



## Section C

# Highways

C1

Parking

36

C2

Traffic restrictions

37

# C1: Parking

## Disabled parking bay – traffic regulations – alternative scheme

Mr X complained that a council did not help him over arrangements with parking outside his house.

### The problem

1. Mr X asked the council to provide a disabled parking bay outside his house. The council did not do this. As a result, there were problems with parking close to Mr X's home to allow easy access for his wife and sister.
2. The council explained that, under traffic regulations, there had to be a minimum amount of space available in front of the building before a formal parking space could be marked out and enforced by police or traffic wardens. There was enough room for a car in front of Mr X's house, but there was not enough space to conform to the regulations.

### The solution

3. The Ombudsman did not criticise the council for not marking a formal parking bay for Mr X.

4. The Ombudsman pointed out that many councils operated a non-enforceable scheme whereby parking bays were marked out, but were of a non-standard size and could not be enforced. Although such bays were usually respected, on the rare occasions when they were not there was no legal action which could be taken.
5. The council had not previously felt able to adopt a scheme of this kind. However, it agreed to set up a scheme and to consider an application from Mr X.

### Outcome

6. The Ombudsman agreed that this was a satisfactory outcome and asked the council to take matters forward as quickly as possible.

*(Local settlement 02/C/16758)*

## C2: Traffic restrictions

### Loading bay – consideration of needs of local businesses

Mr X complained about the decision of a council to site a loading bay immediately outside his premises.

#### What happened

1. Mr X had a car showroom. There were other business premises in the same street.
2. The council undertook a survey about traffic parking issues. This included a questionnaire to local residents and businesses.
3. The council concluded that dedicated loading bays were needed. It published a traffic regulation order for consultation and invited comments.
4. Mr X told the council he thought it had made a mistake as it had put a loading bay across the crossover into his showroom, and that would deny him access. He asked the council to consider moving the bay to a position outside another business since he knew that the owners were keen to have a loading bay right outside their premises for deliveries of large panes of glass.
5. The report to committee made no mention of Mr X's objection, whereas objections from other businesses to the location of other loading bays in the scheme were included in the report.
6. Mr X complained to the council on a number of occasions over a six-month period.

7. Mr X complained to the Ombudsman that the council failed to give proper consideration to the needs of local businesses, and in particular the damage to his own business, and failed to give any good reasons for its decision.

#### Investigation

8. The Ombudsman understood from the council that placing the loading bay outside Mr X's premises maximised parking provisions because the council accepted it could not put ordinary parking bays outside the car showroom, potentially blocking access throughout the day. If the loading bay was put outside other premises, two ordinary parking bays would be lost.
9. The Ombudsman appreciated why the council wished to put the loading bay outside Mr X's car showroom but could find no evidence that the council's reasoning was ever explained to Mr X.
10. The Ombudsman noted that, in view of the expected number of deliveries per day to the block in which Mr X's business was situated, it was likely that Mr X would be unable to gain access to his premises on at least a few occasions every day.
11. The Ombudsman did not think the council gave full consideration to the needs of Mr X's business or the requests of the other business for the loading bay to be near its premises, and the council failed to give a good reason for its decision on the location of the bay outcome.

### Outcome

12. The Ombudsman recommended that the council should consider moving the loading bay so that it did not block access to Mr X's premises. The council agreed to advertise a new traffic regulation order which would locate the loading bay outside the premises of the other business. The council also agreed to pay Mr X £200 compensation for his time and trouble and the anxiety caused to him.

*(Local settlement 02/A/5633)*