

## SPSO decision report

**Case:** 201403702, Glasgow City Council  
**Sector:** local government  
**Subject:** policy/administration  
**Outcome:** upheld, recommendations

### Summary

Miss C was served with a bus lane enforcement charge notice for an incident that occurred within days of her selling her vehicle. The notice said that if she considered she should not have received it, she could make representations, and if the council rejected these, she could appeal to the Scottish Parking Appeals Service. At first, Miss C did not have details of the new owner, but after she got information from the DVLA (for which she had to pay), the council withdrew the notice. They turned down her request for the costs, and said they reserved the right to send her a further notice if the new keeper denied responsibility. Miss C complained that the council failed to deal with the issues and her queries satisfactorily, and unnecessarily put her to the expense of pursuing the matter.

We upheld all Miss C's complaints. Our investigation found that the council's decision not to pay her DVLA expenses was based on a misinterpretation of the regulations. The notice omitted part of the regulation saying that it was only 'if' that information was in the recipient's possession that they must provide it. We found that the council had misunderstood their obligations and had no right to demand this information from Miss C. We also found that the council continued to correspond with Miss C after the DVLA confirmed that she was no longer the registered keeper. The council had accepted this but failed to explain to us why they then continued to deal with Miss C, even after the new keeper had accepted liability for the contravention. They also failed to investigate Miss C's complaint that email was acknowledged but not replied to.

Although the council told us that they carried out all procedures in terms of the Transport (Scotland) Act 2001, they failed to make clear to Miss C which section of the regulations gave them the authority to 'withdraw' the notice rather than cancel it. There was nothing wrong with the council testing out the information about the new keeper. However, they should not have issued Miss C with a notice of acceptance until they had done so. By doing so, they denied Miss C a right to appeal, and she was only able to obtain confirmation that the notice would not be re-issued by pursuing a formal complaint to the final stage of the council's complaints procedure.

### Recommendations

We recommended that the council:

- review their handling of Miss C's expenses claim, in the light of the omission of an integral part of the Regulation from the Penalty Notice;
- review the handling of this case to ensure an improvement in future dealings with their customers;
- apologise to Miss C for their failure to address her complaint promptly and clearly;
- investigate why Miss C's email was not recorded and processed, and notify us of their findings;
- apologise to Miss C for the failure to investigate this matter; and
- review their procedures for imposing charges for bus lane contraventions and the standard letters issued to the public.