

SUMMARY

Mr K is a disabled older man, with a range of medical and mobility problems. He is unable to drive but has a car and relies on his wife to drive him. He wanted to have a disabled persons parking place (DPPP) provided by the Council and made an application.

The Council operates a two stage procedure whereby the eligibility of the applicant is firstly confirmed and then a traffic assessment and consultation are carried out prior to the creation of a Road Traffic Order allowing a DPPP to be installed. The Council has a budget allocation for six to be provided every year.

Following his application, Mr K was told that he was not eligible as he was not the driver of the vehicle. His wife then applied and was also turned down as the circumstances were unchanged and was advised that she could double park while disembarking Mr K from the vehicle. Mrs K felt that this was not an option in the location of their home and that Mr K was too vulnerable to be left alone for any period of time.

When they made the application Mr and Mrs K had not been supplied with a copy of the criteria used by the Council to establish eligibility and had not received a full response outlining which criteria the Council felt they did not meet. They felt that there was inconsistency in the Council's approach to these applications as a neighbour had been granted a DPPP when his mobility appeared to be greater than that of Mr K.

The official response of the Council confirmed that the application from the family had been rejected on the grounds that Mr K did not meet the criteria required by the Council. On being provided with a copy of these, Mrs K submitted to me a full rebuttal of the grounds given; she also supplied a letter

from the family GP to confirm the situation, as he had not been consulted by the Council.

In the earlier stages of the investigation, the Council was repeatedly prompted by my office to reconsider its decision on the case and having done so it reconfirmed its decision. However at interview, and in reconsideration of the layout of the site and the specific needs of Mr and Mrs K, the responsible officer agreed that the family were eligible for consideration for a DPPP and that the second stage, the traffic assessment, would be put in train.

I found that both the criteria applied by the Council and the method by which these criteria were applied to be unsatisfactory and to constitute systemic maladministration. The criteria had not been applied consistently as it was confirmed that the neighbour had been granted a DPPP without going through the same process.

I was pleased that the Council finally accepted that Mr K was eligible to be considered for a DPPP; but this could have been established at a far earlier stage and spared the complainants considerable delay and distress. I recommended that the Council give urgent and sympathetic consideration to providing Mr K with a DPPP; and make a payment of £750 to Mr and Mrs K in recognition of the distress they were caused by the Council's mishandling of their application and of their time and trouble in bringing the complaint.

I further recommended that the Council introduce improved procedures for handling these applications; and having discovered that officers were considering putting to the Council's cabinet the option of ceasing the provision of DPPPs altogether, I cautioned that in my view this would not be lawful.