

SPSO decision report

Case: 201202459, Fife Council
Sector: local government
Subject: parking
Outcome: some upheld, recommendations

Summary

Mr C complained that the council unreasonably issued him with a parking ticket. He said that there was a long-term agreement between local residents and the council that allowed residents to park on occasions when loading and unloading of cars was required. He also complained about the way the council dealt with his appeal and subsequent complaint. The council were of the view that no agreement existed and that residents were obliged to comply with the terms of the relevant road traffic order.

We were not provided with evidence of any agreement existing between the council and residents. Our investigation, therefore, found that the council acted reasonably by interpreting the road traffic order in the way they did, and we did not uphold Mr C's complaints that they acted unreasonably in this respect. However, we did find that the council failed to clearly separate the appeals and complaints processes and failed to respond to Mr C's concerns that the appeals process was in breach of article 6 of the European Human Rights Convention. As a result we upheld these aspects of the complaint.

Recommendations

We recommended that the council:

- contact Mr C to clarify his concerns about the compliance of the appeals process with human rights legislation, consider his comments, and then respond to him in writing; and
- carry out a review of their handling of this case with a view to establishing whether further guidance needs to be provided to staff to ensure appropriate separation between the appeals and complaints processes in future, and notify the Ombudsman of their findings.