

## **Disabled Person's Allotment Plot (DPAP)**

- Four plots are designated for registered disabled persons Plots 2A, 2B, 2C and 2D, however if there is no demand these may be allocated to able-bodied tenants.
- No priority is given to disabled persons; proof of disability will be required.
- Should a disabled person reach the top of the waiting list then the last tenant offered such a DPAP will be required to move to the next vacant non-disabled plot. This process will be followed until all disabled plots are filled by disabled people.
- If all DPAPs are occupied by disabled persons, a choice of two ordinary plots will be offered to a disabled person and if refused, the application will be deferred until a disabled plot becomes available.
- The Council will always attempt to accommodate the needs of disabled persons but this may not sometimes be possible.
- The tenant working a DPAP will be given notice to quit in accordance with the agreed rules and procedures and the 'Wednesbury' rule on reasonableness will be followed. For example; in normal circumstances a vacant plot is available for immediate occupation. In the case of a DPAP notice has to be given to the existing tenant and there may be a delay of months before a disabled person can take up tenancy. A disabled person may expect to have immediate access to the plot but if the growing season is underway it would be deemed unreasonable to ask the existing tenant to move. *Clerk advice note: It is important to be prepared to explain the situation and also support the current tenant who may feel aggrieved at having to move.*
- Any able bodied person working a DPAP must be fully aware of the situation and that they may have to move onto another plot. This should be included in the tenancy agreement.
- The four plots are served by a lockable tap and access will be restricted (this will be monitored) to the disabled persons working DPAP.