

# Guidance notes for an application for a personalised Disabled Person's Parking Bay

Parking concessions for people with serious walking disabilities are an important and a central feature of the Council's parking and accessibility policies. Personalised disabled parking bays are one of these concessions offered by the Council to accommodate residents with severe walking impairments.

Due to serious parking pressure in the Royal Borough, applications for these parking bays must be carefully considered before being approved. Each eligible applicant is entitled to one Bay for one nominated vehicle.

## Who is eligible?

You must be the holder of a Disabled Person's Purple Badge and your ability to walk must be restricted to a total of 50 metres or less, including rest stops. In exceptional circumstances applicants who do not meet the strict criteria may be found eligible. This is when there are other relevant factors you may experience in walking, such as pain and distress, inordinate length of time taken, excessive labour, or the detrimental effect it may have on your health.

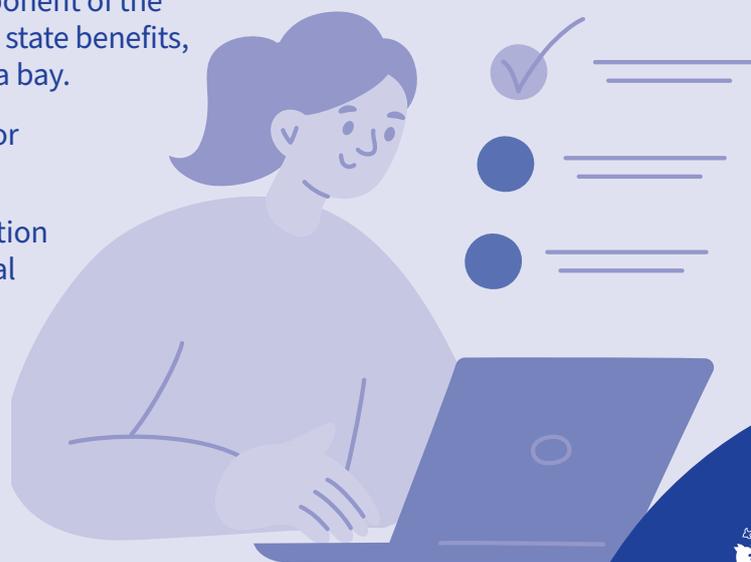
If you are a passenger, your nominated driver must live with you and, in addition to meeting the eligibility criteria above, you must be totally reliant upon your driver for mobility outside the vehicle. The vehicle that you nominate must be registered at your address.

If you have access to a garage or to off-street parking, you will not normally qualify for a parking bay on the public highway. If you are a Council tenant and there is off-street parking available on your estate, you will not normally qualify. To apply for a free parking bay on your estate (priority is given to disabled people) please contact the Kensington and Chelsea Housing Management 0800 137 111 or contact your Housing Association.

Receipt of the higher rate mobility component of the Disability Living Allowance, or any other state benefits, does not give automatic entitlement to a bay.

Personalised bays cannot be provided for residential care homes.

The address that you give in the application must be your main residence in the Royal Borough.



You can only get a personalised bay if your main home (not including a bed or makeshift bedroom in the back of an office or shop) is in the Royal Borough and you meet the following conditions:

- You spend at least four nights a week at your home in the borough;
- You live at the property for at least 13 weeks in a row;
- You pay the relevant council tax for the property (full or single person);
- The vehicle registration certificate shows your name and address in the Royal Borough, or your company name or the name of a lease or hire company;
- You do not already hold a disabled parking permit for another address in any other local authority;
- Your vehicle is not designed for more than 12 passengers (not counting the driver) and is less than 548.6 centimetres (18 feet) long and less than 208.3 centimetres (6 feet 10 inches) high unless it is specially adapted for use by a disabled person.

## **Application process**

You will be notified about your appointment within 12 weeks of receipt of your application at the Town Hall. You will normally be notified within four weeks of your interview as to whether your application has been approved.

## **Proof of address in the Royal Borough**

Applicants must not hold another valid Disabled Person's Parking Badge or Personalised Disabled Parking Bay from any other local authority. As part of this application, you will be required to provide documents to prove that the address for which the bay is being requested is your main residence. If you are applying as a passenger, you are also required to provide proof that your driver lives with you at your address.

Documents you provide as proof of where you live must clearly show your name and your address in the Royal Borough. We do not accept gas, electricity, phone, cable or water bills as proof of where you live. Acceptable forms of proof of residency are as follows:

- Current council tax bill (original)
- Home contents Insurance policy (photocopy)
- Bank or building society statement dated within the last three months
- Tenancy agreement that covers the full period of the badges which you are applying for (photocopy)
- Council or housing association rent statement dated within the last three months
- A letter confirming that your name is on the list of registered electors (original)
- Pension or benefit (e.g. DLA, income support) entitlement letter dated within the last three months)

If your application is successful, you will be required to provide proof annually of your continued residence at the address for which the bay has been approved. If you hold a bay as a passenger, you will likewise be required to provide proof that your driver continues to live with you at your address.

## **Bay eligibility assessment**

The Council's mobility assessor will visit you to assess your mobility problems and, unless you normally use a wheelchair, you will be asked to demonstrate your ability to walk. Your health professional may be asked about your disability and how this affects your mobility.

Your use of the vehicle will be taken into account, as it may be possible to make an alternative provision for you rather than reserving a bay for 24 hours each day. For example a yellow line will allow a disabled passenger's vehicle to be parked for up to 20 minutes. If you have off-street parking available to you, you will not be considered eligible for a parking bay.

Whilst information from doctors will be considered, the decision regarding eligibility rests entirely with the Council and is based on assessed need directly related to walking ability and not simply upon a medical diagnosis of a condition.

## **Provision of bays**

The Director of Highway and Regulatory Services is responsible for the decision on the changes to the Council's traffic management order, which includes marking out the bay, deciding where it can be situated, and statutory consultation..

Each bay is marked by an identifying number, which also appears on the user's special annual permit. Other vehicles parked in the bay will be issued with a Penalty Charge Notice. If your application is successful, you must display this personalised permit, together with your purple badge, in your nominated vehicle at all times you are using the bay.

Changes of address or personal details must be notified to this department with the necessary documentary proof. Please ensure that you read and fully complete the enclosed application form, as incomplete or unsigned forms may have to be returned to you and this will delay your application.

## **Consultation period**

All changes to parking spaces in the borough legally require a public consultation, and we must follow the legal traffic order making process in order to make a personalised bay permanent and enforceable.

If it is agreed to provide a bay, it will initially be created on an advisory basis and is not legally enforceable, meaning no penalty charge notices (PCN) can be issued if other drivers park in the bay.

Once the consultation period is over, and there are no objections, a bay sign post will be put up and the bay will then be legally enforceable.

## **Appeals**

If the Council determines that you are not eligible, you may appeal against this decision within 30 working days from the date of this letter. There are two conditions under which you may appeal against this decision:

1. you believe that the Council's decision was made without regard to eligibility criteria stated in the Council's Traffic Management Order 2023 No 22.
2. you believe the decision was made as the result of a mobility assessment that was not carried out in accordance with the Council's policy and procedures.

## Travel Expenses

Please note that the Council cannot take responsibility for any travel expenses that you incur whilst your application is being processed, regardless of the outcome of your application. Should you be found ineligible, and decide to appeal the Council's decision, you will not be reimbursed by the Council for travel expenses incurred during the appeal procedure, regardless of the outcome of the appeal.

## For further information

Contact the Accessible Transport team on

Telephone: 020 7361 2390

Email: [ATS@rbkc.gov.uk](mailto:ATS@rbkc.gov.uk)

Please return the completed form to:

Accessible Transport Services  
Town Hall  
Hornton Street  
London  
W8 7NX

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## Privacy Notice For Accessible Transport Services

Information about the Council's Privacy Notice for Accessible Transport Service. The privacy notice is to be read in conjunction with the full Royal Borough of Kensington and Chelsea fair processing notice at: <https://www.rbkc.gov.uk/footer-links/data-protection/fair-processing-notice>

### What are the purposes of processing your personal information?

We collect and use your personal information in order to process in order to work out your entitlement for concessionary travel within the Royal Borough of Kensington and Chelsea. We will always explain how this information will be used and why. Where it is appropriate for us to seek your consent to process your information we will always do that.

### What type of information is collected?

As part of the concessionary travel (accessible travel) administration process, the Council will collect certain information where appropriate. This information collected may include:

- Name
- Home address
- Telephone number (including Home and Mobile telephone number)
- Email address
- Date of birth
- National Insurance number
- Medical information
- Health professional information
- Vehicle Registration Mark (VRM)

We also collect some sensitive information such as ethnicity and health information.

## **Who processes the information?**

The Council's Customer Access Department is responsible for processing the information outlined in this notice. All personal data held is processed in accordance with data protection laws.

Abavus Ltd is the company contracted by the council to process concessionary travel information and undertakes this function as the council's Data Processor.

Blue Badge Information Services (BBDS/Valtech) is used by the council to record and order Blue Badges.

Taxicard Case Management System (Elevate System/London Councils) is used by the council to record and order Taxicards.

Freedom Pass Case Management System (ESP System/London Councils) is used by the council to record and order Freedom Passes.

Tranzacct Case Management System is used by the council to record concessionary travel information.

## **How is the information used?**

We will use it (where applicable) to:

- Determine who is entitled to receive concessionary travel (Blue Badge, Purple Badge, Taxi Card Freedom Pass and Personalised Parking Bay) and for what period(s)
- Comply with legal obligations, for example the prevention and/or detection of crime including fraud
- Protect public funds

## **Who may we share your information with?**

We may share information with other council departments and agencies for the detection, prevention and prosecution of fraud and criminal activity. Examples of such agencies include the Police and HM Revenues and Customs.

We may also share information with other council departments and organisations where necessary for:

- Making any disclosures required by law
- Assisting bodies responsible for: auditing or administering public funds, maintaining public safety, mitigating risk of harm and assisting in emergencies.
- Where it is necessary to allow a third party working on behalf of the Council and/or to provide services to you, this includes Occupational Health professionals.

## **How long do we keep your records?**

We will only keep your information for the minimum period necessary. The information outlined in this privacy notice will be kept for the period required by the council for legal and audit purposes. All information will be held securely and destroyed under confidential conditions.

## Your rights

The General Data Protection Rules (GDPR) and Data Protection Act 2018 allows you to find out what information is held about you, on paper and computer records. This is known as 'right of subject access' and applies to your Council Tax records along with all other personal records. Details of how to obtain a copy of your records can be found here:

**[www.rbkc.gov.uk/council-and-democracy/freedom-information/request-personal-information/subject-access-requests](http://www.rbkc.gov.uk/council-and-democracy/freedom-information/request-personal-information/subject-access-requests)**

You are entitled to receive a copy of your records free of charge, within 30 calendar days. In certain circumstances, access to your records may be limited, for example, if the records you have asked for contain information relating to another person.

The GDPR and Data Protection Act 2018 allows you other rights; for example, if there is an error in your records you have the right to make sure it is rectified or erased. Please contact [ATS@rbkc.gov.uk](mailto:ATS@rbkc.gov.uk) with any request or query regarding these rights.

If you are dissatisfied with how the Council has used your personal information you should in the first instance write to the council's Data Protection Officer at [dpo@rbkc.gov.uk](mailto:dpo@rbkc.gov.uk). Should you continue to be dissatisfied with the council's response you have a right to complain to the Information Commissioner's Office at [casework@ico.org.uk](mailto:casework@ico.org.uk)

## Changes in your circumstances

You must notify us immediately if there are any changes in your circumstances and personal details so we can maintain an accurate and up to date record of your information in order to continue to provide services and/or fulfil legal obligations.

### Contact details of data controller

Name: **Head of Assessments**

Address: **Customer Delivery, Kensington Town Hall, Hornton Street, London W8 7NX**