**Blue Badge (Disabled Parking) Scheme enforcement policy**

1. The Blue Badge (Disabled Parking) Scheme provides a national arrangement of parking concessions for those people who have a permanent or substantial disability. NELC and its partners are responsible for the administration and enforcement of the scheme within the borough on behalf of the Department for Transport.
2. The misuse of the Blue Badge scheme undermines the benefits of the scheme, impacts upon local traffic management and creates hostility amongst other badge holders and members of the public. It can result in a genuinely disabled person being unable to access designated parking spaces.

**Types of misuse**

1. The vast majority of Blue Badge holders use their badges responsibly. However, there are individuals who misuse the scheme. This misuse can take a number of forms including:
* False application for a blue badge
* Use by someone other than the badge holder, either to park in an otherwise restricted area (eg double yellow lines/disabled bays) or to evade parking charges
* Alteration of a genuine Blue Badge
* Creation of a Counterfeit Blue Badge
* Use of expired badges
* Use of a badge the holder is no longer entitled to use
* Use of a badge reported as lost or stolen

This list is not exhaustive.

1. It is a criminal offence to misuse a Blue Badge. In the event of someone being found to be in contravention of the Blue Badge scheme, this policy seeks to ensure that the Council:
* Message is clear that misuse of the scheme will not be tolerated
* Provides support to Blue Badge holders to help them to understand their responsibilities as badge holders and reduce misuse
* Enforces the Blue Badge scheme in a fair and consistent manner
* Takes appropriate and proportionate action to stop any misuse
* Undertakes criminal proceedings in line with its [Prosecution Policy](http://www.nelincs.gov.uk/GetAsset.aspx?id=fAAxADYAOAAwADUAfAB8AFQAcgB1AGUAfAB8ADAAfAA1) when necessary

**Prevention**

1. The Council operates a robust application process to minimise the number of false applications being successful.
2. Every successful applicant for a Blue Badge will be issued with the Department for Transport’s ‘The Blue Badge scheme: rights and responsibilities in England’ leaflet. This will provide the badge holder with the information they need to ensure the badge is used appropriately.
3. Each successful applicant will also be required to sign a declaration confirming that they will not allow someone else to use a badge that has been issued to them.

**Detection**

1. The Council will inspect vehicles parked on the public highway and in Council car parks using a blue badge, as part of the duties of its Civil Enforcement Officers (CEO). Where there is evidence of misuse and the misuse constitutes a contravention of road traffic regulations, the CEO will take the appropriate action as per [**http://www.legislation.gov.uk/ukpga/1970/44/section/21**](http://www.legislation.gov.uk/ukpga/1970/44/section/21)
2. The CEO may also consider seizing the badge and returning it to the issuing authority if they establish reasonable grounds to do so and is practical.
3. If the misuse is by someone other than the badge holder, the Council will contact the badge holder to remind them of their responsibility to ensure the badge is not misused and that allowing another person to misuse the badge is a criminal offence. If the misuse continues, the Council will notify the badge holder that further misuse may lead to a refusal to renew the blue badge and that the Council may consider criminal proceedings if the misuse continues.
4. The Council may receive information on potential blue badge misuse from the public, Council employees and other 3rd parties. We will consider all allegations made and determine the appropriate action to be taken. Actions may range from reminding the badge holder of their responsibilities to criminal investigation dependant on the individual circumstances of the allegation.
5. Where intelligence suggests particular areas of Blue badge misuse, the Council will consider undertaking operations to target these areas.

**Investigation**

1. If the misuse could also constitute other criminal offences (other than road traffic offences), the Council will take the appropriate action to stop the misuse and investigate the offence. The issue of a Penalty Charge Notice for contraventions of road traffic regulations does not prevent the Council from also pursuing criminal offences. Such investigations are not limited to the badge holder, but also include third parties misusing the badge.
2. Criminal investigations will be conducted by professionally trained officers from the Counter Fraud Team in accordance with the Criminal Procedures and Investigations Act 1996, Police and Criminal Evidence Act 1984 and any other legislation that may be appropriate to a particular investigation.
3. The Council will use the personal data it holds for the prevention and/or detection of crime where it is appropriate and lawful to do so.

**Redress**

1. Where evidence of wrongdoing is identified the Council may take one or more of the following courses of action in accordance with the relevant legislation:
* Remind the badge holder of their responsibilities
* Inform the person misusing the badge that they are committing offences and may be prosecuted for future offences
* Retain the badge
* Refuse to renew a blue badge
* Cancel a blue badge
* Refuse an application for a blue badge
* Offer an individual a formal caution as an alternative to prosecution
* Prosecution
1. Where the Council has grounds to believe that the badge holder will permit another person to continue to misuse a badge, the Council will consider refusing to renew the badge once it has expired.
2. Where a blue badge holder has been convicted of an offence in relation to the misuse of that badge, the Council will consider withdrawing the badge.

**Legislation**

The Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 (SI 2000/682);

The Disabled Persons (Badges for Motor Vehicles) (England) (Amendment) Regulations 2000 (SI 2000/1507);

The Local Authorities’ Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000 (SI 2000/683);

The Disabled Persons (Badges for Motor Vehicles) (England) (Amendment) Regulations 2007 (SI 2007/2531);

The Disabled Persons (Badges for Motor Vehicles) (England) (Amendment No. 2) Regulations 2007 (SI 2007/2600);

The Disabled Persons (Badges for Motor Vehicles) (England) (Amendment Regulations 2011 (SI 2011/1307).

The Disabled Persons (Badges for Motor Vehicles) (England) (Amendment) (No.2) Regulations 2011 (SI 2011/2675)

The Disabled Persons (Badges for Motor Vehicles) (England) (Amendment) Regulations 2013

The Disabled Persons’ Parking Badges Act 2013

The Chronically Sick and Disabled Persons Act 1970

Road Traffic Regulation Act 1984

The Fraud Act 2006

Police & Criminal Evidence Act 1984

Criminal Procedures & Investigation Act 1996