

13 February 2018

Complaint reference:
17 008 128

Complaint against:
East Devon District Council

The Ombudsman's final decision

Summary: Mrs X complained about the way the Council sited a road sign across her driveway. The Council agreed to site a smaller sign, at its expense, and apologized for any frustration Mrs X has suffered.

The complaint

1. Mrs X complains the Council:
 - Has put a road sign partially across her drive, creating difficulty in entering to park and when driving off; and
 - Has delayed in dealing with her complaint, including failing to acknowledge contact with Council service areas in March 2017.

The Ombudsman's role and powers

2. We investigate complaints about 'maladministration' and 'service failure'. In this statement, I have used the word 'fault' to refer to these. We must also consider whether any fault has had an adverse impact on the person making the complaint. I refer to this as 'injustice'. We provide a free service, but must use public money carefully. We may decide not to start or continue with an investigation if we believe it is unlikely further investigation will lead to a different outcome. (*Local Government Act 1974, section 24A(6), as amended*)
3. If we are satisfied with a council's actions or proposed actions, we can complete our investigation and issue a decision statement. (*Local Government Act 1974, section 30(1B) and 34H(i), as amended*)

How I considered this complaint

4. I have considered the following:
 - Mrs X's complaint to the Local Government and Social Care Ombudsman
 - Mrs X correspondence with the Council
 - The Council's correspondence with Mrs X
 - My telephone conversation with Mrs X
 - The Council's response to the Ombudsman's enquiries.
5. I have written to Mrs X and the Council with my draft decision and given them an opportunity to comment.

What I found

6. Mrs X got planning permission and widened her driveway to hold three cars. A road sign was removed to allow for this.
7. Mrs X expected the Council to locate the road sign from outside her home elsewhere.
8. Mrs X complained the Council reinstated the road sign in January 2017 with no warning.
9. The Council reinstated the sign partially across the driveway, creating difficulty for Mrs X in entering to park and when driving off.
10. Mrs X complained to the Council. She says a Council officer visited in February and told her the Council could re-site the road sign in a new location.
11. Mrs X says the officer then told her later the sign would remain where it was.
12. Mrs X complained to again to the Council. She says an officer told her she did not have permission to remove the road sign. Mrs X disputes this.
13. Mrs X contacted several Council departments to try and resolve the problem. She says they did not respond to her.
14. Mrs X formally complained to the Council on 6 July 2017 about the re-siting of the road sign. She was unhappy the Council was not taking her concerns forward.
15. The Council responded on 20 July. An officer said:
 - The Council had no record of giving permission for the removal of the road sign
 - The team replacing the road sign had spoken to Mrs X's partner and he had agreed it could site the sign where it was
 - The team had offered to have a sign made, at Mrs X's expense, with the words placed underneath each other to make it narrower
 - This was the only suitable location for the sign because of the layout of the roads in the area.
16. Mrs X was dissatisfied with the Council's response and asked it to re-consider her complaint on 25 July. She remained unhappy with the Council's insistence she had no permission to remove the road sign and its failure to recognize the officer who visited her in February had identified alternative locations for it.
17. The Council responded on 17 August. An officer said:
 - The road sign was an important marker because the road name changed
 - The Council had ensured it placed the road sign as far to the side of her drive as possible
 - The Council had offered to make a narrower sign, at Mrs X's expense, which it would install at no further cost.
18. Mrs X remained dissatisfied and complained to the Ombudsman

The Council's response to the Ombudsman

19. The Council told me it has a duty to clearly signpost road names. It said the location was the only point at which it could put the sign. The Council said it marked the end of one road, the beginning of the next and was opposite a junction.

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20. The Council said it did not need to give notice to householders when installing a street name sign onto a public highway.
 21. The Council said it had no record on of any calls from Mrs X which it had not responded to. It said there were performance issues with a former member of staff and it was possible her contact had not been recorded. The Council apologized if this had caused Mrs X frustration and inconvenience.
 22. The Council said it had reinstalled the sign following relevant legislation and procedure. It accepted there had been delay, which it reiterated was due to performance issues with a former member of staff.
 23. The Council offered to install a narrower sign with the wording reading vertically rather than horizontally. It said it would do so at its expense, in acknowledgement the matter had taken longer than it should have done.
 24. The Council offered another apology to Mrs X for any frustration the delay in the process had caused.

Analysis

25. I cannot at this point decide whether Mrs X had permission to remove the road sign. Essentially, given the passing of time and because the matter has moved on I consider it an irrelevance.
26. The Council has apologized to Mrs X both for its failure to respond to her contact and for any frustration the delay in reinstalling the road sign has caused. This apology is suitable redress for any injustice she may have suffered.
27. The Council has proposed an acceptable resolution to the siting of the road sign. I believe it is unlikely further investigation will lead to a different result.

Agreed Actions

28. The Council should install the new road sign within three months of the date of this decision.

Final decision

29. I have found some minor fault in the Council's actions, but this has caused Mrs X no injustice.
30. I have completed my investigation.

Investigator's decision on behalf of the Ombudsman