

2008-9 Statistics Tables – Explanatory Notes and Commentary

Tables: Attached are summary details of the contacts and complaints about your Council that the SPSO received and determined in 2008-09. Table 1 details total contacts (by our subject categories) received for your Council for 2007-08 and 2008-09, alongside the total of local authority complaints for these years. We recorded 110 complaints about the Council, compared to 88 in the previous year. Table 2 shows the outcomes of complaints determined by the SPSO in 2008-09.

Graphs: The first graph provides a visual representation of the information from the right side of Table 1. You'll see that in 2008-09 your Council was above the national average in terms of complaints about planning and below the average for complaints about education. We received more complaints for your Council about finance, roads & transport, and planning, and fewer complaints about land & property, than in the previous year.

The second graph shows for each Council the percentage of complaints that we received and determined as premature, against the national average in 2008-9 (60%). We consider a complaint to be premature when it reaches us before the complainant has been through the full complaints process of the organisation. The graph does not reflect the number of premature complaints that we received about your Council, but shows how your Council, proportionately, compares against the average for Scottish local authorities. Your Council is number 22 on the graph, below the average. You'll see from Table 2, however, that the actual number of premature complaints for your Council was 59 out of a total of 110 complaints determined (54% of the total for your Council). This was an increase on the previous year's figure of 42 out of 108 (39% of the total for your Council).

NB We don't adjust any of our figures to mitigate the impact of housing stock transfer. It's evident, however, that there's a tendency for authorities that retain housing stock to receive more complaints and to fall higher within the prematurity graph than those that have undertaken stock transfer. This is to be expected given that housing complaints are usually the largest category of complaint and that there's a disproportionately high incidence of prematurity with housing complaints.

Complaints and Recommendations Reported to Parliament

We reported on ten complaints about your Council in 2008-09, of which we upheld one, partially upheld five and did not uphold four. Attached are summaries of these complaints, summarising the recommendations made. As you are no doubt aware, in appropriate cases the Ombudsman may make recommendations where a complaint is not upheld, if he believes that there are lessons that may be learned. You will also be aware that SPSO Complaints Investigators follow up to find out what changes have been made as a result of recommendations.

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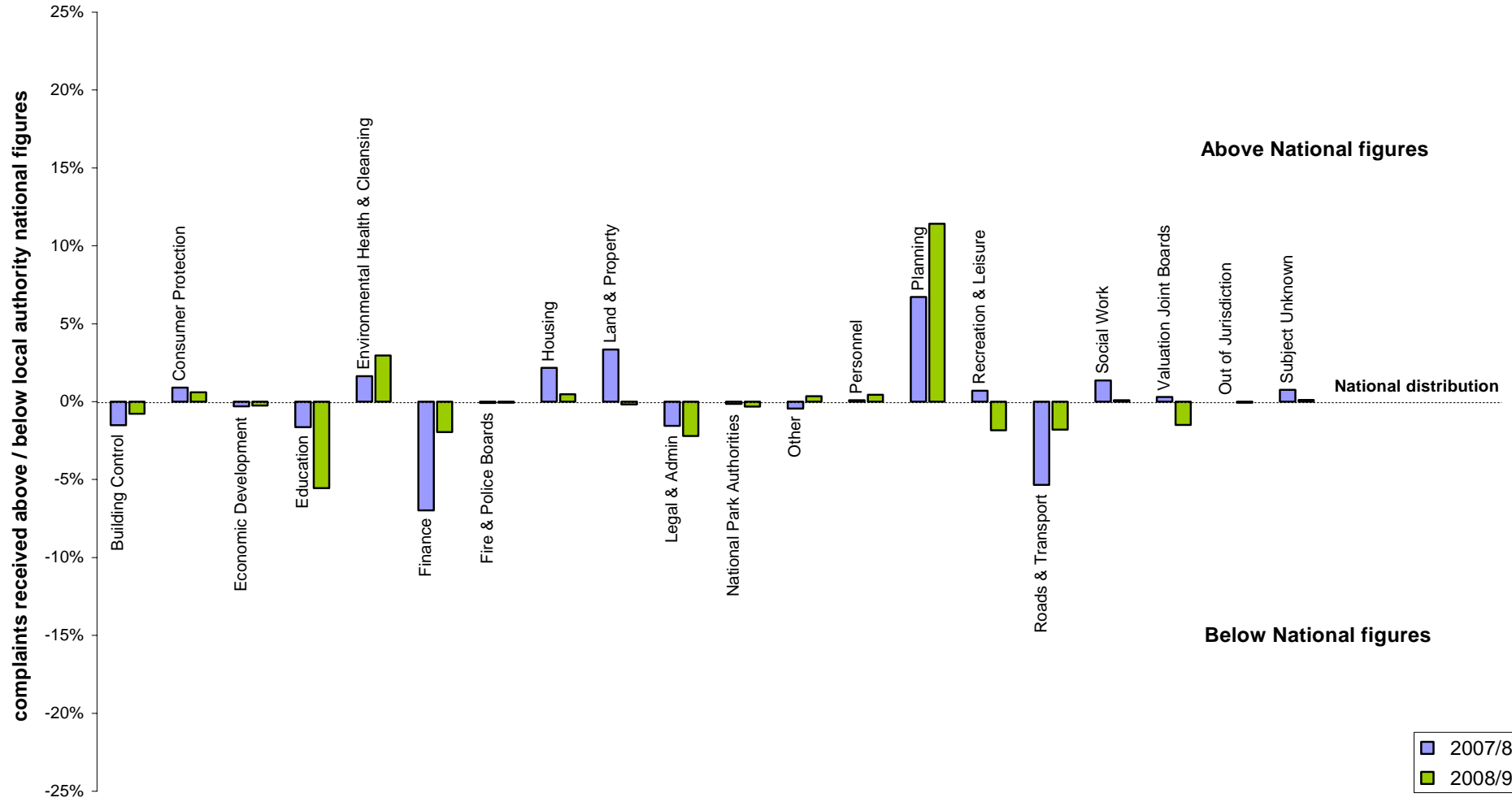
We hope that you find this summary information useful. If you have any enquiries about the statistics, please contact Annie White, SPSO Casework Knowledge Manager, on 0131 240 8843 or email awhite@spsso.org.uk. Fuller statistical reports are available on our website at: <http://www.spsso.org.uk/statistics/index.php>.

Fife Council

Table 1

Received by Subject	2007/8			2008/9						
	Total Contacts	Complaints Only	complaints as % of total	All Local Authority Complaints	complaints as % of total	Total Contacts	Complaints Only	complaints as % of total	All Local Authority Complaints	complaints as % of total
Building Control	0	0	0%	20	2%	1	1	1%	27	2%
Consumer Protection	1	1	1%	3	0%	1	1	1%	5	0%
Economic Development	0	0	0%	4	0%	0	0	0%	4	0%
Education	3	3	3%	67	5%	1	0	0%	89	6%
Environmental Health & Cleansing	10	6	7%	69	5%	8	8	7%	69	4%
Finance	8	2	2%	123	9%	9	8	7%	148	9%
Fire & Police Boards	0	0	0%	1	0%	0	0	0%	1	0%
Housing	37	28	32%	394	30%	36	32	29%	459	29%
Land & Property	7	5	6%	31	2%	2	2	2%	32	2%
Legal & Admin	4	3	3%	66	5%	3	3	3%	79	5%
National Park Authorities	0	0	0%	2	0%	0	0	0%	5	0%
Other	0	0	0%	6	0%	1	1	1%	9	1%
Personnel	3	2	2%	29	2%	2	2	2%	22	1%
Planning	35	22	25%	243	18%	37	31	28%	269	17%
Recreation & Leisure	2	2	2%	21	2%	1	1	1%	44	3%
Roads & Transport	0	0	0%	71	5%	5	4	4%	87	5%
Social Work	14	11	13%	148	11%	15	13	12%	188	12%
Valuation Joint Boards	1	1	1%	11	1%	0	0	0%	24	1%
Out of Jurisdiction	1	0	0%	0	0%	0	0	0%	1	0%
Subject Unknown	6	2	2%	20	2%	5	3	3%	42	3%
Total	132	88		1,329		127	110		1,604	

**Complaints received by subject: Fife Council proportions
compared to the distribution of all local authority complaints received**



Fife Council

Table 2

Complaints Determined by Outcome		2007/8		2008/9	
			<i>All Local Authority</i>		<i>All Local Authority</i>
Assessment	Premature	42	760	59	923
	Out of Jurisdiction	7	154	4	102
	Withdrawn or failed to provide information before investigation	16	178	12	158
	Discontinued or suspended before investigation	2	42	1	12
Examination	Determined after detailed consideration	29	240	24	279
Investigation	Report issued: not upheld	11	82	4	25
	Report issued: partially upheld	0	62	5	22
	Report issued: fully upheld	0	23	1	15
	Withdrawn or failed to provide information during investigation	1	4	0	1
	Discontinued or suspended during investigation	0	13	0	9
Total		108	1,558	110	1,546

Fife Council

Published	Case Ref.	Summary	Decision	Recommendation(s)
23/04/08	200600058	(a) councillors were not informed of the facts connected to the Application (not upheld); (b) potential problems were brought to the attention of Council officials in 46 letters of objection, however, these objections did not appear to have been brought to the attention of councillors (not upheld); and (c) access problems for vehicles, including refuse and emergency vehicles, were not properly considered (not upheld).	not upheld	The Ombudsman has no recommendations to make.
23/04/08	200603184	the Council: (a) failed to enforce conditions attached to the planning consent which were imposed to protect the amenity of neighbours (partially upheld); (b) otherwise failed to resolve the effect on Mr and Mrs C's amenity of noise and odours emanating from the Premises (partially upheld); and (c) took an unacceptable length of time to deal with Mr and Mrs C's complaints and did not keep them properly updated (upheld).	partially upheld	(i) review the wording of conditions used in their planning consents with particular reference to the appropriateness of using a condition such as condition 3 with the present wording; (ii) actively continue to monitor compliance with the planning consent issued on 30 June 2003; and (iii) apologise to Mr and Mrs C for the failings in the Council's handling of their complaints. The Council have accepted the recommendations and will act on them accordingly.
18/06/08	200601777	a contractor caused damage to Mr C's bathroom in the course of carrying out work on behalf of the Council and the Council's proposed remedy for this damage was not reasonable (not upheld).	not upheld	The Ombudsman has no recommendations to make.
23/07/08	200603329	the Council: (a) did not adequately monitor access to a development site (upheld); and (b) did not communicate adequately with Mr C over this matter (upheld).	upheld	The Ombudsman recommends that the Council apologise to Mr C for any added distress and inconvenience caused by insufficient monitoring of a contractors' use of a private access road and for shortcomings in their communications over this matter. The Council have accepted the recommendations and will act on them accordingly.

Fife Council (continued)

Published	Case Ref.	Summary	Decision	Recommendation(s)
20/08/08	200600298	(a) improperly changed their position by not selling two plots of land at the Site which they had marketed during February 2005 (not upheld); and (b) had not acted properly, in delaying the sale until the development status was known (not upheld).	not upheld	Although the Ombudsman has not upheld this complaint, she is pleased that the Council acknowledged there were gaps in their records of some of the processes involved, regarding their considerations of the development potential of the Site, as it is essential that written records are maintained to the highest standard possible, throughout all planning processes. Therefore, the Ombudsman recommends that the Council review the circumstances which led to this failure; consider whether there are lessons to be learned from this; and advise her of the outcome.
22/10/08	200500581 200501941	the Council: (a) delayed in taking enforcement action by allowing building work, which was not in accordance with the plans, to continue despite Mr C and Mr D's complaints (not upheld); (b) failed to deal with Mr C and Mr D's complaint regarding the orientation of the house (upheld); (c) failed to properly consider the effect on Mr C and Mr D's privacy before granting planning permission in respect of the house's lounge windows (not upheld); and (d) failed to take action in respect of the patio area having said they would (not upheld).	partially upheld both complaints	(i) apologise to Mr C and Mr D for their failure to adequately address their complaint, the shortcomings in reporting on how the incorrect labelling of the plans and the issue of overlooking the gardens have been dealt with; and (ii) review their system of dealing with errors in application plans to avoid situations in which members of the public might be misled. The Council have accepted the recommendations and will act on them accordingly.
19/11/08	200603296	the Council dropped a requirement that a developer (the Developer) should demonstrate seven million pounds of membership sales for a proposed golf complex without referring this change back to the Committee (not upheld).	not upheld	The Ombudsman has no recommendations to make.
21/01/09	200601009	the Council: (a) breached their own planning guidelines for extensions (not upheld); (b) failed in their duty to protect Mr C as an adjoining proprietor (not upheld); and (c) failed to give Mr C timely advice when requested to do so (upheld).	partially upheld	write to Mr C to apologise for their failure to provide timely responses when requested to do so. The Council have accepted the recommendation and will act on it accordingly.

Fife Council and Directorate for Planning and Environmental Appeals

Published	Case Ref.	Summary	Decision	Recommendation(s)
18/02/09	200502409 (200503071 against DPEA)	<p>(a) poor and/or incorrect advice was given by Council officers to Mr C (not upheld);</p> <p>(b) the Council issued the PCN and subsequently the PEN on the basis of insufficient evidence (partially upheld to the extent of the inadequacy of the report presented to the Committee);</p> <p>(c) there was poor and inconsistent handling of matters by the Council and a failure to follow appropriate procedures (not upheld);</p> <p>(d) the SEIRU's initial appointment of a reporter (Reporter 1) did not follow relevant guidance on conflict of interest (upheld);</p> <p>(e) the PLI and related activity was handled poorly (partially upheld to the extent that not all letters were shared); and</p> <p>(f) Reporter 2, in determining the appeal, did not adequately justify his decisions by demonstrating they were based on the available evidence (not upheld).</p>	<p>partially upheld</p> <p>complaint against Council</p> <p>200502409</p>	<p>The Ombudsman recommends that the Council review the scope of information to be presented to the Committee on planning contravention when seeking authorisation to consider the expediency of taking enforcement action; and</p> <p>The Ombudsman recommends that DPEA remind their staff and panel of reporters of the need to consider whether particular appointments may be perceived as involving a conflict of interest, and that DPEA take account of ethical standards in public life in relation to such appointments.</p> <p>The Council and the DPEA have accepted the recommendations and will act on them accordingly.</p>