

## **NORTH LINCOLNSHIRE COUNCIL**

### **ADULTS AND HEALTH CABINET MEMBER SAFER, STRONGER COMMUNITIES – ASHBY, BOTTESFORD & SCUNTHORPE ('URBAN') CABINET MEMBER**

#### **BLUE BADGE (DISABLED PARKING) SCHEME ENFORCEMENT POLICY**

##### **1. OBJECT AND KEY POINTS IN THIS REPORT**

- 1.1 To consider and approve a Blue Badge (Disabled Parking) Scheme Enforcement Policy.

##### **2. BACKGROUND INFORMATION**

- 2.1 The Blue Badge (Disabled Person's Parking) Scheme operates within North Lincolnshire providing a nationally determined range of parking concessions to enable people with severe mobility problems caused by visible and non-visible disabilities to access goods and services.
- 2.2 The process for applying for a blue badge has been developed over the last 18 months. Online applications were enabled from February 2019 via a national system ([www.gov.uk/get-blue-badge](http://www.gov.uk/get-blue-badge)). A local online portal for applications, linked to the national system, was implemented in June 2020, providing an enhanced service for the customer, enabling efficient and effective management of the full lifecycle of the badge together with an online payment facility, reducing the requirement for customers to visit a customer service point. The application process also offers assistance for completing forms via customer service advisors or contact centre.
- 2.3 Due to the steps required under national criteria to verify eligibility, notably benefit entitlement, the recognised timescale for processing blue badge applications is "up to 12 weeks". This is published nationally on the gov.uk website. It is anticipated that the digital developments together with other steps being taken at national level to share data should assist in substantially reducing the average processing times moving forward.
- 2.4 The volume of applications for Blue Badges has increased significantly since the pausing of national Covid-19 shielding. In light of the challenges created by the Covid-19 pandemic for blue badge users, including in delaying their renewal of an existing award, enforcement of specific aspects of blue badge use in North Lincolnshire was temporarily relaxed.

- 2.6 The Department for Transport leaflet “The Blue Badge Scheme: Rights and Responsibilities” is provided to successful applicants when they receive a Blue Badge to inform them of how to use the badge correctly. The badge remains the property of the issuing local authority throughout and there are powers to withdraw the badge in specific circumstances.
- 2.7 Misuse of Blue Badges can undermine the benefits of the scheme and impact upon local traffic management resulting in designated parking spaces not being available for those who need to access them. Robust administration and enforcement processes minimise opportunities for abuse of the scheme.
- 2.8 To that end a new Blue Badge (Disabled Parking) Scheme Enforcement Policy (appendix 1) sets out the steps the council will take to deal with any misuse.

### **3. OPTIONS FOR CONSIDERATION**

- 3.1 Option 1: Approve the new Blue Badge (Disabled Parking) Scheme Enforcement Policy as set out in appendix 1.
- 3.2 Option 2: Do not approve the new Blue Badge (Disabled Parking) Scheme Enforcement Policy

### **4. ANALYSIS OF OPTIONS**

- 4.1 Approving the policy will provide clarity for residents and officers regarding action the council will take for dealing with abuse of the Blue Badge (Disabled Parking) Scheme.
- 4.2 Not approving the policy may leave residents uninformed of the actions the council will take to prevent and deal with abuse of the scheme.

### **5. FINANCIAL AND OTHER RESOURCE IMPLICATIONS (e.g. LEGAL, HR, PROPERTY, IT, COMMUNICATIONS etc.)**

- 5.1 No additional resources will be required.
- 5.2 The new policy will be published on the council’s website.

### **6. OTHER RELEVANT IMPLICATIONS (e.g. CRIME AND DISORDER, EQUALITIES, COUNCIL PLAN, ENVIRONMENTAL, RISK etc.)**

- 6.1 The policy supports the council priorities of Keeping People Safe and Well and Enabling Communities to Flourish and supports our outcomes of Safe, Well, Prosperous and Connected. By being proactive to prevent misuse of the Blue Badge scheme and taking enforcement action where necessary, disabled people are supported to access local facilities, maintain independence and be active members of their communities.

**7. OUTCOMES OF INTEGRATED IMPACT ASSESSMENT (IF APPLICABLE)**

7.1 Not applicable.

**8. OUTCOMES OF CONSULTATION AND CONFLICTS OF INTERESTS DECLARED**

8.1 The new policy has been developed jointly with the Community Warden and Parking Service.

**9. RECOMMENDATIONS**

9.1 That the Blue Badge (Disabled Parking) Scheme Enforcement Policy is approved and published.

**DIRECTOR OF GOVERNANCE AND PARTNERSHIPS**

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**Background Papers used in the preparation of this report –**

Blue Badge Scheme Local Authority Guidance (England) – September 2019

SAFE WELL PROSPEROUS CONNECTED

## BLUE BADGE (PARKING SCHEME) ENFORCEMENT POLICY

Version & Document Control	
Information Marking	Official
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Lead Officer	Tracey Worboys
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Approved by	TBA
Date approved	TBA
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Storage location	NLC Website once approved

## Blue Badge (Disabled Parking) Scheme enforcement policy

1. The Blue Badge (Disabled Parking) Scheme provides a national arrangement of parking concessions for those people who have an enduring disability or health condition that means they have substantial difficulty walking. The Department for Transport provides guidance to local authorities on administering and enforcing the scheme. North Lincolnshire Council Blue Badge Support Team and Community Warden and Parking Service are responsible for the administration and enforcement of the scheme.
2. The misuse of the Blue Badge scheme undermines the benefits of the scheme, impacts upon local traffic management and can create hostility amongst other badge holders and members of the public. It can result in a genuinely disabled person being unable to access designated parking spaces.

### Types of misuse

3. The vast majority of Blue Badge holders use their badges responsibly. However, there are individuals who misuse the scheme. This misuse can take a number of forms:

#### Misuse by the badge holder:

- Parking in the wrong place or parking for too long where there is a time limit
- Use of a badge that is no longer valid
- Use of a badge reported as lost or stolen
- Letting a friend or relative use the badge
- Use of a copied badge
- Altering the details on the badge, e.g. the expiry date
- Making a fraudulent application (e.g. providing false information on the application) or using a badge obtained fraudulently

#### Misuse by a third party:

- Using someone else's badge (with or without the badge holder's knowledge) without the badge holder being present in the vehicle at the time of parking
- Using a badge belonging to someone who has died
- Copying, altering or faking badges
- Using a stolen badge
- Using a fake badge

This list is not exhaustive.

4. It is a criminal offence to misuse a Blue Badge. In the event of someone being found to be in contravention of the Blue Badge scheme, this policy seeks to ensure that:
  - The message is clear that misuse of the scheme will not be tolerated
  - We provide support to blue badge holders to help them to understand their responsibilities as badge holders and reduce misuse
  - We enforce the blue badge scheme in a fair and consistent manner
  - We take appropriate and proportionate action to stop any misuse
  - We undertake criminal proceedings in line with our prosecution policy when necessary

## Prevention

5. We operate a robust application process to minimise the number of false applications being successful.
6. Every successful applicant for a Blue Badge will be issued with the Department for Transport's 'The Blue Badge scheme: rights and responsibilities in England' leaflet. This provides the badge holder with the information they need to ensure the badge is used appropriately.
7. Each applicant when applying will also be required to sign a declaration confirming that they will not allow the misuse of a badge that has been issued to them.

## Detection

8. We will inspect vehicles parked on the public highway and in Council car parks using a Blue Badge, as part of the duties of our Civil Enforcement Officers (CEO). Where there is evidence of misuse and the misuse constitutes a contravention of the Traffic Management Act 2004, the CEO will take the appropriate action in line with North Lincolnshire Council's Civil Parking Enforcement Policy. The CEO may also consider seizing the badge and returning it to the issuing authority if they establish reasonable grounds to do so and is practical.
9. If the misuse is by someone other than the badge holder, we will contact the badge holder to remind them of their responsibility to ensure the badge is not misused and that allowing another person to misuse the badge is a criminal offence. If the misuse continues, we will notify the badge holder that further misuse may lead to a refusal to renew the blue badge and that we may consider criminal proceedings if the misuse continues.
10. We may receive information on potential blue badge misuse from the public, our employees and other third parties. We will consider all allegations made and determine the appropriate action to be taken. Actions may range from reminding the badge holder of their responsibilities to criminal investigation dependant on the individual circumstances of the allegation.
11. Where intelligence suggests particular areas of Blue Badge misuse, we will consider undertaking operations to target these areas.

## Investigation

12. If the misuse could also constitute other criminal offences (other than road traffic offences), we will take the appropriate action to stop the misuse and investigate the offence. The issue of a Penalty Charge Notice for contraventions of road traffic regulations does not prevent us from also pursuing criminal offences. Such investigations are not limited to the badge holder, but also include third parties misusing the badge.
13. Criminal investigations will be conducted by professionally trained officers from the Counter Fraud Team in accordance with the Criminal Procedures and Investigations Act 1996, Police and Criminal Evidence Act 1984 and any other legislation that may be appropriate to a particular investigation.
14. We will use the personal data we hold for the prevention and/or detection of crime where it is appropriate and lawful to do so.

## Redress

15. Where evidence of wrongdoing is identified we may take one or more of the following courses of action in accordance with the relevant legislation:
  - Remind the badge holder of their responsibilities
  - Inform the person misusing the Blue Badge that they are committing offences and may be prosecuted for future offences
  - Retain the Blue Badge
  - Refuse to renew a Blue Badge
  - Cancel a Blue Badge
  - Refuse an application for a Blue Badge
  - Offer an individual a formal caution as an alternative to prosecution
  - Prosecution
16. Where we have grounds to believe that the badge holder will permit another person to continue to misuse a badge, we will consider refusing to renew the badge once it has expired.
17. Where a Blue Badge holder has been convicted of an offence in relation to the misuse of that badge, we will consider withdrawing the badge.

## Legislation

The Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 (SI 2000/682);  
The Disabled Persons (Badges for Motor Vehicles) (England) (Amendment) Regulations 2000 (SI 2000/1507);  
The Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000 (SI 2000/693);  
The Disabled Persons (Badges for Motor Vehicles) (England) (Amendment) Regulations 2007 (SI 2007/2531);  
The Disabled Persons (Badges for Motor Vehicles) (England) (Amendment No. 2) Regulations 2007 (SI 2007/2600);  
The Disabled Persons (Badges for Motor Vehicles) (England) (Amendment) Regulations 2011 (SI 2011/1307).  
The Disabled Persons (Badges for Motor Vehicles) (England) (Amendment) (No.2) Regulations 2011 (SI 2011/2675)  
The Disabled Persons (Badges for Motor Vehicles) (England) (Amendment) Regulations 2013  
The Disabled Persons' Parking Badges Act 2013  
The Chronically Sick and Disabled Persons Act 1970  
Road Traffic Regulation Act 1984  
The Fraud Act 2006  
Police & Criminal Evidence Act 1984  
Criminal Procedures & Investigation Act 1996