

## **The Ombudsman's final decision**

Summary: We will not investigate this complaint about the Council's decision not to take enforcement action against commercial vehicles parked by a neighbour in Mr X's road. This is because there is no evidence of fault by the Council.

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## **The complaint**

1. The complainant, who I call Mr X, complains the Council is refusing to take action against commercial vehicles parked by a neighbour on their drive in Mr X's road. He says the presence of the vehicles is an eyesore and causing him anguish.

## **The Ombudsman's role and powers**

2. We investigate complaints of injustice caused by 'maladministration' and 'service failure' which we call 'fault'. We consider whether there was fault in the way an organisation made its decision. If there was no fault in the decision making, we cannot question the outcome. (*Local Government Act 1974, section 34(3), as amended*)
3. We provide a free service but must use public money carefully. We do not start or may decide not to continue with an investigation if we decide there is not enough evidence of fault to justify investigating. (*Local Government Act 1974, section 24A(6)*)

## **How I considered this complaint**

4. I considered information provided by Mr X, including the Council's response to the complaint.
5. I considered the Ombudsman's Assessment Code.

## **My assessment**

6. Mr X complained to the Council about a neighbour parking commercial vehicles on their drive.
7. The Council investigated the complaint but told Mr X that as there was no breach of planning control there were no grounds on which to take enforcement action. With regard to a restrictive covenant within the deeds for the properties on the estate which forbids the parking of heavy or light goods vehicles at the properties, the Council advised Mr X that this was a civil matter and not one the Council would be involved with. It suggested Mr X seek legal advice if he wanted to pursue it.

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8. While Mr X is disappointed with the Council's response, it is not our role to act as a point of appeal. We cannot question decisions made by councils when they have followed the right steps and considered the relevant evidence and information. There is no evidence to suggest there has been fault by the Council in its handling of this case.

### **Final decision**

9. We will not investigate Mr X's complaint because there is no evidence of fault by the Council.

### **Investigator's decision on behalf of the Ombudsman**