

Norfolk County Council

Record of Individual Cabinet Member Decision

Responsible Cabinet Member: Cllr Dewsbury (Cabinet Member for Communities & Partnerships)

Background and Purpose:

A robust and fair Blue Badge (Disabled Person's Parking) scheme contributes directly to the priorities laid out in the council's strategic plan, Better Together for Norfolk. It helps disabled people live healthy, fulfilling and independent lives and be part of a strong, engaged and inclusive community.

Introduced in 1971 under Section 21 of the Chronically Sick and Disabled Persons Act 1970, the scheme was initially designed to ensure those with physical disabilities and less able to take public transport or walk longer distances could park closer to their destination.

In the biggest overhaul to the scheme since its introduction, it was extended on 30 August 2019 to those with non-visible ('hidden') disabilities such as autism and mental health conditions, which could impact mobility and ability to access everyday facilities. This change and the media coverage around it generated heightened interest, confusion and myths about eligibility criteria plus additional complexity in terms of scheme administration.

To provide a framework for ensuring an equitable and consistent approach to running the scheme, the council developed the Blue Badge Policy and this was approved by Cabinet in February 2020.

The policy is designed to ensure badges are only issued to those who meet the criteria so limited disabled parking remains available for those that need it. To this end, the fundamental principle underpinning the council's approach is to assess applications against the national guidelines published by the Department for Transport (DfT) and require applicants to provide evidence where they do not meet the standards for automatic eligibility without further assessment.

Decision:

To agree proposed changes to the policy as set out in Appendix 1 of the attached report

Is it a key decision? No

Is it subject to call-in? Yes

If Yes – the deadline for call-in is: 4pm Friday 23 September 2022

Impact of the Decision:

See attached report.

Evidence and reason for the decision:

See attached report.

Alternative options considered and rejected:

See attached report.

Financial, Resource or other implications considered:

See attached report.

Record of any conflict of interest:

None.

Background documents:

[February 2020 Cabinet paper](#)

[Infrastructure and Development Select Committee Agenda 13 July 2022](#)

Date of Decision: 13/09/22

Publication Date of Decision: 15/09/22

Signed by Cabinet Member:

I confirm that I have made the decision set out above, for the reasons also set out.

Signed:



Print name: Cllr Margaret Dewsbury

Date: 13/09/2022

Accompanying documents:

- See attached report.

Once you have completed your internal department clearance process and obtained agreement of the Cabinet Member, send your completed decision notice together with the report and green form to committees@norfolk.gov.uk

Individual Cabinet Member Decision Report

Item No:

Report Title: Blue Badge Policy

Date of Meeting: N/A

Responsible Cabinet Member: Cllr Margaret Dewsbury (Cabinet Member for Communities & Partnerships)

Responsible Director: Tom McCabe (Executive Director, Community and Environmental Services)

Executive Summary

The council's policy for determining eligibility, managing appeals and enforcement activity relating to the Blue Badge (Disabled Person's Parking) was approved by Cabinet in February 2020 and is due for review.

The fundamental principle underpinning the policy is to assess applications against the national guidelines published by the Department for Transport (DfT) and require applicants to provide evidence where they do not meet the standards for automatic eligibility without further assessment. This is designed to ensure the council issues badges in a fair, equitable and consistent way only to those meeting the criteria and that limited disabled parking remains available for those who need it.

The scheme is administered by a small, specialist customer facing team in Customer Services, currently with support from Occupational Therapists from Adult Social Care. Enforcement activity is managed by Highways with legal process provided by Trading Standards, in line with the CES Enforcement Policy approved annually by Members

No material changes are proposed to this policy, though updates are recommended to reflect:

- the desk-based assessment of medical evidence provided by the applicant wherever possible to reduce the need for face-to-face mobility assessments to determine eligibility, a practice initially adopted during the pandemic, and which has proved beneficial for customers and the council alike
- the extended use of qualified assessors (i.e., occupational therapists or physiotherapists) to support mobility assessments where they are needed, easing the demand on the previously used Adult Social Care Occupational Therapy function and ensuring quicker turnaround times for customers
- terminology changes which clarify or keep the policy in sync with national guidelines

Applications are now processed in an average of 12 working days - the DfT quote an indicative 12 weeks (60 working days). For cases where it is necessary to conduct a mobility assessment, Norfolk's average processing time is 26 days. Around 75% of people who apply for a badge are issued with one. The remaining 25% are not, either because the application does not meet the criteria or was never concluded (e.g., the applicant did not provide the evidence requested).

Recommendation:

- 1. To agree proposed changes to the policy as set out in Appendix 1**

1. Background and Purpose

- 1.1 A robust and fair Blue Badge (Disabled Person's Parking) scheme contributes directly to the priorities laid out in the council's strategic plan, Better Together for Norfolk. It helps disabled people live healthy, fulfilling and independent lives and be part of a strong, engaged and inclusive community.
- 1.2 Introduced in 1971 under Section 21 of the Chronically Sick and Disabled Persons Act 1970, the scheme was initially designed to ensure those with physical disabilities and less able to take public transport or walk longer distances could park closer to their destination.
- 1.3 In the biggest overhaul to the scheme since its introduction, it was extended on 30 August 2019 to those with non-visible ('hidden') disabilities such as autism and mental health conditions, which could impact mobility and ability to access everyday facilities. This change and the media coverage around it generated heightened interest, confusion and myths about eligibility criteria plus additional complexity in terms of scheme administration.
- 1.4 To provide a framework for ensuring an equitable and consistent approach to running the scheme, the council developed the Blue Badge Policy and this was approved by Cabinet in February 2020.
- 1.5 The policy is designed to ensure badges are only issued to those who meet the criteria so limited disabled parking remains available for those that need it. To this end, the fundamental principle underpinning the council's approach is to assess applications against the national guidelines published by the Department for Transport (DfT) and require applicants to provide evidence where they do not meet the standards for automatic eligibility without further assessment.

2. Proposal

- 2.1 No material changes are proposed to the policy previously approved by Cabinet at this review, the principles outlined at Section 1.5 remain unchanged
- 2.2 Changes are proposed to the policy to reflect:
 - 2.2.1 the use of desk-based assessments wherever possible to reduce the need for face-to-face mobility assessments to determine eligibility, a practice initially adopted during the pandemic, and which has proved beneficial for customers and the council alike
 - 2.2.2 the use of alternative suitably qualified assessors to support mobility assessments where they are needed, easing the demand on the Adult Social Care Occupational Therapy function and ensuring quicker turnaround times for customers
 - 2.2.3 terminology changes which clarify or keep the policy in sync with national guidelines
- 2.3 The full policy document is included with this report at Appendix 1 with changes highlighted for ease of reference.

3. Impact of the Proposal

- 3.1 Norfolk County Council's approach to managing the Blue Badge scheme is designed to achieve fairness and equality and work against the existence of a 'postcode lottery'. It is also designed to ensure disabled parking spaces are available for those who need them.

4. Evidence and Reasons for Decision

- 4.1 This policy is considered to be the most effective way for the council to fulfil its statutory obligation and ensure a scheme which is fair and equitable for the residents of Norfolk and consistent with national standards.

5. Alternative Options

- 5.1 An alternative option would be to relax eligibility criteria and issue badges to applicants not meeting the guidelines published by the DfT, or without evidence. However, there is a need for consistency at a local and national level which this policy delivers, at the same time as enabling a standard approach to enforcement.

6. Financial Implications

- 6.1 There are no financial implications arising directly from the council's policy contained in this report.

7. Resource Implications

7.1 There are no staffing implications arising directly from the council's policy contained in this report.

7.2 Property:

There are no property implications arising from this report.

7.3 IT:

There are no IT implications arising from this report. Norfolk County Council uses a third-party case management system designed specifically for Blue Badge applications and which delivers a standardised approach through automated logic and workflows, enabling efficiencies which help manage financial and resourcing implications and also deliver high standards of customer service.

8. Other Implications

8.1 Legal Implications:

Legal implications and considerations are highlighted throughout the report and policy by reference to relevant statute and regulations.

8.2 Human Rights Implications:

Management of human rights implications is implicit through the council's adherence to legislation, plus recognised national guidance and regulations.

8.3 Equality Impact Assessment (EqIA) (this must be included):

The policy is designed to provide fairness and equity for disabled people eligible for a Blue Badge and to prevent and deter deliberate and perceived misuse. The scheme will ensure residents have access to clear, inclusive and consistent information about who is and is not eligible for a blue badge, the reasons for this and how to appeal a decision.

A high number of applications are made online, so work routinely takes place to review the accessibility of web design. There is information to explain to people what to do if they need help applying.

Disabled people have highlighted that a robust system for managing blue badges during issue, use, renewal and expiry is essential, to deter and prevent deliberate and perceived misuse. Doing this effectively greatly improves the scheme and inclusion for people eligible for blue badges. The misuse of blue badges has a highly detrimental impact on disabled people, as it prevents those eligible from accessing disabled parking and being able to use local services and amenities. The policy takes steps to address this.

When the scheme was extended in 2019 to those with non-visible ('hidden') disabilities such as autism and mental health conditions there was concern

amongst disabled people this may mean a significant increase in the number of people using blue badges which would exceed the number of disabled parking bays available. If a blue badge holder journeys to park in a specific disabled bay and find it is already taken, unlike a non-disabled person, they cannot simply park further away and it could mean they have to return home. Whilst application numbers have increased, this has not emerged as an issue and this policy helps mitigate the risk.

8.4 Data Protection Impact Assessments (DPIA):

DPIAs are in place to ensure appropriate information and data management protocols are in place relating to third party arrangements for the supply of case management software and independent assessment services.

8.5 Health and Safety implications (where appropriate):

There are no health and safety implications arising from this report.

8.6 Sustainability implications (where appropriate):

There are no sustainability implications arising from this report.

8.7 Any Other Implications:

There are no other implications arising from this report.

9. Risk Implications / Assessment

9.1 No significant risks are identified relating to the continued implementation of the policy.

9.2 There is a risk of not being able to meet local and national service standard targets for the turnaround of applications which require a face-to-face mobility assessment, if third party qualified assessors are not used. This would result in unacceptable delays for customers.

10. Select Committee Comments

10.1 The proposal was discussed and endorsed at Infrastructure and Development Committee on 13 July 2022.

10.2 The Committee also noted the intention to review the policy at least every four years, with reviews before then if there were any changes to the national guidelines or other significant operational learning changes that may be beneficial.

11. Recommendation

- 1. To agree proposed changes to the policy as set out in Appendix 1**

12. Background Papers

12.1 [February 2020 Cabinet paper](#)

12.2 [Infrastructure and Development Select Committee Agenda 13 July 2022](#)

Officer Contact

If you have any questions about matters contained within this paper, please get in touch with:

Officer name: Michelle Carter

Telephone no.: 01603 222506

Email: michelle.carter2@norfolk.gov.uk



If you need this report in large print, audio, braille, alternative format or in a different language please contact 0344 800 8020 or 0344 800 8011 (textphone) and we will do our best to help.

Appendix 1



Norfolk County Council

Blue Badge Policy

Community and Environmental Services



If you need this report in large print, audio, braille, alternative format or in a different language please contact 0344 800 8020 or 0344 800 8011 (textphone) and we will do our best to help.

Formatted: Header

Contents	Page
Introduction	3
Assessing applications and determining eligibility	3
Renewals Reapplications	5
Reviews and appeals	5
Lost, stolen and replacement badges	6
Enforcement	6
References	7

Commented [CM1]: Wording update in line with national guidance

1. Introduction

- 1.0 This document confirms Norfolk County Council's policy for determining eligibility, managing appeals and enforcement activity in connection with the Blue Badge (Disabled Person's Parking) scheme.
- 1.1 These activities are carried out by the Community and Environmental Services (CES) Directorate of Norfolk County Council, by a dedicated team in Customer Services who administer applications with support from ~~Occupational Therapists from Adult Social Care~~ suitably qualified Expert Assessors and by Highways who manage enforcement with legal process provided by Trading Standards.
- 1.2 The purpose of the policy is to uphold high standards and consistency in the application of eligibility criteria and provide a framework to ensure Blue Badges are issued and enforced in a way which is fair, equitable and consistent for the residents of Norfolk as a whole and reflects the national criteria. It aims to ensure those meeting the eligibility criteria can fully enjoy the benefits and that disabled parking spaces are available for those that need them most.
- 1.3 To inform this policy, and to encourage as consistent an approach as possible nationally, Norfolk County Council liaises closely with other local authorities in England via participation in national calibration exercises, attendance at conferences and use of Department for Transport (DfT) resources.
- 1.4 This policy is subject to ~~annual review and approval. (The impact every 4 years, or in light of any changes to the policy, including national guidelines or the application administration of the new non-visible ('hidden') disability criteria and resulting impact on enforcement activity, will be monitored and reviewed in 12 months time).~~ scheme.

Commented [CM2]: Update to reflect extended use of qualified assessors outside of adult social care Occupational Therapy resources

Commented [CM3]: Previously annual review

2. Assessing applications and determining eligibility

- 2.0 To ensure badges are only issued to those meeting the criteria and that limited available disabled parking remains available for those that need it, Norfolk County Council will assess applications against the published national guidelines issued by the Department for Transport (DfT) (see 7.1).
- 2.1 Applicants who meet the DfT's automatic criteria (known as 'not for further assessment') will be issued with a badge. A full list of the automatic criteria can be found in Section 4.4 of the DfT guidelines. These applicants must evidence their eligibility and provide the statutory documents such as proof of identity, address ~~and a~~ photograph ~~and payment of the appropriate fee~~.
- 2.2 In line with criteria laid down for local authorities, badges will be issued for a period of 3 years, unless the ~~application~~ applicant is in receipt of an automatically qualifying benefit where the duration is less than 3 years, (in

Commented [CM4]: Clarification that a fee is payable

Commented [CM5]: Replaced 'application' with 'applicant'

Formatted: Header

which case the expiry date of the badge will match the benefit award). There is no provision to issue temporary badges (e.g. for a temporary mobility issue such as a broken leg or during a recovery period).

- 2.3 Applicants in receipt of Personal Independence Payment (PIP) (see 7.2) scoring 10 points with descriptor E under 'planning and following a journey' (unable to undertake any journey because it would cause overwhelming psychological distress) will be assessed as automatically eligible in line with the new automatic criterion introduced by the DfT.

Commented [CM6]: Update to keep wording in line with national guidelines

- 2.4 Applicants who receive 10 points under "planning and following a journey" with a different descriptor, or 12 points under this category will not be automatically eligible (again in line with DfT guidelines). These applicants must provide a full application and corresponding evidence for further assessment (see 2.6) and some who have held Blue Badges for many years due to automatic eligibility under DLA (see 7.3), will be found not eligible based on their mobility assessment under PIP.

Commented [CM7]: Update to keep wording in line with national guidelines

- 2.5 Applicants not meeting the automatic criteria (known as 'with further assessment') are required to complete a full application form and provide medical evidence to support their application. In the case of non-visible ('hidden') disabilities, this The evidence must be from a specialist (as defined by section 4.3 of the DfT's Blue Badge Scheme Local Authority Guidance (see 7.1)), rather than a GP. Other information held by Norfolk County Council about the application applicant may be checked and used to determine eligibility. This would generally include social care records or previous Blue Badge applications. For example, if an applicant has had an assessment with an Occupational Therapist recently, which details their mobility, this information will be used to make a decision.

Commented [CM8]: Wording clarified so it is clear this requirement is for all applicants and not just for those with non-visible disabilities, in line with national guidance

Commented [CM9]: Replaced application with applicant

- 2.6 If following their desk-based assessment, the decision making officer is unable to reach a decision, the case will be passed to a suitably qualified Occupational Therapist for assessment. If the Occupational Therapist is unable Expert Assessor to reach conduct a decision on the basis of the application, the applicant will be invited for a telephone or face to face mobility assessment to determine eligibility. However, these kinds of mobility assessments may not be appropriate for applicants who are able to walk but who experience, during the course of a journey, another considerable difficulty whilst walking or pose a risk of serious harm to themselves or others. Face to face assessments will not be used for applicants applying under the non-visible ('hidden') disability criteria and for whom this would create additional distress or risk.

Commented [CM10]: clarification

Commented [CM11]: Updated to reflect extended use of qualified assessors outside Adult Social Care Occupational Therapy function and the introduction of telephone assessments

- 2.7 All successful applicants (apart from those that meet the Armed Forces Covenant) must pay £10.00 toward the cost of their blue badge (this is the maximum allowed in England by the DfT and is to cover some of the cost of administration).

Commented [CM12]: Update to clarify the reason for the charge

- 2.8 The final decision on eligibility is for the issuing authority to make, drawing on the information provided, and where applicable, the expertise purveyed by the expert assessor. The DfT has no power to intervene in decisions in individual cases.
- 2.9 Each application will be considered solely on its merits in relation to the scheme eligibility criteria, regardless of condition.
- 2.10 All applicants assessed as eligible will be issued with a copy of "The Blue Badge Scheme: rights and responsibilities in England" booklet when they are issued a badge (see 7.4).

1. Renewals

3. Reapplications

Commented [CM13]: Replaced 'renewals' with 'reapplications' in line with national guidance

- 3.1 All applicants will need to reapply for a new blue badge before their current badge expires. The applicant will be required to complete a full application and provide all requested documentary evidence so their status in relation to ongoing eligibility for a badge can be assessed.

3.2 In the absence of any set guidance ~~on renewals~~ and to make ~~this the~~ reapplication process as straightforward as possible for applicants, previous records will be reviewed to see how the applicant was initially assessed ~~and~~ whether the assessor recommended the need for re-assessment upon reapplying ~~or. Some cases (for example those where the badge holder suffers an ongoing degenerative condition) may be marked the applicant as 'not for further assessment' and in effect automatically renewed.~~

Commented [CM14]: Removed reference to renewals in line with national guidance

Commented [CM15]: Replaced 'this' with 'the'

Commented [CM16]: Replaced 'renewal' with 'reapplication' in line with national guidance

Commented [CM17]: Wording updated to remove example (ongoing degenerative condition) as this has caused confusion in some cases

4 Reviews and appeals

4.1 Unsuccessful applicants can request a review of the decision. Reviews will be conducted ~~by a panel independently of qualified Occupational Therapists the~~ initial decision maker or expert assessor.

Commented [CM18]: Updated to reflect extended use of qualified assessors outside the Occupational Therapy resources in Adult Social Care

Formatted: Font: 12.5 pt

4.24.1 There is no statutory requirement to operate an appeal process but as an additional safeguard, if following review an applicant is found not eligible, they may appeal the decision. Appeals will be carried out by the Contact Centre Delivery Manager and the Blue Badge & Processing Team Manager (Customer Services). In some circumstances the applicant may be asked to provide further information to support their initial application ~~or be asked to attend a mobility assessment.~~

Formatted: List Paragraph, Indent: Left: 1.16 cm, Right: 0.84 cm, Space Before: 0 pt, Line spacing: Multiple 1.08 li, Outline numbered + Level: 2 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm, Tab stops: 1.8 cm, Left + 1.8 cm, Left

Commented [CM19]: Clarifies full name of the team running the service

Commented [CM20]: Clarifies that a mobility assessment may be required

- 5 If after appeal an applicant is still not determined as eligible, they can make an official complaint, and then contact the Local Government Ombudsman (LGO). The LGO does not have the power to overturn decisions, only to investigate the process. Eligibility decisions can only be made by the relevant officer. Elected members may wish to support individuals in their applications, reviews or appeals, but there is no

Commented [CM21]: Update to clarify support may also be relevant for applications, for completeness

scope for elected members to be part of the formal decision-making process.

5.1 Lost, stolen and replacement badges

5.2 Holders of blue badges issued by Norfolk County Council which are lost or stolen must report this to the council and will be asked to complete a declaration form.

5.3 On receipt of a declaration, the badge will be cancelled on the national blue badge database and subsequent use will constitute misuse.

5.4 Applicants wishing to change the details on their badge (for example, the photograph or name) will also be asked to complete a declaration ~~form~~ and provide relevant documentary evidence.

Commented [CM22]: Removed form

5.5 Replacement badges, including those issued to replace lost or stolen badges and also to change details, will be subject to a £10 fee unless the need for replacement was caused by the authority (for example due to an administrative error).

5.6 Badges with less than 6 weeks to run before expiry will not be replaced and the badge holder will be asked to apply for a new badge

5.7 Badges which have been declared lost or stolen and replaced but which are subsequently recovered or found should be returned to the authority. No refund will be issued.

6.0 Enforcement

6.1 Consistency in the provision of enforcement is enabled by consistent application of eligibility criteria when badges are issued

6.2 Enforcement is conducted in accordance with:

6.2.1 Chapter 7 of the DfT document "The Blue Badge Scheme Local Authority Guidance (England)". This guidance was updated in September 2019 to accommodate enforcement for the new non-visible ('hidden') disabilities, and

6.2.2 the CES Enforcement Policy and its Annex 5: Blue Badge Enforcement Protocol, which are reviewed and approved by Members on an annual basis, most recently in December 2019 (see 7.5).

6.3 The Blue Badge enforcement officer's role includes, as part of on-street enforcement, education on use of the blue badge by blue badge holders, ensuring they understand the rights and responsibilities of the scheme, and relevant highways legislation (see 7.1). All badge holders are provided with "The Blue Badge Scheme: Rights and Responsibilities" booklet (last updated in 2017)

when they are issued with a badge (see 7.4).

6.4 The Blue Badge Enforcement Officer will share intelligence with the Blue Badge team if there are doubts on a holder's eligibility, which will then be investigated by the Blue Badge issuing team, usually by means of ~~face-to-face~~ mobility assessment.

Commented [CM23]: Replaced 'face to face' assessment with 'mobility assessment' as this will now be conducted via phone wherever possible

6.5 Enforcement for mis-use of a blue badge includes enforcement against the driver of a vehicle who may not be the blue badge holder using the badge inappropriately, with or without the holder's permission. Where such enforcement is undertaken, the badge-holder (or their parent/guardian if they are under 18) will be reminded that continued allowance of mis-use could result in withdrawal of the badge.

6.6 Data collected during enforcement will be stored in accordance with the requirements of the General Data Protection Regulation (EU) 2016/679, the Data Protection Law Enforcement Directive (EU) 2016/680 and the Data Protection Act 2018.

6.7 Results of enforcement action undertaken are published on the Norfolk County Council website and enforcement data is provided during the annual review.

7.0 References

~~1.1~~ ~~[Blue Badge scheme local authority guidance \(England\)](#)~~

~~7.1~~ ~~[Blue Badge scheme local authority guidance \(England\)](#)~~

Commented [CM24]: Link updated

~~7.17.2~~ ~~[Disability Living Allowance \(DLA\) for adults](#)~~

~~7.27.3~~ ~~[Personal Independence Payment \(PIP\)](#)~~

~~7.37.4~~ ~~[The Blue Badge scheme: rights and responsibilities in England](#)~~

~~7.47.5~~ ~~[CES Enforcement Policy](#)~~ [CES Enforcement Policy](#)