

10 May 2018

**Complaint reference:**  
18 000 168

**Complaint against:**  
London Borough of Havering

## **The Ombudsman's final decision**

Summary: The Ombudsman will not investigate this complaint. This is because Mr B has not suffered significant enough enduring injustice to justify the Ombudsman investigating his complaint and the Ombudsman would not achieve the outcome Mr B is seeking.

---

## **The complaint**

1. The complainant, whom I shall call Mr B, complained that the Council took too long to resolve his complaint about a lighting issue, there was fault in the way the Council dealt with his complaint, and the Council has failed to implement a permanent fix to damaged verges outside his home.

## **The Ombudsman's role and powers**

2. We investigate complaints about 'maladministration' and 'service failure'. In this statement, I have used the word 'fault' to refer to these. We must also consider whether any fault has had an adverse impact on the person making the complaint. I refer to this as 'injustice'. We provide a free service, but must use public money carefully. We may decide not to start or continue with an investigation if we believe:
  - it is unlikely we would find fault, or
  - the fault has not caused injustice to the person who complained, or
  - the injustice is not significant enough to justify our involvement, or
  - it is unlikely we could add to any previous investigation by the Council, or
  - it is unlikely further investigation will lead to a different outcome, or
  - we cannot achieve the outcome someone wants. (*Local Government Act 1974, section 24A(6), as amended*)

## **How I considered this complaint**

3. I have considered the information Mr B provided, his comments on my draft decision, the Council's responses to his complaint and the papers considered by the Council's Adjudication and Review Committee.

## **What I found**

4. In November 2017 Mr B complained to the Council about safety issues arising from works the Council was carrying out near his home. His main complaints

- 
- were that the street lights at either end of a bridge were switched off, leaving an unlit obstruction on the highway, and the verge outside his home had been damaged by the vehicles being used for the roadworks. He asked the Council to switch on the street lights, for a site visit and to put right the verge problem.
5. In its initial response to Mr B's complaint the Council said the two lighting units on the bridge were inaccessible to its contractors.
  6. Mr B has criticised the way the Council dealt with his complaint. He says the Council deliberately obfuscated his original complaint, it ignored material facts and brought in third parties when this was not relevant. He says no-one at the Council did a site visit to check what could be done. He escalated his complaint to stage 2 of the complaint process.
  7. The Council responded to Mr B's complaint in early February 2018. The Council accepted it had taken a considerable time to repair the lighting but said that was due to fault by a third party. The Council said three lighting columns were working and work to a fourth column was due to take place on the following day. The Council said it had arranged the re-seeding of the verge in January 2018. The Council upheld Mr B's complaint about fault in its complaint-handling and apologised for any delay this may have caused.
  8. Mr B's view is, had the Council spoken to a resident about access, the lighting problem could have been resolved before Christmas 2017 without involving a third party.
  9. According to the Council's records, one of the lighting columns had not been working since February 2016. In the papers prepared for the Corporate Complaints Member Review Panel's consideration of the complaint, a council officer said the Council had not repaired it due to access difficulties. The Council did not treat the repair as a priority because a nearby light had still been working. The Council was able to carry out a repair to the lighting column when it found out a resident had removed a fence which had prevented access.
  10. The Review Panel's opinion was it should not uphold Mr B's view. Its view was the Council had addressed the issues Mr B had raised at stage 1 and 2 of the complaint process.
  11. Mr B says the lighting issue caused him serious concerns about his safety over the dark winter period. He has spent a significant amount of time pursuing his concerns with the Council and on his complaint. He told us the verge damage on both sides at the front of his property is unsightly and it reduces the desirability of the area.
  12. Mr B wants the Ombudsman to uphold his complaint that the Council could have done more in the early investigation stages to implement a lighting fix and remove the serious safety issue. He wants the Council to amend its process so that, when it receives a report of a safety issue, it visits the site immediately without allowing the best part of two months to pass. He wants the Council to implement a permanent fix to remedy the damage to the verges.
  13. The Ombudsman investigates complaints of injustice caused by fault by a council. While Mr B was understandably anxious about his safety and has put significant efforts in to pursuing his complaint, he has not suffered significant enough enduring injustice to justify the Ombudsman investigating his complaint. The Council has fixed the lighting and arranged the re-seeding of the verge. There is no obligation on the Council to carry out the additional work to the verges Mr B has requested. The Ombudsman would not recommend to the Council that it

---

should carry out a site visit in each case when to receives reports of safety issues. That is because there will be cases when the Council already has sufficient information available without the need to carry out a site visit immediately.

### **Final decision**

14. The Ombudsman will not investigate this complaint. This is because Mr B has not suffered significant enough enduring injustice to justify the Ombudsman investigating his complaint and the Ombudsman would not achieve the outcome Mr B is seeking.

### **Investigator's final decision on behalf of the Ombudsman**