

Local Government  
**OMBUDSMAN**

**The Local Government Ombudsman's  
Annual Letter**

**Transport for London**

**for the year ended  
31 March 2008**

**The Local Government Ombudsman (LGO) provides a free, independent and impartial service. We consider complaints about the administrative actions of councils and some other authorities. We cannot question what a council has done simply because someone does not agree with it. If we find something has gone wrong, such as poor service, service failure, delay or bad advice, and that a person has suffered as a result, the Ombudsmen aim to get it put right by recommending a suitable remedy. 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 2007/08 - Introduction

This annual letter provides a summary of the complaints we have received about Transport for London. We have included comments on the authority's performance and complaint-handling arrangements, where possible, so they can assist with your service improvement.

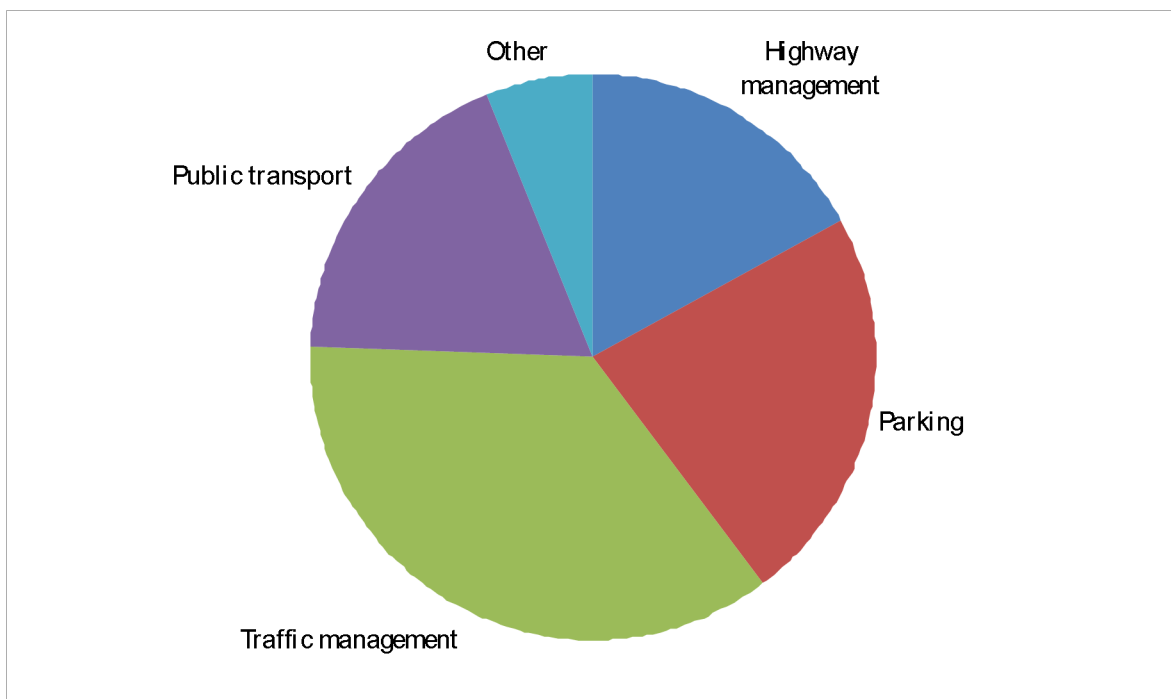
I hope that the letter will be a useful addition to other information your authority holds on how people experience or perceive your services.

Two attachments 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

I received a total of 241 complaints against your Authority, an increase of 66 on last year. Of the 197 complaints which were made which were not premature, just under half (88) were about congestion charging. This is 17 more than last year. Twenty complaints were received about bus stops and bus routes, roughly the same as last year.



Complaints about penalty charge notices issued for parking and red route contraventions have more than doubled to 34 from 15 last year. We received 42 complaints about highway management. This category includes complaints about pot holes, road works, traffic signs and signals.

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As I noted last year, the number of complaints we have received is low considering the volume of transactions carried out each year and the number of penalties Transport for London issue. The number of valid congestion charge payments was up by 12.5% on last year, in part explained by the western extension to the charging zone. Complaints about congestion charging rose by 28% probably on account of the increased number of transactions and the new cohort of residents requiring to be registered for discount. Over 1.5 million congestion charge PCNs were issued, 222,000 representations were received, with just over half of these accepted by your Authority.

Almost three quarters of a million PCNs were issued for bus lane, moving traffic and red route contraventions. You received just over 100,000 representations against these penalties, about a third of which were accepted.

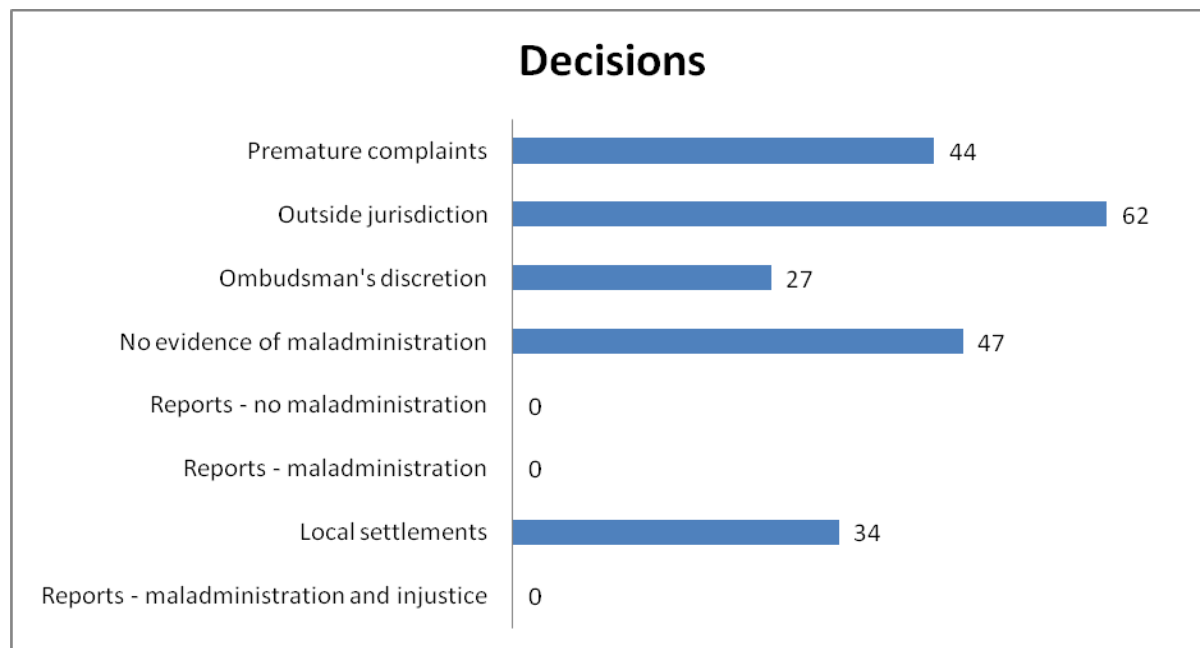
### Decisions on complaints

We made 214 decisions on complaints against your Authority during the year. Of these decisions, 34 were local settlements.

#### Reports and local settlements

A 'local settlement' is a complaint where, during the course of our investigation, the Authority has agreed to take some action which we consider is a satisfactory response to the complaint. The investigation is then discontinued. In 2007/08 the Local Government Ombudsmen determined 27% of complaints by local settlement (excluding 'premature' complaints - where authorities have not had a proper chance to deal with them - and those outside our jurisdiction).

The percentage of complaints against your Authority where a local settlement was reached was 20%, considerably below the national average. However the figure has more than doubled since last year (9.7%). None of the complaints we investigated this year justified the issue of a report.



The Authority paid £5,807 in compensation to complainants or in cancelled penalties. Three of the settlements concerned the issue of a series of PCNs for congestion charging. One complainant received 58 PCNs when, in error, your Authority made a mistake in registering a change in his vehicle registration number. The complainant had to deal with all of these notices and although most were cancelled by the Authority when it became aware of the error, enforcement escalated on some of the penalties, and the complainant had to appeal to the Parking and Traffic Appeal Service. Others progressed to bailiff action before they were cancelled. Your Authority agreed to pay the complainant £420 in compensation.

In a second complaint, a motorist received 43 PCNs when your Authority wrongly cancelled an annual payment which had been made in advance for the congestion charge on his vehicle. Following our investigation of the complaint, all the PCNs were cancelled by the Authority and the motorist was paid £250 for the time and trouble he was put to.

A third motorist was wrongly issued with 19 PCNs for congestion charge contraventions when your Authority confused the registration of his vehicle following a period where he had been using a replacement courtesy car. His car was leased and when the PCNs were sent to the leasing company (the registered keeper), they were paid and the leasing company deducted the cost from the motorist's bank account, after adding an administration charge to each. Transport for London would not accept representations from the motorist as he was not the registered keeper and it considered the penalties closed because they had been paid. Following the deductions from his bank account by the leasing company, the complainant became overdrawn and his bank added additional charges because of this. Because he was overdrawn, payments for his mortgage were declined by the bank and he was penalised for this by his mortgage company. Following our intervention, your Authority refunded all the penalties to the leasing company, who in turn paid them back to the complainant. Your Authority also refunded the administration charges he had paid, the bank charges and penalties and a payment was made to him for his time and trouble.

I am grateful for your Authority's assistance in resolving these complaints. I would ask your Authority to be mindful of the distress which can be caused to motorists when a series of penalties is issued. Often the motorist may be unaware that he or she has contravened the regulations until a number of penalties have been issued. I would be interested to know if the Authority has any measures in place to assist a motorist faced with this problem.

### ***Other findings***

My investigators considered complaints which stemmed from the use of automatic number plate recognition (ANPR) cameras to enforce penalties. In one case a vehicle was clamped having been spotted by an ANPR vehicle when the system showed that there was an outstanding PCN recorded against the registration number of the vehicle. However, the vehicle belonged to a car-hire company and the company had made representations against the issue to it of the original PCN. Transport for London had accepted the representations and liability had been passed to the hirer of the vehicle and the warrant should not have been associated with the registration number of the vehicle. Transport for London accepted that the vehicle had been clamped in error and has changed its procedures so that enforcement against hire company vehicles is no longer carried out using ANPR. Your Authority has also now introduced a system where live checks are carried out with the DVLA before enforcement action is taken against vehicles spotted by ANPR cameras.

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We have considered a number of complaints about bailiff action on behalf of your Authority. We were pleased to welcome one of your officers with responsibility for bailiffs to give investigators a talk on how enforcement by bailiffs operated in your Authority and how you monitored their performance. We were pleased to see that bailiffs acting on congestion charge warrants now carry GPS tracking devices which allow their movements to be monitored so that verification of home visits can be achieved.

I understand you now record telephone conversations made to your congestion charge call centre. My investigators have had their first experience of listening to recordings of these conversations and have been impressed with your ability to track down calls which have been made and of the clarity of the recordings. The recordings have assisted my investigators in reaching decisions where complainants have alleged they were given wrong information in telephone conversations.

I welcome these service improvements. I understand that these may not apply throughout your operations and would be interested to know when they can be rolled out throughout your business.

I am concerned by a number of complaints I have received about penalty payments made by complainants that have been either lost or misapplied by your Authority. My investigators have been concerned that enforcement has proceeded even though complainants have offered evidence that payment has been made. Your Authority had dismissed these representations, saying that the evidence submitted was insufficient, without setting out what evidence would satisfy it. Your Authority should make it absolutely clear from the outset in such cases what information is required by it to assist it to track down these missing payments.

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

I referred 44 complaints back to your Authority last year as "premature" as your Authority had not had sufficient time to respond to them. This represents 20.5% of the total decisions made, slightly lower than last year (23.3%) and considerably lower than the national average of 27%. However I am aware that the figure for premature complaints may be distorted as investigators often exercise discretion to investigate premature complaints because of the threat of escalation of the enforcement process and bailiff action.

Nine complaints were resubmitted to me after they had been put through your complaints procedure. In only one of these resubmitted complaints did we find that there had been fault on the part of the Authority.

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

The target time for authorities to respond to first enquiries is 28 days. The average time for your Authority was 29.9 days, effectively unchanged from last year. 45.5% of London Boroughs meet the 28 day target.

However I have noticed that there is a considerable discrepancy between the performances of the two divisions of your Authority with which we deal. I note that first enquiries regarding congestion charge complaints are dealt with in an average of 20.0 days. Other complaints take an average of 33.4 days with the worst examples taking 91 and 80 days.

I understand that organisational changes are taking place in the division which deals with these non-congestion charge complaints. My officers have met with managers in this division and explained our work methods and expectations. I welcome this opportunity for my investigative staff to explain their views to your officers and look forward to seeing improvements in the performance in this area.

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### **Training in complaint handling**

Part of our role is to provide advice and guidance about good administrative practice. We offer training courses for all levels of local authority staff in complaints handling and investigation. This year we carried out a detailed evaluation of the training with authorities that have been trained over the past three years. The results are very positive.

The range of courses is expanding in response to demand. I have enclosed some information on the full range of courses available together with contact details for enquiries and any further bookings.

I am pleased to note that we are running a course for your staff in Effective Complaint Handling in July

### **LGO developments**

We launched the LGO Advice Team in April, providing a first contact service for all enquirers and new complainants. Demand for the service has been high. Our team of advisers, trained to provide comprehensive information and advice, has dealt with many thousands of calls since the service started.

The team handles complaints submitted by telephone, email or text, as well as in writing. This new power to accept complaints other than in writing was one of the provisions of the Local Government and Public Involvement in Health Act, which also came into force in April. Our experience of implementing other provisions in the Act, such as complaints about service failure and apparent maladministration, is being kept under review and will be subject to further discussion. Any feedback from your Authority would be welcome.

### **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 Authority's services.

**Tony Redmond**  
**Local Government Ombudsman**  
**10<sup>th</sup> floor, Millbank Tower**  
**Millbank**  
**London**  
**SW1P 4QP**

**June 2008**

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>01/04/2007 - 31/03/2008</b>	15	0	226	<b>241</b>
<b>2006 / 2007</b>	6	2	167	<b>175</b>
<b>2005 / 2006</b>	8	0	159	<b>167</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>01/04/2007 - 31/03/2008</b>	0	34	0	0	47	27	62	44	170	<b>214</b>
<b>2006 / 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>

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>01/04/2007 - 31/03/2008</b>	67	30.1
<b>2006 / 2007</b>	34	29.6
<b>2005 / 2006</b>	36	27.1

**Average local authority response times 01/04/2007 to 31/03/2008**

<b>Types of authority</b>	<b>&lt;= 28 days %</b>	<b>29 - 35 days %</b>	<b>&gt; = 36 days %</b>
District Councils	56.4	24.6	19.1
Unitary Authorities	41.3	50.0	8.7
Metropolitan Authorities	58.3	30.6	11.1
County Councils	47.1	38.2	14.7
London Boroughs	45.5	27.3	27.3
National Park Authorities	71.4	28.6	0.0