

SPSO decision report

Case: 201302953, Glasgow City Council
Sector: local government
Subject: traffic regulation and management
Outcome: not upheld, no recommendations

Summary

Mr C was issued with a fine for driving in a bus lane. He emailed the council appealing this, but did not receive a response. The council then wrote to him, telling him that a surcharge had been applied as the fine had not been paid. As the council did not hear from Mr C, they then passed the matter to sheriff officers to recover the unpaid charges. The sheriff officers wrote to Mr C warning that if he did not pay, they would take action to recover the amount through arrestment of earnings (where Mr C's employer would be instructed to deduct the money owed to the council directly from Mr C's wages), which would incur further charges. Three months later, the charges remained unpaid, and the sheriff officers carried out enforcement action. Mr C then contacted the council to complain that his appeal had not been dealt with. The council investigated this and said that they had no record of having received his email. However, they looked into the concerns he had raised, and advised him that there were no problems identified with when he was recorded in the bus lane. Mr C accepted this but remained unhappy that he had to pay increased charges because they did not receive his appeal.

We were satisfied that the council reviewed Mr C's email evidence and responded to his appeal. They also checked for evidence of a system failure and concluded that the email did not reach them for unknown reasons. In terms of Mr C's concerns that he was disadvantaged in terms of the additional charges applied, we found that there was a missed opportunity in him checking matters related to his appeal with the council when he received their further correspondence saying that the fine had been increased due to non-payment, and when the sheriff officers wrote to him about the unpaid fine. It was likely that the missing appeal would have been identified and the increased charges might have been avoided had Mr C contacted the council at these times.

In view of this, we did not consider that the council acted unreasonably nor did we identify any failing in the council's appeal process.