

Subject:	Blue Badge Fraud Investigation update		
Date of Meeting:	15th March 2016		
Report of:	Acting Executive Director Environment, Development & Housing		
Contact Officer:	Name:	Charles Field / Yvonne Harvey	Tel: 29-3329
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Ward(s) affected:	All		

FOR GENERAL RELEASE**1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 The purpose of this report is to provide an update on Blue Badge investigation following a successful joint funding bid with East Sussex County Council and Sussex Police.
- 1.2 The report also outlines possible ways forward to develop the service following the successes and national recognition this has received.

2. RECOMMENDATIONS:

- 2.1 That the Committee notes the update provided.
- 2.2 That the Committee notes the possible ways forward to develop the service outlined in para 6.2 and requests the Executive Director to investigate the possibilities and resources available during the current service redesign in Transport.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 The Audit Commission estimates that 20% of blue badges are misused and has estimated each misused Blue Badge costs the tax payer up to £5,000. There are currently just over 13,000 badges on issue by Brighton & Hove City Council: therefore, this would equate to potentially 2,600 misused Blue Badges in the city. Even at a more conservative value of £500 per Blue Badge, this would still represent a risk to the taxpayer of £1.3m. The Blue badge scheme is national and international, so there are 20-30,000 badges issued across the Counties of West & East Sussex as well as Brighton & Hove. As we get many visitors from the local and wider region the cost of fraud could be significantly higher.
- 3.2 Blue Badge misuse directly deprives entitled badge holders of their concessions and councils of parking income. Any surplus parking income is ring fenced to fund transport and travel related projects such as concessionary travel for the elderly, disabled and other qualifying individuals. Examples of misuse/fraud that we have detected;

- Use of a deceased person's badge.
 - Covering up or changing expiry date.
 - Photocopying a badge.
 - Using a valid badge belonging to friend/family to gain free parking with and sometimes without, the badge holder's knowledge.
 - Persistent misuse e.g. using someone else's badge to park for work every day.
 - Using counterfeit or stolen badges.
 - Making a fraudulent application.
- 3.3 A bid was put together in 2014 proposing the creation of a partnership between Brighton & Hove City Council, East Sussex County Council and Sussex Police. Blue Badge fraud would be tackled efficiently with set procedures promoting consistency. The two neighbouring Local Authorities experience significant Blue Badge use across the local authority borders and the joint working will enhance detection leading to better intelligence on offenders.
- 3.4 The joint proposal between Brighton and Hove, East Sussex and Sussex Police requested funding to tackle Blue Badge misuse, free up spaces for the genuinely disabled and to manage offenders in a proportionate and cost effective way. The bid aimed to educate the public about the correct use of Badges, the consequences of misuse through Police participation in high profile operations and other publicity. It was also important to change the public perception of blue badge misuse so that it is no longer seen as either acceptable or a victimless crime.
- 3.5 An application for a funding grant of £183,000 was made to employ two Blue Badge Fraud Investigation Officers and deal with the subsequent work such as enforcement, education and supporting the legal process.
- 3.6 The key innovation of the bid, which has not been tried anywhere else, is the introduction of Community Resolution Orders. It is a relatively new approach used by the Police in other areas (for example, in response to some speeding offences). Prior to our pilot, Community Resolution Orders had never been used as a response to Blue Badge misuse.
- 3.7 Community Resolution Orders (CRO) offer benefits over prosecution in many cases as they are a more proportionate response and do not result in a criminal record. The cost of delivering a CRO is much lower and the likelihood of re-offending has been shown to be 51% lower than other areas. The result is "restorative" rather than "punitive", which is in line with wider trends around conflict resolution to encourage more moderate and informal approaches before pursuing more bureaucratic and adversarial processes.
- 3.8 Community Resolution Orders are more effective than Warning Notices because whilst no criminal record is created, a Police record is made which means that any repeat offence would result in an automatic prosecution. In addition, offenders walk away with a much deeper understanding of both the purpose of Blue Badges and the impact of misuse.

- 3.9 The bid was successful and work began on Blue Badge Fraud Investigation in October 2014. The funding period allowed for 18 months until the end of March 2016.
- 3.10 Officers work across the two Local Authorities, promoting consistency and information sharing with Civil Enforcement Officers who are able to identify hot spots for misuse and act on intelligence from the public.
- 3.11 Sussex Police provide a supporting role where necessary and where serious criminality has occurred they are supplying match funding in the form of officer time. The organisations in this partnership have an excellent track record of working together on a range of projects of joint interest such as Operation Blue Bird and tackling Blue Badge thefts.
- 3.12 With the support of the Police offenders are required to attend a Council Office to watch an education video on the effects of depriving the disabled of their parking concessions. The Council have taken responsibility for arranging these and carried out any prosecutions that come as a refusal to participate in the offered resolution. It is felt that this is an excellent opportunity to deter future misuse and educate the offender that using Blue Badge parking concessions is not a victimless crime.
- 3.13 In addition to the day to day investigations, high profile joint operations branded 'Operation Bluebird' have been carried out between the local authorities Civil Enforcement Officers and the Police. The operations have focused on raising awareness that enforcement is carried out, deterring future misuse. The aim of Operation Bluebird is to free up parking spaces for the disabled by detecting those using the blue badge concessions illegally.
- 3.14 The overall level of Blue Badge misuse may also be reduced as a result of the high profile publicity campaign to raise the profile of Blue Badge misuse and awareness of the presence of blue badge inspectors on street. This has been combined with press releases of enforcement action taken against offenders.
- 3.15 To end of January 2016, the project has resulted in:
- 91 Blue Badges confiscated;
 - 97 Community Resolution Orders;
 - 45 prosecutions.
 - Total = **233 actions**
- The total estimated value of this intervention is therefore £116,500 (at an estimated £500 / badge)
- 3.16 An enforcement letter by the Blue Badge Improvement Service (BBIS) under the Department for Transport highlighted the work being undertaken by Brighton & Hove City Council, East Sussex County Council and Sussex Police (Appendix A)
- 3.17 The initiative was presented at the International Transport Forum in Leipzig on 28th May 2015 (Transport Innovation Deployment for Europe session).

- 3.18 Yvonne Harvey (Parking Services Team leader) presented a speech to the Parking World Conference at the Oval Cricket Ground on the 12th November 2015.
- 3.19 The project has also been shortlisted for two awards at the National Parking Awards in London on Friday 4th March 2016.
- 3.20 The intention is to make this type of enforcement easily transferrable to other Authorities by providing feedback at key stages. The partnership has been asked by the DfT to run local authority regional workshops on enforcement and also at the TEICCAF Local Government Lead & LAIOG annual conference both in April this year, with the aim of promoting best practice. These workshops will provide another useful platform to help promote and encourage more pro-active enforcement to help tackle misuse and abuse.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 The alternative to continuing to fund this initiative is not to.
- 4.2 Given the benefits to disabled drivers and financial savings which would be lost by discontinuing this activity, it is not recommended.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 We have surveyed 655 resident Blue Badge holders. 653 (99.7%) supported the initiative.
- 5.2 The main victims of Blue Badge misuse are disabled people who as a result are unable to use the limited number of bays available to them. Therefore, Disabled groups locally have contributed to the videos shown to offenders subject to a Community Resolution Order to allow them to express the impact this type of misuse has on their lives and giving them for the first time a voice in the enforcement process.

6. CONCLUSION

- 6.1 Overall the Blue Badge Fraud investigation pilot project has been a success. A structure is now in place to establish the initiative on an ongoing basis.
- 6.2 Currently work has focussed on Blue Badge misuse in Hove and only a small part of Brighton. Therefore, as part of the ongoing Transport Service Redesign, a case will be put forward for additional resource to extend the initiative:
- Increasing investigation into Blue Badge misuse throughout Brighton as well as Hove.
 - Start investigating fraud on the original Blue Badge application as well as usage on the street.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

The council was awarded £0.183m of the DCLG Counter Fraud Fund grant funding during the 2014-15 financial year following a joint funding bid with East Sussex County Council and Sussex Police. This grant has funded the cost of blue badge fraud investigation including enforcement, education and supporting with the legal process. It is anticipated that the grant will be fully spent by the end of the 2015-16 financial year.

It is anticipated that the cost of future enforcement and investigation could be funded from existing revenue budgets within the Parking service subject to available budget and an approved business case.

Finance Officer Consulted: Steven Bedford

Date: 15/02/16

Legal Implications:

- 7.1 Blue Badges are issued under s21 of the Chronically Sick and Disabled Persons Act 1970 which section also contains offences for the misuse of Blue Badges. Prosecutions can also be brought under the Fraud Act 2006 and under the Road Traffic Regulation Act 1984.

It is not considered that any adverse human rights implications arise from the recommendations in this report.

Lawyer Consulted: Hilary Woodward

Date: 10/02/16

Equalities Implications:

- 7.2 The success of the project has been of benefit to many road users including Blue Badge holders that may not otherwise been able to park in certain blue Badge bays or Paid spaces.

Sustainability Implications:

- 7.3 A focused campaign including both enforcement and publicity has provided the opportunity to change the public's perception of this fraud. Changing the behaviour and of a relatively small group of people provides substantial benefits to a much wider community of disabled persons. In addition the combination of actions will have a long lasting deterrent effect and will engage media interest in a very positive way.

Any Other Significant Implications:

- 7.4 There are no other significant implications.

SUPPORTING DOCUMENTATION

Appendices:

1. Appendix A – Blue Badge Improvement Service (BBIS) Enforcement Newsletter – Jan 2016.

Documents in Members' Rooms

1. None

Background Documents

1. None.