
MANAGING BLUE BADGE ISSUE AND USE

SUMMARY REPORT

Purpose of the Report

1. To report on how blue badge eligibility is determined and how the subsequent use of Blue Badges is monitored, to minimise misuse.

Background

2. The Disability Discrimination Act 1995 (as amended by the Disability Discrimination Act 2005) requires (among other things) that all public authorities, in carrying out their functions, must have due regard to:
 - (a) Eliminating discrimination and harassment that is unlawful under the DDA;
 - (b) The need to promote equality of opportunity between disabled persons and others, and;
 - (c) The need to provide for people with disabilities, even if that involves treating disabled persons more favourably.
3. Around 10 per cent 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 Government policy that disabled people or those with mobility problems should be able to travel with the minimum of difficulty.
4. The Blue Badge Scheme provides a range of national on-street parking concessions for disabled people, with severe mobility problems, who have difficulty 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.

**Ian Williams
Director of Economic Growth**

Background Papers

No background papers were used in the preparation of the report.

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S17 Crime and Disorder	The report addresses the criminal fraudulent use of Blue Badges.
Health and Well Being	The report supports the well-being of people with mobility issues by addressing fraudulent use of Blue Badge parking spaces that they could otherwise use.
Carbon Impact	There are no implications.
Diversity	The report supports the well-being of people with mobility issues by addressing fraudulent use of Blue Badge parking spaces that they could otherwise use.
Wards Affected	All wards are affected.
Groups Affected	The report supports the well-being of people with mobility issues by addressing fraudulent use of Blue Badge parking spaces that they could otherwise use.
Budget and Policy Framework	The contents of the report have no impact on the Council's Budget and Policy framework.
Key Decision	This is not a key decision.
Urgent Decision	This is not an urgent decision.
One Darlington: Perfectly Placed	The report supports the well-being of people with mobility issues by addressing fraudulent use of Blue Badge parking spaces that they could otherwise use.
Efficiency	There are no implications.

MAIN REPORT

Blue Badge Applications

5. The full process has been designed with many disabilities in mind, in consultation with Darlington Association on Disability, with a full Equality Impact Assessment.
6. On contacting Customer Services by telephone there are a number of options available for the applicant to route themselves to the correct department. If they're not able to press an option they are routed to the Switchboard who will help them. This meets all disability requirements. Where the applicant can press an option,

No. 3 is for Blue Badges. A recording will give the information needed in order to proceed. All applicants can also still apply online through the Council's website or via www.gov.uk

7. Customer Services made the process paperless because it was found that a lot of applicants were unable to complete the application form without asking for help. The new process now followed allows a decision on eligibility to be made by the Council at first point of contact. Customer Services have eliminated postage and printing costs for both the Council and the Customer, eliminated the processing of paper forms that had to occur, eliminated the costs of admin staff for scanning and writing letters, and increased the number of staff able to process a Blue Badge application. Processing times for an initial decision have been cut from up to 20 working days to 7 minutes over the phone.

The outcomes of an application are:

Approved

8. This means that, based on the information provided, the applicant will qualify for a Blue Badge. The applicant will be asked to come to the Customer Service Centre at the Town Hall with:
 - (a) Photo ID. This needs to be a Photo Driving Licence or Passport (expired is acceptable). In the absence of either of these a birth or marriage certificate will be accepted. We cannot accept your existing Blue Badge or a Bus Pass as Proof of ID
 - (b) Proof of address. This needs to be a Photo Driving Licence or Council Tax Bill.
 - (c) Supporting evidence of the disability if appropriate
 - (d) Payment of £10
9. The applicant's photograph is taken at the Town Hall and the badge posted to the applicant's home by a Central Government department within 20 working days.

Refer to Occupational Therapist (OT)

10. This means that, based on the information provided, Customer Services haven't been able to make a decision. The case is referred to an Occupational Therapist (OT) for an Independent Mobility Assessment.
11. The OT contacts the applicant within 20 working days to arrange the assessment. Afterwards they will recommend that the application is either approved or declined. Customer Services will then get in touch with the applicant. If the application is approved, the approved process above is followed. If declined, the declined process below is followed.

Decline

12. This means that, based on the information provided, the applicant will not qualify for a Blue Badge. An existing Blue Badge does not guarantee you will still qualify for a new badge, and existing Blue Badge holders should apply two months before expiry of the existing badge to allow time for assessment.
13. Applicants can appeal a decision. A Stage 1 Appeal is an application that has been declined by Customer Services at first point of contact. This needs to be in writing, state why the applicant feels he/she is entitled to a Blue Badge, and give specific information on the conditions that impact his/her mobility. This appeal is reviewed by the Customer Services Manager within 20 working days and usually results in the case being progressed for an Independent Mobility Assessment. The applicant is notified the result of the appeal in writing.
14. Applicants have a further right of appeal if they are declined by the OT (Stage 2). This needs to be done in writing and to go into further detail than a Stage 1. The appeal will need to be accompanied by medical evidence of the applicant's condition such as a letter from their doctor or consultant. Any cost for this needs to be met by the applicant. The appeal will be acknowledged within 20 working days and passed to a Senior Occupational Therapist. On receipt, the Senior Occupational Therapist will conduct a full review of all the evidence within 20 working days. The Senior Occupational Therapist will contact the applicant directly in writing with the outcome.
15. There is no further right of appeal after Stage 2, although an applicant can reapply in 6 months' time, or can also reapply if their condition worsens, they develop a new condition within the 6 months, or they would become automatically eligible through benefit award.
16. The application and eligibility process is managed entirely with the Council's CRM system called Lagan. Eligible applicants who have reached the end of the process by proving their ID and paying for the badge are entered into the national database called BBIS.

Use of Blue Badges

17. A Blue Badge entitles the holder to a number of parking concessions. These include:
 - (a) Free of charge and without limit at on-street parking meters and on-street pay and display spaces
 - (b) As long as they wish where others may park only for a limited time, unless there is an Order in place specifically time-limiting parking for Blue Badge holders
 - (c) On single and double yellow lines for up to three hours except where there is a ban on loading and unloading.

18. There are a number of ways in which Blue Badges can be misused. These include:
- (a) Using a badge that is no longer valid
 - (b) A friend or relative using the badge without the badge holder's permission
 - (c) Use by the holder of a badge that has been reported lost or stolen, possibly to another badge for a friend or relative
 - (d) Using a stolen or copied badge

Identifying and Targeting Misuse At Time of Issue

19. The criteria and evidence checks for issuing Blue Badges have been considerably tightened. All local authorities moved to a national system under the Department of Transport. A Blue Badge is to aid mobility, so it is not unreasonable to ask all applicants to attend the Town Hall to prove their condition. Proof is required of ID, address, benefits, and conditions. Customer Services already had the facilities to take photographs so this has been extended to Blue Badge customers. It is the only way to ensure the picture on the badge is of the person who has applied.
20. The process followed is very robust. Seeing everyone face-to-face to complete the ID checks and photo has reduced the risk of fraud considerably, and speeded up the whole process. In many cases Customer Services can assess eligibility, make a decision, check ID, take a picture and have the badge ordered from the Department for Transport the same day.

Identifying and Targeting Mis-Use After Issue

21. Identifying misuse of a Blue Badge once it has been issued can be time-consuming and difficult. The most common form of abuse is probably the use of the badge by friends or family of the holder. Gathering sufficient evidence to prove this type of abuse is labour intensive and the Department for Transport recommends that where there is a clear problem and a business case for tackling it that a specialist Blue Badge enforcement team carries out undercover surveillance work to build up sufficient evidence to prosecute the individual in the Magistrates Court. This level of action has not been deemed necessary in Darlington to date. There would inevitably be a net cost in setting up and operating a specialist team.
22. A number of complaints of Blue Badge abuse are received. Where there question whether a person should be entitled to a Blue Badge it is followed up directly by Customer Services and in the majority of cases it is found that the holder is in receipt of a qualifying benefit. Where appropriate, complainants are asked to provide a statement that includes evidence of abuse and this is used to report the matter to the DWP.
23. Dealing with lost, stolen and fraudulent Blue Badges is somewhat easier. The Council's Civil Enforcement Officers (CEOs) within the Parking regulation team regularly act to deal with these. The CEOs can seize out of date or fraudulently

used badges. Examples would include when the badge holder's photograph doesn't match the person(s) identified in the vehicle, and fake badges that are clearly photocopies of genuine ones. In 2015, 57 badges were seized, and from January to July 2016, the CEOs have seized 32. In order to check or seize badges identified as out of date or fraudulently used the CEOs have to be in attendance when the driver either arrives and displays the badge or when they return to the vehicle, which requires the CEO to remain in the immediate vicinity for a prolonged period, and due to other priorities this cannot always be achieved.

24. Fraudulent use of the badges is normally picked up on routine patrols and checks that the vehicles parking in the dedicated Blue Badge parking spaces are displaying the correct and current Blue Badge. Badges that have been fraudulently used and seized are returned to Customer Services (or the issuing authority), and are generally returned to the holder with a warning letter. The Council does not routinely prosecute offenders. Out of date badges are destroyed.

Conclusion and Recommendation

25. Processes are in place to ensure that mis-appropriation and mis-use of Blue Badges is deterred. Whilst more could be done by employing a specialist team once badges have been issued it would inevitably involve a net cost.
26. It is recommended that the report be noted and the views of the Scrutiny Committee are welcomed.