



EXECUTIVE COMMITTEE

EUROPEAN BLUE BADGE SCHEME – ELIGIBILITY AND FEES

REPORT BY HEAD OF AREA SERVICES

A. PURPOSE OF REPORT

To highlight the impact of the Scottish Governments reforms to the Blue Badge Scheme, and to seek agreement from the Council Executive as to the Councils response to the changes.

B. RECOMMENDATION

1. To approve the change of criteria to be applied when dealing with applications for Blue Badges
2. To agree that there will be no charge for Blue Badges made to applicants

C. SUMMARY OF IMPLICATIONS

I Council Values	Focusing on our customers' needs Providing equality of opportunities
II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	Policy for the awarding of Blue Badges will be amended in light of changes to legislation - the Disabled Persons (Badges for Motor Vehicles)(Scotland) Regulations 2000 amended in 2011
III Implications for Scheme of Delegations to Officers	None
IV Impact on performance and performance Indicators	None
V Relevance to Single Outcome Agreement	None
VI Resources - (Financial, Staffing and Property)	Increased budget required to absorb the costs of badges and potential increased number of medical assessments
VII Consideration at PDSP	The Partnership and Resources PDSP considered the report on Fri 5 August 2011. Its recommendations are included in this report
VIII Other consultations	Head of Finance and Estates and Chief Solicitor have been consulted on this report and their comments incorporated.

D TERMS OF REPORT

Background

The Blue Badge Scheme was introduced in 1971 and was established to provide a national arrangement of parking concessions for on street parking for people with severe walking difficulties who travel either as drivers or passengers. The provisions relating to the Blue Badge Scheme are set out in UK primary legislation – The Chronically Sick and Disabled Persons Act 1970. Under this Act, Scottish Ministers made secondary legislation – the Disabled Persons (Badges for Motor Vehicles)(Scotland) Regulations 2000. The Scottish Parliament passed further amendment regulations in 2000, 2002, 2007 and more recently 2011

At the Partnership & Resources PDSP on 13th May 2011 the report “European Blue Badge Scheme – Changes to Legislation” was tabled and noted by the Panel. This report outlined the proposed reforms of the Blue Badge Scheme set out by the Scottish Government and advised that the Council, as a direct result of the legislation, may be required to change the eligibility criteria. At the Partnership & Resources PDSP on 5th August 2011 the Panel was further advised about the introduction of a new process for creating badges and the introduction of fees.

Eligibility

After consultation with Legal Services it is clear that the Council do not currently conform to the eligibility criteria set out in blue badge legislation. The legislation states that a person over two years old will automatically qualify for a blue badge if they:

- Receive the higher rate of the mobility component of the Disability Living Allowance (DLA)
- Are registered blind
- Receive a War Pensioner’s mobility Supplement and
- Receive an award under the Armed Forces Compensation Scheme (AFCS)

A person may also qualify for a badge if they are more than two years old and meet one of the following criteria (discretionary):

- The person has a permanent and substantial disability, which means they are unable to walk, or virtually unable to walk; or
- The person is unable, or virtually unable to walk because of a temporary but substantial disability, which is likely to last for a period of at least 12 months but less than 3 years; or
- If a person drives a motor vehicle regularly, has a severe disability in both upper limbs, and is unable to operate, or has considerable difficulty in operating all or some types of parking meter.

A parent of a child who is less than three years old may apply for a badge for their child, if the child:

- Has a condition which requires specific medical equipment, which means they must always be accompanied by bulky medical equipment which cannot be carried around without great difficulty; or
- Needs to be kept near a vehicle at all times so that they can, if necessary, be treated in the vehicle or quickly driven to a place where they can be treated, such as a hospital.

The legislation gives clear guidance on what type of medical equipment is considered to

fall into the “bulky” category.

The Council currently includes all of the above criteria within the application process for residents in West Lothian. However supplementary eligibility criteria has been added over a number of years. The Council currently will automatically issue a badge if the person:

- Is 65 or over and in receipt of Attendance Allowance at the higher rate or Disability Living Allowance at the higher rate of care (740);
- Has been supplied a wheelchair or child buggy by the Astley Ainslie Hospital or another hospital or department (294);
- Is 85 or over and has severe walking difficulty at the date of application (450);
- Is suffering from dementia as certified by hospital authorities (101);
- Is suffering from a neurological disorder which results in them being unable to walk without having to stop, be in severe discomfort or requires help from another person (136);
- Is suffering from a terminal illness, which severely affects their mobility (135).

This additional criteria used by the Council has resulted in 1,856 badges being issued. The numbers of badges issued per criteria are noted in brackets.

The Scottish Government has, through correspondence, stated that only the eligibility criteria set out in the legislation may be used to issue a blue badge under the scheme. Legal Services has assessed the supplementary eligibility criteria listed above and confirmed that the legislation does not allow for inclusion in the scheme at National or local level. Legislation also states that it is the Council’s responsibility to ensure that badges are only issued to applicants who meet at least one of the criteria as set out in the legislation.

In terms of the impact on existing customers any customer who has been issued with a blue badge under one of the supplementary criteria would not have this revoked and instead would retain it until the expiry date (up to 3 years). Customers who are no longer entitled to a blue badge automatically could still apply for and receive a badge under the discretionary eligibility criteria. This would be at the Council’s discretion and would not necessarily require the applicant to attend a medical assessment. However their medical condition would still need to render the customer as unable or virtually unable to walk. We intend to be proactive in alerting current badge holders to the changes through the use of media, Council Bulletin, and direct mail shots. From November 2011 onwards we will be encouraging early applications to ensure that people have a new badge before their old one expires. Officers are also investigating the feasibility of issuing confirmations that applications have been processed to be used where badge expiry is imminent.

Fees

Further communication was received from the Government on 3rd June 2011 providing an update on the reforms (Appendix A). This update contains information relating to the production of Blue Badges and the award of the contract (5 years) to Northgate Information Solutions in partnership with Payne Security. Local Authorities will no longer hold stocks of blank blue badges. From 1st January 2012 badges will only be available from the central source i.e. Northgate/Payne Security.

The capital costs involved in the development of the solutions required will be funded by Northgate with no up front investment required from Local Authorities or the Scottish Government. As a result of this change all local authorities in the UK will be charged on a per badge basis at rate of £4.60 (£5.52 including VAT at 20%). The cost per badge is not limited to new applications or renewals but will apply for every badge ordered from

the supplier and includes replacements for loss or theft. There are 9,585 blue badge holders living in West Lothian. The table below shows how many badges we could expect to be renewed in each financial year and the associated costs to the Council for these badges:

Financial Year	Number of Badges to be renewed	Cost (£)
2011/12	900	4,140.00
2012/13	3,026	13,919.60
2013/14	3,118	14,342.80
2014/15	2,541	11,688.60
Totals	9,585	44,091.00

There is no charge to the Council until January 2012, which is reflected in financial year 2011/12. The number of badges shown in 2014/15 does not include January to March (2015), as this data is not available yet.

The Council has a system of independent medical assessments in place (as recommended by the reforms). The current cost of providing these sessions is £6000 per annum with a schedule of two sessions per month containing 10 appointments. As a result of changes to the eligibility criteria there may be a requirement to provide additional sessions to those who apply under the 'discretionary' criteria. We estimate this will result in an increase of costs to a maximum of £13,000 per annum. It currently costs the Council £6,700 per year to administer the badges (not including staff costs).

The legislation in Scotland allows Local Authorities to charge successful applicants up to £20 for a blue badge. The Council does not currently charge anything for the issue of a blue badge or the medical assessment to West Lothian residents. In Scotland, 23 out of 32 Local Authorities already charge residents for a badge with costs ranging from £1.15 up to £20. The 'Schedule of Blue Badge Fees Charged' is attached for reference (Appendix B). Five Local Authorities have introduced a fee since 1st April 2011 of £20.00 per badge – each authority previously did not charge for the issue of a badge.

As a result of the additional costs associated with the Scheme there are a number of options available to the Council relating to implementing a fee to customers:

Option	Charge per Badge	Comment
1	£6.00	This would cover the cost of the badge and postage from the supplier. The Council would continue to pay for medical assessments.
2	£10.00	Same flat cost to all badge holders, which would cover the cost of the badge, postage and medical assessments.
3	£20.00	This would be a charge to customers who require a medical assessment (everyone else would pay £6.00) however the Council would still contribute £11.00 to each assessment.
4	£20.00	Same flat cost to all badge holders, which would result in a surplus to the Council of approximately £99,791 over 3 years.
5	None	The Council continues to fund the Blue Badge Scheme, which would total £83,091 over 3 years.

Corporate Finance have confirmed that they will include the additional cost of £20k per annum in the base budget from 2012/13 on the basis that it is unavoidable expenditure as a result of an amendment to current legislation.

E CONCLUSION

The intentions of the Scottish Government is to ensure that local authorities approach the blue badge scheme consistently, fairly and as such conform to the legislation passed by Parliament. Changes to the eligibility criteria in West Lothian should not be viewed as a hindrance to current blue badge holders who would be affected by this. The Council needs to conform to the legislation and badge holders affected would still be able to apply under the 'discretionary' criteria if they do not automatically qualify.

Charging a fee for the issue of a blue badge to West Lothian residents should not be regarded as an income-generating scheme. Many Local Authorities in Scotland already charge a fee for the issue of a blue badge and early indications are that, as a result of the reforms, all other Local Authorities are considering this. West Lothian can choose not to take this route and thereby protect our most vulnerable residents.

F. BACKGROUND REFERENCES

Report Partnership and Resources PDSP 13 May 2011

Report Partnership and Resources PDSP 5 August 2011

Appendices/Attachments: Appendix A "Letter to Chief Executives re Blue Badge Reforms"

Appendix B "Schedule of Blue Badge Fees Charged"

Contact Person:

Karen Cawte, Customer Services Development Manager. 01506 281082

Date: *23 August 2011*

APPENDIX A

Dear Local Authority Chief Executive,

The Scottish Government's Reform of the Blue Badge Scheme

In my letter of 21 March 2011, I advised you of the forthcoming reforms of the Blue Badge scheme in Scotland. The letter stated that Scottish Ministers had agreed that we should work together with the Department for Transport (DfT) and the Welsh Government to deliver a Blue Badge Improvement Service (BBIS). BBIS is a service, which will carry out various administration functions relating to the Blue Badge schemes across Great Britain.

Since my last letter, a competitive procurement process has been undertaken for a supplier to develop and deliver the BBIS. A number of tenders were received and in May, after close examination by an evaluation panel, the tender was awarded to Northgate Information Solutions in partnership with Payne Security.

Northgate Information Solutions will develop this new service so that it is available for all local authorities in Scotland, England and Wales as from 1 January 2012. The service will include a central database of all Blue Badges on issue and it will be linked to an on-line application form to allow individuals and organisations to apply to their local authorities via the Scottish Government's Blue Badge website.

Furthermore, in association with its partner Payne Security, they will design, securely print, personalise and distribute a new, more secure style of Blue Badge. A turn-around time of five working days has been agreed between the time a local authority submits award details to BBIS and the badge being received either by the local authority or directly by the applicant.

To aid the transition to this new service and to the reforms as a whole, Northgate will provide an ongoing enquiry support service to handle initial general enquiries from members of the public. They will also establish a helpdesk and a managed service administration and support service.

BBIS will be a web-based service available over Government Connect (GCSx). It will be accredited to HMG security requirements (Impact Level 3) and compliant with data protection legislation. The capital costs involved in the development of BBIS will be funded by Northgate and no up-front capital investment is therefore required from either local authorities or the Scottish Government. When local authorities join this service they will instead pay £4.60 per badge (excluding VAT); a fixed rate for the duration of the contract.

Northgate will also offer optional services to local authorities through BBIS. These are data entry support service which will enable an applicant's details to be entered onto the system by the supplier on behalf of the local authorities, in cases where paper applications have been received. The service will be offered on a cost per transaction basis and will also include details update support service: which will enable a badge holder's details to be amended and updated on the system by the supplier on behalf of the local authority on a cost per transaction basis.

The engagement and communications programme begins now. There will be three initial workshops arranged for local authority representatives in York on 15 June, London on 20 June and in **Glasgow on 29 June 2011** at the Radisson Blu Hotel in Argyle Street.

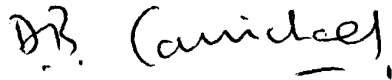
I encourage you to keep relevant colleagues within your authority fully aware of the developments with BBIS and of all the reform changes which are being made. The

maximum benefits from the reforms of the scheme will only be gained if everyone engages with the reform programme.

Detailed information on BBIS is outlined in the attached annex. Alternatively if you would like to discuss any of the points on the Blue Badge Improvement Service please contact bbis@northgate-is.com. Enquiries relating to the reform programme in general should be directed to bluebadge@transportscotland.gsi.gov.uk.

The reforms have continued to develop and information relating to Severely Disabled Service Personnel and War Veterans, and the Code of Practice, has also been included in the attached annex. We will be writing to you again about further changes in the coming months.

Yours faithfully,

A handwritten signature in black ink that reads "D.C. Carmichael". The signature is written in a cursive style with a horizontal line under the name "Carmichael".

Donald Carmichael

**BLUE BADGE IMPROVEMENT SERVICE
Database**

A central database will be produced from application records forwarded to the BBIS by local authorities. The system will also enable local authorities to transfer their historic records onto the new system. The database will lead to quick and easy enforcement checks by officers from anywhere in the country on badges issued by any authority, either using a desktop PC, a handheld device or a SMARTphone.

The database will make it easier to update and transfer records from one local authority when a badge holder changes their address.

On-line Application Form

The on-line application process will include automated checks to help prevent inaccurate, multiple or fraudulent applications, from being made. These checks will reduce the need for time-consuming, paper-based checks ordinarily being carried out by individual authorities. The data obtained from the on-line application form will feed into the central database.

New Badge Design & Supply

One of the most significant changes we are making is to the design of the Blue Badge so that it is harder to copy, forge and alter. The new badge will be made of PVC and includes elements such as complex printing patterns; a holographic feature that can't be photocopied or scanned; use of security inks that are only available from a restricted list of providers; raised features and Braille; a 2D barcode; and a digital photograph. Some features will be clearly visible through a windscreen while other hidden features will only be evident on physical inspection.

Because of the PVC material and combination of security features, you will not be able to print badges locally in local authority offices. The new badges will require a specialist printer, and Payne Security will work with Northgate to deliver the badges to the required specification.

The quality and durability of the badges being issued will also be improved so that they remain legible for the badges' 3 year lifespan and the details do not fade in the sun. The use of sophisticated anti-fraud technologies on the new badge and more security in the storage and distribution should cut down on fraud.

We will use secondary legislation to specify the form of the new Blue Badge design and remove the requirement for a signature on the badge. From 1 January 2012 authorities will only legally be able to issue or replace an old-style badge with a Blue Badge that complies with this legislation.

Local authorities should therefore manage existing stock levels of the old-style badge and make arrangements to securely destroy any stock that might be left over from 1 January 2012. The old-style badges will continue to be valid until they expire, which might be up until December 2014 for any badges issued this year.

A single supplier for the badge will allow a common numbering system to be used, enabling a more effective control of badges, particularly for those that are reported as lost or stolen. We anticipate this will also result in quicker, easier renewals for people whose circumstances have not changed, as reminders can be distributed centrally.

Payne Security will create a Blue Badge Information Pack which they will issue to the local authorities or directly to the individual with every award. Each pack will contain a 'Rights

and Responsibilities' leaflet and a standard covering letter provided by the relevant authority. We are also considering including a 'parking clock' in the pack for use in England and Wales.

Support Services

Northgate will provide an initial enquiry support service to handle general enquiries from members of the public which, in line with the Service Level Agreement (SLA), will be available 24 hours a day, 7 days per week, 365 days a year, except for scheduled maintenance. In addition, a helpdesk and managed service administration and support service will be available 08:30–18:00 Monday–Friday, excluding public holidays.

BBIS Optional Services

Northgate will offer the following optional services to local authorities through BBIS. You will be able to choose whether to take these or not, and the contract length can be varied:

data entry support service: this will enable an applicant's details to be entered onto the system by the supplier on behalf of the issuing authority, in cases where paper applications have been received. The service will be offered on a cost per transaction basis.

details update support service: this will enable a badge holder's details to be amended and updated on the system by the supplier on behalf of the local authority on a cost per transaction basis.

Indicative prices have been agreed for these additional services as part of the contract, based on an estimated up-take by 50% of local authorities. These are £4.96 per application for the data entry support service, or an additional £2.68 per update request completed by the details update support service. These prices are however subject to change, depending on the level of uptake.

Provision has been made in the contract for local authorities to order fast-tracked printing of badges in cases where someone might have a terminal illness. This option will be available for an additional charge of £2.45. The turn-around time for fast tracked cases will be by the end of the following working day.

Contract Arrangements

The Department for Transport, on behalf of the three administrations, has agreed a standard contract that forms the Terms and Conditions for BBIS. A Service Level Agreement (SLA) has also been drawn up with input from colleagues in the Welsh Government and the Department for Transport.

This will form part of the overall Contract Terms and Conditions. A common Access Agreement has been prepared as part of the contract; each issuing local authority will be required to sign an Access Agreement with Northgate to be able to use BBIS. The contract will run for five years, with an option to extend for a further two years.

Eligibility Checks

It is important to note that although Northgate will run this service, local authorities will remain responsible for final decisions on whether or not an applicant is eligible for a badge, for referrals for mobility assessments and for other checks on an applicant's residency and identity.

Next Steps & Events

The engagement and communications programme begins now. There will be three initial workshops arranged for local authority representatives in York on 15 June, London on 20 June and in Glasgow on 29 June. The Glasgow event will be held in the Radisson Blu Hotel in Argyle Street and will run from 11:00 to 15:30.

These are free workshops and refreshments and lunch will be provided. Further information about these workshops will be issued to those who register their interest by completing the Booking Form at Appendix A and emailing it to Northgate at BBIS@northgate-is.com or faxing it to 01740 665 539. For those who have registered initial interest in these events with Northgate already there is still a need to complete the attached booking form.

The Glasgow workshop will commence at 11:00, with refreshments served from 10:30 and is expected to run until 16:00 at the latest. The workshop will include an overview of the BBIS, a presentation on the new badge design production and distribution, an interactive session, a presentation on the benefits of the system and discussions on engagement with stakeholders and milestones as well as a question and answer session.

If you have any key areas of interest relating to BBIS that you would like us to cover at the workshops please let the Northgate team know as soon as possible.

At the workshops we will explain in more detail the scope of BBIS and the high level requirements that have already been agreed; discuss what is needed over the next few months by way of preparations and change management; and show you an initial demonstration of how the system and the new badge might look. Northgate may also seek your views on some of detailed functional requirements for the system.

Local authorities are encouraged to ensure that they sign up to BBIS as soon as possible. Northgate will be able to assist you in dealing with any change management and any other transition issues.

Further detailed information on BBIS is available by emailing bbis@northgate-is.com or by telephoning 0800 804 6326.

A management group consisting of DfT, the Scottish and Welsh Governments will oversee the programme with the following underlying management structure:

an executive strategy group – this will be made up of the DfT, the Scottish and Welsh Assembly Governments, Northgate, and senior LA representatives. This group's role will be to lead on strategy and oversee build/roll out of BBIS, deal with escalated issues and ensure delivery is kept on track. We would envisage it meeting three times in 2011, and then twice yearly after that.

Northgate and local authority representatives group – this will act as the active decision-making group that oversees detailed development and delivery of the project. This group will meet every 2 months.

Special interest groups – these groups will focus on particular aspects of BBIS, for example, enforcement and fraud prevention, administration and processes, and technical aspects of the system. These will be virtual groups, using web-based forums for communication.

The workshops will be followed up by some showcase events to demonstrate the prototype BBIS following the input from the various workshops. The seminars will be held in August throughout the UK and will demonstrate how the system can be accessed by local authorities and will also provide the opportunity to see samples of the new badges. Dates have still to be arranged for these events.

We would be grateful for your active involvement in the following groups to ensure that the roll-out of BBIS is successful. If you would like to participate in any of the above three groups please email BBES@dft.gsi.gov.uk.

Severely Disabled Service Personnel and War Veterans

In my recent letter I stated that severely disabled service personnel and war veterans that receive an award the Armed Forces Compensation Scheme (AFCS) would be automatically eligible for a Blue Badge.

The AFCS covers injuries sustained in service on or after 6 April 2005 and operates a tariff system and does not include a specific mobility allowance to which entitlement to a Blue Badge could be linked. We are therefore asking the Service Personnel and Veterans Agency (SPVA) to confirm that those in receipt of the award, under tariffs 1 to 8 are also assessed as having a permanent and substantial disability which causes inability to walk or very considerable difficulty in walking. You will note that this wording is slightly different from our current eligibility criteria but SPVA have been made aware of the Department of Work and Pensions criteria for those claiming the higher rate of the mobility component of the Disability Living Allowance.

The SPVA will issue an applicant who meets both of these conditions with a letter confirming the level of their award under the AFCS and also confirming that they have been assessed as having a permanent and substantial disability which causes inability to walk or very considerable difficulty in walking. This letter would need to be presented by the applicant to the local authority when applying for a Blue Badge. A sample AFCS award letter is shown in Appendix B.

Local authorities should note that any applicant that provides a letter from the SPVA, dated from 09 May 2011 onwards, will be eligible for a Blue Badge without further assessment. However, we strongly advise you to verify the eligibility of an applicant under this criterion by contacting the SPVA on 0800 169 2277. You should make it clear when issuing the badge that it should be returned to the local authority on expiry or if the recipient no longer needs it.

Code of Practice

As stated in the previous letter we are developing a 'Code of Practice'. The Code will be guidance for local authorities that will include sections on the application process, assessing eligibility, administration, organisational badges and enforcement as well as various checklists, case studies, a model application form and Frequently Asked Questions.

We hope to issue a draft 'Code of Practice' to local authorities in June for general comments on the overall document and its content.

Contact Us

You can find more information on all aspects of the Blue Badge reform programme on our web-site www.transportscotland.gov.uk/road/blue-badge-scheme/review.

Alternatively, if you have any additional queries, please get in touch the Blue Badge Team at BlueBadge@transportscotland.gsi.gov.uk or by telephone on 0131 244 1525.

Transport Policy Directorate

June 2011

APPENDIX B

SCHEDULE OF BLUE BADGE FEES CHARGED – SCOTTISH LOCAL AUTHORITIES

Local Authority	New Issue	Re-issue	Replacement
Aberdeen City	£20.00	£20.00	£20.00
Aberdeenshire	£17.50	£17.50	£17.50
Angus	£20.00	£20.00	£0.00
Argyll & Bute	£2.50	£2.50	£2.50
Clackmannanshire	£20.00	£20.00	£10.00
Dumfries & Galloway	£0.00	£0.00	£0.00
Dundee City	£20.00	£20.00	£20.00
East Ayrshire	£20.00	£20.00	£0.00
East Dunbartonshire	£0.00	£0.00	£0.00
East Lothian	£20.00	£20.00	£20.00
East Renfrewshire	£20.00	£20.00	£10.00
Edinburgh City	£20.00	£20.00	£10.00
Falkirk	£20.00	£20.00	£10.00
Fife	£0.00	£0.00	£0.00
Glasgow City	£20.00	£20.00	£20.00
Highland	£20.00	£20.00	£20.00
Inverclyde	£2.00	£2.00	£2.00
Midlothian	£20.00	£20.00	£20.00
Moray	£20.00	£20.00	£20.00
North Ayrshire	£20.00	£20.00	£20.00
North Lanarkshire	£0.00	£0.00	£0.00
Orkney Islands	£1.15	£1.15	£1.15
Perth & Kinross	£2.00	£2.00	£2.00
Renfrewshire	£20.00	£20.00	£20.00
Scottish Borders	£5.00	£3.00	£3.00
Shetland Islands	£0.00	£0.00	£0.00
South Ayrshire	£20.00	£20.00	£20.00
South Lanarkshire	£0.00	£0.00	£0.00
Stirling	£0.00	£0.00	£0.00
West Dunbartonshire	£2.56	£2.56	£2.56
Western Isles	£0.00	£0.00	£0.00
West Lothian	£0.00	£0.00	£0.00