

PERTH AND KINROSS COUNCIL**Enterprise and Infrastructure Committee****5 June 2013****ORGANISATIONAL BLUE BADGES****Report by Executive Director, Environment****PURPOSE OF REPORT**

The report seeks approval of the adoption of criteria for assessing applications for Organisational Blue Badges in Perth and Kinross in accordance with the Code of Practice for local authorities on the blue badge scheme issued by Transport Scotland.

1. BACKGROUND

- 1.1 Perth and Kinross Council operates a disabled parking concession or “Blue Badge” scheme under the terms of the Disabled Persons (Badges for Motor Vehicles) Scotland Regulations 2000. The Council is responsible for the day-to-day operation and enforcement of the scheme in accordance with the relevant legislation.
- 1.2 To promote consistency in the operation of the scheme at a national level, Transport Scotland have issued a non-statutory Code of Practice for local authorities on the Blue Badge scheme. The recommendations contained within this report are consistent with the Code of Practice.
- 1.3 Perth and Kinross Council currently operates an Organisational Blue Badge (OBB) scheme whereby organisations rather than individuals may be issued with badges where the organisation can demonstrate that there is a “clear need for an organisational badge rather than using the individual Blue Badges of people it is transporting”.
- 1.4 Section 5 of the Code of Practice covers the operation of Organisational Blue Badges. The Code advises that “applications for badges from organisations caring for disabled people should be examined to ensure that they are genuine and necessary. It is for local authorities to make this judgement, based on their local knowledge of the organisation concerned.” (*ref: Code of Practice para 5.3.1*)
- 1.5 This report reviews the operation of the Council’s Organisational Blue Badge scheme following the introduction of the Code of Practice. Approval is sought for the adoption of a clear and consistent set of criteria for the issue of Organisational Blue Badges throughout Perth and Kinross. The report also

sets out the enforcement action which may be taken to prevent misuse of the parking concessions granted under the scheme.

- 1.6 The operation of the Blue Badge scheme is an important part of the range of measures Perth and Kinross Council and Perth and Kinross Community Planning Partnership are undertaking to promote equality of access for all of our citizens. The recommendations within the report are intended to support the delivery of the Corporate Plan objective “Supporting people to lead independent, healthy and active lives”.
- 1.7 Consultation has been undertaken with a range of stakeholders representing the disabled community within Perth and Kinross. Feedback from this consultation is set out in the Annex to this report and has informed the recommendations contained within the report.

2. ADMINISTRATIVE ARRANGEMENTS

- 2.1 The Code of Practice states that an organisational badge may be issued to an organisation for use in a motor vehicle when the vehicle is to be used to carry disabled persons who meet one or more of the descriptions as specified in section 4(2) of The Disabled Persons (Badges for Motor Vehicles) (Scotland) Regulations 2000.
- 2.2 An “organisation” is defined in the Disabled Persons (Badges for Motor Vehicles) Scotland Regulations 2000 as meaning an organisation concerned with the care of disabled persons to which a disabled person’s badge may be issued in accordance with section 21(4) of the Chronically Sick and Disabled Persons Act 1970.
- 2.3 Applications for Organisational Blue Badges are processed online through the “Direct Scot” website. Applications are assessed locally by support staff within The Environment Service in accordance with the Code of Practice and on advice from the Council’s Parking Services manager.
- 2.4 The Council may ask such questions as are necessary to establish the clear need for an Organisation Blue Badge. For example, the application form asks about the number of qualifying disabled people with severe mobility impairments being cared for; and about the type of vehicle(s) being used to carry them, their vehicle registration number and the frequency of use. The Council may also enquire as to whether the organisation’s vehicles have been specially adapted for disabled users.
- 2.5 To determine whether the applicant organisations comply with the definition in the regulations, the Code of Practice recommends that “local authorities should request a declaration on the organisation’s letterhead that they are an organisation concerned with the care of disabled people (who would meet one of the eligibility criteria prescribed in the regulations that govern the Blue Badge scheme) and that they will only be using the badge when transporting those people. This should be signed by a Board Member or Trustee of the organisation.” (*ref Code of Practice para 5.3.4*).

- 2.6 Although there is nothing within the regulations governing the scheme about the actual numbers to be “cared for” in order to qualify for a badge, the Code recommends that “where relatively few people meet the eligibility criteria for a badge in the organisation, it would be preferable for the disabled people themselves to apply for badges, rather than have one issued to an organisation.” This then allows the holder to use their badge in any vehicle in which they are travelling, as either a driver or passenger.
- 2.7 In setting the 2011/12 Revenue Budget, the Council approved the introduction of a £20 administration fee for the processing of individual and organisational blue badge applications (Report 11/56 refers). This fee is in line with the fees charged by other Scottish Local Authorities, is in accordance with the national maximum and offsets the cost of providing this service. In common with individual Blue Badges, Organisational Blue Badges are normally issued for a three year fixed term period and are subject to application for renewal.
- 2.8 In accordance with the Council’s customer standards and the Code of Practice, all unsuccessful applicants will be advised in writing of the reasons for the decision in their individual case.

3. ELIGIBILITY CRITERIA FOR ORGANISATIONAL BLUE BADGES

- 3.1 As administering authority, the Committee are requested to approve the following eligibility criteria for assessing applications for Organisational Blue Badges in Perth and Kinross:
- 3.1.1 Is the organisation a registered nursing or residential care home in Perth and Kinross? – if yes, issue an Organisational Blue Badge.
- 3.1.2 Is the organisation providing education and/or care (medical, day or residential) services to Perth and Kinross residents and operating a disabled access vehicle to transport clients? – if yes, issue an Organisational Blue Badge.
- 3.1.3 All other applications will be assessed according to the following criteria;
- a) Does the organisation have a clear need for an organisational badge rather than using the individual blue badges of people it is transporting? and
 - b) Is the organisation not for profit? and
 - c) Does the organisation transport any individual who would qualify for an individual blue badge? and
 - d) Is/are the vehicle/s to be used adapted for disabled users? and
 - e) Is/are the vehicle/s to be used specially licenced? and

- f) Is there any element of *care* in the transport of the individual who would qualify for an individual blue badge? The definition of care is taken to be the provision of what is necessary for the health, welfare, maintenance, and protection of the individual.

If Yes to questions a to f, issue an Organisational Blue Badge.

- 3.2 The Code of Practice recognises that local authorities will require to apply local knowledge of the organisation concerned in assessing applications. The Committee are, therefore, requested to remit the Executive Director (Environment) with discretionary authority to issue Organisational Blue Badges in exceptional circumstances in accordance with the regulations where this can be evidenced to clearly support the delivery of the Council's Corporate Plan objectives.
- 3.3 The appropriate use of Organisational Blue Badges is currently enforced by the Council's Parking Operations, supported by the Scottish Police Service, in accordance with the same standards as those applied to individual Blue Badge holders. The legislative basis for enforcement is contained within the Road Traffic Regulation Act 1984; the Chronically Sick and Disabled persons Act 1970 and The Disabled persons (Badges for Motor Vehicles)(Scotland) Regulations 2000.
- 3.4 Effective enforcement of the Organisational and Individual Blue Badge Schemes is intended to ensure that the use of parking concessions and the provision by the Council of disabled parking spaces is used to support access by disabled citizens.
- 3.5 All organisations adjudged to qualify for an Organisational Blue Badge will be advised on their terms of use. This includes undertaking to only display the organisational blue badge when transporting an individual who would qualify for an individual blue badge. Workshops will be arranged to ensure a common understanding of terms of use.
- 3.6 The Council's Parking Attendants will be remitted to proactively police use of the badges. The Committee are requested to note that any abuse may result in confiscation of all badges awarded to the organisation.

4. CONCLUSIONS AND RECOMMENDATIONS

- 4.1 The report seeks approval of the adoption of criteria for assessing applications for Organisational Blue Badges in Perth and Kinross in accordance with the Code of Practice for local authorities on the blue badge scheme issued by Transport Scotland and following consultation with stakeholder groups.
- 4.2 The Committee are requested to:
 - a) Note the administrative arrangements for Organisation Blue Badges set out in section 2 of the report.

- b) Approve the eligibility criteria set out in section 3 of the report and note that any abuse of the Organisational Blue Badges might result in confiscation of all badges awarded to an organisation.
- c) Approve the enforcement arrangements set out in section 3 of the report.
- d) Request the Executive Director (Environment) to bring back to Enterprise and Infrastructure Committee a report on the implementation of this policy in 12 months time.

Author

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Approved

Name	Designation	Signature
Barbara Renton	Depute Director (Environment)	<i>Barbara Renton</i>
Date 10 May 2013		

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1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

Strategic Implications	Yes / None
Community Plan / Single Outcome Agreement	Yes
Corporate Plan	Yes
Resource Implications	
Financial	None
Workforce	None
Asset Management (land, property, IST)	None
Assessments	
Equality Impact Assessment	Yes
Strategic Environmental Assessment	None
Sustainability (community, economic, environmental)	None
Legal and Governance	None
Risk	None
Consultation	
Internal	Yes
External	Yes
Communication	
Communications Plan	Yes

2. Strategic Implications

Community Plan / Single Outcome Agreement

- 2.1 The proposals relate to the delivery of the Perth and Kinross Community Plan/Single Outcome Agreement by reducing the local and global environmental impact of our consumption and production.

Corporate Plan

- 2.2 The Council's Corporate Plan 2013 – 2018 lays out five outcome focussed strategic objectives which provide clear strategic direction, inform decisions at a corporate and service level and shape resources allocation. They are as follows:
- i. Giving every child the best start in life;
 - ii. Developing educated, responsible and informed citizens;
 - iii. Promoting a prosperous, inclusive and sustainable economy;
 - iv. Supporting people to lead independent, healthy and active lives; and
 - v. Creating a safe and sustainable place for future generations.

This report contributes to objective iv.

3. Assessments

Equality Impact Assessment

- 3.1 An Equality Impact Assessment needs to be carried out for functions, policies, procedures or strategies in relation to race, gender and disability and other relevant protected characteristics. This supports the Council's legal requirement to comply with the duty to assess and consult on relevant new and existing policies.
- 3.2 The function, policy, procedure or strategy presented in this report was considered under the Corporate Equalities Impact Assessment process (EqIA) with the following outcome:
- i) Assessed as **not relevant** for the purposes of EqIA.

Strategic Environmental Assessment

- 3.3 Strategic Environmental Assessment (SEA) is a legal requirement under the Environmental Assessment (Scotland) Act 2005 that applies to all qualifying plans, programmes and strategies, including policies (PPS). The proposals have been considered under the Act and no further action is required as it does not qualify as a PPS as defined by the Act and is therefore exempt.

Sustainability

- 3.4 Under the provisions of the Local Government in Scotland Act 2003 the Council has to discharge its duties in a way which contributes to the achievement of sustainable development. In terms of the Climate Change Act, the Council has a general duty to demonstrate its commitment to sustainability and the community, environmental and economic impacts of its actions.
- 3.5 The proposals contained within the report are assessed to have a positive impact on sustainability, particularly with regard to the economic and business growth aspects of sustainable development.

Legal and Governance

- 3.6 There are no legal or governance implications of the proposals contained within this report.

Risk

- 3.7 There are no specific risks associated with the proposals outlined within the report.

4. Consultation

Internal

4.1 Roads Service, Passenger Transport Unit and Housing and Community Care colleagues were consulted on the draft Organisational Blue Badge Policy.

4.2 Comments from the Roads Service on the draft policy on Organisational Blue Badges (OBB) are as follows:

“the applying organisation must establish a clear need for an organisational badge rather than using the individual Blue Badges of people it is transporting.”

4.3 Comments from the Public Transport Unit on the draft policy on Organisational Blue Badges (OBB) are as follows:

- Creating a policy is a practical and sensible approach to dealing with the OBB issue.
- Council Day Centres” should be re-worded in the criteria to “A facility/centre/group providing educational and/or care (medical, day or residential) services to PKC residents whilst operating a corporately funded accessible vehicle to transport clients. If yes, award OBB”
- “The Parking Operations Manager will liaise with any party applying for an organisation blue badge” - this statement could include “and liaise with the PTU to establish the specific type of transport service provided by the organisation/group”
- Any organisation that provides a transport service but does not own an accessible vehicle should definitely not qualify for an OBB - something should be included in the criteria about owning an accessible vehicle. This will exclude several community transport providers from obtaining an OBB, however they can utilise an individual’s own blue badge where necessary.
- Where transport is provided on a ‘one to one basis’ and a non-accessible vehicle is being used then an individual’s blue badge should be used rather than an OBB.
- In relation to dealing with organisations/groups that are conveying people with severely disabilities, Perth and Kinross Council should be looking at ways to streamline the associated management procedures – thus issuing an OBB with clear instructions on when it is valid to be used will make things easier for all parties concerned with the provision of their transport services.
- No PKC minibus has the Disabled Passenger Vehicle (DPV) Taxation Class because this runs counter to Council’s Corporate Minibus Policy of facilitating sharing of minibuses across Council Services and increasing community use. In such a scenario we would be unable to guarantee the vehicle is used 100% by disabled passengers which is the key criteria of this taxation class. I am not aware of any other minibus operator in the local area using this taxation class (Q4). Thus should this be mentioned in the policy?”

External

4.4 Perth and Kinross Community Transport Group, the Centre for Inclusive Living, Perth and Capability Scotland were consulted on the draft Organisational Blue Badge Policy.

4.5 Perth and Kinross Community Transport Group;

“the issues which exercise our members most are:-

- the application process for an OBB, both an initial one and a renewal, is far too long.
- the Council Guidelines appear biased against applicants and this is frankly unnecessary. No one is trying obtain an OBB without good reason and a more sympathetic response would be appreciated.
- it is incredulous to most of us that the Council do not archive historical application data although I am reassured they may consider doing so soon.
- some of the criteria for an OBB are opaque and our members find this confusing.
- there is overwhelming support for the definition of an 'organisation' to include one that not only 'cares for disabled people' but also one that includes 'the transport of disabled people'.
- there is strong preference for all Section 19 Holders to get an OBB automatically and there appears to be no justifiable reason why this does not occur.
- a uniform plea for better communication about the OBB scheme and during the application process”.

4.6 Centre for Inclusive Living, Perth;

“I have had a read through your consultation and my only comment would be that there is a large emphasis on organisations that care for disabled people, with disabled people being included more in society their transport is not always going to come from an organisation that care. It is my impression from our members that they are very protective of their individual blue badges as they are very important to them, I don't know how they would feel if they were in transport with others but the transport did not have an organisational badge if they would use their individual badge”.

And

“After discussion with members the majority of them said that if needed they would be happy to use their individual badges if organisations did not qualify”.

5. Communication

- 5.1 A Communications Plan will be developed and rolled out in 2013 together with workshops for stakeholders.

Organisational Badges - Good practice checklist

Good practice checklist		<input type="checkbox"/>
Determining the eligibility of individual Blue Badge applicants		
1	Do you check whether the applicant organisation cares for as well as transports the disabled people on whose behalf you are applying?	
2	Do you request proof that the applicant organisation has vehicles licensed under the DPV taxation class?	
3	Do you use the national application form?	
4	Do you conduct site visits to the premises of organisational Blue Badge applicants in order to determine/verify claims they have made in their application forms.	
5	Do you remind each organisational badge holder of their responsibilities under the Blue Badge scheme and the penalties for misusing an organisational Blue Badge?	
6	Do you have an internal checklist to determine if organisations meet the criteria in legislation?	