

Nottingham City Council – Community Protection

Disabled Blue Badge Compliance Policy



Contents

Introduction	1
Application	2
How to use a Blue Badge	3
Misuse and abuse enforcement	4
Index	5

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Effective Date: August 2018

1. The Blue Badge Scheme

The Blue Badge (Disabled Persons' Parking) Scheme was introduced in 1971 under Section 21 of the Chronically Sick and Disabled Persons Act 1970.

The aim of the scheme is to help disabled people with severe mobility problems to access goods and services and take an active part in their community 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 as a passenger.

The scheme provides a national range of on-street parking concessions to Blue Badge holders.

Nottingham City Council, Community Protection in partnership with Nottinghamshire Police and other Authorities and organisations, is actively enforcing disabled Blue Badge misuse and abuse across Nottingham City.

There are over 9000 badges on issue in Nottingham City.

The substantial value of a badge is contributing to both increasing demand and the incentive to commit fraud and abuse. The misuse of Blue Badges undermines the benefits of the scheme, impacts upon local traffic management and creates hostility amongst other badge holders and members of the public.

Abuse is happening at all points in the system from the initial application, through to requests for replacements, to on-street usage. For this reason, it is vital that both issuing teams and enforcement teams are alert to criminal or fraudulent behaviour and attempt to prevent fraud and abuse before it happens.

Robust, ongoing administration and enforcement processes can help counter more systematic abuse of the Blue Badge scheme. Issuing authorities and parking enforcement teams both have a role to play in ensuring that the scheme's rules are obeyed.



2. Application

Eligibility

Eligible without further assessment:

People who may be issued with a badge without further assessment are those who are more than two years old and fall within one or more 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
- 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



Eligible subject to further assessment:

People who may be issued with a badge after further assessment are those who are more than two years old and fall within one or more of the following descriptions:

- Drives a vehicle regularly, has a severe disability in both arms and is unable to operate, or has considerable difficulty in operating, all or some types of parking meter
- Has a permanent and substantial disability that causes inability to walk or very considerable difficulty in walking

In addition, children under the age of three may be eligible for a badge if they fall within either 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

Organisations

An organisational Blue Badge can be issued to certain organisations for use in a motor vehicle (or vehicles) when that vehicle (or vehicles) is to be used to transport disabled people who would qualify for a Blue Badge in their own right.

Badges will only be issued to organisations that both care for and transport disabled people who would themselves be eligible for an individual Blue Badge.

It is the responsibility of the organisation to ensure that its employees use the badge properly.

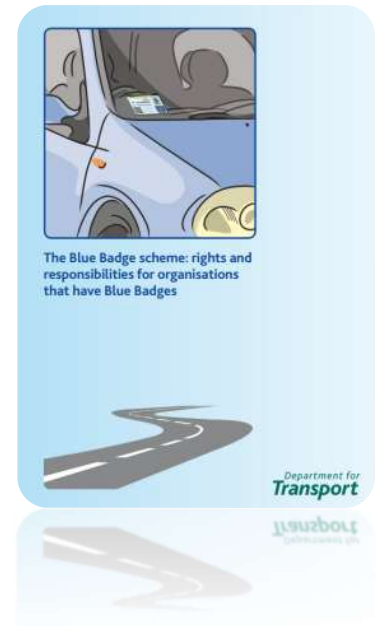
The badge and its concessions can only be used by employees of the organisation for the purpose of transporting disabled people who would themselves be eligible for an individual Blue Badge.

Employees must never use the badge for their own benefit or use it, for example, to carry out errands for the organisation. The badge can only be displayed when disabled people in the care of the organisation are being transported.

All employees of the organisation who are responsible for transporting disabled people should be made aware of the rules of the scheme so that they do not unknowingly misuse the badge.

The badge should only be displayed when eligible disabled people are being dropped off at or picked up from the place where the vehicle is parked by an employee of the organisation. The badge should not be displayed at other times.

The rules regarding the use of an organisational badge are the same as an individual badge.



How to apply for a badge

To apply for a new Blue Badge or to renew an existing Blue Badge a citizen can either print out the application form using the PDF document available online or they can apply online using the approved government website. (www.gov.uk)

Alternatively a citizen can telephone Processing and Enforcement Services on 0115 8761966 and request an application to be sent to them.

Completed applications should be sent to Parking Regulation and Compliance Services, PO Box 10169, Nottingham, NG1 9HS.

There is an administration fee of £10.00.

Applicants must supply:

- A photocopy of the qualifying evidence for an automatic entitlement if applicable
- Proof of residency
- Two proofs of identification i.e. passport, driving license
- One recent passport-style/size photograph signed on the back (www.passport.service.gov.uk/help/photo-rules)
- A cheque/postal order for £10.00 made payable to Nottingham City Council (non-refundable)

Applying on Behalf of Someone Else

A citizen can apply on behalf of a person with a disability if they are a parent or guardian of a child up to the age of 16 years or helping someone who has difficulty writing, for example due to poor eyesight or poor co-ordination. However all sections of the form should be completed with the name and details of the person who qualifies for the badge, NOT the person applying on their behalf.

If the application is for a child under the age of 12 years, the signature can be provided by their parent or guardian. In all other cases the named applicant must sign the form and photographs.

The image shows a screenshot of the 'Blue Badge Scheme of Parking Concessions for Disabled and Severely Sight Impaired People' application form. The form is titled 'THE BLUE BADGE SCHEME OF PARKING CONCESSIONS FOR DISABLED AND SEVERELY SIGHT IMPAIRED PEOPLE' and is for 'NOTTINGHAM CITY RESIDENTS ONLY'. It includes a header with the Nottingham City Council logo and contact information. The form is divided into sections, with 'SECTION 1 - Personal Details' being the first. It contains various fields for personal information such as name, title, date of birth, gender, national insurance number, and current address. There are also checkboxes for 'Re-application ONLY' and 'New Application'. The form is presented as a PDF document with a blue header and footer.

This is a close-up screenshot of the 'SECTION 1 - Personal Details' part of the application form. It includes fields for 'Surname', 'Title (Mr, Mrs, Miss, Ms)', 'Forename(s)', 'Date of Birth (DD/MM/YYYY)', 'Sex (Male/Female)', 'National Insurance Number', and 'Current Address'. There are also fields for 'Town of Birth' and 'Country of Birth'. The form is presented as a PDF document with a blue header and footer.

Replacement Badges

Badges are issued for a maximum of three years. A reminder will be sent 3 months before the badge expires.

Where badges are reported lost by badge holders, the Authority will request a lost property reference, issued by the Police. A declaration document must be returned with payment. If a lost badge is subsequently found, following the issue of a replacement, the Authority must be notified.

Where a lost badge is found and used following the issue of a replacement, any penalty charge notices received will be upheld if challenged. See enforcement for more information.

Where badges are subsequently reported as stolen by badge holders, the Authority will request the badge holder to provide a crime investigation reference, issued by the Police). A badge holder is less likely to falsely claim a badge has been stolen if required to formally report this to the Police.

If a badge is damaged and become illegible it should be replaced. A charge of £10 will be required if damage has been caused by improper use such as using incorrect storage wallets.

Errors

If a badge is issued and it is later found that there is an error with the details, the Authority will determine if this error is caused by application or an administration error.

If it is found that the error was caused by incorrect details during the application stage, a charge of £10 may be requested when the badge is returned.

There will be no charge if the error is found to be the fault of Nottingham City Council.

Charges

	Administration charge
Application	£10
Renewal application after previous expired	£10
Replacement - Lost	£10
Replacement – Stolen	£10
Replacement - Damaged	£10
Replacement – Incorrect details (application error)	£10
Replacement – Incorrect details (Authority error)	£0

Reapplying for a badge

An application to renew the badge should be made some weeks before it expires.

An expired badge should not be used.

Returning the badge

The badge must be returned securely to the Local Authority if

- the badge has expired;
- medical condition or mobility improves and the holder is no longer eligible;
- a replacement badge has been issued for one that is lost or stolen and the original is found/recovered (then the original badge must be returned);
- the badge becomes damaged or faded and is illegible;
- the badge is no longer required, for example should the holder be confined to the house;
- the organisation has ceased to exist;
- the organisation no longer cares for individuals who would qualify for a Blue Badge in their own right;
- the badge ceases to be required by the organisation.

Please note that the badge should be returned to the issuing Authority on the death of the badge holder.

A badge holder should always tell Local Authority if circumstances change, such as when the badge is nearing expiry; the badge is lost, stolen or damaged; change of address; or name changes (e.g. by marriage, civil partnership, deed poll)

3. Using a valid Blue Badge

Who can use the badge?

The badge is for the use and benefit of the badge holder only. It must only be displayed if they are travelling in the vehicle as a driver or passenger, or if someone is collecting or dropping them off and needs to park at the place where they are being collected or dropped.

The badge is not to be used to allow other people to do something on behalf of the badge holder, such as shopping or collecting something.

The badge must never be given to friends or family to allow them to park for free, even if they are visiting the holder.

The badge should not be used to allow non-disabled people to take advantage of the benefits while the badge holder sits in the car.

It is a criminal offence to misuse a badge. This includes people other than the badge holder taking advantage of the parking concessions provided under the scheme.

How to display the badge

When using the parking concessions the badge must be displayed on the dashboard or fascia panel, where it can be clearly read through the front windscreen. If there is no dashboard or fascia panel in the vehicle, the badge must still be displayed in a place where it can be clearly read from outside the vehicle.

The front of the badge should face upwards, showing the hologram. The side showing the photograph should not be visible through the windscreen.

Users must ensure that the details on the front of the badge remain legible. If they become unreadable through fading or wear and tear, the badge must be returned to the Local Authority so they can issue a new one.

Displaying a badge that is illegible may result in a parking fine.

Visually impaired people need to ensure that people displaying the badge or clock on their behalf understand how to display them correctly.

Incorrect display of the badge may result in a Penalty Charge Notice.



The parking clock

When parking on yellow lines or in other places where there is a time restriction, there is a need to display the blue parking clock to show the time of arrival.

The clock should be sent to together with the Blue Badge. If not, a clock may be obtained from the same Authority that issued the badge.

If there is a need to use a parking clock, it must be displayed on the vehicle's dashboard or facia panel, so that the time can be seen clearly through the front windscreen. The clock should be set to show the quarter hour period during which the vehicle was parked. If there is no dashboard or facia panel in the vehicle, it must still be displayed with the clock in a place where it can be clearly read from outside the vehicle.

Where can the Blue Badge be used?

Yellow lines

Badge holders may park on single or double yellow lines for up to three hours but in general not where there are restrictions on loading or unloading – indicated by yellow kerb dashes and/or signs on plates (see below).

Holders are not entitled to park on yellow lines in off-street car parks.

The blue parking clock must be displayed showing the quarter hour period when the vehicle was parked.

'On-street' Pay and Display – Pay by Phone

Badge holders may park for free and for as long as they need to. The Blue Badge must be displayed.



'On-street' disabled parking bays

Holders may park for free. Unless signs say otherwise, holders may park without time limit.

The Blue Badge must always be displayed (and the blue parking clock if the bay is time limited).



Always try to use these bays instead of parking on yellow lines.

'On-street' limited parking areas

Badge holders may park for free and for as long as they need to. The Blue Badge must be displayed.



'Off-street' car parks

Signs and information should be checked before parking.

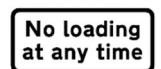
Broadmarsh East (Popham Street) Car Park, Sheriff's Lodge (Canal Street) Car Park, Nottingham Castle, Nottingham Arena, Curzon street and Sneinton Market Square allow four hours free. The blue clock must be set on arrival and additional time purchased.

Lace Market and Trinity Square car parks – normal tariffs apply

Further information: www.nottinghamcity.gov.uk/transport-parking-and-streets/parking-and-permits/city-centre-parking/car-parks/

Disabled badge holders are not allowed to park in;

- Any area where there is a loading restriction
- Bays designated for loading
- Residents parking bays and schemes. Badge holders must display a valid residential permit.
- Bus stops
- White zig zags
- Taxi bays
- An urban clearway within its hours of operation. Passengers may be picked up or dropped off but all parking is forbidden.



In addition, a badge holder must not park where it would endanger, inconvenience or obstruct pedestrians or other road users. Examples of dangerous or obstructive parking include the following, although there are others:

- school entrances
- bus stops
- on a bend, or near the brow of a hill or hump bridge;
- parking opposite or within 10 metres of a junction, except in an authorised parking space;
- where it would make the road narrow, such as by a traffic island or roadworks;
- where it would hold up traffic, such as in narrow stretches of road or blocking entrances;
- where emergency vehicles stop or go in and out, such as hospital entrances;
- where the kerb has been lowered or the road raised to help wheelchair users; and
- on a pavement, unless signs permit it.



For further information with regards to where a badge holder is able to use a Blue Badges, reference to the Department for Transport's Rights and Responsibilities booklet may be sought. Online link: www.gov.uk/government/uploads/system/uploads/attachment_data/file/443225/blue-badge-rights-responsibilities.PDF

Red Routes

A Red Route is a Clearway where a vehicle cannot stop. Unlike an Urban Clearway, a red route prohibition not only applies to the carriageway but also to the footway and verge, and does not include any signed and marked lay-by or bay.

Unlike yellow lines, disabled blue badge holders must not park on a red route (except in a signed bay that is in operation). A driver of a vehicle displaying a blue badge can stop to pick up or set down a disabled person only, but they must not wait for them to turn up.



When visiting other Local Authority areas please check the restrictions in place as these may be different.

4. Misuse and abuse enforcement

Although the scheme began as a way of improving access for disabled people, the substantial monetary value of a Badge in some areas is contributing to both increasing demand and the incentive to abuse the scheme and commit fraud. The misuse of Blue Badges undermines the benefits of the scheme, impacts upon local traffic management and creates hostility amongst other badge holders and members of the public.

Those who abuse the Blue Badge scheme may find it easy to convince themselves that no one really suffers as a consequence of the abuse, or that it is acceptable because 'everyone does it'.

Working together with other local authorities and ensuring issuing and enforcing authorities work together effectively can help to maximise resources, share skills and intelligence and ensure that the abuse is not simply moved to the neighbouring Local Authority area.

Ensuring all successful applicants are properly informed, and understand, what they can and cannot do with a badge (and when/how it should be returned to the issuing Authority) is likely to reduce the chances of accidental misuse occurring and avoid disputes.

The badge is supplied with a copy of the DfT's guidance leaflet 'The Blue Badge scheme: rights and responsibilities in England'.

The Authority has produced free information leaflets informing local badge holders of where they can park and conditions of use to help badge holders to use the badge correctly.

Offenders can be prosecuted and face a fine of up to £1,000 on conviction. Badges can also be withdrawn after a relevant conviction.



Types of abuse and misuse

Badges can be abused in a multitude of ways and it is important that we remain vigilant at all stages of the issuing and enforcing process. The following illustrates several ways in which badges can be misused, from minor to more serious transgressions:

By the badge holder

- Use of a badge that is no longer valid
- Use of a badge that has been reported as 'lost' or 'stolen'
- Letting a friend or relative use the badge
- Use of a copied badge
- Altering the details on the badge, for example, the expiry date
- Making a fraudulent application (e.g. providing false information on the application form) or

- using a badge obtained fraudulently.

By a third party:

- Using someone else's badge
- Using a badge belonging to someone who has died
- Copying, altering or faking badges
- Using a stolen badge
- Using a fake badge

We shall consider ways of preventing abuse and misuse at the outset. Ensuring that only eligible people receive badges and that independent mobility assessments are used where eligibility is unclear.

As part of this process, the Authority will carry out checks on the applicant's identity and address to confirm that they are who they say they are and that they are a resident in the Local Authority area. Seeking a signed declaration of these facts from the applicant will also support subsequent enforcement action by the Authority where it is later found that the applicant has supplied false information.

Obtaining a declaration that the badge holder will not allow someone else to use a badge that has been issued to them may stop badge holders from doing so, by removing the excuse of ignorance.

It is not illegal for the badge holder, or a person waiting with them, to wait in the car while the concessions are being used. However, the practice of a badge holder staying in the vehicle and allowing non-disabled people travelling with them to have the benefit of the parking concessions is one that the DfT wish to discourage as this can lead to the scheme being discredited.

Inspecting and retaining badges

Under section 21(4BA) of the Chronically Sick and Disabled Persons Act 1970, an officer can approach a person in a vehicle displaying a Blue Badge (or a person who appears to have been in or to be about to get into, the vehicle) and require them to produce the badge for inspection.

Typically this would be done to check the detailed information and the photograph of the badge holder on the back of the badge, in order to verify whether the badge is being used by the correct person.

A person who without reasonable excuse fails to produce a badge when required to do so shall be guilty of an offence under section 21 (4BD) of the Act and liable to a fine not exceeding £1000.



The Disabled Persons' Parking Badges Act 2013 enables Enforcement Officers to inspect and if necessary retain a badge if they have reasonable grounds for believing that the badge:

- a) is a fake; or
- b) has already been cancelled e.g. because it was reported lost or stolen; or
- c) should have been returned to the issuing Authority (e.g. because it has expired, the holder has died, the holder is no longer eligible, a replacement has been issued, the badge has become damaged/faded, the Authority has written to the holder requesting return of the badge either following a relevant conviction for misuse or because it was obtained by false representation); or
- d) is being misused (by someone other than the holder when the genuine holder is not involved in the journey).

The Authority expects Enforcement Officers to take appropriate steps to establish "reasonable grounds" for retaining the badge. The Authority has procedures for Enforcement Officers to follow which include checking the database; contacting the appropriate department to establish further details of the badge/badge holder; or interviewing the person using the badge at the roadside.

The Authority expects Enforcement Officers to establish that the disabled badge holder is not part of the journey before it is retained. Even if they are not present, the badge holder may have been dropped at that place or may be being picked up from that place.

When a badge is retained in scenarios (a)-(c) above, the Authority will destroy it in due course, as it would no longer be valid.

When a valid badge is retained under (d) above it will normally be returned to the holder. Nottingham City Council will return a badge with correspondence describing what has happened and outlining possible further action. All correspondence will be sent recorded mail or hand delivered and signed for.

Officers will not use force when attempting to retain a badge.

A badge can only be permanently withdrawn from use if a relevant conviction for misuse or abuse has been obtained or if the badge was obtained by false representation. Therefore a valid badge retained because it is being misused is returned as soon as reasonably practicable to the holder. The act of returning the badge does not preclude the relevant Authority from prosecuting any offence that has been committed, if desired.

Authorised Officers

The definition of an Enforcement Officer is a person who is employed by the Local Authority or with whom the Authority has made arrangements for the purpose of inspecting and retaining badges. This may include a direct employee of the Local Authority or a contractor.

An officer does not need to be in uniform but they do need to be authorised by the Authority to carry out badge inspections and retentions. The Authority holds written documentary evidence of authorised officers and ensures that all officers carry their identification.

Nottingham City Council has its own training and procedures for Enforcement Officers employing their powers.

Whenever misuse or abuse of a badge is suspected, officers will deal with the badge holder or motorist in a sensitive manner. No assumptions or questions will be raised about why the individual has been issued with a badge, as this is not the officer's role. In addition, some disabilities may not be immediately visible.

The Blue Badge Improvement Service (BBIS) and the new badge design enable quicker and easier verification checks by Enforcement Officers. Officers are now able to use hand-held devices to check details of the badge and the badge holder at the roadside.

Authorised Enforcement Officers in Nottingham City may include:

- Compliance and Fraud Officer
- Processing and Enforcement Officers
- Civil Enforcement Officers
- Community Protection Officers
- Police Officers
- Police Community Support Officers
- Parking Services Officers (car parks)
- Workplace Parking Levy Officers
- Travel Officers (shop mobility etc)
- Security Officers

Uncovering abuse and gaining evidence

The most commonly reported forms of abuse tend to relate to misuse of the Blue Badge by the friends and family of the badge holder. Where this is a problem it is important that we are sure that misuse is taking place and have obtained sufficient evidence, especially if a prosecution is to be pursued. Ways we might do this include:

- we will phone the badge holder at home to establish if they are in fact there;
- we can choose to send an officer to the badge holder's home,
- officers may stay on hand to observe both the start and end of a journey to establish if the badge holder is present at any stage; and
- some officers will question the badge user at the roadside at the time of inspecting the badge.

Summary of action that can be taken

1. No further action (insufficient evidence)
2. Warning letter to offender and/or badge holder
3. Penalty Charge Notice
4. The badge may be seized
5. Removal of the vehicle
6. Withdrawal of the badge
7. Caution
8. Prosecution

Penalty Charge Notices

Valid Blue Badges must be clearly and properly displayed whilst the vehicle is parked. Failure to do so will result in a penalty being issued for contravention of the relevant parking restriction.

When considering any challenge / representation the Council will take into account previous contraventions when used in the same vehicle and / or badge holder for failure to correctly display a disabled badge.

Where no previous contravention has occurred, a challenge / representation for incorrectly displaying a valid badge may be accepted, providing proof of the existence of a valid badge is supplied (see table). In such circumstances the letter confirming acceptance of the challenge / representation will make it clear that this contravention will be taken into account when considering any future contravention and that this may lead to future representations being rejected.



However the City Council still retains the right to proceed with the contravention and refuse the challenge/representation on the first occasion if there are any other extenuating circumstances which occurred when the penalty was issued. This could include a safety risk, abuse of staff, misuse and abuse of the terms and conditions of the Blue Badges or failure to adhere to other parking restrictions.

Criteria that are followed when considering challenges/representations/appeals against the issuing of a penalty charge notice in respect of a Blue Badges

Scenario	Outcome
Disabled badge displayed with wheelchair symbol facing down	One chance
Disabled badge displayed on sun visor, but details not clear to Civil Enforcement Officer	One chance
Disabled badge originally displayed, but fell into foot well or seat and is visible on CEO checking vehicle. (provide valid copy or check our system)	One chance
Motorist admits they have forgot to display a valid badge	Uphold
Not displaying the disabled time clock when necessary	One chance
Displaying incorrect time	One chance
Displaying a badge that is not yet valid with no previous valid badge	Uphold
Displaying a badge that is not yet valid but holds a badge that is still valid	One chance
Illegible badge displayed	One chance
Badge has proven to be misused or abused	Uphold
Badge displayed is expired and holder does not have a valid Blue Badge	Uphold
Badge displayed is expired and holder does hold a valid Blue Badge	One chance
Badge is displayed where a vehicle is parked over a dropped kerb	Uphold
Badge is displayed where a vehicle would endanger, inconvenience or obstruct pedestrians or other road users.	Uphold
In all other instances i.e. overstaying 3 hours on double and single yellow lines without a loading ban, Residents Bay or Loading Bay.	Uphold

It is the responsibility of the holder of the Blue Badges to adhere to the conditions of use at all times.

Vehicle removal and seizing criteria regarding the use of a Blue Badge

Scenario	Action	Observation time before removal	Seize badge (on street or Pound)
Badge is fake or photocopied	Issue a PCN and Remove to the Pound	Instant	Yes
Badge details have been changed	Issue a PCN and Remove to the Pound	Instant	Yes
Badge has proven to be misused	Issue a PCN and Remove to the Pound	Instant	Yes
Badge has been cancelled	Issue a PCN and Remove to the Pound	Instant	Yes
Badge has expired (by more than six months)	Issue a PCN and (Remove to the Pound)	Instant	Yes
The badge is illegible	Issue a PCN	n/a	Yes (where appropriate)
The badge is incorrectly displayed	Issue a PCN	n/a	n/a
The badge is suspected of being misused	Further investigation required	n/a	n/a
The badge is being displayed where a vehicle would endanger, inconvenience or obstruct pedestrians or other road users.	Issue a PCN and relocate.	Relocate	n/a
Parking a disabled persons parking space with no valid badge displayed	Issue a PCN and Remove to the Pound	Instant	n/a

It is recommended that vehicles displaying a valid Blue Badge are only removed if there is an emergency, security or ceremonial reason, or the vehicle is causing a serious safety hazard or obstruction.

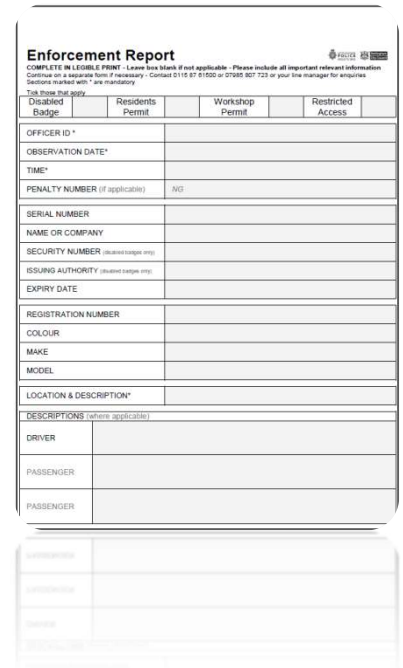
If removal of a vehicle displaying a Blue Badge is absolutely necessary and the driver cannot be found within a reasonable time, we may move the vehicle to a position nearby where it will not cause a hazard or obstruction.



Reporting misuse and abuse

What do Officers report?

- Refusal to produce a Blue Badge for inspection
- Abusive behaviour
- Expired badges
- Badges that have been displayed in a way that does not allow the serial number or expiry date to be read
- Badges that have been amended
- Copied or possible fake badges
- Illegible and damaged badges
- Badges in use but not yet valid
- Badges with detail errors
- Vehicles displaying a badge which is causing an obstruction
- Non EU badges
- Concerns about the use of a badge (e.g. observing a person leaving a vehicle that may not be the badge holder; previous records of misuse; reports of misuse and abuse from the public or any other concerns they may have regarding the use of a badge)



The image shows a form titled "Enforcement Report" with a header that reads "COMPLETE IN LEGIBLE PRINT - Leave box blank if not applicable - Please include all important relevant information. Continue on a separate form if necessary - Contact 0115 95 51000 or 0115 95 7222 or your line manager for enquiries. Sections marked with * are mandatory. The above shall apply." The form is divided into several sections: a top section with checkboxes for "Disabled Badge", "Residents Permit", "Workshop Permit", and "Restricted Access"; a section for "OFFICER ID *"; "OBSERVATION DATE*", "TIME*", and "PENALTY NUMBER (if applicable)" (with "N/A" entered); a section for "SERIAL NUMBER", "NAME OR COMPANY", "SECURITY NUMBER (where badge only)", "ISSUING AUTHORITY (where badge only)", and "EXPIRY DATE"; a section for "REGISTRATION NUMBER", "COLOUR", "MAKE", and "MODEL"; a section for "LOCATION & DESCRIPTION*"; and a "DESCRIPTIONS (where applicable)" section with rows for "DRIVER", "PASSENGER", and "PASSENGER".

Nottingham City Council welcomes reports of possible Blue Badge misuse from the general public. We will record and take action as appropriate.

Citizens can report any concerns to Authority by:

- Calling Processing and Enforcement on 0115 8761888
- They can email permits.compliance@nottinghamcity.gov.uk
- Complete a form online (www.nottinghamcity.gov.uk/transport-parking-and-streets/parking-and-permits/disabled-blue-badges/report-blue-badge-misuse-or-abuse/)
- Write to Permit Compliance, Processing and Enforcement Services, PO Box 10169, Nottingham, NG1 9HS
- They can speak with any Civil Enforcement, Community Protection Officer or other authorised Officer

Sanctions

In cases where an applicant makes a fraudulent application, it may be possible to prosecute the individual under section 2 of the Fraud Act 2006. This carries a penalty of a fine of up to £5,000 and/or up to 12 months imprisonment on summary conviction. If a badge has been issued, the Authority can require its return.

The following are actions that could be taken against a badge holder, who uses an expired badge, an illegible badge, a badge that was lost or stolen and for which a replacement has been issued, or a badge which they are no longer entitled to use:

- they could be issued with a Penalty Charge Notice for the parking contravention;
- the Authority could seize the badge
- they could be prosecuted and receive a fine of up to £1,000 on conviction under section 117 of the Road Traffic Regulation Act 1984
- Regulation 9 of the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 allows the badge to be withdrawn after a relevant conviction.

Where a badge holder simply parks in the wrong place or parks for too long with a valid badge, a Penalty Charge may be issued for any parking contravention.

In cases where a badge holder lets a third party use a badge, the issuing Local Authority can withdraw the badge but only after a relevant conviction has been obtained.

In such circumstances, a relevant conviction requires that the non-badge holder is using the badge with the holder's knowledge. This is often very difficult to prove, even when we know it is happening. However, whilst it may make it difficult to withdraw a badge that is being systematically abused by a friend or family member, the Authority may refuse to reissue a badge if it has reasonable grounds for believing that the applicant would permit another person to use it (Regulation 8(2)(d)(ii)).

The following are some of the actions that could be taken against a person using someone else's badge for their own benefit:

- they could be prosecuted and receive a fine of up to £1,000 on conviction under section 117 of the Road Traffic Regulation Act 1984;
- consideration could be given to prosecuting persistent offenders under the Fraud Act 2006;
- they could be issued with a Penalty Charge Notice for any parking contravention; and
- the Local Authority could seize the badge under section 21 (4D) of the Chronically Sick and Disabled Persons Act 1970.

For offences which involves either the badge holder or anyone else copying, altering or faking/forging a badge, the following legislation may be used, depending on the circumstances:

- the offender could be issued with a Penalty Charge Notice for any parking contravention.
- an offender can be prosecuted under section 117 of the Road Traffic Regulation Act 1984 and fined up to £1,000 if they are convicted of using a forged badge; and
- offenders can be prosecuted under section 115 of the Road Traffic Regulation Act 1984 and are liable on summary conviction to a fine of up to £5,000, and up to two years imprisonment on indictment;
- the Fraud Act 2006 and the Forgery and Counterfeiting Act 1981 may be used. These carry heavier penalties;

In the case of other offences:

- the Theft Act 1968 may be used to prosecute someone found guilty of stealing badges, handling stolen badges and/or using stolen badges;
- when a stolen badge is being used, section 329(1)(c) of the Proceeds of Crime Act 2002 may offer another means of obtaining a conviction;
- it is possible in certain circumstances for Courts to disqualify persistent offenders from driving for a period of time under section 146 of the Powers of Criminal Courts (Sentencing) Act 2000;
- there have been cases where people have attempted to sell badges through web-sites. The badge remains the legal property of the issuing Local Authority, so it is unlawful for someone else to sell a badge. We can take action to recover the goods and it may also be possible to prosecute the person offering the badge for sale. Where a badge holder might attempt to sell (or gift) a badge, it will be possible to withdraw the badge where the Authority is satisfied that the holder “purported to transfer the badge to another person”; and
- Section 11 of the Fraud Act 2006 (relating to obtaining services dishonestly) could be used when someone is seeking to fraudulently use a Blue Badge to gain parking concessions in an off-road parking area.

Withdrawing a Blue Badge

For the purposes of badge withdrawal, one relevant conviction is required.

A badge can be withdrawn for one successful prosecution of a badge holder or third party of:

- an offence under section 21(4B) of the Chronically Sick and Disabled Persons Act 1970 (this covers misuse of a real badge or use of a fake/altered badge while the vehicle is being driven); or
- an offence under sections 115 or 117 of the Road Traffic Regulation Act 1984 (this covers misuse of a real badge or use of a fake/altered badge when the vehicle is parked); or
- dishonesty or deception committed under any other UK legislation in relation to the badge

Where the offence prosecuted was committed by a third party using the holder's badge, the Authority will demonstrate that the holder knew the third party was using the badge, before it can be withdrawn.

Badges issued outside of the UK

The ECMT Resolution 97/4 has not been implemented in UK legislation yet and there are no plans to implement it at present therefore only badges issued by Countries in the EU are accepted.

Most Authorities will grant permission if contact is made before the visit. In Nottingham City we will permit a user of none EU badges when certain information has been provided.

A form is available online, which can be used by colleagues and citizens.

Link: www.nottinghamcity.gov.uk/transport-parking-and-streets/parking-and-permits/disabled-blue-badges/

Permitted EU Countries and Codes

Austria (AT), Belgium (BE), Bulgaria (BG), Croatia (HR), Cyprus (CY), Czech Republic (CZ), Denmark (DK), Estonia (EE), Finland (FI), France (FR), Germany (DE), Greece (EL), Hungary (HU), Ireland (IE), Italy (IT), Latvia (LV), Lithuania (LT), Luxembourg (LU), Malta (MT), Netherlands (NL), Poland (PL), Portugal (PT), Romania (RO), Slovakia (SK), Slovenia (SI), Spain (ES), Sweden (SE) and the United Kingdom (UK)

Partnerships

The Local Authority will work in partnership with other departments and organisations in order to administer and enforce misuse and abuse of the disabled Blue Badge scheme. These include:

- Civil Enforcement Officers (Community Protection Officers – Traffic)
- Community Protection Officers
- Police Officers and Police Community Support Officers
- Work Place Parking Levy
- Local Authority car parks and Park & Ride sites
- Other Local Authorities and agencies
- Processing & Enforcement Blue Badge team
- Nottingham University NHS Trust
- Nottingham Express Transit (NET)
- Social Services
- Legal services
- Marketing and communications

Media

Publicising the consequences for disabled people who are unable to park close to where they need to get, and publicising the potential consequences for offenders of misusing badges, can help reduce the number of offences.

Statistics

The Authority will provide statistics regarding enforcement when required.

2017

Reasons					
Amended	3	Cancelled – other	3	Misuse	140
Before Valid	62	Expired	219	Non EU	12
Cancelled – Lost	12	Fake	13	Refusal to produce	23
Cancelled – Deceased	30	Illegible (damaged etc)	12	Obstruction	23
Cancelled – Stolen	4	Lost & Found	4		

Sanctions					
Warning	151	Seized	253	Caution	30
Tow Away	15	Penalty Charge Notice	446		

5. Index

	Page
Abuse	
Applications	5
Authorised Officers	15
Car Parks	10
Charges	6
Clock	9
Contact	1
Eligibility	3
Errors	6
Inspecting badges	13
Introduction	2
Media	23
Misuse	12
Non EU or UK Badges	22
Organisations	4
Partnerships	23
Pay and display and Pay by phone	9
Penalty Charge Notices	16
Photographs	
Red Routes	11
Replacement badges	6
Reporting	19
Removals	18
Returning	7
Sanctions	20
Statistics	23
Withdrawing a badge	22
Yellow Lines	9

References

The Blue Badge scheme: rights and responsibilities in England 2015
The Blue Badge Scheme Local Authority Guidance (England) 2014
Nottingham City Council Parking Enforcement Policy 2016

