

# **ENVIRONMENTAL SERVICES SCRUTINY REVIEW**

## **THE ADMINISTRATION OF THE BLUE BADGE SCHEME IN HARINGEY**

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**✻ HARINGEY COUNCIL ✻**

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**July 2003**

<b>Contents</b>	<b>Page</b>
Executive Summary	2
The Blue Badge Scheme - The National Context	3
Fees	4
Recommendations	5
Aims of the review & Terms of Reference	9
Introduction	9
Background	9
Blue Badge - Criteria	9
Blue Badge Additional Criteria	11
Disabled Persons Parking Bays	11
Increase in car use	11
Increase in the number of badges on issue	12
The scheme in Central London	13
Disabled Persons Parking Bays - general	14
Focus of the Review	14
Findings	15
Fraudulent use of Blue Badges	15
Duplicate Badges	15
Timescale for allocating a Blue Badge	16
Blue Badge - Application of Discretionary Criteria	16
Assessing Eligibility	18
Appeals Process	19
Database for holding information on Blue Badges	20
Abuse of the Blue Badge Scheme	20
Bar Coding Blue Badges	21
Cost implications for Bar Codes	22
Disabled Persons Parking Bays	22
- Informal bays	23
- Formal bays	23
Application Process	23
Disabled persons parking bays - application form	25
Disabled Persons Parking Bays Criteria	25
Enforcement issues	26
Individual Parking Disabled Persons parking Bays	26
Council Policy	27
Difficulty in parking close to shops and civil amenities	28
Private Parking Facilities	28
Abuse of Private Parking Facilities	28
Enforcement on Private Property	29
Obligations under the Disabilities Discrimination Act 1995	29
Bay Watch Campaign	29
Parking facilities and Regeneration Programmes	30
Disabled Persons Parking Bays on the Council's Housing Estates	31
Enforcement of Disabled Persons Parking Bays	32
Conclusions	33
Acknowledgements	34

## 1.0 EXECUTIVE SUMMARY

- 1.1 The management and operation of parking for disabled people in Haringey was chosen for a scrutiny review on the suggestion of members and general concerns from the public regarding abuse of the system. There was a feeling that enforcement of unauthorised use of Blue Badges and disabled persons parking bays was not as effective as it could be.
- 1.2  Members decided to look at the whole management and operation of parking facilities for disabled people in Haringey, from the point of entry for the service to the processing of applications and how the Council deals with enforcement and monitoring. Members were aware that the Department of Transport has recently undertaken a major review of the Blue Badge Scheme. However, this scrutiny review would concentrate on the relationships between the different parts of the Council which administer the scheme and look at whether improvements could be made to the operation, monitoring and implementation of the current system.
- 1.3 The review process involved gathering and evaluating evidence that was put before the review panel. This included interviewing internal witnesses, reviewing documents, consulting with users and comparison with other local authorities.
- 1.4 The main issues that users felt required improvement were the:
- (a) policing of disabled persons parking bays;
  - (b) insufficient bays outside community venues such as libraries, community centres and health centres etc.
- 1.5 The review found that the majority of bays have been installed on a formal basis. These bays are backed by Traffic Management Order and consist of white lines and a post/plates and are enforceable by  Traffic Wardens, who can issue Penalty Charge Notices to drivers parked illegally.
- 1.6 Two quotes received from disabled drivers sum up well the review's findings:
- (i) "There should be more stringent and rapid action taken against those who use the bays (Disabled Persons Parking Bays) without authority. Outsiders to the area often park without sanction and make it difficult for me to access my front door".
  - (ii) "I am reluctant to take my car out for fear that the space would not be available on my return. More bays should be provided in areas where there are frequent visitors from out of the borough".

- 1.7 The Blue Badge scheme was devised to help people with very severe walking difficulties. It enables those people to park their vehicles close enough to their desired destination to allow them to work, fulfil their domestic responsibilities and enjoy leisure pursuits.
- 1.8 The scrutiny review concluded that the Council provided an efficient service. Although a number of measures could be taken in order to improve the service, much was outside the control of the Council.
- 1.9 The review panel would like the Director of Environmental Services to report back to the Scrutiny Panel at a future date regarding progress made with the implementation of the recommendations contained in this report.

### The Blue Badge Scheme - The National Context

***"The Blue Badge Scheme is invaluable for disabled people and it is vital that we make sure that those people who need the concessions it offers most are the ones who benefit from it. With the strengthening of the scheme disabled people will be able to use the concessions they need whilst we ensure that only individuals who are eligible will be able to take advantage of the benefits the badge brings."***

- 1.10 2003 is the European Year for Persons with Disabilities. It is fitting therefore that at national level the Government has undertaken a review of the Blue Badge (Parking) Scheme for people with disabilities following recommendations by the Disabled Persons Transport Advisory Committee (DPTAC). (The DPTAC was set up under the Transport Act of 1985 to advise the Government on the transport needs of all disabled people). In light of the significant rise in the number of badges on issue and the reported abuse of the system, which is undermining the value of the scheme, DPTAC believes there is a need to review:
  - (a) The application of the eligibility criteria (particularly the discretionary element).
  - (b) The manner in which applications are handled by local authorities and
  - (c) Enforcement issues.
- 1.11 The outstanding element of the Government's review is the primary legislation that is needed (for example to introduce the right to inspect the badge) and the new guidance that will be issued in tandem with the legislation. As the Government has published its response to The DPTAC recommendations there is no reason why the Council cannot prepare for the types of changes that are in the pipeline. The DPTAC recommendations are appended to this report (Appendix A).

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<sup>1</sup> David Jamieson, Transport Minister

1.12 DPTAC were asked to make firm recommendations on the changes necessary in any updated scheme which would:

- Meet the requirements of those who need the concessions for independent mobility.
- Minimise the potential for abuse.
- Be fair, robust and justifiable and
- Link with related integrated transport policy implementation.

**Fees:**

1.13 Currently local authorities can make a charge of up to £2 for issuing a badge. This costs more to collect than the revenue gained. For many local authorities the administration of the scheme is a drain on already stretched resources. Recent survey conducted by the Disabled Driver's Motor Club suggested that many disabled people found the cost of mobility extremely onerous and far in excess of the mobility component of the Disability Living Allowance.

1.14 However, under the Government's review there is consensus among DPTAC that the current fee of £2 is unacceptable as the administrative cost of collection is greater than the fee income. There was no consensus on whether fees should be raised to a realistic level or abolished.

1.15 There is no reliable evidence on what it costs local authorities to administer the scheme and suggested charges ranged from £4.50 to £40.00. The most common proposal, particularly by personal responses and disability organisations, was set between £5-£20. Higher fees were considered unrealistic and raise the possibility of needing to provide concessions for those on low income.

## 2.0 RECOMMENDATIONS

### Blue Badge - issuing and processing

- A. Consideration should be given to the use of a standard questionnaire and interview by trained staff, e.g. occupational therapists or contracted medical advisers to assist in assessing eligibility.
- B. The Director of Environmental Services should undertake a review of all blue badge applications to determine if a  pattern exists between areas or GPs, in order to ensure compliance with Government guidance on applying the discretionary criteria.
- C. The Director of the Environmental Services should explore the viability of appointing an external medical practitioner for the purposes of assessing eligibility for Blue Badge applications.

### Blue Badge - Enforcement

- D. The Director of Environmental Services should establish a 'fraud hotline' or publicise the contact number of enforcement officers for reporting stolen badges and reporting abuse of Disabled Persons Parking Bays.
- E. The Director of Environmental Services should consider a pilot project to evaluate the effectiveness of placing bar a code which can be read by the hand held devices issued to parking enforcement staff, on Blue Badges issued by the Department.
- F. The Director of Environmental Services should ensure that any increase in administration fees, proposed under the Government's review, should be utilised in improving enforcement and deterring fraud, including the cost for the use of bar codes.
- G. The Director of Environmental Services should explore the viability of providing a response based enforcement officer with primary responsibility for enforcement in non-CPZ areas.
- H. The Council should prosecute a number of high profile cases to strengthen the enforcement message - at a time of the Council's choosing.
- I. The Director of Environmental Services should ensure that mechanisms are in place to enable all reported lost and stolen badges to be linked with Parking Control so that in the event of parking attendants coming across fraudulent use of badges the service would be notified automatically.

### Disabled Persons Parking Bays

- J. The Director of Environmental Services should explore the viability of installing dedicated disabled persons parking bays outside the homes of disabled individuals (who request this facility) under exceptional circumstances. The Director should ensure (in consultation with Members) that a strict set of criteria is in place to determine 'exceptional circumstances'.

- K. The Director of Environmental Services should look at ways to increase the effectiveness of enforcement, which primarily assists in deterring non badge holders from abusing disabled persons parking bays, and maximising income from penalty fines.
- L. The Director of Environmental Services should ensure that Enforcement Officers are trained appropriately, and that they are sensitive to the needs of disabled people and the reasons for the Blue Badge Scheme.
- M. The Director of Environmental Services should ensure that contact details and telephone numbers are clearly publicised in order that unauthorised use of disabled persons parking bays can be readily reported by members of the public.

### **Parking close to shops and other amenities**

- N. The Director of Environmental Services should ensure that there is dedicated officer support for monitoring the use of disabled persons parking bays outside shopping areas and that the officer has the responsibility to engage in dialogue with shop managers to ensure the efficient use of parking bays for disabled drivers.
- O. The Director of Environmental Services should review the provision of disabled persons parking bays close to shops and community facilities, such as libraries and health centres to enable disabled individuals to park close enough to their desired destination.
- P. The Council should engage in dialogue with supermarkets to explore ways of enforcing/discouraging illegal parking in disabled persons parking bays and organise an awareness campaign to publicise the problems experienced by disabled people when other people abuse the system. For example working with the 'Bay Watch' campaign (in conjunction with disabled organisations) - developing a poster campaign aimed at non-disabled drivers, to raise public awareness of the scheme. (para 10.2 page 27).
- Q. The Director of Environmental Services should ensure, in consultation with Housing Services and the Regeneration Unit, that all new buildings of community and local amenities have sufficient numbers of Disabled Persons Parking Bays.

### **Independent Appeals process**

- R. The process for appealing against the issuing of a Blue Badge and the installation of disabled persons parking bays should be carried out under independent appeals procedures.

The panel further recommend:

- S. That all the recommendations contained in this report be included in the Council's Transport Strategy.
- T. That an interim update on the implementation of these recommendations be presented to the Environment Services Scrutiny Panel in 6 months time.

- U. That the Service keep up to date with all outstanding elements of the Government's review of the Blue Badge Scheme and in particular to be aware of any implications for Haringey, especially in relation to:
  - (a) Assessing eligibility of applicants and the Government's guidance on how to apply the existing criteria.
  - (b) The Database for holding information on blue badges - (the Government's research to assess the viability of a national database of blue badge holders).

### **3.0 AIMS OF THE REVIEW**

- 3.1 The Disabled Person's Parking Scheme (the Blue Badge Scheme - formerly the Orange Badge) was introduced in 1971 under provisions of the Chronically Sick and Disabled Person's Act 1970. It is an on-street parking concession and does not apply to off-street car parks (although some private landowners often provide concessions to badge holders). The scheme is an attempt to promote social inclusion and a better quality of life for disabled people, by allowing badge holders to park closer to their destination. Following a number of reviews and modifications to the scheme, a Blue European Badge was introduced on 1<sup>st</sup> April 2000.
- 3.2 The Council provides disabled persons parking bays, which are sited outside or near the place of residence of Blue Badge holders who have vehicles, registered at their address and close to shops and other community venues.
- 3.3 Members decided to look at the whole management and operation of parking facilities for disabled people in Haringey, from the point of entry for the service to the processing of applications and how the Council deals with enforcement and monitoring. Members were aware of the Department of Transport's recent review of the Blue Badge Scheme. However, this review would concentrate on the relationships between the different parts of the Council, which administer the scheme and look at whether improvements could be made to the operation, monitoring and implementation of the current system.

#### **Terms of Reference**

- 3.4 The review looked at the procedures, policy and operations of the Parking (Blue Badge) Scheme for people with disabilities, particularly: -
- Processing of applications by the Council under the 'discretionary' criteria.
  - Adherence to the Council's equalities policies in issuing badges and the provision of parking bays.
  - Allocation of disabled person's parking bays.
  - Enforcement and Monitoring (Prosecution and abuse).
- 3.5 The process involved gathering and evaluating evidence that was put before the review panel. This included interviewing internal witnesses, reviewing documents, consulting with users and comparison with other local authorities.

## 4.0 INTRODUCTION

- 4.1 The management and operation of parking for disabled people in Haringey was chosen for a scrutiny review on the suggestion of members and general concerns from the public regarding abuse of the system. There was a feeling that enforcement of unauthorised use of Blue Badges and disabled persons parking bays was not as effective as it could be.

### BACKGROUND

- 4.2 Disabled Person's Parking (Blue Badge) Scheme was introduced in 1971 under provisions of the Chronically Sick and Disabled person's Act 1970. The scheme was established in an attempt to promote social inclusion and a better quality of life for disabled people, by allowing badge holders to park closer to their destination. The scheme was reviewed in the 1980s and again in the early 1990s. A redesigned badge and modified concessions were introduced in March 1992. A Blue European Badge was introduced on 1 April 2000.
- 4.3 Changes to regulations in 1975 extended concessions to badge holders by permitting vehicles displaying badges to park on yellow lines for a maximum of two hours. In 1986 the time limit was extended to three hours. The Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000 currently provide for exemption, in favour of vehicles displaying disabled person's badges, from waiting restrictions (in certain circumstances), on-street parking charges and time limits.

### Blue Badge Criteria

- 4.4 Issuing of Blue Badges was previously the responsibility of Social Services Department but is now managed by the Environment Services Department in Haringey. In order to be eligible for a Blue Badge, a disabled person must fall within one of the categories contained in Paragraph 4 of the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000, which are as follows:
- ◆ People who meet at least one of the following criteria have an 'automatic right' to a badge.
  - ◆ Applicants must be more than <sup>ii</sup>two years old and a person who: -
    - Receives the higher rate of mobility component of the Disability Living Allowance, in accordance with section 73 of the Social Security and Benefits Act 1982 **or**

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<sup>ii</sup> Children under two years of age do not qualify for a badge because they would not normally be expected to walk independently. Organisations caring for disabled people meeting one or more of the above criteria may be able to get a badge, but this is entirely at the local authority's discretion and the conditions for using such a badge must be strictly observed.

- Is in receipt of a War Pensioner's Mobility Supplement *or*
- Is registered blind *or*
- Uses a motor vehicle supplied for disabled people by a Government Health Department *or*
- Has a severe disability in both upper limbs, regularly drives a motor vehicle, but cannot turn the steering wheel of a motor vehicle by hand even if that wheel is fitted with a turning knob

4.5 Although a local authority issues badges for disabled persons who are resident in its own borough, the badge may be used almost anywhere in Europe. Some sections of Central London, where the authorities administer their own scheme, are excluded. A blue badge can be used in any vehicle that the disabled person uses. Currently local authorities can make a charge of up to £2 for issuing a badge.

### **Controlled Parking Zones**



4.6 The Council's consultation process for the implementation of Controlled Parking Zones aims to afford residents and businesses the opportunity to develop ideas when addressing issues such as parking stress in a "joined up" approach. Overall CPZ is an effective form of deterring commuters from entering into parking stress areas. The special needs of disabled badge holders are specifically catered for in the provision of on street parking spaces and specific areas where there are no loading restrictions.

4.7 At the time of commencing this Scrutiny Review, the Government had completed its review of the Blue Badge Scheme, including the eligibility criteria together with the administration and enforcement of the scheme. The Panel was aware that the Disabled Persons Transport Advisory Committee (DPTAC) had submitted recommendations to the Secretary of State for consideration during the Government's review.

4.8 The DPTAC recommend that local authorities in developing traffic management strategies such as controlled parking schemes (including residents' parking schemes) and pedestrianisation of town centres must have regard to the impact these will have on the ability of Blue Badge holders to park near their chosen destination.

## **Blue Badge - Additional criteria**

- 4.10 There is an additional 'discretionary' criterion. Under this, disabled people may be issued with a badge if they have a permanent and substantial disability that means they are unable to walk or have very considerable difficulty in walking. The local authority has responsibility for assessing those applications, but currently they may also consult the applicant's GP who may be asked to answer a series of questions to help determine whether the person is eligible.
- 4.11 Badges are generally issued for a period of three years and are currently administered and issued in Haringey by the Parking Service in Environmental Services Department.
- 4.12 The form and use of the badge are prescribed by law. A person who drives a motor vehicle displaying a badge which has not been issued under Section 21 of the 1970 Act, or displayed other than in the prescribed manner is committing an offence and if convicted could be fined up to £1,000.
- 4.13 Badges remain the property of the issuing authority and are issued for a period of three years and must be returned to the authority under specified circumstances.

## **Disabled Persons Parking Bays**

- 4.14 The Council provides disabled person's parking bays, marked out on the road as such, for people with disabilities. These are for disabled people who are drivers or have a nominated driver who lives at the same address. A supporting statement from the applicant's G.P or other medical practitioner is required, confirming that their mobility is less than 50 metres, walking unaided.
- 4.15 There is currently an estimated 1,380 formal disabled persons parking bays in the borough and the Service is receiving 150/200 new applications annually.

## **Increase in car use**

- 4.16 In recent years the number and proportion of households in the borough owning one or more cars has been increasing and is forecast to continue rising. Therefore, there is an increasing pressure on the limited number of parking spaces available.

## **Increase in the number of badges on issue**

- 4.17 Between 1994/95 and 1999/2000 the number of badges in use nationally increased from 1.4m to 1.85m, an increase of 26.7%. Within Greater London the increase was from 164,677 to 213,276, an increase of 29.5%. Figures for Haringey indicate an increase from 4,575 to 6,833 last year, up by 33%.

- 4.18 The Disabled Persons Transport Advisory Committee believe that the arrangements in local authorities for processing applications and maintaining the scheme are contributing to the increase.
- 4.19 In most authorities, the responsibility for administration of badges rests with Social Services Departments. It is difficult for such departments to refuse an application that is supported by a GP, particularly with the availability of an appeals process to elected Members. Since they have no involvement in traffic management and parking control, or in the enforcement procedure, they are also unlikely to have any feel for the impact that their approach has on the credibility of the Scheme itself and on the mobility of severely disabled people.
- 4.20 The Mayor of London has recently published his Transport Strategy, which includes proposals for accessible transport. The Strategy recognises that a large number of people in London experience mobility problems. This includes at least half a million physically disabled people and people with health problems who find it very difficult or impossible to use public transport or to walk.

#### **The Scheme in Central London**

- 4.21 An investigation by London Assembly's Transport Committee has found that a lack of consistency and transparency between disabled parking schemes in Central London is resulting in confusion, stress and unexpected parking tickets for disabled people and their carers.
- 4.22 Parking concessions offered under the national disabled parking scheme (the Blue Badge Scheme) do not apply within Central London. Instead, each of the central boroughs and Transport for London (TfL) operate separate disabled parking schemes. The committee found that there was little or no co-operation between the various schemes. It was generally agreed that there was a need to work together to unify the various schemes.
- 4.23 The report 'Access Denied' calls on the Mayor to review current Central London parking exemptions and to provide clear guidance to boroughs on improving accessibility for people with mobility problems. It also calls on the Government to introduce legislation to enable traffic wardens to inspect badges and for joint borough working with contractors to ensure parking officers are sensitive to the needs of Blue Badge holders.
- 4.24 The Transport Committee will be pressing the Mayor, Transport for London (TfL) and the boroughs to work with disability organisations to improve the situation.

## **5.0 DISABLED PERSON'S PARKING BAYS (DPPB) - GENERAL**

- 5.1 The Traffic and Road Safety Group, Highways Division, in Environmental Services Department is responsible for the administration and provision of Disabled Persons' Parking Bays. The criteria for Disabled Persons Parking Bays are outlined in paragraph 9.13.
- 5.2 Disabled Persons Parking Bays are not provided for the sole use of individual badge holders. The Council is obliged under the Disabilities Discrimination Act (DDA) to ensure that the road networks has sufficient facilities for people with disabilities. Under the Highways Act the Council has powers to formalise a disabled parking bay. The distinction between formal and informal bays is described at paragraphs 9.1 and 9.2.
- 5.3 There are approximately 1,380 formal disabled persons parking bays across the borough, in addition to some 96 on the Council's Housing Estate Controlled Parking Scheme.

## 6.0 FOCUS OF THE SCRUTINY REVIEW.

- 6.1 Members decided to scrutinise the entire management and operation of parking facilities for disabled people in Haringey, from the processing of applications to how the Council managed enforcement and monitoring.
- 6.2 The review concentrated on the relationship between the different parts of the Council responsible for administering the related schemes and looked at whether improvements could be made to the operation, monitoring and implementation of the current system. Particular emphasis was placed on the enforcement and monitoring of the use of blue badges and disabled persons parking bays.

### FINDINGS

- 6.3 The first step of the investigation was to look at the Blue Badge Scheme, including the application process. Members were informed that all aspects of the scheme were formally the responsibility of the Environment Services Department. The Concessionary Travel Manager was responsible for managing all matters relating to the application process of the scheme. Members looked at a number of application forms, selected at random, to ensure consistency in the applications process.
- 6.4 The Panel received presentations from officers within the Environmental Service Department including the Concessionary Travel Manager. Members learnt that in recent years there has been a significant increase in the number of blue badges in use.

### Department of Transport's Survey

- 6.5 The Department for Transport has produced the results of an annual survey of the number of vehicle badges issued by local authorities to people who have disabilities. <sup>iii</sup>The survey indicates that over 2 million valid badges were on issue nationally as at 31 March 2002. Of these 99 percent were on issue to individuals and 1 percent were on issue to institutions i.e. Dial-a-ride. The number of badges has increased to three times the 1987 survey. The increase in all valid badges on issue in the year to 31 March 2002 was 5 percent.

	Badges issued	Rate per 1000 of the population
Nationally	2,019,073	41
Inner London	64,329	26
Outer London	158,179	34
Hackney	5,050	25
Haringey	6,833	31.5

<sup>iii</sup> Blue Badges on issue at 31 March 2002 - A survey of Local Authorities in England.

6.6 Currently there are approximately 6,833 Blue Badge holders in the borough, which equates to almost 3.15% of the population of Haringey, that is, 216,000.<sup>iv</sup> This compared with 5,050 badges issued in London Borough of Hackney, which equates to almost 2.49% of the population, that is, 202,800.

6.7 Members were not overly concerned with this level of increase. Contributory factors for the increase in issuing badges include:

- The increase in car use and ownership.
- Implementation of Control Parking Zones
- More restrictions on parking
- Lack of on street parking.
- Inner London Congestion charges.

6.8 Whilst the Panel acknowledged that any increase in the number of blue badge holders could put pressure on the already congested streets of Haringey, they fully accepted that anyone who was entitled to and required to have a badge should be encouraged to apply.

### **Fraudulent use of Blue Badges**

6.9 There were concerns however that blue badges may become even more attractive for fraudulent use, especially with the concessions given to blue badge holders under the Mayor of London's Congestion Charge.

6.10 The local press recently reported that black market trade in Blue Badges has sprung up in Green Lanes as drivers try to avoid paying parking charges by pretending to be disabled. The business has emerged over the last few months.

6.11 Shopkeepers say they have been approached with offers of blue badges, which allow them to skip parking charges. The black market badges sell for around £50.00. The Metropolitan Police state that: "we are aware of a large number of people reporting disabled badges lost or stolen." The Police would like to see a clamp down on the trade but are careful about civil liberties.<sup>v</sup>

### **Duplicate Badges**

6.12 The Service reports that approximately 46 new badges are issued each week, four of which are to replace lost or stolen badges. Of 2,392 badges issued annually, 208 are duplicates, which equates to 8.7% of badges lost or stolen annually. Disabled Drivers interviewed by the panel were of the view that all applicants reporting a stolen badge should be required to inform the police and obtain a crime number. Repeated requests for a duplicate badge should be thoroughly investigated.

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<sup>iv</sup> Office for National Statistics - mid year estimates for London Boroughs

<sup>v</sup> The Advertiser 24/04/03.

## **Timescale for allocating a Blue Badge**

- 6.13 In addition to holding a focus group with disabled drivers, the Panel received written submissions from service users. People were generally happy with the service they receive and found the process pretty straightforward. The timescale for processing applications is within two working days of receipt of all the necessary documentation, whether automatic or discretionary. However, if applications are received without the supporting documentation it can take considerably longer depending on the receipt of all information, i.e. proof of residence, GP reports etc.
- 6.14 With regards to eligibility, there were various methods through which people found out they were entitled to a badge. These include through their own knowledge, friends and family, community centres, their hospital consultant, word of mouth or their GP. An explanatory leaflet accompanies the badge and users felt this information was quite clear.
- 6.15 The main issues users felt required improvement was the policing of disabled persons parking bays and the need to address the lack of bays outside community venues such as libraries, community and health centres etc.

## **Blue Badge - Application of Discretionary Criteria**

- 6.16. The Department for Transport's review identified a lack of consistency amongst local authorities in applying the criteria for 'discretionary' badges.
- 6.17 Under the regulations there are 7 descriptions of eligibility for issuing a Blue Badge. Six refer to circumstances where a blue badge can be obtained automatically on the production of documentary evidence about the level of disability.
- 6.18 The remaining description refers to the application of discretionary criteria by the issuing authority.
- 6.19 In Haringey, all applications are processed in accordance with guidelines from The Disabled Persons (badges for motor vehicles) (England) Regulations 2000.
- 6.20 An example of discretionary criteria is where the applicant has a substantial and permanent disability that causes inability to walk, or very considerable difficulty in walking. If these applicants cannot supply documentary evidence to support the automatic issue of a badge, they need to provide medical reports to substantiate their applications on medical grounds.

The criteria are as follows:

- ◆ Applicants must have a disability, which severely affects their walking ability.
- ◆ The disability must be permanent.
- ◆ Unable to walk 50 metres
- ◆ If the applicant meet all the criteria a Blue Badge will be issued.

6.21 The Disabled Persons Transport Advisory Committee believes that many of the people who have now been issued with an orange/Blue Badge, under the discretionary criteria, should not have been judged eligible. There is strong suspicion that GPs are being placed under pressure from patients to support their application for a badge. In borderline cases, the GP can probably see no reason why they should resist such pressure, particularly when they have no further involvement in the process after they have made a recommendation.

6.22 The discretionary criteria were primarily intended to cover those people who become disabled over the age of 65, and who consequently, are ineligible for the higher rate mobility component of the Disability Living Allowance (DLA). It would follow therefore that, except for one or two exceptions, i.e. those who choose not to claim DLA who would otherwise qualify; and children between the age of 2 and 5, everyone issued with the badge under the discretionary criteria should be over the age of 65.

6.23 The Panel looked at how the Council applies these criteria and discovered that the criteria currently applied by Environmental Services did not match those set out in the regulations as we have elected to apply the discretionary criteria to anyone who request a badge, with the support of their GP.

6.24 The Panel was concerned that the wrong criteria had been applied for some time. Members therefore recommend that the Service should ensure that any changes and interpretations of the regulations are consistent.

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## **RECOMMENDATION**

In order to ensure compliance with the discretionary criteria, the panel recommends that:

- ◆ The Director of Environmental Services should undertake a review of all blue badge applications to determine if any pattern exists between areas or GPs, in order to ensure compliance with Government guidance on applying the discretionary criteria.
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## 7.0 ASSESSING ELIGIBILITY

- 7.1 In Haringey once medical reports are received the application is assessed on medical criteria. If applicants fulfil the discretionary criteria they are issued a badge. Medical documentation is needed for any one of the three criteria. For example someone may have a learning difficulty which affects their mobility, someone on dialysis with fluctuating health problems.
- 7.2 There could be better ways of assessing needs as the patient/G.P relationship could be compromised by the application of the discretionary criteria. Consideration should be given to the use of a standard questionnaire and interview by trained staff to determine eligibility, e.g. occupational therapists or contracted medical advisers.
- 7.3 Whilst the Environmental Services Department recognise the need for an independent health care professional to undertake assessment, it was acknowledged that funding would be required to provide this service as Haringey does not charge a fee for the blue badges at present. However if a £10 fee was introduced the Director would consider charging for the blue badges and fees utilised in appointing an independent health care professional.
- 7.4 Where authorities have introduced more stringent handling arrangements the number of badges on issue reduced. <sup>vi</sup>For example in Hillingdon, where GPs have been removed from the system and applicants are interviewed by local authority staff, the number of badges on issue decreased by 39% in the three years between 1993 and 1996.
- 7.5 There is general debate around the number of people with badges who don't need them. The Government intends to issue comprehensive new guidance on how to apply the existing eligibility criteria and will implement a monitoring programme to assess the impact of the new guidance on the scheme. However, no timescale has been set.

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### RECOMMENDATIONS:

- ◆ Consideration should be given to the use of a standard questionnaire and interview by trained staff, e.g. occupational therapists or contracted medical advisers to assist in assessing eligibility.
  - ◆ The Director of the Environmental Services should explore the viability of appointing an external medical practitioner for the purposes of assessing eligibility for Blue Badge applications.
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<sup>vi</sup> UK Disabled Persons Transport Advisor Committee 1/7/03

### **Appeals process:**

- 7.6 If applicants do not meet the criteria, a refusal letter is sent to them informing them why their application has been refused and explaining the appeals procedures.
- 7.7 Applicants must appeal within three months from the date their application was refused.
- 7.8 DPTAC believes there should be a uniform two-tier appeals system throughout the UK as follows:
- (a) An initial right of appeal to the local authority to review the grounds of refusal
  - (c) A subsequent right of appeal to a local Government ombudsman if the applicant believes that the local authority has not followed the due process correctly.
- 7.9. At present there is no independent appeals mechanism for people refused a Blue Badge in Haringey. Two members of staff (one of who considered the original application) make a decision once further medical records are produced. It is the view of the Service that there is no need for an independent appeals panel, as the procedure is quite specific and the medical report forms are designed to address the points required to meet the criteria directly.

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### **RECOMMENDATION**

- ◆ The process for appealing against the issuing of a Blue Badge and the installation of Disabled Persons Parking Bays should be carried out under independent appeals procedures.
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## **8.0 DATABASE FOR HOLDING INFORMATION ON BLUE BADGES.**

- 8.1 All Blue Badge applications in Haringey are kept on a client index database, which is accessible borough wide. However this system is not linked to Benefits and Fraud Services.
- 8.2 The Head of Parking Services has suggested that all lost and stolen badges should be linked with Parking Control, so that in the event of parking attendants coming across fraudulent use of badges, the department will automatically be notified.
- 8.3 There has been some debate around the issue of establishing a London-Wide database of blue badge holders. However, under the Mayor of London's Congestion Charge scheme, if drivers have a vehicle, which is Vehicle Excise Exempt, they do not have to register for that vehicle as the details are already held on the DVLA central computer. This would apply to all vehicle owners who receive Higher Rate Mobility component of Disability Living Allowance or War Pensioners Mobility Supplement. They would only have to register if they were using another vehicle and transferring their blue badge.
- 8.4 The Metropolitan Police state that: 'there are some thorny issues about whether people with disabilities should be on a database. If someone is displaying a disabled badge, there is no way you can find out whether that person is disabled or not'.
- 8.5 The Government has announced that it will be initiating further research to assess the viability of a national database of Blue Badge holders operated by a relevant body, such as the Driver Vehicle Licensing Authority or Motability.
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### **RECOMMENDATION:**

- ◆ The Director of Environmental Services should ensure that mechanisms are in place to enable all reported lost and stolen badges to be linked with Parking Control so that in the event of parking attendants coming across fraudulent use of badges the service would be notified automatically.
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## **ABUSE OF THE BLUE BADGE SCHEME**

- 8.6 Powers exist under current legislation to enable local authorities to address abuse of the Blue Badge Scheme. Although there is much anecdotal evidence of abuse, obtaining evidence and prosecution is almost impossible, without extensive resources being in place. Fraud can take place through a number of methods, through a family member or friend of the badge holder using the badge for his or her own use, with or without the consent of the holder or it could be stolen or counterfeit copies being sold on for profit. Given that badges are issued to people and not vehicles, it is not inconceivable for a foreign issued badge to be displayed on a British registered vehicle. It would be impossible to check the validity of the badge.
- 8.7 Currently a badge holder has to misuse their badge leading to at least three convictions before it can be withdrawn. There is a right of appeal against withdrawal.
- 8.8 Very few badges are withdrawn for reasons of abuse. Local authorities find that collecting evidence of three different instances of abuse is time consuming.
- 8.9 Another suggestion from The DPTAC is that guidance to local authorities on the implications of regulations and when they can remove a badge for alleged misuse would be useful.
- 8.10 The Disabled Persons Transport Advisory Committee, as part of the Government's Review, has recommended that legislation should be introduced to improve the enforcement of the scheme, by allowing badges to be checked. This power already exists in Northern Ireland and Scotland. Suggestions to make enforcement easier also include a redesign of the badge. The Government has accepted this recommendation and will seek the earliest opportunity, to consult with the Home Office on the introduction of powers for the Police, Traffic Wardens and local authority parking enforcement officers to check the holder's details on the reverse of the badge.
- 8.11 Many badge holders who took part in the focus group discussion with Members advocated harsher penalties for abusers. Some felt larger fines were appropriate; some suggested fixed penalties; and others believed that points on driving licences would be more effective. Others were of the view that a fraud hotline should be established and publicised to enable the immediate reporting of offences.

## **Bar coding Blue Badges**

- 8.12 The panel was keen on the concept of carrying out a pilot project to evaluate the effectiveness of placing bar codes on all blue badges, which can be read by the hand held equipment issued to parking enforcement officers. The Department of Transport (DfT) has been approached to ascertain whether there were any reasons why bar codes cannot be used on newly issued badges. At the time of writing this report the Head of the Mobility & Inclusion Unit at the DfT confirmed that there are no legal obstacles and is very keen on the idea and discussions are ongoing.

## **Cost implications for the use of Bar Codes**

- 8.13 The review panel recognises the cost implications for programming bar codes on newly issued blue badges and suggest that any increase in administration fees, proposed under the Government's review, should be utilised in improving enforcement and deterring fraud, including the cost of bar codes.
- 8.14 The Disabled Persons Transport Advisory Committee recommends that local authorities should encourage prosecution of those who use badges illegally and publicises all prosecutions.
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## **RECOMMENDATIONS**

- ◆ The Director of Environmental Services should consider a pilot project to evaluate the effectiveness of placing a bar code, which can be read by the hand held devices issued to parking enforcement staff, on blue badges issued by the Department.
  - ◆ The Council should prosecute a number of high profile cases to strengthen the enforcement message - at a time of the Council's choosing.
  - ◆ The Director of Environmental Services should establish a 'fraud hotline' or publicise the contact number of enforcement officers for reporting stolen badges and reporting abuse of Disabled Persons Parking Bays.
  - ◆ The Director of Environmental Services should ensure that any increase in administration fees, proposed under the Government's review, should be utilised in improving enforcement and deterring fraud, including the cost for the use of bar codes.
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## **9.0 DISABLED PERSONS PARKING BAYS**

- 9.1 The Traffic and Road Safety Group in the Environmental Services Department has responsibility for the provision of Disabled Person's Parking Bays. The Council is obliged under the Disability Discrimination Act (DDA) to ensure that the road network has sufficient facilities for people with disabilities.

### **Informal Bays**

- 9.2 An informal bay is defined by white bay markings on the road, and has no post or signage. This is not enforceable by Parking Attendants therefore anyone can park in the bay without fear of a Penalty Charge Notice. The bay holder is reliant on people respecting the bay.

### **Formal Bays**

- 9.3 Formal bays are also defined by white markings on the road, but this also has a metal post in the pavement and a sign stating that the bay is for a Disabled Badge Holder only. These bays have no time limit but are only enforceable between 8:30am to 6:30pm Monday to Sunday. Outside these hours others can and do park in these bays, without blue badges. There is currently a proposal to make these bays enforceable 24 hours seven days per week.
- 9.4 Figures for Haringey indicates an increase in the number of applications for blue badges (approximately 6,833 since 1997). The panel learned that despite this increase there are only an estimated 1,380 formal disabled persons parking bays across the borough. It should be noted that not all blue badge holders apply for a bay or qualify for one.

### **Application process**

- 9.5 Once an application form for a Disabled Persons Parking Bay is submitted, an officer logs the details onto the database, if all relevant evidence has been submitted. A check is then carried out to ascertain whether the application meets all the essential criteria. Applicants are informed of the approval or otherwise of their application. The Officer undertakes a site visit and a decision is made (sometimes with extended consultation with the applicant) about siting of the bay.
- 9.6 At least 25 bays together are made into a Traffic Management Order (TMO) proposal. The proposal of the TMO is advertised. Neighbours of the applicants are asked to respond if the potential bay encroaches on the road in front of their property. After a consultation period of three weeks for receipt of objections, a TMO is made of the non-contentious bays and an instruction issued to contractors, to implement the bay and signage.

- 9.7 If an objection is received to the siting of disabled persons parking bay the objection is sometimes forwarded to Legal Services for comments and action as appropriate.

The panel received the following comments from users:

"I am reluctant to take my car out for fear that the space would not be available on my return. More bays should be provided in areas where there are frequent visitors from out of the borough".

"There should be more stringent and rapid action taken against those who use the bays without authority.

Outsiders to the area often park without sanction and make it difficult for me to access my front door".

- 9.7 During the course of the investigation, several disabled drivers expressed difficulties they have experienced when they find that other drivers use the bay marked out for their properties. Some have reported that they are reluctant to take their vehicles out for fear that the place would not be available on their return.

- 9.8 There were also concerns that drivers from outside the borough have managed to park in disabled drivers parking bays without sanctions, making it difficult for them to get to their front door. Users felt that:

- ◆ More bays should be provided near areas such as the Tottenham Hotspur Football Ground, where there are frequent visitors from out of the area.
- ◆ More stringent and rapid action taken against those who use disabled persons parking bays without authority.

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## RECOMMENDATIONS

- ◆ The Director of Environmental Services should look at ways to increase the effectiveness of enforcement, which primarily assists in deterring non badge holders from abusing Disabled Persons Parking Bays, and maximizing income from penalty fines.
  - ◆ The Director of Environmental Services should ensure that Enforcement Officers are trained appropriately, and that they are sensitive to the needs of disabled people and the reasons for the Blue Badge Scheme.
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## **Disabled Person's Parking Bays - Application Form**

- 9.9 The panel found that the scheme for approving bays is fairly well designed. The more needy get their bays and the less needy are deterred by the slightly more stringent criteria. Some of the most needy do not own cars and would benefit from a DPPB for their carers to use. The scheme does not allow for this. Some individuals interviewed by the panel reported that there is inflexible treatment where there are multiple carers. However the scheme allows for review of applicants without vehicles applying for a bay and in certain circumstances bays are provided. Each request is considered on its merits.
- 9.10 Members examined the current application form and compared these with applications from other neighbouring boroughs. They were satisfied with the design and the information contained on the form.
- 9.11 In terms of prosecution, the review panel learned that in the calendar year 2002 the number of Penalty Charge Notices (PCNs) issued for parking in a disabled parking space without a valid disabled person's parking badge was 1,565.

## **Disabled Persons Parking Bays - Criteria**

- 9.12 The criteria for the provision of Disabled Persons Parking Bays are as follows:
- A. Applicant should be the disabled driver of the vehicle for which the parking space is to be provided.
  - B. If the disabled person is not the driver but the passenger of the vehicle, the nominated driver must live at the same address as the applicant. A bay may be provided where the applicant:
    - (i) Requires substantial physical assistance from the driver of the vehicle when entering and leaving the vehicle and the driver is generally the only person available to assist the passenger and should also live at the same address.
    - (ii) Is sufficiently mentally or physically incapacitated to necessitate constant supervision by the driver of the vehicle. The driver of the vehicle should be the only person available to effect this provision and should also live at the same address.
    - (iii) Is between the ages of 2 and 17 years and meets either or both of the criteria stated in sections i or ii above.

- C. The applicant must be the holder of a Blue Badge, issued under the Disabled Persons (Badge for Motor Vehicles) Regulations.
  - D. The applicant must provide written medical evidence that they or the person whom the application is being made has considerable difficulty in walking.
  - E. Disabled persons parking bays will only be provided were in the opinion of the Council Officers and the Metropolitan Police there is a proven difficulty in parking and no suitable alternative off-street parking is available.
  - F. Where off-street parking facilities are available a bay may be provided if the applicant can demonstrate that the facilities are unsuitable for the use of a disabled person due to the nature of the disability.
- 9.13 Disabled bays are open to use by *any* European blue badge holder and are enforceable by Haringey Parking Enforcement Officers between 8.30am and 6.30pm Monday to Saturday.

#### **Enforcement issues.**

- 9.14 Parking Service states that it responds to all requests for enforcement when the alleged unauthorised occupation of a disabled bay is reported; usually a mobile patrol would be deployed to enforce as quickly as possible. As the vast majority of bays are outside the regularly patrolled Controlled Parking Zones officers would not be aware of abuse of the scheme unless residents report that particular bays are being abused. This might lead to the perception that bays are not enforced. The service does not have the resources to look at every bay in every street on a random basis.
- 9.15 However witnesses stated that it was not clear who to contact in order to report unauthorised use of a disabled persons parking bay, they added that the telephone number should be clearly publicised. Furthermore the review recommends that the Director of Environmental Services should explore the viability of providing a response based enforcement officer with primary responsibility for enforcement in non-CPZ areas.

#### **Individual Disabled Persons Parking Bays**

- 9.16 Many people believe that the disabled persons parking bay should be for the sole use of the applicant and not other blue badge holders. This was on the grounds that the bay was installed to enable someone with mobility difficulties to park outside their home but was not much use if they came home to find someone else legitimately parked there.
- 9.17 Designated bays for some individuals would be very useful. Some of the most vulnerable drivers live near shops, stations or other popular spots and their bays are used constantly even though they have gone through the process to have the bay allocated. One driver who lives near the Spurs Football ground reported particular problems on match days. They feel that the bay should be for their personal use.

- 9.18 Some individuals who attended the focus group are of the opinion that the service would be greatly enhanced if there was a small team of staff who were dedicated to marking and signposting bays in the borough. Some applicants are dissatisfied that their bays were designated as informal and therefore not enforceable.
- 9.19 The panel noted concerns that providing dedicated bays for some individuals could result in a two-tier system for disabled persons parking bays that are enforceable as this could lead to pressure on the Department to upgrade to the top tier. Therefore members would need to agree a strict set of criteria to determine 'exceptional circumstances.'

**Council Policy:**

- 9.20. Members were informed that the Council's policy is not to give every Blue Badge holder a bay. Also one of the criteria is that a parking bay outside someone's house should only be allocated if they own a car (vehicle registration documents and licence of applicant or nominated driver indicating that they live at the address in question). This causes some problems for those carers who do not live at the same address as their clients, or who only use ambulances, taxis, or dial-a-ride etc. They do not usually get a bay, although depending on the case they make and the parking problems experienced they may get an informal bay or a full bay. Additionally, some blue badge holders have off street parking and therefore do not require an additional bay.

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**RECOMMENDATIONS:**

- ◆ The Director of Environmental Services should explore the viability of installing dedicated disabled persons parking bays outside the homes of disabled individuals (who request this facility) under exceptional circumstances. The Director should ensure (in consultation with Members) that a strict set of criteria is in place to establish what constitute exceptional circumstances.
  - ◆ The Director of Environmental Services should ensure that contact details and telephone numbers are clearly publicised in order that unauthorised use of disabled persons parking bays can be readily reported by members of the public.
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## **10.0 DIFFICULTY IN PARKING CLOSE OF SHOPS AND CIVIL AMENITIES**

10.1 The Blue Badge Scheme does not apply to off-street car parks and enforcement of disabled persons' parking bays is therefore a matter for the individual owner or operator concerned. <sup>viii</sup>In the case of local authority off-street car parks, parking place orders normally either make it an offence for someone not displaying a valid orange or Blue Badge to park in a disabled persons' parking bay or make it subject to the payment of an 'excess charge'.

### **Private Parking Facilities.**

10.2 In private off-street car parks, such as those at supermarkets, the position is more complicated. These car parks are private property and the charges and conditions of use are essentially a contractual matter between the owner and the motorist. In such car parks, spaces marked for badge holders only are in most cases not legally enforceable, but depend on the courtesy and consideration of other drivers. Company employees could ask a non-disabled driver to move their car from a space set aside for disabled people but they might not be in a position to insist upon it.

### **Abuse of Private Parking Facilities.**

10.3 Where there is suspected misuse of marked out disabled persons parking bays in private car parks, it should be brought to the attention of the management of the store or premises concerned so that they may consider effective action to enforce the parking restrictions in their car parks.

10.4 As an observation exercise Members visited a number of supermarkets in the borough and noted that non-disabled drivers could park with ease in disabled persons parking bays unchallenged by supermarket attendants. When approached these drivers became defensive and in one case a blue badge was produced from the glove compartment of the vehicle.

10.5 It appeared that there was a general disregard on the part of non-disabled drivers for the purpose of the bays. It is of course in the interest of the supermarkets and other stores to enforce the parking restrictions in their parking bays, as unauthorised use can lead to loss of trade if disabled people are unable to shop at their stores.

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<sup>viii</sup> Department for Transport - Measures to Tackle Misuse of Off-Street Disabled Persons' Parking Spaces - April 03

## **Enforcement on Private property**

- 10.6 The Department for Transport's view is that it is also possible in law for the owners of a private car park to agree with the local authority that a Parking Place Order be made in respect of that car park. Conditions of use can then be enforced as if it were a local authority car park, with penalties or excess charges levied on offenders. Such an agreement would enable the local authority to make an order regulating the use of the disabled persons' parking spaces for the entire car park and does not require the land to be transferred by sale or lease to the local authority. Parking not authorised under the terms of the order; for instance, parking in reserved spaces would be an offence. However, to be effective, any arrangement along these lines would naturally require commitment from the local authority in terms of enforcement activity.

## **Obligations under the Disability Discrimination Act 1995**

- 10.7 Additionally, Part III of The Disability Discrimination Act 1995 requires service providers to take reasonable steps to ensure that disabled people do not find it impossible, or unreasonably difficult, to enjoy the service on the same basis as non-disabled people. This will have implications for car park operators, who may have to demonstrate that as well as marking out disabled person's parking spaces; they have taken reasonable steps to ensure that they are available to disabled people.

## **The Bay Watch Campaign**

- 10.8 The 'Bay Watch' campaign is a coalition of major supermarkets and disability organisations (including the Disabled Driver's Association, Disabled Driver's Motor Club and The British Polio Fellowship) and is committed to encouraging more protection of disabled person's parking bays in retail car parks from abuse by non-disabled drivers. The Government has offered support for this initiative and has pledged funds to part-fund a pilot project with supermarket companies to test different approaches to raising awareness and deterring abuse.
- 10.9 The review panel identified that there was an issue with disabled people parking close to shops and community facilities, such as libraries, health centres, banks etc. Figures for Haringey indicate an increase in the number of applications for Blue Badges (approximately 6,833 since 1997), yet there is only an estimated 1,380 parking bays available across the borough.

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## **RECOMMENDATIONS**

- ◆ The Director of Environmental Services should ensure that there is dedicated officer support for monitoring the use of disabled persons parking bays outside shopping areas and that the officer has the responsibility to engage in dialogue with shop managers to ensure the efficient use of parking bays for disabled drivers.

- ◆ The Council should engage in dialogue with supermarkets to explore ways of enforcing/discouraging illegal parking in disabled persons parking bays and organise an awareness campaign to publicise the problems experienced by disabled people when other people abuse the system. For example the 'Bay Watch' campaign (in conjunction with disabled organisations) - developing a poster campaign aimed at non-disabled drivers, to raise public awareness of the scheme.

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## **Parking facilities and Regeneration Programmes**

10.10 As part of the review, the panel contacted various regeneration organisations to ascertain whether their programmes addressed the issue of parking for people with disabilities and received the following responses:

"I am not aware of any policies or plans built into Single Regeneration programmes that take account of the parking needs of disabled people".  
- Finsbury Park Partnership

"This has not been raised as an issue at our NDC Community Theme Groups; therefore we have no policies or plans in place".

- Programme Director New Deal for Communities

" To the best of my knowledge no schemes have specifically addressed this issue. The provision of parking is not one of the major primary goals of regeneration activity.

It is possible that there may have been secondary benefits where funds have resulted in estate layout improvements or the construction of new buildings with parking spaces. In these cases it is quite likely disabled spaces might have been provided but we hold no records of this".

- Assistant Chief Executive Strategy

10.11 One of DPTAC's recommendation is that local authorities must be required to include policies on designated parking provision for badge holders in their local transport planning process (Local transport plans, strategies and implementation plans).

10.12 The provision of parking for blue badge holders should be enhanced by:

- a) Requiring local authorities through their planning policies and procedures to include parking strategies in all developments to determine the percentage and/or minimum numbers of designated parking spaces available for blue badge holders.
- b) Requiring service to provide and manage off-street car parking to maintain accessible parking for badge holders to the agreed standards contained within current National Planning Policy Guidance notes PPG13 and THE DTLR Traffic Advisory Leaflet 5/95.

10.13 The Panel believes that all new buildings of local amenities should ensure there is positive provision for accessible parking for blue badge holders through local transport planning process to reflect local need.

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**RECOMMENDATION:**

- ◆ The Director of Environmental Services should review the provision of disabled persons parking bays close to shops and community facilities, such as libraries and health centres to enable disabled individuals to park close enough to their desired destination.

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**Disabled Persons Parking Bays on the Council's Housing Estates**

10.14 The Environment Services Department is working closely with Housing Services who will fund the implementation of bays on housing land. More recently, the Urban Regeneration Unit has funded the implementation of some bays. The table below indicates the number of disabled persons parking bays currently on the Council's housing estates:

Estate Controlled Parking Scheme	Total number of disabled persons parking bays included in Estate Controlled Parking Scheme
Post code area:	
London N4	01
London N6	02
London N8	00
London N15	30
London N17	41
London N22	22
Total number of Estates = 65	Total number of bays = 96

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**RECOMMENDATION**

- ◆ The Director of Environmental Services should ensure, in consultation with Housing Services and Regeneration Unit, that all new buildings of community and local amenities have sufficient numbers of Disabled Persons Parking Bays.

## 11.0 **ENFORCEMENT OF DISABLED PERSONS PARKING BAYS.**

- 11.1 It is not always obvious to the casual observer why an individual has been issued with a Blue Badge and this together with the need to observe parked vehicles over a period of time makes it difficult to enforce parking and waiting regulations. With the increase in the number of badges and the incidence of abuse, the scheme is falling into disrepute with both the general public and the genuine blue badge users.
- 11.2 Misuse of the badge itself by a non-disabled person is an offence under Section 117 of the Road Traffic Regulation Act 1984, as amended by Section 35(6) of the Road Traffic Act 1991. The maximum fine on conviction is £1,000 in addition to whatever penalty may be imposed for the associated parking offence. It is also an offence under Section 221 (4B) of the chronically Sick and Disabled Persons Act 1970, as introduced by Section 35(4) of the Road Traffic Act 1991, to drive a motor vehicle displaying a badge unless the badge is properly issued and displayed. This measure was introduced to counter the problems where the badge was not being removed from the vehicle and people other than the badge holder were taking advantage of the parking concessions available under the Scheme.
- 11.3 It is also an offence under Section 47 of the Road Traffic Regulation Act 1984 to park a vehicle which is not displaying a badge in a designated disabled persons parking bay.
- 11.4 The police and traffic wardens do take action in appropriate cases but inevitably the many competing demands on resources limit the manpower that can be directed to enforcing parking restrictions, including those relating to the Blue Badge scheme. There can be no guarantee that there will always be someone available on the spot to take action against every instance of abuse. Nevertheless it is open to anyone to bring a case of suspected misuse to the attention of the local police or traffic wardens.
- 11.5 To curb demand for road space by blue badge holders to a manageable level, it is increasingly likely that some local authorities will seek to introduce local parking badges. However such schemes would seriously undermine the effectiveness of a national scheme and adversely affect the mobility of disabled people from surrounding areas and other visitors who can effectively be barred from accessing neighbouring town centres.
- 11.6 Even if local schemes are not implemented, the demand for Blue Badge parking can be so intense that disabled people find it difficult to find designated spaces. They are therefore forced to use the concession to park on yellow lines. In some areas, because of the increased use of this concession, highway authorities have then reviewed waiting restrictions and no loading/unloading bans have been imposed in order to prevent such parking. This has further restricted the mobility of badge holders.

The Panel considers it essential that attention be paid to enforcement issues with appropriate action taken on all areas of abuse.

## **12.0 CONCLUSIONS**

- 12.1 The Review concluded that the Council provided an efficient service. Although a number of measures could be taken in order to improve the service, much was outside the control of the Council. Many of the findings in respect of the scheme may be addressed by the Government's Review, such as eligibility and enforcement. However, the way in which Blue Badges are issued and administered on a local level and the fact that they can be used throughout Europe, makes enforcement extremely difficult.
- 12.2 The main issues that users felt required improvement was the policing of disabled persons parking bays and insufficient bays outside community venues such as libraries and community centres.
- 12.3 With reference to disabled persons' parking bays, the review found that the majority of bays have been installed on a formal basis. These bays are backed by Traffic Management Orders and consist of white lines and a post/plates and are enforceable by Traffic Wardens, who can issue Parking Charge Notices to drivers parked illegally. However, the review panel concluded that an enforcement campaign coupled with high profile prosecutions and a publicity drive to highlight the effect of not respecting disabled persons parking bays should be undertaken.
- 12.4 The Government has completed its review of the Blue Badge Scheme. Members would like to see clear advice on the administration and guidance of the scheme and the assessment of applicants to ensure a greater level of consistency. Abuse, theft and forgery of Blue Badges needs to be tackled and it is hoped that this will be addressed as part of the Government review.
- 12.5 The outstanding element of the Government's review is the primary legislation that is needed (for example to introduce the right to inspect the Badge) and the new guidance that will be issued in tandem with the legislation. As the Government has published its response to The DPTAC recommendations there is no reason why the Council cannot prepare for the types of changes that are in the pipeline. The DPTAC recommendations are appended to this report.
- 12.6 The review panel further recommend that the Service keep up to date with all outstanding elements of the Government's review of the Blue Badge Scheme and in particular to be aware of any implications for Haringey, especially in relation to:
- (c) Assessing eligibility of applicants and the Government's guidance on how to apply the existing criteria.
  - (d) The Database for holding information on blue badges - (the Government's research to assess the viability of a national

database of blue badge holders).

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## **RECOMMENDATIONS:**

In order to ensure monitoring of the implementation of the recommendations emanating from this review, the panel recommends:

- ◆ That the Environment Scrutiny Panel be given an interim update on the implementation of these recommendations in 6 months time.
- ◆ That the Service keep up to date with all outstanding elements of the Government's review of the Blue Badge Scheme and in particular to be aware of any implications for Haringey, especially in relation to:
  - (a) Assessing eligibility of applicants and the Government's guidance on how to apply the existing criteria.
  - (b) The Database for holding information on blue badges - (the Government's research to assess the viability of a national database of blue badge holders).

## APPENDICES:

- (A) The Blue Badge Review - The Government's response to the DPTAC recommendations.
- (B) Statutory Instrument 2000 No: 682
- (C) Statutory Instrument 2000 No: 683

## **KEY DOCUMENTS USED DURING THE COURSE OF THE INVESTIGATION**

- ◆ Response of the Disabled Drivers' Motor Club to the Consultation paper Issued on 17<sup>th</sup> December 2001.
- ◆ Department of Transport - Measures to Tackle Misuse of Off-Street Disabled Persons' Parking Spaces.
- ◆ Review of the Disabled persons Parking Scheme (The Blue Badge Scheme) Recommendations for change - The Disabled Persons Transport Advisory Committee - April 2002.
- ◆ Department for Transport News Release - New Measures to help disabled motorists.

### Members of the Review Panel

Councillor Makanji - Chair of the Review Panel  
Councillor Herbie Brown  
Councillor Hare  
Councillor Robertson  
Councillor Oatway

External Adviser to the panel Ed Passant, Chief Executive Disabled Drivers Motor Club.

The Panel would like to thank all the individuals who contributed to the review by attending the focus group, meetings and submitting written evidence.

The Panel would also like to thank those officers who attended the meetings and provided essential information.