

# THE HIGHLAND COUNCIL

## 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 63 complaints about the Council, compared to 58 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. Your Council was below the average for complaints about housing. We received more complaints for your Council about social work and fewer complaints about planning 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 23 on the graph, below the average. You'll see from Table 2 that the actual number of premature complaints for your Council was 32 out of a total of 61 complaints determined (52% of the total for your Council). This was an increase on the previous year's figure of 30 out of 77 (39% of the total for your Council). This doesn't represent a large increase in numbers, but shows an increase in the *proportion* of complaints we determined to be premature.

*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 eight complaints about your Council in 2008-09. We partially upheld one and did not uphold a further seven. Attached is a summary sheet showing these complaints, and 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. SPSO Complaints Investigators also follow up to find out what changes have been made as a result of recommendations. We discontinued one complaint about your Council at the investigation stage. We did not report on this complaint.

.....

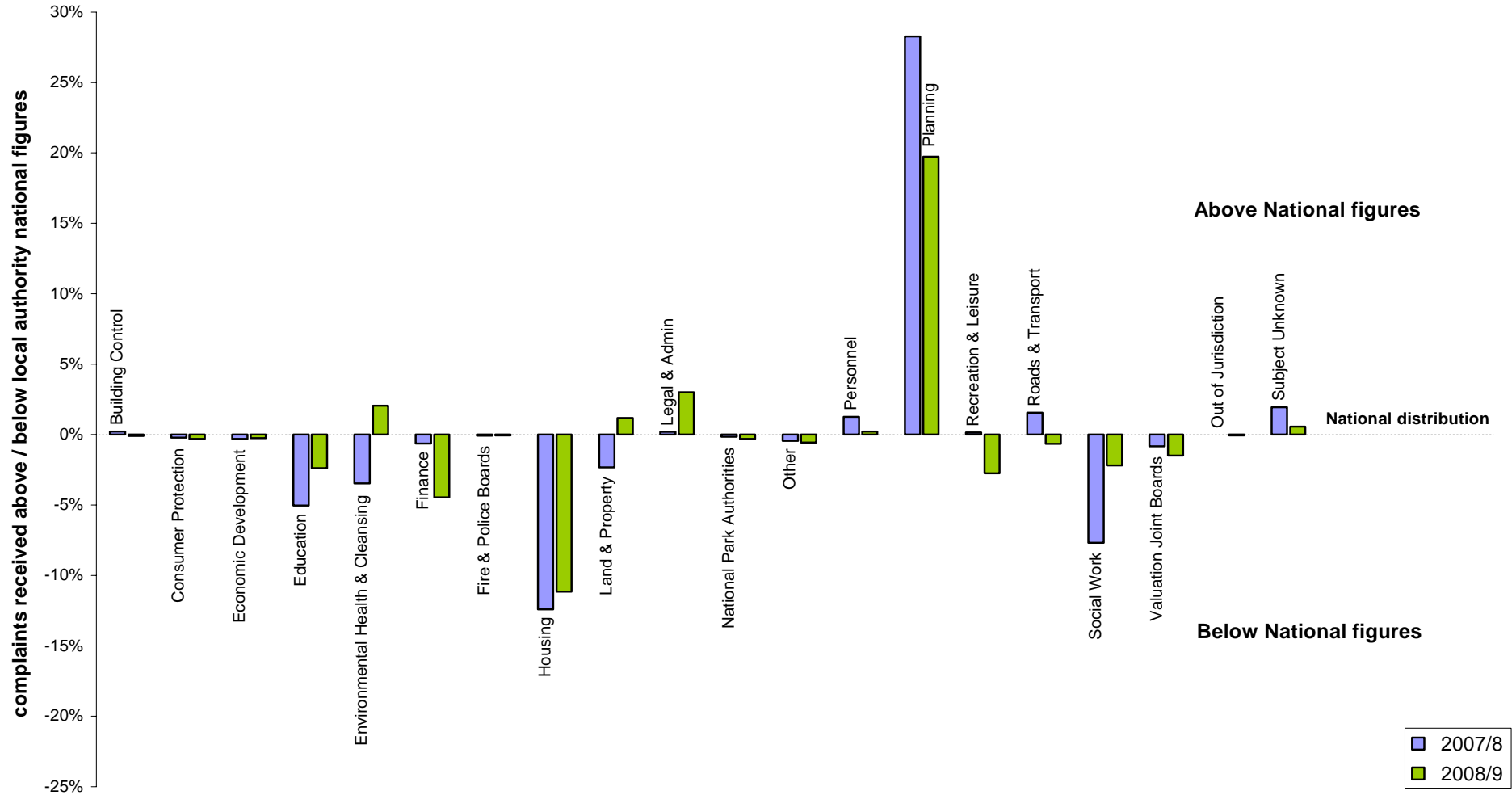
We hope that you find this summary information useful. If you have any enquiries about the statistics, please contact Annie White, SPSO Casework Knowledge Manager, on 0131 240 8843 or email [awhite@spsso.org.uk](mailto:awhite@spsso.org.uk). Fuller statistical reports are available on our website at: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

# The Highland 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	All Local Authority Complaints	complaints as % of total
Building Control	1	1	2%	20	2%	27	2%
Consumer Protection	0	0	0%	3	0%	5	0%
Economic Development	0	0	0%	4	0%	4	0%
Education	3	0	0%	67	5%	89	6%
Environmental Health & Cleansing	1	1	2%	69	5%	69	4%
Finance	10	5	9%	123	9%	148	9%
Fire & Police Boards	0	0	0%	1	0%	1	0%
Housing	14	10	17%	394	30%	459	29%
Land & Property	0	0	0%	31	2%	32	2%
Legal & Admin	5	3	5%	66	5%	79	5%
National Park Authorities	0	0	0%	2	0%	5	0%
Other	2	0	0%	6	0%	9	1%
Personnel	3	2	3%	29	2%	22	1%
Planning	38	27	47%	243	18%	269	17%
Recreation & Leisure	1	1	2%	21	2%	44	3%
Roads & Transport	4	4	7%	71	5%	87	5%
Social Work	7	2	3%	148	11%	188	12%
Valuation Joint Boards	0	0	0%	11	1%	24	1%
Out of Jurisdiction	0	0	0%	0	0%	1	0%
Subject Unknown	2	2	3%	20	2%	42	3%
<b>Total</b>	<b>91</b>	<b>58</b>		<b>1,329</b>		<b>1,604</b>	

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



## The Highland Council

Table 2

<b>Complaints Determined by Outcome</b>		<b>2007/8</b>		<b>2008/9</b>	
			<i>All Local Authority</i>		<i>All Local Authority</i>
Assessment	Premature	30	760	32	923
	Out of Jurisdiction	13	154	3	102
	Withdrawn or failed to provide information before investigation	6	178	4	158
	Discontinued or suspended before investigation	4	42	2	12
Examination	Determined after detailed consideration	17	240	11	279
Investigation	Report issued: not upheld	4	82	7	25
	Report issued: partially upheld	2	62	1	22
	Report issued: fully upheld	0	23	0	15
	Withdrawn or failed to provide information during investigation	0	4	0	1
	Discontinued or suspended during investigation	1	13	1	9
<b>Total</b>		<b>77</b>	<b>1,558</b>	<b>61</b>	<b>1,546</b>

The Highland Council

Published	Case Ref.	Summary	Decision	Recommendation(s)
23/04/08	200502749	<p>the Council acted:</p> <p>(a) outwith procedures in regard to Application A (not upheld);</p> <p>(b) incompetently in regard to Application A (not upheld); and</p> <p>(c) inconsistently in regard to Application A (not upheld).</p>	not upheld	The Ombudsman has no recommendations to make.
23/04/08	200603584 200603889	<p>(a) the Council failed to engage in adequate consultation with Inverness South Community Council (ISCC) and guidelines for consultation were not followed (not upheld);</p> <p>(b) emails between Council officers, and Council officers and the applicant, show that the outcome of the Application was pre-judged (not upheld);</p> <p>(c) details of the Application did not appear in the Council's Weekly List (not upheld);</p> <p>(d) there was collusion in the planning process given that the applicant, Highland Housing Alliance (HHA), is funded by the Council (not upheld);</p> <p>(e) planning permission should not have been granted as the land was marked as Green Wedge (refers to land covered by Policy 41 of the Council's Local Plan) in the Inverness Local Plan (the Local Plan) (not upheld);</p> <p>(f) information (such as plot layout, house type and site analysis) which was available prior to the Inverness Area Planning Application Committee (the Committee) hearing on 30 January 2007 was not submitted to the Committee (not upheld);</p> <p>(g) the outcome of the Application was a foregone conclusion as shown by the fact that the Report to the Committee was dated 12 January 2007 (not upheld);</p> <p>(h) the Application inaccurately referred to the land in question as being vacant when it was in fact farmland (not upheld);</p> <p>(i) there should have been developer contributions for the site as there was no benefit to the community from the development (not upheld);</p> <p>(j) outline planning permission was granted prior to a report on road infrastructure being submitted by Transport Scotland (not upheld); and</p> <p>(k) a link road had not yet been built and the cap for housing was at 600 houses (not upheld).</p>	not upheld	The Ombudsman has no recommendations to make.

**The Highland Council (continued)**

Published	Case Ref.	Summary	Decision	Recommendation(s)
21/05/08	200600141	The complaint which has been investigated is that the process for assessing Mrs C's retrospective housing grant application was neither clear nor robust (not upheld).	not upheld	The Ombudsman has no recommendations to make.
18/06/08	200602924	(a) the Council failed to ensure that the new property was at least 2 metres from the plot boundary, as specified in the Design Brief (upheld); (b) the Council failed to ensure that the footprint of the house did not exceed 25 percent of the plot area, as specified in the Design Brief (not upheld); and (c) Mr and Mrs C are unhappy with the Council's response to their complaints about the height of the house (not upheld).	partially upheld	review the case to establish if there are any lessons that can be learned for future developments of this nature. The Council have accepted the recommendations and have acted on them accordingly.
23/07/08	200600176	(a) misleading information about a language qualification was provided to Mrs C by the Council and there was an unacceptable delay in her being given her certificate (not upheld); (b) a member of Council staff behaved inappropriately during a visit to Mrs C's home (no finding); and (c) the Council did not deal with Mrs C's complaint about the matter satisfactorily (not upheld).	not upheld	The Ombudsman has no recommendations to make.
22/10/08	200600622	the Council did not follow the correct procedures when carrying out the consultation into the options for the future of Primary School 1 (not upheld).	not upheld	The Ombudsman has no recommendations to make.

**The Highland Council and Directorate of Planning and Environmental Appeals**

<b>Published</b>	<b>Case Ref.</b>	<b>Summary</b>	<b>Decision</b>	<b>Recommendation(s)</b>
23/07/08	200402220 200500649	(a) the SEIRU failed in their handling of the LPI (not upheld); and (b) the Council failed in their handling of the LPI (not upheld).	not upheld	The Ombudsman has no recommendations to make.