

Blue Badge policy

1. Purpose of this document

1.2 The purpose of this document is to set out the London Borough of Hounslow Blue Badge policy following national changes to the Blue Badge (Disabled Parking) Scheme. This document also runs along with the Blue Badge (Disabled Persons' Parking) Scheme Local Authority Guidance as below, published in August 2019.

<https://www.gov.uk/government/publications/the-blue-badge-scheme-local-authority-guidance-england>

2. Overview

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

2.2 The aim of the scheme is to help people with severe mobility problems caused by visible and non-visible ('hidden') disabilities to access goods and services, by allowing them to park close to their destination. The scheme is open to eligible people irrespective of whether they are travelling as a driver or as a passenger.

2.3 The scheme provides a national range of on-street parking concessions to Blue Badge holders. It allows them to park without charge or time limit in otherwise restricted on-street parking environments and allows them to park on yellow lines for up to three hours, unless a loading ban is in place.

2.4 From 30 August 2019, the scheme was extended to include people with non visible ("hidden") disabilities.

2.5 The Department for Transport (DfT) is responsible for the legislation that sets out the framework for the scheme. This includes:

- the prescribed descriptions of disabled people to whom a badge may be issued - for example, the eligibility criteria
- the maximum fee that can be charged by local authorities for issue of a badge
- the period of issue of a badge
- the grounds for refusal to issue a badge and the grounds to withdraw a badge
- the circumstances in which a badge should be returned to the issuing authority
- the manner in which a badge should be displayed
- the national concessions available to badge holders under the scheme

2.6 The DfT cannot intervene in the case of individual applications or eligibility decisions.

2.7 Local Authorities are responsible for the day-to-day administration of the scheme. It is the responsibility of The London Borough of Hounslow to ensure that badges are only issued to residents who satisfy one or more of the eligibility criteria set out in the legislation that governs the scheme. Under no circumstances should anyone who does not satisfy at least one of the criteria receive a badge.

2.8 The full description of the changes to criteria can be seen on the Department for Transport website under running a Blue Badge parking scheme.

<https://www.gov.uk/government/publications/the-blue-badge-scheme-local-authority-guidance-england>(link is external)

2.9 It is the responsibility of the Council to interpret and apply the above criteria fairly.

2.10 Under no circumstances must a badge be issued to an applicant who does not meet one of the eligibility criteria set out in the legislation which governs the scheme. Badges must never be issued to people solely based on their age.

3. Eligibility of Applicants

3.1 There are two types of eligibility

- “without further assessment” (previously known as “Automatic”)
- “subject to further assessment” (previously known as “Discretionary”).

3.2 Without further assessment

In order to qualify for a Blue Badge under the “eligible without further assessment” criteria, an applicant must meet one or more of the following criteria, and be more than two years of age:

- Receives the Higher Rate of the Mobility Component of the Disability Living Allowance (HRMCDLA).
- Receives the mobility component of Personal Independence Payment (PIP) and has obtained 8 points or more under the “moving around” activity.
- Receives the mobility component of PIP and has obtained 10 points specifically for Descriptor E under the “planning and following journeys” activity, on the grounds that they are unable to undertake any journey because it would cause them overwhelming psychological distress

- 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.
- Is registered blind (severely sight impaired).
- Receives a War Pensioner's Mobility Supplement (WPMS).

3.3 Subject to further assessment

In order to qualify for a Blue Badge under the "further assessment" criteria, an applicant must be more than two years of age and be described as one or more of the following:

- a person who 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; or
- a person who has been certified by an expert assessor as having an enduring and substantial disability which causes them, during the course of a journey, to be unable to walk, experience very considerable difficulty whilst walking, which may include very considerable psychological distress
- in addition, they may be at risk of serious harm when walking - or pose, when walking, a risk of serious harm to any other person

3.4 In all of the above cases, entitlement depends on the applicant's difficulty when walking as part of a journey.

3.5 Applicants will need to demonstrate that their ability to walk is affected to the extent that they would be unable to access goods and services unless they were allowed to park close to shops, public buildings and other facilities.

3.6 Any of the above three types of difficulty whilst walking could potentially be caused by a physical disability, or by a non-visible ('hidden') disability. In either case, the disability experienced by the applicant must endure for at least three years.

3.7 In addition to the above, children under the age of three may be eligible for a badge if they fall within one 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.

3.8 Non-visible (hidden) disability

In August 2019 the Blue Badge criteria change. It was extended to include people who have a non-visible disability and who meet one or more of the following criteria:

- Cannot undertake a journey without there being a risk of serious harm to their health or safety or that of any other person.
- Cannot undertake a journey without it causing them very considerable psychological distress.
- Have very considerable difficulty when walking (both the physical act and experience of walking).

4. How to apply

4.1 At the London Borough of Hounslow applications are accepted online, via email or by post.

4.2 Applicants may apply via the online application facility via GOV.UK.

<https://www.gov.uk/apply-blue-badge>

4.3 Application forms and guidance notes may also be accessed via our website.

www.hounslow.gov.uk/downloads/download/80/blue_badge_applications

4.4 Although we do encourage applicants to apply using the online portal, paper application forms will be sent out to applicants who are unable to apply online.

4.5 The application form used is the same whether an applicant applies via the GOV.UK online portal, via our website or by the paper application.

4.6 Applicants should answer all the questions as fully as possible in order to assist the decision making process and provide any additional information to back up their application.

5 Evidence and Photographs

5.1 When applying under the “without further assessment” criteria, applicants must provide the supporting documents required in order for their application to be processed (i.e. proof of identity, residency and eligibility)

5.2 When applying under the “subject to further assessment” criteria, applicants should also provide any supporting documents to help support their application e.g. letters and reports from medical specialists as well as proof of identity, residency.

5.3 Applicants are requested not to submit original documentation as the London Borough of Hounslow cannot guarantee that original documentation will be returned to the applicant.

5.4 Accepted proofs of residency are:

- Driving licence
- Council tax bill
- Benefit award letter from the Department for Work and Pensions (DWP)
- A letter from a school confirming that a child attends there, if under the age of 16

5.5 Accepted proofs of identity are:

- Passport
- Valid Photo card Driving Licence
- Birth certificate
- Marriage/divorce certificate
- Civic partnership/ dissolution certificate

5.6 Applicants are required to provide a passport-style photograph.

5.7 Applicants can upload a digital photograph onto the online application form. People who are unable to access photographs can provide a suitable photograph taken by other means which meets the passport-style standard.

6. Automatic Criteria

6.1 Any application submitted under the above criteria will be fully checked by the Concessionary Transport Unit at the London Borough of Hounslow.

6.2 The required proofs of eligibility will be checked to ensure they meet the criteria under which the applicant has applied.

6.3 If further information/proof is required a letter will be sent out to the applicant

6.4 Once the application is approved, a payment letter will be sent to the applicant.

6.5 After receipt of payment the final part of the Blue Badge application will be completed and the Blue Badge will be sent for processing and posting to the applicant

7. Further assessment process

7.1 At the London Borough of Hounslow any applicant who applies under the further assessment criteria, will initially have a desktop assessment which will be carried out by an expert assessor.

7.2 The assessments are carried out by expert assessors who are Occupational Therapists with training and experience of the Blue Badge assessment process and the legislation set out within the DfT guidance.

7.3 If a decision cannot be made at desktop stage of the process the applicant will be invited for a mobility assessment, this may be either a Face-to-Face assessment or a Phone-to-Phone Assessment or under hidden disabilities guidance asked to provide further information.

7.4 The Face-to-Face mobility assessments and Phone-to-Phone assessments are carried out by our expert Assessors using the assessment criteria set out by the DfT

7.5 During the times of any Covid19 restrictions, the DfT guidelines must be followed with regards to Face-to-Face assessments.

7.6 After each assessment has taken place applicants will receive a detailed letter explaining outcome of the assessment and any options that are available.

8. Organisational Blue Badges

8.1 An organisational badge may be issued to an organisation for use in a motor vehicle or vehicles when the vehicle or vehicles are to be used to carry disabled people who would themselves be eligible for a badge as specified in Section 4(2) of the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 ("the 2000 Regulations").

8.2 An 'organisation' is defined in the 2000 Regulations as meaning an organisation concerned with the care of disabled persons to which a disabled person's badge may be issued in accordance with section 21(4) of the Chronically Sick and Disabled Persons Act 1970.

8.3 On receipt of any application the London Borough of Hounslow will check whether the organisation in question:

- Cares for and transports disabled people who would themselves meet one or more of the eligibility criteria for an individual Blue Badge and
- Has a clear need for an organisational badge rather than using the individual Blue Badges of people it is transporting.

8.4 Taxi or private hire operators would not be eligible for an organisational Blue Badge as they are not usually responsible for the care of disabled people who would meet one or more of the eligibility criteria for a badge. Such operators are, of course, able to use an individual's Blue Badge when carrying that person as a passenger.

8.5 Common examples of organisations that may be eligible include residential care homes, hospices or local authority social services departments and community transport operators that transport groups of people who would meet the eligibility criteria for an individual Blue Badge.

8.6 When applying organisations will be asked:

- About the number of qualifying disabled people being cared for.
- About the type of vehicle(s) being used to carry them, whether it is adapted and how.

8.7 The number of badges given to any organisation will be considered on an individual basis and will be dependent on the number of people cared for.

9 Fees

9.1 The London Borough of Hounslow charges an administration fee of £10 for the issue of Blue Badges. This includes all applications, regardless of whether the applicant has held a Blue Badge previously. Only successful applicants will be asked to pay the badge issue fee.

9.2 Replacement Badges are also charged an administration fee of £10. This includes lost, stolen or damaged Blue Badges.

9.3 All replacement badges will be re-issued with the same expiry date of the stolen, lost or damaged badge.

10 Procedures

10.1 All applications are treated as “new” applications and are assessed on the same basis regardless of whether an applicant has previously held a Blue Badge

10.2 All applications are sent to the Concessionary Transport Unit.

- They will check the application: -
- to ensure all documentation is valid and correct.
- Any application that has missing or incorrect documentation or proofs a letter will be sent requesting the required documentation before it is either processed or sent for assessment

10.3 Completed Automatic applications, once approved will be sent a payment letter

10.4 On receipt of payment a request for the badge to be printed is sent via Blue Badge Digital Service

10.5 All Blue Badges are printed and posted through DfT’s Blue Badge Digital Service.

10.6 All non-automatic applications once checked are sent to our Expert Assessor for desktop assessment

10.7 An application is only considered to be completed once all required supporting documentation, a suitable photograph and an application form has been received by the London Borough of Hounslow.

10.8 A Blue Badge is valid for three years. unless entitlement is linked to an automatic qualifying benefit; in which case it will be issued for a period corresponding to the remaining term of this award (up to a maximum of three years).

10.9 Individuals must not be in receipt of more than one valid Blue Badge at any time.

10.10 The London Borough of Hounslow reserves the right to refuse, withdraw or re-issue a Blue Badge where abuse or misuse is reasonably suspected.

10.11 Anyone caught misusing a Blue Badge may be subject to prosecution

11 Unsuccessful Applications

11.1 The London Borough of Hounslow will refuse to issue a Blue Badge if:

- The applicant fails to provide the local authority with adequate evidence of their eligibility, either as an individual or as an eligible organisation.
- The applicant fails to pay the fee chargeable for the issue of a badge.
- If we believe that the applicant (i) is not the person they are claiming to be, or (ii) would permit another person to whom the badge was not issued to use the badge.
- The applicant fails to provide evidence of residency.

11.2 If an applicant is found not eligible during the assessment process our assessors will let the applicant know in writing why their application was refused.

12 Requesting a Review of the Decision

12.1 Applicants have the right to request a review of the decision not to issue them with a badge, within 28 days of the date of the decision letter.

12.2 The request must be made in writing to the Concessionary Transport Unit and must detail:

- Why the applicant feels that the decision is wrong and provide further relevant evidence to support a review of decision.

12.3 The Review of Decision will be made by the Lead Occupational Therapist who may request one of the following to be undertaken as part of the review:

- Face to Face mobility assessment (COVID19 restrictions permitting)
- Phone to Phone assessment
- Request additional evidence from Expert Assessors known to the applicant
- Request that the applicant request further evidence from an Expert Assessor known to the applicant
- Contact applicant to discuss application.

12.4 The Review of Decision will require DfT eligibility criteria to be applied against new evidence provided.

12.5 As part of the Review of Decision all paperwork submitted and assessments undertaken as part of the process will be reviewed and taken into consideration.

12.6 If, following a request for review, the applicant's application for a blue badge remains unsuccessful this decision will be final.

12.7 The applicant will be written to and a detailed explanation given for the decision.

12.8 No further applications can be made for a period of six months following the final decision unless the individual's condition changes significantly during that time period. In which case a new application may be submitted along with new evidence detailing the change in condition since the last application.

13 Timescales

13.1 The council aims to process Blue Badge applications within 10 to 12 weeks of a completed application and all evidence being received.

13.2 If further information or evidence is requested from an applicant and no response is received within 4 weeks, the application will be deemed cancelled and will not be processed any further.

13.3 If a Blue Badge holder moves into the London Borough of Hounslow, they may continue to use their existing badge until it expires and then reapply to The London Borough of Hounslow.

14 Fraud

14.1 Blue Badge fraud usually takes two forms: -

- Misuse of valid badges by friends and family members not permitted to use the badge
- By drivers using lost, stolen, or counterfeit badges.

14.2 In all instances, the illegal use of Blue Badges constitutes a criminal offence.

14.3 The London Borough of Hounslow will confiscate any Blue Badge that is suspected of being miss used.

14.4 The London Borough of Hounslow will work with the fraud team to prosecute anyone caught miss using a Blue Badge

14.5 A successful prosecution may result in a criminal record and a fine (which could be over £1000).

14.6 Any suspected Blue Badge fraud must be reported to the Council and will be treated with confidence. Fraud can be reported in one of the following ways.

- Email: Bluebadge@hounslow.gov.uk
- Online form : www.hounslow.gov.uk/xfp/form/330

15 Parking

15.1 As long as the Blue Badge holder is physically included in the journey, within the London Borough of Hounslow, a vehicle displaying a Blue Badge is allowed to park :

- In on-street disabled parking bays (showing a blue wheelchair symbol).
- On single or double yellow lines for up to three hours. The parking clock must show holders time of arrival and must be displayed alongside the Blue Badge.
- At council operated car parks, on-street parking meters, cashless parking bays or pay-and-display bays, unless signs say otherwise (no time limit)
- In Resident permit holder bays (no time limit)
- Shared use bays (no time limit)

15.2 The Holder must not park in places where a ban on loading or unloading is in force, as indicated by kerb markings.

16 Complaints

16.1 If an applicant has a complaint regarding the administration, processes or customer service of the Concessionary Transport Unit or their Assessors (this is separate to the Review of Decision). Applicants can submit a complaint, details of which can be found online at [www.hounslow.gov.uk/info/20158/customer_services/1402/make_a_complaint_or comment/2](http://www.hounslow.gov.uk/info/20158/customer_services/1402/make_a_complaint_or_comment/2)

16.2 In addition to the London Borough of Hounslow's own procedure, if an applicant feels that they have suffered an injustice because of maladministration, the Local Government Ombudsman may investigate.

16.3 Details can be found online at <http://www.lgo.org.uk>