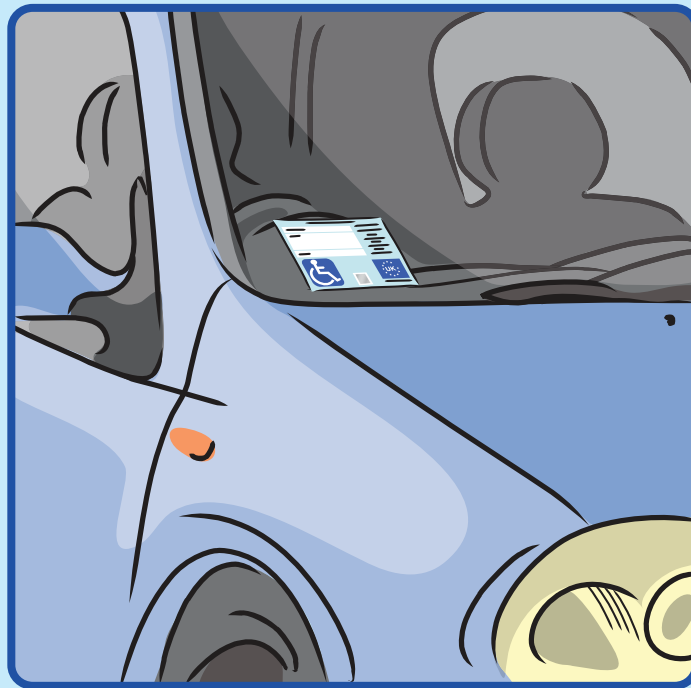


Blue Badge Reform Programme: A Consultation Document



March 2010

Blue Badge Reform Programme: A Consultation Document

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Department for Transport
Great Minster House
76 Marsham Street
London SW1P 4DR
Telephone 0300 330 3000
Website www.dft.gov.uk

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To order further copies contact:
Katherine Lancaster
Travel Concessions Division
Department for Transport
3/19 Great Minster House
76 Marsham Street
London SW1P 4DR
Tel: 020 7944 5782
Email: katherine.lancaster@dft.gsi.gov.uk

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Foreword



The Blue Badge Scheme is a critical service for promoting improved mobility for disabled people. Without it, 75% of Badge holders say they would go out less often.

In October 2008 we set out our strategy for delivering the most significant reform of the Scheme since 1971. This consultation seeks views on our plans for how we will achieve a number of these reforms.

The proposals set out here will allow us to achieve our goals for improving the Blue Badge Scheme. To make the Scheme easier to access and use by those who are eligible. To make the Scheme easier to enforce in order to clamp down on those who flout the rules. And to help local authorities administer the Scheme and assess eligibility.

I would like to thank all those who have contributed to the development of these proposals. Colleagues from local authorities and other Government departments have all played an important role.

I am proud to be involved with improving this vital service for disabled people.

A handwritten signature in black ink, appearing to read 'Sadiq Khan'.

Rt Hon Sadiq Khan MP
Minister of State for Transport

Executive summary

1. The Blue Badge Scheme in England gives a concession to disabled people to park where particular restrictions may otherwise apply. The Scheme plays an important role in helping severely disabled people to access jobs, shops and other services.
2. There are currently 2.5 million Blue Badge holders, many of whom say that they would be unable to travel without the certainty that they will be able to park close to where they need to be. The Government is committed to ensuring that this vital Scheme remains in place.
3. This consultation is seeking views on the Government's plans to reform the Scheme. We are proposing these changes to reflect the significant social changes that have taken place over the past 40 years, and to ensure the Scheme is administered efficiently, consistently and fairly.
4. The Scheme was set up in the 1970s and there have been few changes since. In 2007, the Department for Transport (DfT) carried out a review of the Blue Badge Scheme. It highlighted several areas where improvements needed to be made. In particular to:
 - the administration of the Scheme;
 - the eligibility criteria;
 - how we prevent abuse of the Scheme.
5. After further consultation, the Government published its strategy for reforming the Scheme in October 2008.¹ The aims of the reform are to:
 - ensure that those who are most in need of a Blue Badge are able to have one.
 - maximise the benefits for Badge holders by reducing abuse and preventing fraud.
 - raise the reputation and value of the Scheme.
 - raise standards and improve consistency.

¹ Comprehensive Blue Badge (Disabled Parking) Reform Strategy (England), October 2008

6. To achieve these aims, the Government made a number of commitments in the reform strategy to:
- extend the Scheme to:
 - people with certain severe temporary mobility problems (lasting at least one year);
 - people with severe cognitive impairments;
 - seriously disabled service personnel/veterans;
 - more children, under the age of three, with specific medical conditions.
 - redesign the Badge itself so that it is harder to copy, forge or tamper with;
 - improve the management of the Scheme and make the eligibility assessment process fairer and more consistent;
 - increase the exchange of good practice between local authorities;
 - work with local authorities to help them establish a system of data-sharing to reduce fraudulent misuse of the Badge;
 - give local authorities new or amended powers to reduce misuse and to prevent abuse of the Scheme.
7. In this consultation, we are seeking views on our proposals on:
- Scheme enforcement;
 - changes to the eligibility criteria;
 - grant funding to the local authorities who administer the Scheme.

What is this consultation about?

8. This consultation is specifically about:
- a) improving the enforcement regime for the Blue Badge Scheme, including possible amendments to primary and secondary legislation;
 - b) other proposals for amending the primary legislation that covers the Blue Badge Scheme. In particular, on appeals, guidance to local authorities on independent medical assessments, data-sharing, non-residents, organisational Badges and other administrative arrangements;
 - c) extending the eligibility criteria to more children under three years of age with specific medical conditions and to certain seriously disabled service personnel and veterans in receipt of an award under the Armed Forces Compensation Scheme; and

- d) the distribution methodology for funding to help local authorities to establish independent medical assessments.
9. The DfT will consult on other aspects of the reform programme later in 2010 and in 2011, including proposals for redesigning the Badge and extending the eligibility criteria to those with serious cognitive impairments and with serious temporary disabilities, lasting at least one year.
 10. This consultation does not cover the issue of enforcement in private, off street car parks, for example, supermarkets, as that is the responsibility of the land or car park owner. We will, however, continue to work with organisations like the British Retail Consortium to help tackle abuse of disabled parking bays in these areas.
 11. Following responses to a previous consultation in 2008,² it was decided that the administration and enforcement of the Blue Badge Scheme should remain with local government, and that the time period for the yellow-line concession in England should be unchanged. This consultation will not re-consider the issues that have previously been raised.

Who needs to read and contribute to this consultation?

12. We welcome responses from anyone interested in the issues covered by this consultation document. In particular:
 - disabled people and their representative groups;
 - parking enforcement officers and their representative groups or parent companies;
 - local authorities, both those that issue Blue Badges and enforce the Scheme;
 - Service Personnel and War Veterans.

How to respond

13. This consultation will close on **Friday 2 July 2010**. The DfT will arrange a consultation event in June, where those affected by the issues raised in this document will have an opportunity to discuss these with officials from the Department. If you would be interested in attending this, then please e-mail your details to katherine.lancaster@dft.gsi.gov.uk
14. Please send us your response by the closing date to the address below. If you would like further copies of this consultation document, it can be found at www.dft.gov.uk or you can contact Katherine Lancaster at the e-mail

² Consultation on Developing a Comprehensive Blue Badge (Disabled Parking) Reform Strategy (January 2008)

address above if you would like paper copies or alternative formats (Braille, audio CD, etc.).

15. When responding, please state whether you are responding as an individual or representing the views of an organisation. If responding on behalf of a larger organisation, please make it clear who the organisation represents, and where applicable, how the views of members were assembled. A list of those consulted can be accessed at <http://www.dft.gov.uk/transportforyou/access/blueBadge/reform/consultation/>. If you have any suggestions of others who may wish to be involved in this process please contact us.

By e-mail to: bbes@dft.gsi.gov.uk

By post to: Katherine Lancaster
Travel Concessions Division
Department for Transport
3/19 Great Minster House
76 Marsham Street
London SW1P 4DR

Freedom of Information

16. Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004). If you want information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department. The Department will process your personal data in accordance with the DPA and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.

Geographical coverage

17. The consultation covers England only as the Blue Badge Scheme is a devolved matter. The Welsh Assembly Government published its own reform strategy in December 2009, *A Modern Blue Badge Scheme for Wales: Action Plan for key stakeholders*. The Scottish Government has set up a Blue Badge Reform Working Group and is considering similar legislative changes to the ones being considered in England. The

Department for Regional Development in Northern Ireland has made recent changes to its Blue Badge Scheme.

What will happen next

18. Following this consultation, the DfT will analyse responses and publish a summary by September 2010 on the web at www.dft.gov.uk. Paper copies will be available on request. Any legislative changes that it is agreed should be made will be taken forward at the earliest opportunity. Amendments to secondary legislation will be subject to further consultation on draft regulations. Primary legislation will be needed to amend section 21 of the Chronically Sick and Disabled Persons Act 1970 or to take any new powers.

Impact Assessment

19. The consultation stage Impact Assessments can be found at Appendices 1 and 2. When responding to the consultation, please comment on the analysis of costs and benefits, giving supporting evidence wherever possible. Please also suggest any alternative methods for reaching the objective and highlight any possible unintended consequences of the policy, and practical enforcement or implementation issues.
20. Equality Impact Assessments can be found at Appendix 5. The initial analysis indicates that our proposed changes to the Scheme will improve equality of opportunity for disabled persons. Any comments on the potential impacts on affected groups are encouraged.

The consultation criteria

21. The consultation is being conducted in line with the Government's Code of Practice on Consultation. The Code of Practice on Consultation is available on the Better Regulation Executive website at: <http://www.berr.gov.uk/files/file47158.pdf>
22. If you consider that this consultation does not comply with the criteria (listed at Appendix 6) or have comments about the consultation process please contact:

Giada Covallero
Consultation Co-Ordinator
Department for Transport
Zone 2/25
Great Minster House
London SW1P 4DR
Email address: consultation@dft.gsi.gov.uk

Summary of questions included in the consultation document

No.	Question
Chapter 2	
Q1	What would be the advantages and disadvantages of a new power to cancel Badges that are reported as lost or stolen, or have expired, or are withdrawn for misuse?
Q2	What would be the advantages and disadvantages of giving local authorities a new power to confiscate Badges (a) that have been cancelled and (b) that are being used by a third party for their own benefit?
Q3	What would be the most appropriate circumstances in which such a power could be used?
Q4	What safeguards should be built into any new power?
Q5	What would be the most effective ways of removing invalid Badges from circulation?
Q6	Do you think that local authorities should be able to tow vehicles that (a) display cancelled or invalid Badges or (b) a third party is misusing a Badge for their own benefit?
Q7	What would be the advantages and disadvantages of removing the current three relevant convictions requirement from the legislation?
Q8	Should there be any additional grounds for refusing to issue a Badge? If so, what would you suggest and why?
Q9	Should there be any additional grounds for withdrawing a Badge? If so, what would you suggest and why?
Chapter 3	
Q10	What would be an appropriate appeal route to deal with disputes over whether Badges should be withdrawn and unsuccessful applications?
Q11	What are your views on the suggestion that there should be more prescription from central government on eligibility assessment? What suggestions do you have on how this should be implemented?
Q12	What do you think would be the advantages and disadvantages, and potential costs and benefits, of the Secretary of State taking a new power to require local authorities to use any data-sharing system?
Q13	What suggestions do you have as to how we could allow certain non-residents to apply for a Blue Badge?
Q14	What are your views on organisational Badges? What are your suggestions for how abuse might be prevented?

Chapter 4	
Q15	Do you agree with the way in which we propose to extend eligibility to children between the age of 2 and 3 with specific medical conditions? Please provide information to support your decision.
Q16	Do you have any comments on these proposed transitional arrangements? Please provide information to support your decision.
Q17	What are your views on this option? Please provide advantages and disadvantages with this approach.
Q18	Do you think that funding should be distributed via RSG or via ABG? Why do you have that preference?
Q19	If DfT decides to allocate funds via ABG, do you agree that distribution of the funding based on the number of people aged over 65 and the number of people in receipt of HRMCDLA (according to the weighting above) would be appropriate?
Q20	If not, what are the reasons that distribution based on these variables would be inappropriate, and what distribution would you deem to be preferable?
Q21	What are your views on giving greater weighting to authorities with high population sparsity? Can you provide any research or evidence of different unit costs to support your views?
Q22	If you think that higher weighting should be given to authorities with high population sparsity, do you agree that a weighting based on population sparsity as used in the CLG relative needs formula would be appropriate?
Q23	Do you have a view on whether there should be any payment “floors” or “ceilings”?
Q24	If so, is this view based on any cost-based research or evidence that would help in determining appropriate levels?

1. Introduction

- 1.1** The Blue Badge Scheme was set up in the 1970s, originally as the Orange Badge Scheme. Badges can be issued to individuals who meet certain eligibility criteria. They are valid for three years and entitle Badge holders to park without charge or time limit in the on-street parking environment, and for up to three hours on yellow lines, unless a loading ban is in place.
- 1.2** In some areas, Badge holders can park for free and they can apply for other concessions, for example, discounts from the congestion charge in London and some bridge and road tolls.
- 1.3** The Blue Badge Scheme does not apply to off-street car-parks, for example, supermarkets and airports. But many private car-park owners permit Blue Badge holders to access disabled parking bays or to have free access to other facilities such as work-place parking bays.
- 1.4** Once issued, a Badge holder is able to use the Badge across the UK and in many places across the European Union in line with local rules of operation.
- 1.5** The DfT is responsible for the legislation that sets out:
 - who is eligible to apply for a Badge;
 - what the Badge entitles a holder to do in terms of where and for how long they can park on-street;
 - what the Badge looks like in terms of its design;
 - the enforcement framework.
- 1.6** The Blue Badge Scheme is administered by top tier local authorities, for example, county councils. It is enforced by second-tier local authorities, for example, district councils. Unitary authorities, including London boroughs, will do both. Most enforcing authorities use their parking enforcement teams to enforce the Blue Badge Scheme so civil enforcement officers are typically involved although, in some areas, parking enforcement is still the responsibility of the police and so enforced by traffic wardens. Around 20 or so local authorities have dedicated fraud teams who are now focusing on the Blue Badge Scheme.

- 1.7** The 2008 Reform Strategy³ set out plans for revising the Scheme. As well as the issues included in this consultation, it will also result in the following changes to other areas of the Scheme:
- A new **Badge design** that will make it harder to copy, forge or tamper with Badges. We will make the distribution and supply of Badges more secure. We also want to establish a common numbering system for Badges to enable more effective version control of replacement Badges and enforcement through visual inspection of Badges. We will be consulting separately, towards the end of 2010, on draft regulations that will make the necessary changes to the Badge design.
 - A **data-sharing system** that will be established with local authorities to improve enforcement. At present, enforcement officers have no way of easily checking the details of Badges issued by other local authorities. We will establish a system that will store a common set of information about Badges and their holders that can be shared and interrogated quickly and easily by authorised enforcement officers. The system will also prevent other forms of abuse, for example, multiple applications and applications from people using names of others who have died. It may help local authorities to improve identity management and consistency.
 - **Extending the eligibility criteria** to certain people with severe cognitive impairments and severe temporary disabilities (lasting at least one year).
 - Other projects in the programme are encouraging local authorities to use **independent medical assessors**, more effective decision making tools and to share good practice. As well as improving consistency, these measures should ensure that Badges are issued to those in genuine need of them.
- 1.8** The DfT has published a high level implementation plan⁴ which sets out a proposed timetable for implementing the commitments included in the Reform Strategy.

³ Comprehensive Blue Badge (Disabled Parking) Reform Strategy (England), October 2008

⁴ Blue Badge Programme, High Level Implementation Plan, DfT, 2009

2. Enforcement

The current problem

- 2.1** Evidence shows that abuse of the Blue Badge Scheme could cost between £6 million and £14.7 million each year.^{5,6} The range of £6 million to £12 million included in the Enforcement Evidence Base report is based on current levels of detected fraud and those currently being prosecuted. This figure is therefore likely to be an underestimate as detection and prosecution rates are so low.⁷ Forty-three per cent of Blue Badge holders responding to a DfT survey in 2008⁸ reported misuse of spaces as the reason they had difficulty finding a parking space.
- 2.2** Through our engagement with stakeholders, Badge holders have told us that they are particularly concerned about the level of abuse as it impinges on the benefits that legitimate Badge holders are entitled to receive.
- 2.3** The most common forms of abuse include:
- **Misuse.** This is the main offence and can involve family members or carers using a real Badge, with or without the knowledge of the Badge holder. These offences can also involve Badge holders (and others) using a real Badge but in contravention of local rules of operation, for example, parking in the wrong place or for too long, or displaying the Badge incorrectly.
 - **Multiple applications.** There is anecdotal evidence that some people apply for Badges to more than one local authority, or to the same local authority using different variations of their name.
 - **Fraudulent applications.** The Audit Commission has found⁹ an issue with Badges still being used by family members after the holder has died and, in some cases, applications being made using a deceased person's name and details. Applications are also made by people using false identities or who misrepresent themselves or who make false statements about their disability.

5 Blue Badge Reform Strategy: Enforcement Evidence Base, DfT, Mar 2010

6 Annual Fraud Indicator, National Fraud Authority, Jan 2010

7 Blue Badge Reform Strategy: Enforcement Evidence Base, DfT, Mar 2010

8 Research with Blue Badge Holders Final Report, DfT, Oct 2008

9 National Travel Initiative 2006/2007, Public Sector National Report, Audit Commission, May 2008.

- **Copying and forging Badges.** Badges are frequently copied and forged, either on a small scale basis or more professionally. Real Badges are also often tampered with, for example, to alter the expiry date.
- **Lost or stolen Badges.** Badges are being falsely reported as 'lost', so that holders can be issued with replacements that are then used in more than one car or by family members. Real Badges are also being stolen from cars for illegal re-sale.
- **Other offences.** These are fewer, but we have anecdotal evidence of problems caused by insecure supply, distribution and storage of Badges that have not yet been personalised. At the moment, stocks of Badges are sent from the printers to each local authority, who store them on their own sites for individual personalisation.

2.4 Abuse is rising in line with the value of a Badge. As well as being able to park for free on-street, a Badge is a passport to other concessions. For example, in London, Badge holders are exempt from the congestion charge. In total, the annual value of benefits to Badge holders is estimated to be in excess of £300,000,000.¹⁰ This equates to an annual average benefit of £135 per Badge in circulation, or £405 over the three-year period for which most Badges are valid.

2.5 Not all local authorities enforce the Blue Badge Scheme. The ones that do, use their existing parking enforcement teams. Only around 20% of local authorities actively enforce the Scheme and this is mainly in London, the former metropolitan areas and some seaside towns. Much of the current enforcement is carried out on-street or as a result of tip-offs by the public. Some local authorities are being more proactive and are, for example, setting up dedicated fraud teams to deal with abuse. Through our engagement with local authorities, some have told us that they would like to do more. One of the main aims of the improvements we are proposing is to enable local authorities to enforce the regime more effectively.

The reform programme

2.6 As well as improving the enforcement regime, we are taking steps to prevent abuse from happening in the first place. The data-sharing project and the re-design of the Badge itself should help to achieve this, along with better and more consistent administration of the Scheme.

2.7 However, no matter how effective we are at preventing abuse, it is clear that an effective enforcement regime will still be needed. This consultation document suggests improvements that we believe could be made to the regime and invites your views.

¹⁰ Blue Badge Reform Strategy: Enforcement Evidence Base, DfT, Mar 2010

Outline of current enforcement powers

- 2.8** There is a wide range of legislation currently available to local authorities to enforce the Blue Badge Scheme.
- 2.9** In cases when an *applicant* makes multiple applications or fraudulent applications, for example, lies on the form, it may be possible to prosecute the individual under section 2 of the Fraud Act 2006. This carries a penalty of a fine of up to £5,000 and/or up to 12 months imprisonment on summary conviction.
- 2.10** The following action can be taken against a *Badge holder* who uses an expired Badge, an illegible Badge, a Badge that was lost or stolen and for which a replacement has been issued, or a Badge which they are no longer entitled to use:
- they can be prosecuted and face a fine of up to £1,000 on conviction under section 21 of the Chronically Sick and Disabled Persons Act 1970;
 - they can be prosecuted and receive a fine of up to £1,000 on conviction under section 117 of the Road Traffic Regulation Act 1984;
 - they could be issued with a Penalty Charge Notice for the parking contravention in the 266 areas where local authorities have taken civil parking enforcement powers. In other areas, Fixed Penalty Notices can be issued; and
 - in some circumstances, their vehicles may be towed, but this needs further clarification (see below).
- 2.11** In cases when a *Badge holder* lets someone else use their Badge, the issuing local authority can withdraw the Badge under regulation 9 of the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000, but only after three relevant convictions.
- 2.12** The following action can be taken against the *person using someone else's Badge* for their own benefit:
- they can be prosecuted and face a fine of up to £1,000 on conviction under section 21 of the Chronically Sick and Disabled Persons Act 1970;
 - they can be prosecuted and receive a fine of up to £1,000 on conviction under section 117 of the Road Traffic Regulation Act 1984;
 - they could be issued with a Penalty Charge Notice or a Fixed Penalty Notice for any parking contravention;
 - in some circumstances, their vehicles may be towed, but this needs further clarification (see below).

2.13 For offences that involve either the Badge holder or anyone else *copying, altering or faking/forging a Badge*, the following legislation may be used depending on the circumstances:

- offenders can be prosecuted under section 115 of the Road Traffic Regulation Act 1984 and are liable on summary conviction to a fine of up to £5,000, and up to two years imprisonment on indictment;
- the Fraud Act 2006 and the Forgery and Counterfeiting Act 1981 may be used. These carry heavier penalties;
- an offender can be prosecuted under section 117 of the Road Traffic Regulation Act 1984 and fined up to £1,000 if they are convicted of using a forged Badge; and
- they can be issued with a Penalty Charge Notice or a Fixed Penalty Notice for the parking contravention.

2.14 In the case of other offences:

- the Fraud Act 2006 and the Theft Act 1968 can be used to prosecute anyone found guilty of stealing and/or using stolen Badges;
- it is possible in certain circumstances for Courts to disqualify persistent offenders from driving for a period of time under section 146 of the Powers of Criminal Courts (Sentencing) Act 2000;
- we are aware of cases when people have attempted to sell Badges through web-sites like E-bay or Gumtree. The Badge remains the legal property of the issuing local authority, so it is unlawful for someone else to sell a Badge. The rightful owner can take action to recover the goods through the civil courts. The person offering the Badge for sale can also be prosecuted under section 7 of the Fraud Act 2006.

2.15 Section 21(4BA) of the Chronically Sick and Disabled Persons Act 1970 permits the police, a traffic warden, a civil enforcement officer or a parking attendant to require any person using a Blue Badge in a vehicle to produce the Badge for inspection. A person who, without reasonable excuse, fails to produce a Badge when required to do so is guilty of an offence and is liable to a fine of up to £1,000. The police may also seize Badges that they believe to be fake or forged or being used by the wrong person under section 19 of the Police and Criminal Evidence Act 1984.

In some large city authorities, programmes of tightening enforcement procedures for Blue Badges have brought a significant reduction in offending rates.

Proposals for new or amended powers

- 2.16** If we are to make changes to the enforcement of the Scheme, we need to change the legislation governing the enforcement powers. Local authorities and other stakeholders have identified several areas where they have experienced practical difficulties in using the legislation. The DfT has also considered whether improvements to the legal framework could be made to update and simplify it in line with the Government's Better Regulation agenda.
- 2.17** This section presents proposals for amendments to primary and secondary legislation and for new powers, where we believe they might be needed.

Primary legislation

New power for local authorities to cancel Badges

2.18 Local authorities do not currently have a power to cancel Badges that:

- have been reported lost or stolen;
- have expired (including as a result of the death of the holder);
- have been withdrawn for repeated misuse;
- where the holder ceases to be disabled or no longer requires a Badge.

2.19 Under the terms of the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000, local authorities are able to issue replacement Badges and can request Badges to be returned under certain circumstances. But the legal status of the Badge remains unchanged and so it, arguably, remains a valid document.

2.20 We therefore propose to give issuing local authorities a power to cancel Badges that are reported as lost or stolen, that have expired including when the holder has died, that have been withdrawn for misuse, or that have been returned because the person is no longer disabled or no longer requires the Badge.

Q1: What would be the advantages and disadvantages of a new power to cancel Badges that are reported as lost or stolen, or have expired, or are withdrawn for misuse?

New power for local authority enforcement officers to confiscate Badges

2.21 The police currently have a power to confiscate Badges on-the-spot if, for example, they believe a Badge to be fake or forged, or the wrong person is using it. However, parking enforcement, and therefore enforcement of the Blue Badge Scheme, is usually carried out by either traffic wardens, civil enforcement officers or, in some cases, dedicated fraud teams.

- 2.22** At present, existing legislation means that civil enforcement officers, parking attendants and traffic wardens may inspect Badges but they do not have an explicit power to confiscate them.

Eighty-six per cent of local government respondents to the DfT consultation on Blue Badge Reform Strategy were supportive of parking enforcement officers being given the legal power to confiscate misused Badges on the spot.

- 2.23** There would need to be safeguards built into any new power to ensure that Badges were not confiscated in situations where there might be any doubt about whether or not the right person was using the Badge. We would want to avoid situations where Badges were confiscated from disabled people in ways or circumstances that might cause distress.
- 2.24** We therefore propose to give local authorities and their authorised officers a power to confiscate Badges that have been cancelled under the new power mentioned above. Badges would be cancelled because they have been reported lost or stolen, if they have expired, or if they have been withdrawn for misuse. Once the new Badge design and/or the data sharing system are in place, it should be easy and quick for officers to check whether or not a Badge has been cancelled.
- 2.25** Once a Badge has been confiscated, the authorised officer would be able to either return it to the issuing local authority or to the real Badge holder, or to keep it for the purposes of evidence in a prosecution. The cancelled Badge would be returned to the issuing local authority once a prosecution had been completed. Officers would also be empowered to confiscate fake or forged Badges.
- 2.26** To support the implementation of this new power, we propose to introduce a new offence of obstructing an authorised officer who is seeking to confiscate a Badge. The penalty for this would be the same one that is currently in place for failing to hand over a Badge for inspection – prosecution and a fine of up to £1,000.
- 2.27** There are some circumstances when an enforcement officer will have a valid Badge in his/her possession, but they believe that a third party is using it for their own benefit. If this is clearly the case, it would be wrong for the enforcement officer to have to give the Badge back to the third party. In these circumstances, it might be appropriate for the enforcement officer to be able to confiscate the Badge and to return it to the Badge holder or to the issuing local authority without delay. The authority may then want to return it to the Badge holder with a letter stressing the importance of them looking after the Badge and making sure as far as possible that it is only used when they are present in the vehicle.

2.28 On-the-spot confiscation would only occur where the Badge was already in an authorised officer's hands following an inspection, or in cases where a third party has voluntarily handed it over. We are not proposing that officers forcibly enter vehicles or confiscate Badges forcibly. We would encourage local authorities, through guidance, to ensure that officers are authorised to confiscate Badges and that they are appropriately trained.

Q2: What would be the advantages and disadvantages of giving local authorities a new power to confiscate Badges (a) that have been cancelled and (b) that are being used by a third party for their own benefit?

Q3: What would be the most appropriate circumstances in which such a power could be used?

Q4: What safeguards should be built into any new power?

Failing to return a Badge

2.29 The Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 set out a list of circumstances when a Badge should be returned to the issuing authority. These include:

- when a Badge has expired;
- the holder ceases to be disabled or ceases to require the Badge;
- a replacement Badge has been issued for ones that have been reported lost or stolen;
- the Badge is no longer clearly legible;
- the death of the holder;
- a Badge has been withdrawn for misuse.

2.30 Local authorities report that few people return Badges when they have expired, as there is no real incentive for them to do so. Some local authorities try to address the issue by asking people to hand over expired Badges when they are collecting replacements or renewals. Others send strongly-worded letters. But there are still thousands of invalid Badges that have expired for various reasons that remain in circulation.

2.31 There is some uncertainty about the possible sanctions that could be used against, for example, those who refuse to return Badges when asked to do so by the local authority. If someone uses an invalid Badge, then that individual could be prosecuted for misuse, if they are ever caught. But this action is reactive and does not help with removing invalid Badges from circulation. Regulation 9(4) of the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 provides that the issuing authority may

take such action as may be appropriate to recover a Badge which the holder is liable to return under the terms of the regulations. We believe that this would mean local authorities would need to use remedies available through the civil courts.

- 2.32** The DfT plans to redesign the Badge so that it is easy and obvious about where to send Badges, if they are found after they have been reported lost, or after the holder has died, or after a Badge has expired or been cancelled using the new power mentioned above. It may be that local authorities could take other steps to encourage people to return invalid Badges.
- 2.33** We could also consider making it an offence for someone to fail to return a Badge if requested to do so within 28 days of receipt of a letter from the local authority. Receiving a letter could overcome claims the people had simply forgotten to return a Badge.
- 2.34** We would need to consider whether such an offence would be serious enough to warrant a criminal prosecution and offenders to be given criminal records, although potentially civil offences could apply.
- 2.35** Any new offence would also need an appropriate and proportionate penalty. This could be, as with other penalties in the Chronically Sick and Disabled Persons Act 1970, prosecution and a fine of up to £1,000. Or we could seek the option of enabling local authorities to issue Fixed Penalty Notices or Penalty Charge Notices. The latter would be subject to agreement by other Government Departments in line with developing policy on the use of Fixed Penalty Notices and Penalty Charge Notices.
- 2.36** We would be interested to receive your comments and suggestions on measures that could and should be taken to remove invalid Badges from circulation, and any evidence of whether or not measures are needed.

Q5: What would be the most effective ways of removing invalid Badges from circulation?

Clarifying the description of wrongful use of a Badge

- 2.37** Section 117 of the Road Traffic Regulation Act 1984 makes it an offence for someone to use a Blue Badge wrongfully to gain a concession. This law can be used to prosecute a third party using a Badge that has not been issued to them. However, it is unclear whether or not it is an explicit offence for a Badge holder to continue using a Badge that should have been returned, for example, when it has expired or if it has been withdrawn.
- 2.38** We therefore propose to amend the Road Traffic Regulation Act 1984 to ensure that it is clearly an offence for either a Badge holder or a third party

to use a Badge that has been withdrawn and should have been returned to the issuing local authority.

Clarifying the powers to inspect Badges

2.39 Section 21(4BA) of the Chronically Sick and Disabled Persons Act 1970 allows the following categories of enforcement officers to inspect Badges:

- traffic wardens;
- civil enforcement officers;
- parking attendants.

2.40 The legislation requires that civil enforcement officers and parking attendants should be carrying out parking enforcement duties *in uniform*. However, some local authorities have set up dedicated Blue Badge fraud teams who often carry out their work in plain clothes. We therefore propose to amend the Chronically Sick and Disabled Persons Act 1970 to ensure that fraud teams have the powers they need to enforce the Scheme.

Towing away vehicles

2.41 Some stakeholders have suggested that we clarify the legislation relating to towing away vehicles that are displaying Blue Badges, whether real or fake. The legislation states that vehicles which display a '*current disabled person's Badge or a current recognised Badge*' must not be clamped or towed (unless they are abandoned, obstructing a road or causing a danger). But it is less clear what action can be taken when a Badge is not current or valid, or if it being misused by a third party for their own benefit.

Q6: Do you think that local authorities should be able to tow vehicles that (a) display cancelled or invalid Badges or (b) a third party is misusing a Badge for their own benefit?

Secondary legislation

Extending the grounds for refusing to issue, and to withdraw, a Badge

2.42 Regulation 8 of the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 states that a local authority may refuse to issue a Badge if:

- the applicant holds or has held a Badge and misuse has led to at least three relevant convictions;
- the applicant fails to provide adequate evidence that they meet the disability criteria (or the organisation fails to provide evidence that it is eligible);
- the applicant fails to pay the fee;

- the local authority has reasonable grounds for believing that the applicant is not the person that he claims to be or would permit another person to use the Badge.
- 2.43** This does not adequately cover circumstances when holders themselves are misusing the Badge. We have heard of cases where some Badge holders are often parking in contravention of the rules of the Blue Badge Scheme and are being issued with large numbers of parking fines.
- 2.44** The three relevant convictions requirement applies both to regulation 8: *refusal to issue a Badge* and also to regulation 9: *withdrawing a Badge*. Several local authorities have asked us to remove the requirement for at least three relevant convictions as they believe it is overly restrictive.
- 2.45** We propose to amend the requirement to enable a local authority to make an informed judgement on whether or not to issue a Badge, or to renew one, or to withdraw one, from persistent and/or serious offenders. The DfT would issue guidance to local authorities on how this power should be applied, and that evidence of repeat offending would need to be demonstrated.
- 2.46** Where the Badge holder is clearly abusing the Scheme, or allowing others to use their Badge, we believe that local authorities ought to be able both to withdraw a Badge, and to refuse to issue any more Badges to that person for a certain period of time. We could either specify a time in the legislation, for example, 12 months. Or we could allow local authorities to refuse to issue a Badge for as long as may be considered “reasonable”, given the circumstances of each case and the grounds for refusal.

Q7: What would be the advantages and disadvantages of removing the current three relevant convictions requirement from the legislation?

Q8: Should there be any additional grounds for refusing to issue a Badge? If so, what would you suggest and why?

- 2.47** Regulation 9 of the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 states that a Badge should be returned to the issuing local authority immediately on occurrence of the following events:
- the expiry of the period for which the Badge was issued;
 - the death of the holder (or the organisation ceasing to exist);
 - the holder ceases to be disabled (or the organisation ceases to be eligible);
 - a replacement has been issued and the original is subsequently found;
 - the Badge is no longer legible;

- the Badge ceases to be required;
- misuse of the Badge has led to three relevant convictions;
- the authority is satisfied that the Badge was obtained by false representation.

2.48 Regulation 8 allows local authorities to refuse to issue a Badge on the basis that they have reasonable grounds for believing that an applicant would allow that Badge to be used by a third party. We propose to amend regulation 9 to permit local authorities to withdraw a Badge on the same basis.

Q9: Should there be any additional grounds for withdrawing a Badge? If so, what would you suggest and why?

Non-legislative measures

2.49 To reduce the incidence of multiple applications, we are proposing to include a declaration in the Blue Badge application form for the applicant to sign, confirming that the applicant is not making multiple applications. If the applicant then seeks to obtain more than one Badge, the local authority could seek to prosecute them using the Fraud Act 2006.

Ideas we do not propose to pursue

2.50 The following issues have been raised during our informal consultations with stakeholders. However, we are not proposing to legislate in these areas for the following reasons.

Fixed Penalty Notices for misuse offences

2.51 Some local authorities have asked us to consider providing a new power for Fixed Penalty Notices to be issued for offences that involve a third party using someone else's Badge for their own benefit. At present, the following action can be taken against a third party:

- they can be prosecuted and face a fine of up to £1,000 on conviction under section 21 of the Chronically Sick and Disabled Persons Act 1970;
- they can be prosecuted and receive a fine of up to £1,000 on conviction under section 117 of the Road Traffic Regulation Act 1984;
- they could be issued with a Penalty Charge Notice or a Fixed Penalty Notice for any parking contravention.

2.52 We are not convinced that there are strong enough arguments for such a power. The powers above are available to deal with these offences and are being used successfully in some areas. We do not believe that there is a case for potentially widening the criminal justice net by allowing for Fixed

Penalty Notices, some of which could easily be issued in error to disabled people and their carers. We also believe that the current appeal route to the courts in most cases is an important safeguard in the Scheme – especially when we consider our proposal to remove the requirement for three relevant convictions (see above).

- 2.53** In any event, we need to await the outcome of the current Ministry of Justice review into the use of Fixed Penalty Notices and Penalty Charge Notices before we can take a final decision. We also believe that the other measures we are proposing in this consultation document will help to counter and reduce misuse.

New fraud offence

- 2.54** Some local authorities have asked us to review the main misuse offences and consider new ones. Section 117 of the Road Traffic Regulation Act 1984 is often used for misuse of both a real and a fraudulent Badge. Some local authorities believe that the maximum penalty available in section 117 of £1,000 does not reflect the true level of criminality, in a case where a fraudulent Badge has been used, and that we should consider introducing a specific new Blue Badge fraud offence with a higher penalty.

- 2.55** The Fraud Act 2006 may be used to prosecute people involved in Blue Badge fraud and the relevant offence attracts a maximum penalty in a Crown Court of an unlimited fine and/or imprisonment for up to 10 years. As legislation is already available, we do not believe that there are grounds for introducing new legislation for offences to tackle the same crimes. However, we would be interested to hear your views and any experience you may have of prosecuting for fraud offences using the Fraud Act 2006.

Decriminalisation

- 2.56** Part of the enforcement hierarchy that we would like to establish already includes an element of civil enforcement in areas where parking has been decriminalised, and Penalty Charge Notices are issued for minor or one-off parking contraventions. Some local authorities have suggested that we should decriminalise the whole Blue Badge enforcement regime. We do not believe that this is the right direction for the Blue Badge Scheme. We believe that it is important to retain the current criminal offences to reflect the seriousness of some of the abuse that is happening, the numbers of repeat offenders and the involvement of lifestyle criminals. We also believe it is important to retain options for enforcement officers.

Next steps

- 2.57** We plan to consult formally on draft regulations later in 2010 in order to change the secondary legislation. The earliest the amendments would come into effect is October 2011. Subject to consultation, we would look to take forward proposed changes to primary legislation at the earliest opportunity subject to the availability of Parliamentary time.
- 2.58** In the meantime the DfT plans to update its good practice guidance and to publish it later in 2010.

3. Other proposals for amending primary legislation

- 3.1** We have considered what other changes to primary legislation we could make. At this stage, we are asking for initial views and have not developed detailed proposals and so have not assessed potential costs and benefits.

Appeals

- 3.2** Under section 21(7C) of the 1970 Act, a Badge holder currently has the right to appeal to the Secretary of State within 28 days if a local authority wants to withdraw a Badge as a result of misuse. We are proposing that an alternative route should be used.
- 3.3** An alternative system could involve a more formalised right of review through the local authority, with the final option of a right to complain to the Local Government Ombudsman who would be able to investigate the matter independently and impartially.
- 3.4** The 1970 Act does not currently provide any appeal route for people who apply for but are refused a Badge. At present, unsuccessful applicants can lodge a complaint with the local authority, or re-apply again after some time has passed. Many disabled people would like a more formalised route to redress. The route suggested in the paragraph above would also be available for these issues.

Q10: What would be an appropriate route to deal with disputes over whether Badges should be withdrawn and unsuccessful applications?

Independent medical assessments

- 3.5** There are significant differences in the way that local authorities administer the Scheme and in the ways in which they assess applicants for a Blue Badge.

- 3.6** Some local authorities have told us they would like to see greater standardisation of approaches and more prescription from central Government about how assessments should be undertaken. One way we could do this is to take a power that requires local authorities to take account of guidance issued by the Department on eligibility assessment. We are making funding available to local authorities to encourage the take up of independent medical assessments (Chapter 5), so the costs of this proposal would be covered by the re-distribution of funding from Primary Care Trusts to local authorities.
- 3.7** We do not propose any new power or statutory guidance that would direct particular enforcement activity, as local authorities need to be able to take appropriate enforcement action on the ground depending on the circumstances of each case and the evidence available.

Q11: What are your views on the suggestion that there should be more prescription from central Government on eligibility assessment? What suggestions do you have on how this should be implemented?

Data-sharing

- 3.8** We are exploring the costs and benefits of rolling out a data-sharing system that would allow local authorities to access certain information about Badges issued by other authorities. Some local authorities have suggested that we should take a power for the Secretary of State to require local authorities to use the system, once it is in place. They believe that this would help to ensure the success and effectiveness of the system.

Q12: What do you think would be the advantages and disadvantages, and potential costs and benefits, of the Secretary of State taking a new power to require local authorities to use any data-sharing system?

Non-residents

- 3.9** Section 21(2) of the 1970 Act states that Badges may be issued to a disabled person of any prescribed description resident in the area of the issuing authority. There are, however, some disabled people who are unable to prove residency. For example, people who are serving in the Armed Forces and their families are often posted overseas on UK bases. These people are no longer resident in England, but because they remain the responsibility of the UK Government, they do not become resident in the country in which they are living and are unable to apply for a Badge.

- 3.10** We are now looking to amend the residency requirement for certain non-residents. Further work is required before deciding how this will be taken forward and we would welcome any suggestions as part of this consultation.
- 3.11** One option may be for non-residents to provide the address of a parent or relative who is resident in the UK, which would allow an application to be administered by that local authority. But we would welcome other suggestions as part of this consultation. We would also like views on how the assessment would be made for non-residents.

Q13: What suggestions do you have as to how we could allow certain non-residents to apply for a Blue Badge?

Organisational Badges

- 3.12** Local authorities are empowered to issue Badges to organisations concerned with the care of disabled people for any or each motor vehicle kept in the area of the issuing authority. Employees of those organisations are then able to use the Badges when transporting disabled people. 1% of Badges on issue are currently issued to organisations, so there are currently approximately 25,000 of these in circulation.
- 3.13** There is a perception that organisational Badges are being widely abused, with employees frequently using the Badges for their own benefit. It would be helpful to receive your views and comments on whether or not the legislation or guidance with respect to organisational Badges needs to be clarified or tightened, and if so, how. Or whether there are other ways of ensuring that such Badges are issued and used appropriately.

Q14: What are your views on organisational Badges? What are your suggestions for how abuse might be prevented?

Administrative amendments

- 3.14** Section 21(5) of the 1970 Act requires local authorities to maintain a register of Badge holders. We propose to make a minor, technical amendment, to allow local authorities to remove people from the register if, for example, they have died. This will bring the legislation in line with Data Protection requirements.

4. Eligibility

Extending to certain children between the ages of 2 and 3

- 4.1** Children under the age of 2 were excluded from the Scheme under Regulations which came into effect in 1983.¹¹ This was on the advice of the Disabled Persons Transport Advisory Committee (DPTAC) on the grounds that children below this age could reasonably be carried in a pram or pushchair.
- 4.2** However, some young children have particular mobility problems which mean that their carers face real difficulties transporting them safely from their homes.
- 4.3** In October 2007, we therefore extended the Scheme to certain children under the age of two who are dependent upon bulky medical equipment, or who have highly unstable medical conditions and may need urgent access to transport to hospital or home for medical care.
- 4.4** These provisions were introduced by the Disabled Persons (Badges for Motor Vehicles) (England) (Amendment) Regulations 2007 (SI 2007/2531), which extends eligibility for children under the age of 2 who:
- a) due to a condition, need to be accompanied by bulky medical equipment at all times; or
 - b) due to a condition must always be kept near a vehicle so that treatment can be given in the vehicle, or the child can quickly be transported to a place for treatment.
- 4.5** An indicative list of bulky medical equipment (BME) is contained in the regulations (Regulation 4(4)(a)).
- 4.6** The Blue Badge Scheme Local Authority Guidance (England) January 2008¹² sets out further detail on how applicants under the age of 2 should be assessed by local authorities under these regulations.

¹¹ The Disabled Persons (Badges for Motor Vehicles) Regulations 1982 (SI 1982/1740)

¹² <http://www.dft.gov.uk/transportforyou/access/blueBadge/blueBadgelocalauthguid/320266.pdf>

- 4.7** Blue Badges issued to children under the age of 2 are valid until the day after their second birthday, or sooner if the condition in respect of which it was issued no longer applies (for example hip dysplasia which normally lasts for between three and six months).
- 4.8** The conditions affecting a child who currently qualifies for a Blue Badge under the BME / access to vehicle criteria are often temporary in nature or do not necessarily relate to a child's ability to walk. Such children, on reaching their second birthday would therefore not necessarily qualify under the main "assessed" eligibility criterion of having a permanent and substantial disability which causes inability to walk or very considerable difficulty in walking (Regulation 4(2)(f)).
- 4.9** Additionally, whilst people with serious temporary mobility problems can apply for the Higher Rate of the Mobility Component of Disability Living Allowance (HRMCDLA),¹³ which provides eligibility for a Blue Badge, HRMCDLA is only available to applicants aged 3 or over. This means that children who were eligible for a Blue Badge under the BME / access to vehicle criteria, currently have no means of re-applying for a Blue Badge until their third birthday.

Proposals

- 4.10** We propose to close this gap in eligibility and extend the benefit to more children, under the age of three, with specific medical conditions. Once these children reach the age of three it is envisaged that they will be able to apply for a Badge under the other categories of eligibility listed in Regulation 4 of the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000.
- 4.11** The effect of this provision would be that any child under the age of 3 who is assessed by their local authority as meeting the current BME / access to vehicle eligibility criteria can be issued with a Blue Badge. The Badge would be valid until the day immediately following the child's third birthday (subject to Regulation 9 concerning the return of a Badge to an issuing authority for various reasons, including where the holder of the Badge ceases to be a disabled person).
- 4.12** We therefore propose amending Regulation 4 to extend the category of children meeting the BME / access to vehicle eligibility criteria to children aged 3 and under, and also amending Regulation 6(2)(a) which currently provides for the period of issue of a Badge relating to a child under the age of 2 to end on the day immediately following the child's second birthday. In order to allow for a Badge to be valid until a child is 3, it will be necessary to amend the period of issue of a Badge to end on the day immediately following the child's third birthday.

¹³ (those that have lasted three months and are expected to last for at least a further six months)

Q15: Do you agree the way in which we propose to extend eligibility to children between the age of 2 and 3 with specific medical conditions? Please provide information to support your decision.

- 4.13** It should be noted that there is no guarantee that a child who qualified for a Blue Badge under the BME / access to vehicle criteria would continue to qualify once they reached the age of three. This is because the qualifying criteria for HRMCDLA and those for the BME / access to vehicle criteria are not necessarily comparable.
- 4.14** We are consulting further with the Department of Health and the Department of Work and Pensions to explore whether the types of conditions covered by the BME / access to vehicle criteria are likely to persist beyond the age of 3, and if so whether they would be likely to qualify for HRMCDLA or qualify under the main assessed eligibility criterion at Regulation 4(2)(f). We will also consider whether these children would be likely to qualify under the extension of eligibility to people with certain severe temporary mobility problems which was set out in the Reform Strategy.

Transitional arrangements

- 4.15** Once the regulations have come into force, it may be necessary to make transitional arrangements for those children under the age of 2 who have previously been issued with a Blue Badge which will expire on the day following their second birthday.
- 4.16** We therefore propose to advise local authorities that, on application, a Blue Badge should be reissued to an eligible child to cover the period between the new regulations entering into force and their third birthday. This may in some cases lead to Badges being issued for very short periods of time.

Q16: Do you have any comments on these proposed transitional arrangements? Please provide information to support your decision.

Impact Assessment

- 4.17** The draft Impact Assessment (IA) attached at Appendix 2 has been prepared to highlight the costs and benefits which would be expected to result from the introduction of the proposed eligibility extension. It builds upon the Reform Strategy IA which was produced by the Department in October 2008. However, it has been decided to produce one IA dedicated to extending eligibility to children, under three, with specific medical conditions, in order to examine the elements of eligibility extension to this particular group.

Extending to severely disabled Service Personnel and War Veterans

- 4.18** Under current legislation, disabled veterans are eligible for a Blue Badge without further assessment (also known as ‘automatic’ eligibility) if they are in receipt of a mobility supplement payable under article 20 of the Naval, Military and Air Forces etc (Disablement and Death) Service Pensions Order 2006 (SI 2006 No. 606). This supplement is only paid to veterans injured before April 2005.
- 4.19** Eligibility for War Pensioner’s Mobility Supplement (WPMS), is determined by the Service Personnel and Veterans Agency (SPVA) medical assessors. The mobility supplement is payable to a person in receipt of retired pay or pension in respect of disablement assessed at more than 40% and where the disablement that causes the serious walking difficulty is as a result of service. Local Authorities issue Blue Badges on the basis of this assessment.
- 4.20** Injuries to Service Personnel and War Veterans arising after 2005 may be compensated through the new Armed Forces Compensation Scheme (AFCS). There is currently no provision for automatic entitlement to a Blue Badge under the AFCS, and the Scheme does not include a specific mobility allowance to which entitlement could be linked. Injured veterans may of course apply for a Badge in the usual way: i.e. automatic entitlement if they are in receipt of the Higher Rate Mobility Component of Disability Living Allowance (HRMCDLA) or if they are assessed by the local authority as having a permanent and substantial disability which causes inability to walk or very considerable difficulty in walking (Regulation 4(2)(f)).

MOD Command Paper

- 4.21** In 2008, the MOD published a cross-government strategy for supporting Armed Forces personnel (Command Paper CM7424). The Department’s commitment in respect of Blue Badge entitlement is as follows: Blue Badge – Continuous Automatic Entitlement... We will now introduce a Scheme so that severely disabled veterans in England will receive automatic entitlement to a Blue Badge without further assessment. Although the Command Paper makes reference only to veterans, it is intended that the Scheme will also apply to service personnel. This is required because claims can be made under AFCS by personnel who are still serving, in contrast to the War Pensions Scheme where claims can only be made at or beyond termination of service.
- 4.22** In our Reform Strategy, we therefore committed to extending the Blue Badge Scheme to seriously disabled service personnel and veterans in receipt of specific tariffs of award under the Armed Forces Compensation Scheme for mobility related disability.

Proposals

- 4.23** The policy intention of this provision is bring the new AFCS within the remit of the Blue Badge Scheme and to ensure that service personnel and veterans receive the same entitlement to a Blue Badge as those who would have qualified under the existing WPMS provision.
- 4.24** It is proposed that a new provision under the 'eligible without further assessment' criteria, will extend eligibility to certain seriously injured service personnel and war veterans in England that are in receipt of an Armed Forces Compensation Scheme award. Further work is required before deciding how this will be taken forward in legislation.
- 4.25** One possible option is to extend eligibility to service personnel and veterans who have been awarded AFCS at particular defined tariffs and who have been assessed by the Service Personnel and Veterans Agency as having a permanent and substantial disability, such as loss of lower limbs or a severe brain injury, which causes inability to walk or very considerable difficulty in walking.

Q17: What are your views on this option? Please provide advantages and disadvantages with this approach.

5. Local authority funding for eligibility assessments

- 5.1** The 2008 Reform Strategy set out our intention to work with local authorities to improve the management of the Scheme and to make the eligibility assessment process fairer and more consistent.
- 5.2** As part of this, we will be making funding available to local authorities to help them to conduct improved independent medical assessments to inform decisions on applicants' eligibility.
- 5.3** The term 'independent medical assessment' is intended to refer to an eligibility assessment undertaken by a medical professional with expertise in mobility who is independent of the applicant. It is not necessary for the assessment to be carried out by a professional who is independent of the local authority.
- 5.4** This funding involves the transfer to local authorities of a sum equivalent to the National Health Service budget that is currently being used to determine eligibility for the Scheme. When the funding is transferred from NHS budgets to local authorities, Primary Care Trusts will no longer be expected to contribute financially to Blue Badge assessments. As such, there will be no change in the total funding available for assessments and no additional burden at a national level.
- 5.5** Informal consultation on this issue has already taken place with the Local Government Association and the eight local authorities that have been designated by the DfT as Blue Badge Centres of Excellence. The proposals in this chapter have been informed by responses to that consultation.

Current eligibility criteria

- 5.6** Eligibility¹⁴ is considered in terms of being 'eligible without further assessment' (sometimes referred to as 'automatic', and making up around 40% of Badges on issue in England) or 'eligible subject to further

¹⁴ The Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 and the Disabled Persons (Badges for Motor Vehicles) (England) (Amendment) Regulations 2007

assessment' (sometimes referred to as 'discretionary', and making up around 60% of Badges on issue in England).

- 5.7** In practice, the vast majority of Badge holders are issued with a Badge either because they are in receipt of an award at the Higher Rate of the Mobility Component of the Disability Living Allowance (HRMCDLA), or because they have been assessed by the local authority as having a permanent and substantial disability which causes inability to walk or very considerable difficulty in walking.
- 5.8** Currently, there are significant variations in the Badge issue rate between local authorities. 2009 figures¹⁵ suggest that the number of Badges on issue ranges from 7 to 110 per thousand of the population. Variations in issue rates cannot be fully explained by differences in population characteristics. It is likely that some of the differences may be down to inconsistencies in the way that local authorities interpret and apply the eligibility criteria and different ways in which applicants are assessed. Fifty-six per cent of local authorities think that Badges are issued to a significant number of people who do not really need one.¹⁶

Current funding arrangements for eligibility assessments

- 5.9** The current funding arrangements for Blue Badge eligibility assessments also vary between local authorities. There is no specific duty on Primary Care Trusts (PCTs) to provide or to fund the services of a General Practitioner (GP) to carry out Blue Badge assessments. However, many PCTs reimburse local authorities for assessment fees incurred as part of the "collaborative arrangements" between health authorities and local authorities that were established under legislation in 1974.¹⁷ It is entirely a matter for the PCT and local authority to agree any local arrangements and decide the basis for charging.
- 5.10** In many local authorities, agreements have been reached with PCTs whereby the PCT reimburses the costs of some or all of the Blue Badge assessments that are undertaken. In some, these costs are only reimbursed by PCTs if the assessment is undertaken by a GP. In others, the PCT does not make any financial contribution towards the assessment costs. In this last case, the costs of assessments fall to the local authority. There are currently, therefore, inequities in the amount of funding that local authorities receive for assessments, which can influence the way in which those assessments are undertaken.

¹⁵ DfT annual survey of Blue Badges issued by local authorities (March 2009)

¹⁶ Faber Maunsell (2008) Blue Badge Research with Local Authorities (unpublished)

¹⁷ Current legislation is contained in National Health Service Act 2006.

5.11 Despite these differences, recent research with local authorities suggests that:

- in over 70% of local authorities, the PCT provides funding for assessments;
- approximately 75% of the population are in authorities where the PCT provides funding for assessments;
- where the PCT does provide funding, the assessment is most frequently undertaken by a GP.

Policy and guidance on eligibility assessments

5.12 DfT guidance to local authorities¹⁸ states that the DfT views the widespread practice of using an applicant's GP to verify that an individual meets the criteria for a Blue Badge as wholly unsatisfactory in the majority of cases, as it can compromise the doctor–patient relationship and create inconsistency of assessment. Where a medical opinion is needed, DfT strongly recommends that independent health professionals, such as physiotherapists and occupational therapists, should undertake these assessments, as they are often best placed to assess eligibility due to their professional knowledge of mobility.

5.13 There is a consensus of opinion in favour of the use of independent medical assessors. It was recommended to DfT by the Disabled Persons Transport Advisory Committee,¹⁹ and has been supported by the House of Commons Transport Select Committee and the Department of Health's Care Services Efficiency Delivery Programme.²⁰

The proposals

Funding mechanism and distribution

5.14 We wish to seek views on both the funding mechanism and, if a new formula is required, the way in which the funding is distributed.

5.15 The funding could be allocated through the formula grant process, via Revenue Support Grant (RSG), according to the Communities and Local Government (CLG) predetermined Environmental, Protective and Cultural Services (EPCS) Relative Needs Formula. Alternatively, it could be distributed using a policy specific formula through an Area Based Grant (ABG) under powers available under Section 31 of the Local Government Act 2003.

18 The Blue Badge Scheme Local Authority Guidance (England), January 2008 <http://www.dft.gov.uk/adobe/pdf/259428/281009/laguidance.pdf>

19 DPTAC Review of the Disabled Persons Parking Scheme (The Blue Badge Scheme): *Recommendations for change* (2002) DPTAC – Disabled Persons Transport Advisory Committee

20 <http://www.rcoe.gov.uk/rce/aio/20055>

- 5.16** RSG is a general, non-ringfenced grant and is the Government's usual funding method for local government. It uses the projected population in an area, as well as density, sparsity and deprivation weightings and cost adjustments for environmental, protective and cultural services.
- 5.17** Using RSG may, however, be inappropriate in some cases, for example where the desired funding distribution is very different from the formulae used to distribute RSG. In the case of funding for Blue Badge eligibility assessments, it may be that some of the RSG variables used to allocate funding, such as 'in-commuters' and 'day visitors', do not have a strong influence on the cost drivers.
- 5.18** In cases where RSG is deemed to be inappropriate, ABG, which is a single non-ringfenced grant to local authorities, is the next preferred funding route. ABG provides the ability to target funding according to perceived need, through the development of policy-specific formula.

Q18: Do you think that funding should be distributed via RSG or via ABG? Why do you have that preference?

- 5.19** Described below is the DfT's preferred distribution formula if it decides to allocate funds via ABG. Views are invited on this preferred option. In considering the best formula to use, we have looked at available data sources that are likely to correlate most closely to the drivers of eligibility assessment costs. Each of these variables, together with some reasonable combinations of variables, has been examined in terms of relevance, data availability and data reliability. Appendix 3 provides a description of the various data sources used and a summary of variable relevance for those that have not been discounted on the grounds of insufficient data availability or reliability.

Summary of preferred distribution formula

- 5.20** The grant distribution should reflect the likely burden of cost and be designed to direct funding towards authorities that are most likely to experience the greatest demand for Badges because of their demographic characteristics. We believe that the variables most likely to influence assessment costs, and therefore most appropriate for distribution of the funding, are the number of people in receipt of HRMCDLA and the number of residents over the age of 65. Informal consultation has supported this view.
- 5.21** A higher proportion of people over the age of 65 will have a mobility related disability than for the population as a whole. As those over the age of 65 that have severe mobility impairments are not eligible to make a new application for DLA, it can be assumed that they are more likely to access the Scheme through the "eligible subject to further assessment" criteria

and, therefore, are of more direct relevance in terms of the cohort most likely to undergo medical assessments in order to determine eligibility.

- 5.22** Whilst Badge holders who have accessed the Scheme by virtue of being in receipt of HRMCDLA would not require an eligibility assessment, the number in receipt of this benefit could be deemed to be a good proxy indicator of the level of mobility related disability within an authority.
- 5.23** Using these variables, we have undertaken regression analysis to compare the number of Badges currently issued by local authorities per head of population with five different methods. This showed that the highest correlation was found to be when the number of people in receipt of HRMCDLA was added to the number of people over the age of 65. The correlation was maximised when a weighting was applied so that 3 HRMCDLA recipients were given the same weighting as 10 people over the age of 65.

On the basis of the above analysis and informal consultation, if funding is to be allocated via ABG, our preferred formula is:

The number of recipients of HRMCDLA + (0.3 x population over the age of 65)

- 5.24** Each issuing local authority would receive funding equivalent to its 'share' of the variables used in the formula. If we decide to distribute funding via an ABG we propose to fix the formula for at least 3 years. This will provide local authorities with greater certainty and predictability of their funding levels.

Q19: If DfT decides to allocate funds via ABG, do you agree that distribution of the funding based on the number of people aged over 65 and the number of people in receipt of HRMCDLA (according to the weighting above) would be appropriate?

Q20: If not, what are the reasons that distribution based on these variables would be inappropriate, and what distribution would be preferable?

- 5.25** We would also welcome views on the potential inclusion of an element to take account of population sparsity and the potential inclusion of floors and ceilings. The purpose of any weighting taking account of population sparsity would be to allow for differing assessment costs between rural and urban areas. A decision on the inclusion of such a weighting can not be made on the basis of the above regression analysis.

Q21: What are your views on giving greater weighting to authorities with high population sparsity? Can you provide any research or evidence of different unit costs to support your views?

Q22: If you think that higher weighting should be given to authorities with high population sparsity, do you agree that a weighting based on population sparsity as used in the CLG relative needs formula would be appropriate, i.e.:

HRMCDLA + population over 65 X (1 + 2001 population sparsity)

5.26 Use of a floor would help to ensure that authorities receive a minimum amount of funding to enable them to make the desired change in assessment procedures. Use of a ceiling would help to ensure that authorities do not receive significantly more than they are likely to need, given their size and the cost of implementing an efficient assessment process.

Q23: Do you have a view on whether there should be any payment “floors” or “ceilings”?

Q24: If so, is this view based on any cost-based research or evidence that would help in determining appropriate levels?

Grant timing

5.27 As budgets for NHS Trusts and PCTs for 2010/11 have already been set, allocation of this new funding for local authorities will commence in 2011/12. Given that the majority of local authorities currently use some form of GP assessment, that the majority of these assessments are currently funded by PCTs, and that detailed good practice guidance will not be issued before autumn 2010, the DfT believes that this is an appropriate timetable for the introduction of this new grant, as many local authorities will require some time to prepare for and to change their assessment practices.

5.28 However, we also recognise that some local authorities are already in a position to make changes to their assessment practices. Prior to the funding transfer in 2011/12 the Department of Health and DfT intend to work with PCTs to encourage them to enable the use of funds for independent medical assessments as well as those undertaken by GPs.

Funding available

5.29 Given that PCTs will cease to reimburse costs for Blue Badge assessments at the point of commencement of this funding for local authorities, it has been assumed that all issuing authorities in England should receive a

portion of the grant, irrespective of whether or not they currently receive any funding from PCTs under locally agreed arrangements.

- 5.30** The current best estimate of the total cost of Blue Badge assessments in England that were funded by PCTs during 2008/09 is £10.8m. However further work is being done by the Department of Health and DfT to establish the exact funding level to be distributed in the three years of the next Spending Review period (from 2011/12 to 2013/14).
- 5.31** Exemplifications of the share of the funding that each issuing local authority would receive under both the RSG and the proposed ABG formula are at Appendix 4. The indicative exemplification shows that, for an individual authority, the maximum difference in funding between the allocation methods would be £91k. For 48% of local authorities, the difference in the allocation would be less than £10k.
- 5.32** However, it should be noted that this exemplification has been based on the current best estimate of the total funding level for 2008/09 and is subject to change. The exemplification should therefore be taken as demonstrating the pattern of distribution under both methods, but not necessarily the exact funding level that each authority would receive.
- 5.33** In addition, the distribution shown in the exemplification is provisional and may be subject to revision in the light of responses received to the consultation. It should be noted that the RSG exemplification is based on the 2008/09 settlement and that the RSG formulae may also be subject to change prior to commencement of the funding in 2011/12. It should also be noted that the ABG exemplification has been based on 2008 data on DLA recipients and population over the age of 65 which may be updated prior to commencement of the grant.

6. Appendices

We would welcome any comments you may have on the Impact Assessments and the assumptions used within them.

Please note that a New Burdens Assessment of potential impacts on local authorities was carried out for the 2008 reform strategy. The proposals contained in this consultation document will not have any additional impact on costs.

Appendix 1: Impact Assessment for enforcement measures

Summary: Intervention & Options

Department /Agency:

Department for Transport

Title:

Impact Assessment of Blue Badge Enforcement Measures

Stage: Consultation

Version: 1

Date: 17 February 2010

Related Publications: Blue Badge Reform Strategy: Enforcement Evidence Base

Available to view or download at:

<http://www.dft.gov.uk>

Contact for enquiries: Keith Hughes

Telephone: 020 7944 3968

What is the problem under consideration? Why is government intervention necessary?

The Blue Badge Scheme is currently being widely abused through fraud and misuse. Local authorities are able to use current powers to deal with some types of offences and types of offender. There are however gaps in the legislative framework, both primary and secondary. Government intervention is necessary to establish a more effective and efficient enforcement hierarchy that will enable local authorities to have a range of tools and techniques available to them to prevent and combat abuse.

What are the policy objectives and the intended effects?

The Government is committed to reducing the incidence of fraud and misuse related to Blue Badges. The objective of this intervention is to ensure that local authorities are better able to enforce against such fraud and misuse, creating the potential to reduce lost parking revenue and improve the wellbeing of genuine Badge holders. The interventions considered here also support and reinforce parallel steps being taken to improve security (through an improved Badge design) and data sharing.

What policy options have been considered? Please justify any preferred option.

Option A is to maintain the current legislative framework. However, this would not address the problem highlighted above nor would it maximise the benefits from the planned introduction of a redesigned Badge and national data sharing system. Option B involves introducing a package of changes to existing legislation which will be designed to make it easier for local authorities to undertake effective enforcement, thereby combating fraud and misuse.

When will the policy be reviewed to establish the actual costs and benefits and the achievement of the desired effects? The benefits delivered by the Blue Badge reform programme will be reviewed regularly, and at least annually, to establish whether or not they have been realised.

Ministerial Sign-off For Impact Assessments:

I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.

Signed by the responsible Minister:



.....Date: 8 March 2010

Summary: Analysis & Evidence

Policy Option: B

Description: Package of Measures to Facilitate Improved Enforcement

COSTS	ANNUAL COSTS		Description and scale of key monetised costs by 'main affected groups' None
	One-off (Transition)	Yrs	
	£ 0		
	Average Annual Cost (excluding one-off)		
	£ 0		Total Cost (PV) £ 0
<p>Other key non-monetised costs by 'main affected groups' Estimates of the potential impact on the workload of HM Courts Service will be sought during consultation, along with the potential additional cost of training existing enforcement officers.</p>			

BENEFITS	ANNUAL BENEFITS		Description and scale of key monetised benefits by 'main affected groups' Illustrative example of the potential benefit which could be achieved, including revenue losses avoided (£5.7-11.3m), decongestion (£0.6-1.3m) and CO ₂ reductions (£3.0-6.8k). It should be noted that this estimate relates to the programme as a whole (the measures considered here plus a data sharing system and Badge redesign)
	One-off	Yrs	
	£ 0		
	Average Annual Benefit (excluding one-off)		
	£ 6.2-12.6m		Total Benefit (PV) £ 94-192m
<p>Other key non-monetised benefits by 'main affected groups' Potential welfare gains to genuine Badge holders resulting from a greater availability of spaces.</p>			

Key Assumptions/Sensitivities/Risks Uncertainty around current level of fraud and the extent to which local authorities will use the powers. These new powers will be introduced alongside a new datasharing system and Badge design (not costed here). It is not possible to separate out the benefits of these interventions so the estimated benefits of the total package are presented here.

Price Base Year 2010	Time Period Years 20	Net Benefit Range (NPV) £ 94-192m	NET BENEFIT (NPV Best estimate) £ 143m
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What is the geographic coverage of the policy/option?	England			
On what date will the policy be implemented?	From 2011			
Which organisation(s) will enforce the policy?	LAs			
What is the total annual cost of enforcement for these organisations?	£ dep. on activity			
Does enforcement comply with Hampton principles?	Yes			
Will implementation go beyond minimum EU requirements?	No			
What is the value of the proposed offsetting measure per year?	£ 0			
What is the value of changes in greenhouse gas emissions?	£ in evidence base			
Will the proposal have a significant impact on competition?	No			
Annual cost (£-£) per organisation (excluding one-off)	Micro n/a	Small n/a	Medium n/a	Large n/a
Are any of these organisations exempt?	No	No	N/A	N/A

Impact on Admin Burdens Baseline (2005 Prices)		(Increase - Decrease)	
Increase of	£ 0	Decrease of	£ 0
Net Impact		£ 0	

Key: **Annual costs and benefits: Constant Prices** (Net) Present Value

Evidence Base (for summary sheets)

Background

This Impact Assessment (IA) relates to the Government's intention to improve the ability of local authorities to undertake effective enforcement against fraud and misuse involving Blue Badges.

The Blue Badge Scheme provides parking concessions for severely disabled people to enable them to park without charge in otherwise restricted on-street environments. The Scheme is governed by the Chronically Sick and Disabled Persons Act 1970 and the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000.

In February 2007, the Government undertook a comprehensive review of the Scheme with regard to eligibility, administration, delivery, and enforcement. Following this, in October 2008, the Government published a comprehensive Blue Badge (Disabled Parking) Reform Strategy (England). This laid out a comprehensive series of actions that were intended to be implemented over a five year period to improve the operation of the Scheme. One of these actions was to explore the scope for providing local authorities with powers for on-the-spot seizure of Badges being used unlawfully by non-Badge holders.

Since publication of the reform strategy, the Department has developed a number of other measures that would improve the powers available to local authorities for enforcement against Blue Badge misuse. For the purposes of this consultation stage IA, these are presented together as a package (labelled Option B). However, it is recognised that, at this stage, some of the measures require further development and this will be undertaken following discussion with stakeholders during the consultation period.

Preparation of the IA

This consultation-stage IA has been prepared on the basis of a review of existing evidence, discussions with relevant officers and additional analysis of the evidence base that was carried out by consultants working on behalf of the DfT.

Following the consultation period, it is intended that the package of measures presented as Option B will be refined and further developed, taking account of the comments received from stakeholders. A revised IA will also be produced.

Options

Option A: Do Nothing – this would involve maintaining the status quo with regard to enforcement powers. However, doing nothing would leave local authorities without the powers required to undertake effective enforcement against misuse of Blue Badges. It may also undermine the delivery of other projects being

considered as part of the Blue Badge reform programme – for example, the extension of the eligibility criteria to specific categories of disabled people and development of a data sharing system and redesigned Badge.

Option B: Full Implementation of Current Proposals – a package of measures to improve, clarify and simplify local authority enforcement powers, which can be summarised as follows:

- **Badge confiscation**
Currently, only the police have explicit powers to confiscate a Badge from someone on the street. Civil enforcement officers, parking attendants and traffic wardens may inspect Badges on street (but not retain or seize them). It is proposed that new legislation is introduced which gives local authority enforcement officers the power to confiscate Badges in specific cases, e.g. in order to remove cancelled Badges from circulation or to confiscate those that appear to be being misused by third parties. This power would apply regardless of where in England the Badge had been issued.
- **Failure to return a Badge**
Existing regulation describes circumstances in which a Badge should be returned to the issuing authority. However, there is no sanction in respect of individuals who fail to return a Badge to the issuing authority when asked to do so. It is proposed that new legislation is introduced, making it an offence not to return a Badge when asked to do so. It is also proposed that existing regulation is amended to ensure that it prescribes the full range of circumstances where return of a Badge could reasonably be required. The penalty could be either prosecution and fine, or possibly a Fixed Penalty Notice.
- **Wrongful use of a disabled person's Badge**
This requires amendment of current legislation to state that it is an offence to use a Badge that should have been returned. This offence would apply even if the Badge had been issued and displayed in accordance with regulations.
- **Cancellation power**
This measure would give local authorities an explicit power to cancel Badges which have been reported lost or stolen. This means that if the original is subsequently found/recovered it is no longer valid and only the replacement Badge should be used. In addition, further amendments would be made which explicitly cancel Badges where a request has been made for their return within a 28 day notice period, or if they have been returned because the holder is no longer disabled.
- **Refusal to issue a Badge**
This involves tightening up of the wording of the current Regulation 8, which gives grounds for refusal to issue a Badge.

- **Badge withdrawal**
Amendment of Regulation 9 (1) and (2) to ensure that they provide appropriate grounds for requesting return of a Badge, in particular, consideration of removal of the requirement for three relevant convictions before a Badge can be withdrawn for misuse. A similar amendment to Regulation 8 may also be made as this also includes the three relevant convictions rule.
- **Inspection powers**
Amendment of legislation to include plain clothes fraud teams in the list of those who have power to inspect Badges.
- **Multiple applications**
We are considering including a declaration in the Blue Badge application form that the applicant is not making multiple applications. We hope this will deter people from so doing. However, if the applicant seeks to make multiple applications regardless, the local authority could seek to prosecute them under the existing Fraud Act 2006.
- **Appeals**
Removal of the right to appeal to the Secretary of State in cases where a Badge has been withdrawn by the local authority. Instead this would be replaced by appeal at the local authority level.

The associated consultation documents includes details of three further measures that we do not propose to pursue – decriminalisation of the offences currently contained in the legislation that governs the Blue Badge Scheme, establishing a new fraud offence and taking a new power to enable fixed penalty notices to be issued for misuse of a Blue Badge. Other options that have been suggested by local authorities have been discounted, as the offences are covered by existing legislation.

The costs and benefits of the above ‘do something’ option is assessed against the ‘do nothing’ scenario (Option A).

Sectors and groups affected

Government

The Government will be responsible for developing and amending legislation in order to implement the proposals. However, it is considered that the costs associated with these amendments would be relatively small.

Her Majesty’s Courts Service

The Courts Service is responsible for processing and sentencing those who commit offences, including those charged with theft or misuse of Blue Badges. As the proposals involve the creation of new offences, this would be expected to have implications for the workload of HM Courts Service. However, at this stage it has not been possible to produce an estimate of this impact, particularly given that any potential increase in detection (and resulting prosecutions) facilitated by the

improved enforcement powers could potentially be countered by a reduction in offending behaviour resulting from the disincentive effect provided by the new measures. The net impact could therefore be positive. There is also uncertainty about the number of local authorities who will choose to actively make use of the new powers.

Local authorities

The administration of Blue Badges is undertaken primarily by 152 of the larger upper tier authorities (including county, metropolitan and unitary authorities, and London Boroughs). Enforcement can then be delegated to second tier local authorities (district and city councils) and is carried out by either civil enforcement officers (in areas where parking enforcement has been decriminalised) and by local authority traffic wardens (in areas where enforcement remains in the criminal penalty regime). At present both civil enforcement officers and traffic wardens have powers to inspect Blue Badges, by virtue of the Traffic Management Act 2004, which amends section 21 of the Chronically Sick and Disabled Persons Act 1970. However, only the police have powers to seize Blue Badges that are lost/stolen/forged or for which there is evidence of misuse.

Research undertaken by WSP suggests that the extent to which fraud/misuse of Badges is perceived to be a problem varies throughout the country, along with the number of offences detected. Fraud and misuse of Blue Badges results in a cost to local authorities, primarily in terms of lost parking revenue.

It is not compulsory for local authorities to adopt the powers being proposed, nor will they be required to actively pursue them (e.g. through the introduction of dedicated enforcement patrols). Instead, the intention is that the new powers will give local authorities the ability to undertake more effective enforcement activity should they wish to do so (including processing of applications and renewals).

Blue Badge holders and potential applicants

It is estimated that there are 2.46 million Blue Badges on issue in England (source: DfT statistical data for 2008/09), an increase of 2% compared to the number on issue in 2007/08. These Badges are valid for a period of up to three years. However, it is likely that there are a higher number of Badges in circulation – for example, as a result of a failure to return Badges issued to those who are now deceased, the presence of counterfeit Badges and the fraudulent use of Badges for which replacements have been issued. Genuine Badge holders may experience welfare and convenience benefits from the introduction of improved enforcement powers, which potentially lessen the likelihood that parking spaces close to the intended destination will be taken up by those committing fraud/misuse offences. However, it has not been possible to quantify this potential benefit.

Private parking/toll operators

Badge holders are able to use disabled parking bays in car parks owned by private operators. However, research suggests that in most cases a charge for parking is still levied on Badge holders. Therefore, there is limited incentive for fraud/misuse.

Blue Badge holders are also able to access a range of other concessions such as free use of some toll bridges and exemption from the London Congestion Charge. Improved enforcement powers may reduce revenue lost by these operators due to fraud/misuse of Badges.

Improved enforcement may also reduce revenue lost by operators as a result of those committing fraud/misuse offences being able to park for free on the street, thereby avoiding having to pay for a space in a private car park.

Other groups

Other road users may experience some benefit if increased enforcement impacts positively on the availability of parking spaces for non-Badge holders (e.g. in residential areas) and/or results in decongestion benefits as a result of journeys which involved misuse of Blue Badges not being made. However, we have not considered this group further because it is assumed that any impacts experienced will be relatively small.

Option B – Analysis of impacts

Assumptions

- Use of the new powers would be voluntary. It is therefore assumed that each local authority would only take up the new powers if they felt that the benefits of doing so would outweigh the costs. As a result, it can be argued that no additional burdens are being imposed on local authorities by Government, as an authority would be able to continue current operations at no increased cost. However, there would also be an option to use the new powers, either because it is thought that the reduction in parking losses would outweigh any costs of additional enforcement, or because local priorities around reducing fraud and/or increasing the welfare of vulnerable groups are felt to outweigh any costs incurred.
- The proposals do not mandate local authorities to change the level of enforcement activity they undertake, so it is assumed that any use of the new/amended powers would be made by existing parking enforcement officers at no additional cost (i.e. no additional staff would need to be employed).
- The proposals do not involve a significant difference in the amount of paperwork, monitoring and reporting that local authorities would be required to undertake, compared to the current situation. Therefore no additional admin burdens are being imposed.

- It is assumed that there is no significant additional cost to Government/local authorities resulting from the need to make Badge holders aware of the new/amended legislation as this would be incorporated into information already provided to Badge holders on application/renewal.
- It is also assumed that there is no significant additional cost to local authorities associated with training existing staff, as information about the new/amended legislation (and the implications of this) could be incorporated into existing staff training/development activity. It is further assumed that existing enforcement staff already have basic training (regarding inspecting Badges, how to deal with the public, etc.) which would need to be employed in order to use the new powers.
- The amendments/new legislation proposed should reduce the potential for appeals to be raised (as they tighten up existing legislation) so we have assumed no additional costs in terms of appeal cases.
- The existence of new powers may result in increased detection of offences, although this may be countered to some extent by the fact that they produce a disincentive to commit fraud/misuse offences.

Costs

The additional costs to Government associated with preparing the required amendments and new legislation are considered to be relatively small.

It is considered that there would be no additional costs to the police service, as the proposals are intended to allow civil enforcement officers/traffic wardens to undertake enforcement without requiring police support.

It is possible that the proposals will result in increased detection of offences, which may in turn have implications for the work of HM Courts Service. However, this will be dependent on the extent to which local authorities choose to actively use the new powers, and so an estimate of this potential increase has not been produced at this stage (this will be reviewed following the consultation period).

Enforcement resulting in confiscation and/or the issue of fixed penalties would be expected to be undertaken as part of routine patrols, and so no additional resources will be required. At this stage it is considered that there would be no additional costs to enforcement teams associated with any change in process (time taken, etc.).

Benefits

During consultations that were carried out while the Department was preparing the Blue Badge reform strategy, a significant number of local authorities indicated that they would support amendments to legislation that enabled them to undertake more effective enforcement activity. It was recognised that such a move would also remove the need for police support during enforcement operations, thereby freeing up police time for other duties.

The proposals are designed to enable more effective enforcement to be undertaken. The benefits that would be expected to derive from this are:

- A reduction in lost parking revenue experienced by local authorities as a result of fraud/misuse of Badges.
- A potential reduction in the incentives to commit fraud/misuse (and associated activity such as breaking into vehicles to obtain Badges) due to an increased likelihood that prompt and effective action to stop this activity can be taken.
- There are potential welfare benefits to be gained by genuine Blue Badge holders in terms of increased availability of spaces close to their destination, etc., as a result of reduced fraud/misuse, but this is not possible to quantify.
- There are also potential gains to society more generally if more effective enforcement powers results in a reduction in trips leading to increased availability of on-street parking and reduced congestion.
- The proposals will also result in welfare losses (disbenefits) to those who are prevented from misusing Badges. However, costs incurred by individuals who are breaking existing regulations, but are identified as a result of better enforcement, are valued as zero as part of the Department's impact assessment process.

Although it is clear that there is significant potential for benefits to be realised as a result of the proposals, given uncertainty about the uptake and active use of the new powers by local authorities, the resulting rates of detection and extent of behavioural change, quantifying these benefits is not straightforward. Therefore the approach we have chosen to take is to present an illustrative estimate of the potential benefits that could result from the proposals being made here being applied in conjunction with the introduction of a national data sharing system and more secure Badge redesign. The benefits would accrue to the programme as a whole. We have not yet been able to carry out an analysis of the potential contribution of each project, and so we are unable at present to highlight the specific contribution of the enforcement improvements. There will also be interdependencies between projects. We will be carrying out further analysis shortly as part of the development of the programme level business case.

The estimates of benefits are drawn from work undertaken by WSP on behalf of the Department (see Annex) which considers benefits in terms of a reduction in lost parking revenue, decongestion and CO₂ emissions avoided and is based on conservative estimates about the level of fraud/misuse that could be avoided.

- Revenue loss avoided – using a conservative high, low and central estimate of fraud/misuse detection (expressed as a percentage of the total stock of Badges on issue, based on evidence on current detection levels obtained from a local authority survey) combined with an estimate of the value of a Badge (based on costs avoided). This is considered to

be an extremely conservative estimate as actual fraud (and so potential detection) levels are thought to be higher than current detection rates.

- Decongestion benefits – application of a central estimate of decongestion benefits to an estimated reduction in distance travelled.
- CO₂ reductions – based on the estimated reduction in distance travelled in conjunction with the shadow price of carbon.

The estimated potential annual benefits are summarised in Table 1. As noted above, these benefits should be viewed as resulting from the introduction of all three enforcement-related elements of the reform strategy – i.e. the national database, Badge redesign and the introduction of new/amended powers (which is the subject of this IA). However, it should be noted that, even if other enforcement-focused elements of the reform programme (i.e. data sharing and Badge redesign) are not progressed, a positive impact would still be expected to result from the introduction of new/amended powers alone (although this cannot be separately quantified at this time).

Table 1 Estimated potential annual benefits of Option B

	Detection of Badges being used fraudulently	LA revenue loss avoided	Decongestion benefits	CO ₂ benefits	Total
Low	2%	£5,661,261	£572,147	£3,007	£6,236,415
Central	3%	£8,491,891	£858,220	£4,511	£9,350,111
High	4%	£11,322,522	£1,287,329	£6,766	£12,616,617

Environmental and social impacts

Potential environmental impacts (in terms of CO₂ reductions) are outlined in Table 1. This calculation is based on the assumptions that detection of fraud/misuse results in a reduction in journeys taking place and that those who commit offences behave like genuine users (in terms of their frequency of use).

The strategy would be expected to generate positive social impacts by helping to ensure that the Blue Badge concessions are available for use by those who need them most, potentially leading to improvements in access to services, social inclusion and wellbeing for genuine Badge holders.

Risks and uncertainty

The key area of uncertainty concerns the level of benefits that would result from implementation of Option B. This will be dependent on a number of factors, which are largely unknown at this time. Therefore the approach taken has been to present an estimate of potential benefits based on a conservative assumption of detection levels, and assuming implementation of the national data sharing system and Badge redesign alongside the proposals set out here. Further analysis will be

carried out at programme level to estimate the potential contribution of each project to the benefits, in order to highlight the interdependencies and to ensure that there is no double-counting. This IA does not consider the costs associated with these parallel measures.

Impact tests

Competition Assessment

The proposals are intended to impact on individuals and so are not expected to have any impact on competition between businesses.

Small Firms Impact Test

The proposals are intended to impact on individuals and so are not expected to have any impact on small firms.

Legal Aid

As the proposals involve the creation of new offences, this is likely to have implications for the demand for legal aid; however, the extent of this is uncertain. Advice will be sought from the Ministry of Justice as part of the consultation process in order to better assess the extent of this potential impact.

Sustainable Development

The proposal does not conflict with any of the five principles of sustainable development.

Carbon Assessment

The proposal would potentially generate some CO₂ reductions, and these are detailed in the calculation of potential benefits (see above and Annex).

Other Environment

It is considered that there will be no significant other environmental implications.

Health Impact Assessment

It is considered that the proposal will not impact significantly on health and wellbeing, or health inequalities, as defined by the screening criteria for this test; therefore a full assessment is not necessary.

Race and Gender Equality

There are no race or gender equality impacts to these proposals.

Disability Equality

The proposals would be expected to have a positive impact on the welfare of eligible Blue Badge holders (a sub-set of the wider disability group), for example by reducing incentives for theft and reducing the likelihood of parking spaces being occupied by fraudulent users. A copy of the equalities impact screening and initial assessment is included in Appendix 5 of the Consultation Document.

Human Rights

There are no human rights implications.

Rural Proofing

The proposed policy is not expected to have a differential impact on rural areas.

Specific Impact Tests: Checklist

Use the table below to demonstrate how broadly you have considered the potential impacts of your policy options.

Ensure that the results of any tests that impact on the cost-benefit analysis are contained within the main evidence base; other results may be annexed.

Type of testing undertaken	<i>Results in Evidence Base?</i>	<i>Results annexed?</i>
Competition Assessment	Yes	No
Small Firms Impact Test	Yes	No
Legal Aid	Yes	No
Sustainable Development	Yes	No
Carbon Assessment	Yes	No
Other Environment	Yes	No
Health Impact Assessment	Yes	No
Race Equality	Yes	No
Disability Equality	Yes	Yes
Gender Equality	Yes	No
Human Rights	Yes	No
Rural Proofing	Yes	No

Annex

Calculating an estimate of potential benefits (work undertaken by WSP)

Introduction

This memo sets out an initial calculation of benefits from improving enforcement against Blue Badge fraud. It uses data collected during the WSP questionnaire of local authorities, but also uses data from the earlier Aecom studies, Department for Transport statistics, the National Travel Survey and webtag. Sources are given through the memo.

The “value” of a Blue Badge

The WSP survey demonstrates that the value of a Blue Badge to a Badge-holder varies depending on local circumstances (e.g. the presence and level of a congestion charge, local parking charges and residents’ parking charges). The value is highest to someone who uses the Badge to commute to and park in central London, where the Badge may exempt them from payments up to £30 a day. Outside of London, benefits reduce. We have calculated the benefits for four types of geographical area, using typical parking and other charges. The figures also assume some use of public transport. We have also calculated benefits (Table A1.1) for three types of user:

- a “heavy” user who uses the Badge to commute and park all day (i.e. does not pay a parking fee for five full days each week. In central London this would include exemption from the congestion charge, plus two return public transport trips per week.);
- a “medium” user, who uses the Badge to park for two half days per week and also makes two public transport trips per week;
- a “light” user who makes one half day trip per week.

Table A1.1: Values by area and user type

	Proportion of English Blue Badges in use	Heavy	Medium	Light
London	10%	£5,644	£825	£315
Met principal city	7%	£2,174	£449	£175
City	34%	£1,136	£274	£88
Town/ rural	49%	£453	£118	£35
	Proportion of English Blue Badges assumed in each group ²²	1%	20%	79%

²¹ Interpolated from the values in the Badge Holders Survey (Aecom)

On this basis, the total value of benefits (per year) drawn down by Blue Badge holders is £312,190,045, which is approximately £137 per Badge in circulation.

Fraud

Because the benefits from having a Badge vary by location, it is suggested that levels of fraud will also vary by location – because in some locations the rewards from Blue Badge abuse are greater. Information from the survey on fraud levels varies, with most local authorities making very little attempt to prosecute against fraudulent use – however, where data is available (from the WSP and Aecom surveys), a level of fraud of between 0.5% and 3% of registered Badge holders in the authority has been recorded, with the highest levels of fraud (>3%) detected in inner London boroughs (Wandsworth and Camden), where significant action has been taken against fraud. The Aecom survey of Blue Badge enforcement by authorities suggests that levels for detected fraud in Birmingham, Newcastle and Nottingham are between 0.5% and 1% of Badge holders, with a level of 2% of Badge holders in Manchester and Luton. Many of the authorities answering the questionnaires suggested that they thought the fraud levels detected were a significant underestimate – because there was currently only patchy detection, often depending on tip-offs. We have consequently assumed a range of fraud on Blue Badge for the purpose of forecasting:

- a high level of fraud (4% of Badges in circulation);
- a low level of fraud (2%);
- a central estimate (3%).

At these levels of fraud, the following represent revenue loss to local authorities through lost parking revenue and congestion charge revenue:

- £6 million at the low level;
- £12 million at the high level;
- £9 million at the central estimate.

These figures compare to Aecom's estimates of lost parking revenue of between £16 and £71 million per year.

At the central estimate, fraud equates to £4.11 per Badge in circulation or £137 per abused Badge.

Wider costs

The National Travel Survey sets out that average trip length for the UK is 7 miles (single/one-way trip), with an average duration of 22.7 minutes. Assuming the non-commuting value of time from webtag (£5.29 per hour) plus a vehicle operating cost of 10.209p per miles (webtag), and an average vehicle occupancy of 1.58 (webtag) implies a generalised cost for each journey of £7.75. If the costs of each fraudulent trip was increased by the median benefit (£1.75/ trip, equivalent to a 3.5

hour parking charge at £0.50 per hour) implies a 23% increase in generalised cost for the trip. If the standard price/ demand elasticity for parking (-0.2) is applied to the cost increase, then a reduction in parking movements (and hence trip making by car) of 5% is implied.

If this is applied to the central estimate for fraud and an average trip length of 14 miles (return trip), then a reduction in distance travelled of 4.3 million km is implied. Applying a central value for decongestion benefits (20p per km)²² suggests decongestion benefits in the central case of £0.9 million per year. CO₂ reductions would be 150 tonnes per year, with a value of £4,500²³

Gains from improved enforcement

Table A1.2 gives the benefits to local authorities, assuming the Blue Badge users who do not transfer to other modes, continue to drive but pay congestion/parking charges which they were previously free from, except from through fraudulent use of their Badge.

Table A1.2: Annual benefits

	Badges being used fraudulently	LA revenue recovered	Decongestion benefits	CO ₂ benefits	Total
Low	2%	£5,661,261	£572,147	£3,007	£6,236,415
Central	3%	£8,491,891	£858,220	£4,511	£9,350,111
High	4%	£11,322,522	£1,287,329	£6,766	£12,616,617

As can be seen, the forecast benefits are significant and suggest that payback for a central database system, which is estimated (by Aecom) to cost in the region of £10.5 million, would be achieved within two years under even the low scenario.

²² Webtag, A road, congestion band 3 of 5.

²³ Shadow price of carbon - £29.20 per tonne – 2013 price

Appendix 2: Impact Assessment for extension of eligibility to certain children between the ages of 2 and 3

Summary: Intervention & Options

Department /Agency: Department for Transport	Title: Impact Assessment of extending the Blue Badge Scheme to more children, under three, with specific medical conditions	
Stage: Consultation	Version: 1.1	Date: 17.02.2010
Related Publications:		

Available to view or download at:

<http://www.dft.gov.uk>

Contact for enquiries: Robert Ringsell

Telephone: 0207 944 8763

What is the problem under consideration? Why is government intervention necessary?

The Blue Badge Scheme gives a concession to people with severe mobility problems who have difficulty using public transport to park where particular restrictions may otherwise apply. This means Badge holders can park close to where they need to go.

In October 2007, the Blue Badge Scheme was extended to children under the age of two who have mobility problems arising from their need to be transported with bulky medical equipment, or who are affected by highly unstable medical conditions. We have decided that this benefit should be extended to more children, under the age of three.

What are the policy objectives and the intended effects?

This change is principally about fairness as it closes a gap whereby a child between 2-3 is currently ineligible to apply for a Blue Badge through either the existing 'Children under 2 criteria,' or by applying for the Higher Rate of the Mobility Component of Disability Living Allowance.

This policy will help more parents to transport disabled children with specific medical conditions to their intended destination as safely and quickly as possible.

What policy options have been considered? Please justify any preferred option.

Option A is to maintain the current scheme. This is not considered to be a realistic policy option given that it would not address the issue highlighted above.

Option B This is the preferred Option. This extends eligibility to children under three, with specific medical conditions.

When will the policy be reviewed to establish the actual costs and benefits and the achievement of the desired effects? There will be no specific review due to the low numbers concerned. However, we will monitor feedback through statistics and stakeholder consultation.

Ministerial Sign-off For Impact Assessments:

I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.

Signed by the responsible Minister:



.....Date: 8 March 2010

Summary: Analysis & Evidence

Policy Option:	Description:
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COSTS	ANNUAL COSTS	Description and scale of key monetised costs by 'main affected groups' Ongoing and one off costs in administration for local authorities when they receive applications for Blue Badge renewal. Loss in parking revenue brought about by additional and re-issued Blue Badges holders.
	One-off (Transition) Yrs	
	£ 59,613.00	
	Average Annual Cost (excluding one-off)	
£ 224,920.00	Total Cost (PV)	£ 1,744,803
Other key non-monetised costs by 'main affected groups' N/A		

BENEFITS	ANNUAL BENEFITS	Description and scale of key monetised benefits by 'main affected groups' Benefits for additional and renewed Blue Badge holders in saved parking costs, bridge tolls and congestion charging.
	One-off Yrs	
	£ 182,650.00 2	
	Average Annual Benefit (excluding one-off)	
£ 200,915.00	Total Benefit (PV)	£ 1, 847,401
Other key non-monetised benefits by 'main affected groups' Increased accessibility, mobility and reduced stress / discomfort.		

Key Assumptions/Sensitivities/Risks The number of potential Badge holders may be slightly higher or lower than predicted.

Price Base Year 2005	Time Period Years 10	Net Benefit Range (NPV) £ -23,301 - £228,489	NET BENEFIT (NPV Best estimate) £ 102,594
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What is the geographic coverage of the policy/option?	England			
On what date will the policy be implemented?	1 st October 2010			
Which organisation(s) will enforce the policy?	Local Authorities			
What is the total annual cost of enforcement for these organisations?	£ N/A			
Does enforcement comply with Hampton principles?	Yes			
Will implementation go beyond minimum EU requirements?	N/A			
What is the value of the proposed offsetting measure per year?	£ N/A			
What is the value of changes in greenhouse gas emissions?	£ Not modelled			
Will the proposal have a significant impact on competition?	No			
Annual cost (£-£) per organisation (excluding one-off)	Micro N/A	Small N/A	Medium N/A	Large N/A
Are any of these organisations exempt?	No	No	N/A	N/A

Impact on Admin Burdens Baseline (2005 Prices)		(Increase - Decrease)	
Increase of	£ N/A	Decrease of	£ N/A
Net Impact		£ N/A	

Key: Annual costs and benefits: Constant Prices (Net) Present Value

Evidence Base (for summary sheets)

Background

1. The Blue Badge Scheme, administered by local authorities, provides parking concessions for certain severely disabled people to enable them to park without charge or time limit in otherwise restricted on-street environments, and to park on yellow lines in England²⁴ for up to three hours.
2. Recognising the significant changes that have taken place since the Scheme was introduced in the early 1970s, the Government decided (in February 2007) to undertake a review of the Scheme. The resulting Strategy published in October 2008 contained a suite of Government commitments designed to ensure that the Scheme stays fit for purpose in the 21st century, and to improve the lives of more disabled people.

Summary

3. The Blue Badge (Disabled Parking) Scheme provides a vital lifeline to disabled people in England. The value of the Badge in terms of independence cannot be understated. Seventy-five per cent of Badge holders say that they would go out less often without a Badge.
4. The Blue Badge Scheme provides essential support to disabled people. We want to ensure that the maximum number of disabled people who have genuinely severe mobility problems can benefit from the Scheme. To maximise accessibility, we want to continue to provide preferential disabled parking to people who are unable (or virtually unable) to walk because of a permanent and substantial disability.
5. In October 2007, we extended the Scheme to certain children under the age of 2 who are dependent upon bulky medical equipment, or have highly unstable medical conditions and may need urgent access to transport them to hospital or home for medical care. This was because of the very real difficulties that their parents face transporting them safely from their homes.
6. The Government is planning to extend the Blue Badge Scheme to more children, under the age of 3, with specific medical conditions. This will close the gap whereby children between the ages of 2 and 3 are currently unable to apply for a Badge under either the existing 'Children under 2 criteria' or by applying for the Higher Rate of the Mobility Component of Disability Living Allowance (HRMCDLA). This is because new awards of HRMCDLA can only be made for applicants between the ages of 3 and 65. A statutory instrument is needed to amend the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 ("the Principal Regulations").

²⁴ The Blue Badge Scheme does not apply in the City of London, the City of Westminster, the Royal Borough of Kensington and Chelsea and part of the London Borough of Camden (known as the London Concession).

Current policy

7. The current policy for eligibility for the scheme is set out in Regulation 4 of the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000, as amended by the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2007. Different eligibility criteria apply depending on whether the applicant is under or over the age of 2.
8. A person over the age of 2 can be issued with a Badge if they:
 - a) receive the Higher Rate Mobility Component of the Disability Living Allowance (HRMCDLA);²⁵
 - b) are in receipt of a grant relating to the provision of a vehicle (including wheelchairs) under the National Health Service Act 2006.
 - c) are registered Blind;
 - d) receive a War Pensioner's Mobility Supplement;
 - e) drive a vehicle regularly, have a severe disability in both arms and are unable to operate, or have considerable difficulty in operating, all or some types of parking meter;
 - f) are unable to walk or have considerable difficulty in walking because of a permanent and substantial disability.
9. Separate provision, introduced by the Disabled Persons (Badges for Motor Vehicles) (England) (Amendment) Regulations 2007 (SI 2007/2531) exists for children under the age of 2 whom:
 - a) due to a condition, need to be accompanied by bulky medical equipment at all times; or
 - b) due to a condition must always be kept near a vehicle so that treatment can be given in the vehicle, or the child can quickly be transported to a place for treatment.
10. The Blue Badge Scheme Local Authority Guidance (England) January 2008²⁶ sets out further detail on how children should be assessed by local authorities under these regulations.
11. Blue Badges issued to children under the age of 2 are valid until the day after their second birthday, or until the condition in respect of which it was issued no longer applies. Some of the conditions for which a Badge may be issued are of a temporary nature, for example hip dysplasia normally last for between three and six months.

²⁵ To qualify for a new HRMCDLA award an applicant must be aged between 3–65.

²⁶ <http://www.dft.gov.uk/transportforyou/access/blueBadge/blueBadgelocalauthguid/320266.pdf/>

12. Children under the age of 2 had been excluded from the Scheme under Regulations which came into effect in 1983 (The Disabled Persons (Badges for Motor Vehicles) Regulations 1982 (SI 1982/1740). This was on the advice of the *Disabled Persons Transport Advisory Committee* (DPTAC) on the grounds that disabled children below this age could reasonably be carried in a pram or pushchair in much the same way as non-disabled children of a similar age.
13. The Scheme was amended in 2007 in recognition of the mobility problems of some young children who need to be accompanied by medical equipment which cannot easily be transported, or who are affected by unstable medical conditions and who may require emergency treatment. It is our view that the policy intent was that, on reaching their second birthday, a child who was eligible under the 'Children under 2 criteria' may then apply under the other eligibility criteria.
14. However, as applicants for HRMDLA must be aged 3 or over, to close this gap we have decided that this benefit should be extended to more children, under the age of 3, with specific medical conditions. Once these children reach the age of 3, they will then be able to apply for the higher rate mobility component of DLA. If they meet the qualifying criteria and are awarded HRMCDLA, they will automatically qualify for a Blue Badge.

Reform strategy

15. In 2007, an independent consultant was commissioned to conduct a review of the Scheme, looking at the eligibility criteria; the concessions available to Badge holders; and improved ways of administering and enforcing the Scheme in order to cut down on levels of misuse and abuse. The review findings and initial DfT response to the review were published as part of a public consultation document (between January – April 2008) on the development of a Comprehensive Blue Badge Reform Strategy.
16. Following the results of a public consultation and a programme of research, economic analysis and stakeholder engagement, the Government published its Comprehensive Reform Strategy²⁷ in October 2008. The Reform Strategy is designed to ensure that the Blue Badge Scheme stays fit for purpose in the 21st century, that it continues to improve the lives of disabled people and that it is benefiting those who need it.
17. As part of the reform strategy, the Government committed to extending the Blue Badge Scheme to the following groups:
 - people with the most severe mental impairments/extremely disruptive behavioral problems;

27 <http://www.dft.gov.uk/transportforyou/access/blueBadge/blueBadgereform/bbreformstrategy.pdf>

- specific individuals with temporary mobility problems lasting a minimum of one year;
- **more children, under the age of three, with specific medical conditions;** and
- injured active/ex-service personnel in receipt of specific tariffs of award under the Armed Forces Compensation Scheme.

Costs

Extending the eligibility period for existing Badge holders under the age of 2

18. It may be necessary to make transitional arrangements for children under the age of 2 who are issued with a Blue Badge before the new Regulations enter into force and whose Blue Badge subsequently expires on the day following their second birthday, even though they would be eligible for a Blue Badge until their third birthday under the new Regulations.
19. We do not think this can be addressed by legislation, because Blue Badges must be issued with an expiry date. Instead it will be necessary for the local authority to re-issue a Blue Badge on application to an eligible child to cover the period between the new Regulations entering into force and their third birthday. This may in some cases lead to Badges being issued for very short periods of time. It will be necessary to draw this to the attention of local authorities.
20. Statistics supplied by local authorities to the Department for Transport show that between 1 of April 2008 and 31 March 2009 there were 3,108 Blue Badges issued to children under the age of 2. For the purpose of this impact assessment we have assumed that a similar number of 3,000 were issued in the 12 month period October 2008 – October 2009. When split evenly between the ages of 0 and 2, we estimate that 1,500 Badges were issued to children under 2 and 1,500 to children under 1.
21. Table A2.1 shows that the estimated maximum number of Badge renewal applications likely to be received over a two-year period after October 2010 would be 6,000. The reason this is spread over two years is because the applicant may wish to wait until the Badge has expired before re-applying. Table A2.1 gives a high-end scenario that will help to estimate administrative costs.

Table A2.1: Maximum number of applications to extend current Badge expiry date

	Oct 2008 – Sep 2009	Oct 2009 – Sept 2010	Oct 2010 – Sept 2011	Oct 2011 – Sept 2012	Oct 2012 – Sept 2013
Ages of 1–2	1500		Maximum extension		
Ages of 0–1	1500		Maximum extension		
	Ages of 1–2	1500	Maximum extension		
	Ages of 0–1	1500	Maximum extension		

- 22.** In estimating the overall combined administration costs incurred by local authorities by extending the eligibility period for existing holders, we have used the cost for processing a new Badge as detailed in the *Comprehensive Blue Badge (Disabled Parking) Reform Strategy. (England)* Based on the research undertaken by Faber Maunsell (2008), the average direct cost incurred by local authorities per Badge is £12.06. This includes staff costs plus other direct costs, such as purchase of the Badges. A range constructed based on 25 and 75 percentile values gives a direct cost estimate of between £7.09 and £16.94. Including a 20% allowance for staff-related overheads (such as National Insurance contributions) gives a range of £8.51 to £20.33 with a medium value of £14.47.
- 23.** Taking the medium value, we can now use the figure of £14.47 and multiply by the number of Badge holders and potential Badge holders to give the maximum administration cost to local authorities by extending the scheme to qualifying 2–3 year-olds. We have assumed that there will be no additional eligibility assessment costs.
- 24.** Table A2.2 shows estimated administrative costs to local authorities, which amount to £57,880–£115,760 over a 10 year period. A range of 3,000–6,000 potential holders re-applying has been created to take account of the different expiry dates of the Badges and the fact that some may not re-apply once the Badge has expired, e.g. due to the temporary nature of their condition.

Table A2.2: Estimated admin cost of extending existing Badge holders for 2-3 years olds

	Extending existing holders	New applicants 2-3 years old	
Unit admin cost per Badge	£14.47	£14.47	
Estimated number	3,000-6,000	100-200 per annum	
Total one off costs Oct 2010	£43,410-£86,820	£1,447- £2,894	
Estimated number over 10 years	N/A	1,000-2,000	
Total cost over 10 years	£43,410-86,820	£14,470- £28,940	£57,880-£115,760
Source: Department for Transport Statistics			

Potential applicants between the ages of 2 and 3

25. We have assumed that there will be few new applicants for a Blue Badge between the ages of 2 and 3, as medical conditions under this criterion are usually diagnosed before the child is 2. Based on discussions with local authorities, a projected figure of 100-200 has been assumed.

Additional local authority costs

26. The Blue Badge Scheme also impacts on the amount of parking revenue, congestion charging and concessionary fares generated by local authorities. However, this is a distributional impact (i.e. the Blue Badge changes the incidence of the fees from Badge holders to the local authority in the form of lost revenue). The estimated number of additional vehicles using Blue Badge spaces as a result of this extension is around 1,500 a year. There are also the estimated 100-200 applications for 2-3-year-olds to take account of. Table A2.3 shows the potential impact this will have over 10 years.

Table A2.3: Annual loss in parking fees from extending the scheme to 2–3-year-olds

Additional applicants aged between 2 and 3, per annum	Number of additional extended Badge holders per annum	Annual loss revenue to local authorities including (parking, congestion charge, bridge tolls etc.)	Estimated loss of parking revenue to local authorities per annum	Estimated loss of parking revenue to local authorities over 10 years
100–200	1500	£135 per Badge	£216,000–£229,500	£2,160,000–£2,295,000

Private operators

27. Badge holders are able to use disabled parking bays in car parks owned by private operators. Research suggests that in most cases a charge for parking is still levied on Badge holders. However, the provision of disabled persons' bays (which are larger than standard bays) could still be seen as resulting in a loss of revenue to private operators because of the reduction in the total number of spaces that results. However, private operators provide disabled bays voluntarily as part of the service to their customers, and there is no requirement for them to provide further bays as a result of changes to the Scheme.
28. Changes to the Scheme could potentially impact on the revenue generated by private parking operators if new Badge holders divert from using private car parks to using bays/spaces provided by local authorities which they can park in for free. However, there is no available evidence to suggest the scale of this, and so it has been assumed that this potential behavioural change would not have a significant impact on the revenue of private operators.
29. Blue Badge holders are also able to access a range of other concessions, such as free use of toll bridges and exemption from the London Congestion Charge. Changes to the Scheme will have a small impact on the revenue generated by these operators. However, as in the case of parking revenue, this is a distributional impact.

Government

30. It is felt that there will be minimal costs to government terms of notifying and educating local authorities about the changes.

Other groups

31. There are a number of other potential impacts, like localised competition for parking spaces, as a result of more Blue Badges in circulation. However they are not likely to be significant, given the small numbers involved in this change. Table A2.4 show affected groups, but we have not considered in detail because it is assumed that the impacts experienced will be extremely small in aggregate.

Table A2.4: Impact of extending scheme to 2–3-year-olds

Groups affected	Potential impact
Potential Badge holders	Increased mobility for successful applicants
Existing Badge Holders	Extended eligibility for Children under 2 who currently qualify – assumed to be relatively small
Local authorities	Negligible reduction in revenue generated – transfer impact
Private operators	Negligible reduction in revenue generated – transfer impact
Government	Small cost of promoting eligibility changes to local authorities
Other	Range of possible benefits and costs – assumed to be relatively small

Benefits

32. The proposal would result in benefits to those who become eligible as a result of the changes.
33. Earlier in this assessment we assumed that there were 3,000 Badges issued between October 2008 – October 2009 and that this number was split evenly between children under 2 and children under 1. This would result in an extra 1,500 Blue Badge holders per annum. We also estimated that there would be 100–200 new applicants between the ages of 2 and 3 per year.
34. A report prepared by consultants working on behalf of the Department entitled, ‘Blue Badge Reform Strategy Enforcement²⁸ estimates that, on average, a Badge is worth £137 per annum. For the purpose of this assessment the figure has been rounded up to £135. Annex A explains in more detail how this was calculated.
35. It is important to note that there will be some financial benefit to those whose eligibility will be extended following re-applying in October 2010. The dates of birth of the children concerned and therefore expiry dates will vary. For example, assuming that an estimated number of 3,000 are given an

²⁸ Blue Badge Reform Strategy: Enforcement evidence base,dft,feb,2010

average of a 6 month extension , it will create additional one-off collective benefit of £202,500. Table A2.5 shows the potential financial benefits to additional holders over 10 years to be between £2,362,500 and £2,497,500.

Table A2.5: Benefit to Blue Badge holders				
	Badge holders who will Benefit	Estimated annual benefit to each holder	Estimated annual benefit	Estimated benefit over 10 years
Extra estimated Blue Badge holders per year	1,500	£135	£202,500	£2,025,000
New applicants between the ages of 2 and 3	100–200	£135	£13,500– £27,000	£135,000– £270,000
			£216,000– £229,500	£2,160,000– £2,295,000
Holders who re-apply in 2010	Estimated number 3,000	6-month benefit £67.50	Additional one-off benefit £202,500	Total benefit £2,362,500– £2,497,500

36. New Badge holders will also benefit from significant non-financial benefits through improved accessibility.

Environmental and social impacts

37. No significant environmental impacts are expected as a result of the proposed eligibility extension to the Blue Badge Scheme. In the absence of further evidence, we have assumed that changes to the Scheme will not create a significant increase in car use and therefore there will be no associated impact on air quality and carbon emissions.
38. The proposed eligibility extension is designed to improve social and welfare benefits for the most disabled children aged 2–3. This will enhance the mobility of those who are eligible, leading to improvements in access of services, social inclusion and wellbeing, which will improve their quality of life.

Risks and uncertainty

39. An area of some uncertainty is the level of take-up of the Scheme by those who become newly eligible as a result of this eligibility extension.

Impact Tests

Race and Gender Equality

40. There are no race or gender impacts to these proposals.

Disability Equality

41. There is a positive impact with respect to disability equality.

Competition Assessment

42. The proposal does not directly affect the private sector therefore is unlikely to raise any competition concerns.

Small Firms Impact Test

43. The proposal does not directly affect the private sector therefore a small firms impact test is not required.

Legal Aid

44. There are no legal aid implications.

Sustainable Development

45. The proposal does not conflict with any of the five principles of sustainable development.

Carbon Assessment

46. It is considered that there will be no significant impact on carbon emissions. As noted above, we have assumed that the changes to the Scheme will not significantly increase car use, and resulting carbon emissions.

Other Environment

47. It is considered that there will be no significant other environmental implications.

Health Impact Assessment

48. It is considered that the proposals will not impact significantly on health and wellbeing, or health inequalities, as defined by the screening criteria for this test; therefore a full assessment is not necessary.

Human Rights

49. There are no human rights implications.

Rural Proofing

50. There is no significant difference between urban and rural areas in the administration of the Scheme.

Specific Impact Tests: Checklist

Use the table below to demonstrate how broadly you have considered the potential impacts of your policy options.

Ensure that the results of any tests that impact on the cost-benefit analysis are contained within the main evidence base; other results may be annexed.

Type of testing undertaken	<i>Results in Evidence Base?</i>	<i>Results annexed?</i>
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Carbon Assessment	No	No
Other Environment	No	No
Health Impact Assessment	No	No
Race Equality	No	No
Disability Equality	No	No
Gender Equality	No	No
Human Rights	No	No
Rural Proofing	No	No

Annex

The value of a Blue Badge

Blue Badge Reform Strategy: Enforcement (prepared by WSP), January 2010

The WSP survey estimates that the value of a Blue Badge to a Badge holder varies depending on local circumstances (e.g. the presence and level of a congestion charge, local parking charges and residents' parking charges). The value is highest to someone who uses the Badge to commute to and park in central London, where the Badge may exempt them from payments of up to £30 a day. Outside of London benefits reduce. The benefits for four types of geographical area were calculated using typical parking and other charges. The figures also assume some use of public transport. Benefits for three types of user have also been calculated (Table A1):

Table A1: Values by area and user type²⁹

	Proportion of English Blue Badges in use	Heavy	Medium	Light
London	10%	£5,644	£825	£315
Met principal city	7%	£2,174	£449	£175
City	34%	£1,136	£274	£88
Town/ rural	49%	£453	£118	£35
	Proportion of English Blue Badges assumed in each group ³⁰	1%	20%	79%

On this basis, the total value of benefits (per year) drawn down by Blue Badge holders is £312,190,045, which is approximately £137 per Badge in circulation.

²⁹ Interpolated from the values in the Badge Holders Survey (Aecom)

Appendix 3: Data sources investigated for use in an Area Based Grant formula

Variable	Source/Description	Suitability
Total number of Badges on issue	DfT 2007/08 Blue Badge survey	
Number of Badges on issue under the “eligible subject to further assessment” criteria	DfT 2007/08 Blue Badge survey	Discounted on grounds of insufficient data reliability when disaggregated to LA level
Number of applications for Badges under the “eligible subject to further assessment” criteria	Recent survey of administering authorities commissioned by DfT from Aecom	Discounted on grounds of insufficient data availability at LA level
Number of medical assessments undertaken under the “eligible subject to further assessment” criteria	Recent survey of administering authorities commissioned by DfT from Aecom	Discounted on grounds of insufficient data availability at LA level
Number of Badges on issue under the “eligible without further assessment” criteria	DfT 2007/08 Blue Badge survey	Discounted on grounds of insufficient data reliability when disaggregated to LA level

Variable	Source/Description	Suitability
Number of people in receipt of HRMCDLA or War Pensioners' Mobility Supplement or are registered blind (i.e. 'automatically' eligible)	DWP data – HRMCDLA People registered blind – NHS Information Centre War Pensioners – MoD's Defence Analytical Services Advice.	
Number of people in receipt of HRMCDLA	DWP data	
Number of people under retirement age in receipt of HRMCDLA	DWP data	
Total resident population	ONS resident population data from 2008	
Resident population aged 65 and over	ONS resident population data from 2008	
Measure of rurality	2008 population figures and 2001 census population sparsity figures	

Total number of Badges on issue

A3.1 This method assumes that the numbers receiving blue Badges will positively relate to the numbers that need to be assessed in the future. It does not however allow for authorities having varying assessment methods that may lead to different applicant success rates. It could therefore justifiably be argued that the allocation of funds on this basis could result in perverse reward for poor administrative and assessment practices. For example, an authority that has a rigorous assessment procedure in place and effectively rejects those applicants that did not genuinely meet the eligibility criteria would receive less funding than an authority with the same number of applicants but without effective assessment practices.

Number of people by upper tier authority in receipt of HRMCDLA, WPMS or are registered blind

A3.2 These variables reflect the three routes for accessing a Blue Badge without further assessment, and provide an indication of the number of people that would be automatically eligible for a Badge. Whilst these people would not require an eligibility assessment, the number in receipt of these benefits

could be deemed to provide a sound proxy indicator of the level of mobility related disability within an authority, in the absence of more directly relevant data. It should, however, be noted that there may be a small element of double-counting if these measures are used in combination and it might be more appropriate to use the figures for HRMCDLA only.

Resident population

A3.3 This would seem an appropriate measure as Badges are issued by the local authority in which an applicant is resident. However, using the overall population takes no account of the level of disability of that population, which would affect the number applying for a Badge. Also, it does not take account of the likelihood that many Blue Badge applicants under the age of 65 will access the Scheme through the 'automatic' route of being in receipt of HRMCDLA and will not therefore need an eligibility assessment.

Population over the age of 65

A3.4 A higher proportion of people over the age of 65 will have a mobility related disability than for the population as a whole. As those over the age of 65 that have severe mobility impairments are not eligible to make a new application for DLA it can be assumed that they are more likely to access the Scheme through the "eligible subject to further assessment" criteria and therefore are of more direct relevance in terms of the cohort most likely to undergo medical assessments in order to determine eligibility. An assumption can be made that many of the applicants under the age of 65 that have severe mobility impairments will access the Blue Badge Scheme by virtue of being in receipt of HRMCDLA, and will therefore be eligible without further assessment. However, when this variable is used in isolation, it makes no allowance for differences in the overall level of disability between local authorities.

Measure of rurality

A3.5 Using a rural weighting would take account of the possibility that it may be more costly to undertake effective assessment processes that meet customer needs in more sparsely populated rural areas where the accessibility of assessment centres may be more problematic. The measure used assumes a constant difference between costs in all rural and urban areas, which might not be the case. It could be tailored to make it more reflective of actual differences in costs between rural and urban areas, should such information become available.

Appendix 4: Exemplification of distribution options^{30,31}

Local Authority	Preferred ABG formula (indicative total £10.8m)	RSG (indicative total £10.8m)
City of London	£1,146	£35,541
Barking and Dagenham	£31,358	£40,269
Barnet	£52,612	£66,743
Bexley	£43,463	£38,312
Brent	£42,077	£66,079
Bromley	£54,874	£50,712
Camden	£29,086	£81,968
Croydon	£54,459	£65,242
Ealing	£46,390	£66,263
Enfield	£47,221	£61,414
Greenwich	£39,116	£60,652
Hackney	£29,221	£63,531
Hammersmith and Fulham	£24,175	£49,811
Haringey	£30,617	£54,159
Harrow	£35,844	£42,640
Havering	£48,173	£38,350
Hillingdon	£41,239	£51,177
Hounslow	£33,731	£45,100
Islington	£27,684	£59,581
Kensington and Chelsea	£26,165	£59,900
Kingston upon Thames	£21,053	£28,743
Lambeth	£34,429	£75,182
Lewisham	£37,126	£62,996

³⁰ Based on an indicative total allocation of £10.8m (see paragraphs 164-167).

³¹ Administrative boundary changes mean that the RSG exemplification is for Cheshire and Bedfordshire, whereas the ABG exemplification is for Cheshire East, Cheshire West and Chester, Bedford, and Central Bedfordshire.

Local Authority	Preferred ABG formula (indicative total £10.8m)	RSG (indicative total £10.8m)
Merton	£27,207	£38,729
Newham	£36,526	£78,347
Redbridge	£42,120	£51,076
Richmond	£24,926	£32,765
Southwark	£37,336	£79,046
Sutton	£29,909	£33,062
Tower Hamlets	£26,069	£76,456
Waltham Forest	£34,411	£48,348
Wandsworth	£34,029	£67,207
Westminster	£33,017	£123,932
Darlington	£23,925	£21,130
Durham	£144,107	£105,801
Gateshead	£49,866	£43,308
Hartlepool	£23,780	£22,972
Middlesbrough	£33,218	£36,417
Newcastle upon Tyne	£58,940	£66,958
North Tyneside	£48,336	£41,957
Northumberland	£79,301	£61,594
Redcar and Cleveland	£37,186	£32,028
South Tyneside	£41,742	£35,470
Stockton-on-Tees	£41,559	£40,484
Sunderland	£78,525	£68,858
Blackburn with Darwen	£32,646	£35,480
Blackpool	£44,206	£38,185
Bolton	£63,467	£61,406
Bury	£40,473	£37,292
Cheshire East	£78,118	(Cheshire) £121,258
Cheshire West and Chester	£77,818	
Cumbria	£130,224	£93,758
Halton	£34,318	£28,703
Knowsley	£49,827	£37,420
Lancashire	£286,390	£226,938
Liverpool	£130,913	£121,777
Manchester	£91,101	£144,011

Local Authority	Preferred ABG formula (indicative total £10.8m)	RSG (indicative total £10.8m)
Oldham	£49,613	£53,366
Rochdale	£47,700	£50,293
Salford	£57,809	£56,775
Sefton	£82,245	£62,681
St. Helens	£52,850	£41,171
Stockport	£62,545	£53,535
Tameside	£52,500	£49,478
Trafford	£45,952	£44,688
Warrington	£45,026	£38,991
Wigan	£81,498	£67,129
Wirral	£93,087	£73,729
Barnsley	£65,695	£50,275
Bradford	£99,295	£120,487
Calderdale	£41,232	£41,928
Doncaster	£78,648	£64,883
East Riding of Yorkshire	£84,000	£60,152
Kingston upon Hull	£59,287	£66,095
Kirklees	£86,280	£82,349
Leeds	£149,698	£162,130
North-East Lincolnshire	£35,916	£35,308
North Lincolnshire	£39,085	£31,886
North Yorkshire	£134,006	£101,981
Rotherham	£69,634	£56,150
Sheffield	£120,023	£124,407
Wakefield	£87,641	£69,181
York	£35,635	£34,714
Derby	£50,949	£53,455
Derbyshire	£184,035	£141,733
Leicester City	£52,464	£81,345
Leicestershire	£124,054	£107,069
Lincolnshire	£176,367	£127,591
Northamptonshire	£124,949	£121,865
Nottingham	£57,044	£78,268
Nottinghamshire	£186,031	£142,780

Local Authority	Preferred ABG formula (indicative total £10.8m)	RSG (indicative total £10.8m)
Rutland	£7,497	£5,899
Birmingham	£199,595	£284,658
Coventry	£64,871	£73,135
Dudley	£74,542	£65,088
Herefordshire	£44,033	£32,502
Sandwell	£71,788	£76,524
Shropshire	£70,421	£52,433
Solihull	£45,003	£40,457
Staffordshire	£189,686	£146,384
Stoke on Trent	£65,809	£57,731
Telford and Wrekin	£35,330	£34,183
Walsall	£63,393	£61,375
Warwickshire	£112,747	£92,311
Wolverhampton	£57,163	£62,345
Worcestershire	£122,057	£96,109
Bedford	£28,378	(Bedfordshire) £78,990
Central Bedfordshire	£41,485	
Cambridgeshire	£107,518	£110,036
Essex	£286,007	£261,974
Hertfordshire	£184,239	£212,277
Luton	£29,876	£43,968
Norfolk	£204,704	£156,126
Peterborough	£30,715	£37,737
Southend	£34,775	£34,773
Suffolk	£156,014	£124,496
Thurrock	£26,144	£32,152
Bracknell Forest	£15,436	£23,399
Brighton and Hove	£47,747	£58,879
Buckinghamshire	£83,054	£91,694
East Sussex	£130,010	£94,742
Hampshire	£250,253	£229,330
Isle of Wight	£38,251	£29,793
Kent	£297,619	£256,891

Local Authority	Preferred ABG formula (indicative total £10.8m)	RSG (indicative total £10.8m)
Medway Towns	£45,437	£50,238
Milton Keynes	£34,749	£47,822
Oxfordshire	£104,011	£119,746
Portsmouth	£34,713	£46,567
Reading	£20,580	£33,870
Slough	£17,476	£30,684
Southampton	£41,394	£51,682
Surrey	£189,831	£211,818
West Berkshire	£23,370	£27,519
West Sussex	£171,922	£142,013
Windsor and Maidenhead	£22,868	£28,747
Wokingham	£22,472	£28,121
Bath and NE Somerset	£33,712	£31,128
Bournemouth	£36,786	£33,631
Bristol	£74,428	£92,430
Cornwall	£138,628	£100,811
Devon	£181,062	£132,444
Dorset	£107,047	£66,575
Gloucestershire	£121,077	£101,965
Isles of Scilly	£426	£0
North Somerset	£47,103	£36,453
Plymouth	£58,317	£53,396
Poole	£32,237	£25,489
Somerset	£124,309	£92,330
South Gloucestershire	£47,970	£43,568
Swindon	£34,458	£37,829
Torbay	£39,152	£29,655
Wiltshire	£88,721	£80,668

Appendix 5: Equality Impact Assessments

EqlA Screening Proforma

Name of the function, policy or strategy: Blue Badge Reform Strategy – enforcement powers							
Current or Proposed: Proposed							
Person completing the assessment: Keith Hughes Date of assessment: February 2010							
Purpose of the function, policy or strategy: To facilitate improved enforcement of the Blue Badge Scheme.							
Questions – Indicate Yes, No or Not Known for each group	Gender	Religion or Belief	Age	Disability	Ethnicity and race	Sexual Orientation	Transgender
Is there any indication or evidence that different groups have different needs, experiences, issues or priorities in relation to the particular policy?	N	N	N	Y	N	N	N
Is there potential for, or evidence that, this policy may adversely affect equality of opportunity for all and may harm good relations between different groups?	N	N	N	N	N	N	N
Is there any potential for, or evidence that, any part of the proposed policy could discriminate, directly or indirectly? (Consider those who implement it on a day to day basis)?	N	N	N	N	N	N	N
Is there any stakeholder (staff, public, unions) concern in the policy area about actual, perceived or potential discrimination against a particular group(s)?	N	N	N	N	N	N	N
Is there an opportunity to better promote equality of opportunity or better community relations by altering the policy or working with other government departments or the wider community?	N	N	N	N	N	N	N
Is there any evidence or indication of higher or lower uptake by different groups?	N	N	N	Y	N	N	N
Do people have the same levels of access? Are there social or physical barriers to participation (e.g. language, format, physical access/proximity)?	N	N	N	N	N	N	N

If you have answered **“no”** to all the questions, an EqIA is not required.

If your answer is **“yes”** or **“not known”** to any of these questions then consider the proportionality aspect in terms of providing a lower standard of service or offering a service on different terms than you would to other people. After considering the proportionality aspects you will need to decide whether an Initial Equality Impact Assessment is needed.

Initial Equality Impact Assessment Proforma

<p>Name of the function, policy or strategy to be assessed: Blue Badge Reform Strategy – enforcement powers</p> <p>Current or Proposed: Proposed</p>
<p>Person completing the assessment: Keith Hughes</p>
<p>Date of assessment: February 2010</p>
<p>Aims, objectives and purpose of the function, policy or strategy. The objective is to facilitate improved enforcement of the Blue Badge Scheme.</p>
<p>2. Who is intended to benefit from the function, policy or strategy and in what way?</p> <p>What desired outcomes and success measures have been identified?</p> <p>The Blue Badge entitles holders to have parking access where otherwise certain restrictions would apply. Eligible Blue Badge holders will benefit as improved enforcement will reduce incentives for theft and fraudulent use of the Badge, both of which directly erode the benefits available to legitimate Badge holders.</p> <p>Local Authorities will benefit as improved enforcement will reduce the potential for loss of parking revenue.</p>
<p>3. Stakeholder Management: responsibility and ownership</p> <p>Who has accountability for this function or policy at senior management level? Who has responsibility for it on a day to day basis? Who is, or will be, responsible for implementation? Who else influences delivery of this function or policy?</p> <p>Local authorities will be responsible for implementation. It will be for each individual authority to decide whether they want to actively use the new enforcement powers/mechanisms.</p>
<p>4. Potential Project Management and Risks Issues?</p> <p>What factors could contribute to, or detract from, delivery of the outcomes and success measures?</p> <p>The extent to which benefits are realised will, in part, depend on the level of take-up and use of the powers by local authorities. We have assumed that authorities would only actively use the enforcement powers where the benefits of doing so (in terms of reduced loss of parking revenue) outweighed the costs (of staff time and resources).</p>
<p>5a. Will the function, policy or strategy, along with any of its intended outcomes, eliminate discrimination, promote equality of opportunity and/or promote good relations between different groups?</p> <p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Please explain below</p>

5b. From the available evidence, what level of impact, if any, is the delivery of this function, policy or strategy going to have on the different equality groups set out below.								
Equality Group	Positive impact			Negative impact			No impact	Reason and evidence supporting your assessment for each of the equality groups
	H	M	L	H	M	L		
								H = High M = Medium L = Low
Gender (includes Transgender)							X	
Religion or belief							X	
Age							X	
Disability		Y						Positive Impact: the proposals would be expected to benefit those currently eligible for a Blue Badge (a sub-set of the wider disability group) by reducing the reduction in benefits associated with theft and misuse, through better enforcement. Local Authorities will also be in a position to provide a better service to Badge holders.
Ethnicity & Race							X	
Sexual orientation							X	

6. If you have indicated that there is a high or medium negative impact on any group in Q5b, can it be justified under the Equality legislation?

Yes please go to Q7

No please go to Q8

7. Follow Up Action

a) Is there any action that could be taken to minimise or remove any negative impact of low significance in Q5b?

Yes please go to 7b No please explain why below

N/A

b) Please complete the table below with details of the monitoring arrangements that will be put in place to address the not known response(s) in Q5b.

Action	By Whom	By When

Signed off by: Adam Simmons

Job Title: Head of Blue Badge
and Equalities Division

Full Equality Impact Assessment Proforma

This proforma is a continuation from Q6 in the initial impact assessment proforma

<p>8. Consideration of alternatives to minimise adverse impact or eliminate unlawful discrimination.</p> <p>Please summarise the changes that you propose to make or have made to the policy, strategy or function.</p>			
<p>9. Consultation on possible impact (adverse) or action plan with stakeholders affected.</p> <p>Who needs to be, or has been, consulted and involved (disabled people only) to assist you to make a judgement about the policy/function or, in the proposed changes, to mitigate the adverse impact as outlined in your Action Plan? Please record your findings from the consultations including methods used, numbers, groups targeted etc in section 12 at the end of this proforma.</p>			
<p>10. Determine if any further research/new evidence from experts and/or interested groups is required</p> <p>Are there any gaps in your previous or planned consultation and research? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Are there any experts/relevant groups that can be contacted to get further views or evidence on these issues?</p>			
<p>11. Identification of an action plan with proposed changes to mitigate adverse impact</p> <p>If an action plan already exists, covering similar headings, please attach. Alternatively, please list any recommendations for action that you plan to take as a result of this impact assessment under the given headings.</p>			
Action Required	By Whom	By When	Resources Implications
<p>12. Consultation on possible impact (adverse) or action plan with stakeholders affected</p> <p>Please record your findings from the consultations including methods used, numbers, groups targeted etc.</p>			

EqlA Screening Proforma

Name of the function, policy or strategy: Blue Badge Reform Strategy – eligibility criteria Current or Proposed: Proposed							
Person completing the assessment: Robert Ringsell Date of assessment: February 2010							
Purpose of the function, policy or strategy: To extend eligibility for the Blue Badge Scheme to certain children between the ages of 2-3 years.							
Questions – Indicate Yes, No or Not Known for each group	Gender	Religion or Belief	Age	Disability	Ethnicity and race	Sexual Orientation	Transgender
Is there any indication or evidence that different groups have different needs, experiences, issues or priorities in relation to the particular policy?	N	N	Y	Y	N	N	N
Is there potential for, or evidence that, this policy may adversely affect equality of opportunity for all and may harm good relations between different groups?	N	N	N	N	N	N	N
Is there any potential for, or evidence that, any part of the proposed policy could discriminate, directly or indirectly? (Consider those who implement it on a day to day basis)?	N	N	N	N	N	N	N
Is there any stakeholder (staff, public, unions) concern in the policy area about actual, perceived or potential discrimination against a particular group(s)?	N	N	N	N	N	N	N
Is there an opportunity to better promote equality of opportunity or better community relations by altering the policy or working with other government departments or the wider community?	N	N	N	N	N	N	N
Is there any evidence or indication of higher or lower uptake by different groups?	N	N	Y	Y	N	N	N
Do people have the same levels of access? Are there social or physical barriers to participation (e.g. language, format, physical access/proximity)?	N	N	N	N	N	N	N

If you have answered “no” to all the questions, an EqlA is not required. If your answer is “yes” or “not known” to any of these questions then consider the proportionality aspect in terms of providing a lower standard of service or offering a service on different terms than you would to other people. After considering the proportionality aspects you will need to decide whether an Initial Equality Impact Assessment is needed.

Initial Equality Impact Assessment Proforma

<p>Name of the function, policy or strategy to be assessed: Blue Badge Reform Strategy – eligibility criteria</p>
<p>Current or Proposed: Proposed</p>
<p>Person completing the assessment: Robert Ringsell</p>
<p>Date of assessment: February 2010</p>
<p>1. Aims, objectives and purpose of the function, policy or strategy.</p> <p>Extending Blue Badge eligibility to certain children between the ages of 2-3 with specific medical conditions. This policy will have a positive impact on accessibility for disabled children between the age of 2-3.</p>
<p>2. Who is intended to benefit from the function, policy or strategy and in what way?</p> <p>What desired outcomes and success measures have been identified?</p> <p>Carers of children between the ages of 2-3 with specific medical conditions will now be able to apply for a Blue Badge. Some young children have particular mobility problems which mean that their carers face real difficulties transporting them safely from their homes.</p>
<p>3. Stakeholder Management: responsibility and ownership</p> <p>Who has accountability for this function or policy at senior management level? Who has responsibility for it on a day to day basis? Who is, or will be, responsible for implementation? Who else influences delivery of this function or policy?</p> <p>Local authorities will be responsible for implementation.</p>
<p>4. Potential Project Management and Risks Issues?</p> <p>What factors could contribute to, or detract from, delivery of the outcomes and success measures?</p> <p>The change to include children under the age of 3 is an extension of the existing provision available to children under the age of 2. This is a small administrative change at local authority level, which we estimate would only result in an additional 100-200 applications per annum.</p>
<p>5a. Will the function, policy or strategy, along with any of its intended outcomes, eliminate discrimination, promote equality of opportunity and/or promote good relations between different groups?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/> Please explain below</p>

5b. From the available evidence, what level of impact, if any, is the delivery of this function, policy or strategy going to have on the different equality groups set out below.								
Equality Group	Positive impact			Negative impact			No impact	Reason and evidence supporting your assessment for each of the equality groups
	H	M	L	H	M	L		
								H = High M = Medium L = Low
Gender (includes Transgender)							X	
Religion or belief							X	
Age		Y						Carers with children between the ages of 2-3 with specific medical conditions would benefit from this policy.
Disability		Y						This policy would provide accessibility benefits to children with specific medical conditions that impact on their mobility.
Ethnicity & Race							X	
Sexual orientation							X	

6. If you have indicated that there is a high or medium negative impact on any group in Q5b, can it be justified under the Equality legislation? N/A

Yes please go to Q7

No please go to Q8

7. Follow Up Action

a) Is there any action that could be taken to minimise or remove any negative impact of low significance in Q5b?

Yes please go to 7b

No please explain why below?

N/A

b) Please complete the table below with details of the monitoring arrangements that will be put in place to address the not known response(s) in Q5b.

Action	By Whom	By When

Signed off by: Adam Simmons

Job Title: Head of Blue Badge and Equalities Division

Full Equality Impact Assessment Proforma

This proforma is a continuation from Q6 in the initial impact assessment proforma

<p>8. Consideration of alternatives to minimise adverse impact or eliminate unlawful discrimination.</p> <p>Please summarise the changes that you propose to make or have made to the policy, strategy or function.</p>			
<p>9. Consultation on possible impact (adverse) or action plan with stakeholders affected.</p> <p>Who needs to be, or has been, consulted and involved (disabled people only) to assist you to make a judgement about the policy/function or, in the proposed changes, to mitigate the adverse impact as outlined in your Action Plan? Please record your findings from the consultations including methods used, numbers, groups targeted etc in section 12 at the end of this proforma.</p>			
<p>10. Determine if any further research/new evidence from experts and/or interested groups is required</p> <p>Are there any gaps in your previous or planned consultation and research? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Are there any experts/relevant groups that can be contacted to get further views or evidence on these issues?</p>			
<p>11. Identification of an action plan with proposed changes to mitigate adverse impact</p> <p>If an action plan already exists, covering similar headings, please attach. Alternatively, please list any recommendations for action that you plan to take as a result of this impact assessment under the given headings.</p>			
Action Required	By Whom	By When	Resources Implications
<p>12. Consultation on possible impact (adverse) or action plan with stakeholders affected</p> <p>Please record your findings from the consultations including methods used, numbers, groups targeted etc.</p>			

Appendix 6: Code of Practice on Consultation

The Government has adopted a Code of Practice on consultations. The Code sets out the approach Government will take to running a formal, written public consultation exercise. While most UK Departments and Agencies have adopted the Code, it does not have legal force, and cannot prevail over statutory or other mandatory external requirements (e.g. under European Community Law).

The Code contains seven criteria. They should be reproduced in all consultation documents. Deviation from the code will at times be unavoidable, but the Government aims to explain the reasons for deviations and what measures will be used to make the exercise as effective as possible in the circumstances.

The Seven Consultation Criteria

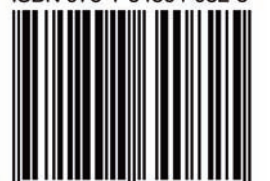
- 1 When to consult:** Formal consultation should take place at a stage when there is scope to influence the policy outcome.
- 2 Duration of consultation exercises:** Consultations should normally last for at least 12 weeks with consideration given to longer timescales where feasible and sensible.
- 3 Clarity of scope and impact:** Consultation documents should be clear about the consultation process, what is being proposed, the scope to influence and the expected costs and benefits of the proposals.
- 4 Accessibility of consultation exercises:** Consultation exercises should be designed to be accessible to, and clearly targeted at, those people the exercise is intended to reach.
- 5 The burden of consultation:** Keeping the burden of consultation to a minimum is essential if consultations are to be effective and if consultees' buy-in to the process is to be obtained.
- 6 Responsiveness of consultation exercises:** Consultation responses should be analysed carefully and clear feedback should be provided to participants following the consultation.
- 7 Capacity to consult:** Officials running consultations should seek guidance in how to run an effective consultation exercise and share what they have learned from the experience.

A full version of the code of practice is available on the Better Regulation Executive web-site at: <http://www.berr.gov.uk/files/file47158.pdf>

If you consider that this consultation does not comply with the criteria or have comments about the **consultation process** please contact:

Giada Covallero
Consultation Co-ordinator
Department for Transport
Zone 2/25 Great Minster House
76 Marsham Street
London SW1P 4DR
Email: consultation@dft.gsi.gov.uk

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