

## Bath & North East Somerset Council

DECISION MAKER:	Cllr Caroline Roberts, Cabinet Member for Transport		
DECISION DATE:	On or after 1 <sup>st</sup> September 2013	EXECUTIVE FORWARD PLAN REFERENCE:	
		E	2585
TITLE:	Blue Badge Appeals Process		
WARD:	All		
<b>AN OPEN PUBLIC ITEM</b>			
<b>List of attachments to this report:</b> Appendix 1 – Appeals Process Procedures Appendix 2 – Equalities Impact Assessment			

### 1 THE ISSUE

1.1 On the 1st January 2012 changes occurred within the administration of the Disabled Drivers Blue Badge scheme with all badges issued nationally by one company called Northgate, who have been instructed by the Department for Transport to carry out this work. All local authorities who issue Blue Badges have signed up to the scheme and badges are issued in accordance with The Blue Badge Scheme Local Authority Guidance (England). The Blue Badge Scheme Local Authority Guidance (England) in essence is only for guidance and not a statutory document however it does contain processes which it recommends local authorities to follow.

1.2 A recommendation of the guidance is that an appeals process is in place for any applicant that has been refused a blue badge to ensure that applicants feel their concerns have been considered fully.

### 2 RECOMMENDATION

The Cabinet member is asked to agree that:

2.1 The attached Appeal Procedure for disabled Persons Parking Permits is adopted and all future appeals are dealt with according to the processes contained within.

### **3 FINANCIAL IMPLICATIONS**

3.1 The costs for providing the appeals service will be absorbed within the Service Budget for Blue Badges.

### **4 CORPORATE PRIORITIES**

- *Building communities where people feel safe and secure*

The appeals process will allow all cases to be dealt with in an impartial way ensuring an equal and consistent approach in that only those who qualify are issued with a blue badge. The appeals process will also allow the applicant the opportunity to provide additional information about their disability if they have been initially refused due to the lack of or incorrect information previously provided.

#### *Promoting the independence of older people*

A large number of older people are holders of Blue Badges. The continuation of issue of the badges will allow them to keep their independence and retain their ability to access facilities.

#### *Improving transport and the public realm*

The blue badge scheme gives people with disabilities access to the public realm and facilities necessary to lead an independent life. The appeals process will help ensure that only those entitled to a badge are successful.

### **5 THE REPORT**

5.1 The Government announced on 14 February 2011 a major programme of reforms to the Blue Badge scheme. The reform programme has been developed in consultation with disabled people, local authorities and other stakeholders, and on the basis of research and economic analysis. The reform has delivered the most comprehensive changes to the Blue Badge scheme for 40 years.

5.2 The reforms to the system are designed to crackdown on drivers who abuse the scheme and other changes to make it more sustainable for the future. The benefits of the wider changes such as the new blue badge design include:

- Fraud prevention – automated checks can be made at the application stage to prevent multiple and fraudulent applications.
- Use of sophisticated anti-fraud technologies on the new badge, more security in the supply, storage and distribution of the badge
- Quick and easy enforcement checks by officers anywhere in the country on badges issued by any local authority.

5.3 Currently in Bath and North East Somerset a total of approximately 9000 badges are in circulation. The life of a badge is usually 3 years.

5.4 A blue badge can be issued under one or more of the following criteria:

- You are automatically eligible to apply for a badge if you are over two years old and either: receive the Higher Rate of the Mobility Component of the Disability Living Allowance; are registered severely sight impaired (blind); receive a War Pensioner's Mobility Supplement

- Subject to assessment you may also be eligible for a badge if you are over two years old and either: have a permanent and sustainable disability which means you cannot walk, or which makes walking very difficult; drive a motor vehicle regularly, have a severe disability in both arms, and unable to operate all or some types of parking meter (or would find it very difficult to operate them)
- If you are a parent of a child who is less than two years old, you may apply for a badge for your child if they have a specific medical condition which means that they either: must always be accompanied by bulky medical equipment which cannot be carried around without great difficulty; need to be kept near a vehicle at all times, so that they can, if necessary, be treated in the vehicle, or quickly driven to a place where they can be treated, such as a hospital

5.5 There is no legal requirement for local authorities to have an appeals procedure in place if someone disagrees with their application being rejected on the grounds of eligibility. However, to ensure that we are in line with best practice, the attached Appendix 1 sets out the proposed procedures to address the issues raised. The procedures include an escalation process to ensure staff of the correct level of seniority review the correct cases.

5.6 We have operated the appeals procedure on a trial basis since July 2012 and it is now deemed appropriate to formalise the process with a Cabinet Members decision to ensure that the process cannot be challenged.

5.7 From implementation of the new Blue Badge system on 01.01.2012 to date (22.01.2013) we have received a total of 19 appeals dealt with at First Stage Review by a senior member of the Team, with 1 appeal taken to the Head of Service Review Stage.

## **6 RISK MANAGEMENT**

6.1 The report author and Cabinet member have fully reviewed the risk assessment related to the issue and recommendations, in compliance with the Council's decision making risk management guidance.

## **7 EQUALITIES**

7.1 The Equalities Impact Assessment is attached as Appendix 2.

7.2 Due to the impact on vulnerable groups of the original changes a full EIA and consultation with relevant stakeholders was undertaken in 2011 by the Department for Transport at the start of the Blue Badge Improvement Service project and is available on the DfT website.

## **8 RATIONALE**

8.1 To ensure equality within the decision making processes it is best practice to have an appeals process. This reassures all applicants that their application will be judged fully and fairly in line with a published policy if rejected at initial assessment.

## 9 OTHER OPTIONS CONSIDERED

- 9.1 To not have a formal appeals process - This has been considered and dismissed. Often applicants can find forms confusing and as such provide insufficient or incorrect information which could lead to their application being refused. Allowing the applicant to appeal gives an opportunity to provide more information that they consider relevant.
- 9.2 To not formalise the Appeals Process – This could reduce confidence in the team and the processes and leave the Council open to challenge.

## 10 CONSULTATION

- 10.1 Other Public Sector Bodies; Section 151 Finance Officer; Monitoring Officer
- 10.2 Full consultation was undertaken by the Department for Transport in regard to the changes proposed. All key stakeholders were included within the consultation process.

## 11 ISSUES TO CONSIDER IN REACHING THE DECISION

- 11.1 Social Inclusion; Customer Focus; Human Rights; Other Legal Considerations

## 12 ADVICE SOUGHT

- 12.1 The Council's Monitoring Officer (Divisional Director – Legal and Democratic Services) and Section 151 Officer (Divisional Director - Finance) have had the opportunity to input to this report and have cleared it for publication.

<b>Contact person</b>	Chris Major 01225 394231
<b>Background papers</b>	<p><i>Consultation, including public Impact Assessment: Blue Badge Reform Programme: A consultation document, DfT, March 2010</i> <a href="http://www.dft.gov.uk/consultations/closed/2010-20/">http://www.dft.gov.uk/consultations/closed/2010-20/</a></p> <p><i>Research report: Blue Badge Reform Strategy: Enforcement Evidence Base, DfT, March 2010</i> <a href="http://webarchive.nationalarchives.gov.uk/+http://dft.gov.uk/adobe/pdf/259428/281009/enforcementevidence.pdf">http://webarchive.nationalarchives.gov.uk/+http://dft.gov.uk/adobe/pdf/259428/281009/enforcementevidence.pdf</a></p> <p><i>Previous Government strategy, including Impact Assessment: Comprehensive Blue Badge (Disabled Parking) Reform Strategy (England), DfT, October 2008</i> <a href="http://webarchive.nationalarchives.gov.uk/+http://www.dft.gov.uk/transportforyou/access/bluebadge/reform/reformstrategy.pdf">http://webarchive.nationalarchives.gov.uk/+http://www.dft.gov.uk/transportforyou/access/bluebadge/reform/reformstrategy.pdf</a></p>
<b>Please contact the report author if you need to access this report in an alternative format</b>	