



The Scottish Parliament
Pàrlamaid na h-Alba

LOCAL GOVERNMENT AND REGENERATION COMMITTEE

AGENDA

10th Meeting, 2016 (Session 4)

Wednesday 16 March 2016

The Committee will meet at 1.15 pm in the Robert Burns Room (CR1).

1. **Decision on taking business in private:** The Committee will decide whether to take item 4 in private.
2. **Subordinate legislation:** The Committee will take evidence on the Disabled Persons (Badges for Motor Vehicles) (Scotland) Amendment Regulations 2016 (SSI 2016/72) from—

Derek Mackay, Minister for Transport and Islands;

Graham Thomson, Team Leader, Road Safety and Blue Badge Policy Team, Transport Scotland;

Anne Cairns, Solicitor, Scottish Government.

3. **Subordinate legislation:** Richard Simpson MSP to move—S4M-15895—That the Local Government and Regeneration Committee recommends that the Disabled Persons (Badges for Motor Vehicles) (Scotland) Amendment Regulations 2016 (SSI 2016/72) be annulled.
4. **Subordinate legislation:** The Committee will consider a draft report.

David Cullum
Clerk to the Local Government and Regeneration Committee
Room T3.60
The Scottish Parliament
Edinburgh
Tel: 0131 348 5223
Email: david.cullum@scottish.parliament.uk

The papers for this meeting are as follows—

Agenda item 2 and 3

Paper by the clerk

LGR/S4/16/10/1

Local Government and Regeneration Committee
10th Meeting, 2016 (Session 4), Wednesday, 16 March 2016

Subordinate legislation

Introduction

1. The Committee considered the Disabled Persons (Badges for Motor Vehicles) (Scotland) Amendment Regulations 2016 at its meeting on 2 March 2016. The Committee agreed that it had no comments to make on the instrument and, therefore, did not draw it to the attention of Parliament.

2. On 9 March 2016, however, Richard Simpson MSP lodged a motion to annul the instrument. S4M-15895—

That the Local Government and Regeneration Committee recommends that the Disabled Persons (Badges for Motor Vehicles) (Scotland) Amendment Regulations 2016 (SSI 2016/72) be annulled.

3. This paper seeks to inform members' consideration of the motion to annul.

Committee procedure

4. The Committee will take evidence on the issue at agenda item 2. The Convener will invite Richard Simpson to make a statement to the Committee. Richard Simpson was invited to provide some background information to inform members of his concerns ahead of the Committee meeting but, due to the short timescales involved, this was not possible. Following Richard Simpson's statement, the Committee will take evidence from the Minister.

5. The Committee will debate the motion to annul the instrument at agenda item 3. Richard Simpson will be invited to speak to, and move, his motion. Members will then have an opportunity to comment and then the Minister will be invited to speak to the motion.

6. After Committee members and the Minister have spoken, Richard Simpson will be invited to respond to these points and confirm whether he wishes to press, or withdraw, his motion. The debate may take up to 90 minutes.

7. If Richard Simpson wishes to press his motion, the Committee will be asked whether to recommend the Regulations be annulled. (The Committee would need to give its consent for the motion to be withdrawn.)

8. The Committee will agree its draft report at agenda item 4, which will set out whether it recommends to the Parliament the statutory instrument should be annulled.

The Disabled Persons (Badges for Motor Vehicles) (Scotland) Amendment Regulations 2016

Background

9. The instrument was laid on 4 February 2016 and this Committee has been designated the lead committee. The lead committee must report on the instrument by 21 March 2016.

Policy objectives

10. The Blue Badge Scheme currently focuses on helping people with severe mobility problems lead independent lives by enabling them to get easier access to services they want to use. The Disabled Persons (Badges for Motor Vehicles) (Scotland) Regulations 2000 provide a range of eligibility criteria. Badges can be issued either without assessment, generally where an applicant receives a “passport” from another benefit such as Disability Living Allowance or Personal Independence Payment, or following assessment by a local authority.

11. Currently, people who are assessed by a local authority are eligible by virtue of being able to demonstrate that they are ‘unable to walk or virtually unable to walk’ as outlined in Regulation 4(2)(f) and 4(2)(g) of the Disabled Persons (Badges for Motor Vehicles) (Scotland) Regulations 2000.

12. These Regulations seek to extend eligibility, via an application to the local authority, to people with mental disorders who have no awareness of danger from traffic and are likely to compromise their safety, or the safety of others as result.

Consultation

13. Transport Scotland conducted a call for evidence in December 2013 which aimed to gather information on potentially extending the eligibility criteria for the blue badge scheme in this way. The subsequent analysis of the responses received indicated support for the scheme to be extended, although there remained issues on the best way to effect the change.

14. As a result, Transport Scotland established a Working Group in 2015 to evaluate the practical viability of an extension. Membership of the group, which is chaired by Transport Scotland, was made up from people who currently administer the scheme within local authorities, health professionals who are involved with assessments under the scheme and people representing disability organisations.

Impact assessments

15. An Equality Impact Assessment has been completed and can be accessed on the Transport Scotland website. Consideration of how this policy affects children is considered under the Equality Impact Assessment and therefore no Child Rights and Wellbeing Impact Assessment has been conducted. A Privacy Impact Assessment is not required as all personal data collected by local authorities will be entered on the systems currently being used for the existing Blue Badge Scheme.

16. There are no environmental impacts as a result of this policy and, therefore, a Strategic Environmental Assessment has not been conducted.