

Norfolk Parking Partnership Joint Committee

Report title:	Norfolk County Council Enforcement Policy (Blue Badge Protocol) and Enforcement Guidance Manual Update
Date of meeting:	4 October 2018
Responsible Chief Officer:	Tom McCabe – Executive Director of Community and Environmental Services
Strategic impact The Norfolk County Council Enforcement Policy has recently been reviewed to reflect changes in legislation and guidance. Blue Badge fraud and misuse investigation forms part of our enforcement activity and as such a new protocol has been developed to reflect this. The Norfolk Parking Partnership Enforcement Guidance Manual has been reviewed and updated to follow changes in legislation and operational guidance. These reviews ensure we operate a best practice service and maintain our strong customer focus ethos.	

Executive summary

While originally based on the Trading Standards Enforcement Policy the current Policy now covers a much wider range of enforcement activity across the Community and Environment Service. It represents the work of Trading Standards, Planning, Highways (Blue Badge) and Norfolk Fire & Rescue Service.

Previously, where necessary, detailed plans for each service area have been developed that support the main Policy.

As part of the Enforcement Policy review a detailed plan has been developed which outlines the Blue Badge investigation protocol. This is to ensure we carry out fair and robust investigations that accord with all current legislation and guidance.

The Norfolk Parking Partnership Enforcement Guidance Manual is regularly reviewed to ensure we follow changes in legislation, best practice and the strategic objectives of the Norfolk Parking Partnership. Updates this year are to reflect changes in legislation around the enforcement of school keep clear markings, operational enforcement of dropped kerbs and clarification of the dispensation and waivers scheme.

Recommendations:

- 1. That the Joint Committee endorses the Blue Badge investigation protocol as set out in Appendix A.**
- 2. That the Joint Committee notes the changes to the operational guidance document especially in relation to enforcement of school keep clear markings (A full version of the document is attached as appendix B.).**
- 3. That the Joint Committee agrees to a further separate report on enforcement of school keep clear markings to fully explore the issue at the next committee meeting.**

1. Proposal (or options)

1.1 Blue Badge Enforcement Protocol

- 1.1.1 The Blue Badge investigation service area has been operational for approximately 2 years and in this time has been successful in bringing forward various forms of sanction against those who have misused the blue badge scheme. It has been well received by both Blue Badge users, and the wider travelling public.
- 1.1.2 In this period the investigative procedure has been refined as experience of every new case widens our knowledge base.
- 1.1.3 The Protocol as set out in Appendix A has been established to support Blue Badge Investigations and forms part of the Norfolk County Council Enforcement Policy.
- 1.1.4 It sets out how potential offences are identified, and how we publicise enforcement results. It outlines the investigation process and how those who are suspected of an offence may provide a defence or mitigating information. The types of disposal available to us are outlined together with legislation we use in the prosecution process.

Recommendation: To endorse the Blue Badge investigation protocol as set out in Appendix A.

1.2 Norfolk Parking Partnership Enforcement Guidance Manual

- 1.2.1 The Guidance Manual is regularly reviewed to ensure that we take note of changes in legislation and operational practice. This provides a robust framework in which to operate proportionate, fair and impartial enforcement activity.
- 1.2.2 Updates in this revision (see Appendix B) make numerous minor changes to wording to improve clarity for the reader.
- 1.2.3 It clarifies that 'cross border' working is undertaken between District Council areas.
- 1.2.4 It makes changes to the wording around the dispensation and waivers scheme, clarifying when dispensations apply and which vehicles are within its scope.
- 1.2.5 Making it clear when and how enforcement takes place against vehicles parking across accesses (private driveways).
- 1.2.6 Following the recent revision of the *Traffic Signs Regulations and General Directions 2016* (TSRGD), clarification has been received from NPLaw about the enforcement of School Keep Clear road markings. The previous requirement was to have a Traffic Regulation Order (TRO) to back these markings and make them

enforceable. This has been removed and now for enforcement to take place the signs and lines have only to be of the specified type.

Recommendation: To note the changes to the operational guidance document especially in relation to enforcement of school keep clear markings (A full version of the document is attached as Appendix B).

- 1.2.7 Many schools in Norfolk have these road markings but only a few have a TRO to back them. Further, the geographic spread of schools in the County means that enforcement would likely be difficult or sporadic.
- 1.2.8 The NPP is asked to recognise that there could be an increased expectation of enforcement around schools.

Recommendation: To agree that a further, more detailed report examining the issue, financial implications and potential enforcement solutions should be brought to a subsequent NPP Committee meeting as part of the wider review of parking management.

2. Evidence

- 2.1 Compliance with the Norfolk County Council Enforcement Policy and the Blue Badge Protocol will ensure we strive to undertake fair, impartial, objective decisions that result in proportionate sanctions. It will ensure that the service we deliver takes account of equality issues and understands barriers faced by protected groups.
- 2.2 Review, and publication of operational guidance shows we follow best practice and that we are adaptable to change.
- 2.3 An up to date operational guide shows we are fair, proportional and transparent when it comes to enforcement actions.

3. Financial Implications

- 3.1 There are no financial implications in adopting a specific Blue Badge Investigation protocol.
- 3.2 There are no financial implications in updating the operational guidance.
- 3.3 However, there may be financial implications in relation to the enforcement of school keep clear markings. An increase in staff resource time to meet expectations but not necessarily an increase in Penalty Charge Notices (PCN) to offset this cost. At the present time this is not a service area that the NPP could

take on. This should be fully investigated as part of a wider review of parking management.

4. Issues, risks and innovation

- 4.1 The risk in not adopting and endorsing the Blue Badge protocol would be that our investigation process is not as robust and that our actions could be more open to challenge resulting in fewer successful prosecutions undermining the investigation process.
- 4.2 Keeping operational guidance up to date is best practice and not doing so could result in successful challenges to Penalty Charge Notices (PCNs) or offences going unsanctioned due to lack of appropriate guidance.
- 4.3 The operational guidance document is published which, together with other information on the Norfolk County Council website enables drivers to park appropriately without breaking the law.
- 4.4 The operational guidance is followed by all enforcing members of the NPP to ensure fairness and equality of enforcement practice. Those members are consulted as part of the document development.
- 4.5 NPP enforcement managers are given the opportunity to comment on the changes and request appropriate inclusions.

5. Background

- 5.1 Norfolk County Council has in place a robust enforcement policy that informs the public of what to expect in relation to enforcement action that the authority may carry out. This is the overarching umbrella under which Blue Badge Enforcement resides.
- 5.2 It was originally developed for Trading Standards as they undertook the majority of enforcement actions. However, the range of enforcement areas is now much broader encompassing the work of Trading Standards, Norfolk Fire and Rescue, Planning, and Highways.
- 5.3 Each of these service areas has its own protocol or detailed plan. To reflect the inclusion of Blue Badge misuse and fraud offences and ensure robustness in the work of the Blue Badge investigations team a specific protocol has been developed.
- 5.4 The Norfolk County Council Enforcement Policy ensures that enforcement activity is delivered in an equitable, practical and consistent manner. This is in line with the principles of good enforcement as set out in the Legislative and Regulatory Reform Act 2006.

5.5 CPE was introduced in Norfolk in November 2011 and the Guidance Manual developed to coincide. The final version was released in March 2013, it was subsequently revised in June 2015 and again in October 2016.

Officer Contact

If you have any questions about matters contained or want to see copies of any assessments, eg equality impact assessment, please get in touch with:

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