



Appendix A
Blue Badge Enforcement
Operational Guidance

Introduction

- 1 The Disabled Person Parking Badges Act 2013 gives local authorities powers in relation to the inspection, retention and cancellation of disabled persons parking badges (blue badges). This guidance will outline how Herefordshire Council will apply these powers in carrying out their enforcement activities.

Enforcement Officers

- 2 Officers authorised by Herefordshire Council will carry out inspections at the roadside and in council car parks, these officers may be in uniform or in 'plain clothes'. On approaching a member of the public these officers will produce a photographic identification card.

Inspection

- 3 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.
- 4 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. They will do this by questioning the person(s) with the vehicle, making background enquires with the parking office and making notes of conversations and details. The parking office may make further enquires using the information provided by the enforcement officer by accessing the BBIS system (a nationwide disabled badge database). Using this system they may access personal details of the badge holder including name, address, and date of birth. They may also be able to establish a telephone number, where the badge holder may be telephoned to establish their whereabouts if not present with the vehicle.

Retention of blue badges by enforcement officers

- 5 Where an enforcement officer has established reasonable grounds that a blue badge is **invalid** or being **misused** it may be retained by that officer.
- 6 A badge is considered to be **invalid** if it is fake, has been cancelled or should have been returned to the issuing authority (i.e. because it has expired or is no longer needed). A badge is considered to be being **misused** if someone other than the badge holder is found to be using it without the badge holder being present on that journey.

Issuing a Penalty Charge Notice

- 7 A Penalty Charge Notice (PCN) 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 persons badge; these can be paid or challenged using the appropriate methods outlined on the notice itself.

Returning the badge to the rightful holder

- 8 In circumstances where the badge has been retained by an enforcement officer because reasonable grounds were established to consider that it was being **misused** it will be returned to the issuing authority.
- 9 Where valid disabled badges have been seized in circumstances outlined in this procedure (due to **misuse**) badge holders will need to contact Herefordshire Councils Parking Service (01432 26 0974) in order to arrange collection of the badge. It is not the intention of this procedure to hinder or impede the rights of genuine blue badge holders to have access to their badge.

Destroying a blue badge

- 10 In circumstances where the badge has been retained by an enforcement officer because the badge is invalid (as described in section 4) Herefordshire Council will destroy the badge.

Prosecutions

- 11 Consideration for prosecuting drivers found to be abusing the blue badge scheme will be given to all cases where the badge is being **misused**. It is accepted that not all seizures of blue badges will result in a prosecution. Drivers can be dealt with by the following means:
 - i) Warning letter – a driver will not be issued a second warning within 2 years of receiving the first
 - ii) Simple Caution
 - iii) Criminal prosecution

A DISABLED BADGE CAN ONLY BE USED BY THE NAMED BADGE HOLDER, OR BY A PERSON WHO HAS DROPPED OFF OR IS COLLECTING THE BADGE HOLDER FROM THE PLACE WHERE THE VEHICLE IS PARKED. IT IS A CRIMINAL OFFENCE (SECTION 117 ROAD TRAFFIC REGULATION ACT 1984) FOR ANYONE ELSE TO USE A BADGE IN ANY OTHER CIRCUMSTANCES.