

Scrutiny – Blue Badges

1. My name is Steve Martin. I am employed by the Council as a Transport and Engineering Officer and have worked for the Council since March 2001. My responsibilities are currently management of the Council's concessionary fares policy, parking, and Shopmobility.
2. During my time in this post the Council has applied for and been accepted for membership of the British Parking Association. The Council has also held the chair of the Midland Parking Managers Group for over twelve months, and has currently held the post of secretary for over two years. The Shopmobility scheme has also been accepted as a member of the National Federation of Shopmobility UK since it opened.

Shopmobility

3. I was the officer responsible for researching the requirements for the Shopmobility in Bromsgrove, which I then passed to a colleague to carry out the construction and management. When this colleague was made redundant, I then became responsible for the construction and operation of the facility.
4. Shopmobility allows the Council to loan equipment at no charge to any member of the public who has an impairment to their mobility. A common misconception is that all users of this service are blue badge holders, are old, and are severely disabled. This is untrue. Users can be of any age, have any type of impairment, and do not have to be blue badge holders. An example is the young boy with a broken leg who needs help getting around.
5. When I was briefed on the report which was required for Shopmobility, it was made clear to me that the preferred method of funding the Shopmobility was to introduce a charge for blue badge holders across all the pay and display car parks. I understand that this decision was taken on the basis that blue badge holders are assessed on their mobility and not their ability to pay. (A copy of the original Cabinet report is attached for information as appendix A.)
6. This was considered at the steering group meetings prior to the final report being drawn up. Although there was concern at the proposed introduction of charges in this manner, no alternative was put forward for funding the scheme. I recall that the feeling was that it would be better to have a Shopmobility and charges for blue badge holders than no Shopmobility and free parking for blue badge holders.
7. The Shopmobility was opened in November 2005. There was no budget for a member of staff to operate the scheme so the five staff of the parking section carried out this function. At this point charging for blue badge holders had not been introduced, and this was not carried out until May 2006. The original proposal was that the removal of the concession for blue badge holders would generate at least an additional £40k which would cover the running costs of the Shopmobility.

8. The impact on the customers of the scheme has been fantastic. Many customers have made it clear that this scheme has changed their life. The customers of Shopmobility tend to be the most severely disabled blue badge holders.
9. The knowledge gained by staff has also been very worthwhile. There is a common misconception that blue badge holders are somehow undeserving of this concession, particularly if at first sight they appear to be able to walk unaided. A number of customers of the Shopmobility have heart or lung problems which can slow them down, particularly after walking for short periods.
10. The charge for blue badge holders initially caused an outcry. But a budget request was made to improve notification of the change and an additional £20k was made available.
11. The £20k allowed us to provide spaces marked out to minimum standards, provide a sign at eye level indicating that blue badge holders were required to pay for each space for the disabled, and increase the number of spaces to the minimum requirement for all thirteen car parks.
12. The budget for operating Shopmobility is £16k per year. This means that parking budgets continue to make up the shortfall and have done so since it was opened.
13. Charging blue badge holders brings in an unknown amount of income. However as 6% of spaces are set aside for blue badge holders, it is reasonable to use this figure in estimations.
14. The cost of operating the Shopmobility is covered by income from charging blue badge holders.
15. In addition, there are a number of benefits to withdrawing the concession for blue badge holders.
16. The Local Government Agency believes that around 50% of blue badge use is "improper". This figure seems a bit on the high side to officers. The last large scale investigation officers can recall into blue badge abuse showed that around 35% of use was improper, and officers believe that this is a more accurate figure. Because Bromsgrove charges, abuse of this type is now mostly restricted to on-street use.
17. The removal of the concession also allows the Council to introduce different parking management systems. For example, pay on foot would allow the Council to meet the requirements of a number of traders and visitors to the town by employing a system which does not punish people for overstaying, and does not allow people to park without payment. The first step for Local Authorities in introducing this type of system is normally to remove the concession allowing free parking for blue badge holders.
18. It is often overlooked that Redditch does not have any Local Authority run car parks, but that the car parks which serve the town predominantly charge blue badge holders.

Therefore there are two Local Authority areas where blue badge holders are required to pay and not one as is normally quoted. The one exception is the car park serving the Shopmobility in Redditch where parking is free for blue badge holders.

19. It is important that this is considered because the campaign to reintroduce a concession for blue badge holders has stated that Bromsgrove is the only District where this charge applies. It isn't.
20. It is also widely reported that all blue badge holders are against paying for parking. Despite a number of complaints when the concession was first withdrawn from blue badge holders, a number of drivers commented that they were perfectly happy to pay for parking as long as the facilities were improved. The section did improve the facilities with the £20k that it was given, and we enforce against offenders who park in spaces for the disabled without apparent entitlement on a regular basis.
21. No-one reports a happy motorist or parker. The news stories about parking should be viewed in the context of the number of drivers who park without problems or issue.
22. Options for funding Shopmobility are limited. The options are;
 - Do nothing
 - Outsource the Shopmobility, possibly to a charity
 - Close the facility
23. The possibility of introducing a registration fee is not viable simply because of the scale of operation. This would mean that drivers would have to pay £135 per year for the service. Charging per visit would also be prohibitively expensive for customers.
24. Options for adjusting or removing the charges for blue badge holders are also limited. The options are;
 - Increase the parking fee for other drivers to compensate for the lost revenue
 - Introduce pay on foot and allow free parking only for users of the Shopmobility (ie those who have the biggest impairment to their mobility) as currently happens in Redditch
25. Any options for changing the current system should be carried out in full consultation of all car park users and not just separate groups. A recent limited survey of car park users found that three quarters of drivers would be happy to pay more to allow free parking for the disabled. In comparison, two thirds were against paying more to subsidise the elderly.
26. I believe it would benefit Members if they were able to visit the Shopmobility and gain first hand experience of the operation before making any recommendations.

Enforcement

27. The question asked is whether Civil Enforcement Officers use their discretion. The short answer is no they do not. Guidance from the Department for Transport (DfT) is clear that

discretion should be applied when considering appeals, but not at the point of issuing parking fines.

28. However, the training and ongoing management of the enforcement operation tries to install a level of common sense. For example, if a vehicle is parked with its wheels outside of a bay, but the area it is parked on would either not be causing an obstruction or it is not evident to other customers that a breach of the regulations is taking place, then I would not necessarily expect a parking fine to be issued. Similarly, if a vehicle is making a delivery to a premises which is accessed through the car park, and there is no other alternative for that vehicle to access these premises, and the driver is clearly active in unloading the vehicle, then again I would not necessarily expect an excess charge to be issued.
29. In the incident outlined in the question, the offender had parked displaying a blue badge but had not purchased a ticket. The responsibility for checking whether a concession applies to blue badge holders lies with the blue badge holder and not the Council. The Council has discharged its duty in ensuring that the regulations are clearly signposted. The wording used in the information given to blue badge holders is explicitly clear *"The Scheme does not apply in off-street car parks. However, some may provide spaces for disabled people. You should check the signs to see what concessions are available, and whether Blue Badge holders have to pay."*
30. It is difficult to imagine what level of "discretion" would be applied if an officer came across a vehicle displaying a blue badge but no ticket. Common sense would suggest that after applying the five minutes observation time, an officer should check whether anyone was still at the machines paying before issuing.
31. Another widely reported incident in the press was a blue badge holder who had received an excess charge after displaying an out of date blue badge. This was reported in the press as a vulnerable member of society who had a waiver for his out of date blue badge. The driver had been spoken to by the issuing officer who apparently had refused to accept his version of events and had booked him immediately anyway.
32. The truth of the matter is that the blue badge holder had refused to show the officer the waiver in question, repeatedly shouted at the officer, and stormed off shouting "well book me then." The officer in question applied common sense and rang the Customer Service Centre to see if we had issued any waivers. The answer came back that no, we hadn't. The officer was concerned that the blue badge holder had point blank refused to show him the waiver, and that there was no evidence to support his claims. He suspected that the blue badge was being use improperly and issued the excess charge.
33. It later transpires that the waiver only applied in Birmingham, and that the driver knew he was required to park in a standard bay when parking in Bromsgrove. Furthermore, it appears that he was a regular customer of the parking section and that this may not have been the first event of this type.

34. The occasions when officers have avoided the inappropriate issue of an excess charge notice are unlikely to come to the attention of the public and Members. An example is the 30 minute bays for the disabled on the School Drive car park. There have been a number of occasions where officers have noticed a car without a blue badge in these bays. On further investigation the driver has been present in the Customer Service Centre renewing their blue badge (which is still valid) and the officer has applied common sense and avoided issuing an excess charge. Good news stories about parking are not reported and situations like this are not widely known.
35. I believe it would benefit Members if they were able to patrol with an enforcement officer and gain first hand experience of the enforcement operation before making any recommendations.
36. The draft enforcement and appeals policy which the section currently adheres to is attached as appendix B. Also included is the training manual used to train Civil Enforcement Officers as appendix C.

Consultation

37. Disabled users are regularly consulted on their views at various meetings regarding parking by various officers within the Council There is a Disability Awareness Group which is regularly consulted on such matters.

Permits

38. Blue badge holders are able to buy permits as any other customer of the parking service is able to. A copy of the application form is included as appendix D to this briefing note.

County Council Policy Notes

39. It has been reported to me that the County Council have issued two draft parking policies, one of which states that parking for blue badge holders should be free across the County. I queried this with my colleagues from County as it is not for them to dictate to the District whether or not they charge blue badge holders. It transpires that the wrong document was sent out and the policy does not contain any such statement.
40. The decision on whether to charge blue badge holders is the right of the operator. No other body or agency has any right to impose conditions on operators who they can charge and when.

The Appeals Process

41. The appeals process is covered in great detail in appendix B. The current process is that the Transport and Engineering officer deals with all appeals within the guidelines detailed, and that subsequent appeals are dealt with by Kevin Hirons as General Manager Street Scene and Community , and then Mike Bell as Head of Service using the same guidelines.
42. In the preceding years the following numbers of appeals have been considered and accepted;

	No of Appeals Recd	No. of Appeals Accepted	Percentage
2007 / 2008	955	400	42%
2006 / 2007	943	403	43%
2005 / 2006	865	421	49%
2004 / 2005	1076	538	50%

43. It has also been suggested that an elected Member or panel of elected Members should consider appeals. This is not commonly carried out in the industry and would require training to be organised for Members, additional support from other areas of the Council, and also for a fixed meeting of at least 4 hours every week to be convened. There is currently no budget to support such work.

44. The following table details the reasons given for each appeal received in the year 2007/2008 and whether the appeal was accepted or rejected;

Reason Given For Appeal	Total	Rejected	Accepted	Reason for cancellation
Special Circumstances	155	55	100	Extreme cases accepted (ie appellant had medical condition etc)
Unaware It Was Pay And Display	116	115	1	Not generally considered a valid reason for appeal
No Reason	95	93	2	Appellant failed to specify a reason, but had a permit / badge / ticket etc
Unable To Return In Time	77	74	3	Not generally a valid reason for appeal except in medical emergencies
Ticket Fell Off Dashboard	74	2	72	Valid ticket produced, first offence
Pay and Display Equipment Faulty	63	54	9	Details checked and verified / discounted
Buying Ticket At Time	61	51	10	Valid ticket produced within reasonable amount of time, first offence
Ticket Was Displayed	58	10	48	Valid ticket produced which was displayed, first offence
Forgot To Display Blue Badge	52	7	45	Valid blue badge produced, first offence
Blue Badge Fell Off Dashboard	36	9	27	Produced a valid blue badge, first offence
Parking Attendant Error	33	3	30	Details checked and verified / discounted
Forgot To Display Ticket	26	6	20	Produced a valid ticket, first offence
Medical Emergency	16	14	2	Details checked and verified / discounted, first offence
Forgot To Renew Blue Badge	16	14	2	Exceptional circumstances only accepted, first offence
Forgot To Renew Permit	15	15	0	Exceptional circumstances only accepted, first offence
Valid Ticket	15	0	15	Details checked and verified / discounted, first offence
Not Causing An Obstruction	14	14	0	Generally not a valid reason for appeal
Blue Badge Was Displayed	6	3	3	Details checked and verified / discounted, first offence
Forgot To Display Permit	9	0	9	Valid permit produced, first offence
Unaware a fine was Issued	4	4	0	Photographic evidence proves a fine was issued.
Signage Was Inadequate/Incorrect	3	3	0	Not generally a valid reason for appeal
Council Administration Error	3	2	1	Details checked and verified / discounted
Vehicle Broken Down	3	3	0	Independent documentary evidence requested
Unaware Prices Had Increased	2	2	0	Discretion applied after price increases, first offence

Permit Was Displayed	2	2	0	Valid permit produced and appeal supported by photographic evidence
VDA	1	0	1	Driver left before ECN was correctly issued

45. Should the Council decide to adopt Civil Parking Enforcement it would be necessary to employ a member of staff to consider appeals. In Bromsgrove's case this would entail a transfer of duties from an existing post to meet this requirement. This officer would then deal with informal appeals and representations and would prepare cases for the consideration of the Traffic Penalty Tribunal which is an independent agency set up to consider parking appeals. This would allow the Council to consider appeals and provide an independent advisory service.
46. Although the current process could be open to question, the simple fact is that the figures given prove that there is a reasonable appeal process which allows drivers to debate excess charges. Although it can be difficult to remain objective when considering appeals, the parking section is duty bound to operate with integrity and honesty. It is worth noting that a number of appeals are received each year which are plainly dishonest. Indeed, some in the industry are of the opinion that it is seen as fair game to get away with parking fees and fines. The pay and display system, and the appeals process which is set up to deal with disagreements, encourages this attitude. Systems are available that reduce this problem such as pay on foot or pay on exit.
47. An example of such abuse of the system is described as follows: The appellant stated that they had recently arrived back in the country from a holiday and had no English change. The purpose of their visit was to take their son to see the doctor as he was ill, and this was the reason the driver had parked without payment. Obviously I was very concerned that this was a serious issue for the driver and felt inclined to cancel the excess charge.
48. On reading the attendants notes, it was apparent that the driver had racially abused the attendant, had made to run him over when leaving the car park, and had then picked his partner up from the local job centre. It was unclear if a child was present during the incident.
49. Whilst this is not a routine case and does not regularly happen, it has ensured that every case is considered wholly on its own merits and after consideration of all the available evidence from all parties concerned.

Summary

50. The basis for charging blue badge holders has always been that a blue badge is issued on the basis of reduced mobility, and is in no way connected to the ability of the badge holder to pay.
51. The options for reversing the removal of the concession is limited by the revenue that blue badge holders contribute, and cannot be done without increasing prices for other drivers. This will probably put more drivers off visiting the town due to cost and reduce footfall.

52. The Shopmobility facility, which is funded by these charges, is a success story. Shopmobility is used by those drivers and residents who are likely to feel the effects of their mobility problems most keenly. I believe that the Council should be applauded for showing initiative in getting this scheme in place.