

EAST AYRSHIRE COUNCIL

CABINET – 29 SEPTEMBER 2010

BLUE BADGE REFORM

Report by Executive Director of Educational and Social Services

1. PURPOSE

- 1.1 To inform Cabinet of the Blue Badge Reform proposals issued for consultation by The Scottish Government.
- 1.2 To seek agreement for a response from East Ayrshire Council as outlined at appendix 1.

2. BACKGROUND

- 2.1 The Blue Badge Scheme, previously known as The Orange Badge Scheme has been in place since 1971. The Scheme administered by local authorities on behalf of the Scottish Government, provides concessions to severely disabled people to park where particular restrictions may otherwise apply. The Scheme plays an important role in helping severely disabled people access jobs, shops and other services.
- 2.2 Eligibility for the current Blue Badge Scheme is considered in terms of being “eligible without further assessment” (automatic) or “eligible subject to further assessment” (discretionary).
- 2.3 Individuals who currently fall under the automatic criteria are:-
 - Those in receipt of the Higher Rate of the Mobility Component of the Disability Living Allowance.
 - Those in receipt of a War Pensioners mobility supplement.
 - Those who use a motor vehicle supplied for disabled people by a government health department.
 - Those who are registered blind.
 - Those who have a severe disability in both upper limbs and regularly drive a motor vehicle but cannot turn the steering wheel of a motor vehicle by hand even if that wheel is fitted with a turning knob.
 - Children under the age of 2 who due to a medical condition, need to be accompanied by bulky medical equipment at all times or due to a medical condition must always be kept near a vehicle so that treatment can be given in the vehicle, or the child can quickly be transported to a place for treatment.
- 2.4 Those who are eligible under the discretionary criteria, i.e. subject to further assessment (GP medical assessment and Local Authority OT assessment) are:-
 - Those who have a permanent and substantial disability which means they are unable to walk or have very considerable difficulty in walking.

- Organisations caring for disabled people, meeting the Eligibility Criteria, may also be able to get a badge, but this is entirely at the discretion of the local authority.

2.5 Individuals with a psychological disorder do not currently normally qualify for the scheme unless their impairment causes very considerable and not intermittent difficulty in walking.

2.6 There are currently over 270,000 Blue Badge holders in Scotland. The number of Blue Badges issued within East Ayrshire as at 31st March 2009 was 7141, 3664 of these being automatic, 3436 being discretionary and 41 issued to organisations. The Blue Badge applies for a 3 year period.

3. SCOTTISH GOVERNMENT REFORM PROPOSALS

3.1 The Scottish Government wish to ensure that the Blue Badge Scheme stays fit for purpose in the 21st Century. Its goal is to improve Blue Badge Schemes, making it easier to access and use by those who are eligible, easier to enforce in order to clamp down on those who misuse the Scheme and more efficient to administer.

3.2 A Blue Badge Reform Working Group was set up in June 2009 to consider how the Scheme can be improved and on the basis of the working group's recommendations; the following changes to the scheme are proposed over the next 3 years.

3.3 Eligibility – Extending the eligibility criteria to children under the age of 3 with particular mobility problems; severely disabled service personnel and war veterans and people with severe forms of Autistic Spectrum Disorder and very advanced forms of dementia. Changing the discretionary criteria from “severe or considerable difficulty walking” to “unable to walk or virtually unable to walk”, ensuring that those aged over 65 are assessed using the same criteria as those aged under 65 applying for the Higher Rate of the Mobility Component of Disability Living Allowance.

3.4 Assessment of eligibility - For those individuals who require a further assessment, normal current practice is for the persons G.P to provide medical information and for the local authority OT's, or designated officers to undertake a mobility assessment. The proposal is that an “independent medical assessment” should be undertaken by appropriate qualified individuals, rather than G.P's. Appropriately qualified individuals are suggested to be health professionals such as nurses, health care assistants, physiotherapists and Occupational Therapists therefore it would not be necessary for the assessment to be carried out by a professional who is employed by the local authority.

3.5 Administration of the scheme – in order to provide consistency for applicants across Scotland, it is proposed to introduce a national application form for use by all local authorities; introduce a national database; develop a code of practice and move to Blue Badges being centrally issued.

3.6 Design of the badge – making the badge harder to copy, forge or tamper with by altering the design of the badge and establishing a common numbering system for

badges to enable more effective version control of replacement badges and enforcement through visual inspection of badges.

- 3.7 Enforcement of the scheme – give local authorities and their authorised officers a power to inspect or confiscate badges that have been cancelled or are being misused; giving local authorities increased powers to both confiscate badges and to refuse to issue any more badges to an individual for a certain period of time and to increase the maximum fine for misuse of a Blue Badge from £1000 to £2500.
- 3.8 Provision of Information on the Scheme – expand and upgrade the information contained in the Blue Badge Scheme leaflet; revise the Blue Badge web page on the Scottish Government website; draw up a Code of Practice to ensure local authorities are not diverting from national criteria.
- 3.9 Organisation of badges – changing the organisation badge to allow a vehicle registration number to be shown on the front, applicants to provide proof that they have a road licence awarded under the Disabled Passenger Vehicle Taxation class for the appropriate vehicle, also alter the design of an organisational badge to readily distinguish it from individual badges.
- 3.10 Concessions – badge holders can park in disabled parking bays and can also park in on street parking bays free of charge. They are also entitled to park on single yellow and double yellow lines throughout Scotland for an unlimited time, unless there are loading instructions in place. The proposal is to remove the right to park on double yellow lines and to limit the amount of time badge holders can park on single yellow lines. This would require local authorities to issue clock cards to all badge holders. Further concessions such as reduced fares on certain ferries and free off street parking are also available to Blue Badge holders and the Scottish Government are considering carrying out some research on the implications of removing some of these additional concessions which in turn may reduce the incidence of fraud and misuse of the badge.
- 3.11 Consultation is also being undertaken in respect of the option for making it mandatory for all local authorities to charge a fee of £20 for every application.

During 2006 the then Scottish Executive undertook a substantial review of the Blue Badge Scheme. As a consequence new guidance on the scheme was published in March 2007. The guidance makes provision that “Local Authorities have the option to make a charge to cover the administration costs of issuing a Blue Badge”.

The fee level of £20 is detailed in the Disabled Persons (Badges for Motor Vehicles) (Scotland) Amendment Regulations 2007, (SSI 2007/162) that came into force on 1st April 2007. The previous fee of £2 had been set in 1983 and the Regulatory Impact Assessment (RIA) for the new Regulations estimated that allowing for inflation this equalled to approximately £20 today.

The RIA further commented, “It is recognised that an increase to the fee for the badge will not be universally welcomed by badge holders. It is considered necessary to allow issuing authorities to re-coup some of their administrative costs. The proposal to increase the fee for a badge will go some way towards re-couping the local authorities’ costs of administering the scheme”.

4. IMPLICATIONS FOR EAST AYRSHIRE

- 4.1 East Ayrshire Council does not currently charge individuals who make application for a Blue Badge. Should a national minimum charge of £20 be introduced, this would result in an additional income of £48,000 to the Council per annum.
- 4.2 The cost to the Council of administering a Blue Badge application has been calculated at £12 per application for those people who meet the automatic criteria and £34 per person for those who require a further assessment. This equates to an approximate cost of £53,000 per annum to the Council for administering this Scheme on behalf of the Scottish Government.

Should the proposed national charge of £20 per application be implemented, this would result in a significant contribution to the Council towards the cost of administering the Scheme.

- 4.3 Should the council require to purchase a clock badge for each blue badge issued as per one of the proposals of the Blue Badge reform, this could result in an additional cost to the council of £18,600 per annum. If this additional cost is applied a charge of £30 per application would be required for full cost recovery.
- 4.4 The proposals in respect of parking concessions, including removing the right to park on double yellow lines and limiting time parked on single yellow lines. In East Ayrshire proposals are being brought forward at this time in respect of the "Provision of on street designated disabled parking bays." This will see over 300 designated parking bays within the authority. The overall purpose of these proposals is to improve road safety.

5. FINANCIAL IMPLICATIONS

- 5.1 Funding for the administration of the Blue Badge Scheme is part of the General Fund available to the Council.
- 5.2 Based on the number of Blue Badges issued in financial year 08-09, this cost was £53,000 per annum. If a national charge of £20 is implemented and the Council is required to purchase clock badges in relation to timing parking on single yellow lines, the Council will still be in deficit to the sum of £23,660 per annum in relation to administration of the Blue Badge Scheme.

6. POLICY/LEGAL IMPLICATIONS

- 6.1 This consultation provides an opportunity to review at national level the Blue Badge Scheme in terms of eligibility, access and enforcement. At an East Ayrshire level it provides an opportunity to contribute to considerations in respect of administration of the scheme.
- 6.2 The current position in respect of charging across Scottish Local authorities is that 17 Councils apply a charge for the administration of the Blue Badge scheme and of these 11 Councils apply the £20 fee arising from the Regulatory Impact Assessment.

6.3 The national consultation is acknowledged and welcomed. In East Ayrshire we will in addition make consideration of charging arrangements for administration of the scheme within our 2011/2012 budget considerations.

7. COMMUNITY PLANNING IMPLICATIONS

7.1 The proposals to deliver effective parking arrangements for people with disabilities supports the Community Wellbeing theme of the Community Plan and East Ayrshire Council core values of Equality and Access.

7.2 Proposals in respect of amendments to parking concessions support the Improving Community Safety theme of the Community Plan.

8. RISK IMPLICATIONS

8.1 There are no risk implications directly related to providing this consultation response.

9. RECOMMENDATIONS

9.1 It is recommended that cabinet

- (i) note the implications for the Council in relation to the proposed changes to the Blue Badge Scheme;
- (ii) agree the draft consultation response from East Ayrshire (appendix 1); and
- (iii) otherwise note the content of this report.

Graham Short
Executive Director of Educational and Social Services
15 September 2010

LIST OF BACKGROUND PAPERS

- 1. Blue Badge Reform, A Consultation document: Scottish Government July 2010.**
- 2. Disabled Persons (Badges for Motor Vehicles) (Scotland) Amendment Regulations 2007, (SSI 2007/162)**

Anyone wishing further information should contact: Eddie Fraser, Head of Service, Community Care, telephone number – 01563 576546

IMPLEMENTATION OFFICE: EDDIE FRASER

**APPENDIX 1
CONSULTATION QUESTIONS**

Chapter 2	
Q2.1	Do you agree that we should amend the definition of “unable to walk or has considerable difficulty walking” so that it is consistent with that used for the Higher Rate of the Mobility Component of the Disability Living Allowance assessments?
YES <input checked="" type="checkbox"/>	NO – Please Provide Reason <input type="checkbox"/>
Q2.2	Do you agree that we should extend eligibility to severely disabled service personnel and war veterans?
YES <input type="checkbox"/>	NO – Please Provide Reason <input checked="" type="checkbox"/> We believe that injured veterans and serving personnel who have a permanent and substantial disability in respect of mobility are entitled to apply for and receive the benefit of High Rate Mobility Component of Disability Living Allowance. If this support is in place then the extension of eligibility should not be required as they will meet the automatic criteria.
Q2.3	Do you agree that we should extend eligibility to those with severe forms of autistic spectrum disorder and very advanced forms of dementia?
YES <input checked="" type="checkbox"/>	NO – Please Provide Reason <input type="checkbox"/>
Chapter 3	
Q3.1	Do you agree that we should encourage independent medical assessments?
YES <input type="checkbox"/>	NO – Please Provide Reason <input checked="" type="checkbox"/> If independent medical assessments can be undertaken by a range of appropriately qualified individuals, this will not remove inconsistent assessments when awarding badges.

	<p>Our experience indicates that information provided by general practitioners is in the main accurate and effective.</p> <p>We have concerns as to how the involvement of health professionals as well as local authority professionals would be put into practice. How would day to day decisions such as which professional would undertake the assessment; on whose authority would this be undertaken; and how would this be funded? We also have concerns that this would delay assessment timescales.</p>
Q3.2	Should independent medical assessments be mandatory on all local authorities?
YES <input type="checkbox"/>	NO – Please Provide Reason <input checked="" type="checkbox"/> For the reasons listed in question3.1.

Q3.3	Do you agree that an appeals process relating to the application procedure should be introduced?
YES <input type="checkbox"/>	NO – Please Provide Reason <input checked="" type="checkbox"/> We disagree on the basis that: i) Applicants have the right to reapply after a period of 6 months ii)An appeal process would place an additional professional and administrative duty on local authorities with associated costs. iii) there is no statutory appeals procedure in relation to the professional assessments carried out in respect of other assessed services to support people with disabilities. Existing complaints processes are available if a person feels that there circumstances have not been treated inappropriately within application procedures.

Chapter 4	
Q4.1	Do you agree that local authorities should have the power to confiscate badges that have been cancelled and/or are being

	misused by a third party for their own benefit?
YES <input checked="" type="checkbox"/>	NO – Please Provide Reason <input type="checkbox"/>
Q4.2	Do you agree that we should remove the current “three relevant convictions” requirement in the legislation and allow local authorities to make an informed judgement?
YES <input checked="" type="checkbox"/>	NO – Please Provide Reason <input type="checkbox"/> Only with the provision that clear guidance is issued to local authorities as to what constitutes evidence of repeat offending.
Q4.3	Do you agree that we should introduce maximum fine of £2,500 for the misuse of a Blue Badge?
YES <input type="checkbox"/>	NO – Please Provide Reason <input checked="" type="checkbox"/> We do not feel that the imposition of any fine is a deterrent to misuse of Blue Badges in East Ayrshire and therefore would not agree with increasing the maximum fine. To combat misuse we should be focussing on education, awareness raising and other means to reduce misuse as identified in this consultation.
Chapter 5	
Q5.1	Do you agree that we should move towards the central distribution of badges to improve the security of the badge?
YES <input checked="" type="checkbox"/>	NO – Please Provide Reason <input type="checkbox"/> As long as this does not delay the process.
Q5.2	Would you like to see the badge holder’s photograph on the front of the badge?
YES <input checked="" type="checkbox"/>	NO – Please Provide Reason <input type="checkbox"/>
Chapter 6	

Q6.1	Do you agree that local authorities should share data to assist with the administration of the Scheme?
YES <input checked="" type="checkbox"/>	NO – Please Provide Reason <input type="checkbox"/> Only with the consent of the applicant.
Q6.2	Do you think we should impose a fixed penalty on badge holders who fail to return an expired badge?
YES <input checked="" type="checkbox"/>	NO – Please Provide Reason <input type="checkbox"/>
Q6.3	Do you think we should make it mandatory for all authorities to charge a fee of £20 for every application?
YES <input checked="" type="checkbox"/>	NO – Please Provide Reason <input type="checkbox"/> We believe a national agreement in respect of charging will provide transparency. The fee level of £20 is detailed in the Disabled Persons (Badges for Motor Vehicles) (Scotland) Amendment Regulations 2007, (SSI 2007/162) that came into force on 1 st April 2007. The previous fee of £2 had been set in 1983 and the Regulatory Impact Assessment (RIA) for the new Regulations estimated that allowing for inflation this equalled to approximately £20 today
Q6.4	Do you think we should also charge a fee of £20 for a replacement badge?
YES <input checked="" type="checkbox"/>	NO – Please Provide Reason <input type="checkbox"/>
Q6.5	Do you think we should raise the maximum fee to above £20?
YES <input type="checkbox"/>	NO – Please Provide Reason <input checked="" type="checkbox"/> This council do not charge a fee for Blue Badge application. Neither do our general practitioners charge a fee for a medical report whilst we agree there is an inequity In terms of charging across Scotland and agree a standard

	charge should be applied, we do not feel this should exceed the current maximum charge, as outlined in 6.3 above.
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Chapter 7	
Q7.1	Do you agree that each Organisational Badge should contain the vehicle registration number?
YES <input checked="" type="checkbox"/>	NO – Please Provide Reason <input type="checkbox"/>
Q7.2	Do you agree that organisations applying for an Organisational Badge should provide proof that the vehicle has a Road License awarded under the Disabled Passenger Vehicle Taxation Class?
YES <input checked="" type="checkbox"/>	NO – Please Provide Reason <input type="checkbox"/>
Q7.3	Do you agree that we should alter the design of an Organisational Badge to make it easily identifiable?
YES <input checked="" type="checkbox"/>	NO – Please Provide Reason <input type="checkbox"/>
Chapter 8	
Q8.1	Do you agree that we should remove the right to park on double yellow lines?
YES <input checked="" type="checkbox"/>	NO – Please Provide Reason <input type="checkbox"/> We agree with this proposal on the grounds of road safety as outlined in the consultation document.
Q8.2	Do you agree that we should introduce a limit on the amount of time badge holders can park on single yellow lines?
YES <input checked="" type="checkbox"/>	NO – Please Provide Reason <input type="checkbox"/> In East Ayrshire we see this proposal as complementary to current implementation process of the “Provision of

	on street designated disabled parking bays.” The overall purpose of these proposals is to improve road safety.
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Q8.3	Would you like to see research carried out on the implications of removing some of the additional concessions for badge holders?
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YES <input checked="" type="checkbox"/>	NO – Please Provide Reason <input type="checkbox"/>
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Additional Questions

For Individuals

Are you a Blue Badge holder?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
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For Organisations

Does your organisation have an Organisational Badge?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
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Please send this completed form by email to:
bluebadge@scotland.gsi.gov.uk

Or by post to:

Blue Badge Reform Consultation
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The deadline for responses is: **Friday 08 October 2010**