
14 January 2014

Name of Cabinet Member:

Cabinet Member (Health and Adult Services) – Councillor Gingell
Cabinet Member (Public Services) – Councillor Lancaster

Director Approving Submission of the report:

Executive Director, People
Executive Director, Place

Ward(s) affected:

All

Title:

Blue Badge (Disabled Persons' Parking Scheme) Enforcement Strategy – Tackling misuse and fraudulent use of Blue Badges

Is this a key decision?

No. Although matters within the report can affect all wards in the City, it is not anticipated that the impact will be significant and it is therefore not deemed to be a key decision.

Executive Summary:

The Blue Badge Scheme provides concessionary parking entitlement to those individuals who satisfy the statutory eligibility criteria. The concessions are intended to enable an individual to park closer to essential amenities within the community.

Misuse of Blue Badges deprives genuine holders of the concessions awarded to them. The misuse of Blue Badges by individuals who are non-eligible has a significant impact on genuine badge holders as this prevents genuine holders from accessing essential facilities which enables them to retain their independence, as parking spaces are taken up by the non-eligible users. Individuals who rely on the badge to enable them to park closer to work could find that they are unable to sustain their contract of employment as they often find that they cannot park close to their work place.

Blue Badge fraud is highlighted nationally as one of the biggest risks facing local authorities. There is currently little data available as to the extent of the problem in Coventry, although an audit undertaken in September 2011 identified that abuse does occur in Coventry and that the Council did not have a strategy to identify such abuse. The National Fraud Authority estimated that an average of 20% of the Blue Badges in circulation are misused in some way. If this

estimate is accurate, it would suggest that of the 12,000+ Blue Badge holders in Coventry, 2,400 may be being misused within their lifespan.

On 29 November 2011 Cabinet approved the development of a Corporate Enforcement Strategy.

The People Directorate, working together with Parking Services and West Midlands Police have developed a strategy which aims to tackle the main areas of misuse and abuse of blue badges.

The Enforcement Strategy reflects the changes in legislation introduced by the Department for Transport in October 2013 which provides the local authority with increased powers of enforcement.

Recommendations:

The Cabinet Member (Health and Adult Services) and Cabinet Member (Public Services) are asked to:

1. Approve the adoption of the Blue Badge (Disabled Persons' Parking Scheme) Enforcement Strategy with effect from March 2014

List of Appendices included:

Appendix 1 - Equalities and Consultation Analysis

Appendix 2 - Blue Badge (Disabled Persons' Parking Scheme) Enforcement Strategy – tackling misuse and fraudulent use of Blue Badges

Other useful background papers:

Department for Transport website: <http://www.dft.gov.uk/topics/access/blue-badge/>

Has it been or will it be considered by Scrutiny?

No

Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?

No

Will this report go to Council?

No

Report title: Blue Badge (Disabled Persons' Parking Scheme) Enforcement Strategy – Tackling misuse and fraudulent use of Blue Badges

1. Context (or background)

- 1.1 The Blue Badge Scheme in England was established in the 1970s and few changes have been made subsequently. The Department for Transport has revised the scheme to address the current problems with the scheme to include misuse and abuse of the scheme, dealing with future challenges, and helping to ensure that disabled people have fair and equal access to the benefits of the concession offers regardless of where they live.
- 1.2 The reform programme consists of a number of complementary projects that when implemented together will help authorities improve operational efficiency, reduce public sector costs, improve customer service delivery, and reduce misuse and abuse of the Blue Badge.
- 1.3 In 2011 the National Fraud Authority identified that Blue Badge fraud is one of the highest risk factors facing local authorities, estimating that out of the 2.5 million Blue Badges in the UK, over half a million are being misused, costing local authorities £46 million in lost parking revenue. They estimated that an average of 20% of the Blue Badges in circulation are misused in some way.
- 1.4 There are currently 12,000 Blue Badges on issue in Coventry, with potentially 2,400 being misused within their lifespan based on this national average.
- 1.5 There are several ways in which Blue Badges can be misused. These include:
 - Use of a badge that is no longer valid
 - Misuse of a valid badge by a friend or relative with or without the badge holder's knowledge
 - Use by the badge holder of a badge that has been reported lost or stolen
- 1.6 Coventry City Council is committed to tackling the abuse and misuse of Blue Badges and in November 2011 Cabinet approved the development of a Blue Badge (Disabled Persons' Parking Scheme) Enforcement Strategy. The strategy sets out the key actions aimed at reducing the fraudulent use and misuse of badges within the City.
- 1.7 As a consequence of the commencement of the Disabled Persons' Parking Badges Act 2013 and the introduction of the Disabled Persons' (Badges for Motor Vehicles) (England) (Amendment) Regulations 2013, the Department for Transport recently issued a circular (October 2013) which announced changes to section 21 of the Chronically Sick and Disabled Persons Act 1970, section 117 of the Road Traffic Regulation Act 1984, and the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000.
- 1.8 The circular focused on the changes brought about by the new legislation which are likely to affect local authorities in their day-to-day administration and enforcement of the Blue Badge scheme. The changes, which came into effect on 8th October 2013, affect:
 - the inspection and seizure of badges by local authorities
 - the cancellation of badges by local authorities in certain circumstances
 - the offence of using a badge that is no longer valid
 - the law relating to one badge per person

2. Options considered and recommended proposal

- 2.1 It is recommended that the Blue Badge (Disabled Persons' Parking Scheme) Enforcement Strategy is adopted.
- 2.2 The Blue Badge Scheme provides a range of on and off street parking concessions for disabled people with severe mobility problems to park closer to amenities where particular parking restrictions apply.
- 2.3 A Blue Badge plays an important role in helping disabled people access jobs, shops and other services.
- 2.4 Misuse and abuse of Blue Badges by people who are themselves ineligible impacts on the ability of eligible holders to use parking facilities aimed at easing access to services.
- 2.5 The commencement of the Disabled Persons' Parking Badges Act 2013 provides Enforcement Officers with the power to inspect and retain a Blue Badge if they have reasonable grounds for believing that the badge:
 - Is a fake
 - Has been cancelled because it was reported lost or stolen
 - Should have been returned to the Local Authority
 - Was being misused by someone other than the Blue Badge holder
- 2.6 The key actions that are outlined within Appendix 1 (Blue Badge (Disabled Persons' Parking Scheme) Enforcement Strategy) are deemed to be necessary in order to reduce the fraudulent use and misuse of Blue Badges within the city.
- 2.7 The new powers available to the Local Authority permit the withdrawal of the Blue Badge if the holder has had at least three relevant convictions for misuse.

3 Results of consultation undertaken

- 3.1 No specific formal consultation has taken place regarding this proposal which is in effect implementation of legislation. However, a 12-week consultation took place between 12 December 2011 and 16 March 2012 relating to the introduction of an administrative charge for Blue Badges. This consultation concluded that Blue Badge holders were happy to pay the charge for Blue Badges, but the main concern was the consistent misuse of badges by individuals not entitled to one. This report directly responds to this concern. Those who responded to the consultation were in favour of an Enforcement Strategy.

4. Timetable for implementing this decision

- 4.1 Subject to the approval of this report and the expiry of the call-in period, the Enforcement Strategy will be implemented in March 2014.

5. Comments from Executive Director Resources

5.1 Financial Implications

A robust strategy to reduce misuse of blue badges is likely to see an increase in the numbers of fixed penalty notices issued. This will result in additional income to Parking Services. The enforcement of Blue Badges will be managed within existing resources.

5.2 Legal implications

There are no legal implications to this report.

6. Other implications

6.1 How will this contribute to achievement of the Council's key objectives / corporate priorities (corporate plan/scorecard) / organisational blueprint / Local Area Agreement (or Coventry Sustainable Community Strategy)?

This will positively impact on eligible holders of Blue Badges enabling ease of access to essential facilities and maintaining their levels of independence.

6.2 How is risk being managed?

Risk of publicity related to the seizure of badges, however the implementation of the strategy will be co-ordinated with a communications strategy. This, combined with the resurrection of 'Respect the Badge Campaign', will counteract potential negative press.

6.3 What is the impact on the organisation?

Potential negative publicity however the risk is mitigated by the re-introduction of the 'Respect the Badge Campaign'

6.4 Equalities/EIA

There is little negative impact on eligible holders. There is limited information available to identify the true extent of misuse of badges in Coventry. The impact of the strategy will be monitored for any negative impact on Blue Badge holders.

Equality Consultation Analysis shows the even spread of Blue Badge holders across the City. The misuse of Blue Badges usually occurs without the holders consent or knowledge. Seizure of the badge is from the un-authorized person using the badge and not from the holder. Seized badges will be returned to the holder.

6.5 Implications for (or impact on) the environment

None

6.6 Implications for partner organisations?

No

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Contributors:				
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Louise Powell	Team Leader	People	15/10/13	21/10/13
Mark Godfrey	Deputy Director, Early Intervention and Social Care	People	25/10/13	25/11/13
Su Symonds	Governance Services Officer	Resources	25/11/13	25/11/13
Names of approvers for submission: (officers and members)				
Finance: Ewan Dewar	Finance Manager	Resources	08/11/13	09/11/13
Legal: Andrew Burton	Solicitor	Resources	08/11/13	15/11/13
Director: Brian Walsh	Executive Director	People	25/11/13	20/12/13
Director: Martin Yardley	Executive Director	Places	20/12/13	20/12/13
Members: Councillor Gingell	Cabinet Member (Health and Adult Services)	People	25/11/13	25/11/13
Councillor Lancaster	Cabinet Member (Public Services)	Places	19/12/13	20/12/13

This report is published on the Council's website: www.coventry.gov.uk/councilmeetings

Equality and Consultation Analysis

Context

Name of Review	Blue Badge Enforcement Strategy
Service Manager	Ron Innes
Officer completing analysis	Ron Innes Louise Powell
Date	2nd October 2013

Scoping area of work

The Blue Badge (Disabled Persons' Parking) scheme was introduced in 1971 under the Chronically Sick and Disabled Persons Act 1970. It provides concessionary parking entitlement to those individuals who meet the statutory eligibility criteria. The concessions are intended to enable an individual to park closer to essential amenities within the community. The Blue Badge holder is allowed to park where certain restrictions would otherwise apply without time restriction and free of charge. The scheme covers eligible people travelling as the driver or as a passenger.

On 14 February 2011 the Government announced a programme of reforms to modernise the scheme which included, changes to eligibility relating to children, introduction of independent mobility assessments and new badge design.

Specific improvements made to the enforcement scheme.

From 2012 the national Blue Badge Improvement Service can check key information automatically to prevent abuse of the scheme and ensure that those automatically eligible receive a badge more easily. The Department for Transport have also provided guidelines on what information local authorities should collect on the Blue Badge application form and what checks should be made at the application stage. A common badge numbering system will also be introduced. A mobile phone facility will be introduced that will enable text reminders to be sent before a Blue Badge expires to those who provide a mobile phone number.

The misuse of Blue Badges is a problem that undermines the scheme. While the review focuses on ensuring that those people who are intended to benefit do so, it also targets those people who misuse the scheme to the disadvantage of genuine badge holders, by giving local authorities improved powers to tackle abuse. The review also ensures that people have fair and equal access to the concession and the benefits it offers, regardless of where they live.

Local authorities able to quickly check details of Blue Badges issued everywhere in England and key information on Blue Badge holders.

A new national IT system went live on 1 January 2012 which enables authorities to share data and provide badge renewals more efficiently.

New Powers of Enforcement

In October 2013 the Department for Transport issued a circular which announced changes to section 21 of the Chronically Sick and Disabled Persons Act 1970; section 117 of the Road Traffic Regulation Act 1984; and the Disabled Persons' (Badges for Motor Vehicles) (England) Regulations 2000, as a consequence of the commencement of the Disabled Persons' Parking Badges Act 2013 and the introduction of the Disabled Persons' (Badges for Motor Vehicles) (England) (Amendment) Regulations 2013.

The Circular focused on the changes brought about by the new legislation which are likely to affect local authorities in their day-to-day administration and enforcement of the Blue Badge scheme.

The changes affect:

- the inspection and seizure of badges by local authorities;
- the cancellation of badges by local authorities in certain circumstances;
- the offence of using a badge that is no longer valid: and
- the law relating to one badge per person

These changes come into force on 8 October 2013.

Until now, constables or enforcement officers could inspect badges under powers in the Chronically Sick and Disabled Persons' Act 1970 ("the 1970 Act") but only the police could seize badges. With the widespread adoption of civil parking enforcement by local authorities, however, this situation is outdated. It is often impractical for local authorities to engage a police presence to assist in Blue Badge enforcement. Consequently, whilst many authorities will issue parking tickets to vehicles for parking infringements involving the misuse of a Blue Badge, they will often stop short of inspecting the badge and taking it away from the user in cases where the badge is not valid, or where a valid badge is being used by someone other than the holder.

However, commencement of the Disabled Persons' Parking Badges Act 2013 ("the 2013 Act") will enable enforcement officers to inspect and retain a badge without police presence if they have reasonable grounds for believing that the badge:

- (a) is a fake
- (b) has already been cancelled e.g. because it was reported lost or stolen (see section 2 below)
or
- (c) should have been returned to the issuing authority (e.g. because it has expired, the holder has died, the holder is no longer disabled, a replacement has been issued, the badge has become damaged/faded, the authority has written to the holder requesting return of the badge either following a relevant conviction for misuse or because it was obtained by false representation)
or
- (d) was being misused (including by someone other than the holder when the genuine holder is not involved in the journey).

The 2013 Act adds to the definition of enforcement officer a person who is employed by a local authority or with whom the authority have made arrangements for the purpose of inspecting and retaining badges. This could include a direct employee of the local authority or a contractor.

Furthermore, this new category of “enforcement officer” does not need to be in uniform but they do need to be authorised in writing by the authority to carry out badge inspections and retentions. They should also produce appropriate evidence of authority when exercising their powers, otherwise there is no obligation on an individual to hand their badge to the enforcement officer. In practice, the local authority should hold written documentary evidence of authorised officers and should ensure that all officers carry some form of identification authorising them to carry out inspections/badge retention.

The new powers therefore pave the way for the wider use of specialist Blue Badge fraud teams operating in plain-clothes, and without the requirement for police presence.

Public Sector Equality Duty

1. Which, if any, parts of the general equality duty is the service relevant to? Please mark with an 'X'

x	Eliminate discrimination, harassment and victimisation
	Advance equality of opportunity between people who share relevant protected characteristics and those who do not
	Foster good relations between people who share relevant protected characteristics and those who do not

Gathering Information and Data

2. Who are the key groups that could be impacted by this work/service, including service users both existing and potential and stakeholders?

Blue Badge Holders

3. From the list above, which of these constitute protected groups or vulnerable communities (e.g. those experiencing deprivation)?

Blue Badge Holders

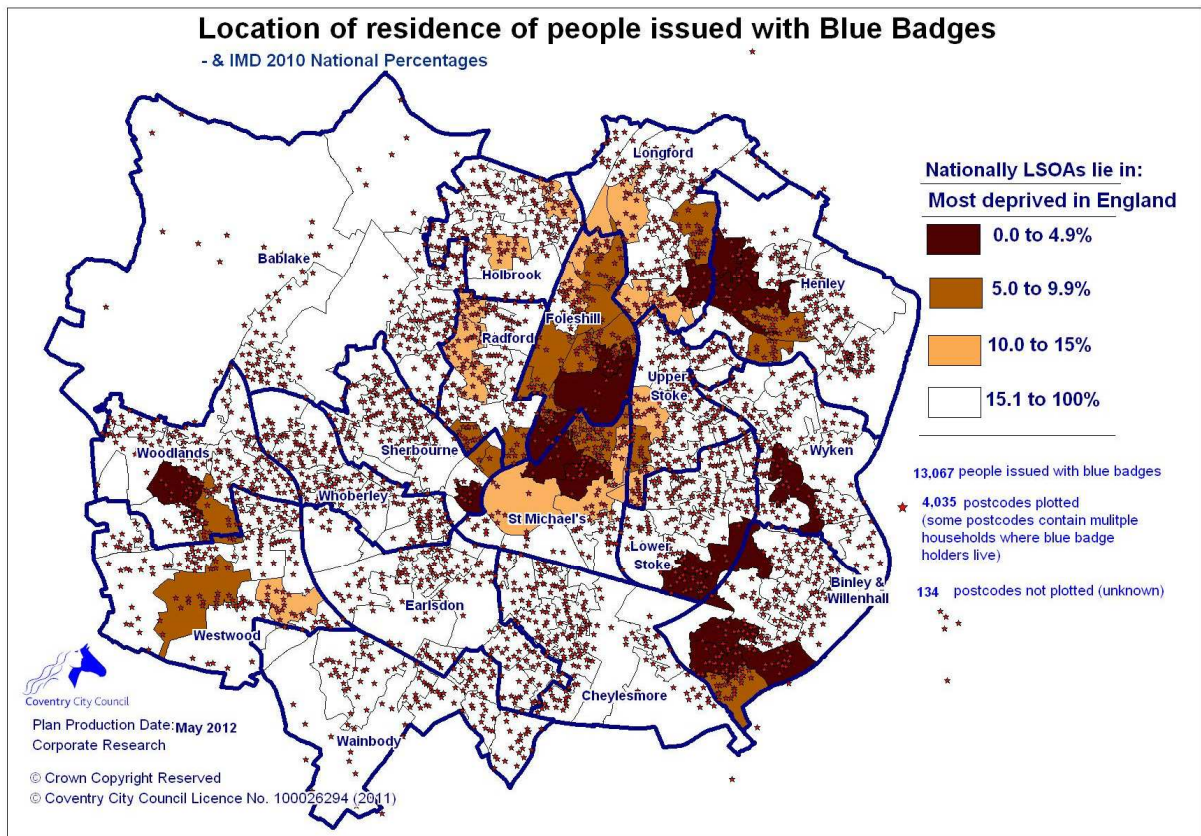
4. Which of the key protected groups and stakeholders representatives will need to be kept informed, consulted or actively involved in this area of work?

Key Stakeholder	*Type of Involvement	Communications
Blue Badge Holders	information	

** Information, Consultation or Involvement*

Analysis

5. What information is currently available to be used as part of this analysis including data on current and potential service user, workforce etc?



The map above shows that Blue Badge holders live across most areas in Coventry and appear reasonably evenly distributed across the city. The map plots one star for each postcode area where Blue Badge holders live – some stars represent a single Blue Badge holder and others represent multiple Blue Badge holders.

There is only a small difference between the proportion of Blue Badge holders who live in deprived areas and the proportion of the whole population who live in deprived areas. *Marginally* fewer Blue Badge holders live in deprived areas than average (what might be expected if they were evenly distributed across all areas of the city).

Areas in Coventry by IMD group	Number of Blue Badge Holders	% of all Coventry Blue Badge Holders resident in area	% of all Coventry's population who are resident in area
Most deprived 5% in England	913	7%	9%
Most deprived 5%-10%	1,039	8%	9%
Most deprived 10%-15%	1,002	8%	9%
Rest of the city	9,878	77%	73%
Sub total	12,832	100%	100%
Unrecognised postcode	235	-	-
Total service user records	13,067	-	-

6. What are the information gaps?

Volume of blue badges being used fraudulently or abused within Coventry.

7. How are you going to address the gaps?

Monitor Impact of implementation of the enforcement strategy for any negative impact on blue badge holders

Summary of Data

8. Please provide a summary of what the data is telling you and what key issues the data is telling you.

The data tells us that there is a fairly even spread of Blue Badge holders across the city. There is a higher take-up by people over 65 years and by people with disabilities – this would be expected as these are the groups the scheme aims to support. The data does not provide an overview of the potential misuse of badges within the City

Generating and evaluating options

9. What are the different options being proposed to stakeholders?

Adopt an enforcement strategy or do nothing

10. How will the options impact protected groups or vulnerable groups e.g. those experiencing deprivation?

The acceptance of an enforcement strategy will protect the vulnerable group as it will ensure that authentic Blue Badge holders can easily access the concessions available to them

11. Please detail how you could mitigate any negative impacts

Introduction of 'Respect the Blue Badge Campaign'

12. Identify which stakeholders would be positively/negatively affected by the options (consider contractors/service users/employees).

Positive impact on Blue Badge Holders

Formal Consultation

13. Who took part in the consultation? Please also specify representatives of any protected groups for example service users, employees, partners etc. This is local implementation of national legislation.

No formal consultation has taken place regarding this proposal however, formal consultation took place in December / January 2011/12 related to the introduction of charges for blue badges. Charges were introduced in September 2012. During this consultation there was overwhelming support for the introduction of a strategy to tackle the misuse of badges within the City. The proposed strategy reflects the views of those consulted.

14. Are there any protected groups that you have not consulted with? If so, why not?(Some groups might not be relevant)

No

15. What are the key findings of the consultation?

That abuse does occur within the City. Authentic badge holders were in favour of the introduction of an enforcement strategy

16. Following the consultation, what additional equality issues have emerged (if any)?

None

17. Have any of the options, service models etc changed following consultation? If so, please provide details of the changes made:

No

Equality Impact of Final Option

18. Please confirm below which option has been chosen for implementation.

Option 1 adopt the proposed strategy

19. Following consultation, please indicate which of the following best describes the equality impact of this analysis.

There will be no equality impact if the proposed option is implemented.

There will be positive equality impact if the proposed option is implemented.

There will be negative equality impact if the preferred option is implemented, but this can be objectively justified. Please state clearly what this justification is and what steps will be taken to ameliorate the negative impact.

20. How will the changes be monitored for equalities over the next 6 – 12 months?

Data will be collected against all of the proposed actions to measure the impact of the strategy

21. What is any will be the impact on the workforce following implementation of the final option? Please make reference to the relevant equality groups (as protected under the Equality Act).

None

Social Value

22. Please state how the social value outcomes have been considered in making this decision.

The strategy will ensure that authentic blue badge holders can continue to access vital facilities by utilising the concessions available to them for parking. This positively promotes vulnerable adults independence.

Formal decision-making process

Please detail below the committees, boards or panels that have considered this analysis.

Name	Date	Chair	Decision taken

Approval

Approval required from Director and Cabinet Member

Executive Director Name	Signature	Date
Brian Walsh		20/12/13
Martin Yardley		20/12/13

Cabinet Member Name	Portfolio	Approval Date
Cllr Gingell	Health and Adult Services	25/11/13
Cllr Lancaster	Public Services	20/12/13

**Note: Failure to comply with duties on equalities and consultation will put the Council (and specifically the elected member or officer making the decision) at risk of judicial review.*

Monitoring and Review

This section should be completed 6-12 months after implementation

- a) Please summarise below the most up to date monitoring information for the newly implemented service, by reference to relevant protected groups.

(Click and type here)

- b) What has been the actual equality impact on service users following implementation?

Analyse current data relating to the service and think about the impact on key protected groups: race, sex, disability, age, sexual orientation, religion or belief, pregnancy or maternity, gender reassignment.

It may help to answer the following questions: Since implementation

- Have there been any areas of low or high take-up by different groups of people?
- Has the newly implemented service affect different groups disproportionately?
- Is the new service disadvantaging people from a particular group?
- Is any part of the new service discriminating unlawfully?

- c) What have been the actual equality impacts on the workforce since implementation?

(Click and type here)

Please send a copy of the completed form to your Directorate Corporate Equality Officer and a copy to the Corporate Equalities Team, Room 66, Council House, Earl Street, Coventry CV1 5RR.

BLUE BADGE (Disabled Persons' Parking Scheme) ENFORCEMENT STRATEGY

**Tackling misuse and
fraudulent use of Blue Badges**

JANUARY 2014



INTRODUCTION

The Blue Badge Scheme provides a range of on-street parking concessions for disabled people, with severe mobility problems, to park closer to amenities where particular restrictions apply. A Blue Badge plays an important role in helping people with disabilities access jobs, shops and other services. It also gives the concession of free parking within the City Councils' car parks.

Misuse of Blue Badges deprives genuine holders of the concessions awarded to them. The misuse of Blue Badges by individuals who are non-eligible has a significant impact on genuine badge holders as this prevents genuine holders from accessing essential facilities which enables them to retain their independence, as parking spaces are taken up by the non-eligible users. Individuals who rely on the badge to enable them to park closer to work could find that they are unable to sustain their contract of employment as they often find that they cannot park close to their work place.

There are currently 12,000 badges on issue in Coventry, with potentially 2,400 being misused within their lifespan according to the national data.

There are several ways in which Blue Badges can be misused. These include:

- Use of a badge that is no longer valid
- Misuse of a valid badge by a friend or relative, with or without the badge holders knowledge or permission
- Use by the badge holder of a badge that has been reported lost or stolen

The National Fraud Authority in their 2011 Annual Fraud indicator identified that Blue Badges fraud is one of the highest risk factors facing local authorities estimating that out of the 2.5 million Blue Badges in the UK, over half a million are being misused, costing local authorities £46 million in lost parking revenue. They estimated that an average of 20% of the Blue Badges in circulation, are misused in some way.

Coventry City Council is committed to tackling the abuse and misuse of blue badges and in November 2011 Cabinet approved the development of a Blue Badge (Disabled Persons' Parking Scheme) Enforcement Strategy. This document sets out the key actions aimed at reducing the fraudulent use and misuse of badges within the City.

ENFORCEMENT AND EVIDENCE BASE

In July 2009, WSP Development and Transportation¹ were commissioned by the Department of Transport to undertake a review of evidence to support an impact assessment on proposals for new enforcement powers against the misuse of blue badges. The study concluded that the value of the benefits drawn down by the Blue Badge scheme were significant – in excess of £300 million per year, with the greatest benefit to users who lived in London or the larger metropolitan cities where parking prices were highest.

Fraud levels were assessed to be between 2% and 4% of badges on the basis of detection and prosecution rates where authorities were able to give information as part of the study.

However the National Fraud Authority estimated that on average 20% of badges are misused in some way.

The Department of Transport's evaluation report on the Councils' delivery of its Centre of Excellence programme highlighted that the role of the Enforcement Link Officer had identified cases of abuse and

¹ Blue Badge Reform Strategy, Enforcement Evidence Base March 2010, Department of Transport Final Report

had resulted in increased enforcement notices. In addition the post enabled the Council to retrieve increased numbers of badges where a death of a badge holder had been notified. The post of the link officer ceased in October 2010 when government funding ended.

Whilst Blue Badge fraud is highlighted nationally as one of the biggest risks facing local authorities, there is currently no data available as to the extent of this problem in Coventry. An Internal Audit report² of blue badge provision in October 2011 undertook a limited exercise which identified instances of Blue Badge fraud within the City, indicating that it does happen here, but the full extent could not be quantified.

The Internal Audit review identified that a corporate resolution is required to tackle the abuse and misuse of blue badges, with a key recommendation of an enforcement strategy.

EXEMPTIONS, WAIVERS AND DISPENSATIONS

Section 49A of the Disability Discrimination Act 1995 (DDA), as inserted by section 3 of the disability discrimination Act 2005, requires, among other things, that all public authorities, in carrying out their functions, must have due regard to:

- Eliminate discrimination and harassment that is unlawful under the DD
- The need to promote equality of opportunity between disabled persons and others
- The need to provide for people with disabilities, even if it involves treating disabled persons more favourably

The Secretary of State attaches particular importance in catering for older and disabled people. Around 10 % of the adult population has some form of disability, and taking other factors into account, many more people have some sort of mobility problem. It is therefore an important part of government policy that disabled people or those with mobility problems should be able to travel with the minimum of difficulty.

The Blue Badge Scheme provides a range of national on-street parking concessions for disabled people, with severe mobility problems, who have difficulty in using public transport. The scheme is designed to help severely disabled people to travel independently, as either a driver or passenger, by allowing them to park close to their destination.

Blue Badge holders, like other road users, must obey the Highway Code. Blue badge holders are not entitled to park:

- Where there is a loading / unloading bay during the hours of operation
- On pedestrian crossings
- On bus stop clearways
- On school 'keep clear' markings during hours of operation

They should not park where it would endanger, inconvenience or obstruct pedestrians or other road users. This includes on a bend, close to a junction or where the kerb has been lowered or the road raised for wheelchair users.

Vehicles displaying a valid Blue Badge must not³ be immobilised. This recognises the difficulties which many disabled people would have in getting to a payments centre and the risk of injury or undue

² Blue Badges –Proactive Fraud Review, October 2011. Coventry City Council, Internal Audit.

³ Traffic Management Act, 2004

suffering if forced to wait for their vehicle to be released. Police constables and enforcement officers have the power to inspect Blue Badges (page 5).

Holders of a valid Blue Badge do not have statutory exemption from removal action as they do from clamping. However, disabled people frequently rely heavily or completely upon their vehicles and removal can cause them great inconvenience. The Secretary of State recommends that vehicles displaying a valid Blue Badge are only removed if there is an emergency, security or ceremonial reason, or the vehicle is causing a serious safety hazard or obstruction.

Reciprocal arrangements for disabled drivers from other countries

Following the introduction of a common European disabled persons' parking card (Blue Badge), the UK now has reciprocal arrangements with all European Union Member States. These give badge holders the right to parking concessions provided in the host country by displaying a badge issued under their own national scheme.

Enforcement officers should treat vehicles displaying the Blue Badge of a particular country as if it were displaying a UK Blue Badge. However, the concessions that badge holders are entitled to receive vary from country to country.

If a vehicle displays a Blue Badge equivalent from a country without reciprocal arrangements, then the Blue Badge exemptions need not apply unless the local authority has agreed to recognise badges from that country. However, the general obligation in the DDA still applies if a vehicle is believed to be used by a disabled person. Enforcement authorities should take great care to ensure that they meet their obligations.

POWERS OF ENFORCEMENT

In October 2014 The Department for Transport issued a circular which announced changes to section 21 of the Chronically Sick and Disabled Persons Act 1970; section 117 of the Road Traffic Regulation Act 1984; and the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000, as a consequence of the commencement of the Disabled Persons' Parking Badges Act 2013 and the *introduction of the Disabled Persons' (Badges for Motor Vehicles) (England) (Amendment) Regulations 2013*.

The Circular only focuses on the changes brought about by the new legislation which are likely to affect local authorities in their day-to-day administration and enforcement of the Blue Badge scheme. The changes affect:

- the inspection and seizure of badges by local authorities;
- the cancellation of badges by local authorities in certain circumstances;
- the offence of using a badge that is no longer valid: and
- the law relating to one badge per person

These changes come into force on 8 October 2013.

INSPECTION AND RETENTION OF BADGES

Until now, constables or enforcement officers could inspect badges under powers in the Chronically Sick and Disabled Persons Act 1970 but only the police could seize badges. With the widespread adoption of civil parking enforcement by local authorities, however, this situation is outdated. It is often

impractical for local authorities to engage a police presence to assist in Blue Badge enforcement. Consequently, whilst many authorities will issue parking tickets to vehicles for parking infringements involving the misuse of a Blue Badge, they will often stop short of inspecting the badge and taking it away from the user in cases where the badge is not valid, or where a valid badge is being used by someone other than the holder.

However, commencement of the Disabled Persons' Parking Badges Act 2013 ("the 2013 Act) will enable enforcement officers to inspect and retain a badge without police presence if they have reasonable grounds for believing that the badge:

- (a) is a fake
- (b) has already been cancelled e.g. because it was reported lost or stolen (see section 2 below), or
- (c) should have been returned to the issuing authority (e.g. because it has expired, the holder has died, the holder is no longer disabled, a replacement has been issued, the badge has become damaged/faded, the authority has written to the holder requesting return of the badge either following a relevant conviction for misuse or because it was obtained by false representation), or
- (d) was being misused (including by someone other than the holder when the genuine holder is not involved in the journey).

There is no obligation on local authorities to use this power but many have indicated that they will do so. In using the power, it is expected that enforcement officers take appropriate steps to establish "reasonable grounds" for retaining the badge.

Of particular interest is the power to retain a badge that is being used (misused) by someone other than the genuine badge holder. In using this power it is expected that enforcement officers establish that the disabled badge holder is not part of the journey.

When a badge is retained in scenarios (a)-(c) above it is expected that the local authority destroys the badge in due course, as it would no longer be valid. However, when a valid badge is retained under (d) above it should normally be returned to the holder. That is because the power to retain a badge is not the same thing as a power to permanently withdraw/confiscate a badge. Indeed, the badge holder may not know the third party is using the badge. A badge can only be permanently withdrawn from use if a relevant conviction for misuse has been obtained under regulation 9(2) of the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 or if it was obtained by false representation. To reinforce this, the Department for transport are amending those regulations to explicitly require that a valid badge retained because it is being misused is returned as soon as reasonably practicable to the holder (provided that the authority does not have pre-existing grounds, under the regulations, for withdrawing the badge. The act of returning the badge does not preclude the relevant authority from prosecuting any offence that has been committed, if desired.

New definition of enforcement officer

Where a badge is displayed on a motor vehicle, section 21 of the 1970 Act provides a power for constables or enforcement officers to require any person who is in the vehicle, or appears to have been in, or to be about to get into, the vehicle, to produce the badge for inspection. Until now, the definition of "enforcement officer" has been restricted to traffic wardens, civil enforcement officers and parking attendants. The definition of these officers also includes the wearing of a uniform when exercising their powers.

However, the 2013 Act adds to the definition of enforcement officer a person who is employed by a local authority or with whom the authority have made arrangements for the purpose of inspecting and retaining badges. This could include a direct employee of the local authority or a

contractor. Furthermore, this new category of “enforcement officer” does not need to be in uniform but they do need to be authorised in writing by the authority to carry out badge inspections and retentions. They should also produce appropriate evidence of authority when exercising their powers, otherwise there is no obligation on an individual to hand their badge to the enforcement officer. In practice, the local authority should hold written documentary evidence of authorised officers and should ensure that all officers carry some form of identification authorising them to carry out inspections/badge retention.

The new powers therefore pave the way for the wider use of specialist Blue badge fraud teams operating in plain-clothes, and without the requirement for police presence.

CANCELLATION OF BADGES

There is a duty on badge holders to return their badge to the issuing authority immediately if: it has expired; the holder ceases to be disabled; a replacement has been issued; the badge is damaged/faded; or because it is no longer required. In all such cases the badge would be deemed to be no longer valid and could be flagged as such on the BBIS system; similarly when a badge holder dies.

However, legislation has not addressed the situation where a badge has been lost or stolen. Although in practice a local authority would ‘cancel’ the original and issue a replacement, there was no explicit power to do this and the legal status of the original badge was not clear. The 2013 Act amends the 1970 Act to legally permit a local authority to cancel a badge which the holder notifies as lost or stolen. This will ensure that the legal status of all badges on the BBIS system will be beyond doubt, although it is unlikely to alter the day-to-day practices of most local authorities.

The amendment also enables a local authority to cancel a badge, after notifying the holder, in any other case where it has become apparent to the authority that the holder no longer has possession of the badge.

USE OF BADGES THAT ARE NO LONGER VALID

Section 117 of the Road Traffic Regulation Act 1984 (“the 1984 Act”) and section 21 (4B) of the 1970 Act make wrongful use of a Blue Badge an offence. It has always been the Department’s view that wrongful use includes the continued use of a badge that should have been returned. However, this was not explicitly clear in the wording of the legislation. The 2013 Act therefore amends the 1970 Act and the 1984 Act so that wrongful use of a badge includes (but is not limited to) when a person displays a badge that should have been returned or has been cancelled.

The following table summarises the powers available to tackle different types of Blue Badge abuse.

Abuse	Application	Powers	Relevant legislation
Acquisition of badge by false representation	Where a badge holder provides false information in order to qualify for a badge	Local authority can require return of the badge if they are satisfied that it has been obtained by false representation	Regulation 9(2)(b) of the Disabled Persons (Badges for Motor Vehicles)(England) Regulations 2000 (SI 2000/682
Misuse of badge in certain circumstances	Where a badge holder is using a badge for which they no longer qualify due to a change in their circumstances Where a badge holder is using an expired badge Where a badge holder is using a badge which is no longer legible.	If found guilty, person could face fine of up to £1,000 on conviction. Authority could issue a Fixed Penalty Notice of a Penalty Charge notice if a parking offence has occurred. The police can also seize the badge as evidence Enforcement Officer can seize the badge as evidence	Section 21(4B) of the Chronically Sick and Disabled Persons Act 1970. Parking offences under the Road Traffic Regulation Act 1984 and Traffic Management Act 2004 part 6 and 7. Section 19 of the Police and Criminal Evidence Act 1984 (general power of seizure) Disabled Persons' Parking Badges Act 2013.
Abuse	Application	Powers	Relevant legislation
Systematic misuse of valid badge by holder	Where a badge holder or other person using a badge with the holders consent has misused the badge, leading to at least three relevant convictions	Local authority can withdraw a badge and require its return (on account of its misuse leading to at least three relevant convictions) Authority could issue Fixed Penalty Notice or a Penalty Charge Notice if a parking offence has occurred.	Regulation 9(2) of the Disabled Persons (badges for Motor vehicles)(England) Regulations 2000 (SI 2007/682). Parking offences under the Road Traffic Regulations Act 1984 and Traffic Management Act 2004 part 6 and 7.
Misuse of badge by non-badge holder	Where a non-badge holder is using a badge with or without the badge holder's permission) and the badge holder is not present	If found guilty, person could face a fine of £1,000 on conviction. Authority could issue a Fixed Penalty Notice or a Penalty Charge Notice if a parking offence has occurred The police can also seize the badge as evidence Enforcement Officer can seize the badge as evidence	Section 117 of the Road Traffic Regulation Act 1984 Parking offences under the Road Traffic Regulations Act 1984 and Traffic Management Act 2004 part 6 and 7. Section 19 of the Police and Criminal Evidence Act 1984 (general power of seizure) Disabled Persons' Parking Badges Act 2013.

<p>Misuse of badge by non-badge holder</p>	<p>Where a non-badge holder is using a badge with or without the badge holder's permission) and the badge holder is not present</p>	<p>If found guilty, person could face a fine of £1,000 on conviction.</p> <p>Authority could issue a Fixed Penalty Notice or a Penalty Charge Notice if a parking offence has occurred</p> <p>The police can also seize the badge as evidence</p> <p>Enforcement Officer can seize the badge as evidence</p>	<p>Section 117 of the Road Traffic Regulation Act 1984</p> <p>Parking offences under the Road Traffic Regulations Act 1984 and Traffic Management Act 2004 part 6 and 7.</p> <p>Section 19 of the Police and Criminal Evidence Act 1984 (general power of seizure)</p> <p>Disabled Persons' Parking Badges Act 2013.</p>
<p>Refusal to produce a badge for inspection when requested by an authorised person.</p>	<p>Where the police or enforcement officer has asked to inspect the badge.</p> <p>This can include instances where they believe the badge has been stolen, forged, fraudulently altered or is not being used by the badge holder.</p>	<p>The police and enforcement officers have the power to inspect badges when displayed on the vehicle and the person is either in the vehicle, or appears to have been in or is about to get into the vehicle.</p> <p>It is an offence for a badge holder without reasonable excuse to fail to produce a badge when asked and a person can be fined up to £1,000 if convicted.</p> <p>The police can also seize the badge as evidence</p> <p>Enforcement Officer can seize the badge as evidence</p>	<p>Section 21(4ba) of the Chronically Sick and Disabled Persons Act 1970.</p> <p>Section 21(4bd) of the Chronically Sick and Disabled Persons Act 1970.</p> <p>Section 19 of the Police and Criminal Evidence Act 1984 (general power of seizure)</p> <p>Disabled Persons' Parking Badges Act 2013.</p>

Withdrawing badges due to repeated misuse

Local authorities can withdraw a badge if the holder has had at least three relevant convictions for misuse. Local Authorities can also request the return of a badge if they are satisfied that it was falsely obtained.

The Department for Transport strongly recommends that authorities should issue a warning notice to a badge holder who is misusing a badge, or allowing their badge to be misused, before considering withdrawing the badge.

INTERNAL AUDIT

An internal audit review of the Blue Badge Scheme was undertaken in October 2011. The objective of the review was to ensure that processes and procedures within the operation of the Blue Badge Scheme to mitigate the risk of fraud were fit for purpose and provide for appropriate control.

In summary the review made recommendations to develop a corporate enforcement strategy which should consider robust action for serious misuse of badges, including the consideration of criminal proceedings.

The review also identified the positive impact of the previous Blue Badge awareness campaign and to consider the value of doing a refresher campaign.

ENFORCEMENT PLAN

1. AWARENESS

Objective	Action	Outcome	Responsible Officer	Timescale
1.1 To increase awareness of Civil Enforcement Officers (CEOs) of the Blue Badge Scheme	To deliver programme of training and awareness raising for CEOs	Increase surveillance in daily patrols of CEOs	Parking Services Manager	March 2014
1.2 To raise wider public awareness of the Blue Badge Scheme	To revive the 'Respect the Badge Campaign'	Information available in the form of leaflets and posters at key public places and in local media	Head of Enablement and Therapy Services Corporate Communications	April 2014

2. ADMINISTRATION

Objective	Action	Outcome	Responsible Officer	Timescale
2.1 To reduce the fraudulent use of badges where the badge holder had passed away	To write to deceased badge holders family requesting return of the badge	Increased number of badges returned to the administration team	Head of Enablement and Therapy Services	March 2014
2.2 To prevent misuse of badges by non badge holders	To ensure that warning letters are sent to blue badge holders where the misuse of a badge has been reported.	Withdrawal of badges following three offences	Head of Enablement and Therapy Services	March 2014

3. OPERATIONAL

Objective	Action	Outcome	Responsible Officer	Timescale
3.1 To identify misuse and abuse of blue badges	To extend the powers of enforcement officer to other employees within the local authority	Increased capacity to undertake targeted operations	Head of Enablement and Therapy Services Parking Services Manager	March 2014
3.2 To identify misuse and abuse of blue badges	To plan and undertake regular and seasonal targeted operations across the City.	Identify extent of abuse to inform future operations and seize badges where misuse / abuse has occurred.	Head of Enablement and Therapy Services Parking Services Manager West Midlands Police	Quarterly operations commencing April/May 2014
3.3 To reduce the fraudulent use of badges	To identify cases where prosecution may be appropriate	To prosecute individuals for the fraudulent use of badges	Head of Enablement and Therapy Services Trading Standards	As required

4. MONITORING AND EVALUATION

To monitor the effectiveness of the strategy, key stakeholders from Coventry City Council and West Midlands Police will meet on a regular basis (regularity to be agreed) to evaluate the effectiveness actions taken. Findings will be made available in an annual report.