

Representations on behalf Of DILSHAD HOSSAIN CHOWDHURY and ASMA AKTHER

By Email ONLY

Re: DILSHAD HOSSAIN CHOWDHURY and ASMA AKTHER

Introduction

This representation is made on behalf of DILSHAD HOSSAIN CHOWDHURY and ASMA AKTHER. The parties have instructed counsel to assist in preparing this representation as it appears that their case involves some legal matters which is beyond their competence.

The crux of the representation is that the Dr Akter is suffering from a disability, and the use of the Air Condition units assists in managing the condition. Attached to this representation are various letters setting out the same.

Other members of the family also suffer from conditions that require the use of the air condition units.

Background

ASMA AKTHER is a 49 year old female and work as a GP. She suffers from several conditions, at least one of which is classed as a disability within the meaning of the Equality Act 2010. The installation of the air conditioning units in their home have become necessary to manage her disability.

The Key Issue

Dr Akter [REDACTED] for the last five to six years which has affected her life significantly.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

The Law

This [REDACTED] condition is classed as a disability under the Equality Act 2010. Section 6 of the Act defines a disability as a physical or mental impairment, that has a substantial and long-term adverse effect on the person's ability to carry out normal day-to-day activities.

Long term within the context of the act is when a condition has lasted for a period of 12 months or more. In this case, Dr Akter's condition has lasted for over 5 years.

In such a case, it is submitted that the local authority is required to take note of her disability, and make reasonable adjustments to account for her condition, and a claim can be made for failure to make the adjustment/breach of duty as set out in Section 20 (3) of the Equality Act 2010.

Other Concerns

Further my client has also been diagnosed with [REDACTED] in 2023 and it is very important for her to have a good night sleep. Disturbance in sleep [REDACTED] causes her to be unable to function at work. [REDACTED]

The air conditioning units allows her to manage her disability and her sleep effectively, which is very important for her job as a GP. Her job requires her to make correct and sometimes critical judgments in the management of her patient's health issues.

Therefore, she has to be in the right frame of mind to be able to carry out the day to day requirements of her employment/vocation. This includes having uninterrupted night's rest, which the air condition helps in providing.

Should the Local Authority implement its restrictions and prevent her from having the units in situ, then the effect it will have on Dr Akter is that she will be unable to work, as she cannot put her patient's lives at risk.

This in turn will affect her quality of life and she will have no income to sustain herself or meet the needs of her obligations such an interference will be in breach of her Article 8 Rights – A right to private and family life.

I am also instructed that both her and Dr Chowdhury suffer from [REDACTED]
[REDACTED] As such.
they do not open windows in the daytime or at night.

Conclusion

To this end, the local authority is instructed to grant retrospective consent in this matter, and allow them to keep the installed units.

Yours Sincerely

Mwalker

Majeks Walker
Barrister