

SPSO decision report

Case: 201700904, Scottish Borders Council
Sector: local government
Subject: traffic regulation and management
Decision: some upheld, recommendations

Summary

Mr C raised concerns with the council about revisions to a local bus route and the turning manoeuvre buses performed outside his house as part of the revised route. He considered that this was unsafe and that the revision, which included the turn, should not be permitted. Mr C also raised concerns that, given the number of buses performing the turn every day including in the early morning and in the evening, this posed risks in terms of public health and created a noise nuisance.

The council communicated with Mr C regarding these issues, noting that they did not have any concerns regarding the turn and had not raised this with the bus operator. After an exchange of correspondence the council agreed to carry out an observation and assessment of the turn. Following this, they concluded that they did not have any concerns and would not look to prohibit the turn. Mr C was not satisfied with the response and brought his complaint to us.

Mr C complained to us that the council unreasonably failed to follow correct procedures when permitting the revision to the bus route. We found that the council had considered the revised route when it was proposed by the bus operator. We concluded that it was reasonable for the council not to have raised any concerns with the bus operator, given that the turn was not against road traffic law, and that existing bus routes already carried out the same turn. We found that the council responded appropriately when it agreed to carry out an assessment of the turn following Mr C's concerns. We did not uphold Mr C's complaint that the council failed to follow correct procedures in permitting the bus route.

Mr C also complained that the council failed to respond to his complaint in accordance with their obligations. We found that the council failed to respond to his concerns under their complaints handling policy. In addition, we found that they failed to signpost him to the council's environmental health team to consider his complaints about noise and fumes. We also concluded that the council failed to diligently follow up commitments made to Mr C that they would liaise with the bus operator with a view to seeking amendments to the bus route. We upheld Mr C's complaint the council failed to respond to his complaint in accordance with their obligations.

Recommendations

What we asked the organisation to do in this case:

- Provide an apology for the complaints handling failings that complies with the SPSO guidelines on making an apology, available at www.spsso.org.uk/leaflets-and-guidance.
- The council should progress discussions with the bus operator regarding seeking amendments to the bus route, as they had told Mr C they would do. They should update Mr C regularly with their progress and communicate the outcome to him.
- The council's Environmental Health team should investigate concerns that Mr C has raised about noise and pollution, in accordance with their procedures.

We have asked the organisation to provide us with evidence that they have implemented the recommendations we have made on this case by the deadline we set.