

The Ombudsman's final decision

Summary: The Ombudsman will not investigate Mr X's complaint about a lack of disabled parking bays. It is unlikely we will find fault in the Council's actions.

The complaint

1. Mr X complains about a car park at a nature reserve he visits regularly. He says the ground surface is uneven and dangerous to walk on. He also complains there are no allocated parking spaces for disabled drivers.

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.

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

How I considered this complaint

3. I considered the information provided by Mr X which includes his complaint and the Council's responses to him. He commented on the draft version of this decision.

What I found

4. Mr X regularly visits a local nature reserve. He complained to the Council about the car park. He says:
 - The surface is uneven and gravel covered and is dangerous
 - The car park is too small and he has almost been reversed into
 - There are no disabled parking spaces which is illegal

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5. The Council told Mr X the car park surface is compacted mud with large gravel pieces, some of which are loose. It says this is common for car parks at other parks and nature reserves. It also step-free and very close to the entrance and smooth park which runs through the reserve and this meets the requirements of the Equality Act 2010.
 6. Mr X suggested the Council put disabled parking spaces on the public highway close to the car park entrance. The Council confirmed an officer visited the site and the entrance is located on a sharp bend. Therefore, it is highly unlikely the highways authority will allow parking bays in such an unsuitable location.
 7. The Council also told Mr X it does not have any plans to increase the size of the car park.

Assessment

8. There is no requirement in the Equalities Act or any other law for a certain number or percentage of parking spaces to be marked as disabled bays. The Council has a duty to make reasonable adjustments to avoid disabled people being placed at a substantial disadvantage compared to non-disabled people, when accessing the facilities or services.
9. In this case the Council confirms the access to the reserve from the car park is step free and the whole car park is close to the reserve. It has also confirmed an officer visited the site during the investigation of Mr X's complaint. And it is not possible to mark out parking bays due to the nature of the ground surface.
10. The Council has considered Mr X's complaint according to its complaints policy. Mr X disagrees with this decision. However any investigation by the Ombudsman is unlikely to find fault in the Council's actions.

Final decision

11. I will not investigate this complaint as it is unlikely we will find fault in the Council's actions.

Investigator's decision on behalf of the Ombudsman