

The Ombudsman's final decision

Summary: Mr X complained about the Council refusing his application for a vehicle crossing and failing to tell him who owned the footway in front of his home. The Ombudsman should not investigate this complaint. This is because there is insufficient evidence of fault which would warrant an investigation.

The complaint

1. The complainant, whom I shall call Mr X, complains about the Council charging him £50 for a vehicle crossing when it does not own the unadopted footway in his street. He also says it has refused to tell him who owns the footway. He wants the Council to repay his fee and inform him who it sold the footway to.

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, or
 - we cannot achieve the outcome someone wants.

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

How I considered this complaint

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

What I found

4. In 2018 Mr X asked the Council if he could have a dropped kerb in front of his home now that a phone box and post box had been removed. The Council

advised him against this because his house fronts directly onto the pavement and there is nowhere to park a vehicle.

5. Mr X applied online for a crossing and this was refused. The Council had informed him that his £50 fee was non-returnable and covered the Council's administration costs. Mr X reported that the highway and footway had potholes and asked for them to be repaired. The Council informed him that the footway was unadopted and that it was not responsible for repairing this.
6. Mr X asked the Council to tell him owns the land. It has no information about this. He later learned from the Land Registry that the land is unregistered and he may apply for adverse possession. The Ombudsman cannot investigate matters concerning private land ownership.
7. We investigate complaints of injustice caused by 'maladministration' and 'service failure'. I have used the word 'fault' to refer to these. We cannot question whether a council's decision is right or wrong simply because the complainant disagrees with it. We must consider whether there was fault in the way the decision was reached.
8. I can find no evidence of fault in this matter. The Council gave Mr X the correct advice about his crossing application and it also told him what information it had about the status of the footway.

Final decision

9. The Ombudsman should not investigate this complaint. This is because there is insufficient evidence of fault which would warrant an investigation.

Investigator's decision on behalf of the Ombudsman