

The Ombudsman's final decision

Summary: We will not investigate this complaint about missed refuse/recycling collections. The complainant has not suffered sufficient personal injustice to warrant our involvement. And we cannot achieve the outcome he is seeking.

The complaint

1. The complainant, I will call Mr B complains the Council has missed 8 refuse/recycling collections over an unspecified period. He says the Council has taken his money for the refuse collection service but failed to deliver. He wants to be paid his hourly rate for the 8 occasions he had to contact the Council.

The Ombudsman's role and powers

2. We investigate complaints about 'maladministration' and 'service failure', which we call 'fault'. We must also consider whether any fault has had an adverse effect on the person making the complaint, which we call 'injustice'. We provide a free service but must use public money carefully. We may decide not to start an investigation if the tests set out in our Assessment Code are not met. (*Local Government Act 1974, section 24A (6), as amended*)

How I considered this complaint

3. I considered information provided by Mr B and the Council.
4. I considered the Ombudsman's Assessment Code.

My assessment

5. Mr B complained to the Council about missed collections. It responded to his complaint in December. The following June, Mr B reported another missed collection.
6. The Council apologised. It says the location is difficult location due to proximity of main road and collections must be placed behind Mr B's gate which is the only safe location. It has reminded crews of the location of Mr B's collection point and the need to return the bins to the same bins after emptying.

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7. The Council has apologised for the missed collections. From the information I have seen there was at least 6 months from the stage 1 response to Mr B's report of a further missed collection. While I understand this is frustrating, I do not consider Mr B has suffered sufficient personal injustice which warrants an investigation. Nor can we require the Council to pay Mr B his hourly rate for the occasions he reported missed collections.

Final decision

8. We will not investigate Mr B's complaint as it does not meet the tests in our Assessment Code on how we decide which complaints to investigate.

Investigator's decision on behalf of the Ombudsman