

19 October 2018

Complaint reference:
18 008 913

Complaint against:
East Devon District Council

The Ombudsman's final decision

Summary: The Ombudsman will not investigate Miss X's complaint about damage to her vehicle caused by a bracket attached to the side of a council vehicle. If Miss X considers the Council is liable for the damage it would be reasonable for her to take the matter to court.

The complaint

1. Miss X complains she scraped her car against a bracket protruding from a council vehicle parked in an adjacent bay on private land. She says it will cost £500 to repair the damage.

The Ombudsman's role and powers

2. The law says we cannot normally investigate a complaint when someone could take the matter to court. However, we may decide to investigate if we consider it would be unreasonable to expect the person to go to court. (*Local Government Act 1974, section 26(6)(c), as amended*)

How I considered this complaint

3. I reviewed Miss X's complaint, shared my draft decision with her and spoke to her about the case.

What I found

4. A council worker parked in a parking bay next to Miss X's vehicle. Miss X did not notice a bracket protruding from the side of the council vehicle and scraped her car against this while reversing out of the space. She complained to the Council and asked it to pay her compensation for the damage, but the Council refused. Miss X is not happy with the Council's response.
5. The Ombudsman will not investigate this complaint. If Miss X considers the Council is liable for the damage to her car it would be reasonable for her to make a claim against it through the courts. It is unlikely we could say the Council, whose vehicle was stationary at the time of the incident, is responsible for the damage in this case and the courts are better placed to determine disputes over liability.

Final decision

6. The Ombudsman will not investigate this complaint. This is because it would be reasonable for Miss X to take the matter to court.

Investigator's decision on behalf of the Ombudsman