

Transport Strategy and Road Safety

Review of Disabled Parking

Place Select Committee

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1/30/2018

What are the statutory requirements for disabled bays?

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. For shopping, recreation and leisure car parks with a capacity of 200 total parking bays, a minimum of 3 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, 4 parking bays plus 4% of total capacity should be made available.

Stockton on Tees Borough Council have 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, 7 in Bath Lane, and 5 in Billingham Forum which are adjacent to the Leisure Centres in Stockton.

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

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.

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?

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

Applicants who receive approval for automatic qualification will 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.

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

A digital photograph of the applicant will be taken at the time of registration.

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

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).

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

Automatic qualification

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.

Receives 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

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"

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.

Organisations will be asked to provide evidence of their tax exemption certificate.

Applicants applying under discretionary qualification rules should contact us to undertake a questionnaire to determine their eligibility.

How many blue badge applications are rejected?

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
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	35,692	25.22%

Number of badges on issue -

England – 2.38million
North East – 135,000
As of 31st March 2016.

How many offences are being committed

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?

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 abusing the blue badge scheme?

The cost to the local authority to prosecute would vary depending on each individual case. Costs would be incurred from the officer investigating time, legal costs and training.

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.

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.

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.

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 reach into the thousands of pounds. The cost for a simple press release would be free. The council would release a statement and starburst it to local advertising companies such as the Gazette, Northern Echo etc. they would they choose if they wanted to run with the story. It is likely given the sensitivity of the offence; the media would run with it. It would also be shared on social media sites etc.

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.

What approach do other Council's take?

Leeds City Council prosecutes those who are witnessed abusing the blue badge scheme. In 4 years (2013-2017) 656 cases were referred to court, with 645 of those being successful. Prosecutions can be made under S117 Road Traffic Regulations 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. 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.

It is worth noting that the costs can be paid back on a monthly basis set back the court so the money sometimes takes longer to come through.

If a case is lost, or the appeal is successful, it comes at a cost to the authority based on officers time to present the case etc.

Norfolk Council also chooses to prosecute using both pieces of legislation however they employed someone specifically assigned to that role. The prosecutions listed for public dissemination are available on the website however a summary is since November 16, 4 cases have been referred to the Courts. All of the cases resulted in a caution being issued due to the defendant's first offence. After speaking with the investigator directly, Norfolk has since prosecuted 4 more offenders in Magistrates court. 3 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 when they weren't.

Norfolk council have 4 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

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