

Scottish Parliament Region: Mid Scotland and Fife

Case 200600510: Fife Council

Summary of Investigation

Category

Local government: Roads and Transport; Parking

Overview

The complainant (Mrs C) raised concerns about the way new parking restrictions at a car park in Glenrothes were advertised. She also complained that a request for information made on her behalf by her Councillor (the Councillor) was refused by Fife Council (the Council).

Specific complaints and conclusions

The complaints which have been investigated are that:

- (a) the Council did not adequately notify the public about the new parking restrictions (*not upheld*); and
- (b) the Council failed to respond to a request, made on Mrs C's behalf by her Councillor, for a copy of a worksheet showing when a permanent notice detailing the new parking restrictions was erected (*not upheld*).

Redress and recommendations

The Ombudsman has no recommendations to make.

Main Investigation Report

Introduction

1. On 19 May 2006, the Ombudsman received a complaint from Mrs C concerning the way new parking restrictions at a car park in Glenrothes were advertised. Mrs C also complained that Fife Council (the Council) failed to respond to a request for information relating to her complaint made by her local Councillor (the Councillor). A reminder of abbreviations used in this report is at Annex 1.

2. The complaints from Mrs C which I have investigated are that:

- (a) the Council did not adequately notify the public about the new parking restrictions; and
- (b) the Council failed to respond to a request, made on Mrs C's behalf by her Councillor, for a copy of a worksheet showing when a permanent notice detailing the parking restrictions was erected.

Investigation

3. The investigation of this complaint involved obtaining and reading all the relevant documentation, including correspondence between Mrs C and the Council. Specific documents which I have had sight of include: Schedule 9, Part III of the Road Traffic Regulations Act 1984; a copy of the Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999; copies of notices that appeared in the Fife Free Press on 16 September and 4 November 2005; a copy of the notice that appeared in the Glenrothes Gazette on 14 September 2005; a map of the car park, showing where new road markings and bays were placed and where the permanent notice was erected; and copies of worksheets relating to the erection of a permanent notice detailing the new parking restrictions.

4. I have not included in this report every detail investigated but I am satisfied that no matter of significance has been overlooked. Mrs C and the Council were given an opportunity to comment on a draft of this report.

Background

5. The Council placed notices of a proposed Parking Order under Sections 32, 35 and 124, and paragraph 20 (1) of Schedule 9, of the Road Traffic Regulations Act 1984, in the Fife Free Press on 16 September 2005 and in the Glenrothes Gazette on 14 September 2005. A copy of the notice was

also posted on a street lighting column at the entrance of the car park on 16 September 2005. On 4 November 2005 a notice informing the public that the order was to be implemented was published in the Fife Free Press. A permanent sign was erected on 20 January 2006. The restrictions imposed by the order meant that a £30 penalty was payable for parking outwith marked parking bays.

6. Mrs C is a regular user of the car park, which she uses daily for her work. She stated that parking bays had been marked out on the car park in the middle of January 2006. The Council told me that existing markings were refreshed and only minor adjustments made to the layout of the bays. Mrs C stated that no notices were in place to inform the public what the restrictions on parking would be. On 24 January 2006, she received a parking ticket for parking outwith the marked parking bays. She asserted that there was no permanent sign detailing the restrictions in place at that time and she felt the notification in local newspapers was inadequate as she lived outwith the areas in which they circulated. Mrs C believed that there should have been an 'amnesty period' between the order coming into force and parking tickets being issued.

(a) The Council did not adequately notify the public about the new parking restrictions

7. The Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999 (the Regulations), Part Two, Section 5 state that before making an order local authorities must publish a notice of proposals in at least one local newspaper circulating in the area in which any road or other place to which the order relates is situated. The Regulations also state that local authorities must display a notice in roads or other places affected by the order. In Section 17, the Regulations state that once the order is made a notice should be placed in a local newspaper.

8. Before the order was made the Council published notices: in the Fife Free Press on 16 September 2005; in the Glenrothes Gazette on 14 September 2005; and on a street lighting column at the entrance of the car park on 16 September 2005. Once the order was made the Council published a notice in the Fife Free Press on 4 November 2005. The Council provided copies of the relevant notices.

9. The Council also provided copies of worksheets relating to the erection of a permanent notice on 20 January 2006. That notice was placed at the

entrance to the car park and clearly stated that a penalty of £30 was payable for parking outwith marked bays.

(a) Conclusion

10. The Council publicised the order in line with the Regulations. Consequently, I do not uphold this point of complaint.

(b) The Council failed to respond to a request, made on Mrs C's behalf by her Councillor, for a copy of the worksheet showing when a permanent notice detailing parking restrictions was erected

11. The Council stated that they had been contacted by Mrs C's Councillor regarding the number of parking tickets that had been issued and about Mrs C's particular case. The Council said that they had discussed the issue of the worksheet with the Councillor, and advised that it would take some time to trace it and that it was unlikely to change the Council's decision regarding the £30 penalty that had been issued to Mrs C. The Council denied that information had been refused and stated that the Councillor was happy with his discussions with the Council and had made no further enquiries on the matter. The Council stated that, in response to my investigation, they spoke to the Councillor again and that he had not changed his view.

12. I spoke to the Councillor to confirm that the Council's description of his communication with them was accurate. He confirmed that it was. He said he had raised the issue of the worksheet, but that the Council had assured him that a permanent sign had been erected on 20 January 2006. He said he had no reason to doubt that was the case and, therefore, accepted what the Council told him.

(b) Conclusion

13. Mrs C believed that a request for information had been made on her behalf by her Councillor and refused by the Council. The Council stated, and the Councillor confirmed, that the issue of the worksheet was discussed, but that it was not taken further by either party.

14. I found no evidence that a request for information was refused by the Council. Consequently, I do not uphold this point of complaint.

27 March 2007

Explanation of abbreviations used

Mrs C	The complainant
The Council	Fife Council
The Councillor	Mrs C's Councillor
The Regulations	The Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999