

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)
Tel: 01642 528158
E-mail: judith.trainer@stockton.gov.uk

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