

**Report by the Local Government and Social Care
Ombudsman**

**Investigation into a complaint against
Birmingham City Council**

**(reference numbers: 18 013 106, 18 012 728,
18 014 897, 18 012 931, 18 013 175, 18 015 314,
18 015 505, 18 015 794, 18 013 164, 18 016 323,
18 016 015, 18 015 980, 18 015 202, 18 015 236,
18 013 177, 18 016 198, and 18 016 442)**

25 July 2019

The Ombudsman's role

For more than 40 years the Ombudsman has independently and impartially investigated complaints. We effectively resolve disputes about councils and other bodies in our jurisdiction by recommending redress which is proportionate, appropriate and reasonable based on all the facts of the complaint. Our service is free of charge.

Each case which comes to the Ombudsman is different and we take the individual needs and circumstances of the person complaining to us into account when we make recommendations to remedy injustice caused by fault.

We have no legal power to force councils to follow our recommendations, but they almost always do. Some of the things we might ask a council to do are:

- > apologise
- > pay a financial remedy
- > improve its procedures so similar problems don't happen again.

Section 30 of the 1974 Local Government Act says that a report should not normally name or identify any person. The people involved in this complaint are referred to by a letter or job role.

Key to names used

Ms B	The complainant	Mrs K	The complainant
Mrs C	The complainant	Mr L	The complainant
Ms D	The complainant	Mr M	The complainant
Mr E	The complainant	Mr N	The complainant
Miss F	The complainant	Mrs O	The complainant
Miss G	The complainant	Mr P	The complainant
Mr H	The complainant	Mrs Q	The complainant
Mrs I	The complainant	Mrs R	The complainant
Miss J	The complainant		

Report summary

Refuse and recycling

The complainants all complain the Council has repeatedly failed to collect their household waste, recycling or garden waste. Many of the complainants also complain about poor responses to their complaints.

Finding

Fault found causing injustice and recommendations made.

Recommendations

To remedy the injustice caused by the faults identified above, we recommend the Council should:

- apologise to each of the complainants for the failings in its service;
- pay Mrs C, Mr E, Miss F, Mr H, Miss G, Mr N and Mrs O £100 each in recognition of the frustration and difficulties the fault identified above has caused them;
- implement a three-month period of monitoring to ensure that Ms B, Mr K, Mrs I, Mr P, Mrs R, Ms D, Mr L, Mr M, Miss J and Mrs Q's waste collections are made on the scheduled days. In relation to Miss J and Mrs Q, this monitoring should also ensure their assisted collections are carried out properly with their bins being collected and returned to the correct storage point;
- pay Ms B, Mr K, Mr P, Mrs R, Ms D, Mr L, Mr M, Miss J, and Mrs Q £200 each in recognition of the ongoing frustration and difficulties the fault identified above has caused them;
- pay Mrs I £300 in recognition of the ongoing frustration and difficulties the failure to make any waste collections since September 2018 has had on her;
- review the way it considers and responds to refuse complaints to ensure that its responses address the specific issues raised; and
- carry out a 'lessons learned' review to analyse and understand what went wrong with the planning and implementation of the changes to its waste collections. It should also assess whether any of those issues are still outstanding. This review should be reported to, and considered by, the relevant overview and scrutiny committee.

The Council accepts our recommendations.

The complaint

1. The complainants all complain the Council has repeatedly failed to collect their household waste, recycling or garden waste. Many of the complainants also complain about poor responses to their complaints.

Legal and administrative background

2. We investigate complaints about 'maladministration' and 'service failure'. In this report, we 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. We 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*)

Household waste and recycling collections

3. Councils have a duty under the Environmental Protection Act 1990 to collect household waste and recycling from properties in its area. The collections do not have to be weekly and councils can decide the type of bins or boxes people must use.

How I considered this complaint

4. We produced this report after examining relevant documents and discussing the issues with the complainants.
5. We gave the complainants and the Council a confidential draft of this report and invited their comments. The comments received were taken into account before the report was finalised.

What we found

Background

6. The Council's practice is to collect household waste every week and recycling every fortnight. In September 2018 the Council introduced a new operating model. Under this model, scheduled collection days remained the same, but the collection rounds/routes changed.
7. At the end of December 2018 collection crews began industrial action. The Council introduced a contingency plan to make one collection for all waste types each week rather than separate collections of household waste and recycling.
8. The Council then moved to a fortnightly collection for all waste types in February 2019. When the industrial action ended in March 2019, the Council returned to weekly household and fortnightly recycling collections.
9. The Council also runs a fortnightly garden waste collection service between March and December. The Council generally charges a fee for this service, and it is only available to customers who have subscribed for the service in advance. The terms and conditions for this service state the Council will consider a refund where it has failed to rectify a reported missed collection of garden waste on three consecutive cycles.
10. When a missed collection is reported to the Council, the depot will ask the crew to return to complete the round as soon as possible. When the collection is complete, the Council closes the report.

What happened here

11. We have received a large number of complaints about missed collections and problems with the service. These complaints are not limited to one area but come from across the city.

Missed household waste collections

12. Ms B and Mrs K both complain the Council has repeatedly failed to collect their household waste, and that the problem is ongoing.

Ms B's complaint

13. Ms B did not want to use or store wheelie bins, so when the Council introduced them to her street, Ms B agreed with the Council she would continue to have black bag collections. Ms B complains that although the Council takes her recycling, and empties her neighbours' wheelie bins, it routinely leaves her refuse bags.
14. The Council's records show Ms B reported 10 missed collections between February 2018 and January 2019. Ms B states there were many more missed collections. The Council's records also show that the missed collections were not always collected in a timely manner. For example, Ms B reported a missed collection on 19 April 2018 and the Council closed this report on 4 May 2018. Had the collection been made with the next scheduled collection, this report would have been closed much sooner. This suggests that the collections scheduled for 26 April and 3 May 2018 were also missed. Similarly, the report of a missed collection on 26 July 2018 was closed on 23 August 2018 which suggests the scheduled collections on 2, 9 and 16 August 2018 were also missed.
15. As well as reporting the missed collections, Ms B made a formal complaint to the Council. In its response the Council said it had instructed the crew to make the scheduled collections.
16. Ms B states the problem continued and she was not given any explanation why her refuse bags were routinely missed.
17. In response to our enquiries the Council states the missed collections are probably due to Ms B's property still having a sack collection whereas most of the street is on bin collections. It states that where only one property on a long road like this has sacks it will lead to inconsistency and an over reliance on crew knowledge to remember to collect the sacks.
18. Ms B disputes that she is the only property in the street that has sack collections. Other residents also use refuse sacks, and the sacks can be clearly seen in the street.

Mrs K's complaint

19. Mrs K complains the Council has repeatedly failed to collect her household waste since September 2018. She states the problem is ongoing and collections are sporadic. The Council collected her waste on 14 December 2018, having not collected it for 12 weeks. It next collected her waste on 27 February 2019. There was a further period when collections were missed, and the Council collected her waste on 10 May 2019.
20. The Council's records show Mrs K reported 17 missed collections between November 2018 and April 2019. The dates these reports were closed are inconsistent and do not suggest the collections were made in a timely manner. The report of a missed collection on 1 November 2018 was closed on

23 November 2018, but reports on 9, 14 and 22 November 2018 were closed on 4, 14 and 17 December 2018 respectively.

21. If the Council had collected the waste on 23 November 2018, it would have been able to close all four reports of missed collections on that day. In addition, Mrs K reported a missed collection on 22 February 2019 and the Council closed the report on 22 March 2019. But Mrs K reported a missed collection on 22 March 2019 and the Council closed this report on 11 April 2019.
22. These anomalies call into question the accuracy of the Council's records.
23. The Council states Mrs K's collections were missed as there were a number of operational difficulties due to the industrial action and staff sickness which affected the service. It has not offered an explanation for the ongoing missed collections.

Missed recycling collections

24. Mrs C, Mr E, Miss F, Mrs I, Mr M, Mr P and Mrs R all complain the Council has routinely failed to collect their recycling on the scheduled day. This has been a particular issue between September 2018 and January 2019.

Mrs C's complaint

25. Mrs C complains the Council has repeatedly failed to collect her recycling on the scheduled day for over 12 months. According to the Council's records Mrs C reported three missed collections between October 2018 and January 2019.
26. Based on the dates the Council closed the reports, the missed collections were not collected on the next scheduled collection day. The missed collection reported on 8 October 2018 was closed on 22 November 2018. As collections should have been fortnightly, this suggests collections were also missed on 22 October and 5 November 2018. Mrs C also reported a missed collection on 19 November 2018. This would suggest the Council missed four consecutive scheduled collections.
27. In addition to reporting the missed collections, Mrs C also complained to the Council. The Council's response referred to the implementation of new routes which would take time to bed in. It acknowledged there had been a number of missed collections and a delay in clearing them. The Council apologised for this. The Council subsequently informed her that collections to her road had returned to normal.
28. Mrs C is not happy with this response as it does not address why the collections were missed, and the problem had not been resolved. She reported two further missed collections after the Council informed Mrs C the collections on her road had returned to normal. The dates these reports were closed suggest there were other missed collections. Mrs C states she has lost count of the number of missed collections and no longer reports them.

Mr E's complaint

29. Mr E complains the Council repeatedly failed to collect his recycling between September 2018 and January 2019. He states the Council collected recycling from the neighbouring streets, but the collection crews routinely drove past the entrance to his road.
30. Mr E reported the missed collections and complained to the Council. The Council apologised for the missed collections and referred to the implementation of the

new routes. It advised the missed collections would be picked up as soon as possible.

- 31. Mr E did not consider this addressed his concerns that collections on his street were missed while neighbouring streets had collections. The Council referred the matter to the Service manager and reassured Mr E the collections would be made. The Council did not respond to Mr E's concerns about collection crews not visiting his street.
- 32. Despite the Council's assurances, Mr E's recycling was not collected. He made a further complaint which the Council refused to deal with as it considered it to be a duplicate of his previous complaint.
- 33. The Council's records show Mr E reported three missed collections between September 2018 and January 2019. These missed collections were not collected in a timely manner or on the next scheduled collection date. For example, the records show Mr E reported a missed collection on 25 September 2018, and the Council closed this report on 26 October 2018. This suggests the scheduled collections on 9 and 23 October 2018 were also missed.

Miss F's complaint

- 34. Miss F complains the Council failed to collect her recycling between September and November 2018. She reported the missed collections and complained to the Council as she believed the collections were missed as her road was not included on the collection routes. Miss F states officers repeatedly told her that her property was on a collection route, but when she spoke to the collection crew they told her the street was not on their route.
- 35. The Council states Miss F's street is on a long established route and there has not been a period when it was not routed. It states the missed collections in September 2018 were due to the implementation of the new system. The Council also states problems with data issues caused the missed collections in October and November 2018.
- 36. The Council has since clarified that when the new working arrangements were introduced, depots were required to manually update the recycling collection maps. Miss F's road was inadvertently missed off the updated maps but has since been added.

Mrs I's complaint

- 37. Mrs I complains the Council has not collected her household waste or recycling since September 2018 when the Council changed the collection routes. Mrs I should receive assisted collections but states the collection crews do not come down her road. Mrs I spoke to a member of the collection crew who told her she was not on their round.
- 38. The Council's records show Mrs I reported 14 missed collections between October 2018 and January 2019. The records also show that all these reports are now closed, although they were not collected promptly or at the next scheduled collection. However, Mrs I maintains the Council has not collected the waste.
- 39. The Council's responses to Mrs I's complaints also advised it had made collections and removed the excess waste. Mrs I advised the Council her household waste and recycling had not in fact been collected, and submitted a further complaint. The Council refused to register a second complaint as it considered this to be a duplicate.

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40. In response to our enquiries the Council states Mrs I's property is included on a route, and the route has not changed since September 2018. It has also confirmed Mrs I is registered for assisted collections. The Council suggests Mrs I's collections were missed due to unofficial and official industrial action. This has now ended, and collections are now taking place properly again.

41. Mrs I has confirmed her waste has still not been collected.

Mr M's complaint

42. Mr M also complains that his recycling was not collected between September 2018 and January 2019, and that since January 2019 the collections have been sporadic. The Council also missed collections of household waste, although to a lesser extent.
43. According to the Council's records, since September 2018 Mr M has reported 11 missed recycling collections and six missed household waste collections. The records do not show the missed collections were collected in a timely manner and again there appear to be inconsistencies in the dates the reports were closed. As an example, Mr M reported a missed recycling collection on 27 September 2018, and the Council closed this report on 29 October 2018. But Mr M also reported a further missed recycling collection on 29 October 2018, and this report was not closed until 20 November 2018. This would suggest the Council's records are inaccurate.
44. When Mr M complained about the missed collections and the levels of recycling building up at his home, the Council confirmed it would speak to the collection crews. It also referred to the change in working arrangements and the industrial action.
45. In response to the draft report, Mr M confirmed the Council collected his recycling a couple of times earlier this year but has not collected it since April 2019.
46. In response to our enquiries the Council states the depot had operational difficulties during this time period with the implementation of new working arrangements and the industrial action. The depot has also experienced operational issues since January, which it is committed to resolving.

Mr P's complaint

47. Mr P complains the Council has repeatedly failed to collect his recycling since October 2018, and the problem is ongoing.
48. The Council's records show Mr P has reported 10 missed collections since October 2018. The records suggest most of the missed collections were made on the next scheduled collection day. But a number of these collections were also missed. For example, Mr P reported a missed collection on 28 November 2018 and the Council closed this case on 13 December 2018. But Mr P also reported the collection scheduled for 13 December 2018 was missed. This would suggest the Council's records are inaccurate.
49. In response to our enquiries the Council states Mr P's property is not on a fixed recycling round. This means that crew membership can vary from collection to collection resulting in inconsistencies and missed/delayed collections.

Mrs R's complaint

50. Mrs R complains the Council has repeatedly failed to collect her refuse and recycling since September 2018. She also complains that she has had difficulty reporting missed collections online.

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51. The Council's records show Mrs R reported six missed recycling and household waste collections in January, February and April 2019. These missed collections were not collected on the next scheduled collection date or in a timely manner. There are also inconsistencies in the dates the reports were closed, and the Council's records appear to be incomplete.
52. Mrs R complained about missed collections in November 2018. Her complaint refers to her telephoning the Council several times to report missed recycling collections and the problem not being resolved. These reports are not included in the Council's records. Mrs R also complains that she has had difficulty reporting missed collections online. In response to her complaint the Council confirmed it would speak to the crew.
53. The Council states there were a number of operational difficulties at the time due to industrial action, and staff sickness that have affected service delivery. As a result of this, household and recycling crews were not able to carry out their rounds on the scheduled days. The Council has not offered any explanation for missed collections since the end of the industrial action.

Missed communal collections

54. Ms D, Miss G, Mr H and Mr L all live in properties that have communal waste collections. They complain that when collections are missed the waste soon overflows the containers and leads to unsanitary conditions and problems with rodents.

Ms D's complaint

55. Ms D lives in a maisonette and complains the Council repeatedly failed to collect the household waste for the block. She states the Council only collected the waste twice between November 2018 and January 2019. This meant the containers were overflowing and the communal area was a health and safety hazard.
56. Ms D reported the missed collections and complained to the Council. The Council's response confirmed it had referred the matter to the Service manager and instructed the collection crew to make the collections.
57. The Council's records show that the missed collections were not collected on the next scheduled collection date or in a timely manner. Ms D reported a missed collection on 5 November 2018, and the Council closed the report on 28 November 2018. As there should have been weekly collections this suggests the following three collections were also missed.
58. In response to our enquiries the Council states that during the transitional period, following implementation of the new working arrangements the container driver was not able to complete the round. The Council states this has now settled down.
59. Ms D disputes that the service has settled down. She states the waste was collected 13 times during the first 23 weeks of 2019, and that collections are sporadic.

Miss G's complaint

60. Miss G lives in a block of flats, which has communal bins. She complains the Council failed to collect the household waste for 18 weeks between September 2018 and January 2019.

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61. The Council's records show Miss G reported five missed collections between September 2018 and January 2019. The records also show missed collections were not all collected promptly or on the next scheduled collection date.
62. The Council's responses to Miss G's complaints referred to the need for the new working arrangements to be in and confirmed it had asked the depot manager to look into the matter.
63. In response to our enquiries the Council states the depot has advised it became apparent that the round was too heavy so there was not enough time for the crew to complete the collections. The Council states it has now re-organised the round and moved Miss G's collections to another day so that there is a better balance.

Mr H's complaint

64. Mr H also lives in a block of flats, which has communal bins. These bins quickly become full to capacity if not emptied on a weekly basis. Mr H complains that during 2018 the Council missed one in four of the weekly refuse collections.
65. Mr H reported the missed collections and made a complaint. He estimates he spent up to two hours each month on the phone reporting missed collections as the Council's website would not let him do it online. The Council's responses to Mr H's complaints refers to the change in working arrangements and confirm crews will be reminded to make future collections as scheduled.
66. The Council's records show Mr H reported seven missed collections between July 2018 and January 2019. These missed collections were not collected in a timely manner or on the next scheduled collection date. For example, Mr H reported a missed collection on 29 September 2018 and the Council closed the report on 26 October 2018. This suggests the intervening scheduled collections were also missed. Based on the dates the reports were closed, the records suggest a further seven collections were missed during this period.
67. In response to our enquiries the Council states the missed collections were due to a change in crew personnel with the crew taking time to familiarise themselves with the new round.
68. The Council has confirmed that residents whose collections are via communal containers are currently not able to report missed collections online. Only the building's general address or lowest flat number can report a missed domestic collection.

Mr L's complaint

69. Mr L lives in a housing complex with communal bins. He complains they have not had regular waste collections since September 2018. Mr L states collection vehicles drive down his street, but do not collect the waste from his complex.
70. The Council states that Mr L has not reported any missed collections. But he has complained to the Council about missed collections. In October 2018 Mr L complained the waste had not been collected for two weeks. Later that month he complained the waste had not been collected for four weeks. In January 2019 Mr L complained the waste had not been collected since September 2018.
71. The Council sent generic responses to Mr L's complaints, referring to the change in working arrangements and industrial action.
72. Mr L states the accumulation of waste has led to a rodent infestation. The housing association cleared much of the waste in early 2019, but it has accumulated again as the Council has not made regular collections.

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73. The Council states that other than the disruption caused by industrial action, it does not believe that there is a problem with the communal household collections.

Assisted collections

74. The Council provides an assisted collection service for people who are not able to move their bins and boxes due to a disability or age. The Council should collect the bins from the storage point and return them to the same point. Miss J and Mrs Q both complain about problems with their assisted collections.

Miss J's complaint

75. Miss J complains the Council has repeatedly failed to collect not just her household waste and recycling, but also her clinical waste. Miss J states her refuse was not collected between November 2018 and January 2019. And Miss J is concerned that a council officer gave her incorrect advice about the disposal of needles when her clinical waste bin was full and had not been collected.
76. Miss J is also concerned that when her bins are emptied, they are not returned to the correct place, but are left blocking the path. Miss J uses a wheelchair and unless the bins are returned to the correct position Miss J is not able to access or leave her property. The bins also restrict the access for visitors to her property.
77. The Council states its records do not show a pattern of missed collections. The Council also states there is no issue with the clinical waste collections from Miss J's property. Miss J disputes this and states the Council collected three sharps boxes from her property on 18 February 2019 as it had missed earlier collections. Miss J also states that this is an ongoing problem.
78. In relation to Miss J's complaints about the assisted collection service not returning her bins, the Council advised it had spoken to the crew and issued reminders. Miss J states that the problem persists. She is concerned that collection crews are now deliberately not returning her bins or placing them so they obstruct the path in response to her complaints.
79. The Council has reviewed the recording of Miss J's call to the Council and confirmed the officer did not give correct advice regarding the disposal of needles. The Council has provided the officer with feedback on the incorrect advice.

Mrs Q's complaint

80. Mrs Q complains the Council has repeatedly failed to collect her household waste since September 2018. Mrs Q states the waste was only collected once between September and December 2018 and has been collected two or three times this year.
81. The access to Mrs Q's property is narrow, and Mrs Q states that while the recycling crew are willing to walk the bins to the collection vehicle, the household waste crews will not.
82. The Council's records show Mrs Q has reported 15 missed household collections since September 2018 and the problem is ongoing. The closure dates for the reports are inconsistent and do not appear to represent the dates the waste was collected. A missed collection reported on 4 October 2018 was closed on 26 October 2018, but a missed collection reported on 19 October 2018 was not closed until 22 November 2018. If a collection was made on 26 October 2018 the reports from 4 and 19 October 2018 could both have been closed on this date.
83. The Council's responses to Mrs Q's complaints state crews have been reminded to make collections and to return the bins to the storage area with the lids closed.

They also refer to the industrial action, but do not refer to the issues with vehicle access.

84. In response to our enquiries the Council states missed household collections started to occur after the introduction of the new working arrangements when new crews were set up. The Council has now decided to use an “alley cat” collection vehicle on Mrs Q’s street and to ask the crew to walk out the bins to the vehicle.

Garden waste service

Mr N’s complaint

85. Mr N complains the Council failed to collect his garden waste from August 2018 until the service ended in December 2018.
86. The Council’s records show Mr N reported nine missed collections in 2018. The records also show that all these reports are closed, suggesting the collections were made on the following scheduled days. Mr N disputes this and states the garden waste was collected during the industrial action in January/February 2019 when collection crews took all types of waste in a single collection.
87. The Council states Mr N’s missed collections were due to the collection routes being too large. This meant collection crews were often not able to complete the collections on the scheduled days. The Council states routes have been amended and streamlined for 2019 so that collections should be made on the scheduled days.
88. Although the Council usually charges for the green waste service, the service was free to Mr N in 2018 in recognition of the poor service he had received in 2017.

Mrs O’s complaint

89. Mrs O also complains the Council failed to collect her garden waste from August 2018 until the service ended in December 2018. She states it was not collected until 8 January 2019.
90. The Council’s records show Mrs O reported four missed collections between June and November 2018, and that the collections were made on the following scheduled days. As Mrs O did not report three consecutive missed collections the Council states she is not eligible for a refund of the fee for the service.
91. Mrs O states the Council did not respond when she reported missed collections and she was not aware she had to report each missed collection. She assumed that her complaints would highlight the missed collections without needing to report them separately. Mrs O made further complaints as despite its assurances, the Council did not collect the garden waste. The Council refused to accept the complaint as it considered it was a duplicate. The Council’s final response in January 2019 confirmed it would arrange to collect the garden waste as soon as possible. This would indicate it had not been collected earlier when the reports were closed.

Analysis

92. We recognise the Council had operational difficulties in late 2018 and early 2019 which will have been exacerbated by the industrial action. However, it is clear from the complaints set out above that there have been repeated failings in the Council’s service which amount to fault.
93. The Council accepts that collections have been missed, and that there will have been delays in these missed collections being made. But we do not consider it

has done sufficient to address the scale of the missed collections or the length of time taken to complete the missed collections.

94. The Council has not monitored whether any of the complainants' collections were/are being made on the scheduled days. In many instances the Council's records of missed collections are inaccurate or incomplete. Reports are closed on the same day as further scheduled collections are reported to be missed, or weeks after other collections, which if they were made as claimed, would have resolved the issue. We do not consider the Council's records are a reliable reflection of the extent of the missed collections, or when the waste was actually collected.
95. The Council states that closer attention is now being paid to missed collections, including missed assisted collections. It states it will run management reports on a more frequent basis to identify problems so they can be promptly resolved. And it will regularly check its mobile technology to ensure all assisted collections are showing on the crew list. These are welcome improvements, but we consider they should have been implemented sooner.
96. We consider there is also fault in the way the Council has responded to the complaints. Rather than respond to the specific concerns raised, the Council has sent out generic responses referring to the change in working arrangements and then the industrial action.
97. The Council states that template responses are an accepted part of complaints handling especially in instances of high complaint volumes. These templates tend to originate from senior management and ensure a consistent message. However, it asserts that when a complaint is reviewed, this response is more personalised.
98. Had the Council followed this practice, its responses may have been acceptable. However, the documentation provided does not evidence tailored or personalised responses. The Council did not respond to Mr E, Miss F, Mrs I, Mr L or Mrs Q's concerns that collection vehicles were passing their streets but not collecting their waste. Nor did it respond appropriately when Mrs I, Mr L, Mrs O, Mrs C and Mr E complained that despite assurances it would be, their waste had still not been collected. It did not identify or explain that rounds were too heavy, or too long, or explain when and how the issues would be resolved.
99. We recognise the Council will have received a high volume of complaints about missed collections, but nevertheless consider it should have responded to the specific issues raised. Some of these complaints relate to missed collections which pre-date the industrial action and others have continued afterwards. It is not therefore sufficient to send generic responses which may not be relevant and do not address the issues.
100. Had it investigated the complaints as presented, many of these issues could have been resolved sooner. For example, it would have identified that Miss F's property was not on a collection route, that Mrs I's waste had still not been collected, and that collection crews would not walk out Mrs Q's bins.
101. It is also concerning that the Council refused to accept further complaints when despite assurances the problems had been resolved, collections were still being missed.
102. Having identified fault, we must consider whether this has caused an injustice to the complainants. All of the complainants have had to find ways to manage the uncollected waste and recycling left at their properties. They have experienced

frustration and disappointment both with the missed collection, and with the Council's poor complaint responses. And they have been put to unnecessary time and trouble in trying to resolve this matter.

103. Mrs C, Mr E, Miss F, Mr H, Miss G, Mr N and Mrs O all experienced poor service in the Autumn of 2018 into the start of 2019, but their collections have now by and large returned to normal.
104. However, Ms B, Mr K, Mrs I, Mr P, Mrs R, Ms D, Mr L, Mr M, Miss J and Mrs Q all have ongoing problems with their collections, and consequently a greater injustice.

Conclusions

105. The Council's repeated failure to collect the complainants' household waste, recycling, clinical waste and garden waste on the scheduled days, or in a timely manner amounts to fault causing an injustice. The Council's use of generic template complaint responses rather than tailored responses which address the issues raised also amounts to fault causing an injustice.

Recommendations

106. The Council must consider the report and confirm within three months the action it has taken or proposes to take. The Council should consider the report at its full Council, Cabinet or other appropriately delegated committee of elected members and we will require evidence of this. (*Local Government Act 1974, section 31(2), as amended*)
107. In addition to the requirements set out above, the Council has agreed to:
- apologise to each of the complainants for the failings in its service outlined above;
 - pay Mrs C, Mr E, Miss F, Mr H, Miss G, Mr N and Mrs O £100 each in recognition of the frustration and difficulties the fault identified above has caused them;
 - implement a three-month period of monitoring to ensure that Ms B, Mr K, Mrs I, Mr P, Mrs R, Ms D, Mr L, Mr M, Miss J and Mrs Q's waste collections are made on the scheduled days. In relation to Miss J and Mrs Q, this monitoring should also ensure their assisted collections are carried out properly with their bins being collected and returned to the correct storage point;
 - pay Ms B, Mr K, Mr P, Mrs R, Ms D, Mr L, Mr M, Miss J, and Mrs Q £200 each in recognition of the ongoing frustration and difficulties the fault identified above has caused them; and
 - pay Mrs I £300 in recognition of the ongoing frustration and difficulties the failure to make any waste collections since September 2018 has had on her.
108. The Council has also agreed to:
- review the way it considers and responds to refuse complaints to ensure that its responses address the specific issues raised; and
 - carry out a 'lessons learned' review to analyse and understand what went wrong with the planning and implementation of the changes to its waste collections. It should also assess whether any of those issues are still outstanding. This review should be reported to, and considered by, the relevant overview and scrutiny committee.