



The Commission for  
Local Administration in England

**The Local Government Ombudsman's  
Annual Letter  
Transport for London  
for the year ended  
31 March 2007**

**The Local Government Ombudsman (LGO) investigates complaints by members of the public who consider that they have been caused injustice through administrative fault by local authorities and certain other bodies. The LGO also uses the findings from investigation work to help authorities provide better public services through initiatives such as special reports, training and annual letters.**

## **Annual Letter 2006/07 - Introduction**

The aim of the annual letter is to provide a summary of information on the complaints about your authority that we have received and try to draw any lessons learned about the authority's performance and complaint-handling arrangements. These might then be fed back into service improvement.

I hope that the letter will be a useful addition to other information your authority holds on how people experience or perceive your services.

There are two attachments which form an integral part of this letter: statistical data covering a three year period and a note to help the interpretation of the statistics.

## **Complaints received**

### ***Volume***

During the year 176 complaints were received by my office. This was nine more than last year. Of the 145 complaints which were made which were not passed back to TfL to determine, as they were premature as you had not yet had a reasonable opportunity of dealing with them, almost half (70) were about congestion charging. This was 21 fewer than last year and continues the downward trend we have noted in complaints about congestion charging in the previous two years. Nineteen complaints received were in connection with bus stops, an increase of nine over the previous year. Fifteen complaints received related to penalty charge notices (PCNs) issued for parking or red route contraventions, and seven were received about bus lanes contraventions.

The number of complaints we received remains low considering the volume of transactions carried out each year and the number of penalties Transport for London issue. I understand there were 13.7 million valid congestion charge payments last year and your Authority handled 308 thousand applications for discounts from the charge and 98 thousand discount renewals. An aggregate of 1.8 million traffic enforcement penalties (bus lanes, moving contraventions and parking) and congestion charge penalties were issued. Representations were received against 218 thousand of these penalties, 87 thousand of which were rejected.

## **Decisions on complaints**

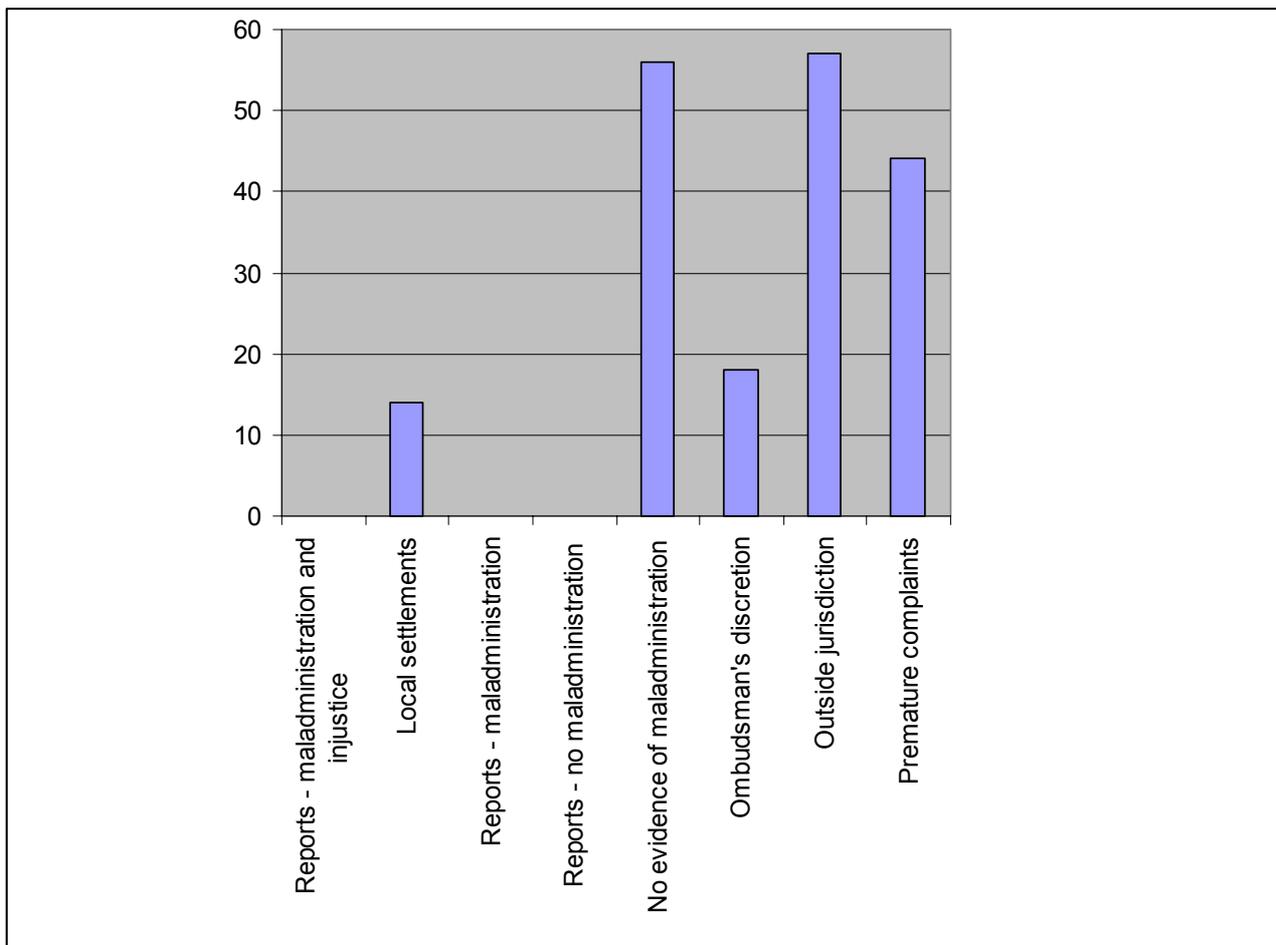
### ***Reports and local settlements***

We use the term 'local settlement' to describe the outcome of a complaint where, during the course of our investigation, the Council takes, or agrees to take, some action which we consider is a satisfactory response to the complaint and the investigation does not need to be completed. These form a significant proportion of the complaints we determine. When we complete an investigation we must issue a report.

We made 189 decisions on complaints against your Authority during the year. This was seven more than last year. Fifty seven of these complaints were outside my jurisdiction and so I could not consider them, a reduction of 13 on last year's figure. But at 31% of the total number of decisions, this is still more than twice the average for all the authorities within my jurisdiction (13%). The reason for this high figure is that there are alternative rights of appeal associated with the issue and enforcement of PCNs to either the Parking and Traffic Appeal Service or a County Court. Where such alternative rights of appeal exist I would normally expect an individual to use them. However my investigators consider all of these complaints and may decide, where appropriate, to exercise the discretion open to them to investigate a complaint even though there is a right of appeal to a tribunal or to go to a court provided it has not yet been used.

There were 14 local settlements this year and no reports. A total of £5,927 was agreed in settlements, either by way of compensation, refunds or waived charges. The largest of these settlements (£4500) was reached in a complaint where my investigator exercised discretion to investigate the complaint even though a right of appeal existed. The complainant alleged that the Authority had wrongly pursued him for the payment of penalties for congestion charge contraventions and had wrongly impounded his vehicle.

Your Authority accepted that it had, in error, amalgamated two blue badge accounts which give an exemption from the congestion charge to the holder. Your officers have said that procedures have now been altered to ensure that this does not happen again. Your Authority argued that the error on its part had not caused the complainant any injustice and that he was warned that the exemption he enjoyed was coming to an end unless he took action to renew his account. He did not do so and as a result eighteen separate PCNs were issued. He said that he did not appeal against the penalties because of confusion over the amalgamated accounts and because he was in correspondence with the Authority about them throughout. Meanwhile the penalties escalated to the full amount. My investigator accepted your officer's view that although your Authority had been at fault in merging the accounts, no direct injustice had arisen from this fault as it was reasonable to expect the complainant to have renewed their exemption. But, mindful of the potential for confusion that may have arisen as a result of the amalgamation of the accounts the Authority offered to reduce each of the outstanding penalties from £155 to £50, and waived the removal costs and impound charges.



**Decisions in the year ending 31/3/2007**

Also of note was a complaint about malfunctioning traffic lights. The complainant said that he passed through a particular set of traffic lights each evening on his way home from work. He complained, over a period of eight months, that a filter light was not operating properly and that this caused unreasonable delays to him and other motorists. He said that this led to dangerous driving and motorists becoming impatient and jumping the lights.

My investigator discovered that the fault arose following modernisation of the traffic signals. There was evidence that the fault had been reported to your Authority on sixteen occasions by the complainant but it appeared that these faults were not fully logged by the Authority or relayed to the maintenance teams. This meant your engineers were not aware the fault was time specific and so when they went to inspect the lights they found they were functioning properly. When the fault which happened in the late afternoon was finally identified, the wrong action was taken to remedy it. Your Authority agreed to pay the complainant £200 compensation to recognise the frustration he experienced and the efforts he went to in order to resolve the matter.

Your office told my investigator that your Authority was putting arrangements in place which should help avoid similar circumstances where members of the public repeatedly raised concerns about faulty traffic signals. Please let me know what arrangements are now in place and how your Authority is monitoring the implementation of these changes so that it can judge if the changes have been successful.

### **Your Council's complaints procedure and handling of complaints**

We decided that 44 of the complaints submitted to us were premature and referred them back to your Authority to be put through your own complaints procedure. This was 23.3% of the total, slightly below the national average of 28.8%. However this is nearly double last year's figure and so I am concerned that your complaints procedure may not be sufficiently publicised. I will refer to this again later.

Only six of the complaints which we sent to you as premature were resubmitted to us because the complainant remained dissatisfied by your response. None of the resubmitted complaints were upheld by my office.

### **Training in complaint handling**

As part of our role to provide advice in good administrative practice, we offer training courses for all levels of local authority staff in complaints handling and investigation. The feedback from courses that have been delivered over the past two and a half years is very positive.

The range of courses is expanding in response to demand. In addition to the generic Good Complaint Handling (identifying and processing complaints) and Effective Complaint Handling (investigation and resolution) we can customise courses to meet your Authority's specific requirements.

All courses are presented by an experienced investigator so participants benefit from their knowledge and expertise of complaint handling.

I have enclosed some information on the full range of courses available together with contact details for enquiries and any further bookings.

### **Liaison with the Local Government Ombudsman**

Your Authority took an average of 29.6 days to respond to first enquiries by my office. This is a slight increase on last year's performance but should be seen in the context of the target response time of 28 days. 39.4% of London Boroughs respond within this target period.

However I note that responses are received in the majority of cases within the target 28 period. Three complaints fell well outside this target and had the effect of distorting the average response time. If these three response times are excluded, the average period for a first response falls to 24.6 days. The main response which distorted the figures involved the Public Carriage Office (135 days); the other two being a complaint about London Underground (62 days), and one about excessive noise made by Volvo buses (52 days).

My Officers met with your senior staff responsible for congestion charging to discuss issues including the implementation of the western extension to the charging zone, the proposals for the Low Emission Zone and the recording of telephone calls. I am pleased to learn that 95% of calls to the congestion charge call centre are now recorded and I would like to know if it is your Authority's intention that the facility to record calls is to be spread across all your Departments where members of the public telephone for advice and information. I am also pleased to learn that your Authority carries out monitoring of action taken on your behalf by bailiffs and that their movements are now recorded by GPS equipment allowing verification of charges for visits to persons against whom warrants have been issued. Arrangements have been made for one of my investigators to accompany your officers on a monitoring visit to a firm of bailiffs handling enforcement of PCNs.

I am pleased to note that you have introduced a Pay Next Day (PND) scheme for congestion charge during the year. A significant number of the complaints I received were from motorists who, for one reason or another, had been unable to pay on the day they entered the charging zone. I understand that 848 thousand PND payments were made during the year since the introduction of the scheme and that the number of congestion charge penalties has dropped on average by 12%.

Thank you for sending me a copy of your complaints procedure for Traffic Enforcement Services. I was disappointed that the explanatory pamphlet did not mention that a complainant could take his complaint to me if he was not satisfied by your Authority's response. I note that this same omission occurs in London Buses' published complaints policy. Please amend these documents to include a reference to the complainant's right to refer a complaint to my office if he or she is not satisfied by your Authority's response to the complaint.

I am concerned at the apparent delay in the publication of the results of a review of the Authority's bus stop notification process. In September 2005 your Authority told me that you proposed to start writing to all affected frontagers when a bus stop is moved or introduced. In March 2006 my office was told that your policy would be to inform frontagers of new or changed stop locations. It was hoped to have a new policy issued in May 2006. My current understanding is that the scope of the review has been widened, that it has been approved internally and is with the Mayor for his comments prior to general consultation. My office is receiving an increasing number of complaints about bus stops – almost double this year compared to last – and so I look forward to receiving your proposals so that I may comment on them in the near future.

I congratulate you on the award of Charter Mark status for your Traffic Enforcement Service. I note that the service has a programme of work aimed at maintaining the accreditation and delivering service improvements to customers by acting on feedback from stakeholders.

## **LGO developments**

I thought it would be helpful to update you on a project we are implementing to improve the first contact that people have with us as part of our customer focus initiative. We are developing a new Access and Advice Service that will provide a gateway to our services for all complainants and enquirers. It will be mainly telephone-based but will also deal with email, text and letter correspondence. As the project progresses we will keep you informed about developments and expected timescales.

Changes brought about by the Local Government Bill are also expected to impact on the way that we work and again we will keep you informed as relevant.

We have just issued a special report that draws on our experience of dealing with complaints about planning applications for phone masts considered under the prior approval system, which can be highly controversial. We recommend simple measures that councils can adopt to minimise the problems that can occur.

A further special report will be published in July focusing on the difficulties that can be encountered when complaints are received by local authorities about services delivered through a partnership. *Local partnerships and citizen redress* sets out our advice and guidance on how these problems can be overcome by adopting good governance arrangements that include an effective complaints protocol.

## **Conclusions and general observations**

I welcome this opportunity to give you my reflections about the complaints my office has dealt with over the past year. I hope that you find the information and assessment provided useful when seeking improvements to your Council's services.

**Tony Redmond**  
**Local Government Ombudsman**  
**Millbank Tower**  
**Millbank**  
**London**  
**SW1P 4QP**

**June 2007**

Enc: Statistical data  
Note on interpretation of statistics  
Leaflet on training courses (with posted copy only)

<b>Complaints received by subject area</b>	<b>Other</b>	<b>Planning &amp; building control</b>	<b>Transport and highways</b>	<b>Total</b>
<b>01/04/2006 - 31/03/2007</b>	6	2	168	<b>176</b>
<b>2005 / 2006</b>	8	0	159	<b>167</b>
<b>2004 / 2005</b>	5	1	199	<b>205</b>

**Note:** these figures will include complaints that were made prematurely to the Ombudsman and which we referred back to the authority for consideration.

<b>Decisions</b>	<b>MI reps</b>	<b>LS</b>	<b>M reps</b>	<b>NM reps</b>	<b>No mal</b>	<b>Omb disc</b>	<b>Outside jurisdiction</b>	<b>Premature complaints</b>	<b>Total excl premature</b>	<b>Total</b>
<b>01/04/2006 - 31/03/2007</b>	0	14	0	0	56	18	57	44	145	<b>189</b>
<b>2005 / 2006</b>	0	21	0	0	42	24	70	25	157	<b>182</b>
<b>2004 / 2005</b>	0	40	0	0	37	28	72	26	177	<b>203</b>

See attached notes for an explanation of the headings in this table.

<b>Response times</b>	<b>FIRST ENQUIRIES</b>	
	<b>No. of First Enquiries</b>	<b>Avg no. of days to respond</b>
<b>01/04/2006 - 31/03/2007</b>	35	29.6
<b>2005 / 2006</b>	36	27.1
<b>2004 / 2005</b>	48	24.9

**Average local authority response times 01/04/2006 to 31/03/2007**

<b>Types of authority</b>	<b>&lt;= 28 days %</b>	<b>29 - 35 days %</b>	<b>&gt;= 36 days %</b>
District Councils	48.9	23.4	27.7
Unitary Authorities	30.4	37.0	32.6
Metropolitan Authorities	38.9	41.7	19.4
County Councils	47.1	32.3	20.6
London Boroughs	39.4	33.3	27.3
National Park Authorities	66.7	33.3	0.0