

Changes to the Constitution –

Report of the Head of Legal and Democratic Services

Purpose of the Report

1. This report details amendments to the constitution made by the Head of Legal and Democratic Services to reflect the changes brought about by new legislation which affect Local Authorities in their day-to-day administration and enforcement of the Blue Badge Scheme.

Background

2. Until recently, constables or enforcement officers could inspect blue badges under powers in the Chronically Sick and Disabled Persons Act 1970 but only the police could seize badges. Changes to legislation have now enabled Local Authorities to inspect and retain a badge without police presence if they have reasonable grounds for believing the badge;
 - a) is a fake; or
 - b) has already been cancelled (e.g. because it was reported lost or stolen); or
 - c) should have been returned to the issuing authority (e.g. because it has expired, the holder has died, the holder is no longer disabled, a replacement has been issued, the badge has become damaged/faded, the authority has written to the holder requesting return of the badge either following a relevant conviction for misuses or because it was obtained by false representation), or
 - d) was being misused (including by someone other than the holder when the genuine holder is not involved in the journey)
3. The Council may now institute prosecution proceedings in relation to the misuse of blue badges.

Changes that have been made to the Constitution

4. The list of legislation contained within the Appendix to Table 4 (Delegations to the Corporate Director, Regeneration and Economic Development) has been updated to include the Chronically Sick and Disabled Persons Act 1970, the Forgery and Counterfeiting Act 1981 and the Proceeds of Crime Act 2002 .

Recommendation

5. It is recommended that Council note the content of this report.

Background Papers

Department for Transport Circular – the Blue Badge Scheme – Enforcement Changes

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Appendix 1: Implications

Finance – None

Staffing – None

Risk - None

Equality and Diversity / Public Sector Equality Duty - None

Accommodation - None

Crime and Disorder - None

Human Rights - None

Consultation - None

Procurement - None

Disability Issues – None

Legal Implications –

