

Scottish Parliament Region: Central Scotland

Case 200503021: North Lanarkshire Council

Summary of Investigation

Category

Local Authority: Recreation and leisure; Complaints handling

Overview

The complainant (Mr C) was aggrieved about the abolition of discounted rate swimming for pensioners when the Council introduced a new leisure access card in early 2004.

Specific complaint and conclusion

The complaint which has been investigated is that:

- (a) Council officers had not fulfilled a remit given to them to report back on the costs associated with the introduction of a policy of providing free swimming for pensioners (*upheld*).

Redress and recommendation

The Council accepted the Ombudsman's recommendation that an apology be sent to Mr C for the inconvenience to which he was put in establishing when the remit given to officers to report back to committee would be implemented.

Main Investigation Report

Introduction

1. The complaint received by the Ombudsman on 6 February 2006 arose from disquiet by Mr C and others about the decision of North Lanarkshire Council (the Council) in early 2004 to discontinue discounted rate season tickets for pensioner swimmers. Following consideration of a petition, it was remitted to officers to report on the possibility of introducing free swimming for pensioners. Mr C was aggrieved at the delay in reporting further to committee.

2. The complaint from Mr C which I have investigated is that:

- (a) Council officers had not fulfilled a remit given to them to report back on the costs associated with the introduction of a policy of providing free swimming for pensioners.

Investigation

3. The investigation is based on information provided by the complainant, examination of Council minutes, and the Council's response to my enquiry. I have not included in this report every detail investigated, but I am satisfied that no matter of significance has been overlooked. Both the Council and Mr C have had the opportunity to comment on a draft of this report.

(a) Council officers had not fulfilled a remit given to them to report back on the costs associated with the introduction of a policy of providing free swimming for pensioners

4. The complainant, Mr C, is a pensioner and is a regular user of swimming facilities in one of the Council's leisure centres (the Centre). Prior to early 2004 he and other pensioner users of swimming facilities in North Lanarkshire enjoyed a subsidised discounted quarterly admission season ticket under a 'Pensioner Passport to Leisure' scheme.

5. On 21 January 2004, the Council introduced a new 'Access North Lanarkshire' scheme, which involved a membership charging regime. This envisaged the phasing out of the sale of season tickets and term purchase agreements in order to encourage uptake of the new initiative.

6. In March 2004 a petition was submitted to the Community Services Committee (the Committee) from 61 users of the swimming pool at the Centre by a councillor objecting to the withdrawal of the pensioner season tickets. The Committee decided that consideration of the matter be continued pending a report by the Director of Community Services on the merits of the petition.

7. The Committee's (Operations Review) Sub-Committee (the Sub-Committee) at its meeting on 12 May 2004, considered a report on the background to the petition. The Sub-Committee agreed that no action be taken with regard to the request from the petitioners objecting to the new charging arrangements and that the Director of Administration should advise the petitioners accordingly. Following ratification at the Committee's next meeting on 26 May 2004, a letter was sent to the councillor who was requested to advise the petitioners.

8. The Sub-Committee at its meeting on 18 August 2004, considered a report by the Director of Community Services dated 30 July 2004 which mentioned provision for transfer of existing season tickets to the 'Access North Lanarkshire' scheme. It was remitted at that meeting that a report be submitted to a future meeting of the Sub-Committee on the costs associated with a 'Free Swim for Pensioners' policy.

9. At a coffee morning held at the Centre on 27 October 2004 to promote the Access North Lanarkshire scheme, a number of those attending raised the issue of the withdrawal of the discounted season ticket for swimmers. At that meeting a Council officer (Officer 1) contacted one of the pensioner users (Mr A) to suggest that Officer 1 meet with a small deputation of users of the facilities to discuss issues in detail.

10. Before the meeting could take place, Officer 1 moved to a promoted post and the matter was passed to the Council's Inclusion Manager (Officer 2) to carry forward the discussions. While Officer 2 was not hopeful about securing the reinstatement of a discounted swim for pensioners, he indicated that he would examine the possibility of securing funding for some package.

11. At a meeting with Officer 2 on 27 April 2005, Mr A and Mr C were advised that funding had been secured to provide free access to a total number of 50 disabled pensioners at all of the Council's seven swimming and health suites around North

Lanarkshire. Officer 2 advised that the scheme would be introduced with immediate effect and would be widely publicised at the venues.

12. After Mr A learned that a report had apparently been prepared in which it was estimated that it would cost £255,000 to implement free swims for pensioners, Mr A wrote to the Director of Community Services on 7 June 2005 asking whether a report on the 'Free Swim for Pensioners' policy had been submitted to Committee for consideration. He also wrote stating that he had seen no evidence of publicity being given to the free access to disabled pensioners initiative at the Centre. His enquiries at two other centres indicated that members of staff were unaware of the scheme. Mr A also understood that although a number of users at the Centre had submitted applications, only three (Mr A, Mr C and a Mrs B) had received membership cards.

13. A copy of this letter was forwarded to the Chief Executive by Mr C on 10 June 2005. He expressed frustration at the lack of progress on the issue of considering whether a 'Free Swim for Pensioners' policy (first raised in Sub-Committee on 18 August 2004) would be introduced. He said his telephone calls to the Community Services Department had failed to establish if any progress had been made, or indeed if the matter had again been raised in committee.

14. The Chief Executive acknowledged receipt of this letter on 17 June 2005 and stated that the Community Services and Administration Departments had been asked to investigate in line with stage 1 of the Council's formal complaints procedures. He said that Mr C should expect a response by 14 July 2005.

15. On 28 June 2005, the Director of Community Services responded to Mr C to say it had been made clear by Officer 1 at the 25 October 2004 meeting that there would be no re-instatement of the discounted swim for pensioners since a discounted rate had been introduced with the 'Access North Lanarkshire' scheme. It had also been established at that meeting that there were pensioners in North Lanarkshire, who needed to swim for health reasons, for whom the 'Access North Lanarkshire' scheme, was not affordable. Officer 1 had agreed to look at whether funding streams could be accessed and had been successful in finding £10,000 to designate for a scheme offering a free swim to pensioners with a disability. The allocation of 50 cards, while not a lot, was the greatest number of cards for one

specific group within the Council's inclusion projects. A limited number of cards had by then been issued (including four at the Centre).

16. On 17 August 2005, Mr C wrote to the Chief Executive pointing out that he had not received a response to his letter of 10 June 2005 regarding the procedure for dealing with matters raised at committee. He asked for a response before proceeding further with his complaint.

17. Following a response from the Chief Executive of 8 September 2005, Mr C clarified in a letter of 12 September 2005 the issues which formed the basis of his complaint namely:

- (i) the withdrawal of the discounted swim for pensioners policy with the introduction of the 'Access North Lanarkshire' scheme and the remit to report on a 'Free Swim for Pensioners' policy to a future meeting;
- (ii) the lack of an answer regarding the procedures for dealing with matters brought before the Sub-Committee; and
- (iii) the lack of publicity and consequent poor uptake of the 'Free Swim for Disabled Pensioners' policy.

18. Mr C indicated that his main objective remained restoration of the discounted swim for all pensioners.

19. On 13 October 2005 Officer 1, in his new capacity as Head of Cultural and Recreational Services, wrote to Mr C inviting him to a meeting. Mr C forwarded previous correspondence to Officer 1 and met with him on 15 November 2005. Following the meeting Mr C wrote to the Chief Executive on 14 December 2005 reminding him that some six months after he first wrote on the subject of committee procedures, he had not had an answer. He welcomed an opportunity to meet with the Chief Executive.

20. The Chief Executive responded to Mr C on 16 January 2006 indicating that the matters raised had been the subject of a response by Officer 2 and had been discussed at Mr C's meeting with Officer 1 on 15 November 2005. The Chief Executive said he could see no advantage to meeting with Mr C as he supported the actions of these officers and the aims of the Access North Lanarkshire scheme. He provided contact details of the Ombudsman's office.

21. Mr C submitted his complaint to the Ombudsman on 31 January 2006 stating that he failed to understand how Officer 2 or Officer 1 were able to inform him that there would be no reinstatement of the discounted swim for pensioners without members having considering the matter and having their decision recorded.

22. Mr C was unaware that a report by the Director of Community Services was in course of preparation in fulfilment of the remit given to officers by the Sub-Committee on 18 August 2004. The report, dated 3 February 2006, reviewed the background of charging strategies including a 'Passport to Leisure' concessionary rate which offered half the normal adult charge for individuals who are unemployed, on income support, disabled receiving incapacity benefits, over 60 years of age etc. The report stated that the introduction of further concessionary schemes would require to be fair and equitable for all groups of customers. In the view of the Director there was no strategic justification or funding to base a decision to grant free swims for residents aged over 60 only. On current usage, the additional cost to the Council associated with a decision to grant free swims to the over 60 group would be £270,000. The Director asked the Committee to agree that no action be taken in relation to the matter.

23. The Director's report was submitted to the Sub-Committee on 1 March 2006. The minute of that meeting recorded that consideration was given to the report by the Director of Community Services, and that the Sub-Committee agreed that no action be taken.

24. Enquiry of the Council was made on 13 April 2006. The Council's Director of Administration responded on 9 May 2006. While he accepted that there was a delay of 19 months from the decision of the Sub-Committee on 18 August 2004 calling for a report and that report being prepared for submission to the Sub-Committee on 1 March 2006, he stated that a number of meetings involving the various parties had been arranged by the Community Services Department and that there had been on-going dialogue between the Council and representatives of the previous petitioners.

25. Mr C was provided with a copy of the Council's reply to enable him to comment. He agreed that there had been regular meetings with pensioner users

and Officer 2, however, much time had been spent on discussing maintenance issues and suggestions for improvement. Officer 2 had consistently responded that there was no hope of the discounted swim for pensioners being reinstated. Mr C and others had made regular enquiries about the lack of progress in reporting back to committee on the costs of provision of free swims for pensioners. Mr C considered that the delay of 19 months was unacceptable practice.

(a) Conclusion

26. I consider that there was undue delay in officers fulfilling the remit given by the Sub-Committee at their meeting on 18 August 2004, to report on the costs associated with the introduction of a scheme for free swims for pensioners. While the costs were apparently divulged to Mr A in early June 2005 (see paragraph 12) the report was not submitted to the Sub-Committee until 1 March 2006. I am not convinced that the reasons provided by the Council give sufficient explanation for that delay. I, therefore, uphold the complaint. However, the decision not to introduce free swimming for pensioners at the Council's facilities, while it would have come as a disappointment to Mr C and his fellow pensioners, was one which the Council were entitled to take. The Sub-Committee decided on 12 May 2004 (see paragraph 7) to reject the petition calling for the reintroduction of discounted swims for pensioners.

(a) Recommendation

27. The Ombudsman recommended that a suitably worded apology be sent to Mr C for the inconvenience to which he was put in establishing when the remit given to officers to report back to committee would be implemented. The Council informed the Ombudsman that they were prepared to accept this recommendation.

26 September 2006

Annex 1

Explanation of abbreviations used

Mr C	The complainant
Mr A	Another pensioner swimmer
Mrs B	Another Pensioner swimmer
The Council	North Lanarkshire Council
Officer 1	Social Inclusion Officer
Officer 2	Social Inclusion Manager
The Centre	Mr C's local North Lanarkshire Council swimming facility
The Committee	The Council's Community services Committee
The Sub-Committee	The Committee's (Operations Review) Sub Committee