

## 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 121 complaints about the Council, compared to 110 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 19 on the graph, right on the average. You will see from Table 2 that the actual number of premature complaints for your Council was 69 out of a total of 126 complaints determined (55% of the total for your Council). The previous year's figure was 59 out of 110 (54% of the total for your Council). The proportion of premature complaints has therefore increased, although against an increased 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 three complaints about your Council in 2009-10, of which we upheld one, partially upheld one and did not uphold one. Attached is a summary sheet showing all these complaints, and summarising recommendations made. You will also 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@spsso.org.uk](mailto:awhite@spsso.org.uk). Statistical reports are available on the SPSO website at: <http://www.spsso.org.uk/statistics/index.php>.

Table 1

<b>Complaints Received by Subject</b>		<b>Fife Council</b>	<b>Complaints as % of total</b>	<b>Sector Total</b>	<b>Complaints as % of total</b>
<b>2008-09</b>	Building Control	1	1%	27	2%
	Consumer protection	1	1%	5	0%
	Economic development	0	0%	4	0%
	Education	0	0%	89	6%
	Environmental Health & Cleansing	8	7%	69	4%
	Finance	8	7%	148	9%
	Fire & Police Boards	0	0%	1	0%
	Housing	32	29%	459	29%
	Land & Property	2	2%	32	2%
	Legal & admin	3	3%	79	5%
	National Park Authorities	0	0%	5	0%
	Other	1	1%	9	1%
	Personnel	2	2%	22	1%
	Planning	31	28%	269	17%
	Recreation & Leisure	1	1%	44	3%
	Roads & Transport	4	4%	87	5%
	Social Work	13	12%	188	12%
	Valuation Joint Boards	0	0%	24	1%
	Out of Jurisdiction or Subject Unknown	3	3%	43	3%
	<b>Total</b>	<b>110</b>		<b>1,604</b>	
<b>2009-10</b>	Building Control	2	2%	36	2%
	Consumer protection	2	2%	10	1%
	Economic development	0	0%	2	0%
	Education	8	7%	94	5%
	Environmental Health & Cleansing	3	2%	71	4%
	Finance	6	5%	143	8%
	Fire & Police Boards	0	0%	3	0%
	Housing	35	29%	432	25%
	Land & Property	2	2%	33	2%
	Legal & admin	4	3%	90	5%
	National Park Authorities	0	0%	8	0%
	Other	2	2%	11	1%
	Personnel	1	1%	24	1%
	Planning	26	21%	264	15%
	Recreation & Leisure	0	0%	73	4%
	Roads & Transport	9	7%	94	5%
	Social Work	10	8%	199	11%
	Valuation Joint Boards	0	0%	19	1%
	Subject Unknown or Out Of Jurisdiction	11	9%	128	7%
	<b>Total</b>	<b>121</b>		<b>1,734</b>	

Table 2

Complaints Determined By Outcome			Fife Council	
			Sector Total	
2008/09	Assessment	Premature	59	923
		Out of Jurisdiction	4	102
		Discontinued before Investigation	13	170
	Examination	Determined after detailed consideration	24	279
	Investigation	Report issued: complaint not upheld	4	25
		Report issued: complaint partially upheld	5	22
		Report issued: complaint fully upheld	1	15
		Discontinued during Investigation	0	10
		<b>Total</b>	<b>110</b>	<b>1,549</b>
	2009/10	Assessment	Premature	69
Out of Jurisdiction			9	118
Discontinued before Investigation			13	194
Other			0	17
Examination		Determined after detailed consideration	32	409
Investigation		Report issued: complaint not upheld	1	13
		Report issued: complaint partially upheld	1	25
		Report issued: complaint fully upheld	1	12
		Discontinued during Investigation	0	6
		<b>Total</b>	<b>126</b>	<b>1,837</b>

Fife Council

Published	Case Ref.	Summary	Overall Report Decision	Recommendation(s)
22/07/2009	200801970	(a) in reaching a decision to grant planning consent for the application, the Council failed to have proper regard to the amenity of neighbours (not upheld); (b) the Council's planning enforcement team had not properly investigated the issue of whether the development as built complies with the approved plans (upheld); and (c) the Council had not taken appropriate steps to secure for the public record a copy of the approved plans (partially upheld).	partially upheld	in light of the failure to obtain a copy of the approved plans, the circumstances be reported to the appropriate committee as a potential enforcement action issue.
23/12/2009	200703105	(a) in reaching a decision on a request made for a screening opinion (the Screening Opinion) on the need for an Environmental Impact Assessment (EIA) in respect of an application for planning consent for the wind turbine (the Application), the Council's planning case officer (Officer 1) failed to have regard to appropriate guidance on EIA procedures and that she made statements to support her view that an EIA was not required, which she later contradicted (not upheld); (b) the Council, when presented with massive local opposition to the Application and Mrs C's letter of objection of 28 November 2007, failed to reconsider the need for an EIA (not upheld); and (c) the report to committee on the Application failed fully to consider Mrs C's letter of objection and the Council's finalised guidance on wind energy, misrepresented the differences with another current proposal, and contradicted statements made earlier in the Screening Opinion (not upheld).	not upheld	The Ombudsman has no recommendations to make.
20/01/2010	200801806	the Council failed to take effective enforcement action against unauthorised works at a quarry site next to Mr C's home (upheld).	upheld	(i) obtain the services of an independent consultant, obtained from a list provided by the Royal Town Planning Institute, to prepare a report within two months with recommendations on the steps which should be taken by the Council to ensure final compliance with the Enforcement Notice. The Council should consider this report at a meeting of the appropriate Committee within one month of receipt and put in hand the measures it considers appropriate to ensure that works are completed as quickly as possible and within a specified timescale; (ii) write to all residents neighbouring the site to apologise for their failures to take effective enforcement action in order to protect their amenity; and (iii) carry out a full review of enforcement practice within the Council to ensure that similar situations do not arise again. Such a review should consider the relevant planning circulars and advice.