

The Ombudsman's final decision

Summary: Mr D complains the Council repeatedly missed his garden waste collections during 2020 and 2021. The Ombudsman has found evidence of fault by the Council and upheld the complaint. He has completed the investigation because the Council agrees to remedy the injustice caused to Mr D.

The complaint

1. The complainant (whom I refer to as Mr D) says the Council has repeatedly failed to make on-time collections of his garden waste from 2020 to 2021.

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'. 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*)
3. 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

4. I considered the information provided by Mr D. I asked the Council questions and examined its response.
5. I shared my draft decision with both parties.

What I found

What happened

6. In 2020 Mr D paid the Council to collect his garden waste. He complained to the Council in July about collections being missed. The Council replied at the end of July, it said lockdown had caused service disruption and it had requested a Supervisor monitor collections. It is unclear what steps the Council took as I do not have any supporting evidence from it. However, Mr D continued to experience problems with the collections and contacted the Council several times.

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7. In September 2021 Mr D formally complained again to the Council. The garden waste collections were still being missed on the scheduled day. He was having to call or Facebook message the Council for every alternate collection. He had been given different reasons by Officers for the missed collections including the street was obstructed which was not correct. The Council sent a detailed response on 1 October. It apologised for the poor level of service. It agreed Mr D should not have to request collections and there were no obstructions causing missed collections. The problem had been with the briefing of the collection crews. The Council accepted it should have fully investigated Mr D's concerns sooner and that he had been given inaccurate information. It would ensure the crews for each collection were briefed.
 8. Mr D reported further missed collections in October and November.

What should have happened

9. The Council provides a garden waste collection service for which a resident pays an annual fee. Collections should be fortnightly. A Waste Supervisor prints off a daily route sheet for the collection crew to show which properties require a collection. If the crew are unable to make a collection, they should make a report. When a resident reports a missed collection the Council records this on its management system. A re-collection is made within five to seven working days.
10. Where repeated missed collections are reported to the Council these should be flagged up triggering a Waste Supervisor to speak to the collection crew and issue a memo.
11. The Council says that due to lockdown and the pandemic in 2020 it ran the waste collection service with limited resources. It had to use some inexperienced staff unfamiliar with the collection routes.

Was there fault by the Council

12. The Council accepts its handling of this case has been poor. It says the problems were partly due to lockdown and the driver on Mr D's route failed to report missed collections. The Council took action with the staff member. However, there were clearly other issues including Mr D being given false reasons for why collections had been missed and the Council failing to escalate supervision of the route after several missed collections. As a result of Mr D pursuing his case the Council has now provided additional training to Officers to prevent a recurrence of the issues.

Did the fault cause an injustice

13. The repeated failures by the Council in this case meant Mr D incurred unnecessary time and trouble pursuing missed collections. He paid for a service which was not properly provided.

Agreed action

14. The Council agreed to refund Mr D his garden waste collection fees for the 2020 and 2021 periods. In addition, it also accepted my recommendation to pay Mr D £100 for the time and trouble he incurred solely as a result of the fault by the Council. Those payments should be made within four weeks of this case closing.

Final decision

15. I have upheld the complaint and completed the investigation.

Investigator's decision on behalf of the Ombudsman