



Blue Badge Improvement Service (BBIS)

ENFORCEMENT NEWSLETTER

January 2016

Introduction

Welcome to the first Blue Badge Improvement Scheme (BBIS) Enforcement Newsletter! This Newsletter is for the people who work in local authorities administering and enforcing the Blue Badge scheme.

As you will be aware, the substantial monetary value of a Badge is contributing to the incentive to abuse the scheme and commit fraud. The misuse of Blue Badges undermines the benefits of the scheme, impacts upon the lives of disabled people, and costs local authorities money through the loss of parking revenue. Robust, ongoing enforcement processes can help counter more systematic abuse of the Blue Badge scheme.

The aim of this Newsletter is to showcase the great work some local authorities are doing to combat Blue Badge abuse. The Department fully

supports pro-active enforcement and we want to share your stories and best practice for effective enforcement so that all local and their residents can reap the rewards.

The Department for Transport (DfT) is eager to see the rate of enforcement amongst local authorities increase substantially. The primary aim of this Newsletter is on-street enforcement but we are also keen to use this as a platform to recognise the good work currently being undertaken by some local authorities to tackle blue badge fraud and abuse within their administrative area. If you have a policy on Blue Badge enforcement and are happy to share your experiences or successes with the Blue Badge community, please send an email to Vida Browne-Campbell at vida.browne-campbell@dft.gsi.gov.uk

To ensure a good level of communication is maintained with regards to the distribution of this Newsletter, please could you ensure that all relevant Blue Badge administrators and on-street enforcement teams/colleagues within your organisation receive a copy.

We will aim to publish every two months. This opening story has been provided by East Sussex County Council and Brighton and Hove City Council, for which we are most grateful. Both councils have jointly put in place a robust enforcement regime that is currently reaping rewards. Here is their tale.....

Joint Tackling of Blue Badge Misuse in East Sussex and Brighton & Hove

Blue Badge misuse has historically



been perceived as a victimless crime, this is absolutely not the case. When a disabled bay is being used by someone who does not have a legitimate Blue Badge this will have many implications;

- Genuinely disabled people have told us that they are unable to visit places of interest as they cannot park close enough to their intended venue. Some people have missed GP and hospital appointments as they were unable to park close to where they needed to go without severe difficulty.
- Working disabled people cannot get to work on time or sometimes not at all, after driving round and round looking for as close a space as possible.
- All these people, whilst disabled, still wish to, and are certainly entitled to, remain independent and part of society and should be able to enjoy leisure activities across the county or anywhere in Europe.
- In addition to these issues there is also huge amount of revenue lost to parking authorities.

East Sussex County Council and Brighton & Hove Blue Badge Teams have always had a shared interest in robust enforcement and have been holding joint action days for a few years now. Many of East Sussex County Council's badges were being misused in Brighton and vice versa. As there is only one street that divides us, it has always made sense to work together as far as possible.

Both councils along with Sussex Police have worked closely together for a number of years to try tackling this

problem by taking part in joint action days to check badges countywide. This has been welcomed by disabled people, and any objections we do get are usually from offenders when they are caught. We have done as much as we can in order to train enforcement officers and Sussex Police about possible indicators that a badge is being misused. There are of course a number of security features on the badges that give the enforcement officer information about the person to whom the badge has been issued.

The audit commission says that it estimates 20% of badges are misused nationally and this can cost the taxpayer up to £5000 over a three year period, during the life of the badge.

There are in excess of 24,000 badges in East Sussex and a further 12,000 In Brighton and Hove.

If the Audit Commission is correct that is a staggering 7,200 or up to £3,600,000 across our local authorities alone!

As we are outside of London, we have put a more conservative value of £500 per Blue Badge for our respective authorities but this still puts a significant value of £3,600,000 of public money to be protected.

In 2013 the Disabled Person Parking Badge Act was brought into force as an amendment to section 21 of Chronically Sick and Disabled Persons Act 1970. As a result of this new legislation Civil Enforcement Officers now have the power to seize and

retain a suspect badge without police presence if they have reasonable grounds to suspect misuse. This change has made a huge difference for us.



DfT are keen to encourage local authorities to pro-actively carryout enforcement

Examples of misuse/fraud we have detected;

- Use of a deceased persons 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.

In October 2014 we gained funding by submitting a joint bid to the Department for Communities and

Local Government to assist us in developing a more robust enforcement system across Sussex. We believed that a joint bid for enforcement funding was the best way forward as we are 'better together'. Our enforcement officers whilst from different backgrounds are able to work closely together, share intelligence, help with building legal cases and learn from each other.

With this funding we have been able to employ two full time Blue Badge investigation officers, one in each area and this has proved to be extremely successful. It has improved detection rates and allowed for improved sharing of intelligence.

Both investigation officers together with myself and the manager of Brighton and Hove have now been trained by the Police to interview suspects in taped interviews under PACE (Police and Criminal Evidence Act). This has helped with collating evidence for our legal teams to present in court.

This joint operation is named 'Bluebird' and large signs are in place across the county which serves as a warning that officers are checking badges in all areas.



Picture of Operation Bluebird sign placed across both authority areas.

Our local press and radio coverage has been very positive and we have received enquiries from other authorities as to how they can set up a similar operation.

We have also had support from Portsmouth City Council who already had a very good success rate in tackling misuse and who were happy to share some tips with us.

Since our dedicated investigation officers have been in place we have had a large number of successful prosecutions, and withdrawal of many badges being misused and that is just in the first year.

In addition to this we have put in place 'community resolution orders' which is our way of educating an offender rather than them gain a criminal conviction. Offenders are invited to attend council offices to watch a video of genuinely disabled people who describe what a disabled bay means to them and what problems they face when those not entitled are using them.

We feel that this is more likely to prevent further offences. The offender will then sign a document to say that they have attended an educational training course and although no further action is taken this will still be held on file internally and used in the event of any further misuse.

We have also held a Blue Badge two week 'amnesty' across the county which gave people in possession of badges, the opportunity to hand them in without fear of further action.

It is our aim to educate people on the use of badges and the consequence of misuse. This is with a long term focus on future prevention of fraud and misuse.

Statistics since Operation Bluebird has been in force;

Prosecutions have been made under;

Sections 115 & 117 Road Traffic Act

Fraud Act 2006

Joint results for both areas to date so far are as follows;

Community Resolution Orders = 122

Successful prosecutions = 58

Simple cautions = 2

Seized badges = 396

No further action = 40

No further action with warning letter to driver of vehicle = 81

Warning letter with no further action to Blue Badge Holder = 77

Currently under investigation = 63

Amnesty results = 78

We have recently been granted a Regulation of Investigatory Powers Act 2000 (RIPA) order to carry out covert surveillance on a suspect who has been abusing the scheme. The offender will be interviewed and a number of charges brought against this person including fraudulent application.

Newspaper Publication Highlighting Enforcement Success

Newspaper articles highlighting the success of Operation Bluebird in East Sussex County Council and Brighton and Hove City Council

<http://www.bbc.co.uk/news/uk-england-sussex-32962646>

http://www.guardian-series.co.uk/news/3754691.Brighton_blue_badge_cheats_face_clampdown/

<https://www.brighton-hove.gov.uk/content/press-release/council-wins-funding-tackle-blue-badge-fraud>

<http://www.yourcountyeastsussex.co.uk/news/oap-caught-out-for-blue-badge-photocopy-scam/>

Thank you to East Sussex and Brighton and Hove for providing the above article sharing their experiences and successes with us.

ON STREET ENFORCEMENT

In England and Wales the Disabled Persons' Parking Badges Act 2013 is now in force and provides some new powers to assist local authorities in enforcing the Blue Badge Scheme. This is in addition to an already wide range of legislation available to local authorities to use in their enforcement activities.

The Act enables enforcement officers to inspect and retain a badge without police presence, if they have

reasonable grounds. Enforcement officers may also operate in plain clothes. Although there is no obligation on local authorities to use this power, we strongly recommend that local authorities use this as an additional tool to help combat blue badge misuse.

However, in using this power, we would expect enforcement officers to take appropriate steps to establish reasonable grounds for retaining the badge. It should also be noted that the Act does not empower the local authority to use force when attempting to retain a badge. A circular providing more information on using the new powers can be found at:

<https://www.gov.uk/government/publications/blue-badge-scheme-enforcement-changes>

The Blue Badge Improvement Service (BBIS) allows enforcement officers to use smart phones and other hand held devices during on-street patrols to check the validity of all badges, no matter which local authority issued them. On-street enforcement officers can also download the photograph of the badge holder. Local authority enforcement teams are encouraged to setup and use this facility.



Example of hand held device

A Northgate information bulletin (issue 26) was sent out on 2 July 2012 providing local authorities with details on the functionality and infrastructure for on street enforcement within BBIS.

We are hoping to arrange several local authority run regional workshops on enforcement later this year with the aim of promoting best practice. In our view, regional workshops could provide another useful platform to help promote and encourage more proactive enforcement to help tackle misuse and abuse. If you are interested in hosting a regional workshop and would like more information, please could you contact Vida Browne Campbell at vida.browne-campbell@dft.gsi.gov.uk. **No cost is incurred by your authority as DfT would pay for the refreshments provided on the day.**