

## SPSO decision report

**Case:** 201905590, Glasgow City Council  
**Sector:** Local Government  
**Subject:** Traffic regulation and management  
**Decision:** upheld, recommendations

### Summary

C complained about the council's handling of their correspondence in relation to an alleged bus lane contravention. C said that the council responded to their request for the record (evidence) of the contravention, made under subsection 8(5) of the Bus Lane Contraventions (Charges, Adjudication and Enforcement) (Scotland) Regulations 2011 with a notice of rejection under subsection 10(b) of the Regulations. C said that this resulted in them being prematurely moved on to the 'appeal to the adjudicator' stage of the process, and they did not have a proper opportunity to make representations to the council.

The council said that they had treated C's correspondence as a representation against the contravention due to C's use of the word 'alleged' in reference to the contravention, because C appeared unhappy with the issue of the charge notice.

We reviewed all of the evidence provided by both C and the council, as well as the relevant Regulations. We considered that the council had unreasonably interpreted C's correspondence as being representations against the charge notice, as the evidence supported C's position that they were making a request for the record of contravention. We considered that this resulted in C missing out on the opportunity to properly make representations to the council before being moved on to the second stage of the appeal process set out in the Regulations. We upheld C's complaint.

### Recommendations

What we asked the organisation to do in this case:

- Apologise to C for failing to appropriately respond to their request for information under the Bus Lane Contraventions Regulations. The apology should meet the standards set out in the SPSO guidelines on apology available at [www.spsa.org.uk/information-leaflets](http://www.spsa.org.uk/information-leaflets).

What we said should change to put things right in future:

- The council should be able to correctly distinguish the difference between representations and requests for information in relation to charge notice correspondence, and respond appropriately.

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.