



Author/Lead Officer of Report: (Mark Holmes
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Report of: Executive Director Resources

Report to: Cabinet Member for Finance Resources and Governance

Date of Decision: 25 September 2019

Subject: Blue Badge Policy Update – to incorporate applications from people with hidden disabilities

Is this a Key Decision? If Yes, reason Key Decision:-	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
- Expenditure and/or savings over £500,000	<input type="checkbox"/>	
- Affects 2 or more Wards	<input type="checkbox"/>	
Which Cabinet Member Portfolio does this relate to? Finance Resources and Governance		
Which Scrutiny and Policy Development Committee does this relate to? <i>Overview and Scrutiny Management</i>		
Has an Equality Impact Assessment (EIA) been undertaken?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
If YES, what EIA reference number has it been given? <i>(Insert reference number)</i>		
Does the report contain confidential or exempt information?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If YES, give details as to whether the exemption applies to the full report / part of the report and/or appendices and complete below:-		
<i>“The (report/appendix) is not for publication because it contains exempt information under Paragraph (insert relevant paragraph number) of Schedule 12A of the Local Government Act 1972 (as amended).”</i>		

Purpose of Report:

The purpose of this report is to seek the Individual Cabinet Member’s approval of changes to the Council’s Blue Badge Disabled Parking Scheme Policy in response to:

- introduction of the new statutory eligibility criteria for people with non-physical ('hidden') disabilities
- new guidance issued from the Department for Transport to aid interpretation of the new legislation

- a change to the policy on the enforcement of Blue Badge misuse .

Recommendations:

The Cabinet Member is recommended to

- Approve the updated Blue Badge Policy attached as an Appendix to this report;
- Approve the consultation exercise described in the report and note that a revised policy will be presented in due course.

Background Papers:

Appendix 1 - Updated Blue Badge Policy

Lead Officer to complete:-

1	I have consulted the relevant departments in respect of any relevant implications indicated on the Statutory and Council Policy Checklist, and comments have been incorporated / additional forms completed / EIA completed, where required.	Finance: Paul Schofield
		Legal: Andrea Simpson
		Equalities: Michelle Hawley
<i>Legal, financial/commercial and equalities implications must be included within the report and the name of the officer consulted must be included above.</i>		
2	EMT member who approved submission:	Eugene Walker
3	Cabinet Member consulted:	Councillor Terry Fox, Cabinet Member for Finance, Resources and Governance
4	I confirm that all necessary approval has been obtained in respect of the implications indicated on the Statutory and Council Policy Checklist and that the report has been approved for submission to the Decision Maker by the EMT member indicated at 2. In addition, any additional forms have been completed and signed off as required at 1.	
	Lead Officer Name: <i>Mark Holmes</i>	Job Title: Service Delivery Manager, Customer Services
	Date: 5 September 2019	

1. PROPOSAL

- 1.1 The aim of the Blue Badge (Disabled Persons' Parking) Scheme is to help disabled people with severe mobility problems to access goods and services, by allowing them to park close to their destination. The scheme is open to eligible disabled people irrespective of whether they are travelling as a driver or as a passenger.
- 1.2 The scheme provides a national range of on-street parking concessions to Blue Badge holders. It allows them to park without charge or time limit in otherwise restricted on-street parking environments and allows them to park on yellow lines for up to three hours, unless a loading ban is in place.
- 1.3 Local authorities are responsible for the day-to-day administration and enforcement of the scheme. They are responsible for determining and implementing administrative, assessment and enforcement procedures which they believe are in accordance with the governing legislation. The Council's current Blue Badge Policy was approved by Cabinet in November 2011.
- 1.4 With effect from 31 August 2019 the Department for Transport (DfT) introduced changes to the statutory scheme to clarify that people who experience non-physical ('hidden') disabilities that result in very considerable difficulty whilst walking should be considered eligible to receive a Blue Badge.
- 1.5 In June 2016 the Director of Development Services approved the implementation of a blue badge fraud enforcement scheme, including prosecution of people who misused a Blue Badge and potential confiscation of the badge where this resulted in a conviction. The scheme was however never incorporated into the Blue Badge Policy.
- 1.6 This report recommends approval of an updated policy revised to take into account the statutory changes, including to enforcement powers that have come into force since 2009. The updated policy is attached to this report at Appendix 1.
- 1.7 At this stage the draft policy is designed to facilitate the pressing operational requirement to make decisions on applications from people with conditions covered in the new legislation and consequently includes several references to following the DfT guidance. The guidance itself explains that its purpose is primarily to share good practice and that individual local authorities should adopt an approach that they believe complies with the legislation and that best suits their circumstances. It is therefore proposed that a full review of the Council's policy is carried out including consultation with the public and other stakeholders and that following this exercise a revised policy is presented to the Cabinet Member for approval.

2. HOW DOES THIS DECISION CONTRIBUTE?

- 2.1 Contributes to the Corporate Plan priority of the Council being an In-touch Organisation.

3. HAS THERE BEEN ANY CONSULTATION?

- 3.1 No consultation is required to update the policy in line with statutory changes. A consultation exercise will be carried out as described in paragraph 1.7 above before a more comprehensive policy update.

4. RISK ANALYSIS AND IMPLICATIONS OF THE DECISION

4.1 Equality of Opportunity Implications

- 4.1.1 As a Public Authority, the Council have legal requirements under Section 149 of the Equality Act 2010. These are often collectively referred to as the 'general duties to promote equality' with particular regard to persons sharing the relevant protected characteristics - age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. It is considered that the proposals comply with this duty as overall there are no significant differential equality impacts, positive or negative, from their implementation.

4.2 Financial and Commercial Implications

- 4.2.1 There is a risk that additional resources will be required to process the applications for the new benefit. The scale of this task is uncertain because the population to which it relates is unknown. Moreover, the relatively imprecise definition of the entitlement criteria for the benefit may lead to a greater percentage of appeals against rejected applications. On the basis of experience with the existing blue badge scheme, it is unlikely that the application fee will cover the administrative cost.
- 4.2.2 Management will attempt to mitigate the new pressure but ultimately, Members may have to prioritise general Fund budget allocations to support this activity.
- 4.2.3 There will be a small impact on the authority's parking income as a result of granting more blue badges but the scale of the impact will not be known until the level of applications is established. This pressure will also need to be managed through prioritising the allocation of income which supports the Transport and Highways budget.

4.3 Legal Implications

- 4.3.1 A scheme for badges for display on motor vehicles used by disabled persons, to be administered by local authorities, was introduced by Section 21 of the Chronically Sick and Disabled Persons Act 1970 and is now the Blue Badge Scheme. Operation of the scheme, including provisions about eligibility for a blue badge, is prescribed by the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000.
- 4.3.2 There have been some amendments to the scheme over the years, most recently under the Disabled Persons (Badges for Motor Vehicles) (England) (Amendment) Regulations 2019 which introduced the eligibility criteria for persons with "hidden disabilities" and came into force on 30th August 2019.

The policy updates in this report reflect this legislative amendment.

5. ALTERNATIVE OPTIONS CONSIDERED

- 5.1 Alternative options have not been considered for updating policy in line with introduction of the new eligibility criteria for people with non-physical ('hidden') disabilities
- 5.2 The Council could continue to implement an enforcement scheme without incorporating it into the policy but as the policy is being updated anyway it is a timely opportunity to include all aspects of operation of the Blue Badge Scheme.

6. REASONS FOR RECOMMENDATIONS

- 6.1 The Council's Blue Badge Policy needs to be updated to take statutory changes to the scheme into account.