EAST LOTHIAN COUNCIL

2009-10 Statistics Tables – Explanatory Notes and Commentary

Tables:
Attached are summary details of the complaints that the SPSO received and determined about your Council in 2009-10. Table 1 details the number of complaints (by our subject categories) received for your Council for 2008-09 and 2009-10, alongside the total of local authority complaints for these years. In previous years we have used this table to show the total of all contacts (enquiry calls and complaints) that we received about your council. This year we have not included enquiry calls, as feedback has shown that it is more meaningful for you if we concentrate on the actual complaints received. We recorded 25 complaints about the Council, compared to 51 in the previous year.

Table 2 shows the outcomes of complaints determined about your Council by the SPSO in 2009-10. Received and determined numbers do not normally tally exactly, as figures tend to include cases carried forward from the previous year.

Graph of prematurity rates: The anonymised graph shows, for each Council, the percentage of complaints that we received and determined as premature, against the national average in 2009-10 (55%). This represents a decrease on the 2008-9 average of 60%, which is to be welcomed. Figures have been rounded up or down to the nearest whole percentage.

We consider a complaint to be premature when it reaches us before the complainant has been through the full complaints process of your 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 31 on the graph, well below the average. You will see from Table 2 that the actual number of premature complaints for your Council was 9 out of a total of 28 complaints determined (32% of the total for your Council). The previous year's figure was 28 out of 49 (57% of the total for your Council). The proportion of premature complaints has therefore reduced significantly, albeit against a reduced number of complaints determined.

NB We do not adjust our figures to mitigate the impact of housing stock transfer. It is evident, however, that there is 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 is a disproportionately high incidence of prematurity in housing complaints.

Reported Complaints and Recommendations
We investigated and reported on two complaints about your Council in 2009-10, both of which we partially upheld. Attached is a summary sheet showing these complaints and summarising recommendations made. You will be aware that SPSO complaints reviewers 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 provided, please contact Annie White, SPSO Casework Knowledge Manager, on 0131 240 8843 or by emailing awhite@spso.org.uk. Statistical reports are available on the SPSO website at: http://www.spso.org.uk/statistics/index.php.

Table 1

Complaints Received by Subject		East Lothian Council	Complaints as % of total	Sector Total	Complaints as % of total
2008-09	Building Control	1	2%	27	2%
	Consumer protection	0	0%	5	0%
	Economic development	0	0%	4	0%
	Education	1	2%	89	6%
	Environmental Health & Cleansing	1	2%	69	4%
	Finance	5	10%	148	9%
	Fire & Police Boards	0	0%	1	0%
	Housing	22	43%	459	29%
	Land & Property	0	0%	32	2%
	Legal & admin	4	8%	79	5%
	National Park Authorities	0	0%	5	0%
	Other	0	0%	9	1%
	Personnel	1	2%	22	1%
	Planning	7	14%	269	17%
	Recreation & Leisure	1	2%	44	3%
	Roads & Transport	0	0%	87	5%
	Social Work	7	14%	188	12%
	Valuation Joint Boards	0	0%	24	1%
	Out of Jurisdiction or Subject Unknown	1	2%	43	3%
	Total	**51**		**1,604**	
2009-10	Building Control	2	8%	36	2%
	Consumer protection	0	0%	10	1%
	Economic development	0	0%	2	0%
	Education	0	0%	94	5%
	Environmental Health & Cleansing	0	0%	71	4%
	Finance	1	4%	143	8%
	Fire & Police Boards	0	0%	3	0%
	Housing	11	44%	432	25%
	Land & Property	1	4%	33	2%
	Legal & admin	1	4%	90	5%
	National Park Authorities	0	0%	8	0%
	Other	0	0%	11	1%
	Personnel	0	0%	24	1%
	Planning	3	12%	264	15%
	Recreation & Leisure	1	4%	73	4%
	Roads & Transport	1	4%	94	5%
	Social Work	2	8%	199	11%
	Valuation Joint Boards	0	0%	19	1%
	Subject Unknown or Out Of Jurisdiction	2	8%	128	7%
	Total	**25**		**1,734**	

Table 2

Complaints Determined By Outcome			East Lothian Council	
				Sector Total
2008/09	**Assessment**	Premature	28	923
		Out of Jurisdiction	5	102
		Discontinued before Investigation	4	170
	Examination	Determined after detailed consideration	10	279
	Investigation	Report issued: complaint not upheld	0	25
		Report issued: complaint partially upheld	1	22
		Report issued: complaint fully upheld	1	15
		Discontinued during Investigation	0	10
		Total	**49**	**1,549**
2009/10	**Assessment**	Premature	9	1,043
		Out of Jurisdiction	2	118
		Discontinued before Investigation	4	194
		Other	0	17
	Examination	Determined after detailed consideration	11	409
	Investigation	Report issued: complaint not upheld	0	13
		Report issued: complaint partially upheld	2	25
		Report issued: complaint fully upheld	0	12
		Discontinued during Investigation	0	6
		Total	**28**	**1,837**

East Lothian Council

Published	Case Ref.	Summary	Overall Report Decision	Recommendation(s)
17/06/2009	200703169	the Council have failed to carry out their duties under the Environmental Protection Act 1990, to detect, investigate and take appropriate action in respect of a noise nuisance emanating from an adjacent children's nursery (partially upheld).	partially upheld	the Council's Environment Department agree with Mr C and his wife an appropriate regime of noise monitoring from the curtilage of their home over the summer months of 2009 to establish whether or not the noise levels they are experiencing constitute a statutory noise nuisance and, if so, seek instructions from the Council as to further action. The Council have accepted the recommendation and will act on it accordingly.
19/08/2009	200800537	in recommending approval of the Application, the Council's Transportation Division and planning case officer failed to require compliance with relevant Council planning policy in respect of car-parking provision (partially upheld).	Partially Upheld	review the present procedures for the need for site visits by their Transportation Division officers prior to responding to consultations on planning applications. The Council accepted that recommendation and will act on it accordingly.