

11 May 2018

Complaint reference:
18 000 766

Complaint against:
London Borough of Havering

The Ombudsman's final decision

Summary: Mrs X complained about the Council placing bollards on the highway verge outside her home. She says she has damaged her car on them several times. The Ombudsman should not investigate this complaint. This is because there is insufficient evidence of fault on the Council's part which would warrant an investigation

The complaint

1. The complainant, whom I shall call Mrs X, complains about the Council's decision to place wooden bollards on the grass highway verge outside her home. She says they are a hazard to traffic when she exits her drive and she has damaged her car a number of times. She wants the Council to remove the bollards.

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 we would find fault, or
 - it is unlikely we could add to any previous investigation by the Council, or
 - it is unlikely further investigation will lead to a different outcome.

(Local Government Act 1974, section 24A(6), as amended)

How I considered this complaint

3. I have considered all the information which Mrs X submitted with her complaint. I have also considered the Council's response and Mrs X has commented on the draft decision.

What I found

4. Mrs X has a vehicle crossing over the highway footway and grass verge to her home. In 2017 the Council erected wooden bollards on the verge alongside her crossing without prior consultation. She had difficulty obtaining the reasons why the bollards were placed there. The Council says the bollards had been there for many years but had been gradually removed or destroyed, leading to parking on

or crossing the grass verge. It decided to replace the posts to prevent further damage to the highway grass.

5. Mrs X does not recollect any post being present when she moved in. There are other posts in the verge along the road but not as close as they are to her drive. She says she has collided with the bollards several times causing nearly £2,000 of damage to her car. She also says the posts mean she has to perform a turn on the road which could be a danger to traffic. She told the Council she wanted it to pay her for the time when the bollards have been in place and for the damage to her car.
6. The Council says it replaced bollards on the highway verge and they are not on Mrs X's property. It does not require planning permission or to undertake consultation for placing traffic management items on the highway. Mrs X has a licence to cross the highway verge but the highway authority is responsible for traffic management measures. It is unlikely any claim for damage against the highway authority would be successful where a driver has struck fixed structures on the public highway verge.

Final decision

7. The Ombudsman should not investigate this complaint. This is because there is insufficient evidence of fault on the Council's part which would warrant an investigation.

Investigator's decision on behalf of the Ombudsman