

SPSO decision report

Case: 201101114, Fife Council
Sector: local government
Subject: parking
Outcome: some upheld, recommendations

Summary

Mr C complained that as a result of building works to construct a new bus station, a temporary one-way system was introduced.

Mr C lives in a road which was made into a one-way road as part of these works. A temporary traffic regulation order required all traffic to travel west and introduced double-yellow lines along parts of the south side of the road. Mr C said that, before the introduction of the temporary one-way system, parking was controlled by double-yellow lines along the north side of the road. On the south side, there were marked parking bays and, at the entrances to residents' driveways, white 'H-bars' were marked out. These were extended to prevent parking opposite driveways on the northern side of the road, if there was no driveway immediately opposite.

When the building works finished, two-way traffic was reinstated. The temporary double-yellow lines on the south side of the road were removed along with the marked parking bays that had been there previously. Mr C complained that the parking restrictions on the road were not the same as had been in place previously and that road safety had been compromised as a result. He raised his concerns with the council and presented them with a petition from other residents who were dissatisfied with the revised road layout.

We did not uphold Mr C's complaint that the council unreasonably failed to reinstate the original parking spaces and double-yellow lines. This was because the council have discretion as to what road markings are used as long as these are in line with existing traffic regulation orders and the Traffic Signs Regulations and General Directions 2002 (the regulations). Whilst the parking bays had not been reinstated and the H-bars may not be the same as they were previously, we were satisfied the council have shown that their decisions were made with reference to pre-2006 plans and the regulations. As such, we found

no evidence of maladministration in their reinstatement of the two-way traffic layout on the road.

We upheld Mr C's complaint that the council unreasonably failed to take the wishes of residents into account. The correspondence showed that Mr C's complaint to the council changed after his initial letter of complaint (which was a personal concern about difficulty in exiting his driveway). The council responded to these concerns. However, when Mr C contacted them again on behalf of the residents, the evidence we saw indicates that the council continued to take the view that his concerns about the driveway were the main reason for his complaint rather than the residents' concerns about road safety.

We found no evidence to show that these group concerns were fully taken into account. Although the council had looked into safety issues, no formal records were kept of their investigation into the residents' concerns. We, therefore, recommended that the council consider carrying out a road safety audit.

We also upheld Mr C's complaint that the council failed to deal with his complaint appropriately. While we were generally satisfied with the promptness of the council's responses and their explanations of their position about the markings on the road, we found that their responses did not adequately acknowledge the specific points that Mr C had raised and the reasons for his complaints.

Recommendation

We recommended that the council:

- consider carrying out a road safety audit.