

**Case 200502916: Glasgow City Council**

**Summary of Investigation**

***Category***

Local government: Roads and Transport, Maintenance and repair of roads

***Overview***

The complainant (Mr C) was concerned that Glasgow City Council (the Council) had installed a driveway outside his house which was unusable, because of a steep camber that caused his car to ground, but had said they would not prioritise the road for resurfacing to correct the camber.

***Specific complaint and conclusion***

The complaint which has been investigated is about the Council's failure to prioritise a road for resurfacing (*not upheld*).

***Redress and recommendations***

The Ombudsman has no recommendations to make.

## **Main Investigation Report**

### **Introduction**

1. Mr C, who is disabled, first contacted Glasgow City Council (the Council) in 2001 to enquire about the cost to him of the Council undertaking the installation of a footway crossing. Mr C did not ask the Council to install a crossing at that time. He wrote to them again about this in June 2005 and, after some discussion of the cost, asked on 22 September 2005 that they inspect the carriage way with a view to proceeding. Mr C had already raised his concerns on the steep camber and condition of the road via the Council's road maintenance alert system R.A.L.F. and on 19 September 2005 had written to the Land Services Department to complain about the camber of the road, which he said was dangerous and caused severe difficulty for disabled users.

2. The Council responded to this on 10 October 2005 saying that, although the camber was steeper than a modern road, it was a 'common and acceptable design'. The letter also said that it would be possible to construct a footway crossing but that it would not be possible to guarantee that his car would not ground, as the crossing would be non-standard because of the geography of the road. Mr C complained again about the camber on 17 October 2005, setting out guidelines from the Institute of Highways and Transportation which he felt the Council should follow.

3. On 7 November 2005, he was informed by the Council that the crossing was approved but that there could be a problem with grounding, given the layout of the road and driveway. Mr C wrote on 9 November 2005 warning that the camber was dangerous, that he was unhappy about the possibility of grounding but felt he had to go ahead with the crossing. The crossing was duly installed and, on 5 December 2005, Mr C wrote to Land Services to say his car was grounding. In an email of 12 December 2005, it was accepted by the Council that resurfacing the road was the only way to alleviate the situation but that 'the road and the footway were in an acceptable condition and with a backlog of £100 million in maintenance provision' the Council were not in a position to do this.

4. Mr C was unhappy with this response and again complained formally. On 20 January 2006 the Council explained to him that, as he had been advised that

there was a risk of grounding, they would not accept liability and his complaint was not upheld. Mr C complained to the Ombudsman on 26 January 2006.

5. The complaint from Mr C which I have investigated is about the Council's failure to prioritise a road for resurfacing.

### **Investigation**

6. In investigating this complaint, I have reviewed the correspondence between Mr C and the Council. I have also considered the Council's policies and procedures and their response to specific questions I raised with them. I have seen a number of photographs of Mr C's and neighbouring footway crossings. My findings of fact and conclusions for the complaint are set out below and, while I have not included in this report every detail investigated, I am satisfied that no matter of significance has been overlooked. Mr C and the Council were given an opportunity to comment on a draft of this report.

### **Complaint: The Council's failure to prioritise the road for resurfacing**

7. Under The Roads (Scotland) Act 1984, local authorities have a duty to maintain and manage public roads. The UK Roads Liaison Group produces guidance for local authorities. The most recent guidance for highway maintenance was published in 2005 and is still being assessed. The Council were applying the 2001 guidance at the time of this complaint.

8. In response to my question about the way they prioritise maintenance, the Council said that they assess and prioritise roads requiring maintenance based on objective surveys of their condition, in accordance with the recommendations of the Code of Practice for Maintenance Management 2001. The survey types used by the Council are Course Visual Inspection, Detailed Visual Inspection and the Scottish Road Maintenance Condition Survey. Results of surveys are fed in to the UK PMS Accredited Pavement Management System to establish preliminary maintenance priorities. They said that the road in question had been subject to a visual inspection on 22 September 2005 while assessing Mr C's driveway and this confirmed major resurfacing was not required. A photograph of Mr C's driveway was taken as part of this and provided. The guidelines referred to by Mr C (see paragraph 2) applied only to the construction of new roads.

9. The Council also said that, despite a number of footway crossings on the road, they had not been contacted by any of Mr C's neighbours with complaints about grounding. Photographs of neighbouring driveways were also provided.

10. The Council's own policy on front garden parking Res 21 sets out the factors the Council would take in to account before they would grant permission and when planning permission would be needed. The policy states that the parking area should have a maximum gradient of 10% but there is no reference to road camber. The Council confirmed that they could not refuse permission for a crossing other than on safety grounds if the basic policy objectives were met.<sup>1</sup>

### *Conclusion*

11. Although Mr C's frustration with the grounding problems he is experiencing are understandable, he was informed this was a possibility. The camber on the road is steeper than would be acceptable for a modern road but the Council have assessed the road as safe in accordance with nationally recognised guidance. Given a finite amount of resource, the Council have to prioritise their programme of maintenance and have done so in line with nationally accepted standards. On the basis of all the evidence, I do not uphold this complaint. The Ombudsman is making no recommendations.

30 January 2007

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<sup>1</sup> Further guidance on footway crossings is set out in the Council roads development guide. This describes the acceptable design of such crossings but, again, makes no reference to camber.

**Explanation of abbreviations used**

Mr C

The complainant

The Council

Glasgow City Council

**Glossary of terms**

Camber

Measure of the convex curvature of the road

**List of legislation and policies considered**

Code of Practice of Maintenance Management 2001  
Produced by the UK Roads Liaison Group

Code of Practice of Maintenance Management 2005  
Produced by the UK Roads Liaison Group

City of Glasgow Development Policy, Res policy 21 on Front Garden Parking

Roads (Scotland) Act 1984

Transport in the Urban Environment 1997  
Produced by the Institute of Highways and Transportation