

## Scottish Parliament Region: North East Scotland

### Case 200602830: Dundee City Council

#### Summary of Investigation

##### **Category**

Local government: Burial grounds/crematoria

##### **Overview**

The complainant, Miss C, complained about the way in which Dundee City Council (the Council) imposed a payment levy in respect of an inspection of her late brother's headstone.

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

The complaints which have been investigated are that:

- (a) the Council failed to advise Miss C, in advance, of her liability to pay an inspection levy and blamed a monumental mason for not informing her about it (*not upheld*); and
- (b) the Council delayed in responding to Miss C's request for details about the inspection and the information she was given was incorrect (*partially upheld*).

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

The Ombudsman recommends that the Council:

- (i) in responding to queries, ensure that care is taken when making a response and that all issues are addressed. Similarly, when internal information is passed to members of the public, it should be clearly understandable; and
- (ii) apologise to Miss C for their errors and oversight.

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

## **Main Investigation Report**

### **Introduction**

1. On 20 March 2007, the Ombudsman accepted a formal complaint from Miss C. Miss C said that after her brother died she erected a headstone in his memory but, some two months later, she received an invoice, dated 31 March 2006, from Dundee City Council (the Council) seeking payment of £95 in relation to a 'headstone inspection cost'. She said she wrote to the Council seeking an explanation but was told that this was part of the Council's policy to ensure that headstones were kept safe and that her monumental mason should have told her about it. As she was not satisfied with the reply, Miss C pursued the matter; she said she wanted more details about the actual inspection and the reasons for it. However, she claimed that the Council delayed in responding to her and that, when they did, they provided incorrect information.

2. The complaints from Miss C which I have investigated are that:
- (a) the Council failed to advise Miss C, in advance, of her liability to pay an inspection levy and blamed a monumental mason for not informing her about it; and
  - (b) the Council delayed in responding to Miss C's request for details about the inspection and the information she was given was incorrect.

### **Investigation**

3. The investigation of this complaint involved obtaining and reading all the relevant documentation between Miss C, her MSP and the Council. I have also had sight of a copy of an inspection sheet downloaded from the Council's computerised records system, which gave an inspection date of 1 March 2006; an invoice dated 31 March 2006 noting headstone inspection costs and the date 25 January 2006; minutes of meetings with memorial masons held on 3 November 2004, 18 February 2005, 8 November 2005 and 1 June 2006; and the Council's leaflet, 'Bereavement, a guide to our services'. On 25 April 2007 I made a formal enquiry of the Council and their response to me was dated 23 May 2007.

4. While I have not included in this report every detail investigated, I am satisfied that no matter of significance has been overlooked. Miss C and the Council were given an opportunity to comment on a draft of this report.

**(a) The Council failed to advise Miss C, in advance, of her liability to pay an inspection levy and blamed a monumental mason for not informing her about it**

5. On 31 March 2006, the Council sent Miss C an invoice for headstone inspection costs and Miss C said she received this on 14 April 2006. Because she said she had no prior knowledge of the invoice, she telephoned the Council to enquire about it and on 23 April 2006 she then wrote seeking an explanation, particularly as in her view she should have been advised beforehand. She questioned the necessity of a newly erected headstone requiring to be checked. The Council replied to the complainant on 3 May 2006 saying that, since August 2004, it had been their policy to make headstone inspections as a number had been found to be defective. They said they were seeking to avoid accidents by certifying that all stones were safely and properly erected and by carrying out regular tests and addressing issues as they were identified. The Council apologised for the fact that Miss C had been unaware of the inspection charge but said that this had been the responsibility of her monumental mason. They pointed out that the charge was clearly referred to in the appropriate Council literature and that it was their expectation that undertakers/memorial masons should advise their clients of the full cost of services provided, including local authority charges.

6. Miss C found this unacceptable as it was her view that, if the Council issued the invoice, it should have been their responsibility to ensure that members of the public were advised of the reasons for it in a timely manner. She continued to pursue her complaint with the Council and through her MSP.

7. I am aware from minutes of a meeting on 3 November 2004 between Council officers and local monumental masons that the issue of such a charge was mentioned. It was noted that the Council would be responsible for issuing the invoice to customers. Later, by a minute of 8 November 2005, it was confirmed that it was the monumental mason's responsibility to advise members of the public. Further, the Council's leaflet, 'Bereavement, a guide to our services' in relation to memorials stated: 'All new memorials are subject to a permission and inspection fee. This ensures that installation standards are met and covers the cost of inspections every 5 years for a period of 30 years.'

*(a) Conclusion*

8. Miss C complained that she was not told about the invoice in advance of it being issued to her and she believed that the Council's failure to do was an

abrogation of their responsibility. While I note her comments in this regard, I am satisfied that the Council and the monumental masons working in the Council's area were clear that it was the monumental masons' responsibility to inform members of the public (the minute of 8 November 2005 in paragraph 7 made particular reference to this); the Council's literature also covered the point that an inspection fee would be levied. Although Miss C was unhappy that the Council did not inform her about this, it was not their responsibility to do so and, in all the circumstances, I do not uphold the complaint.

**(b) The Council delayed in responding to Miss C's request for details about the inspection and the information she was given was incorrect**

9. Miss C wrote on 23 April 2006 saying that, as she felt she had insufficient information about the charge, she wanted further clarification. In particular, she wanted to know why such an inspection was necessary; who carried it out; and how and when it was carried out. The Council replied on 3 May 2006 telling Miss C that, after an incident in England, it was now their policy to carry out regular inspections. They apologised that Miss C's monumental mason, who was responsible for advising her about the inspection, had not done so. Miss C was unhappy with the Council's reply as the specific information she had asked for had not been sent. She asked for it again and, in reply, the Council advised that if Miss C provided details of the section of the cemetery concerned and the lair number, they would provide the information she needed. Meanwhile, they gave her information about the inspection process. Miss C responded on 12 July 2006 with the required details and, on 2 August 2006, the Council sent her the specific report on the inspection of her brother's headstone. Miss C complained that some of the detail provided was incorrect (for example, it was reported that the headstone had been repaired when it had only been newly erected). It was her view that they had taken too long to reply and that, when they did, the information had been 'made up'.

10. I have had sight of the inspection sheet which was downloaded from the Council's computerised system. Essentially, this is an internal document for the Council's own purposes, the content of which was not intended to advise the public. The Council have confirmed that their system is undergoing development and have explained their use of terminology in the inspection report.

*(b) Conclusions*

11. Miss C first wrote on 23 April 2006. In their reply to her the Council failed to provide some of the specific information she had requested, nor did they tell Miss C that, in order to do so, they needed exact details of where her brother was buried. They did not ask for this information until 4 July 2006 and it was provided by Miss C within the week (see paragraph 9 above). When a detailed reply was sent on 2 August 2006, she believed some of the information to be incorrect.

12. I have to conclude that the Council did not reply to Miss C in a timely manner. They did not tell her that exact location information was needed until 4 July 2006. They could have asked for this on 3 May 2006 when they first replied. Then, on 2 August 2006, the information she was sent was confusing (although it was adequate for Council purposes). Accordingly, I partially uphold the complaint. However, I do not believe that the information given to Miss C was 'made up' as she claimed. Neither was it sent to her with the intention to confuse but it would have been better if Miss C had been given a more understandable explanation about the inspection that took place, rather than being sent an internal document.

*(b) Recommendations*

13. The Ombudsman recommends that the Council:

- (i) in responding to queries, ensure that care is taken when making a response and that all issues are addressed. Similarly, when internal information is passed to members of the public, it should be clearly understandable; and
- (ii) apologise to Miss C for their errors and oversight.

14. The Council have accepted the recommendations and will act on them accordingly. The Ombudsman asks that the Council notify her when the recommendations have been implemented.

19 September 2007

**Explanation of abbreviations used**

Miss C

The complainant

The Council

Dundee City Council