

<b>Decision maker:</b>	<b>Cabinet member finance, housing and corporate services</b>
<b>Decision date:</b>	<b>Wednesday, 7 March 2018</b>
<b>Title of report:</b>	<b>Blue Badge Scheme</b>
<b>Report by:</b>	<b>Assistant director communities</b>

## **Classification**

Open

## **Decision type**

Non-key

## **Wards affected**

(All Wards);

## **Purpose and summary**

To agree a response to the motion passed by full Council on 26 January 2018 calling for the executive to consider changes to the Blue Badge Scheme to both offer greater support to armed forces veterans in receipt of disability pensions and reduce the administrative process to improve ease of customer access to the scheme.

## **Recommendation(s)**

**That:**

- (a) From 1<sup>st</sup> April 2018 people who are automatically eligible for a blue badge who receive a war pensioners' mobility supplement or receive a benefit under the Armed Forces and Reserve Forces scheme (as outlined in paragraph 7) have their application fee (currently £10) and their renewal fee (currently £10 every 3 years) waived as part of the council's contribution to the objectives of the Military Covenant; and**
- (b) This arrangement be reviewed in light of any changes to the Department for Transport criteria for blue badges or if the cost to the council of the waiver exceeds £1,000 per annum.**

## Alternative options

1. That the fee is not waived as there are existing benefits to receiving a blue badge (free car parking) the low level of cost to applicants. However, this is not recommended due to the council showing its commitment to the Military Covenant and the relatively low level of financial impact on budgets.
2. That the waived fee is offered to every applicant for blue badge. Though there may be other people eligible for the blue badge on a low income and not in receipt of a war pension, this is not recommended because of the impact on the council budgets. Also, a case could be made for waiving the fee for the other people eligible for a blue badge who are put in danger as part of their work for the public (e.g. fire service and police), however the council has specifically committed to the Military Covenant and therefore relevant that there is specific support for the armed forces.
3. That only people who receive a war pension are eligible for the waived fee (as outlined in the full council motion). This would exclude applicants who automatically qualify for a badge that receive the armed forces compensation scheme and have been assessed as having a permanent and substantial disability which causes inability to walk and very considerable difficulty in walking. The level of application for this is low and hence financial impact low.
4. That a recommendation is included to make the process simpler. This is not included as the process and cost is set by the Department of Transport with steps in place to reduce fraudulent abuse of blue badges.
5. That the fee is backdated for the current blue badge holders who meet the eligibility criteria as outlined in paragraph seven. This is not recommended as this was not part of the motion presented to full council and will have a budget implication.

## Key considerations

6. Following debate at Council on 26 January the following resolution was passed: "In the spirit of the military covenant, to which Herefordshire Council is a signatory, the executive is asked to consider that residents in receipt of a war pension who are also entitled to receive a blue badge have the £10 fee waived and, if possible, the application process simplified."
7. Recommendation (a) covers people who receive a war pensioners' mobility supplement or receive a benefit under the Armed Forces and Reserve Forces (compensation) Scheme within tariff levels 1-8 (inclusive) and have been certified by the Service Personnel and Veterans Agency (SPVA) as having a permanent and substantial disability which causes inability to walk or very considerable difficulty walking.
8. Herefordshire Council, along with other councils in the UK, operate the blue badge scheme within the requirements of the Department of Transport (DfT).
9. In Herefordshire a Blue Badge holder can park for up to 3 hours in council car parks, on double yellow lines for 3 hours, and designated on-street pay and display parking – currently for free. Some councils have introduced charges for blue badge holders using off-street car park spaces at the same rate as non blue badge holders. Private car parks can and often do charge, but provide designated spaces to enable disabled parking.

10. There are currently 7,968 blue badge holders in Herefordshire. Each qualifying applicant is charged £10 for a new badge and £10 for a renewal every three years. £4.85 of the fee goes to Northgate as the supplier to produce the badges and the remaining amount is retained by the council to contribute towards the costs of managing the badge scheme, including payment to an independent assessor to assess someone's mobility if not automatically eligible.
11. The issuing of a blue badge to the customer is not means tested, so someone on a low income will be charged the same as someone with a high level income. However, the charge is waived for people with life limited illnesses informed by a McMillan nurse or St Michael's Hospice.
12. The DfT set the criteria for blue badge. Automatic qualifiers are as below (information taken from the application [website](#)):

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### Check Eligibility

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#### Check Eligibility For You

Select one of the options below

- I am registered as blind (severely sight impaired)
- I have either a Certificate of Vision Impairment (CVI) or a BD8 form, signed by a consultant ophthalmologist, stating that I am severely sight impaired (blind) and I wish to be registered as severely sight impaired (blind) with my local authority
- I receive the Higher Rate of the Mobility Component of the Disability Living Allowance
- I receive a Personal Independence Payment (PIP) as I meet a 'Moving Around' descriptor for the Mobility Component because I either cannot stand or can stand but walk no more than 50 metres. This is a score of 8 points or more.
- I receive a War Pensioners' Mobility Supplement
- I receive a tariff within 1-8 (inclusive) of the Armed Forces Compensation Scheme and have been assessed as having a permanent and substantial disability which causes inability to walk or very considerable difficulty in walking.
- None of the above apply. Press Next for more options.

13. There are also other qualifiers including disabled children under the age of three who meet particular criteria, applicants with a disability in both arms and applicants that are subject to further assessment due to having a permanent and substantial disability. If not automatically qualified then additional evidence is required and sometimes independently assessed. This is managed locally by Herefordshire Council and will include documented evidence such as prescription list or hospital letter.
14. The badge is issued to the person (not the vehicle used). There is a risk of fraudulent use of the blue badges, specifically use by the non designated person taking advantage of free and advantageous parking – this is strictly not allowed even if on an errand for the designated users. More direct fraud is when the badge is not returned to the council when someone dies and is retained for use. The council has brought 28 prosecution cases in the last three years and issued a number of warnings of inappropriate use.
15. Fraud is less likely at an application level because of the checks and balances in place. It is not recommended to change this process because it is a process required by DfT and

means all the authentication is in place to ensure the right people have use of the blue badge.

16. At the current point there are forty three blue badge holders who meet the definition as outlined in paragraph 7 (of these 2 qualify under armed forces compensation scheme with a permanent and substantial disability affecting their ability to walk).
17. The Department for Transport is responsible for the legislation that sets out the framework for the scheme. Applicants may apply on-line using the GOV.UK portal, or request a paper copy for completion. Applicants are required to provide proof of ID, address, a passport photograph, fee of £10.00 and proof of their eligibility. If applicants do not meet the automatic qualifying criteria and have been unable to provide adequate evidence of their mobility problems, they will undergo an independent mobility assessment. If applicants find it difficult to complete a form, customer services will offer advice and assistance where necessary. If the application is approved the badge will be sent via Royal Mail to the applicant. For both renewals and first time applications, we are required by the national scheme to obtain the information outlined above. Renewals are required every three years in line with the scheme criteria. It is therefore not possible to make local changes to the application process to simplify it, but customer services advisers are happy to assist with the process.

## Community impact

18. Herefordshire Council has signed up to the Armed Forces Covenant – this covers the Armed Forces community as all serving personnel (regulars & reserves), veterans and their families based on the following points:
  - Promise from the nation to ensure that those who serve or who have served and their families are treated fairly
  - Not designed to give them preferential treatment but ensure they are not disadvantaged however, special consideration may be appropriate in some cases for those who have given the most such as the injured or bereaved
  - Relies on the government, communities, businesses and individuals to actively support it in order to make a difference
  - Encourages joined up thinking for service delivery tailored where necessary towards the needs of the armed forces community
  - Opportunities to utilise and maximise the resources available through charities and other organisation.
19. The council is involved in a wide range of initiatives to support the delivery of the covenant ranging from health, advice, housing and employment. The waiving of the £10 fee might be considered as preferential treatment which is not the aim of the covenant (as outlined above), though could be considered maximising use of resources. The MOD has issued a Guide for local authorities on how to deliver covenant: [link](#).
20. The blue badge scheme itself supports the council's priority to "enable residents to live safe, healthy and independent lives". This specifically relates to the latter point of supporting people to remain independent through enabling mobility of people dependent on a car. Also relates to the council priority of the commitment to the armed forces covenant.

## Equality duty

21. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to -

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
22. The Equality Act 2010 established a positive obligation on local authorities to promote equality and to reduce discrimination in relation to any of the nine 'protected characteristics' (age; disability; gender reassignment; pregnancy and maternity; marriage and civil partnership; race; religion or belief; sex; and sexual orientation). In particular, the council must have 'due regard' to the public sector equality duty when taking any decisions on service changes.
23. The blue badge scheme has a significant impact on the protected characteristics of disability. The nationwide scheme is in place to support people with mobility difficulties to be able to access goods and services with a good range of designated parking opportunities and available free Herefordshire Council car parks and street parking (not all local authorities or private car parks offer a free service).

## Resource implications

24. Based on the current number of blue badge holders there are forty three people who would meet the criteria outlined in paragraph 7, equating to a value to the council of £430 over three years, and though renewals will occur at different times in the three year cycle, the budget impact is therefore in the region of £143 per year. It is likely the number of eligible applicants impacted by recommendation (a) will see a net increase over time and have a knock on effect on council's budget - therefore recommendation (b) is to monitor the impact with a limited of £1k before reviewed. The cost impact can be met from the service based on the review limit, and does not present a budget pressure.

## Legal implications

25. There is a requirement to follow the eligibility and criteria for blue badges as set by the DfT. The council has a discretion to waive the fee as described in this report. No other legal implications are identified.

## Risk management

26. The risks as related to the recommendations are as below:

<b>Risk / opportunity</b>	<b>Mitigation</b>
That the number of eligible applicants for the waived fee increases considerably having a significant impact on the council's budget.	That the arrangement for waived fee is reviewed if having more than a £1k impact on the council budget.
That other applicants, specifically those on a low income, lobby for a waived fee.	The waived fee is linked to the council's commitment for the Armed Forces Covenant.

27. These risks will be managed at a service level and not a corporate risk, though the latter risk could have a reputational impact.

## Consultees

28. The motion was debated at Full Council and had major support. The motion was raised by Cllr McEvilly who is chairperson of the Civilian Military Task Group and one of armed forces champions.

## Appendices

None.

## Background papers

None.