

**Review of the Disabled Persons Parking Scheme
(The Blue Badge Scheme)**

Recommendations for change

Prepared by
The Disabled Persons Transport Advisory Committee

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Chapter	Page
Executive Summary	2
1. Introduction	6
Background	6
The Review Process	6
Structure of the Report	7
2. Eligibility	9
Introduction	9
Eligibility Criteria	9
Assessing Eligibility	12
3. Administration	14
Introduction	14
Responsibility for the Scheme	14
Period of Issue of Badges	15
Funding	16
Appeals System	17
Renewal Process	18
Duplicate Badges	19
Temporary Badges	19
Institutional Badges	19
4. Concessions	22
Introduction	22
Local Disabled Persons Parking Schemes	22
Exemptions	22
Length of Time	23
5. Enforcement	24
Introduction	24
Wider Checking of Badges	24
Penalty for abuse by Badge Holders	25
Abuse by Non Badge Holders	25
Providing Information about the Scheme	25
6. Additional Issues	27
Introduction	27
Positive provision of parking	27
Congestion Charging	28
Annexes	29

Executive Summary

Background

Since its introduction in 1971, the Disabled Persons Parking Scheme known as the Blue Badge Scheme (the Scheme), has made a valuable contribution to the mobility of many disabled people. ¹However, there is also much misunderstanding about the purpose, eligibility, concessions and operation of the Scheme among users, those administering and enforcing it and the public alike.

The Government is currently undertaking a review of the Scheme, following a recommendation by the Disabled Persons Transport Advisory Committee (DPTAC) and as part of which invited DPTAC to consider responses to a discussion paper issued in December 2001. This was issued by the Department for Transport, Local Government and the Regions on behalf of all four UK administrations.

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

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

Over 300 responses were received and the Committee also considered advice from a meeting of key stakeholders and previous advice from DPTAC to Government.

Invariably in any consultation, there are conflicting views. Nevertheless there was agreement that change was required. In making recommendations, DPTAC has sought to identify and to build on areas of consensus.

DPTAC have made recommendations in five areas, these being (i) who is eligible for a Badge, (ii) how the Scheme is administered, (iii), the nature of the concessions provided, (iv) how the Scheme is enforced and (v) additional areas and linkages DPTAC consider relevant.

¹ Government in this report refers to the Department for Transport, the devolved administrations and the Northern Ireland Office.

Recommendations

(i) Eligibility

- Automatic eligibility should remain linked to the Higher Rate Mobility component of the Disability Living Allowance (HRMDLA) and other existing automatic criteria.
- The 'discretionary' criteria relates to further assessment to provide a safety net for people unable or unwilling to claim HRDLA, particularly those who would qualify but for their age, and children under the age of 2 requiring transport of bulky medical equipment at all times.
- Further consideration needs to be given to the independent mobility of people who do not qualify for HRDLA but have severely restricted independent mobility, including people with mental health problems, severe learning disabilities, severe behavioural difficulties, severe autism and people with partial sight.
- People with severe mobility impairments expected to last for a temporary period (but not less than 12 months) should be eligible for a Badge.
- Independent mobility, and eligibility, should be assessed by an accredited health professional other than the applicant's General Practitioner.

(ii) Administration

- The Scheme should remain a national scheme primarily for on-street parking concessions.
- The national Scheme should be administered at the local level by Local Authorities.
- A single national database of Badge holders should be created and operated by a relevant body to monitor the Scheme, assist in the process of Badge renewal and assist in enforcement.
- Everyone involved in the Scheme administration and enforcement should receive training on its purpose, objectives and effective operation, based on national good practice.

- Badges should be issued for a period linked to that of DLA (where relevant) for not less than 12 months but no more than 3 years.
- The Scheme needs adequate funding by Government to operate effectively but the Badge should be free to the applicant.
- Applicants should receive a reason for refusal and have a right of appeal.
- The appeal system should be fair, nationally consistent, with two tiers based on DTLR guidance on the system and grounds for appeal.
- Upon death of the Badge holder, the Badge should be returned.
- Stolen or damaged Badges should be replaced with the same expiry date but with a new serial number and persistent loss or damage should be investigated with the probability of removal of the concession.
- `Institutional' Badges should be re-branded and restricted to those organisations qualifying for Disabled Passenger Vehicle tax exemption.

(iii) Concessions

- Local Disabled Parking Schemes relating to on-street parking concessions should not be permitted.
- There should be no exemption from the national Scheme for the four central London Boroughs.
- There should be no changes to existing waiting restrictions until such time as positive provision of accessible parking permits the removal of time limits (as currently operates in Scotland).

(iv) Enforcement

- Legislation must be introduced in England and Wales to enable checking of Badges by police officers, traffic wardens and parking attendants at the earliest opportunity. This is already in place in Scotland and Northern Ireland.

- New technology, linked to the single national database, should be used to provide a step change in the level of enforcement and facilitate concessions on payments.
- Penalty notices must be issued to Badge holders abusing the Scheme with stronger penalties to non-Badge holders abusing the Scheme.
- Information, training and publicity in a variety of formats and media about the Scheme to be available to Badge holders, the general public and those administering and enforcing the Scheme.

(v) Additional issues

- Positive provision of accessible parking must be required through the local transport planning process and development control to ensure availability reflects local need.
- The Government commitment to exempt some groups of disabled people from any future road user or workplace charging should be linked to the Scheme.

1. Introduction

Background

- 1.1 Since its introduction in 1971, the Disabled Persons Parking Scheme commonly known as the Blue Badge Scheme and hereinafter referred to as the Scheme, has made a valuable contribution to the mobility of many disabled people. However, there is also much misunderstanding of the purpose of the Scheme and the nature of the concessions that attach to it. This confusion applies not only to Badge Holders, their family members and the public, but also to those providing the Scheme administration and enforcement. The two key factors to be borne in mind are firstly, that the Scheme is intended to assist Badge holders to achieve independent mobility by allowing them to park closer to their destination and secondly, that the built-in concessions relate only to on street parking and waiting. It is also worth noting that possession of the Blue Badge is used by various parties as the basis of further concessions.

The Review Process

- 1.2 The following recommendations on the review of the Scheme have been prepared by the Disabled Persons Transport Advisory Committee (DPTAC) at the invitation of the Secretary of State (annex 1) on behalf of the UK Government, the Scottish Executive, the National Assembly for Wales and the Northern Ireland Assembly.
- 1.3 The invitation was to make firm recommendations on the changes that should be made in order to support the development of an updated Scheme which:
- Continues to meet the needs of those who need the concessions for independent mobility;
 - Minimises the potential for abuse;
 - Is fair, robust and justifiable; and
 - Links with related integrated transport policy implementation.
- 1.4 The review of the Scheme was announced in November 1999 following consideration of the DPTAC report calling for a review of the Scheme.

- 1.5 During 2000/01 the MVA consultancy working on behalf of the Department for Transport, Local Government and the Regions (DTLR), arranged a number of focus groups, at both local and national level, to discuss the broad shape for the Disabled Persons Parking Scheme. The groups brought together key stakeholders, including individual users of the Scheme, but there was no consensus on what changes needed to be made. However, the findings were used to inform the discussion paper issued by DTLR.
- 1.6 In general, respondents to the discussion paper have supported DPTAC's original recommendation in 1999 that the Scheme needs to be reviewed to remain effective in meeting the objectives set out above. Our recommendations also take into consideration previous advice contained in the report, '*Review of the Orange Badge Scheme*' (annex 2) and a meeting with key stakeholders held on 4 March 2002.
- 1.7 The DPTAC recommendations are based on responses to the consultation carried out between December 2001 and April 2002 on the DTLR discussion paper '*Review of the Disabled Persons Parking Scheme discussion paper*' (annex 3), consultation carried out between December 2001 and April 2002².
- 1.8 DPTAC commissioned the MVA consultancy to provide an analysis of the responses to the discussion paper. Their analysis is contained in Annex 4 and should be read in conjunction with these recommendations.
- 1.9 Following consideration of DPTAC's responses in this report, it is anticipated that the Government will be coming forward with its proposals for an updated Scheme.

Structure of the report

- 1.10 This report contains recommendations based on areas of consensus to have emerged from the discussion paper and considered advice from DPTAC. However, a *consensus* should not be taken to imply unanimity since in virtually every case there is at least one dissenting view. In these situations, DPTAC has taken a view on what needs to change to make the Scheme effective.

² The Consultation period in England, Scotland and Northern Ireland was between 14 December 2001 and 15 March 2002, in Wales the period ran until 15 April 2002.

- 1.11 The report follows the structure of the discussion paper, and the analysis by MVA, with recommendations (in square brackets) under each section heading. Following each recommendation DPTAC has sought to identify the key results emerging from responses to the consultation and to demonstrate the justification for its recommendations.
- 1.12 The following four sections cover the principal areas of the review - eligibility, administration, concessions and enforcement. DPTAC has also made recommendations on related issues not covered in the discussion paper including off street parking.

2. Eligibility

2.1 Introduction

2.1.1 The consensus from consultation responses supports DPTAC's view that the current system of eligibility is inadequate particularly in the approach to the issue of discretionary Badges. Adoption of a national approach to eligibility together with the issuing of clear national guidance, training for Scheme administrators and a tightening of the eligibility criteria would promote the credibility of the Scheme and secure greater consistency in its application across the United Kingdom.

2.2 Eligibility Criteria

Automatic eligibility for a Badge

DPTAC recommend that:

[1] *Eligibility should remain linked to the higher rate mobility component of the Disability Living Allowance and other existing automatic criteria, these being;*

- *people who receive a War Pensioners' Mobility Supplement;*
- *people who use a motor vehicle supplied for disabled people by a Government Health Department;*
- *people who are registered blind; and*
- *people who have severe disability in both upper limbs, 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.*

2.2.1 From the consultation the consensus was that automatic eligibility should remain linked to the higher rate mobility component of the Disability Living Allowance (HRDLA) and other existing criteria. DPTAC supports this view.

2.2.2 The automatic eligibility criteria for receipt of a Badge must ensure that disabled people with the greatest mobility need are fully included within the Scheme. However, the Scheme should also take account of the needs of those disabled people with severe independent mobility restraints but who are not eligible for HRDLA.

Assessed Eligibility for a Badge

DPTAC recommend that:

- [2] *Eligibility is considered in terms of either being "automatic without further assessment" (under the criteria described in recommendation 1) or "eligible subject to further assessment". The terminology 'Discretionary' should be replaced with 'Assessed Eligibility'.*
- [3] *Eligibility criteria under further assessment should be consistent nationally.*
- [4] *Eligibility criteria under further assessment should only be used for those who;*
- *are aged 65 or over who, but for their age, would have met the criteria for the higher rate mobility component of the Disability Living Allowance (HRDLA) or ,*
 - *are under 65 but would qualify for the HRDLA or to be registered blind but have chosen not to do so.*
- [5] *Children under two whose medical needs require the transport of bulky medical equipment at all times should be eligible although this must be subject to further assessment and will need clear definition.*
- [6] *DTLR on behalf of all four UK administrations issue guidance tightly specifying the criteria for further assessment and support training in its application.*
- [7] *There is further research into the independent mobility needs of certain groups of people to determine whether there is a need for extending the eligibility for a Badge. These groups include;*
- *people with mental health problems*
 - *partially sighted people*
 - *people with severe learning difficulties or severe behavioural difficulties*
 - *people with severe autism*
- [8] *A transitional arrangement be established to enable those people immediately affected by the revised eligibility criteria to retain their Badges until expiry of their current Badge or their next assessment (3 years or less).*

2.2.3 The inclusion of discretionary criteria was primarily intended to cover those people who become disabled over the age of 65 who, consequently are ineligible for the HRDLA. However, different local

authorities have interpreted the discretionary criteria in different ways leading to variations in eligibility depending on where a person lives. The consultees and DPTAC agree that this variation is a major weakness in the current operation of the Scheme. To address this DPTAC recommends removing local discretion over eligibility, through producing national guidance that those administering the Scheme have to apply. To reinforce this message, we believe it is necessary to amend the terminology from discretionary to assessed eligibility.

- 2.2.4 The consensus amongst all consultation respondents was that some form of further assessed criteria was essential as a safety net for those not covered under the HRDLA and other automatic criteria. DPTAC agree.
- 2.2.5 There was no consensus from the consultation on who should be eligible from this further assessment. Although a large minority agree that discretionary criteria should apply to those who, but for their age, would have met the requirements for HRDLA, a slight majority believe the criteria must be needs-led and not just age restricted.
- 2.2.6 There were also many respondents who believed additional groups of disabled people should be eligible under the Scheme.
- 2.2.7 DPTAC support the view that the criteria must be needs led. Therefore, we believe it is necessary to include people who either because of their age or because they have chosen (for whatever reason) not to claim DLA, would meet the requirements for HRDLA. However, these people will require a further assessment to demonstrate their eligibility for a Badge.
- 2.2.8 Calls were made to extend the Scheme to people, who while capable of physically walking, have severe difficulty in doing so independently and would benefit from being eligible for a Badge. However, there was no consensus in relation to who this would apply to and some opposition to broadening eligibility for the Scheme.
- 2.2.9 On balance, DPTAC believe that further research is necessary to better understand the independent mobility needs of people with mental health problems, partially sighted people, people with severe autism, severe learning disabilities and challenging behaviour. This research should consider broad mobility needs in seeking to justify whether a Badge, or alternative solution is necessary. Various

organisations, including the Disability Rights Commission, advocated this approach.

- 2.2.10 The current eligibility criteria apply only to people over the age of two. There is almost unanimous agreement across all respondents that children under two whose needs require the transport of bulky medical equipment at all times should be eligible for a Badge.
- 2.2.11 DPTAC support including this group at the earliest opportunity but consider it necessary to clearly define the conditions that would make children under two eligible. There will be some element of judgement in relation to eligibility and therefore a further assessment of each case will be required (unlike other automatic criteria). It is estimated that only a small number of children with specific requirements (approximately 12,000) would benefit by this change.
- 2.2.12 Changes to the eligibility criteria should be phased in to ensure those who would no longer be entitled to a Badge continue to receive the concession until their next assessment (3 years or less).

2.3 Assessing Eligibility for a Badge

DPTAC recommend that:

[9] *Assessments of independent mobility are required where people do not automatically qualify and should be undertaken by an accredited health professional, other than the applicant's GP, in line with DTLR guidance.*

[10] *Local authority staff should, following appropriate training, process the application on the basis of DTLR guidance and the independent mobility assessment.*

- 2.3.1 For those people not qualifying automatically, there was general consensus regarding the need for a fair, easy to interpret and consistent assessment of eligibility across the United Kingdom.
- 2.3.2 There was also consensus that some form of professional opinion is needed in most cases. However, a range of options were put forward as to who should undertake such an assessment.
- 2.3.3 DPTAC believe that such an assessment should be considering the independent mobility of the applicant taking into account the physical, functional and social factors involved.

- 2.3.4 DPTAC agree with the 'slight majority' of respondents that the assessment should be undertaken by a health professional other than the applicants General Practitioner (GP). Removing the GP from the process will also reduce the burden on GPs and is supported by the British Medical Association.
- 2.3.5 However, such assessments must be available locally and must be undertaken by an accredited health professional who understands mobility needs. Different professionals may undertake the assessment but eligibility for a Badge should always be assessed against national criteria.
- 2.3.6 The role of local authority staff should be to process the application based on the independent mobility assessment against the national eligibility criteria and issue the Badge.

3. Administration

3.1 Introduction

- 3.1.1 One of the major criticisms of the current Scheme has been the extent of regional variation in the administration. There is consensus that a more consistent and uniform approach is required.
- 3.1.2 DPTAC have sought to identify how inconsistencies can be removed while retaining the benefits of a national Scheme administered and available locally.

3.2 Responsibility for the Scheme

DPTAC recommend that:

- [11] *The Scheme should continue to be a national Scheme for on-street parking concessions administered locally.*
- [12] *Local authorities should continue to be responsible for administering the Scheme but there should be no rigid determination of which Department should be responsible within any one authority.*
- [13] *There should be a national (centrally funded) database of Badge holders operated by a relevant body, such as Driver Vehicle Licensing Authority.*

- 3.2.1 The consensus of respondents is for a Scheme, operating to national guidelines, administered at the local level. The majority of respondents rejected either third party or national administration of the Scheme for a variety of reasons, including conflicts of interest with third party operation or removal from local circumstances from national administration.
- 3.2.2 A small minority proposed national administration in the belief that the introduction of a consistent Scheme was beyond the scope of local authorities and national administration was the only way to ensure consistency. The Disability Rights Commission put forward their proposal for national administration.
- 3.2.3 An overwhelming consensus of local authority respondents support regional/local level administration though on a more consistent national basis. However, they did not support a rigid determination of which department in the authority should administer the Scheme, identifying this as an area of discretion to ensure best value. It is also worth noting that a slight majority of personal and interest

group responses also support administration remaining with the Local Authority.

- 3.2.4 DPTAC believe it is possible to administer a national Scheme locally. Inconsistencies in eligibility would be addressed through our recommendations on removing local discretion. Local authorities would only be responsible for delivering a national Scheme within set parameters, not making choices on who is eligible.
- 3.2.5 DPTAC also believe local authorities should be able to determine how they administer the Scheme most effectively, reflecting the diversity in local authority structures. We have made recommendations elsewhere regarding local authorities responsibilities as planning and traffic authorities and the need to make positive provision for accessible parking.
- 3.2.6 However, DPTAC firmly believe there is a strong case for the development of single national database of Badge holders. This would have the potential to improve monitoring of the Scheme, improve the efficiency of renewal of Badges and improve enforcement. The Driver and Vehicle Licensing Agency seem an appropriate organisation because of their existing responsibilities with regard to vehicle users.

3.3 Period of Issue of the Badges

DPTAC recommend that:

[14] The period of issue for Badges should be no more than three years before renewal is required and no less than 12 months.

[15] Where entitlement is linked to the higher rate mobility component of the DLA, the period of issue should be linked to that of receipt of that allowance.

[16] Where automatic entitlement to a Badge is linked to the higher rate mobility component of the DLA all applicants should give explicit consent to agreeing to the sharing of personal data under the Data Protection Act.

3.3.1 The consensus is for Badge issue to remain at three years, as a longer period would risk abuse. There was no consensus on lifetime Badges and a slight majority were opposed due to the risk of abuse.

3.3.2 DPTAC recommend a maximum period of three years for the issue of a Badge to protect against abuse and suggest a renewal is

required at this point. This will ensure Badges are only being issued to those in need and help identify where changing circumstances mean there is no longer a need for the Badge. There was no consensus on the need for lifetime Badges and to do so increases the risk of abuse with minimal benefits.

- 3.3.3 Rather than increase the opportunities for abuse, DPTAC have recommended that the Badge could be issued for periods of less than three years, for example where the period of issue can be linked to that of the DLA, to help reduce the risk of abuse or in situations where people no longer need the Badge.
- 3.3.4 Some local authorities reported problems with validating issue of DLA due to data protection reasons. This needs to be resolved as eligibility for a Badge on receipt of HRDLA automatically qualifies a person for a Badge.
- 3.3.5 DPTAC have also suggested a minimum period of twelve months for the issue of a Badge. This is because any shorter period would place unnecessary administrative burdens on local authorities. This section is also relevant to temporary Badges, dealt with in section 3.8.

3.4 Funding

DPTAC recommend that:

[17] *The Scheme must be properly resourced by Government at both national and local level to make the Scheme effective.*

[18] *There should be no fee to the applicant for the issue of a Badge.*

- 3.4.1 There is consensus that the current fee of £2 is unacceptable as the administrative cost of collection is greater than the fee income. There was no consensus on whether it should be raised to a realistic level or abolished.
- 3.4.2 There was also no consensus on what would represent a realistic level to charge. Full recovery of costs would clearly be prohibitive to those disabled people on low incomes, particularly if all the costs of the Scheme were considered not just the basic cost of processing of the individual application.
- 3.4.3 There is no reliable evidence on what it costs local authorities to administer the Scheme and suggested charges ranged from £4.50 to £40. The most common proposal particularly by personal

responses and disability organisations was set between £5-20. Higher fees were considered unrealistic and raise the possibility of needing to provide concessions for those on low incomes.

- 3.4.4 DPTAC have carefully considered the merits of charging and issuing Badges free. Regard was also taken of the administration of the national concessionary travel Schemes in the various parts of the UK. While charges may recover some costs and give a sense of ownership, on balance we believe it is sensible to abolish the charge to the applicant. This will simplify the administration of the Scheme, particularly as this concession is for people who have difficulty using other forms of travel. However there was some support in the consultation for the principle of a higher fee if required, and if Government believes a fee is necessary to recover some of the administrative costs we recommend an upper limit of £20.

3.5 Appeal System

DPTAC recommend that:

- [19] *A refusal by the local authority to issue a Badge should be accompanied by a statement of the reasons for refusal and an explanation of the appeals process.*
- [20] *There should be a uniform two-tier appeals system throughout the UK as follows;*
- *An initial right of appeal to the local authority to review the grounds of refusal*
 - *A subsequent right of appeal to a local government ombudsman if the applicant believes that the local authority has not followed the due process correctly.*
- [21] *DTLR should issue guidance to Local Authorities on;*
- (a) establishing an appeals Scheme*
 - (b) the grounds for appeal*
- 3.5.1 There was a consensus that it is necessary to have a formal appeals process to comply with human rights legislation. Local authorities would welcome guidance on setting up a standard appeals process to ensure consistency throughout the UK. At present many authorities already operate their own appeals procedure.

- 3.5.2 The appeals process should be clear, straightforward and fair and not in itself a deterrent. Guidance should be given on the establishment of an appeals system and eligibility criteria for appeal.
- 3.5.3 DPTAC believes such an appeals process could be established but that the need for appeals should be reduced by national guidance on the grounds of appeal. Every applicant who is refused a Badge should be given the grounds for refusal and provided with an explanation of the appeals process.
- 3.5.4 We feel that there should be two stages to appeal. Firstly to require the local authority to review the grounds of appeal and a second stage to ensure the due process was completed by the local authority. This would be similar to that for other functions of the local authority and conducted by an ombudsman.

3.6 The Renewal Process

DPTAC recommend that:

[22] Renewal reminders should be issued automatically through the central database 3 months before expiry to ensure no gap in usage before a new Badge is issued.

[23] Return of the Badge should be added into the action pack when registering a death.

- 3.6.1 There is a consensus that the renewal and recall of Badges is important to protect against abuse but also to benefit Badge holders and to ensure Badges do not expire before the opportunity for renewal has been offered.
- 3.6.2 On the death of the Badge holder a Badge could remain in circulation. Adding the return of the Badge into the action pack on registering a death was seen as a simple, practical way forward. The action pack should confirm that it is illegal to use the Badge following the death of the Badge holder.
- 3.6.3 One function of the national database advocated by DPTAC would be to issue automatic reminders 3 months before the expiry of the Badge. For automatic entitlement under HRDLA direct links with the Department for Work and Pensions to check the applicant's continued entitlement to DLA could help further streamline the renewal process.

3.6.4 DPTAC believe that renewals of the Badge should be treated in the same way as any other application for a Badge.

3.7 Duplicate Badges

DPTAC recommend that:

[24] *There should be no charge for replacement for Badges stolen or otherwise damaged provided the applicant produces a crime number or returns the damaged Badge.*

[25] *Replacement Badges should have a new serial number.*

[26] *Persistent loss of a Badge may require the removal of entitlement.*

3.7.1 There was a consensus among all respondents that there should be a charge for duplicate Badges unless a crime number was supplied. There was also agreement that each new Badge should have a new serial number but expire on the same date as the original Badge.

3.7.2 DPTAC accept there to be several valid reasons for requiring a duplicate Badge but that if the original one is lost or stolen it should be reported to the Police to obtain a crime number. This would enable that Badge to be registered as an invalid Badge on the national database and assist with enforcement. For reasons where the Badge may be damaged or illegible the applicant should still have the Badge and must be required to return it before being issued with a new Badge.

3.7.3 Persistent loss of Badges should be investigated and consideration given to withdrawing the Badge from the applicant if regular or persistent abuse is substantiated.

3.7.4 DPTAC have suggested no charge be made for the issue of a Badge. Replacing damaged Badges may be one area where a charge is valid to ensure they are looked after (although we have suggested no charge at present).

3.8 Temporary Badges

DPTAC recommend that:

[27] *Temporary Badges should be available for people with a clearly defined temporary mobility impairment for a period as specified under recommendation [13] (over 12 months but less than 3 years) but requiring an independent mobility assessment.*

- 3.8.1 There is a consensus that temporary Badges would be particularly appropriate for those awaiting major operations such as hip or knee replacement or heart surgery although a small minority are strongly opposed. All agree that eligibility needs to be clearly defined to ensure against abuse and applicants would need an independent mobility assessment.
- 3.8.2 Some respondents advocated a different style of Badge for temporary badges.
- 3.8.3 DPTAC have recommended that the criteria for those eligible under further assessment is linked to an independent mobility assessment. DPTAC would welcome Badges being issued to those people who qualify on the grounds of need but who may only need a Badge for a short period. The assessment undertaken by an accredited health professional should indicate the expected period of need if people are likely to improve.
- 3.8.4 However, DPTAC considers there to be no need to distinguish those qualifying for a shorter period as their need is the same at that time. We also consider it impractical to issue Badges for less than 12 months and this should be the minimum period for which a Badge is considered.

3.9 Institutional Badges

DPTAC recommend that:

[28] An alternative wording to 'institutional' should be used, such as organisation or group.

[29] The issue of such Badges should be restricted, perhaps equivalent to Disabled Passenger Vehicle tax-exempt class process for organisations.

[30] There should be no charge for such Badges.

- 3.9.1 Some respondents were offended by the term 'institutional' and did not feel it accurately reflected the organisations and groups that might need such a Badge. DPTAC believes it would be beneficial to change the term 'institutional' with no detrimental impact.
- 3.9.2 There is no clear consensus about whether Badges for organisations or groups should be retained, abolished or issued only to institutions with specially adapted vehicles. The Disability

Rights Commission and the Northern Ireland Government recommend consideration should be given to linking the issue of institutional Badges to vehicles in the Disabled Passenger Vehicle tax exempt class. DPTAC support this recommendation.

- 3.9.3 In line with our earlier recommendation on charges, we do not believe a fee is necessary particularly as many organisations requiring a Badge may be volunteer groups making a specific provision to improve the independent mobility of disabled people.

4. Concessions

4.1 Introduction

- 4.1.1 Nearly all respondents agree there are areas where the concessions offered by the Scheme can be improved and that nationally applicable concessions from a clear and uniform Scheme would be preferable. Indeed, this is the area where there is currently the greatest confusion and misunderstanding of the nature and purpose of the Scheme. The existing Scheme only gives concessions regarding on-street parking and waiting restrictions. It does not apply to private roads or off street car parks. It does not apply in Central London where it is exempt from the National Scheme or certain other town centres where there are additional local Schemes.
- 4.1.2 The issue of designated residents parking for disabled people is a different issue and has not been considered under this review.

4.2 Local Disabled Persons' Parking Schemes

DPTAC recommend that:

[31] *Local Disabled Parking Schemes involving further application for exemption from parking restrictions for on-street parking should be abolished.*

- 4.2.1 The introduction of on street Local Disabled Persons Parking Schemes adds to confusion for Badge holders (especially visitors to areas operating a local Scheme) about where and when it is lawful for them to park. It also undermines the credibility and effectiveness of the Scheme nationally.

4.3 Exemptions

DPTAC recommend that:

[32] *Central London Boroughs should not be exempt from the national Scheme.*

- 4.3.1 Although there is general sympathy with the special traffic problems experienced in London there is consensus that the exemption of certain London Boroughs should be discouraged for the same reasons described above.

- 4.3.2 DPTAC agree that to maintain consistency of the Scheme across the United Kingdom, London Boroughs should not be exempt from the national Scheme as it adds confusion to Badge holders.
- 4.3.3 The special conditions in London at the time of introduction of the Scheme regarding congestion are also evident in many other centres, but Badge holders need to be able to access the capital city as much as any other city. The guiding principle is that if it is appropriate to allow on street loading and unloading, it is just as appropriate to allow parking by Badge Holders.

4.4 Length of time

DPTAC recommend that:

[33] The existing restrictions of three hours for parking without charge on single or double yellow lines in England and Wales with the use of a parking disc (timeclock) should remain. There should continue to be no time limit introduced in Scotland.

- 4.4.1 The main argument in favour of retaining the three hour limit regarding parking on single and double yellow lines is that road space is occupied by some Badge holders all day to the detriment of other Badge holders. The main argument for extending the three hour limit is that people often need longer to park for example at their workplace or when going to the theatre. Many local authority respondents felt that parking on yellow lines causes traffic management problems.
- 4.4.2 The majority of respondents were supportive of retaining the operation of a 'no time limit' parking for the Scheme in Scotland and DPTAC sees no need for change in this regard.
- 4.4.3 An essential issue leading to the need to allow parking on single and double yellow lines is the lack of positive on-street provision for Badge holders. Over time and to be consistent with the operation of the Scheme in Scotland, DPTAC would support the removal of time restrictions on the use of existing on-street parking spaces but would encourage much greater provision of designated spaces for Badge holders first.

5. Enforcement

5.1 Introduction

- 5.1 There is general recognition by all respondents to the discussion paper that effective enforcement of the Scheme is reliant upon the ability to check that the person using a Badge is authorised to do so and that greater enforcement would benefit everyone.

5.2 Wider Checking of Badges

DPTAC recommend that:

[34] Legislation be introduced at the earliest opportunity in England and Wales to enable Badges to be checked by police officers, traffic wardens and parking attendants.

[35] Consideration be given to the early introduction of smart cards linked to the national database to aid enforcement and facilitate concessions on payments.

5.2.1 All respondents agreed that legislation should be introduced as soon as possible to improve the enforcement of the Scheme by allowing Badges to be checked. Some respondents suggested that serial number on the Badge should also indicate the sex and age of the holder to assist with enforcement. DPTAC believe that the power to check the Badge and the photograph of the holder is appropriate. The expiry dates on the Badge should also be tamper proof, and easily identifiable.

5.2.2 It was also agreed that this power should apply to all enforcement agencies (Police, traffic wardens and parking attendants) as it is the foundation that underpins the successful operation of the Scheme. DPTAC recommend it is vital that the Government introduce legislation at the earliest opportunity to be consistent with existing legislation in Scotland and Northern Ireland.

5.2.3 The use of technology to support the above recommendations in the form of smart cards or similar techniques involving the likes of barcodes combined with hand held devices to check machine-readable Badges would greatly facilitate checks on abuse and misuse of Badges. It would also facilitate any extension of concessions to off street parking and road user charging Schemes. To ensure consistency across the UK, Government is encouraged to research and promote the development of this technology as a priority.

5.3 Penalty for abuse by Badge Holders

DPTAC recommend that:

- [36] *Illegal use of Badges should be prosecuted.*
- [37] *Penalty notices should also be issued to Badge holders parking on street illegally.*
- [38] *Guidance should be issued on appropriate penalties for abuse by Badge holders and when it is appropriate to withdraw a Badge.*
- [39] *Penalties should increase with the incidence of abuse, leading to the withdrawal of the Badge.*

5.3.1 DPTAC strongly supports the view that penalties must be seen as a deterrent for those abusing the Scheme and this was supported by many respondents to the discussion paper, including Badge holders themselves. However, such moves also need to be accompanied by clear guidance to Badge holders on what they may and may not do.

5.4 Abuse by Non Badge Holders

DPTAC recommend that:

- [40] *Penalty notices should be issued to every vehicle owner not displaying a Badge when the vehicle is parked in an on-street parking space designated for Badge holders.*
- [41] *Penalties should be increased and include points on driving licences to strengthen the deterrence for misuse of designated disabled persons parking spaces on the street by non Badge holders and for misuse of Badges by non Badge holders.*

5.4.1 All respondents agreed that abuse of the Scheme by non-Badge holders seriously undermines the Scheme and must be addressed. Again, there is a need for clear guidance to Badge holders and the public alike on the nature and purpose of the Scheme.

5.5 Providing Information about the Scheme

DPTAC recommend that:

- [42] *There should be more information, training and publicity about the purpose of the Scheme for Badge holders and non-Badge holders, including those responsible for administering and enforcing it.*

- [43] This information should be available in alternative media and targeted at specific audiences.
- 5.5.1 It is essential that the users of the Scheme are fully aware of its purpose, concessions and restrictions. DPTAC would recommend updating current guidance to provide this knowledge and understanding. Misconceptions have occurred in the past. For example users have not been aware that it is a criminal offence to drive a vehicle displaying a Badge unless the Badge holder is in the vehicle, or the vehicle is being driven by someone other than the Badge holder for the purpose of entering or leaving an area (which is accessible only to vehicles displaying a Badge) in order to pick up or drop off the Badge holder.
- 5.5.2 It is also apparent that the public needs to be better informed about and be more aware of the nature and purpose of the Scheme. DPTAC would encourage use of national information services and campaigns including the Highway Code and specific incorporation into driving test procedures.
- 5.5.3 In order to achieve consistency in the application and benefits of the Scheme for users, it is also essential that those responsible for administering and enforcing the Scheme receive proper training on its objectives and operation.

6. Additional Issues

6.1 Introduction

- 6.1.1 The Scheme is essentially a national arrangement of on-street parking concessions for eligible disabled people. However, possession and display of the Badge is often used by local authorities and others to guide and inform other policies and provisions. Examples are the commonplace designation of spaces in off-street car parks by supermarket operators and other retailers. While this concern for the mobility of disabled people is to be encouraged, it does cause confusion regarding the scope of the Scheme.
- 6.1.2 In addition to the issues in the DTLR discussion paper, DPTAC has therefore considered other relevant matters and particularly the need to make positive provision for Badge holders to park in areas that are safe and do not disrupt traffic flow.
- 6.1.3 DPTAC have also considered powers in the Transport Act 2001 and the Transport Act (Scotland) 2001 to introduce congestion charging Schemes.

6.2 Positive provision of parking

DPTAC recommend that:

- [44] *Local authorities must be required to include policies on designated parking provision for Badge holders in their local transport planning process (Local transport plans, strategies and implementation plans).*
- [45] *The provision of parking for Badge holders should be enhanced by:*
- a) *requiring Local Authorities through their planning policies and procedures to include parking strategies in all developments to determine the percentage and/or minimum numbers of designated parking spaces available for Blue Badge holders.*
 - b) *requiring service to provide and manage off-street car parking to maintain accessible parking for Badge holders to the agreed standards contained within current National Planning Policy Guidance notes PPG13 and DTLR Traffic Advisory Leaflet 5/95 and the equivalent guidance in other parts of the UK.*

[46] *Employers should be required to make parking places available to disabled employees and visitors with Badges to reduce pressure on public parking provision and to ensure that their parking provision is respected.*

6.2.1 Local authorities have responsibility for parking provision and should through their Local transport plans; strategies and implementation plans make adequate positive provision for the parking needs of Badge holders on and off street. This is essential to reduce reliance of Badge holders on parking on yellow lines in order to park close to the chosen destination.

6.2.2 Local transport authorities in developing traffic management strategies such as controlled parking Schemes (including residents' parking Schemes) and pedestrianisation of town centres must have regard to the impact these will have on the ability of Badge holders to park near the chosen destination.

6.2.3 Making positive provision for accessible parking for Badge holders through the local transport planning process to reflect local need will ensure issues of congestion and traffic flow are minimised. Local highway and planning authorities should be requiring through their development control functions sufficient designated parking spaces for Badge holders in line with previous guidance.

6.2.4 DPTAC would expect employers who provide workplace parking or service providers who provide parking for clients and customers to ensure a proportion is designed and managed to be accessible for Badge holders. However, to assist with the credibility of the Scheme, attention also has to be paid by the service provider to enforcement of the provision.

6.3 Congestion Charging

DPTAC recommend that:

[47] *Badge holders should be exempt from congestion charging.*

6.3.1 The Government has previously made a commitment that some disabled people will be exempt from congestion charging schemes if introduced. DPTAC believes that the Blue Badge Scheme is a suitable mechanism for considering exemptions as it applies to people who require use of a car (and not necessarily ownership) for independent mobility. DPTAC is aware of the enforcement issues which are likely to be involved but believes that these can be

adequately addressed through the enhancements to the Scheme which have been outlined above.

Annexes

1. Invitation to make recommendations
2. DPTAC, 1999, Review of the Orange Badge Scheme
3. DTLR, 2001, Review of the Disabled Persons Parking Scheme Discussion Paper
4. MVA, 2002, Analysis of responses to the DTLR Discussion Paper