

Case: 201103257, Perth and Kinross Council
Sector: local government
Subject: traffic regulation and management
Outcome: not upheld, action taken by body to remedy, recommendations

Summary

Mr C complained that for nine years he made numerous phone calls to the council's roads department about protecting his house from council waste trucks and heavy goods vehicles, which were mounting the pavement in front of his house. Mr C said he suggested that the council erect bollards to prevent this from happening but the roads department refused to do this as they felt that bollards would block the pavement for pedestrians. Mr C said the council failed to ensure that the pavement outside his home was safe or to ensure that his house was not being damaged by vibrations from vehicles bumping off the kerb.

Mr C said that in the council's final response to his complaint, they apologised for failings in dealing with his case and agreed to change the route used by council waste vehicles so that they would not mount the pavement outside Mr C's home. Mr C said that on receiving the letter, he contacted the council to ask what they were going to do about non council vehicles mounting the pavement. Mr C said the council told him that the re-routing of council waste trucks was 'as far as they could go'.

When we investigated the complaint, the council explained that the behaviour of those driving non-council vehicles did not fall within their jurisdiction and was a matter for the police. As the evidence showed that the council had dealt with the matters that were within their control (by rerouting the council vehicles) we did not uphold Mr C's complaints. However, as the evidence showed that the council did not include Mr C's concerns about non-council vehicles in their investigation of his complaint and did not respond on this point, we made a recommendation about this.

Recommendation

We recommended that the council:

- apologise to Mr C for failing: i) to include non-council vehicles in their investigation of his complaint; and ii) to then explain to him in their

decision letter that they had no control over such vehicles and that the matter was for the police.