

## Lancashire County Council

### Blue Badge Policy

#### 1. Introduction

- 1.1 The Blue Badge (Disabled Person's Parking) Scheme was introduced in 1971 under Section 21 of the Chronically Sick and Disabled Persons Act 1970 ('the 1970 Act').
- 1.2 The aim of the scheme is to help disabled people with **severe mobility problems** to access goods and service, by allowing them to **park close** to their destination. The scheme is open to eligible disabled people irrespective of whether they are travelling as a driver or passenger.
- 1.3 The Blue Badge scheme provides a range of parking concessions for people with severe mobility problems. The scheme operates throughout the UK and is recognised within the European Union.
- 1.4 The Department for Transport (DfT) is responsible for the legislation that sets out the framework for the Blue Badge scheme and issues non-statutory guidance in order to share good practice.
- 1.5 The DfT cannot intervene in the case of individual applications or eligibility decisions.
- 1.6 Lancashire County Council is responsible for the day-to-day administration of the scheme. It is the responsibility of Lancashire County Council to ensure that badges are only issued to residents who satisfy one or more of the eligibility criteria set out in the legislation that governs the scheme. Under no circumstances should anyone who does not satisfy at least one of the criteria receive a badge.
- 1.7 The Blue Badge Improvement Service is the central database, online application system and single secure print service for badges used by all local authorities in England. It is provided by Northgate Public Services.

#### 2. Eligibility

- 2.1 The Blue Badge Scheme has two definitions of eligibility, 'without further assessment' (previously known as 'Automatic') and 'subject to further assessment' (previously known as 'Discretionary').
- 2.2 'Without further assessment' (previously known as 'Automatic')

In order to qualify for a Blue Badge automatically, an application must meet one or more of the following criteria, where the applicant is more than two years old and fall within one of the following descriptions:

- Receives the Higher Rate of the Mobility Component of the Disability Living Allowance (HRMCDLA).
- Receives 8 points or more under the "moving around" activity of the mobility component of Personal Independence Payment (PIP).
- Is registered blind (severely sight impaired).
- Receives a War Pensioner's Mobility Supplement (WPMS).
- Has been both awarded a lump sum benefit at tariffs 1-8 of the Armed Forces Compensation Scheme and certified as having a permanent and substantial disability which causes inability to walk or very considerable difficulty in walking.

2.3 'Subject to further assessment' (previously known as 'Discretionary')

In order to qualify for a badge after further assessment, an applicant must be more than two years old and:

- Have a **permanent** and **substantial** disability that causes **inability** to walk or **very considerable difficulty** in walking.

2.4 In all cases, entitlement depends on the applicant's difficulty in walking, and considerations such as difficulty in carrying parcels or luggage are not taken into account.

2.5 Applicants will need to demonstrate that their ability to walk is affected to the extent that they would be **unable to access goods and services** unless allowed to park close to shops, public buildings and other facilities.

2.6 People with a behavioural or psychological disorder will not normally qualify under this criterion unless their impairment causes very considerable difficulty in walking **all the time**.

2.7 This **excludes temporary limitations** of mobility, such as a broken leg.

2.8 If the applicant believes that they meet the above criterion they must also expect that the health problem or disability which impairs their mobility is expected to be **permanent**.

2.9 In addition, children under the age of three may be eligible for a badge if they fall within one or both of the following descriptions:

- A child who, on account of a condition, must **always** be accompanied by bulky medical equipment which cannot be carried around with the child without great difficulty.
- A child who, on account of a condition, must **always** be kept near a motor vehicle so that, if necessary, treatment for that condition can be given in the vehicle or the child can be taken quickly in the vehicle to a place where such treatment can be given.

2.10 A person may also be entitled subject to further assessment if:

- They drive a vehicle regularly, have a severe disability in both arms, and are unable to operate all or some types of parking meter (or would find it very difficult to operate them).

2.11 To qualify for a badge under this criterion applicants will usually be expected to drive a vehicle with adapted steering on account of a severe disability in both arms (for example, double limb amputation). Alternatively applicants may have a disability that is just as severe (such as thalidomide in both upper limbs) but drive a conventional vehicle.

2.12 It is the responsibility of the Council to interpret and apply the above criterion fairly for the citizens of Lancashire.

2.13 Under no circumstances must a badge be issued to an applicant who does not meet one of the eligibility criteria set out in the legislation which governs the scheme. Badges must never be issued to people **solely on the basis of their age**.

2.14 An applicant may be referred for an Independent Mobility Assessment to determine eligibility.

### 3. Organisational Blue Badges

3.1 An organisational badge may be issued to an organisation for use in a motor vehicle or vehicles when the vehicle or vehicles are to be used to carry disabled people who would themselves be eligible for a badge as specified in Section 4(2) of the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000.

3.2 An 'organisation' is defined in the 2000 Regulations 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.

3.3 Lancashire County Council will check whether the organisation in question:

- **Cares for and transports** disabled people who would themselves meet one or more of the eligibility criteria for an individual Blue Badge; and

- Has a clear need for an organisational badge rather than using the individual Blue Badges of people it is transporting.
- 3.4 Lancashire County Council considers that **taxi or private hire operators** would not be eligible for an organisational Blue Badge as they are not usually concerned with the care of disabled people who would meet one or more of the eligibility criteria for a badge. Such operators are, of course, able to use an individual's Blue Badge when carrying that person as a passenger.
- 3.5 This same criteria applies to vehicles owned by the council which are used to carry out the functions of a taxi or private hire operator.
- 3.6 Applications for badges from organisations caring for disabled people will 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. Common examples of organisations that may be eligible include residential care homes, hospices or local authority social services departments and community transport operators that transport groups of people who would meet the eligibility criteria for an individual Blue Badge.
- 3.7 In order to help determine eligibility of applications, Lancashire County Council will ask the applicant organisations:
- About the number of qualifying disabled people being cared for.
  - About the type of vehicle(s) being used to carry them, whether it is adapted and how.
  - Why the organisation feels they need an organisational badge rather than using individual Blue Badges of people in their care.
  - How often the badge is likely to be used and for what purpose.
- 3.8 Organisations must care for a **minimum of six eligible people** in order to be considered for an organisational badge.
- 3.9 Organisations must have a contract in place to care for their eligible disabled customer for a period of at least three years in order to be considered for an organisational badge.
- 3.10 All employees of the organisation who will be using the badge will be reminded that they must only use the badge for the purposes of transporting disabled people who meet one or more of the eligibility criteria for a badge. These employees will be reminded that if they use the badge to take advantage of the concessions when there are no passengers in the vehicle who are themselves eligible for a badge they could face a fine of up to £1,000.

## **4. Application Methods**

- 4.1 The Blue Badge Improvement Service provides the national online application facility through Gov.uk. Applicants can apply for a Blue Badge at: [www.gov.uk/apply-blue-badge](http://www.gov.uk/apply-blue-badge)
- 4.2 Lancashire County Council has developed a 'How to Apply' Guide to help guide applicants through the online application process. This can be accessed at [www.lancashire.gov.uk/parking](http://www.lancashire.gov.uk/parking) and by following the 'Blue Badge' links.
- 4.3 Computers with free internet access or Wi-Fi facilities are provided at a range of Lancashire County Council sites and other community venues.
- 4.4 For applicants who cannot reasonably be expected to apply online, assistance can be provided to applicants over the telephone by contacting the Customer Access Service Blue Badge Helpline.
- 4.5 For applicants who cannot reasonably be expected to complete the online application and telephone assistance would not be appropriate, paper applications can be accepted in exceptional circumstances. The paper application form is based on the DfT's model application form.
- 4.6 Applicants are asked to provide detailed information about their disability and mobility difficulties at the initial application stage. Applicants must answer all questions as fully as possible in order to aid the council's decision making process.

## **5. Fees**

- 5.1 Lancashire County Council charges an administration fee of £10 for the issue of Blue Badges. This includes all applications, regardless of whether the applicant has held a Blue Badge previously.
- 5.2 Only successful applicants will be asked to pay the badge issue fee
- 5.3 Replacement Badges are also charged an administration fee of £10. This includes lost, stolen or damaged Blue Badges.
- 5.4 This £10 fee will be waived if a crime reference number can be provided with regards to stolen Badges.
- 5.5 All replacement Badges will be re-issued with the same expiry date of the stolen, lost or damaged badge.

## 6. Evidence and Photographs

- 6.1 Applicants must provide any supporting documents required in order for their application to be processed (i.e. to prove identity, residency and eligibility).
- 6.2 Customers are advised **not to submit original documentation**. Lancashire County Council cannot guarantee that original documentation will be returned to the applicant.
- 6.3 An applicant's residency status will be verified using one of the following documents, provided that they are dated within the last 12 months:
- Council Tax bill.
  - Bank statement.
  - Benefit award letter from the Department for Work and Pensions (DWP).
  - A letter from a school confirming that a child attends there, if under the age of 16.
- 6.4 An applicant's identity will be verified using one of the following documents:
- Passport.
  - Valid Photo card Driving Licence.
  - Birth certificate.
- 6.5 Blue Badges include a digitally scanned, passport-style photograph.
- 6.6 Applicants can upload a digital photograph onto the online application form.
- 6.7 People who are unable to access photographs can provide a suitable photograph taken by other means which meets the passport-style standard.
- 6.8 The only circumstance in which a photograph of the badge holder does not have to be displayed in the badge is in the case of an eligible disabled person with a terminal illness if Lancashire County Council is satisfied that life expectancy of that person is less than six months.

## 7. Procedures

- 7.1 All applications are treated as 'new' applications and are assessed on the same basis regardless of whether the applicant has previously held a Blue Badge.
- 7.2 All Blue Badges are processed, printed and posted through the Blue Badge Improvement Service web-based system.
- 7.3 An application is only considered to be completed once all required supporting documentation, a suitable photograph and an application form has been received by Lancashire County Council.

- 7.4 The normal period of issue for a Blue Badge is three years, unless it is linked to a shorter award under the Higher Rate of the Mobility Component of the Disability Living Allowance (HMRCDLA). Badges issued to children under the age of three are issued until the child's third birthday.
- 7.5 Lancashire County Council has a fast-track application process in place for people who have a terminal illness that seriously limits their mobility, in order to make the final weeks of their life easier.
- 7.6 The applicant's GP and anyone else who has been involved in the applicant's ongoing care and treatment are precluded from determining an applicant's eligibility.
- 7.7 Lancashire County Council may make use of factual information from an applicant's GP or from other medical professionals regarding an applicant's condition(s) and treatment(s) as evidence to support the eligibility decision making process.
- 7.8 An applicant may be referred for an Independent Mobility Assessment to determine eligibility.
- 7.9 Individuals must not be in receipt of more than one valid Blue Badge at any time. **Lancashire County Council reserves the right to refuse, withdraw or re-issue a Blue Badge where abuse or misuse is reasonably suspected.**

## **8. Timescales**

- 8.1 The council aims to process Blue Badge applications within **28 days** of a completed application being received.
- 8.2 If further information or evidence is requested and no response is received within 28 days, the application will be deemed defective and will not be processed any further.

## **9. Returning Badges**

- 9.1 Badges that are no longer required must be returned to the Blue Badge Service.
- 9.2 If badges for which a replacement has been provided are subsequently found or recovered, the original badge must be returned to Lancashire County Council so that it can be destroyed.
- 9.3 Damaged badges must also be returned to Lancashire County Council to be officially destroyed.
- 9.4 When a Blue Badge holder dies, the badge must be immediately returned to Lancashire County Council as per regulation 9(1) of the 2000 Regulations.

## **10. Unsuccessful Applications**

10.1 Under regulation 8 of the 2000 Regulations (SI 2000/No 682) (as amended (SI 2011/2675)), Lancashire County Council will refuse to issue a Blue Badge if:

- The applicant holds or has held a badge and misuse has led to a conviction for an offence defined in regulations 2(3) and 2(4).
- The applicant fails to provide the local authority with adequate evidence of their eligibility, either as an individual or as an eligible organisation.
- The applicant fails to pay the fee chargeable for the issue of a badge.
- Lancashire County Council has reasonable grounds for believing that the applicant (i) is not the person they are claiming to be, or (ii) would permit another person to whom the badge was not issued to use the badge.
- The applicant fails to provide evidence of residency.

10.2 Lancashire County Council will let the applicant know in writing why their application was refused.

## **11. Requesting a Review of the Decision**

11.1 Applicants have the right to request a review of the decision not to issue them with a badge, within 28 days of the date of the decision letter. All requests will normally be dealt with within 28 days of receipt. The request must be made in writing to the Blue Badge Supervisor and detail:

- Why it is felt that the decision is wrong.
- Why the applicant needs a badge, including how often and for what purposes the badge would be used.
- Confirmation of the applicant's disability and symptoms from a medical professional.

11.2 If, following a request for review, the applicant's application for a blue badge remains unsuccessful this decision will be final.

11.3 No further application can be made for a period of three months following the final decision, unless the individual's mobility changes significantly during that period of time.

## **12. Complaints**

12.1 If a customer is unhappy about the way in which their application has been handled, or the way in which a member of staff has behaved, they can submit a complaint by following the council's complaint process, details of which can be found at: <http://www.lancashire.gov.uk/council/get-involved/compliments-comments-complaints.aspx>



- 12.2 In addition to the council's own procedure, if the customer feels that they have suffered an injustice because of maladministration, the Local Government Ombudsman may investigate on their behalf.
- 12.3 The Ombudsman will generally expect the council to have been given an opportunity to investigate and respond to the complaint in the first place, and may refer the complaint back to the Local Authority in the first instance.