

10 May 2024

**Complaint reference:**  
23 013 853

**Complaint against:**  
Broxtowe Borough Council

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

Summary: the Council repeatedly failed to collect Mr B's bins under an assisted bin collection service and failed to return the bins to his property on occasion. An apology, payment to Mr B and monitoring is satisfactory remedy.

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## **The complaint**

1. The complainant, whom I shall refer to as Mr B, complained the Council continually failed to collect his bins despite the fact he is on an assisted bin collection and failed to ensure his bins were returned to his property.
2. Mr B says as a result he has experienced stress as he has had to repeatedly report missed bin collections.

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

3. 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'. If there has been fault which has caused an injustice, we may suggest a remedy. (Local Government Act 1974, sections 26(1) and 26A(1), as amended)
4. If we are satisfied with an organisation's actions or proposed actions, we can complete our investigation and issue a decision statement. (Local Government Act 1974, section 30(1B) and 34H(i), as amended)

## **How I considered this complaint**

5. As part of the investigation, I have:
  - considered the complaint and Mr B's comments;
  - made enquiries of the Council and considered the comments and documents the Council provided.
6. Mr B and the organisation had an opportunity to comment on my draft decision. I considered any comments received before making a final decision.

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## What I found

### What should have happened

7. Councils have a duty under the Environmental Protection Act 1990 to arrange for the collection of household waste and recycling from properties in its area. The collections do not have to be weekly and councils can decide the type of bins or boxes people must use.
8. The Council provides an assisted collection service for some people who are unable to move their bins.

### What happened

9. The Council registered Mr B on the assisted bin collection service from June 2023. Between June 2023 and February 2024 the Council failed to collect Mr B's bin 11 times. The Council also failed to return the bin to Mr B's property twice. The Council has apologised.
10. Initially the Council sent reminders to the bin crews about the collection from Mr B's property. When that did not resolve matters the Council put in place monitoring. That involves the crews taking photographs to show the bins have been emptied and returned to the property. Except for one occasion when the bin was not returned to the property this seems to have resolved the issue.

### Analysis

11. Mr B says despite the fact he is on an assisted bin collection the Council regularly fails to collect his bins. Mr B also says the bin crews do not always return his bin to the right place.
12. The evidence I have seen satisfies me Mr B has been on an assisted bin service since June 2023. It is clear there have been 11 missed bin collections between June 2023 and February 2024. It is also clear Mr B twice reported bins not being returned to his property. Failure to carry out the assisted bin collection and return the bins to Mr B's property is fault. That meant Mr B had to go to time and trouble every month to report missed collections which caused him distress.
13. I am satisfied the Council has now put in place monitoring which involves the crew taking photographs to confirm the bin has been emptied and returned to the property, which I welcome. I recommended the Council continue that monitoring for the next three months to make sure the problems do not recur. I also recommended the Council pay Mr B £100 to reflect the impact of having to regularly report missed collections has had on him. The Council has agreed to my recommendations.

### Agreed action

14. Within one month of my decision the Council should:
  - apologise to Mr B for the distress he experienced due to the faults identified in this decision. The Council may want to refer to the Ombudsman's updated guidance on remedies, which sets out the standards we expect apologies to meet; and
  - pay Mr B £100.
15. The Council should also continue to monitor Mr B's bin collections for three months.

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## **Final decision**

16. I have completed my investigation and uphold the complaint.

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