
SERVICE PROTOCOL

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Topic:	Blue Badge Applications, Decisions and Appeals
Effective Date:	18 th July 2012

1. Introduction to this Protocol

- 1.1 Administration of the Blue Badge Scheme in Gateshead is a function of Parking Services within the Transport Strategy Service. This protocol sets out how applications and associated aspects of the process should normally be dealt with.
- 1.2 It is intended to set a framework for officers to deal with Blue Badge applications, in line with the attached flow chart. It will not cover every eventuality and officers may exercise their judgement and show reasonable flexibility where, in their view, the circumstances of a case clearly require it and where the national regulations allow a measure of discretion, particularly following referral to a line manager.
- 1.3 This protocol is intended for publication on the Council's website. It therefore also sets out some of the main requirements that applicants will need to follow as part of the application process.

2. The legal framework

- 2.1 The Blue Badge Scheme in England is governed by the Chronically Sick and Disabled Persons Act 1970 and the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 (as amended).
- 2.2 Amongst other things, the legislation governs eligibility for Blue Badges and the circumstances in which they may be used. It sets out the circumstances in which a Blue Badge may be issued automatically as well as those in which a badge may be awarded on discretionary grounds. Importantly, the legislation defines a disabled person for the purposes of eligibility for a blue badge.
- 2.3 Where the legislation and any other rules issued by the Department for Transport provide no discretion to local authorities, officers dealing with Blue Badge applications must comply with those requirements.

3. The application process

- 3.1 Individuals or organisations wishing to apply for a blue badge (whether a new one, a renewal or a replacement) must do so in writing using an application form approved for that purpose.

- 3.2 Application forms may be downloaded from the Council's website. They can also be obtained in person from the Civic Centre or from district offices. Parking Services may also send them out by 2nd class post.
- 3.3 The Blue Badge application form will set out what information and supporting evidence must be provided and what form it must take. This will include proof of the applicant's identity and address, along with evidence of any benefit or other entitlement upon which the application is based.
- 3.4 It is the responsibility of applicants to provide the required information to the Council in the appropriate form, regardless of whether the application is for a first badge, a renewal or a replacement. Unless otherwise requested by officers, applicants should send copies of documents rather than originals in case they go astray in the postal system.
- 3.5 Where the applicant is unable to provide evidence in the precise form requested on the application form, officers will be as flexible as possible in considering alternative forms of evidence. However, to protect the integrity of the process, the evidence must be acceptable to officers.
- 3.6 In view of the more robust processes and the production of badges at a central facility outside Gateshead, applicants should be advised to allow up to 28 days for applications to be processed, particularly around public holidays.

4. Assessment

- 4.1 Upon receipt of an application or related correspondence within Parking Services, it should be reviewed within 3 working days to determine whether:
- the information in the form is complete;
 - the appropriate supporting evidence has been received;
 - the applicant qualifies automatically or whether an independent medical assessment is required
- 4.2 Within a further 3 working days, Parking Services should take one of the following courses of action:
- contact the applicant to request further information or evidence;
 - contact the applicant to request the fee and/or photograph;
 - refer the matter to the Council's Independent Medical Assessor;
 - process the application and approve the issue of the badge
- 4.3 Where the case is subject to an Independent Mobility Assessment, it will be for the assessor to decide whether to recommend approval or rejection of the application on the basis of a "desktop assessment" or whether to invite the applicant to attend in person.
- 4.4 The assessor's report should be sent to Parking Services within 5 working days of completing the assessment, unless further information is required before a decision on the recommendation can be made.

- 4.5 Within a further 5 working days, Parking Services should contact the applicant to advise them of the outcome of their application. If the decision is to refuse the application, then a brief outline of the reason will be given. If the decision is to approve the application, then the fee and a photograph (taken in the last month) will be requested to enable the badge to be produced.
- 4.6 In the case of a terminally ill applicant for whom the Council has documentary evidence that a form DS1500 has been issued, the application will be fast tracked. The fee will be waived and a photograph will not be required.
- 4.7 Where an application is rejected, a further application by the same individual or organisation will not be considered within six months, unless the Council is satisfied that the applicant's circumstances have significantly changed.

5. Appeals and complaints

- 5.1 Applicants may contact Parking Services seeking further information on the reason for a decision to reject an application. Other than for simple clarification, such requests should normally be made in writing. Whilst Parking Services staff will be as helpful as they can, for legal reasons any requests for further information about the medical assessor's opinion must be made in writing directly to the independent medical assessor.
- 5.3 Where an application for a blue badge has been rejected, the applicant may appeal against that decision. Appeals must be made in writing within 28 days of the date of the original decision letter. They must be addressed to the Head of Transport Strategy, stating that the applicant wishes to appeal the decision and setting out clearly why they consider that the original decision was wrong.
- 5.4 The Head of Transport Strategy will normally delegate the consideration of appeals to the Parking Services Manager or another senior officer within the service who was not involved in making the original decision.
- 5.5 The officer considering the appeal will review the original decision along with any new evidence that may have come to light subsequently and may take any one or more of the following courses of action:
- allow the appeal and direct that a blue badge be awarded;
 - request further information;
 - refer the matter to the Council's Independent Medical Assessor;
 - refer the matter to the Council's Disabilities Manager;
 - reject the appeal
- 5.6 Where an appeal is rejected, the Council will not consider a further appeal for the same case. A further application by the same individual or organisation will only be considered once six months have elapsed, unless the Council is satisfied that the applicant's circumstances have significantly changed.
- 5.7 If an applicant considers that the Council has not followed the procedures set out in this Protocol, a complaint may be made through the Council's normal complaints procedure and, ultimately, to the Local Government Ombudsman.

