blue Badge Reform Strategy, Department for Transport (2008)

**Has it or will it be considered by scrutiny?**

Yes- Health and Social Care Scrutiny Board (Scrutiny Board 5) – 16 June 2010.

**Has it, or will it be considered by any other council committee, advisory panel or other body?**

No

**Will this report go to Council?**

Yes – 24 June 2010.

**Report title:**

Blue Badge Reform Programme – consultation response

**1. Context**

- 1.1 The Department for Transport is seeking views on its proposals to improve Blue Badge Scheme enforcement, changes to the eligibility criteria and grant funding to the local authorities who administer the scheme.
- 1.2 As this consultation response requires Council consideration and agreement on 24 June 2010, in order to be submitted to the Department of Transport within the prescribed timescales, it is not possible to present this to a Cabinet Member (Community Services) meeting, (scheduled for 29 June) as this is after the Council meeting.

**2. Options considered and recommended proposal**

- 2.1 Evidence of the abuse of the Blue Badge Scheme nationally, demonstrates the requirement for new and amended powers to enforce the scheme effectively. Historically in Coventry enforcement of legislation, taking a person to court for blue badge misuse, has not been actively pursued. The City Council has withdrawn badges that have been fraudulently reproduced. As part of the Centre of Excellence Action Plan, an Enforcement Link Officer has been appointed until November 2010 and is working with partners, including Birmingham City Council, Parking Services, Police, CV One and local landowners, to develop a joint strategic approach to deal with abuse of the scheme.
- 2.2 The consultation proposes that local authorities are issued with a range of new powers in order to improve enforcement. These include the power to cancel badges that have been reported lost or stolen, have expired, returned or been withdrawn for misuse and to confiscate badges believed to have been faked or forged. The City Council considers present powers do not allow effective management of abuse, and that the proposed powers will reduce the numbers of badges which are open to abuse. These powers will increase access to disabled parking bays by blue badge holders and collect parking fees where previously those misusing badges have avoided paying charges. The City Council's view is that there should be no additional reasons for refusing to issue a badge or for withdrawing a badge.
- 2.3 The consultation document considers other changes to primary legislation that could be made to improve the appeals system, the use of independent medical assessments, data-sharing, the residency requirement for Badges and the issuing of Badges to organisations.
- 2.4 The present legislation does not give citizens the right of appeal following assessment, only the right to appeal against a decision to withdraw a badge as a result of misuse. The City Council considers that there should be a formalised right of review through the local authority, with the final option of right to complain to the Local Government Ombudsman for both of the above.
- 2.5 The City Council has already moved away from relying on information provided by General Practitioners for assessing eligibility. As part of the Centre of Excellence work the Clinical Lead Occupational Therapist (OT) has developed a therapy assessment pathway. During 2009/10 597 badges were awarded following an assessment by an OT with 212 declined. Since Jan 2010, 265 badges have been awarded following an OT assessment, with 55 declined. Prior to this very few badges were declined when relying upon General

Practitioner information. In order to have greater standardisation of assessment and to ensure that badges are issued to those in genuine need, the City Council's view is that Occupational Therapists should undertake the assessment, similar to a number of other authorities. It is considered that there should be more guidance on the eligibility assessment in regard to the experience of severe discomfort, as the current guidance is subjective, and the Council's view is that this should be linked to how this affects a person's mobility and serious detriment to health.

- 2.6 The City Council considers a data sharing system would improve enforcement of abuse and provide an efficient system for those customers moving from one authority to another. Further information on the potential monetary costs to accessing a shared database is required before a view could be expressed on a new power to require local authorities to use any data-sharing system. For non-residents i.e. armed forces personnel and their families living abroad, the City Council's view is that the administration should be completed by the local authority in which the regiment originates as this allows for verification that the person and their family are army personnel and does not rely on the person having a parent or relative resident in the UK. Organisational abuse is not regarded as an issue within Coventry. The present criteria and assessment is clear and suggests enforcement is the most appropriate way forward. The power to withdraw badges for persistent abuse would assist in this area.
- 2.7 The consultation includes the proposal to extend the eligibility criteria to include children between the ages of two and three with specific medical conditions. The City Council's view supports the extension of the eligibility criteria as this would reduce the inequality of the present system for those between the ages of two and three. It is acknowledged that this may result in some badges being issued for a short period of time as the child is in the transition period.
- 2.8 The consultation proposes that new provision under the 'eligible' without further assessment criteria are extended to certain seriously injured service personnel and war veterans. The City Council's view supports this proposal as it reduces the need for further assessment for qualifying personal.
- 2.9 The 2008 Reform Strategy identified that there was a need to work with local authorities to improve the management of the scheme and to make the eligibility process fairer and more consistent. The consultation proposes that funding will be made available to local authorities to help them to undertake improved independent medical assessments to inform decisions on applicant's eligibility. The current funding arrangements for Blue Badge eligibility assessment vary between local authorities, with some Primary Care Trusts (PCTs) re-imbursing local authorities for some or all of the assessment fees incurred and others making no contribution. In Coventry, the City Council does not currently have an agreement with NHS Coventry for re-imburement of assessment costs. Therapy Services have been undertaking the assessments for the past year, a position that can no longer be sustained without impacting on other areas of service delivery.
- 2.10 The consultation seeks views on the funding mechanism, the way in which funding is distributed and whether a floor and ceiling should be applied to funding. To maintain consistency with other funding sources the City Council would support payment of grant via the Revenue Support Grant (RSG) in preference to the Area Based Grant (ABG). This funding transfer would commence in 2011/12. The consultation proposes a differing mechanism for calculating the two grants and indicates the potential grant award to Coventry to be £64,871 based on the suggested ABG formula or £73,135 if paid via RSG. The City Council's view is there should be a floor and ceiling as a floor should ensure

sufficient funds are provided to administer an effective assessment system and a ceiling would ensure efficient use of this funding.

2.11 The full response to the consultation can be found in Appendix 1.

2.12 Scrutiny and Cabinet are asked to note and comment upon the proposed Blue Badge Reform Programme and Council is asked to approve the consultation response.

### **3. Results of consultation undertaken**

3.1 This response to the consultation is from the City Council and therefore wider consultation has not been undertaken.

### **4. Timetable for implementing this decision**

4.1 Responses to the consultation are required by 2 July 2010.

### **5. Comments from Director of Finance and Legal Services**

#### **5.1 Financial implications**

5.1.1 There are no direct financial implications in approving the consultation response. If this response does form the basis of future reforms to the Blue Badge Scheme then further grant award would be received by Coventry City Council of either £64,871(ABG) or £73,135 (RSG) based on current estimated calculations within the consultation report.

5.1.2 This funding would be required to resource the completion of assessments by Occupational Therapists and may contribute towards the continuance of funding the current temporary Enforcement Link Officer post.

#### **5.2 Legal implications**

5.2.1 There are no immediate specific legal implications arising out of the consultation response.

5.2.2 The consultation document seeks views on proposals to amend elements of the current Blue Badge Scheme. If approved, these proposals will create new responsibilities and powers for Local Authorities and will require amendment to Primary and Secondary legislation and in some instances formal Guidance and Transitional Arrangements.

### **6. Other implications**

#### **6.1 How will this contribute to achievement of the council's key objectives / corporate priorities (corporate plan/scorecard) / organisational blueprint / LAA (or Coventry SCS)?**

The city's Sustainable Communities Strategy highlights the importance of independence and well-being, and the provision of blue badges to a significant proportion of the population contributes to this objective. This will ensure that those who have mobility requirements and consequently require a blue badge are able to access parking across the city and any contraventions to the Blue Badge regulations can be enforced appropriately, protecting disabled people's rights.

## 6.2 How is risk being managed?

N/A

## 6.3 What is the impact on the organisation?

N/A

## 6.4 Equalities / EIA

An equalities impact assessment is included within the Government's proposals.

## 6.5 Implications for (or impact on) the environment

N/A

## 6.6 Implications for partner organisations?

N/A

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Director: Brian Walsh	Director	Community Services	20.5.10	24.5.10
Members: Councillor O'Boyle	Cabinet Member	Community Services	24.5.10	27.5.10

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[www.coventry.gov.uk/cm1s](http://www.coventry.gov.uk/cm1s)

# Blue Badge Reform Programme: a consultation

## Consultation Questions and Responses

### Consultation question

**1) What would be the advantages and disadvantages of a new power to cancel Badges that are reported as lost or stolen, or have expired, or are withdrawn for misuse?**

#### Advantages

1. Reduce the numbers of badges in the authority open to abuse.
2. Once badges are cancelled this will enable officers who enforce abuse of blue badges to identify badges and allow for the use of any enforcement powers to confiscate badges, although these powers are currently limited.

#### Disadvantages

1. Coventry sends out reminders and application forms to those who have expired badges. This is not a standard across all authorities. Safeguards would need to be in place to ensure the badge holder is given reasonable opportunity to renew a badge (see question 4).

### Consultation question

**2) What would be the advantages and disadvantages of giving local authorities a new power to confiscate Badges (a) that have been cancelled and (b) that are being used by a third party for their own benefit?**

#### Advantages

1. At present only the police have the power to confiscate badges. It is considered that this is not an effective use of police time. Parking enforcement is carried out by the Local Authority's Civil Enforcement Officers and so by extending powers to Civil Enforcement Officers this would ensure best use of Police and Local Authority resources.
2. Effective enforcement and disincentive to misuse badges.
3. Reduce numbers of badges being misused and the potential for future misuse.
4. Increase access to the number of disabled parking bays available to legitimate badge holders.
5. Improved reputation of the Blue Badge scheme that ensures that the benefits



- are available to those most in need.
6. Greater consistency and improved standards.

#### Disadvantages

1. Would need systems in place within blue badge administration in order to access information data base.
2. Would require civil enforcement officer training and monitoring of safeguards.

#### Consultation question

##### **3) What would be the most appropriate circumstances in which such a power could be used?**

1. When reported stolen
2. When the person has died
3. Persistent misuse by third persons
4. Obvious misuse by a third party

#### Consultation question

##### **4) What safeguards should be built into any new power?**

1. Where the badge is lost or stolen or being misused by another person, guidelines are required to ensure that the badge holder is not left without a badge for valid use.
2. Where a person is regarded as no longer disabled, this status would need to be confirmed by the local authority assessor before a badge is cancelled.

#### Consultation question

##### **5) What would be the most effective ways of removing invalid Badges from circulation?**

1. Re-design badge to inform badge holder where to return badge to.
2. For those people that have deceased notification to next of kin that badge needs to be returned. Specific leaflet from registrar when death is being registered.
3. Confiscation of invalid badges
4. Redesign badge to a standard appearance and ensure that new design cannot be easily copied.
5. A national database of Blue Badges holders.

**Consultation question**

**6) Do you think that local authorities should be able to tow vehicles that (a) display cancelled or invalid Badges or (b) a third party is misusing a Badge for their own benefit?**

1. This would only be viewed as a reasonable option when a third party is persistently misusing badge for own benefit and this is evidenced. In other cases there may be opportunity for discretion.

**Consultation question**

**7) What would be the advantages and disadvantages of removing the current three relevant convictions requirement from the legislation?**

Advantages

1. With proposed Guidance new powers on confiscation and cancellation this should result in authorities being able to more effectively withdraw badges or refuse to issue a badge for a period of time where the badge holder is clearly abusing the Scheme.
2. It will reduce the need and cost to undertake prosecution procedures.

**Consultation question**

**8) Should there be any additional grounds for refusing to issue a Badge? If so, what would you suggest and why?**

No

**Consultation question**

**9) Should there be any additional grounds for withdrawing a Badge? If so, what would you suggest and why?**

No

### Consultation question

**10) What would be an appropriate appeal route to deal with disputes over whether Badges should be withdrawn and unsuccessful applications?**

Suggest formalised right of review through local authority, with the final option of right to complain to the Local Government Ombudsman.

### Consultation question

**11) What are your views on the suggestion that there should be more prescription from central government on eligibility assessment? What suggestions do you have on how this should be implemented?**

Suggest within the Guidance on eligibility assessment there should be more clarity on eligibility in regard to the experience of severe discomfort and this should be linked to resulting mobility and serious detriment to health.

Suggest that all independent assessors compile an agreed set of guidance standards for establishing severe discomfort.

### Consultation question

**12) What do you think would be the advantages and disadvantages, and potential costs and benefits, of the Secretary of State taking a new power to require local authorities to use any data-sharing system?**

1. Would allow ability to check multiple claims abuse nationally and for checking when general abuse is suspected.
2. Would enable efficient systems for replacement badges when the badge holder has moved from one local authority to another.
3. Further consultation is required into the potential costs to accessing a national database.

### Consultation question

**13) What suggestions do you have as to how we could allow certain non-residents to apply for a Blue Badge?**

Non residents

Suggest for armed forces personnel that the administration is completed by the local authority in which the regiment originates as this allows for verification that the person or family are army personnel and does not rely on the person having a parent or relative resident in the UK. Suggest if assessment is required for these persons that this is undertaken by army physiotherapists/occupational therapists.

**Consultation question**

**14) What are your views on organisational Badges? What are your suggestions for how abuse might be prevented?**

Organisational abuse is not regarded as an issue within Coventry. The present criteria and assessment is clear. Suggest enforcement is the most appropriate way forward. The powers to withdraw badges for persistent abuse would assist in this area.

**Consultation question**

**15) Do you agree with the way in which we propose to extend eligibility to children between the age of 2 and 3 with specific medical conditions? Please provide information to support your decision?**

Agree to extend eligibility criteria as this would reduce the inequality of present system for those between the ages of two and three.

**Consultation question**

**16) Do you have any comments on these proposed transitional arrangements? Please provide information to support your decision.**

There may need to be transitional arrangements which will include issuing a badge for a short period of time.

**Consultation question**

**17) What are your views on this option? Please provide advantages and disadvantages with this approach.**

This reduces the need for qualifying personnel to not go through unnecessary further assessment.

A possible disadvantage is if the assessment criteria does not match local authorities further assessment criteria.

**Consultation question**

**18) Do you think that funding should be distributed via RSG or via ABG? Why do you have that preference?**

The Authority would support payment via Revenue Support Grant to maintain consistency with other sources of funding.

**Consultation question**

**19) If the Department for Transport decides to allocate funds via Area Based Grant, do you agree that distribution of the funding based on the number of people aged over 65 and the number of people in receipt of Higher Rate of the Mobility Component of the Disability Living Allowance (according to the weighting above) would be appropriate?**

If funding is to be via ABG then the authority would agree to distribution of funding based on the number of people as the number of those people over 65 are more likely to have severe mobility impairments, are not eligible to claim DLA and therefore more likely to require to apply for blue badge under the further assessment route.

**Consultation question**

**20) If not, what are the reasons that distribution based on these variables would be inappropriate, and what distribution would you deem to be preferable?**

N/A see above

**Consultation question**

**21) What are your views on giving greater weighting to authorities with high population sparsity? Can you provide any research or evidence of different unit costs to support your views?**

The view is that this is only appropriate if there is a need to complete home visits for assessments.

**Consultation question**

**22) If you think that higher weighting should be given to authorities with high population sparsity, do you agree that a weighting based formula on population sparsity as used in the Communities Local Government relative needs formula would be appropriate?**

This authority is not an area with high population sparsity, therefore we have no firm evidence to support different unit costs.

**Consultation question**

**23) Do you have a view on whether there should be any payment "floors" or "ceilings"?**

The view is that there should be a floor and ceiling. The floor should ensure sufficient funds to provide an effective assessment system and a ceiling should ensure the

efficient use of funding.

**Consultation question**

**24) If so, is the view based on any cost-based research or evidence that would help in determining appropriate levels?**

The view is based on the Authorities experience to date of running an assessment process.