

# Disabled Persons Parking Badges (Blue Badge) Anti Fraud Policy

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Reference: ASC/BBAF/001

Version: V1.2

Issue date: 19 April 2016

Review date: Annually

## Document Control

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| Ratified by:  | ASC SMT  |               |
| Target audience:  | ASC staff, Parking Enforcement Team<br>Borough of Poole residents                |               |
| Policy should be read alongside:  | Relevant regulations and legislation.<br>(see references section)                |               |
| Equality Impact Assessment (EQIA):  | Date undertaken:   | 19 April 2016 |
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## Introduction and legal framework

The Borough of Poole has a statutory duty to protect against fraud and abuse and operates a zero tolerance policy to fraud and abuse. Borough of Poole will consider prosecuting offenders on a case by case basis.

## Principles of policy

The introduction of the Disabled Person Parking Badges Act 2013 gave Borough of Poole new powers in relation to the inspection, retention and cancellation of Disabled Persons Parking Badges (Blue Badges).

Although the scheme began as a way of improving access for disabled people, the substantial monetary value of a badge is contributing to both increasing demand and the incentive to abuse the scheme and commit fraud. The misuse of Blue Badges undermines the benefits of the scheme, impacts upon local traffic management and creates hostility amongst other badge holders and members of the public.

Abuse can occur at all points in the system from the initial application, through requests for replacements, to on-street usage. Robust, ongoing administration and enforcement processes help counter more systematic abuse of the Blue Badge scheme

## Scope of policy

### A co-ordinated approach

Investigations will now be undertaken exclusively by the Compliance Team. Any reports that come into, or are raised by, either the Blue Badge team in Adult Social Care Services or the Parking Enforcement Team will be handed over to the Compliance Team for independent investigation.

Badges can be abused in a multitude of ways and it is important that local authorities remain vigilant at all stages of the issuing/enforcing process. The following is not an exhaustive list, but illustrates several ways in which badges can be misused, from minor to more serious transgressions:

### By the badge holder:

- ▶ Parking in the wrong place or parking for too long where there is a time limit
- ▶ Use of a badge that is no longer valid
- ▶ Use of a badge that has been reported as 'lost' or 'stolen'
- ▶ Letting a friend or relative use the badge
- ▶ Use of a copied badge
- ▶ Altering the details on the badge, for example, the expiry date
- ▶ Making a fraudulent application (e.g. providing false information on the application form) or using a badge obtained fraudulently.

### **By a third party:**

- ▶ Using someone else's badge (with or without the badge holder's knowledge) without the badge holder being present in the vehicle at some point during the trip
- ▶ Using a badge belonging to someone who has died
- ▶ Copying, altering or faking badges
- ▶ Using a stolen badge
- ▶ Using a fake badge

### **Enforcing authorities**

Borough of Poole will use all the legislative and regulatory powers at their disposal to combat abuse and fraud and will be flexible in how these powers are used to meet local circumstances and the specifics of each case.

NB Section 2 of the Fraud Act 2006 carries a penalty of a fine of up to £5,000 and/or up to 12 months imprisonment on summary conviction.

### **Inspecting badges**

Officers authorised by Borough of Poole can approach a person in a vehicle displaying a Blue Badge (or a person who appears to have been in or to be about to get into, the vehicle) and require them to produce the badge for inspection.

An enforcement officer may require any person that is in a vehicle, or appears to have been in or about to get into a vehicle displaying a blue badge to produce the badge for inspection. Failure to comply with this without reasonable excuse is an offence under section 94 Traffic Management Act 2004.

The enforcement officer will establish, at the roadside, that the badge is valid and that the badge holder is using the badge for the journey to or from the location where the vehicle is parked.

Enforcement Officers will retain a badge without police presence if they have reasonable grounds for believing that the badge:

- ▶ is a fake; or
- ▶ has already been cancelled e.g. because it was reported lost or stolen; or
- ▶ should have been returned to the issuing authority (e.g. because it has expired, the holder has died, the holder is no longer disabled, a replacement has been issued, the badge has become damaged/faded, the authority has written to the holder requesting return of the badge either following a relevant conviction for misuse or because it was obtained by false representation); or
- ▶ is being misused (including by someone other than the holder when the genuine holder is not involved in the journey).

Any badge that is retained because it is a fake, cancelled or deemed to be invalid will be destroyed by Borough of Poole Blue Badge Team.

## **Issuing a Penalty Charge Notice (PCN)**

A Penalty Charge Notice may also be issued to the vehicle if it is established that the badge is not being used legitimately. Any PCN issued will be treated separately to the offences related to the misuse of a disabled badge and can be paid or challenged using the appropriate channels.

## **Returning the badge to the rightful holder**

In circumstances where the badge has been retained by an enforcement officer because reasonable grounds were established to consider that it was being misused the badge will be returned to the issuing authority who will then return it to the rightful holder on instruction from the Compliance Team.

Borough of Poole enforcement team will send the badge and all the details to the blue badge team who will forward to the Compliance Team for investigation. The circumstances surrounding the retention of the badge will be recorded and statements taken will be kept. On the first occasion of misuse a letter will be automatically issued by Borough of Poole blue badge team to the badge holder reminding them not allow anyone to use the badge when they are not present.

In order to have the badge cancelled permanently Borough of Poole Compliance Team will need to seek a prosecution for offences under the Disabled Persons' Parking Badges Act 2013, and will seek to do this for persons that have previously been warned and had their badge returned.

In cases of suspected systematic abuse, Borough of Poole Compliance Team will obtain authorisation to carry out undercover surveillance under the Regulation of Investigatory Powers Act 2000 (RIPA) in order to build up evidence that can later be used to prosecute a person.

## **References and related information**

**Disabled Persons' Parking Badges Act 2013**

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

**Fraud Act 2006**, Section 2

**Road Traffic Regulation Act 1984**, section 117

**Chronically Sick and Disabled Persons Act 1970**, section 21 (4D)

**Theft Act 1968**

**Regulation of Investigatory Powers Act 2000 (RIPA)**

**The Blue Badge Scheme**, *Rights and Responsibilities leaflet* -

**Borough of Poole**, <http://www.boroughofpoole.com/health-and-social-care/disabilities/blue-badge-scheme/>

## Contact Information

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