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# Highway Management

Traffic Management - Parking Services

## Blue Badge Enforcement Policy 2024

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## Glossary

CEO	Civil Enforcement Officer
DfT	Department for Transport
PCN	Penalty Charge Notice
PDB	Personalised Disable Bay
RTRA	Road Traffic Regulation Act 1984
SMBC	Solihull Metropolitan Borough Council
TMA	Traffic Management Act 2004

## Introduction

Solihull Metropolitan Borough Council has been responsible for civil enforcement of parking regulations under part 6 of the Traffic Management Act 2004<sup>1</sup> since 2007.

This means all parking restrictions made under the RTRA<sup>2</sup> are enforced on and off-street by CEOs including parking in disabled parking places and the use of blue badges.

This policy outlines the updated application eligibility criteria by the Department for Transport, blue badge holders' rights and responsibilities, and how SMBC enforce disabled parking places under the TMA.

## Blue Badge Eligibility Criteria Review

The eligibility criteria to qualify for blue badges was reviewed by the DfT in 2019 to include people with non-visible disabilities<sup>3</sup>.

<sup>1</sup> <https://www.legislation.gov.uk/ukpga/2004/18/part/6>

<sup>2</sup> <https://www.legislation.gov.uk/ukpga/1984/27/section/1>

<sup>3</sup> [Review of eligibility criteria for the Blue Badge scheme: recommendations - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/review-of-eligibility-criteria-for-the-blue-badge-scheme-recommendations)

It is estimated that 39% of new applications nationwide have been from people who may not have previously qualified for a badge. In 2019 to 2020, 39,000 more badges were issued than the previous year with 26,000 of those badges being issued under the new eligibility criteria.

Applicants may be eligible for a blue badge if they meet 1 or more of the criteria below:

- You have a disability which means you are not able to walk
- You have a disability and have a great difficulty walking from your car to where you want to go
- You have a disability which means that you are likely to come to harm when you are walking
- You have a disability, and you are likely to harm someone when you are walking

An applicant is also eligible for a blue badge if they are registered blind or are receiving certain benefits from the government.

## Blue Badge Administration

All new applications and renewals for a blue badge are applied for through the DfT's online portal<sup>4</sup> which can be accessed via SMBC's parking application page<sup>5</sup>.

Information on what an applicant needs to supply to be considered for a blue badge is detailed throughout the expandable menus on SBMC's parking application page and on DfT's application portal.

Once the necessary eligibility checks are processed and your application is approved, SMBC will contact you with a reference number and instructions explaining how you can make payment through SMBC's online payment portal or by phone.

## Blue Badge Holder Rights and Responsibilities

A Blue Badge is intended for on-street parking to help the holder park closer to their destination, either as a passenger or a driver.

Council owned car parks all have provision for disabled parking. The amount and types of spaces available in each of the car parks can be found on the parking pages for car parks on the council website<sup>6</sup>.

Council owned and private off-street car park operators should provide parking spaces for disabled people. However, it is up to the car park owner to decide whether badge holders can park free of charge.

Do not assume you can always park for free.

### Rights

Blue badge holders can park on single or double yellow lines for up to 3 hours. They may not park for any length of time where yellow kerb marks are present with yellow lines as this means loading and waiting is prohibited.

The blue badge and the parking clock showing the quarter hour period when the holder arrived must be displayed correctly when parking on yellow lines.

A blue badge holder must wait for at least one hour after a previous period of parking before parking the same vehicle in the same road or part of a road on the same day.

Blue badge holders may park for free without time limit in on street pay and display parking places with the badge correctly displayed.

Blue badge holders may park without time limit in on street blue disabled bays marked with the wheelchair symbol, unless the bay has a time plate denoting a maximum stay.

Personalised disabled bays are designated to a specific person who has been issued with a permit to park in the space. Any other blue badge holder other than the person the bay has designated to is not permitted

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<sup>4</sup> <https://www.gov.uk/apply-blue-badge>

<sup>5</sup> <https://www.solihull.gov.uk/Parking/Blue-badge>

<sup>6</sup> [Solihull Town Centre car parks](#)

to park in the space for any length of time and may be issued a PCN if observed parked in contravention. SMBC do not have any PDB spaces in the borough at present.

Blue badge holders may park for free without time limit in free parking areas with limited stay unless signs show there is also a time limit for blue badge holders. In the instance a time limit applies, the parking clock must be displayed and set to show the quarter hour period of arrival.

Blue badge holders are only permitted to board and alight passengers on a red route restriction in SMBC. Parking is not permitted for any length of time.

## Responsibilities

A blue badge holder must never give the badge to friends or family allowing them the benefit of the parking concessions.

A blue badge must never be copied to be used for parking or to fraudulently change the details on the badge.

The blue badge remains the property of the issuing local authority, who can ask for the badge to be returned if it is being misused.

It is a criminal offence to misuse a blue badge. Doing so could lead to a £1,000 fine and confiscation of the badge.

## Prohibited Parking

Blue badges do not allow for parking in any of the places listed below unless stated otherwise in SMBC policy and on street signage.

- Where loading and unloading is prohibited as indicated by single or double yellow lines with yellow kerb markings.
- Parking places reserved for specific users such as resident's bays or loading bays.
- Pedestrian crossings (zebra, pelican, toucan, and puffin), including areas adjacent marked by white zig-zag lines.
- Clearways – no stopping, indicated by a red cross on a blue sign.
- A bus stop clearway during its hours of operation.
- An urban clearway within its hours of operation. Pick up and dropping off passengers is permitted, but all parking is forbidden.
- School 'keep clear' markings during the hours shown on a yellow no-stopping plate.
- Bus, tram, cycle lanes or cycle tracks.
- Bus lanes during their hours of operation.
- Where there are double white lines in the centre of the road, even if one of the lines is broken.
- Suspended meter bays or when use of the meter is not allowed.
- Where temporary parking restrictions are in force, as shown for example by no-waiting cones.

## Parking Safely

- Do not park where it would:
  - Be dangerous
  - Create difficulties for people
  - Block pedestrians and other road users
  - Be too close to a junction
  - Make a road too narrow
  - Hold up traffic
  - Stop emergency vehicles from going in or out
  - Stop a wheelchair user from crossing the road at a lowered kerb
  - Be on a footway

## Blue Badge Parking in SMBC

Car parking space must be made for disabled motorists where car parking space is provided in off-street car parks.

DfT guidance<sup>7</sup> states space for blue badge holders should be provided as close as possible, preferably within 50 metres of the facilities served by the car park with level or ramped access, and under cover if possible.

Where the provision of designated parking spaces close to the building is not possible, a setting-down point for disabled passengers should be provided on firm and level ground, close to the principal entrance to the building.

SMBC install advisory blue badge spaces on street without charge in areas that have high levels of parking stress and blue badge holders.

Any resident within the borough who meets the qualifying criteria for consideration to have advisory blue badge space installed can apply on the SMBC website disabled parking page<sup>8</sup>.

Installing an advisory blue badge parking space does not guarantee the applicant will be able to park and does not prevent any other blue badge holder from parking in the space.

As with any advisory restriction, enforcement action cannot be taken by a CEO or the police against any motorist parking without a blue badge on display.

## Blue Badge Enforcement

All civil parking enforcement in SMBC is undertaken by trained and qualified CEOs governed by the TMA.

A PCN will be issued to any vehicle in the instance it is parked in contravention in a blue badge space for the following reasons:

- Failing to display a blue badge.
- Displaying an expired blue badge.
- Displaying a blue badge incorrectly, e.g., face down or with the badge number obscured.
- Failing to display the parking clock when required, or with parking clock obscured.
- Displaying a blue badge that appears to be fraudulent, e.g., a photocopy or if it has been defaced.

A CEO always takes appropriate notes and contextual photographs of a contravention before issuing a PCN.

## Appeals and Representations

If a blue badge holder has received an PCN when parking in a disabled parking space and feels it has been issued incorrectly, they can appeal in writing as directed on the reverse of the PCN.

When an appeal is received, the PCN progression is put on hold until a decision has been made and the appellant has been informed of the outcome.

In the instance the PCN is upheld, the 50% discount is reapplied for a further 14 days to encourage early payment.

If the appellant wishes to contest the decision to uphold the PCN, they may do so by submitting a representation in writing once the Notice to Owner has been served and received by the registered keeper.

If the representation is rejected and the appellant wishes to contest the decision, they can make an appeal to the Traffic Penalty Tribunal which employs independent adjudicators, whose decision is final and binding for all parties.

All appeals and representations are considered by qualified staff employed by SMBC.

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<sup>7</sup> <https://www.gov.uk/government/publications/inclusive-mobility/inclusive-mobility#car-parking>

<sup>8</sup> <https://www.solihull.gov.uk/Parking/H-markings#1>

## Blue Badge Confiscation<sup>9</sup>

Police officers and CEOs have the power to inspect blue badges. They should produce an identity card with their photograph on it to prove they are who they say they are. However, both are allowed to operate in plain clothes.

If asked to see the badge, the holder must show it to them. If they do not, they are breaking the law and could be fined up to £1,000. CEOs also have the right to retain the badge, without police presence, if they have reasonable grounds to do so.

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<sup>9</sup> <https://www.gov.uk/government/publications/the-blue-badge-scheme-rights-and-responsibilities-in-england/the-blue-badge-scheme-rights-and-responsibilities-in-england#power-to-inspect-and-retain-the-badge>

## Version History

Revision date	Revision by	Summary of changes	Version
12/01/2022	Steve Halsey	Creation of disabled badge enforcement policy	0.1
07/02/2022	Steve Halsey	Title change	0.2
09/02/2022	Steve Halsey	Amendments to the administration section	0.3
19/02/2022	Paul Tovey	Sign off	1.0
30/11/2023	Kash Dhadwar	Amendments to parking safely	1.1
04/01/2024	Paul Tovey	Sign off	2.0



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