

## Notice of Meeting

# Cabinet Member for Highways Decisions

**Date & time**

Thursday, 15 March  
2018 at 3.00 pm

**Place**

Committee Room G,  
County Hall  
Kingston upon  
Thames  
KT12DN

**Contact**

Angela Guest  
Room 122, County Hall  
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**Chief Executive**

Joanna Killian

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**This meeting will be held in public. If you would like to attend and you have any special requirements, please contact Angela Guest on 0208 541 9075.**

**Elected Members**  
Mr Colin Kemp

## **AGENDA**

### **1 DECLARATIONS OF INTEREST**

All Members present are required to declare, at this point in the meeting or as soon as possible thereafter

- i. Any disclosable pecuniary interests and / or
- ii. Other interests arising under the Code of Conduct in respect of any item(s) of business being considered at this meeting

#### **NOTES:**

- Members are reminded that they must not participate in any item where they have a disclosable pecuniary interest
- As well as an interest of the Member, this includes any interest, of which the Member is aware, that relates to the Member's spouse or civil partner (or any person with whom the Member is living as a spouse or civil partner)
- Members with a significant personal interest may participate in the discussion and vote on that matter unless that interest could be reasonably regarded as prejudicial.

### **2 PROCEDURAL MATTERS**

#### **a Members' Questions**

The deadline for Members' questions is 12pm four working days before the meeting (Friday 9 March 2018).

#### **b Public Questions**

The deadline for public questions is seven days before the meeting (Thursday 8 March 2018).

#### **c Petitions**

The deadline for petitions was 14 days before the meeting, and no petitions have been received.

### **3 SURREY COUNTY COUNCIL'S PROPOSED RESPONSE TO GOVERNMENT CONSULTATION ON EXTENDING THE ELIGIBILITY CRITERIA FOR THE BLUE BADGE SCHEME**

(Pages 1  
- 10)

The Department for Transport (DfT) is currently consulting on proposals to change the eligibility criteria for the Blue Badge scheme to include people with non-physical conditions. This is part of the Government's objective to ensure that those people with the greatest need have access to badges. Surrey County Council has prepared a response to the consultation outlining the potential implications of these proposals to the current administration of the Blue Badge scheme in the county.

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**SURREY COUNTY COUNCIL**

**CABINET MEMBER FOR HIGHWAYS**

**DATE: 15 MARCH 2018**

**LEAD OFFICER: RACHEL CROSSLEY, STRATEGIC LEAD FOR CUSTOMER SERVICES**

**SUBJECT: SURREY COUNTY COUNCIL'S PROPOSED RESPONSE TO GOVERNMENT CONSULTATION ON EXTENDING THE ELIGIBILITY CRITERIA FOR THE BLUE BADGE SCHEME**



**SUMMARY OF ISSUE:**

The Department for Transport (DfT) is currently consulting on proposals to change the eligibility criteria for the Blue Badge scheme to include people with non-physical conditions. This is part of the Government's objective to ensure that those people with the greatest need have access to badges. Surrey County Council has prepared a response to the consultation outlining the potential implications of these proposals to the current administration of the Blue Badge scheme in the county.

**RECOMMENDATIONS:**

It is recommended that the Cabinet Member for Highways approve Surrey County Council's proposed response to the Government consultation on the Blue Badge Scheme for submission by the deadline of 18 March 2018.

**REASON FOR RECOMMENDATIONS:**

The Government proposals to change the eligibility criteria is likely to significantly increase the number of individuals applying for a Blue Badge in Surrey and will impact how the current scheme operates. It is important that Surrey County Council responds to the consultation setting out its views on the potential impact and implications of this proposed change in the eligibility criteria for the local authority and its residents.

**DETAILS:**

**Background**

1. The aim of the Blue Badge scheme is to help disabled people who have severe mobility problems to access goods, services and other facilities by allowing them to park close to their destination. There are approximately 2.4 million Blue Badge holders in England.
2. The scheme provides a national range of on-street parking concessions for Blue Badge holders who are traveling either as a driver or passenger. It allows badge holders to park without charge or time limit in places such as on-street disabled bays and at on-street parking meters and pay and display machines. Badge holders can also park on yellow lines for up to three hours, unless a ban on loading or unloading is in force.

3. The Blue Badge scheme is well used in Surrey with approximately 44,000 current Blue Badge holders and an average of 1300 applications for a Blue Badge each month. Approximately one third of Blue badge holders in Surrey are over 80 years of age. There is a charge of £10 made to issue a Blue Badge.
4. Eligibility for the current scheme focuses around those with a permanent and substantial disability which causes inability to walk or very considerable difficulty in walking. While a range of conditions and disabilities are considered, it is the effect of someone's disability or medical condition on their ability to walk that is important. There are also automatic eligibility criteria linked to receipt of qualifying national benefits and specific criteria for children under three. Where required, local authorities can ask applicants to undergo a mobility assessment with a medical practitioner, such as an Occupational Therapist or Physiotherapist.
5. The consultation is seeking views on a proposition to change this eligibility criteria to also include persons unable to undertake any journey without there being a risk of very considerable harm to the health and safety of that person or another person; and persons unable to follow the route of any journey without another person, assistance animal or orientation aid. This could include conditions such as dementia, autism, adults and children with learning disabilities, as well as some mental health conditions.
6. While supportive of initiatives that make things easier for carers and for vulnerable people to live as independently as possible and parity in the treatment of physical and non-physical disabilities, changing the eligibility criteria will have implications for the local authorities administering the scheme.
7. The Council's proposed response to the consultation highlights the following points:
  - 13.5% of Surrey's population are identified as being limited by a long term health problem or disability (this equates to approximately 148,500 people who may potentially become eligible for a Blue Badge, a significant increase)
  - A projected rise in the adult population in Surrey (240,000 aged over 65 by 2021) and in conditions such as dementia will mean that there would be a continual increase in the number of people potentially eligible for a Blue Badge
  - There will be cost and resource implications associated with the proposed change to the eligibility criteria due to anticipated rise in the number of applications, assessments (given the varied nature of conditions potentially covered by the changed criteria) and the potential for increased number of enquiries and appeals; it needs to be a fully funded scheme
  - The change to the eligibility criteria needs to clearly reflect and support the original aim of the scheme – only those with severe or permanent conditions with a need to park close to their destination to access goods, services and other facilities should be eligible – do not want to undermine the importance of the Blue Badge scheme

- Impact on dedicated parking provision - Surrey experiences significant parking pressures at present (only approx 3,000 disabled parking bays for 44,000 blue badge holders); these could be made worse with increased numbers of Blue Badge holders
- Car park charges for Blue Badge holders may need to be considered
- Increased numbers of Blue Badge holders could create road safety issues through their ability to park on yellow lines
- Consideration should be given to increasing the maximum local authorities in England can charge to issue a Blue Badge, for example in Scotland councils' can charge £20
- Application and eligibility assessment processes need to be fit-for-purpose and decision-making needs to be able to stand up to scrutiny – clear guidance would be required, particularly around when an expert opinion is required to assess eligibility
- Expert opinion would need to be provided by an expert in the specific condition – this would require new ways of commissioning and carrying out assessments, which would likely increase costs
- Linking to Personal Independence Payments (PIP) for automatic eligibility would put England in line with Scotland and Wales – 12 points as a threshold is considered too high by representative groups and 10pts has been suggested as a more appropriate alternative

#### **CONSULTATION:**

8. The Council has made a number of key stakeholders aware of the consultation and has sought their views. This has included representative groups such as Surrey Coalition for Disabled People, Surrey Disabled People's partnership, Surrey Disability Hubs, Catalyst Mental Health Charity and Cornerhouse Mental Health Charity. In addition, services such as the Learning Disability Partnership Team, Adults Social Care and Strategic Policy have also been consulted. Members of the public with mental health or learning disability interests have also been in contact to give their views.

#### **RISK MANAGEMENT AND IMPLICATIONS:**

9. Risks as yet are unclear as the proposed change to the eligibility criteria is at the consultation stage.

#### **Financial and Value for Money Implications**

10. The cost of the proposed change to the eligibility criteria are as yet unclear. It is predicted that there will be cost implications for the local authority as a higher number of applications and wider ranging eligibility assessments are predicted. Within the consultation response the Council is asking Government to recognise the additional burden this would place on local authorities responsible for administering the scheme and is asking that a commensurate amount of funding is provided, or to consider raising the amount local authorities in England can charge for a Blue Badge.

### **Section 151 Officer Commentary**

11. The Section 151 Officer confirms that, as the proposals stand, there would be cost implications for the Council of broadening the eligibility criteria that have not yet been reflected in the council's Medium Term Financial Plan. Any changes would therefore need to be reflected in financial planning decisions at the appropriate time.

### **Legal Implications – Monitoring Officer**

12. The Council is responsible for administering the Blue Badge Scheme and the government's proposals to extend the scheme outlined in this report would have significant implications. The financial implications have been highlighted above, but there will also be equality implications as potential users of the scheme are likely to be among groups of people with protected characteristics as set out in the Equality Act 2010. Although the initial equalities impact of any legislative change will be assessed by the Department for Transport, any decisions made, or arrangement put in place by the Council to implement the changes will need to be informed by a thorough Equality Impact Assessment.

### **Equalities and Diversity**

13. Any implementation of the proposed changes being consulted on would need to be subject to an Equality Impact Assessment (EIA).

### **WHAT HAPPENS NEXT:**

14. Deadline for submission of responses to the consultation is 18 March. The Department for Transport will then consider the responses and publish a summary of responses, including the next steps, within three months of the consultation closing.

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#### **Contact Officer:**

Sarah E.M Bogunovic, Customer Relations & Service Improvement Manager  
Tel: 01372 833871

#### **Consulted:**

Cabinet Members  
Surrey Coalition for Disabled people  
Surrey Disabled People's Partnership  
Surrey Disability Register  
SCC Communications Team  
SCC Policy Team  
Learning Disability Partnership Team  
Surrey Disability HUBS  
Senior MH Service Managers  
Catalyst Mental Health charity  
Cornerhouse Mental Health charity  
Adults Social Care teams



**Annexes:**

Annex A - Consultation response.

**Sources/background papers:**

- Blue Badge scheme: consultation on eligibility  
(<https://www.gov.uk/government/consultations/blue-badge-disabled-parking-scheme-eligibility-review/blue-badge-scheme-consultation-on-eligibility#annex-a-consultation-principles>)
  - Surrey (Demographic data)
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**Annex: Surrey County Council's Response to the Department for Transport  
Blue Badge Scheme: Consultation on proposed changes to eligibility criteria**

Surrey County Council (SCC) is a local authority that serves approximately 1.1 million residents and is responsible for administering the Blue Badge scheme for the county of Surrey. SCC welcomes the opportunity to respond to the Department for Transport's (DfT) consultation on proposed changes to the eligibility criteria for the Blue Badge scheme. We respond to the questions contained within the response document as well as providing some additional comments.

**Question 1: Affected numbers**

The Blue Badge scheme is a well-used and valued service in Surrey with approximately 44,000 current Blue Badge holders and an average of 1300 applications received for a Blue Badge each month. Approximately one third of Blue Badge holders in Surrey are over 80 years of age.

Demographic data for the county suggests that 13.5% of Surrey's population are identified as being limited by a long term health problem or disability. This would equate to approximately 148,500 people being potentially eligible for a Blue Badge. Surrey's population is growing and their needs are becoming more complex, increasing demand on health and social care services. The projected rise in the adult population in Surrey (nearly 240,000 adults aged over 65 by 2021) is already expected to increase demand for the Blue Badge service without any change to the eligibility criteria.

While a range of non-physical disabilities are considered in considering eligibility for a Blue Badge at present, current eligibility is, in the main, focused around those with a permanent and substantial disability which causes inability to walk or very considerable difficulty in walking. It is the effect of someone's disability or medical condition on their ability to walk that is important. Changing the criteria to also include persons unable to undertake any journey without there being a risk of very considerable harm to the health and safety of that person or another person; and persons unable to follow the route of any journey without another person, assistance animal or orientation aid, is likely to significantly increase demand for the Blue Badge service within the county as it will cover a wide range of disabilities and medical conditions.

It is difficult to predict exact numbers of people that may become eligible under the proposed change in criteria but some figures on the conditions that are likely to be included within the amended criteria gives an idea to the predicted increase in demand and applications the Council is likely to receive. There are an estimated 16,472 people in Surrey with dementia, with an actual diagnosis of 9,728. Research suggests that if current trends continue and no action is taken the number of people in the UK with dementia will rise significantly. In Surrey the number of people with dementia is predicted to rise to 21,075 by 2025. Approximately 9,200 adults in Surrey are autistic and of these, 1,000 access adult social care services. 21,800 adults in Surrey have learning disabilities, of which 4,665 are aged over 65. There are also 6,800 children with SEND on a statutory plan.

The average cost of issuing a badge has been estimated by the DfT at £22. Where independent mobility assessments are required, the cost of issuing a badge in Surrey increases by an additional £40, as the council funds the assessment process. The annual cost of administering the scheme currently in Surrey is approximately £200,000 per annum (taking into account the current £10 revenue received per badge). Given the wide-ranging and varied nature of the conditions that may potentially be covered under the proposed change to the eligibility criteria, it is anticipated that the need for independent assessments / expert opinion would significantly increase. Overall, including the cost of additional assessments and additional staff (estimated 2.5 FTE) to help manage higher demand and to continue to meet our 4-6 week target for issuing Blue Badges, it is projected that the cost of administering the scheme could potentially double to around £400,000 per annum.

**Question 2: Proposal for expanding the eligibility criteria – Do you agree with the proposed new criteria?**

SCC is in principle supportive of initiatives that make it easier for carers and vulnerable people to live as independently as possible, as well as parity in the treatment of physical and non-physical disabilities. We are committed to protecting the vital services our residents rely on but this becoming increasingly challenging. We have seen an unprecedented demand for services and a significant reduction in government grants. Government would need to recognise the additional demand this change to the eligibility criteria would create for local authorities who are responsible for administering the scheme to ensure it is fully funded.

We have heard directly from residents how much they value the Blue Badge scheme and we recognise the importance the scheme has in supporting independent living. We believe the change to the eligibility criteria needs to clearly reflect and support the original aim of the scheme – only those with severe or permanent conditions (physical or non-physical) with a specific need to park close to their destination to access goods, services and other facilities should be eligible. We do not want to undermine the value, or purpose, of the Blue Badge scheme.

We would want to make sure that any changes to the application and assessment process benefit the customer and are not overly bureaucratic. We anticipate likely challenges around assessing eligibility and the potential for an increased number of enquiries, challenges and appeals. Clear and unambiguous government guidance would be needed to ensure application and eligibility assessment processes are fit-for-purpose, that applications are assessed fairly and consistently across the country and that decision-making can stand up to scrutiny. There would particularly need to be clear guidance around when an expert opinion is required in terms of assessing eligibility. SCC would welcome the opportunity to engage with the DfT to shape such guidance.

There is concern about the impact a higher number of Blue Badge holders would have on dedicated parking provision in Surrey. The county already experiences significant parking pressures which are a very real concern for residents and has, for example, only 3,000 disabled parking bays for the current 44,000 Blue Badge holders in the county. Other local authorities have implemented parking charges for Blue Badge holders in council-owned car parks and this may be something that needs to be considered to generate necessary revenue.

Higher numbers of Blue Badge holders could also create additional road safety concerns with their ability to be able to park on double yellow lines, which are most often installed for safety reasons. There are concerns about whether this practice is appropriate in areas such as Surrey with a high volume of traffic on its roads, which is steadily increasing.

There is also concern that higher numbers of Blue Badge holders could lead to higher levels of misuse, which the local authority would need address requiring further resource, as well as thefts which have increased by 14% over the past twelve months.

**Question 3: Eligibility Assessor – do you agree that where an expert opinion is required it should be required by an eligibility assessor?**

SCC would support the use of eligibility assessors to help determine eligibility. Council officers would not have the necessary expertise to make desktop based eligibility assessments for conditions such as dementia and autism, in the same way that can currently be carried out to establish the level of a person's mobility.

Representative groups in Surrey have been clear that where an expert opinion is required it should be provided by an expert in the appropriate field and SCC would support this. This will, however, have significant implications for how we currently commission eligibility assessments for Blue Badge and will very likely impact costs and the range and type of assessment that needs to be offered. As stated above, clear guidance around when an expert opinion is required in terms of assessing eligibility will be vital and eligibility questions will need to be carefully framed to make the application and assessment process as simple as possible for customers. Some customers have advised that they find being sent for a mobility assessment intrusive. Due consideration should be given to advice already provided by appropriate medical practitioners and specialists to help inform the decision-making process where appropriate.

**Question 4: Linking to Personal Independence Payment (PIP): Do you agree that there should be automatic badge eligibility for people with non-physical disabilities who score 12 points under the PIP activity – Planning and following journeys?**

SCC believes that this would be a sensible and consistent way to assess automatic eligibility and would put England in line with Scotland and Wales. These applications would be quicker to assess leading to a quicker and more effective service. If set at 12 points, this would mean a person has a clear and demonstrable need for disabled parking.

That being said, representatives of disabled groups in Surrey have made reference to the fact that 10 points awarded under PIP would be a fairer representation of need.

**Question 5: Equality Impact: Do you believe the proposals would disadvantage any particular group of disabled people?**

In terms of expanding the eligibility criteria:

Those people who simply have difficulty walking / are unable to walk may experience difficulty parking due to parking spaces being used up.

In terms of linking to PIP:

Automatic eligibility criteria for children and young people who are in receipt of the mobility component – higher rate under the Disability Living Allowance (DLA) may need to be considered.

Not everyone wants, or is able, to claim benefits.

## **Question 6: Final Comments**

In England and Northern Ireland the current maximum charge that can be levied for issuing a Blue Badge is £10. In Scotland, the maximum a local authority can charge is £20. In Wales there is no charge as the Welsh Government provides funding to local authorities to cover the cost of the Blue Badge through the Revenue Settlement Grant. In order to cover the anticipated increase in operating costs if the new eligibility proposal goes ahead, consideration should be given to government providing appropriate commensurate funding or increasing the maximum amount local authorities in England can charge to £20, as in Scotland.

SCC would reiterate our commitment to supporting our most vulnerable residents and emphasises the need for government to recognise the potential cost and resource implications this proposal could potentially have for local authorities administering the scheme; the need for clear guidance around eligibility which should be closely linked to the core purpose of the Blue Badge scheme; the need for clarity around when expert opinion should be sought and the potential negative impact an increased number of Blue Badge holders could have in areas like Surrey, which has existing pressures on dedicated parking provision and where it is already difficult to access parking concessions due to the number of Blue Badges already in circulation.

SCC would welcome the opportunity to work with the DfT to help shape any future amended guidance should the proposed change to the eligibility criteria be agreed.