

## Scottish Parliament Region: North East Scotland

### Case 200502742: Angus Council

#### Summary of Investigation

##### **Category**

Local government: Bus Stops

##### **Overview**

The complainant raised a number of concerns regarding the installation of a bus stop outside his home. He claimed that the Council had failed to adhere to their Customer Care Policy in locating the stop outside his home and also breached health and safety policies. He also claimed that the Council failed to consider his privacy when deciding the location of the bus stop.

##### **Specific complaints and conclusions**

The complaints which have been investigated are the Council's failure to:

- (a) adhere to health and safety legislation when deciding on the site of the bus stop (*not upheld*);
- (b) adhere to the aims of the Customer Care Policy when deciding to install the bus stop (*partially upheld*); and
- (c) consider the impacts on Mr C's privacy when deciding on the location of the bus stop (*not upheld*).

##### **Redress and recommendations**

The Ombudsman recommends that the Council:

- (i) review their procedures for locating bus stops; and
- (ii) issue an apology to Mr C for the failure to adhere to the Customer Care Policy in relation to Mr C's complaint.

The Council have accepted the recommendations and will act on them accordingly.

## **Main Investigation Report**

### **Introduction**

1. On 9 January 2006 the complainant (Mr C) raised his complaint with the Ombudsman's office. Mr C had pursued his complaint through the complaints procedure of Angus Council (the Council) and his complaint, therefore, was eligible to be investigated by the Ombudsman. The complaint was essentially that Mr C felt that the location of a bus stop outside his home was unsuitable and he was unhappy due to the fact that he had not been forewarned or consulted by the Council regarding the installation of a bus stop outside his home. Mr C claimed that the installation of the bus stop led to an invasion of his privacy. He claimed that passengers can see directly into his living room when passing busses stop at the stop outside his home.

2. The complaints from Mr C which I have investigated are the Council's failure to:

- (a) adhere to health and safety legislation when deciding on the site of the bus stop;
- (b) adhere to the aims of the Customer Care Policy when deciding to install the bus stop; and
- (c) consider the impacts on Mr C's privacy when deciding on the location of the bus stop.

### **Investigation**

3. In the conduct of my investigation, I obtained information from Mr C, the Council and I also conducted a site visit to Mr C's home and the bus stop in question. I have not included in this report every detail investigated but I am satisfied that no matter of significance has been overlooked. Mr C and the Board were given an opportunity to comment on a draft of this report.

#### **(a) The Council's failure to adhere to health and safety legislation when deciding on the site of the bus stop**

4. Having reviewed all the documentation, I am satisfied that the Council considered the relevant policies and procedures in relation to health and safety issues when deciding on the location of the bus stop.

#### *(a) Conclusion*

5. I have obtained evidence which shows that the site was visited more than once by Council staff with due consideration given to health and safety issues.

Therefore, I do not uphold this aspect of complaint.

**(b) The Council's failure to adhere to the aims of the Customer Care Policy when deciding to install the bus stop**

6. The Council's Customer Care Policy outlines the Council's aims and standards. The policy states the Council's aims as:

'putting customer care at the forefront of our service delivery' and 'We will work for and with our customers, to involve, inform and give you access to information and services. We aim to deliver a consistent and high standard of customer care.'

7. Mr C highlighted the above sections of the Customer Care Policy as obvious contradictions to his experience of the Council's service regarding the installation of the bus stop. Mr C claimed that the Customer Care Policy, in his case, only came under consideration after the bus stop was installed and he raised his complaint with the Council.

*(b) Conclusion*

8. Having reviewed the evidence, I agree that Mr C was not treated in accordance with the Customer Care Policy prior to the bus stop being installed. It is important to note that the sections of the Customer Care Policy which Mr C highlighted represent the aims of the Council and not agreed standards. It is, therefore, very difficult to fully uphold the complaint as the Council have not breached a service standard but have failed to achieve their aims set out in the Customer Care Policy. However, the Council's failure to consult with Mr C and obtain his views regarding the bus stop is not satisfactory as the Council have, therefore, failed to fully consider the impact of the bus stop on all those affected by it. I, therefore, partially uphold this aspect of complaint.

9. I have also taken into account the overall situation and not just the aspects of the complaint between Mr C and the Council. Essentially, the Council have had to balance the public transport needs of the community against the wishes of Mr C and his family. I also consider that in the absence of maladministration or service failure, it is not for the Ombudsman's office to question the Council's decision to install the bus stop.

*(b) Recommendation*

10. I recommend that the Council review their procedures for implementing bus stops, particularly in residential areas. I also recommend that the Council

issue an apology to Mr C in relation to the handling of his complaint under the Customer Care Policy.

11. I am please to note that the Council have taken adequate action in response to my recommendations and consideration is currently being given to reviewing the relevant policies and procedures.

**(c) The Council's failure to consider the impacts on Mr C's privacy when deciding on the location of the bus stop**

12. Mr C felt that the Council had not taken into account his privacy when deciding to locate the bus stop outside his home. Unfortunately, the Council failed to make him aware of this fact. I have obtained evidence from the Council which shows that Mr C's privacy was taken into account when locating the bus stop outside his home. In addition, my site visit established that the stop was positioned away from the main living room window as a result of consideration given to Mr C's privacy.

*(c) Conclusion*

13. Having reviewed the relevant evidence, I am satisfied that issues of privacy were taken into consideration when deciding on the location of the bus stop. Therefore, I do not uphold this aspect of complaint.

14. The Council have accepted the recommendations and will act on them accordingly.

23 May 2007

**Explanation of abbreviations used**

Mr C

The complainant

The Council

Angus Council