

# Overview and Scrutiny Challenge Session

## Alternative Report

The extent to which the council's policies disadvantage disabled people with cars and what to do about it

13/12/2021



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## Foreword

The proposed scrutiny challenge session report does not include the words 'disabled' or 'disability' or 'blue badge' in 4,530 words of a report about parking even though this is the group of residents most affected by any parking problems due to their often-limited mobility.

I first raised my concerns about this via email on the 7<sup>th</sup> October but was unfortunately unable to join the scrutiny session due to a late running train. I have therefore written this Alternative Report and ask that it be scrutinised by Overview & Scrutiny and added to the main report.

It focusses on four key points (not in any order)

- Theft of blue badges
- Lack of access to dedicated personalised disabled parking bays
- Disabled worker parking
- Access to private parking by disabled residents

It makes four recommendations we should be added to the eight in the other report.

But I am sure there are many others and would suggest that the Council more formally bring into this debate disabled people themselves.

I believe that Tower Hamlets has a blind spot as regards disabled people and their needs. And as a result I do not believe that we are compliant with our equalities duty as a result.

We also need to make decisions based on data and evidence.

This Alternative Report is designed to highlight some of those issues and to make recommendations.

**Cllr Andrew Wood**  
**Opposition member**



## Summary of Recommendations

<b>R9</b>	<p>Reduce the theft of blue badges from vulnerable people's cars:</p> <ul style="list-style-type: none"> <li>(a) Offer residents with blue badges a virtual permit for their main vehicle to reduce the number of thefts of blue badges and the resulting vehicle damage caused or</li> <li>(b) Copy other London Boroughs in providing blue badge users with a unique to Tower Hamlets colour badge that can only be used in Tower Hamlets reducing its monetary value to thieves (they would also get a blue badge to use outside of Tower Hamlets)</li> </ul>
<b>R10</b>	<p>Improve access to dedicated disabled parking bays for those who need them by removing the unfair obstacles put in disabled people's way:</p> <ul style="list-style-type: none"> <li>(a) To consider parking pressure across the whole week not just during controlled hours when residents apply for a dedicated disabled parking bay</li> <li>(b) To extend controlled parking hours until later in the evening in areas with parking stress at nights and weekends in areas with lots of car free homes</li> <li>(c) That any Motability vehicle automatically gets a street parking permit if the owner lives in Tower Hamlets (but is not the driver)</li> <li>(d) That where the disabled vehicle owner cannot drive themselves that they can nominate others as their drivers removing the link between a property and the driver which disadvantages those families where other members of the family or carers are the drivers</li> <li>(e) That in very dense streets with a lot of parking pressure e.g. Millharbour, the Council reserve some bays for blue badge holders only, as a half-way house to a full dedicated bay for only one vehicle</li> </ul>
<b>R11</b>	<p>Improve access to parking for disabled workers:</p> <ul style="list-style-type: none"> <li>a) Encourage private car parks to offer discounts to disabled drivers if blue badge parking is hard to access on nearby streets</li> <li>b) That in any new office development with new parking that disabled workers have access to dedicated disabled parking</li> </ul>
<b>R12</b>	<p>To reduce the need for disabled drivers having to park on double yellow lines or getting fined repeatedly on the street by better protecting their access to private parking where they live:</p> <ul style="list-style-type: none"> <li>a) Every s106 agreement for a development including affordable homes must reserve access to disabled parking bays in the development for all residents including affordable homes in perpetuity</li> <li>b) Where this has been missed from a previous agreement and where there is evidence of the problems this causes on surrounding streets, that the s106 be re-negotiated where possible</li> <li>c) The s106 legal agreement should include a map of the reserved spaces for disabled residents including the affordable tenures for the sake of clarity</li> <li>d) That the LBTH bidding system clarifies whether or not a development has dedicated disabled parking bays so that potential disabled residents know to ask about access in advance</li> </ul>

## Background

- 1.1. See this 2020 table which shows that Tower Hamlets has the 5<sup>th</sup> lowest number of blue badge drivers as a proportion of the wider population of any English local authority. We also have the lowest proportion of over 65's in the country. This does not suggest that providing better parking conditions for our disabled residents should be especially onerous.
- 1.2. [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/953754/blue-badge-scheme-statistics-2020.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/953754/blue-badge-scheme-statistics-2020.pdf)

**Table 2: Top and bottom 5 local authorities for badges held as a proportion of the population: England, March 2020 (DIS0108)**

Local Authority	%	Local Authority	%
Dorset	7.1	Tower Hamlets	1.7
Sunderland	6.8	Westminster	1.7
Stockton-on-Tees	6.7	Lambeth	1.7
St. Helens	6.7	Kensington and Chelsea	1.5
North Lincolnshire	6.5	City of London	1.4

Blue Badge Scheme Statistics 2019/20 - Page 6

## Key Findings and Recommendations

### Recommendation 9 – Theft of blue badges

- (a) Offer residents with blue badges a virtual permit for their main vehicle to reduce the number of thefts of blue badges and the resulting vehicle damage caused or
- (b) Copy other London Boroughs in providing blue badge users with a unique to Tower Hamlets colour badge that can only be used in Tower Hamlets reducing its monetary value to thieves (they would also get a blue badge to use outside of Tower Hamlets)

- 3.1. Theft of blue badges from cars is common across Tower Hamlets, As at February 2021 the Police reported 208 thefts of blue badges from cars across Tower Hamlets in the last 12 months. They would support any initiative to design out crime.
- 3.2. Blue badges have to be prominently displayed in a windscreen but are worth a lot of money and are easily traded across the UK, it is an open invitation to steal.
- 3.3. Each theft involves at least one smashed car window, and I am aware of other attempted thefts which failed to retrieve the badge after the thieves were warned off so the 208 number will be an understatement of the problems caused. This causes considerable distress and damage to disabled residents who may struggle to pay for the repairs to their cars.
- 3.4. LBTH has so far refused to do this on the basis that it would increase fraud by making more blue badges available for re-use. This is a risk. But the parking service consistently reports a large surplus every year and those surpluses have legal limits on what they can be used for.

It is not clear what the direct financial harm would be for an increase in fraud versus the opportunity to reduce the impact of theft on at least 208 disabled residents a year.

- 3.5. Residents could apply for a virtual permit (if they do not have one already) for their main vehicle as would be tied to a registered vehicle and many thefts are at night-time when vehicles are parked. They would still have a physical blue badge available if they transferred to another vehicle.
- 3.6. Fraud could be reduced by only granting these virtual permits to residents with clear reasons for needing one and who did not already have a virtual street permit at their home address.
- 3.7. Or instead copy a number of central London Boroughs who provide a dedicated and differently coloured badge for their disabled residents – these can only be used in that Borough.
  - 3.7.1. Royal Borough of Kensington and Chelsea - Purple Badge
  - 3.7.2. City of London - Red Badge
  - 3.7.3. Camden Borough - Green Badge
  - 3.7.4. City of Westminster - White Badge
- 3.8. Tower Hamlets could copy them and introduce a yellow or grey badge. This would reduce their monetary value as can only be used here and would make it easier to stop fraud as any vehicles registered to Tower Hamlets but still using a blue badge maybe more suspect in future.

#### **Recommendation 10 - Access to dedicated disabled parking bays**

- (a) To consider parking pressure across the whole week not just during controlled hours when residents apply for a dedicated disabled parking bay
- (b) To extend controlled parking hours until later in the evening in areas with parking stress at nights and weekends in areas with lots of car free homes
- (c) That any Motability vehicle automatically gets a street parking permit if the owner lives in Tower Hamlets (but is not the driver)
- (d) That where the disabled vehicle owner cannot drive themselves that they can nominate others as their drivers removing the link between a property and the driver which disadvantages those families where other members of the family or carers are the drivers
- (e) That in very dense streets with a lot of parking pressure e.g. Millharbour, the Council reserve some bays for blue badge holders only, as a half-way house to a full dedicated bay for only one vehicle

- 4.1. Dedicated disabled parking bays are very difficult to get with a large number rejected on a range of grounds, for example:
  - 4.1.1. There is no parking stress during a weekday morning daytime when Council officers visit ignoring the reality is that parking stress is much worse outside of controlled parking hours at night and during the weekend due to large numbers of cars parking from car free accommodation. It assumes disabled people only need to travel and park during controlled parking hours.
  - 4.1.2. That the disabled person relies on family, friends, and carers to drive them, but as they do not live at the address the vehicle is not granted a bay, this assumes that all disabled people can be dropped off close to their front door and make their way home unaided

while their driver searches for a nearby parking spot. This cannot be done with children nor those unable to walk or with serious health issues.

- 4.1.3. That when a person is decanted from a home with external estate parking and is moved to another home and is then refused both THH estate parking and street parking because the Motability vehicle is driven by non-resident family members the result may well be the family have to hand back the Motability vehicle used to take their family member to college.
- 4.2. This case from the Local Government Ombudsman of an autistic boy refused a dedicated disabled parking bay provides some evidence of the problem. Full disclosure – I have submitted a similar case to the Local Government Ombudsman which is now at the investigation stage.  
<https://www.lgo.org.uk/decisions/transport-and-highways/other/19-006-122>
- 4.3. LBTH seems to feel that if one disabled person gets a bay that every blue badge holder must get one reducing the total amount of parking. It is not clear that automatically follows as it depends on the degree of disability, the level of parking available, the location and its particular issues.
- 4.4. But in some parts of Tower Hamlets parking is going to get worse as the population increases and the number of parking spaces is being reduced via Liveable Streets. We cannot allow disabled people to suffer from the increased competition for spaces.
- 4.5. We should experiment in very dense areas with creating some dedicated blue badge holder parking bays, not linked to any one person but offering disabled drivers some more options. Millharbour, the densest place in the UK would be one place to trial this, where the coach parking is now.

#### **Recommendation 11 – Disabled worker parking**

- a) Encourage private car parks to offer discounts to disabled drivers if blue badge parking is hard to access on nearby streets
- b) That in any new office development with new parking that disabled workers have access to dedicated disabled parking

- 5.1. Office workers who work in places like at Canary Wharf do not get any parking discount (I am aware of only one exception after a disabled person complained) if they are disabled but also get no dedicated disabled parking either as cannot use their blue badge on private streets. This also applies to visitors who park on private streets which can be very confusing as some like Hertsmere look like Council roads.
- 5.2. As a result some park on Council streets nearby and then make their way to work which can be difficult due to their disability.
- 5.3. We should encourage private providers of parking in dense office locations like Canary Wharf to offer a discount to disabled drivers.
- 5.4. In new planning permissions for new offices (North Quay for example) ensure that there is some dedicated disabled parking space for visitors or workers in any future car park.

### **Recommendation 12 – Access to private parking by disabled residents**

- a) Every s106 agreement for a development including affordable homes should reserve access to disabled parking bays in the development for all residents including affordable homes in perpetuity
- b) Where this has been missed from a previous agreement and where there is evidence of the problems this causes on surrounding streets, that the s106 be re-negotiated where possible
- c) The s106 legal agreement should include a map of the reserved spaces for disabled residents including the affordable tenures for the sake of clarity
- d) That the LBTH bidding system clarifies whether or not a development has dedicated disabled parking bays so that potential residents know to ask about access

- 6.1. It is very common to find little groups of vehicles parked on double yellow lines outside certain developments, for example the Madison and Wardian on Marsh Wall or on Limeharbour close to Baltimore Wharf. They usually have a blue badge on display. Or you have other streets with great parking pressure like Millharbour.
- 6.2. This is for three reasons
  - 6.2.1. Tower Hamlets did not protect in the s106 access to the private underground car park (Amory/Madison) which it has done elsewhere or
  - 6.2.2. The developer later sold the spaces reserved for disabled residents (41 Millharbour) or
  - 6.2.3. The housing association either did not know or did not make clear to its disabled tenants that they did indeed have access underground disabled parking bays (Salvor Tower & Thole Court) resulting in at least one disabled resident getting close to a £1,000 in parking fines
- 6.3. In theory 10% of all new homes should be wheelchair accessible and we must assume that a % of those residents will have a car but that rarely translates into any clear planning on how many and where the parking spaces will be for those cars? Underground? On a nearby Council road? This should be planned for.
- 6.4. Even where the s106 does provide disabled parking for all tenures, it can be quite hard to find evidence of this and often the legal wording is unclear even for Councillors who know what they are looking for. There is then often a lack of clarity about which spaces are for the affordable tenure.
- 6.5. Many developers are not aware of the Permit Transfer Scheme and therefore incorrectly assume that car free really is car free and therefore do not plan ahead for the number of cars residents will have.
- 6.6. In almost every case affordable home residents are treated as 2<sup>nd</sup> class citizens as a result.

## **Conclusion**

- 11.1. This alternative report provides the Overview and Scrutiny Committee with some additional recommendations to consider and to add to the main report.
- 11.2. Organisations like REAL based in Tower Hamlets should be involved in this process.