



Northern Ireland

Public Services

Ombudsman

Investigation of a complaint against Belfast City Council

Report Reference: 202005569

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The Role of the Ombudsman

The Northern Ireland Public Services Ombudsman (NIPSO) provides a free, independent and impartial service for investigating complaints about public service providers in Northern Ireland.

The role of the Ombudsman is set out in the Public Services Ombudsman Act (Northern Ireland) 2016 (the 2016 Act). The Ombudsman can normally only accept a complaint after the complaints process of the public service provider has been exhausted.

The Ombudsman may investigate complaints about maladministration on the part of listed authorities, and on the merits of a decision taken by health and social care bodies, general health care providers and independent providers of health and social care. The purpose of an investigation is to ascertain if the matters alleged in the complaint properly warrant investigation and are in substance true.

Maladministration is not defined in the legislation, but is generally taken to include decisions made following improper consideration, action or inaction; delay; failure to follow procedures or the law; misleading or inaccurate statements; bias; or inadequate record keeping.

The Ombudsman must also consider whether maladministration has resulted in an injustice. Injustice is also not defined in legislation but can include upset, inconvenience, or frustration. A remedy may be recommended where injustice is found as a consequence of the failings identified in a report.

Reporting in the Public Interest

This report is published pursuant to section 44 of the 2016 Act which allows the Ombudsman to publish an investigation report when it is in the public interest to do so.

The Ombudsman has taken into account the interests of the person aggrieved and other persons prior to publishing this report.

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Case Reference: 202005569

Listed Authority: Belfast City Council

SUMMARY

This complaint was about the process followed by Belfast City Council (the Council) when it approved an application by the Department of Infrastructure (DfI) for naming a road. The road runs from the southernly end of Carmel Street through to Collingwood Avenue (Road A) in Belfast.

Although the complainant provided evidence of Road A being shown on maps as Collingwood Road, the Council records showed Road A had never been officially named.

The Council followed its process to name a road rather than the renaming of a road. The Council approved the application to name Road A as a continuation of Collingwood Avenue on 3 July 2023.

The DfI made the application following a challenge to parking restrictions it previously implemented on Road A. The complainant raised concerns that the Council did not follow its policy to rename a road. Therefore, it did not afford those residents adversely affected (including himself) to comment on the naming/renaming of Road A. Having considered the Council's policy on renaming a road, I noted it was required to '*survey all residents listed under the electoral register for that street*'. However, there are no residents on Road A and the complainant does not live in the immediate vicinity of Road A.

The investigation found Road A had never been officially named. Therefore, it was not required to follow the guidance for renaming a road. As such, the investigation did not identify any maladministration or injustice to the complainant. Therefore, the complaint was not upheld.

THE COMPLAINT

1. This complaint was about the process followed by Belfast City Council (the Council) when it approved a request to name a road (Road A, see appendix two) in the South Belfast area on 3 July 2023. This followed a request to do so by the Department for Infrastructure (DfI). Road A connects Carmel Street to Collingwood Avenue and was subsequently named by the Council as a continuation of Collingwood Avenue.
2. Councils in Northern Ireland have a statutory role in the naming of roads. The Council adopted a policy, the Street Naming and Numbering Policy (the Policy). It sets out its approach to naming roads in line with its statutory role.
3. The complainant believed the Council did not follow its own policy when it named Road A as a continuation of Collingwood Avenue. The complainant said the road was previously named Collingwood Road. Therefore, the Council should have followed Section 6.0 (Renaming a Street) of its Policy. The complainant explained by the Council not following Section 6, it did not afford those residents adversely affected to comment on the naming/renaming of Road A. He further explained his concern in naming the stretch of road, Collingwood Avenue. He said this allowed for a ban on parking on Road A. This then displaced car parking onto his nearby road.

BACKGROUND

4. The Council's current statutory role in relation to naming roads is set out in Article 11 of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1995 (1995 Order). Prior to the 1995 Order, other legal provisions provided for councils to have a role in the naming of roads. To enable councils to undertake their statutory function, they maintain records of the road names within its boundaries which they approved.
5. The DfI have responsibility for traffic management on public roads. Following a challenge to a parking offence, it realised the name of Collingwood Avenue did not extend to Road A. The DfI subsequently submitted an '*application for naming a new street*' to the Council to approve the name of Road A as Collingwood Avenue (the Application).

EVIDENCE CONSIDERED

6. I obtained information from the complainant and the Council. This included records relevant to the complaint.
7. I considered the following relevant standards and guidance:
 - The Ombudsman's Principles¹ of Good Administration²;
 - Article 11 of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1995; and
 - The Council's Street Naming and Numbering Policy February 2009, Appendix A Revision July 2022 (the Policy).

I enclose relevant sections of the guidance considered in Appendix two.

8. In investigating a complaint of maladministration, my role is concerned primarily with an examination of the Council's administrative actions. It is not my role to question the merits of a discretionary decision. That is unless my investigation identifies maladministration in the Council's process of making that decision.
9. I did not include all information obtained in this report. However, I am satisfied I have not overlooked anything of significance.
10. A draft copy of this report was shared with the complainant and the Council for comment on factual accuracy and the reasonableness of the findings and recommendations. I gave careful consideration to the comments I received before I finalised this report.
11. Council records show a street plan from the late 1800s where the stretch of road in question (Road A) is denoted as '*New 50FT Avenue*'. A later plan from the same era showed the road as unnamed.

¹ These principles were established through the collective experience of the public services ombudsmen affiliated to the Ombudsman Association.

² Detailed in the Appendix - Principals of Good Administration attached to this report

12. Road A does not have any properties which face onto it. Therefore, it has not at any time had residential properties where the lack of a road name may have been identified. Council records show it remained officially unnamed until the DfI the Application. The Council's People and Communities Committee approved the Application on 13 June 2023. The Council confirmed its decision during a meeting on 3 July 2023.
13. The Council's records show a road named Collingwood Road which connects Curzon Street and Cadogan Street (see edged red on Figure 2 and Figure 3 in Appendix two). Only a pedestrian way connects Collingwood Road to Road A.
14. The complainant provided a map used as part of a government function where Road A is shown as Collingwood Road. The investigation also identified other maps where Road A is marked as Collingwood Road.

ANALYSIS AND FINDINGS

15. The complainant believes Road A was previously called Collingwood Road. Therefore, in naming it Collingwood Avenue, the Council should have followed its Policy for the renaming of a street. This would have provided an opportunity to seek views of those impacted by the renaming. I note the Council's view that the road was not 'officially named'. Therefore, it was not required to seek the views of other residents.
16. It is clear from the evidence considered that maps exist where Road A is marked as Collingwood Road. This situation has given rise to the complainant's strongly held belief that Road A was officially named as Collingwood Road. It has been suggested that residents who live nearby know the road as both Collingwood Road and Collingwood Avenue. It would appear this situation has continued to exist as no properties face onto Road A and therefore the lack of 'official' naming has not caused an issue regarding the address of properties.

17. I also note the existence of a street plan dating back to the early 20th century which indicates a road in the area was named Collingwood Road. However, this plan refers to the stretch of road between Curzon Street and Cadogan Street. This is not Road A, which connects the southernly end of Carmel Street, Palestine Street, Jerusalem Street and Damascus Street with Collingwood Avenue. Therefore, I have not identified any evidence within the official records to suggest Road A was officially named prior to July 2023. In this instance, given the historical records and the fact there are no properties that have an address relating to this section of road, I consider it was reasonable for the Council to use the process for naming a new road. As such, I have not identified any maladministration in the Council's actions.
18. The complainant was concerned by not following Section 6 of the Policy to rename a road, the Council did not afford those residents adversely affected (including himself) to comment on the naming/renaming of Road A. I considered this section of the Policy and it states when renaming a road, the Council is required to '*survey all residents listed under the electoral register for that street*'. However, I note there are no residents on Road A, nor does the complainant live in the immediate vicinity of Road A. Rather, he lives a number of streets away.
19. As such, I do not uphold the complaint for the reasons outlined in this report.
20. I appreciate the complainant disagrees with my finding. However, I wish to assure him that I reached it following my full consideration of all the relevant evidence.

MARGARET KELLY

Ombudsman

January 2025

Principles of Good Administration

Good administration by public service providers means:

1. Getting it right

- Acting in accordance with the law and relevant guidance, with regard for the rights of those concerned.
- Acting in accordance with the public body's policy and guidance (published or internal).
- Taking proper account of established good practice.
- Providing effective services, using appropriately trained and competent staff.
- Taking reasonable decisions, based on all relevant considerations.

2. Being customer focused

- Ensuring people can access services easily.
- Informing customers what they can expect and what the public body expects of them.
- Keeping to its commitments, including any published service standards.
- Dealing with people helpfully, promptly and sensitively, bearing in mind their individual circumstances.
- Responding to customers' needs flexibly, including, where appropriate, co-ordinating a response with other service providers.

3. Being open and accountable

- Being open and clear about policies and procedures and ensuring that information, and any advice provided, is clear, accurate and complete.
- Stating its criteria for decision making and giving reasons for decisions
- Handling information properly and appropriately.
- Keeping proper and appropriate records.
- Taking responsibility for its actions.

4. Acting fairly and proportionately

- Treating people impartially, with respect and courtesy.
- Treating people without unlawful discrimination or prejudice, and ensuring no conflict of interests.

- Dealing with people and issues objectively and consistently.
- Ensuring that decisions and actions are proportionate, appropriate and fair.

5. Putting things right

- Acknowledging mistakes and apologising where appropriate.
- Putting mistakes right quickly and effectively.
- Providing clear and timely information on how and when to appeal or complain.
- Operating an effective complaints procedure, which includes offering a fair and appropriate remedy when a complaint is upheld.

6. Seeking continuous improvement

- Reviewing policies and procedures regularly to ensure they are effective.
- Asking for feedback and using it to improve services and performance.
- Ensuring that the public body learns lessons from complaints and uses these to improve services and performance.