

Notice of Meeting

Wellbeing and Finance Overview and Scrutiny Panel

Councillor Tullett (Chairman),
Councillor Mrs Mattick (Vice-Chairman),
Councillors Allen, Atkinson, Bhandari, Brossard, Finch,
Mrs L Gibson, MJ Gibson, McLean, Skinner and Temperton

Thursday 29 April 2021, 6.30 - 8.00 pm

Online only



Agenda

Item	Description	Page
1.	Apologies for absence	
	To receive apologies for absence and to note the attendance of any substitute Members.	
2.	Declarations of Interest and Party Whip	
	<p>Members are asked to declare any disclosable pecuniary or affected interests and the nature of that interest, including the existence and nature of the party whip, in respect of any matter to be considered at this meeting.</p> <p>Any Member with a Disclosable Pecuniary Interest in a matter should withdraw from the meeting when the matter is under consideration and should notify the Democratic Services Officer in attendance that they are withdrawing as they have such an interest. If the Disclosable Pecuniary Interest is not entered on the register of Members interests the Monitoring Officer must be notified of the interest within 28 days.</p> <p>Any Member with an Affected Interest in a matter must disclose the interest to the meeting. There is no requirement to withdraw from the meeting when the interest is only an affected interest, but the Monitoring Officer should be notified of the interest, if not previously notified of it, within 28 days of the meeting.</p>	
3.	Good practice review	
	<p>To carry out a desktop review of evidence from other local authorities regarding their blue badge processes, with the aim of identifying good practice.</p> <p>Officers contacted 200 scrutiny contacts across local authorities to request details of any recent scrutiny activity on blue badges or any information about their council's approach. The information received is included in the evidence pack below.</p>	

Evidence pack

The following items are additions to the evidence pack for this review which is part of the Overview and Scrutiny work programme: [Overview and scrutiny work programme | Bracknell Forest Council \(bracknell-forest.gov.uk\)](#) .

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The initial evidence pack can be found [here](#).

The review will take place over a series of meetings. Some meetings will be open to the public and others will be closed. This will be determined by the nature of the session and the sensitivity of the information being shared. The priority will always be the effectiveness of the review. The Panel may produce interim reports as well as a final report capturing good practice, learning points and recommendations.

4.	Scrutiny documents from City of Wolverhampton Council	1 - 22
	<p>Wolverhampton's Adults and Safer City Scrutiny Panel requested briefings on the performance of their Blue Badge service in March 2019 and January 2020. The briefing notes and accompanying minutes are attached.</p> <p>Observations:</p> <ul style="list-style-type: none"> • The process sits within Customer Services, supported by Independent Living Services for assessments. • The papers mention a number of activities to assist applicants: <ul style="list-style-type: none"> - application surgeries run by the Community Support Team - a 'check and send' service offered by Libraries - the opportunity to book appointment to check the form. • Improvements were made to communications with applicants about the reasons for a refusal, which reduced the number of appeals. • The focus of improvements seems to have been on reducing processing times. 	
5.	Scrutiny review from Stockton-on-Tees Borough Council	23 - 38
	<p>Stockton-on-Tees' Place Select Committee carried out a scrutiny review of disabled parking in March 2018. The report is attached.</p> <p>Observation</p> <p>The focus of the review was provision of parking bays, abuse and enforcement. However, it is notable that the first contact for an applicant is via Customer Services, who use a questionnaire that has been developed by occupational therapists.</p>	
6.	Scrutiny report from Haringey Council	
	<p>Haringey's Environment and Community Safety Scrutiny Panel carried out a review into blue badges and supporting better access to parking for disabled people in 2019. A link to the report is below (and was included in the previous evidence pack):</p> <p>RECOMMENDATIONS (haringey.gov.uk)</p> <p>Observations</p> <ul style="list-style-type: none"> • Blue Badge applications are done through a government website as the 	

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	<p>Department for Transport system provides greater functionality. Residents who contact the council are signposted to the gov.uk website to fill out an online application. However, this caused some delays in taking payment.</p> <ul style="list-style-type: none"> • Haringey Customer Services provide digital support for completing online applications, and paper application forms are also available. • Applications are assessed by Customer Services staff. • Discretionary applications are assessed through the Integrated Community Therapy Team at a local health centre. Improvements to paperwork bundles and the management of appointment times were proposed. • The report recommends that the council explore virtual blue badges to improve processing speed and reduce abuse. These are already in use in other boroughs, e.g. the London Borough of Bromley. 	
7.	Policy documents from Hampshire County Council	39 - 58
	<p>This is the Blue Badge policy for Hampshire County Council (HCC). Pages 2 – 9 are the most relevant to this review.</p> <p>Observations</p> <ul style="list-style-type: none"> • For non-visible disabilities, HCC will consider issuing a badge for a three-year term where there is compelling evidence that both the carers and the applicant are going through a transition period where they have not yet developed coping strategies due to the newness of awareness of the condition, and the likely impact of a ‘grieving’ period following awareness. Psychological distress and risk of harm are likely to be significant at that time. In these cases, carers are made aware that due to the likely future developments there is a strong possibility that the applicant may not qualify when the badge expires (page 6). • When a blue badge panel decision on a non-visible application is deadlocked, the decision should lean towards offering a badge with an explanation to the parents/guardians of the complexity of the situation, the exceptional circumstances and that the applicant is unlikely to qualify in three years’ time as development is expected. This is described as the ‘lifeline’ principle (page 9). • Occupational Therapists should apply the ‘lifeline’ principle if they find themselves ‘on the fence’ regarding a decision following both a telephone and face to face assessment (page 9). <p>The HCC policy support document for applications from organisations is also attached but is not directly relevant to this review.</p>	
8.	Details from Hartlepool Borough Council	59 - 64
	Hartlepool Borough Council provided the following overview of their approach to non-visible criteria:	

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<p><i>The processes for visible and non-visible applications are carried out by two separate teams.</i></p> <p><i>For non-visible criteria, a brief overview of the application is received through Firmstep (software used by Hartlepool's Contact Centre for a wide range of council services). Depending on the evidence the applicant has supplied, a desktop assessment may be carried out to determine if they are to be awarded a badge. If not enough information is provided, a pro-forma needs to be completed by a health professional, answering specific questions in relation to how the applicant's condition affects them on journeys (attached).</i></p> <p><i>If further information is required, the Council are not permitted to use an applicant's GP in this process so would need to obtain the information from another medical expert / professional in their field.</i></p> <p><i>Once the pro-forma is returned, a decision is made to whether the applicant qualifies for a blue badge.</i></p>	
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Published: 21 April 2021

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Briefing Note

Title: Update on the Blue Badge scheme

Date: 26 March 2019

Prepared by: Cherry Doyle and Lisa Powell

Job Title: Customer Services Business Process Lead / Team Leader

Intended Audience: Internal Partner organisation Public Confidential

Purpose and Recommendation

This briefing note is to provide an update to Adults and Safer City Scrutiny Panel on the performance of the Blue Badge service, including recent national changes to the scheme, challenges and improvements, and complaints and appeals.

Due to the volume of change being undertaken in relation to the Blue Badge service, it is recommended that an update is provided to Adults and Safer City Scrutiny Panel in six months' time.

Overview

Since 2016, Blue Badge processing times have increased, however they have remained consistent throughout 2017 and 2018.

The contract for delivery of the national Blue Badge scheme was changed in early 2019 by the Department for Transport (DfT). This changeover has caused challenges for local authorities, but CWC Customer Services are utilising this change as an opportunity to review where improvements can be made within the processing of Blue Badge applications.

Changes to the national Blue Badge scheme included the following:

- Implementation of a new, improved online form including options to attach documents and pay upfront.
- Change of supplier for creation of Blue Badges.
- Removal of the Case Management System which has meant that local authorities have had to procure a new system.

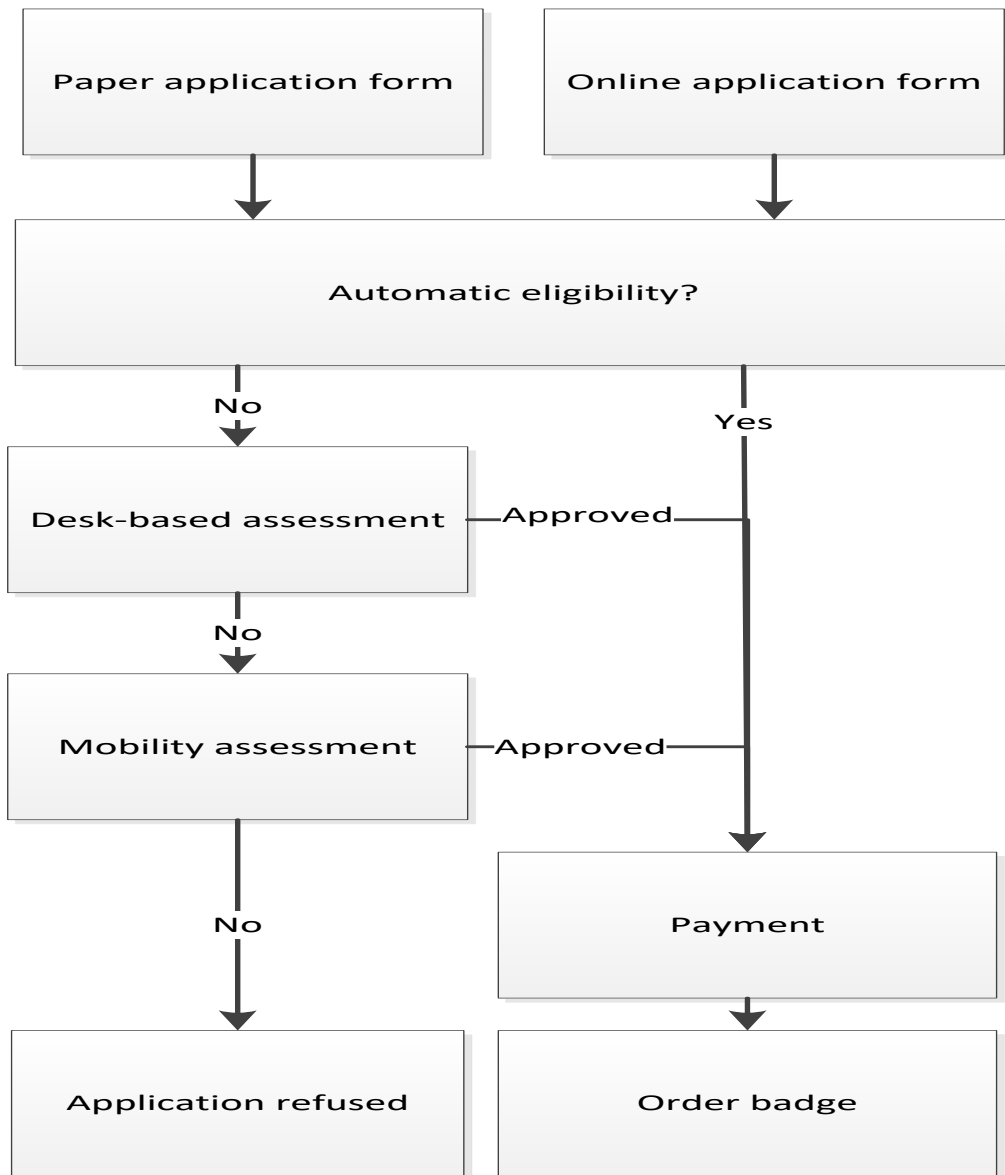
Background and context

The Blue Badge scheme is governed nationally by the Department for Transport (DfT) and administrated locally by local authorities. Within City of Wolverhampton Council, this entire process sits within Customer Services, supported by Independent Living Services, who complete assessments of applicants to determine eligibility to receive a Blue Badge.

The Community Support team run surgeries to assist applicants in making a Blue Badge application. Parking Services are responsible for enforcement of the use of Blue Badges around the city.

The current application and assessment process are shown in fig 1

Fig 1



Performance

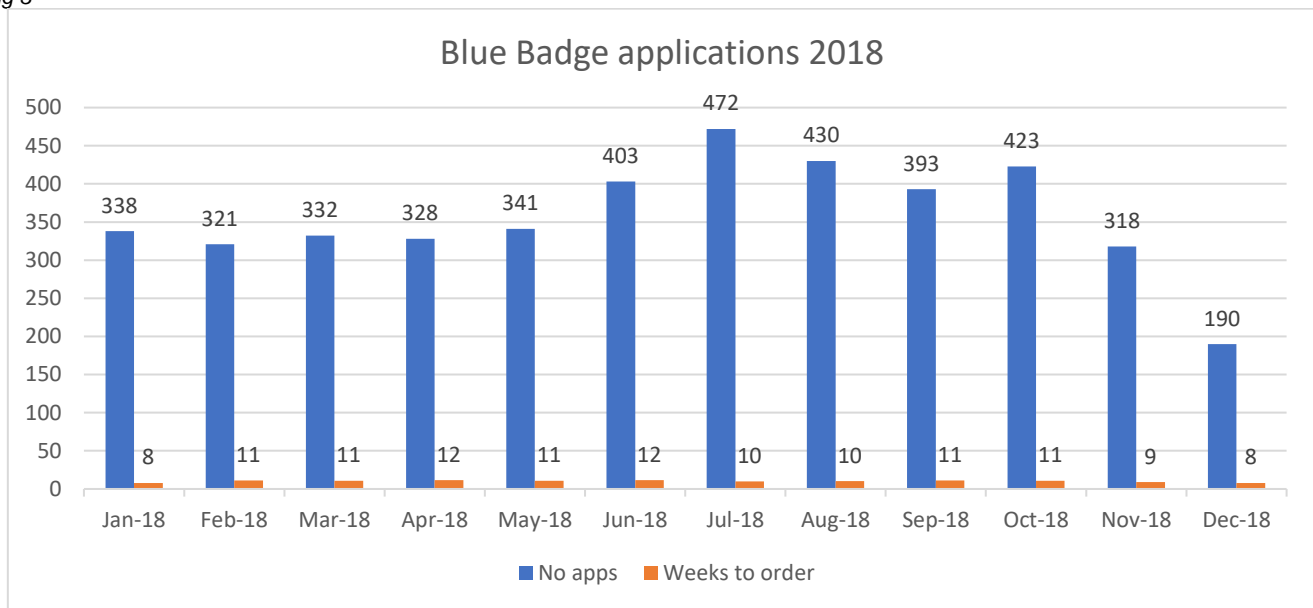
Please see details in fig 2 of the number of Blue Badge application for the last three years plus details of the average time taken to process an application.

Fig 2

Year	No. applications received	Average time taken to process
2016	3474	6 weeks
2017	3325	11 weeks
2018	4289	10 weeks

Throughout 2018, the time taken to process a Blue Badge application has remained steady (see fig 3), despite changes to application numbers received.

Fig 3



Complete data is not currently available for applications received in 2019 due to average processing time.

There have been a number of elements within the overall Blue Badge process that have been identified as areas of focus for improvement and following the completion of the contract changeover, the team will now concentrate on improving performance in these areas.

The ongoing work within Customer Services is focusing on three areas:

- Implementation and embedding of the new Case Management System.
- Operational efficiency to reduce the time taken to process an application.
- Support for customers to use the digital application form.

Complaints

Since January 2018, the Customer Feedback team have received five corporate complaints relating to the Blue Badge service. Of which:

- One was not upheld
- Two related to processes following death of the badge holder
- Two related to the application and assessment process

This equates to 0.1% of applications received within this period.

Since January 2018, the Customer Feedback team have received 20 complaints which were 'resolved at service level' (did not proceed to a corporate complaint). Of which:

- 11 were chasing application status
- Four related to parking tickets received
- One related to a deceased badge holder

- One related to badge misuse
- One related to call wait times in Customer Services
- One related to behaviour of a crossing patrol employee
- One related to behaviour of a bailiff collecting a parking fine

This equates to 0.4% of applications received within this period.

Appeals

Since January 2018, six appeals have been submitted against refused Blue Badges. Appeal hearings are scheduled every four weeks, subject to receiving all information / evidence required to consider the appeal. Appeals are considered by Customer Services, Customer Feedback, and Independent Living Services.

As part of the continuous learning, improvements have been made to communication with applicants to provide more detail regarding the reason for their application being refused.

Key Risks

There is a further national change planned to broaden eligibility criteria (to include hidden and non-physical disabilities) which is expected to be implemented during 2019. This is likely to increase the volumes of Blue Badge applications received by City of Wolverhampton Council.

The DfT is currently developing new guidance for local authorities so they will be able to assess applications for a badge under the expanded eligibility criteria for hidden and non-physical disabilities. The following [link](#) gives details about the proposed changes to the eligibility criteria published by DfT in July 2018.

This is intended to be published to coincide with the revision of the statutory regulations in April 2019. This guidance will be available to local authorities before the changes come into force so that they will have sufficient time to familiarise themselves with the guidance and make any necessary arrangements needed to be able to administer the scheme under the expanded eligibility criteria. The timescales for these changes to come into force are not yet known.

Due to the amount of change being undertaken in relation to the Blue Badge service, it is recommended that an update is provided in six months' time to allow new processes and performance improvements to become established, plus the evaluation of the impact of the scheme changes following the publication of new guidance from the DfT.

18.3.18

Adults and Safer City Scrutiny Panel

Minutes - 26 March 2019

Attendance

Members of the Adults and Safer City Scrutiny Panel

Cllr Simon Bennett (Vice-Chair)
Cllr Sohail Khan
Cllr Linda Leach (Chair)
Cllr Asha Mattu
Cllr Barbara McGarrity
Cllr Anwen Muston
Cllr Zee Russell

In Attendance

Cllr Sandra Samuels Cabinet Member for Adult Services

Witnesses

Lisa Taylor Head of Customer Services
Lisa Powell Team Leader
Cherry Doyle Customer Services Business Process Lead

Part 1 – items open to the press and public

Item No. *Title*

- 1 **Apologies**
Apologies were received from the following:

Cllr Sue Roberts MBE
Cllr Rupinderjit Kaur
- 2 **Declarations of Interest**
Cllrs Zee Russell and Linda Leach declared a non pecuniary interest in agenda 5 – Update on Blue Badge scheme.
- 3 **Minutes of previous meetings (29.1.19)**
The minutes were approved as a correct record and signed by the Chair.
- 4 **Matters arising**
Item 7 Serious Violence and Exploitation Strategy 2019-22 Consultation

Earl Piggott-Smith, Scrutiny Officer, reminded the panel that a final draft of the document will be sent when it has been considered by Cabinet at the meeting on 10 April 2019.

5 **Update on the Blue Badge scheme**

Lisa Taylor, Head of Customer Services, advised the panel that she had recently taken responsibility for the local administration of Blue Badge scheme. The Head of Customer Service introduced Cherry Doyle, Business Process Lead, and Lisa Powell, Duty Manager to the panel.

The Head of Customer Service advised the panel that the administration of the Blue Badge scheme had been transferred to the Customer Services team in 2015. The panel were advised that City of Wolverhampton Council (CWC) administers the national Blue Badge scheme on behalf of the Department of Transport.

The Head of Customer Services gave a brief overview of the scheme and changes made to the national contract in 2019. The changes to the scheme had created difficulties for local authorities and locally it has been used to review the operation of the scheme. The Head of Customer Services advised the panel of the current application and assessment process and the performance of the service. The Head of Customer Services advised the panel that on average 400 applications are received monthly and the processing times have increased. The average time to process an application in 2018 was 10 weeks. There are no figures currently available for 2019 but will be provided at a future meeting date.

The Head of Customer Services advised the panel the online application process is managed by Department for Transport. Local authorities have more discretion about the content of the paper application and the panel were advised that discussions were ongoing to make changes to paper form easier to complete. The changes are intended to reduce delays in the process and improve performance.

The panel were advised that it is not possible to provide analysis of the applications as they move through each stage of the assessment process to better understand the causes of delays or where extra resources are needed to manage the demand.

The Head of Customer Services added that work is being done to make the process more efficient and the easier for the public. The panel were advised that extra resources across the service can be brought in where needed and work is being done to create a larger dedicated team to process the applications. There are currently two dedicated employees responsible for processing Blue Badge applications within the team. The Head of Customer Services suggested that a progress report on the performance of the service be presented in six-months to the panel. The report will include details of any changes to scheme following the recent national public consultation where the Govt has invited views on extending the eligibility criteria scheme to include other groups. This particular change, if adopted, will require a review of the current working arrangements in order to manage the expected increase in the number of applications and also communicate any changes to the public.

The Head of Customer Services commented on the low number of complaints received and explained that a proportion of the contacts are dealt within as service requests within the team.

Many of the contacts are related to queries about the progress of applications submitted for assessment. The Head of Customer Services outlined the key future risks to the service as detailed in the briefing paper. The panel were invited to comment on the paper.

Lisa Powell, Duty Manager, explained the criteria to qualify automatically for a Blue Badge and the role of occupational therapy in undertaking a mobility assessment for people who do not qualify automatically. The assessment was previously done by an external company but is now done internally. The Duty Manager advised that it normally take 21 days for a badge to be printed and sent to an applicant. The panel were advised that a change to the company contracted to print the blue badges nationally is experiencing problems which has led to delays in applicants receiving their badges. The Government in response to concerns about the backlog has reduced the SLA target to print badges from 7 to 5 days, which should hopefully reduce the time taken to print badges. The panel thanked the presenters for the report.

The panel queried the number of dedicated employees in the team responsible for processing applications for Blue Badges. The panel commented on the view expressed by SAGA and CAB who argued that forms should be processed in much shorter period.

The panel were advised that there are two full time members of the team. The work of the team can be supported by other resources in response to an increase in demand. The Head of Customer Services advised the new assessment criteria was introduced in Scotland in 2018 and the change had led to an increase in the number of applications. The Head of Customer Services added that the current use of resources will be reviewed to look at how best to deal with 'pinch points' in the current assessment process which is causing delays. There is no seasonal variation in the number of applications received.

Lisa Powell, Duty Manager, advised the panel that the occupational health service has two staff who assess applications that do not automatically qualify for a Blue Badge. The Duty Manager outlined details of the assessment process.

The Duty Manager advised the panel of different approaches adopted by local authorities when calculating the date a paper application will be accepted, some authorities, such as Dudley MBC who will only start counting the time taken when all the required information has been received. The panel were advised that CWC calculate the time taken to process an application from the date it is received.

To support applicant's advice sessions are arranged at local library, there is a lengthy waiting list for people wanting to book a meeting. The panel expressed concern that the level of dedicated resources was not sufficient to meet the level of demand and also process the backlog of applications.

The panel expressed concern about possible changes to when an application would be processed, where information required was either incomplete or incorrect and further enquiries would be necessary before it could be processed.

The Head of Customer Services advised the panel that the proposed change suggested in consultation would be to extend the assessment criteria to include people with hidden disabilities, such as people with dementia. The panel suggested if resources could be arranged around the date of renewal by using information already held to identify people.

The Director of Adult Services reminded panel members that the new assessment criteria would still require an applicant to show a link to their ability to travel, and not solely on the basis of having a specific qualifying illness or medical condition.

The panel expressed concern about the referring the public to the voluntary sector for advice on Blue Badge at a time when they are under financial pressure and limited resources.

The Head of Customer Service suggested a further report is presented to the panel in September 2019 on progress and details of any changes to the eligibility criteria. The report to include details of performance data at each of application assessment process and comparison with a previous period. The panel support a review of current resources in the team and would like to see proposals on how current number of applications can be managed with the overall aim of reducing waiting times for issuing of Blue Badges.

Resolved:

1. The panel agreed to the note the report.
2. The Head of Customer Service to present a report to the panel 24 September 2019 detailing progress in responding to the issues highlighted in the report and specifically on changes to the eligibility criteria and delays in the assessment process.

6

Adults and Safer City Scrutiny Panel 2019/20 Future Work Programme

Earl Piggott-Smith, Scrutiny Officer, presented the draft work programme for information and comment. The panel agreed to add a future report on the Blue Badge scheme to the work programme.

The panel discussed the provision of care services aimed at helping people to remain independent in their own home. The panel discussed the range of preventative services and the role of the voluntary sector in helping people to stay independent. The panel discussed the support given to voluntary sector groups and links to other community support. The panel agreed to add this issue to panel work programme for 2019/20.

Resolved:

The panel agreed to the update the work programme and include a report on the administration of the Blue Badge scheme and community support available to residents to help support their independence, as a future agenda items.

Briefing Note

**Title: Update for Adults and Safer City Scrutiny Panel
on the Blue Badge scheme**

Date: 28 January 2020

Prepared by: Lisa Powell

Job Title: Customer Services Team Leader

Intended Audience: Internal Partner organisation Public Confidential

Purpose

This briefing note is to provide an update to Adults and Safer City Scrutiny Panel on improvements and current performance within the Blue Badge service.

In March 2019, a report was presented to the Adults and Safer City Scrutiny Panel and focused on the performance of the service, pending national changes to the scheme, challenges, improvements, complaints and appeals.

This Briefing Note will provide an update and details of the improvements made by the service, performance statistics and long-term plans.

Overview

In 2019 the contracts for delivering the National Blue Badge Scheme was changed by the Department for Transport (DfT), as a result, City of Wolverhampton Council, along with other local authorities faced challenges of migrating data, backlog of applications and retraining inhouse processes to accommodate the change.

City of Wolverhampton Council Customer Services used this change as an opportunity to review and improve the Blue Badge Service.

The main focus was on:

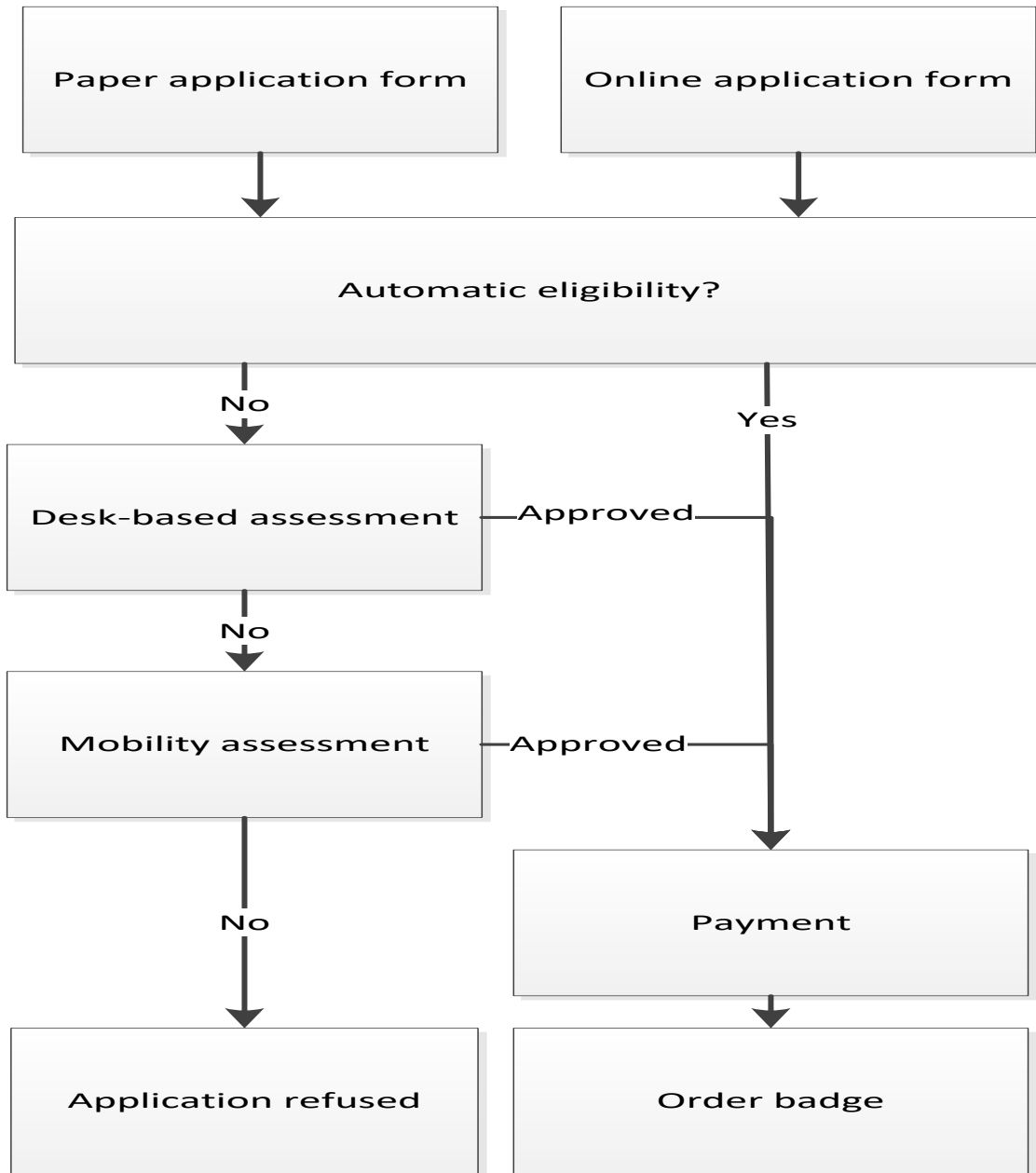
- Customer Journey for initial enquiry to application outcome.
- Operational efficiency to reduce the time taken to process an application.
- Support for customers to use the digital application form

Background and context

The Blue Badge scheme is governed nationally by the Department for Transport (DfT) and administrated locally by local authorities. Within City of Wolverhampton Council, this entire process sits within Customer Services, supported by Independent Living Services (Occupational Therapists), who complete assessments of applicants to determine eligibility to receive a Blue Badge.

The application and assessment process are shown in fig 1

Fig 1



Blue Badge Improvements - Time Line of Events

- **5 February 2019** 'Go Live' date for new Blue Badge Customer Management System (CSM)
- **February 2019** – Training commenced for new system and process changes
- **March 2019** – New processes implemented
- **April 2019** – Call routing for Blue Badge Calls changed

- **June 2019** – Additional Customer Service Officer joined the team
- **30 August 2019** – Launch of new criteria for ‘Hidden Disabilities’
- **4 December 2019** – Blue Badge Surgery Trial

Performance

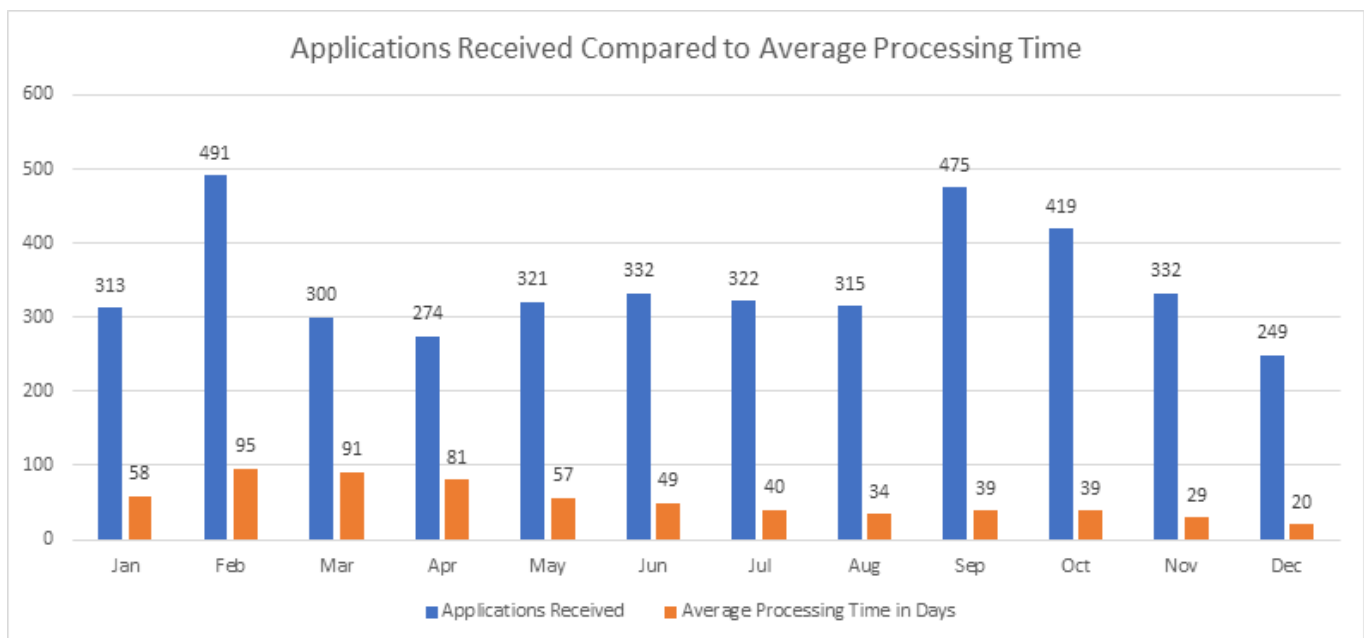
Please see details in fig 2 of the number of Blue Badge application for the last four years plus details of the average time taken to process an application.

Fig 2

Year	No. applications received	Average time taken to process
2016	3474	6 weeks
2017	3325	11 weeks
2018	4289	10 weeks
2019	4143	8 Weeks

In 2019, there was a peak in the application processing time from February to April this was mainly due to the transition period as the service migrated to the new Blue Badge Management System. Over the last six months the processing time continues to reduce, even though the number of applications has increased. (see fig 3).

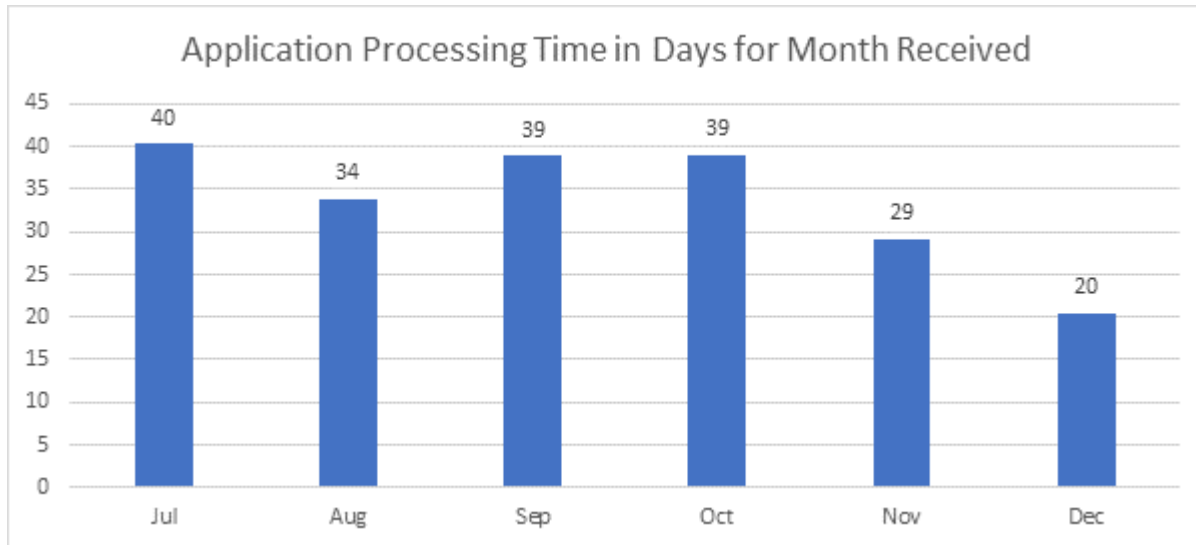
Fig 3



Reviewing the last six months data demonstrates the improvements to the service that have been made since June 2019 and have had a significant impact on reducing the application processing times.

In 2018 the average processing time was 10 weeks; the team are currently working on an average of 5 weeks. (see fig 4)

Fig 4



From the changes to the Blue badge criteria to include ‘Hidden disabilities’, at the end of December 2019 an additional 193 applications were received for the ‘Hidden’ criteria, the average processing time for these criteria is currently 7 weeks. ‘Hidden’ applications naturally have a longer processing time due to the complexity of the application, the new processes and improvements implemented by the team have ensured the processing time are still that of a satisfactory time scale.

Complaints

Since January 2019, the Customer Feedback team have received one corporate complaint relating to the Blue Badge service which was upheld. The complaint related to the customer being unhappy about the application process. This is a reduction from 2018 when five Corporate Complaints were received.

Since January 2019, the Customer Feedback team have received 19 complaints which were ‘resolved at service level’ (did not proceed to a corporate complaint).

2019	Complaints Received	Reason
January	0	<ul style="list-style-type: none"> • Eleven chasing application status • One related to a deceased badge holder • Two related to badge misuse • Two related to call wait times in Customer Services • Three related to the application process
February	6	
March	2	
April	2	
May	6	
June	1	
July	0	
August	0	
September	0	
October	0	
November	1	
December	0	

This equates to 0.46% (11) of applications (4143) received within this period.

Appeals

In 2018, 6 appeals had been received against refused Blue Badges, due to recent changes in the in-eligibility criteria there has been a spike in Appeals with 11 appeals received since August 2019.

Appeal hearings are scheduled every four weeks, subject to receiving all information / evidence required to consider the appeal. Appeals are considered by Customer Services and Independent Living Services.

As part of the continuous learning, improvements have been made to communicate with applicants to provide them with more detail relating to the reasons their application was refused, this has reduced the amount of appeals received.

Further Improvements

GovPay

Customer Services are currently in the process of implementing a new payment option for Blue Badge Applications. GovPay enables the applicants to pay online as part of the application process, the upfront payment could reduce the processing time of an application by up to 7 days. The implementation of this payment option is expected to be completed later this year.

Blue Badge Surgery

The Community Support team have previously held surgeries to assist applicants in completing a Blue Badge application. Also, the Library service also offer a 'check and send' service to assist Blue Badge applicants. However, the amount of support offered by the Community Support team has reduced since December 2019. To ensure ongoing support is provided, Customer Services are currently trialling Blue Badge Surgeries from the Civic Centre, these are provided during two, 2-hour sessions that are held every fortnight and began on 4 December 2019. So far, these surgeries have been very successful with up to 8 applications completed at each session and customer feedback has been very positive for these sessions.

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Adults and Safer City Scrutiny Panel

Minutes - 28 January 2020

Attendance

Members of the Adults and Safer City Scrutiny Panel

Cllr Simon Bennett (Vice-Chair)
Cllr Olivia Birch
Cllr Val Evans (Chair)
Cllr Sohail Khan
Cllr Lynne Moran
Cllr Anwen Muston
Cllr Jacqueline Sweetman

In Attendance

Cllr Dr Michael Hardacre Cabinet Member Education and Skills
Cllr Jasbir Jaspal Cabinet Member Health
Cllr Linda Leach Cabinet Member Adults

Employees

John Denley	Director of Public Health
Joanne Keatley	Head of Adult Education
Lynsey Kelly	Head of Community Safety
Hannah Pawley	Community Safety Manager
Earl Piggott-Smith	Scrutiny Officer
Lisa Taylor	Head of Service Improvement
David Watts	Director of Adult Services
Helen Winfield	Head of Community Financial Support

Part 1 – items open to the press and public

Item No. *Title*

- 1 Apologies**
Apologies were received from the following members of the panel:

Cllr Rupinderjit Kaur
Cllr John Rowley
Cllr Zee Russell
Cllr Asha Mattu
- 2 Declarations of Interest**
There were no declarations of interest recorded.

3 **Minutes of previous meeting (12 November 2019)**

That the minutes of the meeting held on 12 November 2019 be approved as a correct record and signed by the Chair.

4 **Matters arising**

Minute 5 – Adult Social Care Annual Report: The Local Account 2018-19

The panel highlighted ongoing concerns about the lack of data about LGBT+ people in reports generally and also the lack of evidence to show how equalities implications have been considered. A specific reference was made to the progress made by WMP and Wolverhampton CCG to improve the collection of data and include to it in reports for discussion.

David Watts, Director of Adult Services, repeated previous comments to the panel about the work done to encourage people from the LGBT+ community to provide information that will be used to shape the development of services offered. The Director of Adult Services added that there is no legal requirement for residents to provide information requested but they are encouraged and supported to do so. John Denley, Director of Public Health, added that Health and Wellbeing Board held a conference in November 2019 where representatives from a range of organisations representing the LGBT+ community and statutory agencies to discuss issues of concern. The Director of Public Health suggested that a report on work done to progress actions could be presented to the panel in January 2021. The panel agreed to accept this offer.

5 **Proposed changes to charges for non-residential services (report to follow)**

Helen Winfield, Head of Community Financial Support, presented the report and the outlined the background to proposal to extend the current transitional protection, due to end in April 2020, for a further two years. The Head of Community Financial Support detailed the reasons behind suggesting the proposed change and explained why option 3 was considered to be best approach to continuing to support people in receipt of transitional protection and would be the recommendation to Cabinet. The report was presented to SEB for comments and they were also supportive of Option 3 as it would offer the right balance in trying to limit the level of increase and also move people closer towards paying the correctly assessed amount.

The Head of Community Financial Support shared an example of completed financial assessment form to show the impact on people in receipt of non-residential adult social care, when different scenarios in each of the options is applied.

The panel expressed concern that the assessment would not properly consider other costs arising from their illness or disability and therefore limit the opportunity for them to engage in community and social activities. The Head of Community Financial Support advised that Minimum Income Guarantee (MIG), which is protected income in the assessment, is set by Government and is intended to meet the normal living costs of a person and also contribute towards covering the cost of their own care and support.

The Council has discretion to disregard more than standard MIG amount and has set an amount of £12 for disability related expenditure for people of pension credit qualifying age as shown on the financial assessment form.

For people below pension credit qualifying age who have a lower standard MIG, there is an additional amount of £5.04, which can be disregarded.

The Council can take account of other costs which can be disregarded during the financial assessment. A person can also ask for an enhanced financial assessment to consider the actual costs of disability-related expenses if these are higher than the set amounts applied in the basic financial assessment.

The panel welcomed the focus in wanting to protect individuals against unreasonable significant increases after April 2020, if the current support scheme ended.

The panel invited the Head of Community Financial Support to comment on future levels of transitional protection and possible changes to level of Minimum Income Guarantee which will impact on the amount of financial contributions. The Head of Community Financial Support commented that it is expected that the amount may increase in the future as it has not changed for 10 years.

The panel welcomed the report and agreed to support Option 3 as detailed.

Resolved:

1. The panel agreed to support the proposal for continuing transitional protection as detailed in Option 3.
2. The panel supports the recommendation to approve the Cabinet Member for Adult Services to have delegated authority to make further changes to the transitional protection scheme.

6 **Cllr Linda Leach Cabinet Member Adults /Cllr Jasbir Jaspal, Cabinet Member Health (to follow)**

Cllr Linda Leach, Cabinet Member Adults, gave a presentation detailing key priorities of areas within her portfolio and specific issues that she would be focusing on during the year. The Cabinet Member invited panel members to share their views of the priorities listed.

Cllr Jasbir Jaspal, Cabinet Member Health, gave a presentation detailing key public health priorities and key areas of action during the year. The Cabinet Member gave a summary of key achievements and future plans.

The panel thanked the Cabinet Members for their presentations.

Resolved:

The panel agreed to note the presentations.

7 **Adult Education Service**

Cllr Dr Michael Hardacre, Cabinet Member Education and Skills, introduced the main sections of the report and outlined the key findings. The Cabinet Member

commented on the progress made by the Adult Education Service in meeting its priorities and the plans for the City Learning Quarter.

The Cabinet commented on the work planned to identify people within more prosperous wards where there are pockets of deprivation to encourage and support them to consider adult education learning opportunities.

Joanne Keatley, Head of Adult Education, invited panel members to comment on the strategy document and to share views on future challenges to the service.

The panel welcomed the achievements of the service and the excellent progress made to support adult learners as detailed in the Outcomes for Students section of the report. The panel suggested that more information was needed to understand how the demographic detailed in the report should be interpreted. The panel suggested that comparative data should be included to provide information about the impact of actions to improve basic skills and knowledge of residents. The Head of Adult Services commented on the challenges facing Wolverhampton in closing the performance gap between Wolverhampton and regional and national levels. The Head of Adult Services advised the panel that the demographic data detailed in the report is based on Census data and other sources published over timeframes which make it difficult to show trends over time. The panel wanted more details to show rate of progress and also help identify areas of poor performance where action is needed. The Head of Adult Services agreed to review the presentation of data and consider how to respond to the concern about wanting to see patterns of progress.

The Head of Adult Services commented on the importance of partnership working with community groups to help support adult learners and the success of current initiatives. The panel expressed concern about the equalities implications statement in the report and the lack of information about the work done to support adult learners from the LGBT+ community. The panel added there was a need to show which services are being accessed also to monitor trends and to evidence that their needs are being met. The panel suggested that future report should include a breakdown of different groups and greater efforts to collect data on LGBT+ issues.

The Head of Adult Services advised that there are a number of equalities questions on the enrolment form and people are encouraged to complete the information. The responses are analysed to assess how the service is meeting the needs of underrepresented groups. The Director of Public Health supported the approach of Adult Education and outlined the benefits of working with partners on place-based initiatives to achieve better outcomes. The panel accepted the offer by the Director of Public Health to present a report on place-based initiatives to a future meeting.

The panel queried how the service is linking with the Wolves at Work programme to support adult learners to improve vocational skills and knowledge. The Head of Adult Services confirmed that there were good working relations and commented on a recent example of joint working which was included in evidence given to Ofsted during the recent inspection.

The service has specific performance targets for the unemployed. The Head of Adult Services highlighted examples of work done with residents in nine target wards which is supported by local community groups to give opportunities for residents to learn new skills and knowledge. The Head of Adult Services explained that the

service is engaging positively with members of the third sector to provide support on entry level maths and English courses, with the hope that they will progress to courses offered by Adult Education.

The panel discussed the implications for the provision of adult education as a result of the review commissioned by West Midlands Combined Authority (WMCA) into Community Learning funding. The panel agreed for a report to be presented to a future meeting if any changes to the funding for community learning are being proposed following the review.

The panel welcomed the report and congratulated the Head of Service on the performance of the service and the progress made against the strategy objectives.

Resolved:

1. The Director of Public Health to present a report on place-based approach with partner agencies to improve population outcomes to the panel in 2021.
2. The Head of Adult Services agreed to review the presentation of data to include LGBT+ and also trend data to show patterns of progress against key performance measures in the next annual report.
3. The Head of Adult Services to report on the outcome of the funding review commissioned by WMCA at a future meeting to consider any proposals which may impact on the current budget for community learning.

8 **Blue Badge Scheme - update report**

Lisa Taylor, Head of Service Improvement, introduced the report to the panel and outlined key areas of progress against key performance targets and future plans. The Head of Service briefed the panel about changes introduced to the administration of the Budget Badge service to meet revised guidance published by Department of Transport.

The Head of Service explained the new application and assessment process and the range of improvements introduced which has led to reduce waiting times. The processing time for applications received was reported as continuing to improve as a result of changes made since June 2019 and significant progress has been achieved. The Head of Service commented on work done to process applications made on the hidden disabilities criteria, which was introduced in December 2019. The panel were advised that due to complexity of hidden disability applications the average processing time is longer but was still considered to be satisfactory.

Lisa Powell, Customer Services Team Leader, described a number of different initiatives such as booked appointments, changing how calls for Blue Badge applications had reduced processing time. For example, offering a booked appointment system which gives applicants the opportunity to have their form checked in local venues and there are plans rollout the service to other community venues.

The Customer Services Team Leader added that the changes were aimed at giving people support who may need help to complete their application form. The changes have led to performance improvements in reducing application processing times.

In the future a new payment option system will be offered which is expected to further reduce application processing times by up to 7 days.

The panel queried if employee resources were sufficient to meet the current demands on the service. The Customer Services Team Leader advised that there is three full time permanent dedicated posts dealing with processing applications and two people dealing with telephone enquiries.

The panel asked for details of the shortest and longest times taken to process Blue Badge applications. The Head of Service Improvement agreed to include the information in a future report. The panel agreed to receive a further briefing in 12 months on the performance of the service against key indicators.

The panel welcomed the report and the progress made.

Resolved:

1. The Head of Service Improvement to present a briefing paper on progress against key performance measures for the Blue Badge service to the panel in January 2021.

9

Community Safety and Harm Reduction Strategy 2020-2023

Lynsey Kelly, Head of Community Safety, introduced Hannah Pawley, Community Safety Manager, and Superintendent Simon Inglis to the panel. The Head of Community Safety presented the report and commented on specific aspects of the strategy document. The Community Safety Manager outlined the process used to agree the overarching priorities to help reduce crime and disorder. The priorities were selected to allow sufficient flexibility to respond to emerging crime trends and performance framework would be monitored by Safer Wolverhampton Partnership Board. The Community Safety Manager outlined the aims of draft Community Safety and Harm Reduction Strategy.

The Head of Community Safety explained that a place-based approach to reducing crime and disorder has been adopted, with a focus on empowering and supporting local community to get involved. The draft is currently being out for public consultation which ends shortly. The panel were encouraged to take part in the consultation. The draft has been shared with Wolverhampton Youth Council and the issue of hidden crimes was identified as a priority.

The panel were invited to comment on the draft strategy. The panel queried the resource implications of the strategy and if there were any concerns. Superintendent Simon Inglis, West Midlands Police, advised the panel that WMP has also adopted a place-based approach to tackling the priorities detailed in the strategy, with a focus on reducing reoffending rates as one of the key priorities. Superintendent Inglis advised that an extra 600 police officers will be recruited across the West Midlands as a result of increased Government funding. The Director of Public Health commented on the importance of partnership working across the different agencies and the added value of engaging members of the local community in helping to deliver the strategy. The panel queried the lack of detail in the strategy about how the concerns about LGBT+ community will be addressed, and work being done to engage them in its development. The panel suggested more work needed to include data about the needs of this group in the report. The Head of Community Safety responded the concerns of the LGBT+ community were included in previous strategy

documents drafts. However, it was estimated that represent about 2% of the population and was decided not to include it in the current strategy. The Director of Public Health agreed to bring a further report on the work done engage with the LGBT+ to a future meeting of the panel.

The panel welcomed the report.

Resolved:

1. Lynsey Kelly, Head of Community Safety, to be consider panel comments on the draft Safer Wolverhampton Strategy and make changes as necessary.
2. The panel support the overarching priorities for the draft Community Safety Strategy 2020-2023 agreed at the consultation event held in June 2019.
3. John Denley, Director of Public Health, to present a report to a future meeting of the panel on work being done to engage with the LGBT+ community and also to address the specific concerns of the panel about the collection of data to inform the draft strategy and policy making generally.

10

Adults and Safer City Scrutiny Panel 2019 20 - Draft Work Programme

Earl Piggott-Smith, Scrutiny Officer, presented the draft programme for information and comment. The work programme will be updated to reflect other possible topics that could be added as future items.

Resolved:

The panel agreed to note the report.

The meeting closed at 20.00

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Place Select Committee

Disabled Parking (Task and Finish) Scrutiny Review

**Final Report
March 2018**

Place Select Committee
Stockton-on-Tees Borough Council
Municipal Buildings
Church Road
Stockton-on-Tees
TS18 1LD

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Select Committee - Membership

Councillor Derrick Brown (Chair)
Councillor Sonia Bailey (Vice-Chair)
Councillor Louise Baldock
Councillor Chris Barlow
Councillor Evaline Cunningham
Councillor Ken Dixon
Councillor Maurice Perry
Councillor Mrs Sylvia Walmsley
Councillor Bill Woodhead MBE

Acknowledgements

The Committee would like to thank the following people for contributing to its work:

Jamie Stephenson, Transport Strategy and Road Safety
Graham Footer, Chief Executive, Disabled Motoring UK
Councillors (who provided feedback to the Select Committee)
Councillor Chris Clough and Carrie Clough (who attended the Select Committee)
Disability Advisory Group
Tony Donnelly, Town Centre Manager, Billingham
Barry Parnell, Centre Manager, Wellington Square
Karen Eve, Castlegate Shopping Centre
Mike Clarke, Teesside Park

Contact Officer

Judy Trainer (Scrutiny Officer)
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Foreword

We are pleased to present the final report of the Place Select Committee following the task and finish review of disabled parking.

The Committee valued the contribution of disabled drivers to the review and encourage the Council to involve disabled drivers in the audit of the location and suitability of disabled bays, and the development of new car parks in the future.

The Committee believe that the introduction of prosecution for fraudulent use of blue badges will send a clear message about the unacceptability of the offence and help to deter unauthorised use.

Whilst a short and focused piece of work, the Committee feel that the review was extremely valuable and we commend the recommendations to Cabinet.



Cllr Derrick Brown
Chair
Place Select Committee



Cllr Sonia Bailey
Vice-Chair
Place Select Committee

Original Brief

Which of our strategic corporate objectives does this topic address?

Ensure our residents are safe
Reduce levels of anti-social behaviour

What are the main issues and overall aim of this review?

The review will examine the extent of abuse of parking bays and the Blue Badge scheme in Stockton Borough and the location of disabled car parking bays in car parks taking into account safe access routes from car parks to facilities.

The review will also look at private parking in town centres, supermarkets and at Teesside Park

The review will feed into a revised policy.

The Committee will undertake the following key lines of enquiry:

- What are the statutory requirements for disabled bays?
- Are disabled bays in the correct locations?
- What is the process for applying for a blue badge?
- How aware are the public of the blue badge scheme?
- How many blue badge applications are rejected and appealed?
- What is the cost of administrating the scheme?
- How many offences are being committed?
- What approach do the Council take to enforce the scheme?
- What would the implications and costs of the Council prosecuting people abusing the blue badge scheme?
- What do users tell us about the operation and abuse of the scheme and the location of disabled bays?
- What approach do other Council's take?

Who will the Committee be trying to influence as part of its work?

Cabinet, Motorists

Expected duration of review and key milestones:

Three months:

15 January – Agree Scope and Project Plan, Receive Evidence

12 February – Draft Recommendations

12 March – Approval of Final Report

27 March – Submission to Executive Scrutiny Committee

19 April – Submission to Cabinet

What information do we need?

Existing information (background information, existing reports, legislation, central government documents, etc.):

Blue Badge Scheme

Statutory Guidelines

Local Guidelines

Numbers of recorded offences

New information:

Best practice in other Local Authority areas

Feedback from disabled motorists and Disability Advisory Group

Who can provide us with further relevant evidence? (Cabinet Member, officer, service user, general public, expert witness, etc.)

What specific areas do we want them to cover when they give evidence?

Joanne Roberts/ Jamie Stephenson

Background and Context
Council's policies
Number of incidents
Enforcement action taken

Graham Footer (Disabled Motoring UK)

User feedback

Disability Advisory Group Members

User feedback

1.0 Introduction

1.1 This report presents Cabinet with the outcomes of the Task and Finish Scrutiny Review of Disabled Parking carried out by the Place Select Committee.

1.2 The overall aim of the review was to examine the extent of abuse of parking bays and the Blue Badge scheme in Stockton Borough and the location of disabled car parking bays in car parks taking into account safe access routes from car parks to facilities. The review will feed into a revised policy.

1.3 The Committee explored the following key lines of enquiry:

- What are the statutory requirements for disabled bays?
- Are disabled bays in the correct locations?
- What is the process for applying for a blue badge?
- How aware are the public of the blue badge scheme?
- How many blue badge applications are rejected and appealed?
- What is the cost of administering the scheme?
- How many offences are being committed?
- What approach do the Council take to enforce the scheme?
- What would the implications and costs of the Council prosecuting people abusing the blue badge scheme?
- What do users tell us about the operation and abuse of the scheme and the location of disabled bays?
- What approach do other Council's take?

1.4 In addition to evidence presented from Transport Strategy and Road Safety, the Committee asked for feedback from:

- Disability Advisory Group Members
- All Councillors
- Graham Footer, Chief Executive, Disabled Motoring UK
- Private Car Park Operators

2.0 Evidence

What are the statutory requirements for disabled bays?

2.1 There are no statutory requirements for disabled bays based on the size, or the number of those which are in a car park or on street car parking. In 1995, DfT (Department for Transport) published recommended guidance on what size the bays should be, and how many bays there should be based on the volume of the total number of car parking bays.

2.2 For shopping, recreation and leisure car parks with a capacity of 200 total parking bays, a minimum of three parking bays, or 6% of total capacity (whichever is greater) should be made available for blue badge holders. If the car park has over 200 bays, four parking bays plus 4% of total capacity should be made available.

2.3 Stockton on Tees Borough Council has ownership 1605 spaces available in car parks, with 55 of those being specified for blue badge holders. 13 of those fall within Bishop Street Car Parking, the main car park of Stockton Town Centre, seven in Bath Lane, and five in Billingham Forum which are adjacent to the Leisure Centres in Stockton.

2.4 This figure does not include those available on street, or those which are privately owned such as Wellington Square and Castlegate Centre.

2.5 The parking bay itself is designed to be longer and wider than your standard parking bay. This allows for the driver or passenger to get in and out of the car easily. This also allows for vehicles which are adapted to carry wheelchairs can be accessed from the rear.

2.6 Off-Street Parking - The dimensions of off-street parking bays should provide a rectangle at least 4800mm long by 2400mm wide for the vehicle, along with additional space as follows:

- Where the bays are marked parallel to the access aisle and access is available from the side, an extra length of at least 1800mm
- Where the bays are marked perpendicularly to the access aisle, an additional width of at least 1200mm along each side. Where bays are adjacent, space can be saved by using the 1200mm "side" area to serve the bays on both sides

What is the process for applying for a blue badge?

2.7 All applicants, either new or existing badge holders, who wish to be considered for a blue badge parking permit must contact the Customer Services Centre. The team guide applicants through a questionnaire, developed in conjunction with occupational therapists, to determine eligibility.

2.8 Applicants who receive approval for automatic qualification need to provide their recent benefit award letter dated within the last twelve months and, in addition, all applicants need to provide proof of residency via an official document such as a bank statement, utility bill or prescription which must be dated within the last three months.

2.9 If the application for a blue badge is approved, an appointment time for either Stockton, Thornaby or Billingham Customer Services Centre is offered to register.

2.10 A digital photograph of the applicant is taken at the time of registration.

2.11 If all documentation is correct, the badge is issued and posted out by an external company within 10 working days.

2.12 Permit holders may:

- Park in any council-run pay and display car parks (charges apply)
- Use on-street parking bays free of charge
- Stay up to three hours on a yellow line (except where loading restrictions are in place - indicated by kerb marks)

2.13 People who qualify for a permit usually have a "substantial and permanent" disability. There are criteria for automatic qualification and discretionary qualification.

Automatic qualification

2.14 Applicants qualify automatically for a "blue badge" parking permit if they are aged 3 or over and are:

- In receipt of the high rate of the mobility component of Disability Living Allowance for help with getting around
- In receipt of a Personal Independence Payment for being unable to walk further than 50 metres (a score of 8 points or more under the 'moving around' activity of the mobility component)
- Registered blind or are severely sight impaired
- In receipt of War Pensioners Mobility Supplement
- In receipt of a lump sum benefit under the Armed Forces and Reserve Forces (compensation) Scheme and have been certified as having a permanent and substantial disability which causes inability or considerable difficulty walking

Discretionary qualification

2.15 Applicants who do not automatically qualify for a "blue badge" parking permit may still be eligible if they:

- Drive a vehicle regularly and have severe disability in both arms and are unable (or have difficulty) operating all or some types of parking meter, or
- Have a permanent or substantial disability to walk or very considerable difficulty in walking, or
- Are aged under 3 and, on account of a condition, must always be accompanied by bulky medical equipment which cannot be carried around with the child without great difficulty, or
- Are a child who, on account of a condition, must always be kept near a motor vehicle so that, if necessary, treatment for that condition can be given in the vehicle or the child can be taken quickly in the vehicle to a place where such treatment can be given.
- Are on the autistic spectrum

Organisational "blue badge"

2.16 An organisational "blue badge" permit may be issued to an organisation using a motor vehicle or vehicles when the vehicle or vehicles are to be used to carry disabled people who would themselves be eligible for a badge.

2.17 Organisations are asked to provide evidence of their tax exemption certificate.

2.18 Applicants applying under discretionary qualification rules have to undertake a questionnaire to determine their eligibility.

How many blue badge applications are rejected?

2.19 Badge applications are not necessarily rejected. If the client falls within the discretionary criteria, they are referred to the OT where they are given professional medical feedback. Therefore the numbers of complaints which are received are minimal, due to the professional input.

The number of cases referred to OT

15/16 – 584

16/17 – 569

The number of cases declined by OT.

15/16 – 83

16/17 – 68

Number of cases referred to Welfare Rights

15/16 – 627 (part year)

16/17 - 1211

Total number of blue badges in circulation (approximately)

Town	Number of Blue Badges	Population	Percentage
Stockton on Tees	10,954	191,000	5.74%
Darlington	6,049	106,000	5.71%
Middlesbrough	5167	138,900	3.72%
Redcar	9000	135,692	6.63%

Number of badges on issue -

England – 2.38million

North East – 135,000

As of 31 March 2016.

How many offences are being committed?

2.20 The following figures show the number of penalty charge notices issued for the offence of parking in a disabled bay **without a valid badge**;

14/15 – 318

15/16 – 355

16/17 – 315

Total 988

Full Payment received - 608

Cancelled – 289

Still being pursued - 91

The following figures show the number of badges which were seized in Stockton

14/15 – 35 - 13 being misused, 22 expired

15/16 – 44 – 22 being misused, 22 expired

16/17 – 28 – 15 being misused, 13 expired

Total - 107 – 50 misused, 57 expired.

What approach do the Council take to enforce the scheme?

2.21 In addition to issuing penalty charge notices for parking in a disabled bay without a valid badge, the Council is proactively tackling fraudulent use of Blue Badges. Civil Enforcement Officers have the power under the Disabled Persons Act 2013 to inspect and seize any badge that:

- Is a fake.
- Has already been cancelled or reported lost or stolen.
- Should have been returned to the issuing authority because it has expired, the holder has died or is no longer disabled, the badge has become faded or damaged or has been recalled by the issuing authority.
- Was being misused (including by someone other than the holder when the genuine holder is not involved in the journey).

What would the implications and costs of the Council prosecuting people fraudulently using a blue badge?

2.22 The cost to the local authority to prosecute would vary depending on each individual case.

2.23 Costs would be incurred from the officer investigating time, legal costs and training.

2.24 The average cost for legal services is approximately £200 however this can vary depending if they receive a guilty plea before it is heard in court, therefore would be higher.

2.25 The Civic Enforcement Officers investigation time again would vary on how compliant the offender was, and if they had to do any follow up work within the case. On average, the cost per hour on the investigation would be £25, with additional costs added if the officer is required to complete any follow up visits, emails, CCTV reviews, letters, interviews or telephone calls.

2.26 Training costs would be estimated at £500. This would ensure that the officers had full knowledge of the relevant legislation and that the appropriate evidence and statements are gathered throughout the investigation.

2.27 It would be best practice to advertise that the Authority is to start prosecuting which again can incur costs. To place a dedicated advert in the newspaper, or broadcast a radio advert, the costs would be significant. The cost for a simple press release would be free. The Council could release a statement and cascade it to local advertising companies such as the Gazette, Northern Echo etc. It is likely given the sensitivity of the offence; the media would run a story. It could also be shared on social media sites etc.

2.28 A new policy would also need to be created to ensure that the officers are acting consistently with each offence. Although each case would be based upon its own merits, the Authority may be scrutinised if someone was not prosecuted on the same basis that another person was prosecuted.

2.29 The Civic Enforcement Service is now responsible for all car parking complaints including abuse of blue badges, whereas historically there was a separate team dealing with civil offences. The restructure and subsistent introduction of the

Civic Enforcement Service in April 2017 has allowed for more expertise to enable prosecutions in this area, learning from the experience of other Councils in the Country.

What approach do other Council's take?

2.30 **Leeds City Council** prosecutes those who are witnessed abusing the blue badge scheme. In four years (2013-2017) 656 cases were referred to court, with 645 of those being successful. Prosecutions can be made under S117 Road Traffic Regulation Act 1984 or the Fraud Act 2006, however, due to the significant level of resource required to prosecute under the Fraud Act, namely recorded interviews, Leeds City Council prosecute under S117 RTRA. Prosecution fines vary depending on the level of abuse on each individual case. The fine averages at around £330 in Leeds, with the maximum being £2354.

2.31 The monies which are gathered from the fines are spread across different services. For example;

Offender 1	Fine £220	Victim Surcharge £30	Costs £220	Total £470
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- The £220 fine goes to the court,
- Victim surcharge goes into the Victims of crime fund.
- The £90 costs goes back into their department (as they charge a minimum of £90 per prosecution)
- £130 to the legal department.

2.32 It is worth noting that the costs can be paid back on a monthly basis (set by the Court) so the money sometimes takes longer to come through. If a case is lost, or the appeal is successful, the Authority would need to meet the cost of the officer's time to present the case etc.

2.33 **Norfolk Council** also chooses to prosecute using both pieces of legislation, however, they employ someone specifically assigned to that role. The prosecutions listed for public dissemination are available on the website, however, in summary since November 2016, four cases have been referred to the Courts. All of the cases resulted in a caution being issued due to it being the defendant's first offence. After speaking with the investigator directly, Norfolk has since prosecuted four more offenders in the Magistrates Court. Three of those cases resulted in a total fine of £250 (including costs, victim surcharge and fine) and one offender was fined a total of £280. The slight increase was due to the offender falsely claiming that the registered blue badge holder was in a shop.

2.34 Norfolk Council have four different options to take with blue badge abuse:

1. Warning letter
2. Caution
3. Prosecution under Road Traffic Regulation Act 84
4. Prosecution under Fraud Act 2006

2.35 Norfolk Council default to prosecute every offender unless mitigating circumstances are provided therefore can choose option 1 or 2.

2.36 National statistics released in February reveal that thefts of parking permits for disabled motorists have more than quadrupled in four years. 2,921 blue badges

were reported stolen in England during 2016/17, a rise of 14% on the year before. It compares with 656 stolen in 2012/13. The Local Government Association reported that Councils had successfully prosecuted 1,131 people in 2016/17, up from 535 in 2013/14.

User Feedback

2.37 In addition to evidence presented from Transport Strategy and Road Safety, the Committee asked for feedback from:

- Disability Advisory Group Members
- All Councillors
- Graham Footer, Chief Executive, Disabled Motoring UK
- Private Car Park Operators

All of the responses received are set out in the table at **Appendix 1**.

3.0 Key Findings and Recommendations

Key Findings

- The Council is complying with Department for Transport Guidance on the recommended sizes of bays.
- Enforcement Officers are issuing penalty charge notices in respect of parking in a disabled bay without a valid badge
- Expired badges and badges being misused are seized by Enforcement Officers
- Stockton Council do not prosecute for fraudulent use of blue badges, however, a number of other Councils do and are able to recoup the prosecution costs
- Evidence from users of disabled bays highlights the lack of availability of disabled bays, high levels of abuse and the unsuitability of many of the disabled bays for wheelchair/ scooter users owing to their size and location

Recommendations

- (1) That the Council introduce prosecution for fraudulent use of blue badges, on the basis of the Council recouping the costs incurred and that appropriate training for Civic Enforcement Officers be carried out in order to facilitate this.
- (2) That an audit of the location and suitability of disabled bays (for both wheelchair and non-wheelchair users) be conducted in order to assess the nature and extent of improvements required to disabled bay provision within Stockton Borough Council owned car parks, both on and off street.
- (3) That prior to any new car parks being developed by the Authority in the future, Disabled Motoring UK and/or other Disability Advisory Groups be consulted to ensure we are meeting the needs for those who are using them.

GLOSSARY

DfT	Department for Transport
OT	Occupational Therapist
CCTV	Close Circuit Television
RTRA	Road Traffic Regulation Act 1984

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Blue Badge Policy

Version	Status	Date	Next Review Date
V1	Complete	June 2019	TBC
V2	Complete	September 2019	January 2020
V3	Complete	November 2019	April 2020
V4	Complete	February 2020	August 2020
V5	Complete	August 2020	March 2021
V6	Complete	November 2020	March 2021
V7	Complete	November 2020	March 21
V8	Complete	December 2020	March 21
V9	Complete	January 2021	June 2021

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2. Blue Badge Application – Access Options

Customers are encouraged to use the online application form as it is the quickest and easiest way for them to apply.

A paper application form is made available to anyone who can't use online methods; or who don't have anyone to help them use online methods. They can download a form and print it themselves; or HCC can send them an application form in the post. The paper application method will take longer to bring to completion

The Blue Badge web page URL is www.hants.gov.uk/Bluebadge

The online form URL is <https://www.gov.uk/apply-blue-badge>

The HCC paper application form can be found in [Hampshire Paper Application](#)

The HCC Blue Badge team can be contacted by email at blue.badge@hants.gov.uk;

By telephone using **03005551376**; or

By post to the following address - **Blue Badge Unit, PO Box 696, Fareham, PO14 9PD**

3. Blue Badge Legislation

The disabled persons' parking badge scheme came into operation on 1 December 1971 by means of Regulations made under Section 21 of the Chronically Sick and Disabled Persons Act 1970 (Badges for display on motor vehicles used by disabled persons). This Act was amended by the Disabled Persons' Parking Badges Act 2013.

The scheme as it currently stands is governed by the following Regulations:

- [the Disabled Persons \(Badges for Motor Vehicles\) \(England\) Regulations 2000 \(SI 2000/682\)](#)



- [the Disabled Persons \(Badges for Motor Vehicles\) \(England\) \(Amendment\) Regulations 2000 \(SI 2000/1507\);](#)
- [the Local Authorities' Traffic Orders \(Exemptions for Disabled Persons\) \(England\) Regulations 2000 \(SI 2000/693\);](#)
- [the Disabled Persons \(Badges for Motor Vehicles\) \(England\) \(Amendment\) Regulations 2007 \(SI 2007/2531\);](#)
- [the Disabled Persons \(Badges for Motor Vehicles\) \(England\) \(Amendment No. 2\) Regulations 2007 \(SI 2007/2600\);](#)
- [the Disabled Persons \(Badges for Motor Vehicles\) \(England\) \(Amendment Regulations 2011 \(SI 2011/1307\)](#)
- [the Disabled Persons \(Badges for Motor Vehicles\) \(England\) \(Amendment\) \(No.2\) Regulations 2011 \(SI 2011/2675\)](#)
- [the Disabled Persons \(Badges for Motor Vehicles\) \(England\) \(Amendment\) Regulations 2013 \(SI 2013/2203\)](#)

[The Disabled Persons \(Badges for Motor Vehicles\) \(England\) Regulations 2019 No. 891](#)

Other relevant legislation:

- [Section 21A \(Recognition of badges issued outside Great Britain\) of the Chronically Sick and Disabled Persons Act 1970.](#)
- Sections 115 (Mishandling of parking documents and related offences), 117 (Wrongful use of disabled person's badge) and 142(1)(General interpretation of Act) of the [Road Traffic Regulation Act 1984](#) (provides powers to tackle parking related abuse of the scheme).

All of the above Statutory Instruments (and the Acts) can also be viewed on the website of the Office of Public Sector Information at <http://www.legislation.gov.uk/>

4. Blue Badge Department for Transport Guidance

The Blue Badge Guidance provided by Department for Transport (DfT) is non-statutory and is used as guidance, alongside legislation, by the HCC Blue Badge Team.

The DfT Guidance can be found at [Blue Badge Guidance](#)

5. Blue Badge Issuing

Seeks to ensure that people receive a Blue badge who have an enduring and substantial disability which causes them, during the course of a journey, to be unable to walk; experience very considerable difficulty whilst walking, which may include very considerable psychological distress; or be at risk of serious harm when walking; or pose, when walking, a risk of serious harm to any other person." Any person who is disabled can be assured of the

Council's commitment to treat the assessment process fairly with the objective to protect them from being disadvantaged in any way.

We do rely on the honesty of the Blue Badge applicants, but also ask for a clear description and proof (medical evidence) of their walking difficulty to provide objectivity

All of the above needs to be balanced by attention to the integrity of the Blue Badge Scheme and reputation of Hampshire County Council

6. Charging Policy

Local Authorities are only permitted by legislation to charge up to £10 per badge. HCC made the decision in 2011/12 to charge the full £10.

HCC pay the companies Valtech and APS (joint responsibility – providing the Blue Badge System and printing and fulfilling badge orders) a total of £4.60 per badge.

HCC are therefore receiving £5.40 per badge. The administration cost to HCC of the Blue Badge process is currently in the region of £20 per badge.

HCC has asked DfT for the Badge fee restriction to be reconsidered and was supported by the Blue Badge Executive Management group. Nothing further has happened yet although Department for Transport have the request on record.

Scotland were charging £20 per badge before the new legislation in 2012 and they were allowed to continue to charge that fee

Wales do not charge anything for a Blue Badge

7. Post Sorting, Send-back and Refusal Policy at documents required stage

1) Paper Applications

- Post is sorted to enable effective assignment of task
- Post is sorted to ensure everything has been provided by the applicant as required to enable a robust assessment
- If the applicant has left a lot of information out and/or has not provided the documents needed, then a send-back policy is carried out. The entire application is returned with a letter and checklist, which enables the applicant to know what they need to provide before we will start the assessment. Once the new corrected application is returned, we will take action on it
- If only a few things are missing a phone call may be carried out – proportionality applied

2) Online Applications

- If no documents are uploaded with the application, then we do not action the application until documents are sent by another means – (no docs no action) – The acknowledgement email the applicant receives tells them everything they need to send to the Blue Badge team – they are told they have 28 days to do that



- i) If no documents are received within 28 days then the application is unsuccessful – the applicant must apply again if they miss the deadline
- If some documents or incorrect documents are uploaded, then an email is sent to the applicant informing telling them what is required
 - i) If the requested information/documents are not received within 28 days then the application will be unsuccessful)
- When the correct docs are returned the application can be actioned

8. Desk Top Assessment Process

HCC must confirm that

- a. the applicant is who they claim to be
- b. the applicant is resident in Hampshire? The delivery address must be where the applicant resides
- c. they have consent from the applicant if a family of friend want to assist them and therefore talk about the application – (unless they were the person who filled out the application on behalf of the applicant)
- d. the disability/condition is enduring and substantial
- e. If the decision is difficult to make, then the application should be referred to the Blue Badge Panel

9. New Application

An application is seen as new when an applicant isn't re-applying because of impending expiry of existing badge

10. Re-application

Existing badge holders must re-apply for a Blue Badge 10 weeks before the expiry date of their existing Blue Badge to enable the Blue Badge Team to assess and decide to issue them another badge on time, if they qualify.

If an applicant has a serious condition which is known to deteriorate then HCC will mark it as not needing further assessment next time around. In these cases, the applicant will still need to prove that they are who they say they are; and they will also have to prove that they are resident in Hampshire.

11. Non-Visible (Hidden) Disability

New legislation came into force on 30 August 2019.

[The Disabled Persons \(Badges for Motor Vehicles\) \(England\) Regulations 2019 No. 891](#)

HCC have been issuing badges to people with non-visible disabilities where it can be shown that the applicant has a severe and unmanageable reaction to their surroundings when out and about. It must be proven that the person suffers overwhelming psychological distress and/or which will cause danger to themselves and those around them.

HCC consider a variety of evidence which, when accumulated, should give confidence that the person does have a condition to meet the above requirements.

The Legislation, the DfT Guidance and the ITP Research paper are being used to inform HCC's approach to these new criteria.

The DfT Guidance can be found at [Blue Badge Guidance](#)

The ITP research paper can be found at [ITP Research Paper - Hidden Disabilities](#)

HCC will consider issuing a badge for a three-year term where there is compelling evidence that both the Carers and applicant are going through a transition period where they have not developed coping strategies due to the newness of awareness and also the likely impact of the "grieving" period, post awareness. This means that psychological distress and risk of harm are likely to be significant at that time, to justify refusal. In these cases a separate communique (mostly email) is sent to the carers to inform them of the decision and to make them aware that due to the likely development in general, and of coping strategies, down to theirs and the institution (school's) input, there is a strong possibility that the applicant may not qualify when the badge expires. They are also made aware, that if they do re-apply, they will need to provide up to date information and evidence to support their application.

12. No Further Assessment required (NFA)

When it is established that a person's condition is substantial and highly unlikely to improve then the person's record should be marked as "No Further assessment needed (NFA)"

- 1) In future if they apply online, they will have an automatic response which will prevent them from having to fill out all their disability difficulties
- 2) In future if they re-apply by calling or emailing us to ask for a paper application form then we must only send them Pages 1,2,3,4,5 and 15 (cross out the second checklist of 6 on page

13. Replacement Badge

A badge may be replaced where a badge holder has

- a. Lost their badge
- b. Had the badge stolen - (Police reference number must be supplied)
- c. A damaged badge which can't be used – (damaged badge must be returned first)

To prevent fake "lost badge" reports the application form has been updated to include a signed declaration by any person who reports their badge lost in future. Please put the badge number of the reported badge on the form to prevent any misunderstandings

1. Any incoming calls regarding lost reports are advised that they will be sent the new application form (by email, which they will need to print and sign)
2. If they do not have access to a printer then you will need to post one to them; however this is only on request to reduce the postage costs incurred by HCC



3. Advise the caller that the badge will be cancelled immediately, however until the application form is returned then a new one cannot be processed
4. Also advise that the report will be reviewed by the head of service and Criminal Investigations team who may ask for further information if required
5. The signed copies should be scanned to the badge record - this means that if the lost badge is found in use (say by a family member) then we have a signed lost report from the badge holder with a declaration of truth on the bottom which can be used as evidence in a prosecution if required.

The replaced badge will be cancelled with reason for cancellation recorded. A cancelled badge may not be used. If a lost badge is found, then it needs to be returned to HCC immediately. If it is found being used, then the person using it is likely to be prosecuted for Blue Badge misuse.

Exception – where current lost badge is about to expire (within three months)

Accept the re-application but they must sign the declaration to confirm that the badge was indeed lost – upload the signed form to their badge record

Accept the re-application if the badge has been stolen and they supply a Police reference number.

14. Terminal Illness

HCC applies a concession for people with a terminal condition where they can provide a DS1500 form (stating the prognosis as unlikely to be more than 6 months). We use discretion with Macmillan's and Hospice or like institutions. These applications are fast tracked to enable the person to have the assistance of a blue badge for the last weeks/months of their life.

15. Reasons not considered in their own right

There are conditions/disabilities that are not considered in the assessment, as they are normally not seen to have an enduring (permanent/constant) and substantial impact on a person's ability to walk; or they may have a condition which has coping strategies and/or support available which ameliorate/mitigate the difficulties they face.

If the primary reason is given as one of these conditions, then the person is unlikely to qualify. It is important to assess the application carefully to ascertain if there is any other reason the person may qualify.

The following are not considered in their own right

- a. Can't carry parcels
- b. Need the car doors to be wide open when exiting and entering the vehicle
- c. An Irritable Bowel Disease, such as Crohns Disease
- d. A terminal illness where the prognosis does not fall in line with HCC guidelines

16. Organisation Badge

The DfT Blue Badge Guidance says:

An organisational badge may be issued to an organisation for use in a motor vehicle or vehicles when the vehicle or vehicles are to be used to carry disabled people who would themselves be eligible for a badge as specified in Section 4(2) of the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000. An 'organisation' is defined in the 2000 Regulations as meaning an organisation concerned with the care of disabled persons to which a disabled person's badge may be issued in accordance with section 21(4) of the Chronically Sick and Disabled Persons Act 1970.

Local authorities will need to check whether the organisation in question:

Cares for and transports disabled people who would themselves meet one or more of the eligibility criteria for a individual Blue Badge; and •

Has a clear need for an organisational badge rather than using the individual Blue Badges of people it is transporting.

It is unlikely that taxi or private hire operators and community transport operators would be eligible for an organisational Blue Badge as they are not usually concerned with the care of disabled people who would meet one or more of the eligibility criteria for a badge. Such operators are, of course, able to use an individual's Blue Badge when carrying that person as a passenger.

Hampshire County Council does adhere to the guidance from the DfT, but due to the enormous amount of work carried out by Voluntary Driver Organisations, it believes we should consider their applications seriously to enable them to support the many disabled people in Hampshire who wouldn't otherwise have access to transport. **(Hampshire County Council does not issue Blue Badges to commercial driver organisations who operate for profit)**

To reduce the risk of doing this the Head of Service calls every organisation who applies, to ensure accountability, prevent misuse of the badge and to make sure they know where it is always. Also, who is using it and why they are using it. Where there are multiple drivers involved the organisation is asked to sign a declaration regarding their responsibility.

17. Blue Badge Panel

The Blue badge panel consists of at least an HCC Occupational Therapist, the Head of Blue Badge Service, with optional extras - the Blue Badge team Manager, and the most experienced Blue Badge team Advisor. The panel must always consider the welfare of the applicant, the integrity of the Blue Badge Scheme and HCC reputation, when coming to decisions. These three overarching considerations must be satisfied in that order of priority.

The Panel reviews the following

- a. Desk top assessments where a decision could not be reached
- b. Non-Visible (Hidden) disability applications due to their complexity and due to the Blue Badge Service being in transition (without legislation currently) on this subject
- c. Review requests where an application was unsuccessful at Desk Top Assessment
- d. Review requests where an application was unsuccessful at Panel after a decision could not be reached at Desk Top Assessment stage

- e. The Panel must apply the same Desk Top Assessment approach as the previous assessors, but they must also apply their professional expertise to enable a robust final decision.
- f. If the Panel still believe that the person does not qualify after a review is carried out then an Independent Expert Assessment (IEA) must be offered to the applicant

Panel deadlocked decisions

Where the decision is deadlocked then the decision made by the OT should be followed

With non-visible application decisions deadlocked - the decision should then lean towards an initial issue of badge (offering lifeline in exceptional circumstances) – An awareness call or separate awareness email as part of the process – discuss:

- a) Issuing the badge on this occasion
- b) Have awareness call with parents/guardians
- c) Discuss complexity of situation
- d) Badge issued only for exceptional situation
- e) Applicant unlikely to qualify next time as development of applicant is expected over the next three years
- f) If they do re-apply in three years' time, they will need to give up to date information and evidence to prove that the applicant still falls into the exceptional “overwhelming psychological distress” or “risk of serious harm” criteria

18. Independent Expert Assessments (IEA)

The OT will call the applicant by telephone first and ask a set of robust questions to see whether they can make a positive decision based on the answers at that stage.

If they still can't make the decision to issue at telephone stage then a face to face assessment will be arranged.

The OT will observe the applicant to assess whether they

- a. have a enduring and substantial physical walking difficulty
- b. suffer overwhelming unmanageable psychological distress which will cause danger to themselves and those around them

In all cases each IEA will be assessed as a unique case and all related issues will be considered. OT Assessor decision final

OT to apply the “lifeline” principle if they find themselves “on the fence” regarding the decision

OT will always write a report, by email or document, on why they came to their decision. The report will be uploaded to the badge record

19. Conflict of Interest during the assessment stages

CONTEXT

If any one of the team knows or has something or a lot to do with an applicant and due to multiple observations, reports that the person does not qualify in their view, for whatever reason (based on their expert opinion)

OUR RECOMMENDED PROCESS

1. The colleague needs to feel free to report their observation – based on prevention and detection of fraud requirement
2. Desk top assessor (if they have the observed information) needs to use it if they have an on-the-fence situation and lean toward refuse with the offer of a review
3. If a review is requested without satisfactory new evidence then the decision will still need to lean towards refuse, with the offer of IEA
4. The IEA phone call will be carried out according to OT principles and will take the observation into account when preparing to make the call
5. The OT will make the decision based on their professional assessment and recommend issue if necessary, despite the observation
6. The OT report will give the justification for the decision, whether issue or refuse, and their decision will be final.

20. PIP/DLA Searchlight – Confirming disability awards

WHAT IS IT?

Blue Badges allow people to benefit from certain parking concessions. In addition, people who have a Blue Badge are often able to automatically access other concessions.

LEGAL GATEWAYS

Regulation 5(1)(a)(i) of the Social Security (Information-sharing in relation to Welfare Services etc.) Regulations 2012, made under Section 131(1) of the Welfare Reform Act 2012.

LAWFUL BASIS AND CONDITION FOR PROCESSING UNDER GDPR

Articles 6(1)(e) and 9(2)(b) of the GDPR 2018.

THE PURPOSE FOR WHICH DATA IS SHARED

DWP provides data to LAs in order to determine a person's eligibility or continued eligibility for a Blue Badge.

WHO IS THE DATA CONTROLLER?

The LA is the controller for data processed for Blue Badge purposes.

DATA

LAs are able to access DWP Searchlight to support administration of Blue Badges, however for these purposes restrictions are in place.

USE OF SEARCHLIGHT

1. Users responsible for Blue Badge administration must only obtain and process sufficient Searchlight data for that specified and lawful purpose.
2. Further details on Searchlight access can be found in [Glasscubes](#).
3. Agents may not share EAS Tokens, PIN numbers or any other ID credentials

SPECIAL CUSTOMER RECORDS

LA will be refused initially and will need to request access via DWP

SEARCHLIGHT SECURITY CHECKS

Searchlight requests will be checked to ensure accountability

IN CASE OF SECURITY BREACH

- Process developed in case of security breach
- Single point of contact required to investigate and liaise with LASST
- Local Authority Security & Support Team (LASST) must be notified of any actual or suspected security incidents
- LASST must be notified if there is an IT Network incident – and keep them notified of developments
- Formal disciplinary process in line with HCC compliance guidance
- If IT Incident then IT Services need to make details of technical issues known to LASST so they can analyse risk
- If HCC need to notify ICO of a breach they must first notify DWP

OTHER ACCESS IMPORTANT INFORMATION

- All staff need DBS checks
- Record to be kept of last DBS check for each individual
- Remove access if no longer needed
- Employees not to disclose information should they terminate employment
- Authentication Tokens to be returned if agents leave the LA
- Access only available from within the UK
- Agents must not onwardly disclose data – only use for the purpose of assessments
- All agents must have GDPR training and Searchlight Guidance training

21. Reminder letters

HCC currently send reminders by email firstly (if email provided by applicant), SMS text next (if mobile number provided) or by letter (where neither email address or mobile number are provided).

It should be noted that Blue Badge Issuing authorities are not obliged to send out reminders and that it is the badge holder's responsibility to diarise the date of their existing badge's expiry date.

22. Complaints

Blue Badge comes under Dept. Economy Transport & Environment (ETE) from 05/10/2020. This means that complaints need to be registered in the system CONFIRM with that Department. Due to the GDPR risk with Blue Badge sensitive personal data, the recording of complaints on confirm will only include the person's name and address.

The CONFIRM reference number will be given to the Blue Badge team who will add it as a link to the complaint notes on the person's Blue Badge record.

The complaint will also be stored as part of the Blue Badge / Concessionary Fares complaints/compliments database – which also has restricted access

In this way we assure all personal sensitive data stays within Blue Badge record with restricted access while CONFIRM will still have record of the complaint having been made

23. Blue Badge Enforcement

Our enforcement approach is a requirement according to Blue Badge legislation and the National Fraud Initiative and is inextricably linked to the Equality Act 2010 – most specifically Section 20 - where it says:

Duty to make adjustments

- (1) *The first requirement is a requirement, where a provision, criterion or practice of A's puts a disabled person at a substantial disadvantage in relation to a relevant matter in comparison with persons who are not disabled, to take such steps as it is reasonable to have to take to avoid the disadvantage.*
- (2) *The second requirement is a requirement, where a physical feature puts a disabled person at a substantial disadvantage in relation to a relevant matter in comparison with persons who are not disabled, to take such steps as it is reasonable to have to take to avoid the disadvantage.*
- (3) *The third requirement is a requirement, where a disabled person would, but for the provision of an auxiliary aid, be put at a substantial disadvantage in relation to a relevant matter in comparison with persons who are not disabled, to take such steps as it is reasonable to have to take to provide the auxiliary aid.*

The following explains our approach to regulatory activity, how we expect to deal with individuals and organisations and what happens when we find misuse, abuse or fraud infringements of Blue Badge legislation.

For enforcement to be fair it is important that we are open and clear about the basis on which we act. The Blue Badge community will be protected from the impact of Blue Badge misuse, abuse or fraud, particularly those who may be especially vulnerable.

Currently HCC work in partnership with Portsmouth City Council, who have trained and experienced staff who provide advice and who develop the more serious cases, on HCC's behalf, where it is decided that further investigation is required.

HCC also work in partnership with all the Hampshire parking authorities. The parking authorities are responsible for the civil parking offences after which they hand the case over to HCC to deal with the Blue badge criminality where appropriate.

Misuse of Blue Badge incidents are identified in a variety of ways:

- a. Local Parking Enforcement interventions during their normal daily business
- b. HCC planned on-street operations, in partnership with local parking authority
- c. Reports (allegations) received from members of the public or any other source

When we find a breach of legislation, in most cases we deal with the matter by formal warning. However, where there are more serious cases they are resolved more formally.

Should a member of HCC staff be found to be misusing a badge or committing Blue Badge fraud, the matter will be dealt with in the same way as if that member of staff were a general member of the public.

Dependent upon the provisions of the legislation, we can take a variety of actions, including

- a. Verbal or written warnings
- b. Fixed Penalty Notices and Penalty Notices for Disorder
- c. Suspension, seizure of a Blue Badge
- d. Simple Cautions
- e. PACE interview
- f. Prosecution

Before any enforcement action is taken there will usually be opportunity for a person or organisation to discuss the case. However, when we are considering a prosecution this will be at a formal interview. Where the circumstances would normally justify prosecution but there has been a clear admission of the offence, we will consider offering the offender an option of signing a Simple Caution, depending on the seriousness of the offence.

We will always observe the strict legal codes on the way investigations are to be conducted and legal action taken.

Where English is not the first language of the representative of the business, we may be able to provide translations of our documents.

In some instances, we share an enforcement role with other agencies e.g. Other Local Authorities and Government institutions and in such situations, we will share information on our activities with our partner organisations if necessary.

24. Taking Legal Action

To ensure any action we take is proportionate and targeted only at cases in which action is needed, several factors will be taken into consideration, including

- a. The seriousness of any alleged offence
- b. The value involved
- c. The age and vulnerability of customers affected
- d. Any previous history
- e. Any statutory defense available
- f. Action taken to prevent any recurrence
- g. Any explanation offered and, as far as the law allows, the circumstances and attitude of the person or organisation towards compliance and the investigators.
- h. What course of action will best serve the community interest
- i. Prosecution is always likely in cases which involve
 - i) serious offences involving fraud
 - ii) obstruction or willful non-compliance,
 - iii) deceptive or misleading claims or actions,
 - iv) breaking statutory prohibitions,
 - v) breaking court orders,
 - vi) where national policies indicate such course of action, or
 - vii) The decision to prosecute is taken by the responsible HCC Chief Officer (or delegated), after a full consideration document has been completed with input from the investigating officer and the Head of Blue Badge Service.

Investigation to Legal process

Head of Service sets up meeting with Team Leader General Litigation

1. Pass file to Legal
2. Send email confirmation that file was passed on
3. Legal record new cases and plan for time limited cases
4. Legal keep Head of Service informed regarding status of cases, including outcome

Good Enforcement Practice

We serve the people of Hampshire by working with the community to ensure a fair issuing process and a robust enforcement process.

All our staff are bound by this policy to ensure we take a consistent approach to our work.

In carrying out our work, we are accountable to the members of Hampshire County Council who are democratically elected to represent the people of Hampshire.

25. Temporary Retention of Badges

All Civil Enforcement Officers (CEO), as well as any officer who has the delegated authority, have powers to request to inspect badges and where appropriate, to retain the badge.

The CEO will then write up the incident report and return the badge to HCC for further action. Where a badge could not be retained the incident report will still be sent to HCC for further action.

If the offence is deemed to be a first level offence, then it will be returned to the badge holder with a formal warning letter and the contravention will be recorded.

26. Prosecution

If a further offence is observed after a formal warning has been issued, then it will be passed on for further inspection and likely prosecution.

A prosecution will only occur for repeated contraventions and for higher level contraventions, for example, using a deceased persons badge, altering a badge

27. Blue Badge General Data Protection Regulations

Blue Badge Privacy Notice

The Hampshire County Council Blue Badge Service collects information about you as part of the application process

The County Council will use your personal information to;

1. Process your application
2. Manage any Blue Badge misuse or fraud enforcement history
3. Analyse the use of the Blue Badge service

The legal basis for our use of this information is a legal obligation under The Disabled Persons (Badges for Motor Vehicles) (England) Act 1970, and also that processing is required for reasons of substantial public interest. Analysis of Blue Badge data is conducted by the Council's Adults' Health and Care department in order to produce statistics required under the Health and Social Care Act 2012.

Your information will be collected by the County Council and uploaded to the Blue Badge Digital Service (BBDS), a national database commissioned by Department for Transport and developed and managed by Valtech UK. Hampshire County Council will be using a Case Management System (CMS), provided by Northgate Public Services, to manage the administration of the assessment process. This CMS will be fully integrated with the BBDS and support for the system will be provided by Northgate Public Services.

Your information will be shared with our processor APS who will be managing the printing and postage of Blue Badges to customers, with the printing being carried out by Essentra.

We may share your information with other local authorities and the Department for Transport, in connection with the detection or prevention of fraud.

If you are in receipt of the relevant Department for Work & Pensions (DWP) mobility component of either Personal Independence Allowance (PIP) or Disability Living Allowance (DLA), then the County Council assessors have limited access to the DWP system which only allows them to confirm the type of award and its duration.

If you already have a Blue Badge from Hampshire County Council, or you are a new applicant and your application is successful, we will keep your personal information for three years after your latest Blue Badge has expired or is cancelled. If you are a new applicant and your application is unsuccessful, we will keep your personal data for six months.

You have some legal rights in respect of the personal information we collect from you. Please see our [Data Protection](#) page for further details.

You can contact the County Council's Data Protection Officer at data.protection@hants.gov.uk

If you have a concern about the way we are collecting or using your personal data, you should raise your concern with us in the first instance or directly to the [Information Commissioner's Office](#).

28. What you can expect from our staff

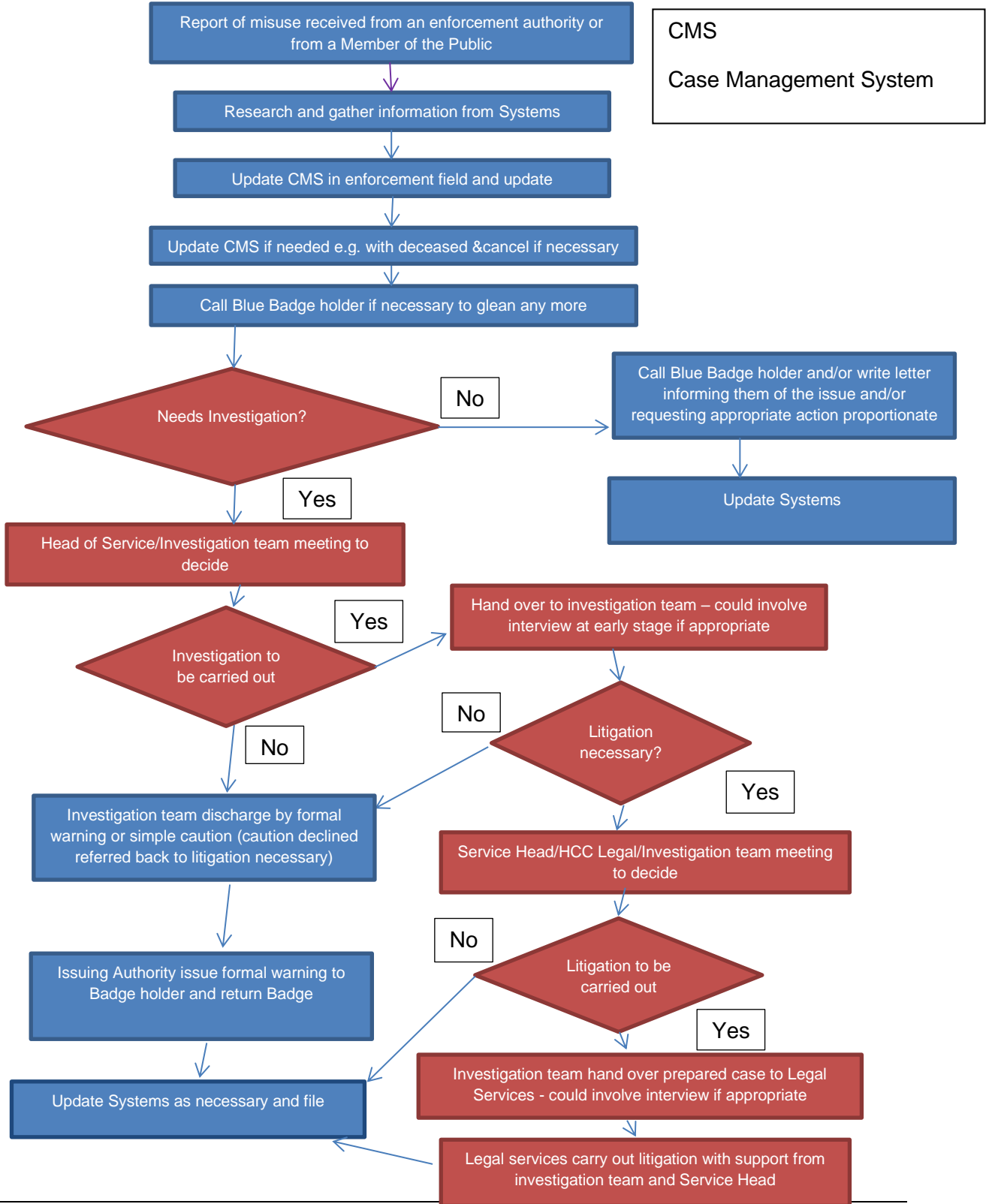
You are entitled to expect our staff

- a. To be courteous and helpful
- b. To give clear and simple advice
- c. To be consistent with their decisions
- d. Enforcement investigators to identify themselves by name and produce identification if requested
- e. To clearly distinguish between what you **must** do to comply with the law and what is recommended as best practice
- f. To minimise the cost of compliance by requiring proportionate action
- g. If you misuse a badge to give you reasonable time to comply (unless immediate action is necessary in the interest of Health, Safety or to prevent evidence being lost)
- h. To notify you if the matter is to be reported for legal proceedings
- i. In cases of dispute to advise you of the procedure for making a complaint or representations
- j. To maintain confidentiality except where we have a legal obligation to disclose information.

29. Enforcement Process - Please see overleaf



Blue Badge Enforcement Flow Diagram 2013



CMS
Case Management System

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Organisation Applications Policy Support Document

Hampshire County Council

This document is to run alongside the current legislation governing the Blue Badge Scheme, and the latest version of the Local Authority Guidance issued by the Department for Transport (Dated September 2019). This policy document relates specifically to Hampshire County Council's (HCC) process for Blue Badges requested by Organisations.

To be Eligible for an Organisational Blue Badge, the Organisation must:

- Be able to demonstrate that they provide both Care AND Transport for people who will in themselves be eligible for a badge. (If an organisation is a voluntary driver scheme whose main objective is to provide transport for disabled members of our community, then they will be considered by HCC)
- HCC will not issue a badge to a commercial company which has transport as its primary function
- Must have an appropriate number of Service Users for badges requested. As a guide, ratio of badges to Service Users should not exceed 1 badge to every 7 service users. This can be appealed on a case-by-case basis in agreement with the Blue badge Team manager or Head of Service. (N.B. When considering a smaller ratio, impact on service users should be considered and the frequency of changing service users, as well as the suitability of Individual Badges in place of an organisational one)
- Be encouraged to obtain and use individual badges to encourage independence where appropriate instead of using Organisational Applications.
- Have clear signing in and out procedures for badges within their possession to help eliminate misuse. These procedures must be able to be audited by HCC if requested. This must also include Driver Rota if multiple drivers drive the organisation vehicles.
- Have a named person or role taking responsibility for the following of procedures if a badge is issued.
- Have enough vehicles for the number of badges registered to the organisation, or be able to demonstrate use of suitable personal, hired or leased vehicles. These vehicles must be deemed as suitable disabled passenger vehicles by HCC. *N.B. Unsuitable passenger vehicles for Organisations include: Most 2 seat Vehicles (unless they are 2 seater because they are adapted vehicles), Vehicles which sit low to the ground, Vehicles which require a step to reach the vehicle (unless there is an adaptation to assist access), Motorcycle or Trikes.*
- Be able to be verified by an open source web search or by searching the charity commission register at <https://www.gov.uk/find-charity-information>
- Each location can only be issued with a maximum of 9 badges. Large organisations who have multiple sites should make an application for each site should more than 9 badges be needed for the organisation. These will be recorded as "SITE NAME" – "ORGANISATION NAME", and it will appear this way on the badge. Issuing organisation badges to multiple sites will need to be agreed by the Blue Badge Team manager or Head of Service.
- Voluntary Driver organisations may be issued with multiple badges in relation to the area they cover but a full list of drivers must be provided, and a declaration must be signed by the organisation confirming that all drivers are held accountable
- Badges remain the property of HCC.

- All drivers who use an Organisational Blue Badge must read the Rights and Responsibilities booklet before using the Blue Badge. It is the responsibility of the Organisation's Named Person to ensure that this is completed.
- HCC reserve the right to remove badges from organisations that are not used in an appropriate manner.

HCC reserve the right to refuse any application made by an organisation who does not meet any of the above conditions.

Version Controls

Created: 07/04/2021 – Gordon Smith



Hartlepool Borough Council Blue Badge Service

Name of applicant	
Date of birth of applicant	
Address of applicant	

Section 1 - General Information

Please provide the following information about yourself:

Title	
Full name	
Full job title	
Work Address	
Work email address	
Daytime telephone number	

Are you registered to the Health and Care Professions Council (HCPC)?

YES / NO

If yes, please provide your HCPC registration number

Are you registered to the General Medical Council (GMC)?

YES / NO

If yes, are you on the Specialists' register?

YES / NO

Please provide your GMC registration number

Please state your relationship to the applicant and the services you provide to them specifically.

Which of the following most accurately describes how frequently you see the applicant in a professional capacity?

Daily	
Weekly	
Monthly	
Several times a year	
Annually	
Less frequently	
Never	

When was the last time you saw the applicant in your professional capacity?

M	M	/	Y	Y	Y	Y
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Section 2 - Corroborating Evidence

What disability / disabilities are you aware that the applicant has been doagnosed with?

Please state below and include any relevant documentation that you have as part of your submission e.g. letters of diagnosis.

What role, if any, did you play in the diagnosis of the applicant's disability / disabilities condition(s)?

Please explain which, if any, of the applicant's disability / disabilities conditions could be described as 'enduring'?

An enduring disability is defined as any disability that is likely to last for the next 3 years in a stable or deteriorating state.

Please explain which, if any, of the applicant's disability / disabilities conditions could be described as 'substantial'?

A 'substantial' disability is defined as any disability that causes the applicant, during the course of a journey, to:

- be unable to walk;
- experience very considerable difficulty whilst walking, which may include very considerable psychological distress or other 'non-physicla' disabilities; and/or

- be at risk of causing serious harm to themselves or to any other person when walking.

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Are you aware of any instance where the applicant has experienced very considerable difficulty whilst walking between a vehicle and their destination, or been at risk of serious harm, or posed a risk of serious harm to another person, as a result of any of the disabilities described above?

Yes	
No	
Unsure based on my exposure to the applicant	

If yes, please explain your answer

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Based on your knowledge of the applicant's disability, to what extent do you think they are likely to experience the following difficulties whilst walking between a vehicle and their destination?

	Never (not happened before)	Occasionally (only on some journeys)	Regularly (more often than not)	Always (every journey)	Unsure / dont know
Become physically aggressive towards others, possibly without intent or awareness of the impact of their actions?					
Refusal to walk, dropping to the floor, becoming a dead-weight?					
Wandering off, or running away, possibly without awareness of surroundings or their associated risks?					
Disobeying, ignoring and/or being unaware of clear instructions?					

Experiencing very severe or overwhelming anxiety (e.g. through hypervigilance)?					
Experiencing an overwhelming sense of fear of public / open / busy spaces?					
Experience serious harm, or causing serious harm to others?					
Other (please specify)					

Please provide any further relevant information here

Please identify any coping strategies of which you are aware that the applicant uses to manage / mitigate their symptoms or problematic behaviours and explain their effectiveness or likely effectiveness?

Coping strategies could include travelling with a companion, prescribed medication or cognitive techniques.

Section 3 - Declaration

Should the local authority need to discuss this individual's case with you in more detail, please identify the means through which you'd prefer to be contacted.

Please note that in the majority of cases, we would not expect further contact to be necessary, but it may be for instance in the case of appeal.

Please tick as many as relevant.

Phone	
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Email	
Letter	
I do not wish to be contacted further	

I hereby certify that the information I have provided is:

- Based upon my professional insights into the applicant's condition
- Given in good faith and to the best of my knowledge
- Provided independently of any interest in the applicant's receipt of a Blue Badge

Signature

Date

D	D	/	M	M	/	Y	Y
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