



DECISION OF DIRECTOR OF DEVELOPMENT AND ENVIRONMENT

DECISION NO. 16/17 DE 216

SUBJECT: Approval to commit to a one year contract with BBFI Ltd (Blue Badge Fraud Investigation Ltd) for the investigation of blue badge misuse.

Background:

There are currently 19,000 blue badges issued by North Somerset Council in circulation plus other badges from visitors from other areas. Blue badge misuse is on the increase across the country which is widely reported in the media and trade bodies. It is a criminal offence to misuse a blue badge and on conviction it could result in a fine of up to £1000. Since 2013 our Parking Attendants/Civil Enforcement officers have been able to check and seize badges suspected of being misused without the need of police presence (Disabled Persons Parking Badge Act 2013) The Blue Badge Administration team was part of the transformation to Agilisys and investigation and prosecution was not included as part of this transfer.

Since January 2016 105 badges have been seized. 69 of those were out of date, some by a number of years. 36 of them have started the investigation process of which 25 are being considered for prosecution.

Previously any misuse of a badge that was seized generally resulted in the badge being returned, if in date, to the user and misuse could then start again with no penalty.

BBFI will provide an investigator and other staff on a contract basis to work on behalf of North Somerset Council to prepare the case files for blue badges that have been seized. This will involve investigations, PACE interviews and working with the police and other enforcement agencies to bring prosecutions to court. It is the decision of the Parking Services Management to ensure that any of those cases is in the best interest of the Council to prosecute and some may result in a warning only.

BBFI have a 100% success rate and work with many other local authorities for successful prosecution at court. The Executive member responsible for parking, Cllr Ap Rees has been briefed on this item on 19 September 2016

Decision:

That Blue Badge Fraud Investigation Ltd be given a 1 year contract to investigate and prepare court case packs for blue badge misuse and prosecution.

Reasons:

In North Somerset there has been no enforcement and investigation of blue badge misuse in the past to the level we are now proposing. Badge misuse is a problem in some parts of Weston Town centre particularly where there are on street pay and display areas. While many of these blue badge holders are genuine there is a number that misuse blue badges for the following reasons:-

- Expired Badge
- Not being used by the blue badge holder
- Using a deceased persons badge
- Using a fake or altered badge

This is having a negative effect on the income of the pay and display meters in these areas and also has a negative impact on the turnover of spaces.

The advantage to both genuine blue badge holders and those that misuse them in on street pay and display areas is that there are no time restricted (Usually 2 hour's max.) and free parking. The cost of the BBFI to the service is designed to be cost neutral i.e. the contract will pay for itself with the fines received from successful prosecutions and additional income. The additional income would be from the pay & display spaces that would be freed up for paying users. The general public currently have the perception that no one cares if they misuse a badge as nothing will happen to them. We want to change this and show that we will deal with misuse through the courts. In our research and in attending local Disability Users Groups this is something that the blue badge community would welcome and we intend to publicise our prosecutions as a deterrent to others. This has already started with a publicised blue badge amnesty to have them handed in during October 2016.

Having carried out research, there is no other company locally than offers such specialist investigation into blue badge misuse. Currently Bath and North East Somerset use BBFI and we already have a working relationship, including enforcement with that authority.

There is an exemption within Contract Standing Orders that allows for a direct appointment of a contractor

5.2.9 Where there is no effective competition for the goods, services or works in question because payment is fixed under statutory authority or is of such a specialist nature that there is effectively only one supplier.

Other Alternatives Considered:

Consideration has been given to carrying out the work in house but has been discounted due to lack of current resources and the training and experience needed by staff to properly investigate and prepare necessary case pack for prosecution.

Risk Assessment:

There is a continued risk of under-recovery of any parking area due to the following factors:-

- Free on-street parking for blue badge holders
- Impact of national concessionary fares scheme
- Economic downturn
- Speed of development of new retail and leisure facilities
- Poor weather conditions
- Changing travel choices
- Poor conditions within the parking area

With no blue badge enforcement continued and increased misuse will continue. Genuine blue badge holders can face restricted or limited parking facilities in some areas and as the blue badge issuing authority and local enforcement we have a duty to ensure badges are policed. With the introduction of Civil Parking Enforcement in the near future free restricted parking in all on street areas currently not enforced may become areas of blue badge misuse. We need to have in place a robust system of dealing with those issues and hopefully stop them before they become an issue.


Financial Implications:

BBFI charges for this service are £16,200 per annum payable, with North Somerset Council legal services dealing with the legal aspect of any cases. Recovery of those costs will be via costs allocated by the court and extra revenue based on the removal of misused badges from the street and pay and display areas which will allow more turnover of spaces with paying customers.

Last year on street income was £515k with the most popular ticket sold being £1 for 1 hour which sold 223k tickets. The near full cost of BBFI could be recovered (£15,600) by one £1 extra ticket being purchased from the 50 on street machines per day. This with court costs from successful cases will more than pay for the service. In just one street (Lower Church Road) which now has a higher than average blue badge use, income has reduced by nearly £500pa.

As well as a higher turnover of on street spaces those misusing badges will have to either find alternative parking or purchase tickets or permits in our other off street parking areas which will result in extra income.

In off street car park blue badge misuse is minimal as charges also apply to blue badge holders and there is no time restriction.

Signed.  Director of Development and Environment

Dated. 23/11/16

