

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

Summary: Mr X complained the Council failed to make assisted refuse collections from his house. We find the Council has failed to make collections several times, despite his reports and its reminders to crews. The Council has agreed to apologise and refund Mr X's garden waste collection fee for the year. It will also remind collection crews of the importance of complying with assisted collections and monitor Mr X's waste collection for three months, reporting to him and the Ombudsman on this.

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## **The complaint**

1. Mr X complains the Council has often failed to make assisted refuse collections at his house over the past year. He says it has not collected his garden waste. It missed household and recycling waste collections for three to four months until he complained for a second time about this. It then started collections.
2. Mr X says these failures mean he has missed out on collection services and his gardener is often unable to cut his grass.

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

3. 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'. If there has been fault which has caused an injustice, we may suggest a remedy. (*Local Government Act 1974, sections 26(1) and 26A(1), as amended*)
4. If we are satisfied with a council's actions or proposed actions, we can complete our investigation and issue a decision statement. (*Local Government Act 1974, section 30(1B) and 34H(i), as amended*)

## **How I considered this complaint**

5. I considered evidence provided by Mr X about his complaint.
6. I considered evidence provided by the Council including customer service records.
7. I considered the Ombudsman's guidance on remedies.
8. I gave the Council and Mr X the opportunity to comment on my draft decision.

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## What I found

### Background

9. This council's waste collection service provides households with three containers for household waste. These are a general waste bin, recycling bin and glass recycling bin. It collects general waste and recycling on alternate weeks.
10. Residents can also pay for a garden waste collection service. For a payment of £36 per year the Council collects their garden waste every other week from March to January.
11. Households can ask the Council to provide an assisted bin collection service, for example because they find it difficult to put the bin out for collection. Where someone has asked for an assisted collection this is recorded on the in-cab system used by waste collection crews. The assisted service applies to all types of waste.

### What happened

12. Mr X needs an assisted bin collection service. The Council has agreed to collect his bins from a specific location and return them to that point.
13. Mr X made six service requests to the Council between January and June 2019 about non collection of his glass and garden waste on the normal collection day.
14. The collection crews had not picked Mr X's waste up from the agreed point, therefore missing him from their round. Council records show that after Mr X's reports, the waste crew returned to collect the waste they had missed. It took them between one and six days to do so.
15. Council records also show that after Mr X's reports of problems it spoke to the collection crew about the problem, reminding them of the need to collect and return his bins from the agreed location because of the assisted service.
16. As a result of one of Mr X's reports, in May 2019, the Council investigated and apologised it was still not collecting Mr X's waste correctly, despite promising to do so after his earlier reports. It said it could not explain why the problem had reoccurred. It said it would again remind staff that Mr X had an assisted collection. It referred Mr X to the Ombudsman.
17. Mr X told the Ombudsman the Council has, since then, collected his household and recycling waste correctly but did not collect his garden waste on one occasion in October. The Council told me this was caused by the road being blocked, preventing the collection vehicle from passing. It collected the garden waste bin once it was able to.

### My findings

18. The Council has failed to collect waste from Mr X several times over the past year as agreed by its assisted bin collection service. The problem persisted, despite its reminders to collection crews. This meant Mr X had to keep making reports. The Council's in-cab system and reminders to crews were not enough to ensure it robustly complied with the agreed assisted collection.
19. This was fault causing Mr X avoidable inconvenience from having to keep reporting the problem and his garden waste building up, and uncertainty about whether and when collections would be made.
20. The Council has offered to refund Mr X 's garden waste collection fee for the year and to apologise to him again for the problems caused to him by its fault. These are appropriate remedies for part of the injustice caused by its fault.

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21. However, to give Mr X confidence the problem has now been permanently solved it should again remind all collection crews of the importance of complying with assisted collections. It should monitor Mr X's collections and provide Mr X and the Ombudsman with a report explaining the reasons for any missed assisted collections at his property for the next six months.

### **Agreed action**

22. Within one month of my final decision the Council will:
- Apologise to Mr X for the inconvenience caused by its repeated failure to correctly collect his waste as agreed by the assisted collection service.
  - Refund Mr X's £36 fee for garden waste collection for 2018-2019.
  - Remind waste collection crews of the importance of complying with assisted collection services.
23. Over the next three months after the date of my final decision the Council will monitor Mr X's assisted collections and provide him and the Ombudsman with a report after three months, explaining any missed collections, and action taken as a result.

### **Final decision**

24. I have completed my investigation because I have found fault causing Mr X injustice. The Council has agreed to take action to remedy injustice to Mr X and prevent reoccurrence of the fault.

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