

"MACS welcomes the opportunity to respond to this consultation.

Although, the Blue Badge Scheme is a devolved matter and there is a reference to the fact that the consultation covers England only, the Blue (Orange) Badge was conceived as a UK wide scheme and we strongly believe that there should not be too many variations in the eligibility criteria or the concessions in the various parts of the UK. This would be discriminatory in our view.

The issue of better and more effective enforcement also requires close cross border co-operation and we would again expect to see consistency in approach throughout the UK.

There are, however, differences in the nature of the devolved governments and in the local government structures in the different parts of the UK and we accept that there will be inevitable differences in the administration and funding of the scheme.

Before responding to the specific questions, we would make three further general comments.

Firstly we note that the consultation does not cover the issue of enforcement in off street car parks as that is not part of the Blue Badge scheme which relates to on-street parking only. However, many of the issues relating to abuse of disabled parking bays stems from the way off-street parking areas are managed (or not) and indeed the fact that the Blue Badge Scheme does not apply to these areas. We believe this has a major bearing on the public perception and understanding of the Scheme. This is an area that will need to be addressed.

Secondly, we note that following the responses to the previous consultation in 2008, it was decided that the time period for the yellow-line concession in England should be unchanged. It is therefore indicated that the consultation does not address this issue. We understand that the forthcoming consultation by the Scottish Government is likely to consider a fundamental review of the nature of the yellow line concessions in Scotland. There are currently differences in the length of time that Blue Badge holders may park north and south of the border and we have no difficulty with that. We would be concerned if there were to be differences in the principle of being able to park on single and/or double yellow lines. This could impact adversely on public understanding of the Scheme and enforcement.

Thirdly, we understand that there is an ongoing review of the Traffic Signs Regulations and General Directions 2002. We see this review as offering an exceptional opportunity to address many of the issues of enforcement relating to the Blue Badge Scheme both on-street and off-street (where there is a Traffic Regulation Order in effect). We would be happy to expand on this issue if appropriate.

Q1: What would be the advantages and disadvantages of a new power to cancel Badges that are reported as lost or stolen, or have expired, or are withdrawn for misuse?

Q2: What would be the advantages and disadvantages of giving local authorities a new power to confiscate Badges (a) that have been cancelled and (b) that are being used by a third party for their own benefit?

Q3: What would be the most appropriate circumstances in which such a power could be used?

Q4: What safeguards should be built into any new power?

Q5: What would be the most effective ways of removing invalid Badges from circulation?

Q6: Do you think that local authorities should be able to tow vehicles that (a) display cancelled or invalid Badges or (b) a third party is misusing a Badge for their own benefit?

Q7: What would be the advantages and disadvantages of removing the current three relevant convictions requirement from the legislation?

Q8: Should there be any additional grounds for refusing to issue a Badge? If so, what would you suggest and why?

Q9: Should there be any additional grounds for withdrawing a Badge? If so, what would you suggest and why?

Q10: What would be an appropriate route to deal with disputes over whether Badges should be withdrawn and unsuccessful applications?

Q11: What are your views on the suggestion that there should be more prescription from central Government on eligibility assessment? What suggestions do you have on how this should be implemented?

Response to Questions 1 to 11

These are similar issues to the ones which are likely to be addressed in the consultation by the Scottish Government and we have no further comment to make at this stage.

Q12: What do you think would be the advantages and disadvantages, and potential costs and benefits, of the Secretary of State taking a new power to require local authorities to use any data-sharing system?

Response to Question 12 - this is an issue which we expect to be addressed in the Scottish Government consultation. Data sharing between authorities north and south of the border is fundamental to many enforcement issues although we realise that in the current financial situation, there will be a natural reluctance to engage in any activity which involves additional costs.

Much will no doubt depend on the actual financial benefits to the enforcing authorities.

Q13: What suggestions do you have as to how we could allow certain non-residents to apply for a Blue Badge?

Response to Question 13 - this is an area where we would expect to see consistency of eligibility in the different parts of the UK. The term "certain non residents" in the document is rather vague. There is reference to Armed Forces who are not currently residents. Would it be the case that people who are residents of other countries would have an equivalent permit that would prove eligibility? What about holidaymakers or those on extended working holidays in the UK (eg students spending a "gap year" in the UK?) Would they all come under this umbrella? I trust that EU residents at least would have a recognisable permit similar to the UK version?

Q14: What are your views on organisational Badges? What are your suggestions for how abuse might be prevented?

Response to Question 14 - We understand that there are significant differences in the number of badges issued to organisations in different parts of the UK. This would seem, in the first place, to imply a need for better guidance to issuing authorities on eligibility. Issues of enforcement probably require a combination of a different design of badge (bigger size?, coloured border?) and making the Badge specific to specified vehicles which have the appropriate taxation rate and insurance in place. Would it be possible to explain *why* a different style of badge would be appropriate for organisations? (for example if it were being abused, displayed on a private car, it would stand out more?).

Q15: Do you agree the way in which we propose to extend eligibility to children between the age of 2 and 3 with specific medical conditions? Please provide information to support your decision.

Q16: Do you have any comments on these proposed transitional arrangements? Please provide information to support your decision.

Response to Questions 15 to 16

We understand these issues will also be addressed in the parallel Scottish Government consultation. It is an example of an area where the eligibility criteria should be consistent throughout the UK. The need for transitional arrangements seems self-evident.

Q17: What are your views on this option? Please provide advantages and disadvantages with this approach.

Response to Question 17. This question relates to disabled service personnel and war veterans. While we can understand where the case for this arises, the issue of eligibility should be the same as for any disabled person - ie

mobility and ability to walk. There is also an equality issue relating to service personnel who did not serve in the **British** Armed Forces.

Q18: Do you think that funding should be distributed via RSG or via ABG? Why do you have that preference?

Q19: If DfT decides to allocate funds via ABG, do you agree that distribution of the funding based on the number of people aged over 65 and the number of people in receipt of HRMCDLA (according to the weighting above) would be appropriate?

Q20: If not, what are the reasons that distribution based on these variables would be inappropriate, and what distribution would be preferable?

Q21: What are your views on giving greater weighting to authorities with high population sparsity? Can you provide any research or evidence of different unit costs to support your views?

Q22: If you think that higher weighting should be given to authorities with high population sparsity, do you agree that a weighting based on population sparsity as used in the CLG relative needs formula would be appropriate, i.e.: $\text{HRMCDLA} + \text{population over 65} \times (1 + 2001 \text{ population sparsity})$

Q23: Do you have a view on whether there should be any payment “floors” or “ceilings”?

Q24: If so, is this view based on any cost-based research or evidence that would help in determining appropriate levels?

Response to Questions 18-24

These are issues of specific reference to England and we have no further comment.

Finally, we note the intention to consult formally on draft regulations later in 2010 in order to change the secondary legislation in England and we note that the earliest the amendments would come into effect is October 2011. Similarly and subject to the consultation, we note the intention to take forward proposed changes to primary legislation at the earliest opportunity subject to the availability of Parliamentary time. These are timescales which have relevance to the parallel review in Scotland.

We also note that in the meantime, the DfT plans to update its good practice guidance with a view to publication later in 2010. We commend this practice.

We hope these comments are of interest."