



## **Reducing Blue Badge Misuse and Fraud In Doncaster**

**October 2015**

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**Version 1 October 2015**

# Reducing Blue Badge Misuse and Fraud

## Background

The Blue Badge scheme is a national initiative to help disabled people to park close to their destination, either as a passenger or driver. While the badge is intended for on-street parking only, some off-street car parks, such as those provided by local authorities, hospitals or supermarkets, also offer benefits to Blue Badge Holders.

It is a criminal offence to misuse the badge, and doing so can lead to a £1,000 fine. If the badge holder is using the parking concessions as a passenger (as opposed to driving the car themselves), it is their responsibility to make sure that the driver is aware of the rules governing the scheme.

The badge is for the sole use of the person named on it. It must only be displayed if the badge holder is travelling in the vehicle as a driver or passenger, or if someone is collecting them or dropping them off. The badge may not be used by other people to do something on the badge holder's behalf, such as shopping or collecting something for them, unless the badge holder is travelling with them.

## Changes

The Government announced major reforms to the Blue Badge scheme. The reform programme was developed in consultation with disabled people, local authorities and other stakeholders, and on the basis of research and economic analysis. Central to the reforms was the desire to crack down on drivers who abuse the scheme. The most obvious change was the new badge design, which makes it much more durable and far harder to counterfeit.

The Government also announced the Blue Badge Improvement Service. This will offer:

- secure printing, supply and distribution of the new Blue Badge.
- a common database of badge holders to enable verification checks to be made quickly and easily, either from a PC or on-street by Civil Enforcement Officers.
- a web-based management information system for local authorities.
- a national online application form available via Directgov.

The introduction of the Disabled Person Parking Badges Act 2013 has seen local authorities handed new powers in relation to the inspection, retention and cancellation of disabled persons parking badges (blue badges).

## Types of fraudulent use

Fraudulent Blue Badge parking can be categorised into two groups.

- Abuse of badges. This includes using a counterfeit badge, using a lost or stolen badge and using the badge of a deceased person.
- Misuse of genuine badges. This means using the badge when the holder is not present. Some people who fall into this category think (wrongly) that what they are doing is not fraudulent. A few will have failed to understand the restrictions on use, but most will chance their luck on the basis that it can be hard to prove.

Either way, this is still a criminal offence; it can lead to prosecution and a criminal conviction.

## **Cost of Blue Badge Fraud**

Fraudulent use of Blue Badges prevents people in genuine need from accessing on-street parking where they need it most. This should be the primary motivation for undertaking any enforcement action against fraudulent motorists. High levels of fraudulent Blue Badge use also cause problems for the scheme as a whole. It is not uncommon for badge holders to be accused of fraud where their disability is not sufficiently 'visible' (e.g. if they don't use a wheelchair) which of course causes them further anguish and brings the scheme into disrepute.

In addition, there is a significant cost to the public purse. By avoiding having to pay for a resident's parking permit, at £25 a year should that person live within one of the Authorities Resident Parking Schemes. If the motorist avoids paying hourly on-street parking charges of £1 per ½ hour for 40 hours a week, this adds up to a further £4,000 a year. So the fraudulent misuse could be costing local government up to £5,000 a year per badge, in addition to the extreme inconvenience for disabled motorists and passengers. If the Council took 12 fraudulent badges off the streets in a year (not an unrealistic figure), this could mean a possible saving to Doncaster Council of more than £60,000.

## **Benefits of enforcement**

The benefits of undertaking enforcement action against fraudulent use of Blue Badges are varied and far-reaching. They include:

- More space for genuine badge holders.
- Better management of the kerbside. As people are discouraged from using prime locations as long-stay parking, this means a greater turnover of visitors to high streets.
- Improved traffic management and better air quality. For many, fraudulent use of the Blue Badge makes driving and parking a car affordable. By taking this advantage away, they are forced to switch to public transport and active travel, reducing the number of vehicles on the road.
- Increased revenue to Council through correct payment of pay and display, pay by phone and permit charges.

## **Best practice**

Along with some other Councils Doncaster has undertaken enforcement operations against Blue Badge misuse/fraud. Doncaster have been doing so for some time, using tried-and-tested procedures, other local authorities have put resources in to this area of work, for example, Leeds have two full time officers dealing with the enforcement of this issue.

## **Political Support**

While the benefits speak for themselves, any parking work carries with it a heightened level of political sensitivity. What starts out as 'Council tackles parking fraud to benefit disabled people' can quickly become 'Council wages war on the motorist'. It is therefore essential to seek political agreement before undertaking any enforcement against Blue

Badge fraud to ensure no-one is taken by surprise and that everyone is on-message. See below the importance of agreed communications messages.

## **Collecting evidence**

In 2010 all CEO's and Neighbourhood Enforcement Team staff were trained in blue badge misuse and fraud, this was refreshed in 2013. This reinforced the habit of collecting strong evidence against potential fraudsters. This starts with CEOs, and may require the collection of more evidence than would normally be required. This includes full pocket book notes, such as descriptions of any persons seen, who parks the vehicle, who gets out of the vehicle and where they go upon leaving. It is also important to gather photographic evidence, also CEO's were empowered to collect evidence and take possession of misused/fraudulent badges these are then followed up by the enforcement team. Systems are in place to record and track investigations.

In 2015 Customer Service Staff were trained in blue badge misuse/fraud.

Report of fraud/misuse can be made to Doncaster Council through the General Enquiries telephone number (01302 736000) and a specific webform for members of the public to report misuse, this has recently been updated and will include details of prosecutions undertaken by the Council. These serve as a deterrent to potential fraudulent Blue Badge users, it also instills confidence among disabled people that the council is responding to this serious issue.

## **Doncaster's Multi-agency approach**

Tackling misuse/fraud can be complicated and resource intensive, Doncaster will involve other departments and other agencies, these are aware of the plan and will have a basic awareness of the blue badge scheme. Some of the most common delivery partners are shown below:

- Customer Services Staff are the first point of contact regarding the issuing and dealing with complaints regarding blue badges. If they suspect misuse or fraud they will log and pass on information to the enforcement team.
- CEO's are well placed to gather evidence and rapidly pass this on. They should also be involved in any targeted enforcement activity, once a blue badge is misused, a PCN (Penalty Charge Notice) can be issued as the vehicle is illegally parked and will also serve as an immediate consequence to the motorist.
- The Enforcement Team respond quickly to cases of misuse/fraud, the enforcement team needs to be involved from the outset to ensure their systems are able to cope with enhanced evidence collection. This team will conduct the follow up investigation and ultimately work with legal services to prepare any the cases for court. Where it is not in the public interest to prosecute they will arrange an appropriate sanction to be imposed.
- Legal Services will process cases to be taken to court and present the cases in Magistrates' Court.
- Internal fraud team – DMBC have an internal fraud investigation team to consider council tax / benefit fraud etc. Making use of their specialist skills and resources can enable the enforcement operation to better target their attention, improving success rates.
- Communications teams – it is important to promote this work (see below) and communications colleagues should be involved at the earliest opportunity to ensure the borough capitalises on this work.

- Town Centre Managers – they can provide valuable intelligence on problem locations and the best days / times to target enforcement activity, also can help promote DMBC's approach on this issue with local employers and businesses.
- Police – can support officers while carrying out duties. The initial approach will be using the local Safer Neighbourhood Team.
- Other Local Authorities– given borough boundaries are permeable and Blue Badges are valid nationwide, it is considerably easier to enforce against misuse and fraud when the issuing borough cooperates. Evidence suggests most boroughs are cooperative and good working relationships exist with other South Yorkshire Council's.

Members of the Public are encouraged to report incidents and suspicions of blue badge fraud and misuse to the Council, information and reports forms are available on the Council's website ([www.doncaster.gov.uk](http://www.doncaster.gov.uk)).

## **Targeted enforcement activity**

Given how resource intensive this work can be we will focus our attention on those areas where the most fraud appears to take place and that are covered by council traffic regulation orders be that on street or indeed in council operated car parks / locations. This is partly to improve rates of enforcement, showing a greater return on the upfront costs of the work, but also to focus attention on those areas where disabled people are most disadvantaged by desirable spaces being occupied. Such locations could include colleges, transport interchange, shopping centres, sports grounds and entertainment venues, or anywhere that parking is in high demand and a Blue Badge is of maximum value to someone who may misuse it.

Intelligence will be gathered to identify the appropriate time and location for enforcement. Council officers would inspect Blue Badges they believe to be misused, they would seize the badge and the motorist would later be questioned under caution by the Enforcement Team.

Details of these operations would be recorded and results published to improve public perception on the Council's performance on this issue. Doncaster Council will run at least 6 proactive operations per year.

Customer Services will actively seek return of expired and cancelled badges these include badges from relatives of deceased persons. The council will also proactively look at data extracted from the BBIS (Blue Badge Information Service) system and the CRM. (DMBC - Customer Relations Management) Initially systems will be configured so that reports can be generated to understand the nature and scale of the problem, a number of actions will be put in place to address these issues. However, publicity around blue badge misuse and enforcement actions taken by the Council should act as a deterrent against the use of these badges.

## **Publicity**

In order to meet the objectives of the enforcement activity, i.e. addressing disabled people's concerns and reducing fraud at the expense of the public purse, it is essential to promote the enforcement activity through appropriate channels, including the Council's website and local print media, which is an indication of both how important the issue is and how relatively rare it is for enforcement to be undertaken.

Communications teams will be made aware of operations and enforcement results.

## **Legislation**

The following legislation is relevant to enforcement against Blue Badge Fraud:

- Road Traffic Regulations Act 1984 s115 – s117 (for misused badges).
- Disabled Persons' Parking Badges Act 2013.
- Traffic Management Act 2004.
- Chronically Sick and Disabled Persons Act 1970 s21(4b).
- Fraud Act 2006 (ss1, 2, 6 and 11, and s3 of the Forgery and Counterfeiting Act 1981, for counterfeit badges).
- Theft Act 2006 (s1 and 22, for stolen badges).
- The Disabled Persons (Badges for Motor Vehicles) Regulations 2000.

Section 94 of the Traffic Management Act 2004 serves as an amendment to s21 of the Chronically Sick and Disabled Persons Act 1970. Under the terms of the act, Police officers, traffic wardens and civil enforcement officers have the power to inspect Blue Badges from anyone getting into or out of a vehicle displaying a badge. It is a criminal offence for anyone to fail (without reasonable excuse) to provide the badge for inspection.

## **Costs of undertaking enforcement action**

While this work is clearly of benefit to disabled people and certainly in the public interest, it can be expensive. This is partly because cost recovery isn't always possible. Departments within DMBC undertaking this work therefore need to identify appropriate resources to cover costs, and offset these against the goodwill and public interest benefits, as opposed to expecting a correlation between enforcement action and income.

# **Doncaster Council - Blue Badge Enforcement Policy**

## **1. Introduction**

The introduction of the Disabled Person Parking Badges Act 2013 has seen local authorities handed new powers in relation to the inspection, retention and cancellation of disabled persons parking badges (blue badges). This policy will outline how Doncaster Council will apply these powers in carrying out their enforcement activities.

## **2. Enforcement Officers**

Officers authorised by Doncaster Council will carry out inspections at the roadside, these officers may be in uniform or in 'plain clothes'. On approaching a member of the public these officers will produce a photographic identification card. They can work any hours and in any area within the county. Their enforcement activity will centre on vehicles displaying disabled badges parked in an area where other vehicles would not be allowed, or for longer than other vehicles would be allowed to stay.

## **3. Inspection**

An enforcement officer may require any person that is in a vehicle, or appears to have been in or about to get into a vehicle displaying a blue badge to produce the badge for inspection. Failure to comply with this without reasonable excuse is an offence under section 94 Traffic Management Act 2004.

The enforcement officer will establish, at the roadside, that the badge is valid and that the badge holder is using the badge for the journey to or from the location where the vehicle is parked. They will do this by questioning the person(s) with the vehicle, making background enquires with the parking office and making notes of conversations and details. The parking office may make further enquires using the information provided by the enforcement officer by accessing the BBIS system (a nationwide disabled badge database). Using this system they may access personal details of the badge holder including name, address, and date of birth. They may also be able to establish a telephone number, where the badge holder may be telephoned to establish their whereabouts if not present with the vehicle.

## **4. Retention of blue badges by enforcement officers**

Where an enforcement officer has established reasonable grounds that a badge is invalid or being misused it may be retained by that officer. A badge is considered to be invalid if it is fake, has been cancelled or should have been returned to the issuing authority (i.e. because it has expired or is no longer needed). The enforcement officer will make a record of the retention in their pocket book and the circumstances surrounding it. The person with the vehicle using the badge will be asked for their details and these will be recorded, they may be used for future reference or prosecutions, this includes the enforcement officers and parking office staff.

## **5. Issuing a Penalty Charge Notice**

A Penalty Charge Notice may also be issued to the vehicle if it is established that the badge is not being used legitimately. Any PCN issued will be treated separately to the offences related to the misuse/fraud of a disabled badge and can be paid or challenged using the appropriate channels.



## **6. Returning the badge to the rightful holder**

In circumstances where the badge has been retained by an enforcement officer because reasonable grounds were established to consider that it was being misused the badge will be returned to the issuing authority who will then return it to the rightful holder. Doncaster Councils enforcement team will send the badge and all the details to the blue badge team for their attention. The circumstances surrounding the retention of the badge will be recorded onto the BBIS system. Appropriate enforcement action will be taken by considering the facts of the each individual case. Sanctions can include, the issuing , written warning, simple cautions and prosecution. Prosecutions are usually undertaken where it is in the public interest to do so, these would include:

- cases of fraud,
- where previous warnings had been issued,
- where badges belonging to a deceased person are misused,
- where a disabled person has been deprived of the use of a badge or
- where badges have been misused for repeated monetary gain.

## **7. Destroying a blue badge**

In circumstances where the badge has been retained by an enforcement officer because the badge is (as described in section 4) invalid, Doncaster Council may destroy the badge. The enforcement team will return the badge to the blue badge team for disposal.

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