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ADULT AND COMMUNITY POLICY DEVELOPMENT AND SCRUTINY COMMITTEE

Meeting to be held on Tuesday 27 July 2010

Please see the attached report marked "to follow" on the agenda.

11 BLUE BADGE UPDATE (Pages 3 - 8)

Copies of the documents referred to below can be obtained from
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Agenda Item 11

Report No.
ACS10047

London Borough of Bromley

Agenda
Item No.

PART 1 - PUBLIC

Decision Maker: **Adult and Community Policy Development and Scrutiny Committee**

Date: 27th July 2010

Decision Type: Non-Urgent Non-Executive Non-Key

Title: **BLUE BADGES**

Contact Officer: Lorna Blackwood, Assistant Director Commissioning and Partnerships
Tel: 020 8313 4110 E-mail: lorna.blackwood@bromley.gov.uk

Chief Officer: Terry Rich, Director of Adult and Community Services

Ward: All

1. Reason for report

The report sets out the current arrangements for issuing discretionary Blue Badges.

2. **RECOMMENDATION(S)**

Members are requested to note the current arrangements for the issue of discretionary Blue Badges.

Corporate Policy

1. Policy Status: Existing policy.
 2. BBB Priority: Supporting Independence.
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Financial

1. Cost of proposal: Estimated cost £65,030 per annum
 2. Ongoing costs: Recurring cost.
 3. Budget head/performance centre: ACS Physical disabilities budget
 4. Total current budget for this head: ££65,030
 5. Source of funding: Bromley PCT £55,430; LBB £9,650
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Staff

1. Number of staff (current and additional): 1.5 FTE occupational therapists
 2. If from existing staff resources, number of staff hours:
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Legal

1. Legal Requirement: Statutory requirement. Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000.
 2. Call-in: Call-in is not applicable.
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected): 11,900 current holders of Blue Badges
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? N/A.
2. Summary of Ward Councillors comments:

3. COMMENTARY

Background

3.1 The Blue Badge scheme is a national arrangement of parking concessions for people with severe walking difficulties who travel as drivers or passengers in cars. The scheme is operated in Bromley in accordance with the guidelines set out by the Department of Transport.

Eligibility

3.2 Eligibility for blue badges is either automatic, in accordance with set criteria, or discretionary. Under the current scheme applicants are automatically eligible if they:

- receive the higher rate of the mobility component of the Disability Living Allowance;
- receive a War Pensioners` Mobility Supplement;
- are registered blind.

3.3 Discretionary Blue Badges may be issued if certain conditions apply. The applicant must:

- have a severe disability in both upper limbs and regularly drive a motor vehicle but cannot turn the steering wheel of a motor vehicle by hand, even if that wheel is fitted with a turning knob;
- have a permanent and substantial disability which means they are unable to walk or have considerable difficulty in walking. This is defined as a condition that is likely to last at least three years, which means the applicant cannot walk or which makes walking very difficult. The Department of Transport guidelines contain very specific criteria for the assessment of walking difficulties. People with a behavioural or psychological disorder will not normally qualify unless their impairment causes very considerable difficulty in walking all the time;
- be an organisation caring for disabled people who meet one or more of the above criteria.

3.4 Applicants are asked to describe the nature of their disability and give an estimate of the maximum distance they can walk without assistance or severe discomfort. Applicants for discretionary Blue Badges will normally be asked to attend an assessment carried out by a qualified occupational therapist to determine whether they meet the guidelines.

3.5 There is an additional category for children under two years of age who have a medical condition which means that they must always be accompanied by bulky medical equipment which cannot be carried around, or need to be kept near a vehicle at all times, either for treatment, or for transportation to a location where treatment can be performed. A parent or guardian must apply on behalf of a child under the age of two.

3.6 Historically the assessment for a discretionary Blue Badge was based on an opinion from a GP. As this meant that there were inconsistencies in the application of the guidelines and potentially compromised the relationship between GPs and patients, the Department of Transport now considers this practice “wholly unsatisfactory in the majority of cases” and recommends that assessments are carried out by independent health professionals, such as an occupational therapist or physiotherapist.

3.7 In Bromley, as in most local authorities, the assessment service is funded by the Primary Care Trust (PCT) and procured by the Council. Until the end of March 2009 the service was being provided under contract to the Council by a local voluntary organisation (BATH) but they were unable to continue providing the service and gave notice of termination in March 2009. Since

April 2009 the Council has directly employed occupational therapists to provide the assessment service with the administration of appointments and issuing of badges to successful applicants being carried out by the Council's Customer Service Centre (CSC). The CSC also issues Blue Badges to people who meet the criteria for automatic entitlement.

- 3.8 Applicants are advised that the processing of a discretionary application may take 8-10 weeks and this is kept under review by the CSC. There are currently 1.5 FTE occupational therapists carrying out assessments with an additional 0.5 FTE being recruited to assist with processing the peak of renewal applications this year resulting from the service being taken over from BATH in 2009.
- 3.9 There is no statutory appeal process if an applicant wishes to challenge the decision of the local authority and there is no right of appeal either to the Ombudsman or to the Secretary of State. In Bromley appeals are dealt with in accordance with the Adult and Community Services complaints procedure. In the first instance an assessment would be reviewed by another occupational therapist. If the applicant still wishes to pursue the complaint the assessment would be reviewed by a senior occupational therapist in the Adult and Community Care Services Division.
- 3.10 There were 9 complaints about Blue Badges in 2009/10 of which 4 were disputing the decision of the occupational therapist – 1 was upheld, 1 was partially upheld and 2 were not upheld.

Parking dispensations for Blue Badge holders

- 3.11 Blue badge holders must be present on the journey and the following dispensations apply:
1. Parking on a yellow line (single or double) for up to three hours (except where a loading ban is in force). The time clock must be set and displayed on such occasions.
 2. Parking at on-street paying bays free of charge
 3. Parking in Council operated car parks free of charge, whilst disabled parking bays in Council car parks are a requirement; there is no requirement to waive the normal parking charges. This dispensation is at the discretion of the individual local authority.
 4. Blue Badge Holders also get free access to the London Congestion Charging Zone.

Number of Blue Badges issued

- 3.12 At any time there are approximately 11,900 Blue Badges in force. This compares to around 11,400 in Bexley and 9,500 in Croydon. Over the last three years the number of applications for new Blue Badges issued has been increasing.
- 3.13 During the period when the assessment was undertaken by BATH, no records were kept of the numbers of unsuccessful applications. The numbers issued in the last two years of the arrangement were 4,005 (2007/8) and 4,733 (2008/9). Over the last year, there were 5,762 applications, of which, 3869 were approved and 1893 were not approved.

The increase in the number of applications may have been impacted by the introduction of exemption from the London Congestion Charge for holders of Blue Badges.

3. POLICY IMPLICATIONS

The Blue Badge scheme supports the Council's aim to promote independence for people with disabilities.

4. FINANCIAL IMPLICATIONS

- 4.1 The cost of the occupational therapy assessment service (£55,430) is reimbursed by Bromley PCT. Any additional costs incurred to deal with the current peak of applications will be recharged to the PCT. The administration cost of the assessment service (i.e. arranging appointments) is £9,650 which is paid for by the Council from Adult and Community Services physical disabilities budget. The cost of issuing Blue Badges to people who meet the automatic eligibility criteria is funded by the Environmental Services Department.
- 4.2 The Department of Transport issued a consultation document in February 2010 which proposed changing the funding regime for discretionary Blue Badges from the current system of funding via PCTs to one which would provide funding directly to local authorities. Two options were proposed – the first based on funding through RSG would result in the funding available to the local authority being reduced by approximately £5k, the alternative via Area Based Grant would maintain the same level of funding as the current arrangement with the PCT (approximately £55k). The current status of the consultation document is unclear.
- 4.3 The impact of the loss of parking income within Council car parks from offering the discretionary free parking has not been calculated.

5. LEGAL IMPLICATIONS

Blue Badges are issued in accordance with the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 200 (S.I. 2000/682) with amendments.

Non-Applicable Sections:	Personnel implications
Background Documents: (Access via Contact Officer)	Disabled Persons (Badges for Motor Vehicles) (England) Regulations 200 (S.I. 2000/682) with amendments. Department of Transport. The Blue Badge Scheme. Guidance for local authorities in England.

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