



Service Specific Enforcement Policy

Blue Badge Disabled Persons Parking

To be read in conjunction with the Cheshire East Council
Enforcement Policy

July 2016

CHESHIRE EAST BOROUGH COUNCIL
BLUE BADGE ENFORCEMENT POLICY

1. Introduction

- 1.1. The Blue Badge (Disabled Persons' Parking) Scheme is to help disabled people with severe mobility problems to access goods and services, by allowing them to park close to their destination. It is irrespective of whether they are travelling as a driver or a passenger.
- 1.2. Blue Badges must be clearly and properly displayed whilst the vehicle is parked, with the expiry date and serial number clearly visible. The blue clock should be used where a time limit or restriction is in place.
- 1.3. The Department for Transport (DfT) is responsible for the legislation that sets out the framework for the scheme and the Council is responsible for its administration.
- 1.4. Cheshire East Council is an enforcing Council and this policy outlines what can be expected with respect to enforcement of the Blue Badge Scheme.
- 1.5. The policy should be read in conjunction with the Council's overarching Enforcement Policy and other associated policies such as Parking Enforcement, covering the misuse of a Blue Badge and powers to inspect and retain badges¹.

2. Abuse of the Blue Badge Scheme

- 2.1. Blue Badge misuse has historically been perceived as a victimless crime. However when a disabled bay is being used by someone who does not have a legitimate Blue Badge this will have many implications:
 - Genuinely disabled people cannot park close enough to their intended venue (this may mean being unable to attend health appointments or parking close enough to shops)
 - Working disabled people may be unable to get to work on time or sometimes not at all
 - Loss of revenue in car parking charges to the Council impacting all Council Tax payers
 - Detrimental effect on air quality and traffic management as abuse of a Blue Badge can make driving and parking more affordable and increase the number of vehicles on the road
- 2.2. The following are examples of more common misuse/fraudulent use of a Blue Badge:

¹ The Disabled Persons' Parking Badges Act 2013 and Road Traffic Regulation Act 1984 as amended

- Making a fraudulent application – including the misrepresentation of circumstances
- Misuse of an organisational badge
- Use of a deceased persons badge
- Covering up or changing expiry date
- Photocopying a badge
- Using a valid badge belonging to friend/family to gain free parking with and sometimes without, the badge holder's knowledge.
- Persistent misuse e.g. using someone else's badge to park for work every day
- Using counterfeit or stolen badges.

Communication

2.3. The Council ensures all Blue Badge holders receive detailed information on the scheme when a badge is issued and publicises this on its web site and via other Council communications to ensure misuse is not caused by ignorance of the regulations.

2.4. Information on how to report suspected abuse is included on the Council's web site.

Verification

2.5. To minimise the risk of abuse the Council requires evidence of identity and residency at the start of an application and where entitlement can be automatic upon receipt of certain benefits, checks are undertaken. Where it is not clear that a person is entitled, they will be referred for an independent mobility assessment (IMA) undertaken by Occupational Therapists with expertise in mobility issues. However, due to resources available there is an element of relying on the honesty of the applicants.

3. Action where misuse/fraudulent use is suspected

3.1. Where many breaches can be dealt with by providing advice, more serious cases can only be dealt with effectively under a more formal manner.

3.2. Dependent upon the relevant legislation, a variety of actions can be taken, including:

- Verbal or written warning
- Penalty Charge Notice
- Suspension/seizure of a Blue Badge
- Simple Caution
- PACE interview
- Prosecution

3.3. Where immediate enforcement action is necessary, an explanation will be given and this will be followed up in writing. Where possible there will be an opportunity for a person to discuss the issue, but in the case of a potential prosecution this will be at a formal interview.

3.4. All legal codes will be followed on how investigations are to be conducted including consideration of the Code for Crown Prosecutors.

3.5. To ensure any action taken is proportionate, a number of factors will be considered:

- The seriousness of the alleged offence
- Value involved
- Age and vulnerability of the customer
- Any previous history
- Actions taken to prevent the offence occurring again
- Any explanations offered
- Period of alleged abuse/fraud