

## Council to improve oversight of contract for refuse collection

<b>Legislation</b>	Ombudsmen Act 1975, Rating Powers Act 1988
<b>Agency</b>	Local authority
<b>Ombudsman</b>	Nadja Tollemache
<b>Case number(s)</b>	A2895
<b>Date</b>	1992

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### *Refuse collections—change in frequency from weekly to monthly*

Difficulties in the relationship between a local authority and its residents and ratepayers often arise in respect of services that are provided by the authority. In this case a complaint was received from a resident of a relatively remote area who was concerned that she was required to pay \$116 per annum in refuse collection rates, but was only receiving a monthly collection. In support of her complaint she pointed out that adjacent areas administered by the same authority received a weekly collection and those residents paid the same refuse rate as she did.

The Council advised the Ombudsman that it had a contract for weekly collection of organic refuse in the locality inhabited by the complainant. However, it also advised that in 1987 some residents in the area concerned had made an arrangement with the refuse contractor for this service to be altered to a monthly collection of inorganic as well as organic refuse. Apparently, this arrangement was made largely by holiday home owners, whose residences outnumbered those of permanent residents. In its report, the Council also acknowledged that, although it was aware of the arrangement, it had taken no part in the decision.

The Ombudsman formed the preliminary view that the complaint could be sustained. It seemed to the Ombudsman to be an unusual situation where a group of non-resident ratepayers, who were not directly party to a contract between a local authority and a contractor, were able to vary the terms of that contract with no Council oversight. The Ombudsman's concern was increased by the fact that this alteration seemed to be to the

detriment of another group of resident ratepayers. The Ombudsman accepted the complainant's comment that permanent residents had different needs from holiday home owners as far as rubbish collection was concerned. She stated that, for obvious reasons, it was not practical for a permanent resident to retain household refuse for a monthly collection.

Secondly, the Ombudsman noted that the Council's refuse charge was made under section 31(1) of the *Rating Powers Act 1988*, which allows a charge to be based on each container of refuse which an authority is prepared to collect. The charge that was levied on ratepayers in this case was based on 104 approved refuse bags. Although the Ombudsman had no doubt that the contractor was prepared to collect this number of bags it seemed that as the number of bags was divisible by 52 rather than 12 the complainant was entitled to expect a weekly collection, or some sort of service equally acceptable to her.

The Ombudsman explained to the Council that:

1. in the circumstances the Council had not exercised sufficient oversight over its contract for refuse collection;
2. this had been to the detriment of one or more of the permanent residents in the area; and
3. the absence of a weekly household collection or similar alternative was not consistent with the intent of the refuse charge.

The Council agreed with this opinion. It reinstated the weekly collection and refunded 50 percent of the refuse rate to those residents who had paid the full refuse charge and had not received a weekly collection in that rating year.

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