

SPSO decision report

Case: 201200455, Fife Council
Sector: local government
Subject: parking
Outcome: not upheld, no recommendations

Summary

Mr C had a blue badge for disability parking for a number of years but when he applied to the council in 2010 to renew it, his application was refused. Mr C said that this was despite his condition worsening. He re-applied in 2012, following surgery, and was granted a blue badge. He believed that the council did not handle his earlier application properly, and misinformed him when they said that it was successful in 2012 because of a change in legislation. Mr C also said that his GP did not have full information on which to make an assessment, and believed that there were flaws in the council's review process that resulted in his appeal being unreasonably declined.

We did not uphold Mr C's complaints. We found that changes in the regulations from 1 January 2012 did clarify the health grounds on which a local authority can exercise discretion to award a blue badge, where this is not automatically awarded (if an applicant is in receipt of certain benefits). There was no evidence to suggest fault in the way the council considered Mr C's 2010 application. Mr C's GP had the opportunity to comment on his application and the council's records confirmed that it was assessed in accordance with their procedures. The information that Mr C's GP had provided was not copied to him, but it is not the council's practice to do this, and Mr C had not asked for a copy.

Mr C had suggested that an appeal process should bring the parties together to discuss the application, and this would have identified that his GP's records were not up-to-date. However, it was evident that the review of the decision to refuse Mr C's application was conducted in accordance with the procedures in place at the time.