

Cherwell District Council

Council

19 October 2020

Local Government Ombudsman Annual Report 2019/20

Report of Corporate Director Commercial Development, Assets and Investments & Monitoring Officer

This report is public

Purpose of report

To provide council with the Local Government Ombudsman's annual report on Cherwell District Council for the financial year 2019/20.

1.0 Recommendations

The meeting is recommended:

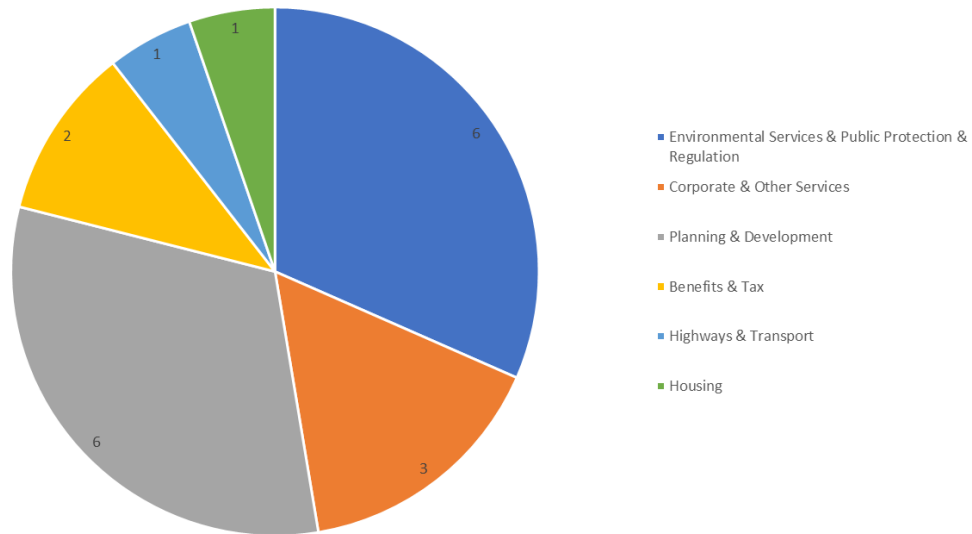
- 1.1 To note the report

2.0 Introduction

- 2.1 The Local Government and Social Care Ombudsman (LGO) provides the final stage for complaints about councils and social care after the Council's own complaints procedure has been exhausted. The LGO issues an annual report covering complaints that have been received and their outcome. This report provides their findings for 2019/20.

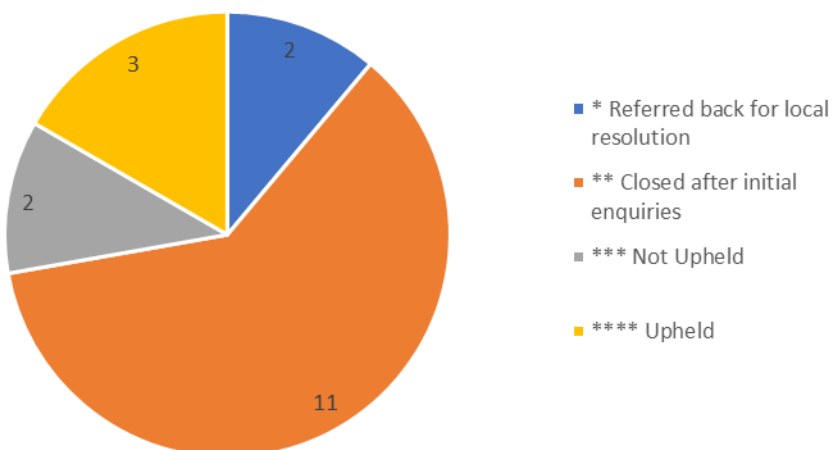
3.0 Report Details

- 3.1 The LGO is the final stage for complaints about councils, all adult social care providers (including care homes and home care agencies) and some other organisations providing local public services. They are a free service provided to people that have completed all stages of the Council's own complaints procedure and remain unhappy with the outcome. The LGO have guidelines regarding what they can investigate. Complainants must have complained to the Council within 12 months of becoming aware of the matter and been directly affected by the matter resulting in 'personal injustice'. Not all complaints will be investigated, for example if the Ombudsman does not feel they will find fault regarding the Council.
- 3.2 The LGO received a total of 19 complaints and enquiries against Cherwell District Council for the period 1 April 2019 – 31 March 2020, the numbers received by service area as categorised by the LGO are as follows:



3.3 The LGO returned decisions on 18 complaints in the period 1 April 2019 – 31 March 2020. It should be noted that decisions may relate to complaints made in the previous year 2018-2019, investigations may not have been completed on all complaints received during the 2019/20 period therefore a decision would not have yet been received. The number of complaints received and decisions made in the one year period will always differ.

Decisions by the LGO are divided into different categories dependent on their findings, the 18 received about Cherwell District Council were categorised as follows:



* Complaints that had not completed the CDC Complaints Procedure

** Complaint assessed by LGO Assessment team and not passed for further investigation

*** Complaints assessed and forwarded to investigator for investigation and no fault found

**** Complaints assessed and forwarded to investigator for investigation and fault found

Of the 18 decisions, 3 complaints were upheld by the LGO, details of these complaints are as follows, as well as the actions the Council has taken to address the specific cases to ensure it improves services for the future

1. Complaint. 1

Mrs X complained that APCOA, the operator working on behalf of the Council, unfairly issued her a parking ticket, and about the way APCOA handled the case.

LGO Decision

In considering the complaint we have identified APCOA is enforcing parking tickets using the wrong legislation and therefore the wrong process.

Finding

The Council is responsible for the acts and omissions of its operator.

The Council is at fault for:

- not providing a reasonable means for Mrs X to pay the parking charge;
- issuing the wrong type of ticket;
- failing to reset the discount period after refusing the “appeal”;
- not handling an on-line chat appropriately;
- not refunding the excess money paid as promised until our involvement;
- not dealing properly with Mrs X’s complaint about its failure to refund the money; and
- not complying with the law when it enforces Excess Charge Notices (ECNs).

Lesson Learnt

As a result of this LGO Investigation a number of service improvements were made:

1. Car Parking Enforcement Policy received a root to branch review, amendments have been made to ensure that the correct legal procedures are documented and available to the public.
2. The Council has amended the wording on the Excess Charge Notices issued by its car park management provider APCOA Parking Services in line with the new adopted policy.
3. Cancellation of the debt recovery agreement with an outside agency who had previously being engaged to chase unpaid Excess Charge Notices.
4. A review of APCOA Parking Services internal procedures regarding the processing of Excess Charge Notices and the introduction of

additional stringent checks on correspondence sent out to Cherwell customers ensuring the wording relates only to Excess Charge Notices not Penalty Charge Notices.

5. All new hand held ticket issuing machines will be fully tested by APCOA Parking Services to ensure that tickets display the correct information in line with the Council's new adopted policy.
6. A review of the CDC Customer Services Knowledge Hub which refers to the APCOA/CDC PARKING arrangements and who deals with which type of enquiry. Staff were reminded of the arrangements and that any reference to complaints about APCOA are forwarded to the CDC Parking Services Officer and not referred back to APCOA.

2. Complaint 2

The complainant says the Council is seeking recovery of an overpayment of housing benefit from 2017. Mr B complains the overpayment was the result of administrative failure, and so he should not be required to repay it.

LGO Decision

There was fault in the Council's handling of the recovery of a housing benefit overpayment. However, it says it will now offer the complainant a fresh appeal right to the Tribunal, which is a suitable remedy. The Ombudsman therefore proposes to complete his investigation.

Lesson Learnt

1. The need to ensure that letters clearly give customers the right of appeal. We are currently reviewing some of our templates so will ensure that this is reflected.
2. Our communication with the customer needs to be by the most appropriate method. This was a complex enquiry and picking up the phone may have made the situation much better and less confusing for the customer.
3. There is an element of staff awareness throughout this and to try to help with this and other issues we have carried out a lot of staff training over the last 6 months.

3. Complaint 3

I paid to park in a Cherwell District Council car park for 2 hours using the automated phone number displayed on the parking signs. My work mobile was used in order to make this call. Following the phone call I received a text message from APCOA stating that I need to send a text message with my vehicle registration number. I tried to do this but for some reason my work mobile wouldn't allow me to send the message. Therefore, with no other alternative I used my personal number to reply to the text message with

details of my vehicle registration number. I can only assume that my vehicle was not linked to the payment, hence why the ECN was issued to me. I followed APCOA's appeals process attaching the following evidence: - Screenshot of failed text message from work mobile - Successful text message from personal mobile - Proof of parking payment. Despite this APCOA has decided to uphold their ECN. I feel that they have not properly considered my statement outlining the difficulty that I experienced paying for parking, the steps that I took to remedy this and the fact that parking was paid for.

LGO Decision

The Ombudsman will not investigate Miss X's complaint about an Excess Charge Notice issued by the Council's contractor. The Council has agreed to cancel the notice and refund Miss X's payment and this provides a suitable remedy for the complaint.

Lesson Learnt

1. A full review of the procedures at the APCOA Parking Services Customer Contact Centre was undertaken. Changes were made from the previously automated responses sent out by a range of customer services staff to ensure that all appeals and all correspondence are reviewed by the Manager for the Cherwell Contract and responses are now checked for relevance, accuracy and appropriateness.
2. Additionally any appeals for customers of Cherwell Car Parks are channelled to only a limited number of APCOA customer services staff for processing who have the knowledge of Cherwell District Council Excess Charge Notice appeal procedures.
3. The CDC Customer Services staff were also reminded of the information held in the Knowledge Hub which refers to the APCOA/CDC Parking arrangements and who deals with which type of enquiry. Staff were reminded of the arrangements and that any reference to complaints about APCOA are forwarded to the CDC Parking Services Officer and not referred back to APCOA.

4.0 Conclusion and Reasons for Recommendations

- 4.1 This is an annual report and provides members with information with regard to the number of complaints received by the ombudsman against the Council, the decisions regarding complaints and the lessons learnt.

5.0 Consultation

Benefits Manager, comments included within the report.
Street Scene and Landscape Services Manager, comments included within the report

6.0 Alternative Options and Reasons for Rejection

6.1 The following alternative options have been identified and rejected for the reasons as set out below.

None

7.0 Implications

Financial and Resource Implications

7.1 There are no financial implications within this report.

Comments checked by:

Michael Furness, Assistant Director of Finance, 01295 221845,
michael.furness@cherwell-dc.gov.uk

Legal Implications

7.2 There are no legal implications directly arising from the contents of this report.

Comments checked by:

Christopher Mace, Solicitor, 01295 221808, christopher.mace@cherwell-dc.gov.uk

Risk Implications

7.3 There are no risk implications within this report.

Upheld LGO complaints are reviewed alongside the corporate complaints process to ensure lessons are learned etc.

Comments checked by:

Louise Tustian, Head of Insight and Corporate Programmes, 01295 221786,
Louise.tustian@cherwell-dc.gov.uk

8.0 Decision Information

Key Decision

N/A

Wards Affected

All

Links to Corporate Plan and Policy Framework

N/A

Lead Councillor

Councillor Tony Ilott, Lead member for Financial Management and Governance

Document Information

Appendix number and title

None

Background papers

None

Report Author and contact details

Sharon Hickson, Democratic and Elections Officer, 01295 221554
Sharon.hickson@cherwell-dc.gov.uk