

Decision Maker: Portfolio Holder for Transport, Highways & Road Safety

**FOR PRE-DECISION SCRUTINY BY THE ENVIRONMENT AND
COMMUNITY SERVICES POLICY DEVELOPMENT AND
SCRUTINY COMMITTEE ON:**

Date: 7 September 2023

Decision Type: Non-Urgent Executive Non-Key

Title: ENFORCEMENT OF BLUE BADGE MISUSE

Contact Officer: Chloe Wenbourne, Head of Shared Parking Services
chloe.wenbourne@bromley.gov.uk

Chief Officer: Director of Environment and Public Protection

Ward: (All Wards);

1. Reason for decision/report and options

This report sets out the process used since 2020 to enforce Blue Badge misuse and recommends that this process is retained. The change in process has led to an increase in the number of Blue Badges being checked, without the need to confiscate the physical Blue Badge, and has had no detriment on the number of successful prosecutions. The new process has contributed to an increase in the number of PCNs issued for other parking offences as it has liberated Civil Enforcement Officer time.

2. **RECOMMENDATION(S)**

2.1 The Portfolio Holder for Transport, Highways & Road Safety is recommended to agree that the process adopted for enforcing against the misuse of Blue Badges in the Borough since 2020 is retained, as set out in Section 3.

2.2 The Portfolio Holder for Transport, Highways & Road Safety is recommended to delegate any minor changes needed in the coming years to the Director after ongoing discussion with the Portfolio Holder.

Impact on Vulnerable Adults and Children

1. Summary of Impact: The enforcement of the misuse of Blue Badges helps protect the genuine users of Blue Badges so that they will be able to find suitable parking spaces.
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Transformation Policy

1. Policy Status: Existing Policy: The recommendations in this report are in line with the Borough's current Transport Plan – "Bromley's Third Local Implementation Plan – Bromley's transport for the future" published in 2019.
2. Making Bromley Even Better Priority:
 - (1) For children and young People to grow up, thrive and have the best life chances in families who flourish and are happy to call Bromley home.
 - (2) For adults and older people to enjoy fulfilled and successful lives in Bromley, ageing well, retaining independence and making choices.
 - (4) For residents to live responsibly and prosper in a safe, clean and green environment great for today and a sustainable future.

Further Details: Transport has a key role to play in delivering these MBEB objectives, for example, projects to enhance walking will be used to improve the public realm of local roads and town centres providing a quality environment and creating places that people want to spend time in thereby improving quality of life for our residents. Supporting motorists with a disability is an important part of ensuring that all residents are supported to travel in the most suitable manner for them, within the Borough. Above all, the safety of road users on our streets needs to be enhanced as far as is possible.

Financial

1. Cost of proposal: Zero, although reverting to the previous process of badge confiscation would lead to fewer PCNs being issued in respect of general incorrect parking, as there would be less CEO time patrolling.
 2. Ongoing costs: None
 3. Budget head/performance centre: 1 FTE - £42,720 sits within Parking Services Budgets.
 4. Total current budget for this head: The total budget for Parking Services is £42,720; this service employs the support staff. Within the agreement with Greenwich Fraud Team for all related Fraud matters, total cost of this agreement is £156, 550 p/a with approximately 75% of their time being linked to misuse of Blue Badges.
 5. Source of funding: Parking Services / Legal Services respectively.
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Personnel

1. Number of staff (current and additional): 0.25 FTE within Parking Services.
 2. If from existing staff resources, number of staff hours: 0.25 FTE within Parking Services.
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Legal

1. Legal Requirement: It is not a legal requirement for local authorities to undertake the enforcement of Blue Badge misuse; the Government and London Councils encourage LAs to do so. If Bromley wish to continue to prosecute for the misuse of Blue Badges, a correct legal process must continue to be undertaken.
2. Call-in: Applicable

Procurement

1. Summary of Procurement Implications: All measures will be delivered through the Council's term parking and fraud contracts.

Property

1. Summary of Property Implications: n/a

Carbon Reduction and Social Value

1. Summary of Carbon Reduction/Sustainability Implications: Projects to support sustainable transport are a priority.

Customer Impact

1. Estimated number of users or customers (current and projected): All road users, especially those legally using a Blue Badge

Ward Councillor Views

1. Have Ward Councillors been asked for comments? No
2. Summary of Ward Councillors comments: N/A

3. COMMENTARY

- 3.1 Prior to Covid, Parking Services had a full and robust process with set regimented procedures for enforcement and confiscation for misuse of Blue Badges, as detailed in report [ES18025](#) "Blue Badge Misuse", presented to the Environment PDS committee in March 2018. The authority took on the responsibility to train all Civil Enforcement Officers (CEOs) in how the authority expected them to undertake this task, which was above and beyond the basic Blue Badge training that the Parking Contractor, APCOA Parking provide. It should be noted that this service was to run alongside the CEOs main role of enforcing the parking controls around the Borough.
- 3.2 Inductions were handled by a full-time member of staff providing an in-class presentation to all CEOs (plus refresher courses) providing all relevant documentation, scripts and procedures for when speaking to a driver. This officer would also be responsible for the physical badges that were confiscated, which entailed returning valid badges to the holder where no misuse was proven and also returning the badge to the holder even if misuse had been proven.
- 3.3 The process for a CEO when inspecting a Disabled Badge on street was as follows:
- 3.4 The CEOs identify who a badge belongs to by the issue number of the front of the badge. This gives the officer an indication of the gender and age of the badge holder.
- The CEOs ask to inspect the Disabled Badge.
 - If a CEO is still not satisfied that the Blue Badge is being used correctly after asking the driver some more specific questions, they are able to confiscate the badge under the Disabled Person's Parking Badges Act 2013.
 - The CEO must read a statement informing the driver that they have the powers to confiscate the disabled badge.
 - The CEO should have had their body worn video switched on, on this recording they will speak about their surroundings, noting the time and the vehicle registration to help the later investigation by the Greenwich Fraud Team
 - The CEO would return to base to review said footage, complete a witness statement and hand over the disabled badge to the Council.
- 3.5 Over the years Parking Services have worked closely with Greenwich Fraud Team and Bromley's Legal Services to carry out the prosecutions on behalf of the service.
- 3.6 Within the industry, CEOs tend to have a constant turnover of staff, so to provide the above plus collating all the investigatory statements, gathering evidence in a proactive action was a very labour-intensive exercise.
- 3.7 It was observed that, even after the additional training the Council provided and the constant support given to APCOA by the Council, there was minimal undertaking on the checking of the badges.
- 3.8 This was quite often discussed in the monthly contract meetings; however it would seem that the removal of a disabled badge can be a confrontational situation and therefore only a handful of CEOs seemed to have the confidence to undertake this process, as well as the high turnover of CEOs adding to the lack of checking of badges being completed on street.
- 3.9 The physical act of removing a disabled badge, could remove the CEO from enforcement for up to 90 minutes, allowing for travel time back to base, time to write up the incident and then

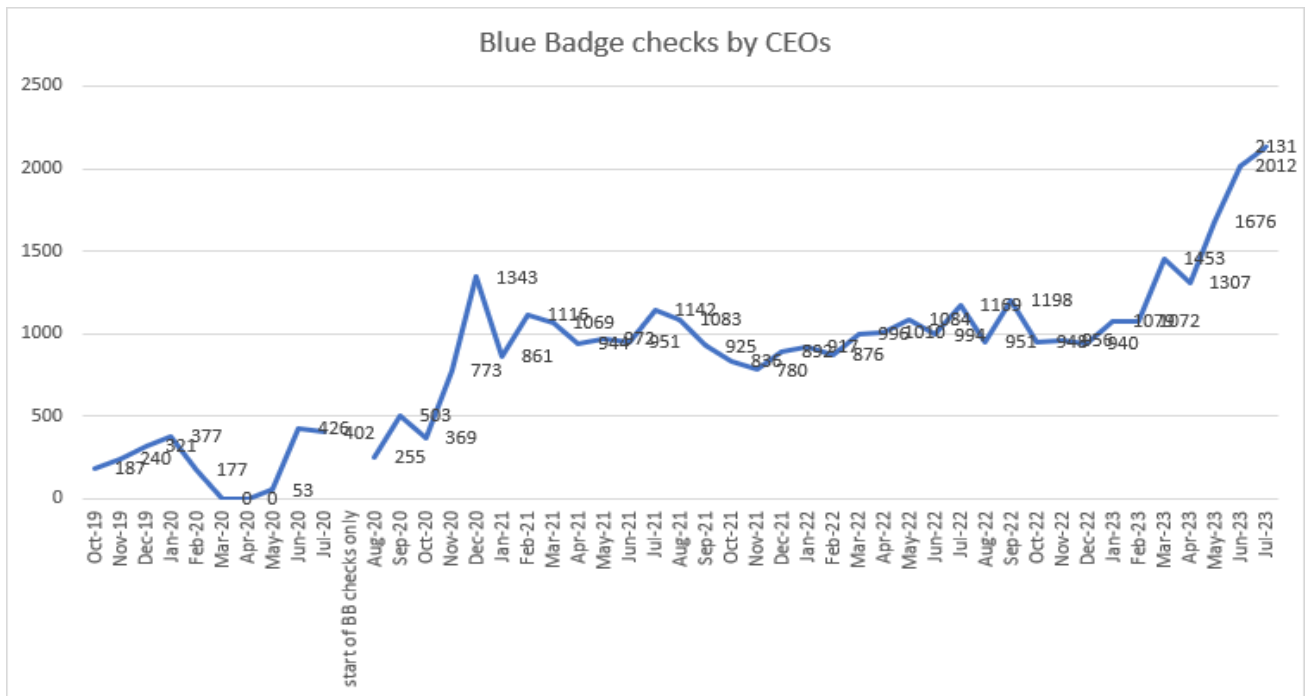
returning to street, therefore quite often there could have been none or limited cover of enforcement in busy areas of the Borough.

3.10 Officers' experience is that the physical confiscation of a disabled badge quite often had a detrimental consequence for a genuine badge holder, as usually to no fault of their own, they were unable to use the badge until it was returned, and this was usually some weeks after the incident took place.

Change in Policy

3.11 With the Covid Pandemic, officers had to stop as much contact with the public as possible and therefore instructed the CEOs to stop the confiscation of the badge unless the driver handed it to them. This was reported to Audit and Risk Management Committee in November 2022 (Report [FSD22074](#) – see section 4.1.2).

3.12 Whilst this was designed to be a temporary arrangement re the pandemic for the safety of the CEOS, it soon became apparent that more badges were being checked by removing the need to physically confiscate the disabled badge.



3.13 In 2019 and 2020, before the change in approach regarding confiscation of badges, there were about 200 Blue Badge checks by CEOs each month on street. This has increased markedly since late 2020, with roughly 900 checks per month. More recently, since the Parking Team have been working more closely with the CEOs to encourage and support them in this piece of their work, the number of badges being checked each month has risen to over 1,500.

3.14 The change in policy in 2020 allowed for the CEOs to have more confidence in checking badges and officers no longer having to train a constantly changing workforce. Officers were able to hand over the less intense training to APCOA which was now a two-step process:

- Check the status of the badge on display,
- How to progress a witness statement if required.

3.15 With the removal of the restrictions around the pandemic, officers continued with the change in policy, allowing the new way of working to target the more criminal element of Blue Badge

fraud/misuse, as well as not distracting CEOs from their main role of enforcing the Borough of their parking restrictions.

- 3.16 This change in policy saw all CEOs, not a select few, checking every badge on street to determine if the badge should be in circulation or if it had been reported lost, stolen, keeper deceased or returned. When CEOs come across one of these badges, they will issue a Penalty Charge Notice (PCN) and report the vehicle to the Council Officers.
- 3.17 From here, the Council Officers will serve notice on the registered keeper of the vehicle and work with the Greenwich Fraud Team and Legal Services to build a case for court. The disabled badge will usually be surrendered when the keeper is being interviewed under caution.
- 3.18 Looking at the number of prosecutions resulting from reports of suspected Blue Badge misuse, it can be seen that these dropped off in number during the period of Covid lockdowns but have increased again in number to that seen previously. This is despite the fact that suspect badges are not physically confiscated by the CEOs.
- 3.19 With the larger number of checks being made and the fact that the number of prosecutions is similar to what it was in 2017, it demonstrates that fewer drivers are attempting to misuse badges in Bromley.

Offence date	Offences that were prosecuted
2016	31
2017	73
2018	73
2019	83
2020	38
2021	41
2022	71
2023 as at April (+8 cases pending)	22

- 3.20 The team have been able to concentrate on the more serious offences, such as circumstances where a driver has knowingly bought a disabled badge or is using a badge when they know it should not be in circulation and apply a zero tolerance for these drivers, whereas before the pandemic there were a number of cases where a parent may have mis-used her disabled child's badge just because they had not read the terms and conditions correctly.
- 3.21 The change in practice has allowed the CEO to check for misuse of disabled badges, as well carry out the CEO's primary role of enforcing parking controls across the borough. The existing practice allows for Bromley to maximise the CEO's time on street; if we revert back to confiscating badges this will have an impact on the overall enforcement coverage of the Borough.
- 3.22 Within the parking team, there is one FTE to cover this post, however at the moment it is being covered by a part time employee that is shared 50% with Bexley. This is a positive service but again it should be noted that it actually costs the Council money, in staff resources for both parking services and the Greenwich Fraud Team and any fines issued in court do not get passed back to the Council; these costs will increase with the additional work required in physically confiscating a badge.
- 3.23 As a team, Parking Services are proud to provide this service, being the 4th highest for prosecutions in London last year, and recently we received appreciation from the Under Secretary of State at the Department for Transport, Richard Holden MP, thanking the Authorities that took part in the nationwide Blue Badge Enforcement Day.

Recommendations

- 3.24 Fundamentally the change in process since 2020 has led to an increase in the number of Blue Badges being checked, without the need to confiscate the physical Blue Badge, and has had no detriment on the number of successful prosecutions. The new process has contributed to the increase in the number of PCNs issued for other parking offences.
- 3.25 It is recommended that the Council retain the process used since 2020 to enforce Blue Badge misuse. This new policy has allowed for the team to increase the number of checks made on Blue Badges and continue to actively patrol the Borough for all other parking restrictions.

4. IMPACT ON VULNERABLE ADULTS AND CHILDREN

Consideration is given when designing all schemes and processes to the needs of all road user groups, including of those with disabilities.

5. TRANSFORMATION/POLICY IMPLICATIONS

The recommendations in this report are in line with the Borough's current Transport Plan – "Bromley's Third Local Implementation Plan – Bromley's transport for the future" published in 2019.

Making Bromley Even Better Priority:

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6. FINANCIAL IMPLICATIONS

- 6.1 Based on trend data, more PCNs are issued under the new process. Returning to the previous process of waiting for motorists to return to the offending vehicle and attempting to confiscate the misused Blue Badge, would lead to the risk of fewer PCNs being issued and therefore a lower income to the Council.

7. CARBON REDUCTION/SOCIAL VALUE IMPLICATIONS

Reducing illegal parking, mostly in town centres, is in line with the Council's agenda to promote active travel, support sustainable transport and reduce carbon emissions.

Non-Applicable Headings:	PERSONNEL IMPLICATIONS PROCUREMENT IMPLICATIONS LEGAL IMPLICATIONS CUSTOMER IMPACT
Background Documents:	See body of report