A REPORT BY JUSTICE

The Citizen and the Public Agencies

Remedying Grievances

CHAIRMAN OF COMMITTEE
PROF. J.F. GARNER

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Research conducted by
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assisted by
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PREFACE

In March, 1974, the Committee on Administrative Law of JUSTICE embarked upon a study of the statutory *ad hoc* agencies which are now a prominent part of public administration in this country. Detailed research has been carried out on behalf of the Steering Committee appointed by the parent committee over the last 18 months, with the assistance of a generous grant from the Leverhulme Trust Fund, by Dr. Philip Giddings of Reading and Dr. Wyn Grant of Warwick Universities, assisted by the late Mr. David Peirson, formerly Secretary of the U.K. Atomic Energy Authority. The function of the Steering Committee was to consider the research, and this report, which fills out the conclusions of the Committee presented in its interim report in December, 1975, and which includes the supporting evidence and argument, is the result. Though the task of constructing the report has fallen to Dr. Giddings, it expresses the views of the whole Committee.

The case studies in Appendix 2 have been compiled on the basis of information, files and other documents made available on a confidential basis. To preserve anonymity, not only the names of persons, but also the names of districts have been excluded. We are grateful to the Councils and Committees concerned for both making this material available and agreeing to the publication of these studies.

Much of the work had been done before David Peirson died last March. His great experience, critical faculty and sound judgement contributed significantly to the success of our project, and we record our indebtedness to him and our sadness at the loss of a valued colleague.

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INTRODUCTION

In this report we consider the adequacy of the present machinery for redressing citizens' grievances against such bodies as the nationalised industries. In this introductory chapter we discuss the objective and scope of the research, the methods used and then give an outline of the remaining chapters so that the shape of the whole report may be apparent from the start.

Objective

We must stress from the outset that our concern is with the procedures for redressing *grievances* – *i.e.* those complaints which have not been resolved by the industries' management in the first instance. We have accepted the almost universal view that the resolution of first instance complaints is the proper task of management, who should have the first opportunity of satisfying the complainant. We have therefore not been primarily concerned either with the effectiveness of existing procedures for representation of or consultation of consumer interests, or with the case for creating a consumerist interest group as strong as the groups representing management and labour. Equally, we have not examined the efficiency of the industries or agencies in question save where it relates to their capacity for dealing effectively with consumer complaints. It is not that we do not consider these questions important – indeed they may well be of greater importance to most consumers than the redress of grievances: it is that we have chosen to focus our attention on citizens' grievances. While we have therefore had to pay some regard to the larger questions insofar as they set the context for redressing consumer grievances, the larger questions have remained subsidiary questions in this research.

A second preliminary point about our objective is that we have deliberately focussed our attention on the industries' formal machinery for redressing grievances. We are aware that there is a considerable array of extra- and semi-statutory methods of obtaining redress for complaints – ranging from letters to the Queen or the Prime Minister to the 'action column' of local newspapers. Moreover, there is the general consumer protection machinery operated by local authorities, the voluntary machinery provided by bodies such as the Citizens' Advice Bureaux, as well as the courts' implementation of consumer legislation and common law. We have considered some of these procedures as possible alternatives to the statutory consumer council system and in coming to our overall judgement we have had in mind the wide range of methods of obtaining redress which are available to the aggrieved consumer. Nevertheless, our main focus has been upon the statutory consumer council system, since that system is formally designated as the grievance redressing procedure.

Scope

Our subject is the statutory *ad hoc* agencies, a category of bodies

which it is notoriously difficult to define. In many ways it is easier to proceed negatively: we are not concerned with central government departments, with local government agencies or their joint boards, but rather with the wide range of boards, authorities, commissions, corporations and councils which have been established by Parliamentary enactment or some similar instrument to perform some specified executive task. In this report, with its focus on individual citizens' complaints and grievances, the scene is dominated by the major nationalised industries and similar bodies which provide goods and services for the public at large. Most of these bodies have some form of consumer or consultative council which is charged with dealing with complaints and much of our research has been concentrated upon them. However, we must stress that this report is not *exclusively* about such councils nor is it concerned with *all* that such councils do: most of them have other functions with which we have dealt with only incidentally.

Grievances arise when an initial complaint is not satisfactorily resolved. Anyone who investigates this area quickly discovers that there are complaints and complaints. It is not easy to identify in practice what is a complaint or grievance and what would be more accurately described as an enquiry or a cry for help. Equally, the reason for complaints vary enormously – as much with the complainant as with the merits of the decision or action which lead to the complaint. While it is axiomatic that at the outset any complaint must be assumed to be genuine until there is incontrovertible evidence to the contrary, this cannot be allowed to obscure the fact that a small – probably very small – proportion of complaints are not straight-forward complaints at all. Some – and the number in this category is increasing and will probably continue to do so while inflation persists at a high rate – would be more appropriately considered as social welfare cases, particularly when inability to meet an account is the nub of the problem. We shall not be entering into the argument concerning the adequacy of social welfare arrangements in such cases or the appropriateness of pricing policies or debt collection arrangements, except where these relate directly to the effectiveness of the machinery for dealing with individual grievances. Another group of complaints, again probably very small, is an illustration of the use by complainants of the machinery for complaints as a means of avoiding their financial obligations, which can impose burdens on the rest of consumers and taxpayers. While recognizing the problem, we take the view that this will happen whatever system for redressing grievances is adopted and that it is part of the price which has to be paid for humane administration. Nevertheless, we acknowledge that mimimising that price is a legitimate, indeed worthy, objective, providing that the effectiveness of the procedures for redressing grievances is not thereby reduced.

As complaints vary, so do complainants. Inevitably some complaints, and grievances are ill-founded, some indeed imaginary. Some complainants will remain dissatisfied even when all the procedures have been exhausted. No set of procedures can guarantee that the right result will be produced in every case, particularly in matters in which subjective judgement can play an important part. Nor is it possible to guarantee

that the right result will be accepted by the parties and remove all sense of grievance. At some stage of any complaints procedure a line has to be drawn beyond which further appeal is not possible. Eventually, some person or body has to be accepted as the ultimate authority, the final judge. Whoever this is, whatever the procedures which lead up to the final judgement, however many times the case is reviewed, there will always be the possibility that at the end of the process the complainant will remain aggrieved. That has to be accepted as a fact of life.

Finally, on the nature of complaints, we must refer to the special problem of pricing. Prices are one of the most fertile sources for complaints against statutory bodies, particularly the major nationalised industries and public sensitivity to price changes is noticeably high in an era of inflation. At a time when, as now, the industries are following government instructions to eliminate deliberately incurred deficits, public sensitivity increases all the more. In such a situation it needs to be remembered that not all the consumer councils are able even to comment on pricing proposals. Moreover, even where they can, an impression of impotence is created by the fact that the final decision seems to lie with the Price Commission, if it has not already been taken by the Government. Representations, comments and objections from consumer committees and user councils on pricing proposals are therefore often, though not always, fruitless. As this is precisely the subject which commands the most wide-spread public interest and media coverage, a general impression may well be created that bodies like consumer committees and user councils are powerless. Moreover, the pricing policies which emerge from Government directives and the decisions of the Price Commission (not to mention statutory obligations) often have consequences which extend beyond the actual charge for the supply of goods and services. The general obligation to pursue a commercial approach, whatever it is eventually decided that means, is bound to be a limitation on the ability of an industry's management to respond to consumer measures, including complaints. We have taken the view that where the industries are under such an obligation, we must accept it as part of the context within which the grievance redressing machinery is to be assessed. We have not felt it part of our task to decide whether statutory agencies *should* be under such obligations. It follows that we have had to accept that some complaints and grievances concerning the decisions and actions of statutory agencies are in practice ill-founded because they are complaints and grievances concerning the exercise of straight-forward commercial judgement. The exercise of that judgement may be questioned on commercial grounds, but that is a different matter, and one upon which we are not particularly competent to pronounce.

Method of Research

The research method adopted has been a traditional one. Chief officers, regional and local managers of the agencies have been interviewed, as have the chairmen and officers of the various councils and committees. In addition, meetings of the councils and, where appropriate, their local

committees have been attended. Several councils have also given confidential access to their files and in particular to case material. The annual reports and similar material published by the industries and the councils and committees have provided the factual and statistical background, which has in some instances been supplemented by data supplied by the industries and councils themselves at our request.

We have not investigated every consumer or consultative council. In particular, where councils are regionally organised, as in transport, gas and electricity, we have selected a number to give us a representative picture of the machinery which operates in the industry concerned. We would like to stress that in almost every case we have been given the fullest co-operation, both from the industries and the councils and committees themselves, and for this we are most grateful. It was the primary purpose of the research to build up an accurate picture of the day-to-day operation of the machinery for redressing grievances through the councils and committees against the background of the industries' own machinery for dealing with complaints. This could not have been done without the co-operation of those working the machinery, and it had to be done if the machinery's operation was to be properly assessed.

We have been conscious that a major disadvantage of this method outlined above is that it only touches on the grievances which have been notified to the councils and thus gives a largely 'inside' picture. It does not touch on aggrieved parties who for any reason have not used the formal machinery. As one way around this difficulty, we conducted a survey of members of Parliament to ascertain the extent to which they are used as an alternative channel by complainants. The survey was also used as a means of obtaining external evidence of the level of public satisfaction with the formal machinery for redressing grievances.

Our resources have not permitted us to undertake our own independent survey into public knowledge of and attitudes to the consumer council system. However, in a further attempt to obtain external evidence we asked the National Association of Citizens' Advice Bureaux to assist us. They kindly agreed to send a questionnaire to their bureaux to ascertain the extent and nature of enquiries made to them concerning rail, gas and electricity services, and to provide us with a report on the results. We are most grateful to the NACAB and the local bureaux which responded for the assistance they gave.

Finally, a number of bodies have undertaken surveys of public knowledge and attitudes in this area in the past. Although the surveys have been taken at different times, and for different purposes, we have made use of this material where it has seemed appropriate.

Shape of the Report

The remainder of this report is in four parts. First it describes how the formal grievance-redressing machinery works; secondly, it discusses how that machinery should be assessed; thirdly, alternatives to the present arrangements are considered; and finally, our recommendations as to the ways in which the machinery should be improved are set out.

In the next chapter we describe in detail how the grievance-redressing machinery works in four sectors – energy: transport: communications and a miscellaneous group. Although the constitutions, powers and methods of operation of the various bodies differ significantly, there is something of a general pattern, which will subsequently be referred to as 'the consultative council system'. In nearly all cases it will be seen that the councils consider redressing grievances to be only a small part of their function: most take the view that their advocacy function is more important, particularly if through it they can prevent complaints arising. It will also be seen that the three major industries – gas, electricity and transport – have councils organised on a regional basis, the first two delegating consideration of complaints to local committees. It will further become evident that most of the members of most of the councils are appointed by Ministers of the Crown after consultation with appropriate interested parties and that most of the councils are independently constituted, with their own staff and offices, and financed directly by government. Ultimately, all the councils are advisory: they do not have executive or judicial authority. It is assumed that their decisions, being arrived at by a group of independent lay people, will have an authority of their own.

In the third chapter we discuss how grievance-redressing machinery can be evaluated. It is, in our view, important to apply the same criteria to any alternative system as might be applied to the system under review so that relative strengths and weaknesses can be systematically compared. This is particularly important in an area where much will be a matter of subjective judgement and where, in any case, the different characteristics of the industries and services under review can all too easily render discussion diffuse and fruitless. It is not our intention to imply by this that all complaints machinery should be the same, regardless of the nature of the complaints or the services concerned. Rather we consider that the effectiveness of any set of arrangements for remedying complaints and grievances must be assessed by common criteria. In our view, these criteria should be:–

(1) *visibility* – the arrangements should be well-known, particularly to those likely to use them;

(2) *accessibility* – likely users should be able easily to put the arrangements into operation;

(3) *independence* – any body (or person) deciding on the validity of a complaint or grievance and the appropriate remedy should have no interest in the way in which the case is decided;

(4) *expertise* – any body deciding on the validity of a complaint or grievance and the appropriate remedy should have itself, or easily available to it, the technical competence necessary to the making of a reasonable decision;

(5) *authority* – any body deciding on the validity of a complaint or grievance and the appropriate remedy should be in a position to ensure that its decision is effective;

(6) *representativeness* – any body deciding on the validity of a complaint or grievance and the appropriate remedy should be reasonably representative of the public at large.

The fourth chapter possible alternatives to the present arrangements are discussed and evaluated in terms of these six criteria. The main alternatives considered are, first, a concentration of consumer councils; second, various forms of *Ombudsmen* for statutory agencies, drawing upon overseas experience; third, an extension of the consumer protection responsibilities of local authorities; and finally, an extension of the powers of the central government, in the form of the Director-General of Fair Trading.

In the final chapter we explain our preferred solution which is to strengthen the existing machinery in two ways. First, we recommend the introduction of a Nationalised Industries and Agencies Commissioner to whom complainants may refer if the Consultative Council machinery has failed to satisfy them. Secondly, we propose a series of detailed improvements to the existing machinery. In making these recommendations we have not been unmindful of the desirability both of building on existing strength and of minimising cost.

THE CONSULTATIVE COUNCIL SYSTEM

In this chapter we set out in some detail the existing procedures for dealing with complaints and grievances of individual members of the public against statutory agencies. We have divided the agencies into four sectors: energy, comprising gas, electricity and coal; transport, comprising British Rail, British Transport Docks Board, National Freight Corporation, British Waterways Board, National Bus Company, British Airways, and the British Airports Authority; communications, comprising the Post Office, the BBC and the IBA; and a miscellaneous group, comprising mainly the agricultural marketing boards.

To facilitate reference to the assessment criteria used in the next chapter, the material is presented in a standard form. First, we outline the service provided by the agency and its general organisation. We then describe the constitution and powers of the consultative council* in terms of independence, expertise, authority and representativeness. We then describe how the councils deal with representations, in terms of visibility and accessibility. Finally, we look at finance, location and staffing, in terms again of visibility, accessibility, independence and expertise.

We have only included statistical material where it was particularly significant. This is partly because its scope and reliability varies and partly because we do not wish to overload the text with figures. We have however, set out in the statistical appendix details of the case-load and similar material[1]. We have also set out, in a further appendix, a selection of anonymised cases which illustrate how the consultative council system operates in the various sectors[2].

THE ENERGY SECTOR

Gas

When the nationalised gas industry was re-organised under the 1972 Gas Act, the consumer machinery was also revised. Under the 1948 Gas Act, each Area had a Gas Consultative Council, the chairman of which was an ex officio member of the Area Gas Board. There was no consumer representation at national level. Under the 1972 Act the regions were given Gas Consumer Councils, the chairman lost his seat on the Area Board, there no longer being an area policy board on which he could sit, and a National Gas Consumers' Council was set up to provide representation at national corporation level.

The National Gas Consumers' Council consists of a Chairman, appointed by the Secretary of State for Prices and Consumer Protection, the Chairman of the twelve Regional Gas Consumer Councils (also appointed

* We shall use this as the generic term, even though many other titles are in use.

1 See Appendix 1, pp.60-73

2 See Appendix 2, pp.74-106

by the Secretary of State) and a maximum of 18 others, appointed by the Secretary of State, after consultation with and nomination by bodies such as trades unions, the CBI, women's and disabled organisations.

The Council has a statutory right to be informed by the British Gas Corporation of its general plans and arrangements for exercising and performing its functions in relation to the supply of gas, and in particular of any proposal to vary a tariff. With regard to individual consumer representations, the Council has interpreted its statutory responsibilities to mean that it will consider individual cases only if they have implications for national policy: the role of 'court of appeal' from regional leval is being avoided. The Council does, however, pay particular attention to the trends in consumer representations to the regional councils, as for example about the supply of spare parts for appliances.

The Regional Gas Consumers' Councils consist of a Chairman appointed by the Secretary of State plus twenty to thirty other members appointed in two ways. Between two- and three-fifths of them are appointed from a panel of persons nominated (by local authority associations) from amongst members of local authorities in the area of the Council; the remainder are appointed by the Secretary of State after consultation with consumer groups and similar organisations.

Every regional council has a scheme for local committees within its area, one of the functions of which is to receive on behalf of the council representations from consumers or prospective consumers. The schemes had to be approved by the National Council and, as regards the number of local representatives and the size of any committee, by the Secretary of State. Local committee members include the regional council members from the area, one of whom is normally chairman, plus members appointed after nomination by 'approved organisations' – in practice, the same types of organisation, at local level, as those who nominate for regional council membership.

These local committees are at the heart of the procedure for dealing with individual complaints and representations in the gas industry[3]. Although procedures do differ somewhat from one area to another, the Scottish Gas Consumers' Council's arrangements may be taken as an illustration.That Council has five district committees, corresponding with the Gas Region's administrative areas. In the year ending 31 March 1975, 2,587 substantive representations were made to the Council. Nearly 2,000 of these came by letter to the Secretary of the Council, over 400 by telephone to her and over 150 to the Chairman. As yet it has not been possible to record the number of representations made direct to members, although this information is available in some other regions[4].

The bulk of complaints is dealt with by correspondence – most telephoned complaints concern conversion. The Council's procedure is to refer the complaint to the region for comment – an accounts matter to the

3 See examples in Appendix 2, Section A.
4 See Appendix 1, Section A.

Chief Accountant at regional headquarters, a service matter to the Area Manager concerned. In straightforward cases, the region is expected to settle the matter with the customer and then report to the Council, who write to the consumer to ensure that satisfaction has been obtained. If satisfaction is not obtained, either by the customer or the Council's staff, then the case is referred to the appropriate District Committee of the Council. (This is in fact always done if the consumer wishes it). If the complainant is not satisfied with the Committee's decision, then the case can be referred to the full Council, but this happens in only a handful of instances. As an indication of the level of satisfaction obtained for complainants, in a typical quarter's total of 445 registered cases, 72 complainants wrote to say that they were satisfied with the outcome, while 2 expressed their dissatisfaction but did not want to pursue the matter further.

A determined effort has been made by both the national and regional councils to improve the visibility of the grievance redressing machinery in the gas industry. The National Gas Consumers' Council has chosen not to meet in public but it has undertaken a strong publicity campaign, prepared by independent consultants and approved by the Department of Prices and Consumer Protection. The campaign has been designed both to promote the National Council and to enable the Regional Councils to extend public awareness of their own activities.

A number of regional councils visited were conducting strong publicity campaigns of their own. For example, the North Thames Gas Consumer Council has been making strenuous efforts to publicise itself recently. In addition to a reference to its work on the back of the gas account and notices in showrooms, publicity material is placed in publicly-frequented places such as town halls, citizen's advice bureaux and libraries. The Council's secretary maintains contact with the media, including the 'trouble-shooting' columns and programmes, and significant benefit seems to be accruing from the national publicity campaign. The general practice is for regional council meetings to be open to the public and press, and for district committee meetings to be held in private, although in the East Midlands the minutes of all the district committee meetings are sent to the press.

One does not know how many consumers have been deterred from complaining because they think it is difficult to use the consumer council machinery. However, the general impression that emerges from the research in the case of the gas industry is that considerable effort is being made to ensure that the arrangements are easy to put into operation.

As far as independence is concerned, the expenses of the National and Regional Councils used to be a charge on the Gas Corporation, but one consequence of the establishment of the Department of Prices and Consumer Protection has been that ministerial functions with regard to the gas consumer councils are now vested in the Secretary of State of that department and their expenses are now met on that Department's vote rather than by the Corporation. The Councils are permitted to employ staff, subject to the Secretary of State's approval as to numbers,

pay and allowances. The arrangements for liaison between the regional consumer councils and the Gas Corporation vary to some extent, but the general pattern is for the Council Chairman to meet the Regional Chairman monthly. Although the removal of the consumer council chairman from the area board has increased the formal independence of the regional consumer council, a number of consumer council members are of the opinion that this change has in fact been to the detriment of the consumer. It is argued that the regional council chairman is not as well informed as he once was and it is not as easy for him to influence the Gas Region's decision-making in the early stages.

The staff of the regional councils possess relevant expertise in so far as a number of them have a gas industry background or other useful experience, such as being a weights and measures inspector. The regional councils visited rarely seemed to experience difficulty in obtaining satisfaction from the Gas Corporation, certainly on complaints matters[5]. The National Gas Consumers' Council is charged with the duty of notifying its conclusions to the British Gas Corporation where action appears to be necessary. The Council may report to the Secretary of State on matters which they have referred to the Corporation and the Secretary of State may, after consultation, issue a direction to the Corporation. It would seem, therefore, that the criterion of authority is broadly satisfied.

In general, it would appear that the gas industry has a well developed and coherent set of grievance redressing arrangements which once initiated generally succeed in obtaining satisfaction for the consumer.

Electricity

The generation of electricity in England and Wales is at present the responsibility of the Central Electricity Generating Board*. Distribution of the electricity generated is through twelve autonomous area boards. In every area there is a statutory consultative council, consisting of a chairman and twenty to thirty members appointed by the Secretary of State for Prices and Consumer Protection. Two- to three-fifths of those members represent local authorities, the remainder being representative of other groups of consumers. Each consultative council in England and Wales is empowered to consider any matter affecting distribution in the area, including variation of tariffs, on which it has received representations or where action appears to be necessary. It must also consider matters referred to it by the area board, which is under an obligation to keep the council informed of its general plans. The Council also has the duty to consider the effect of bulk tariff variation in the area and to notify its conclusions to the CEGB after consultation with the area board. After such considerations a council may make representation to the Electricity Council and after consultation may make further representation to the Secretary of State. Following such representations the

[5] See example in Appendix 2, Section A.

* The structure of the electricity supply industry was the subject of recommendations of the Plowden Committee (Report, 1976, Cmnd. 6388).

Electricity Council may give advice to the area board and the Secretary of State may give directions to remedy any defect in the board's plans. In certain circumstances consumers may make representations to the Electricity Council. In Scotland electricity generation and distribution is the responsibility of the North of Scotland Hydro-Electricity Board and the South of Scotland Electricity Board. The consultative councils for the two Scottish districts operate on a broadly similar basis to those in England, with all ministerial functions being vested in the Secretary of State for Scotland.

The arrangements for dealing with customer complaints differ to some extent from one area to another[6]. As with gas, district committees are of considerable importance in the processing of complaints. Most representations are resolved before they come to the district or local committee. For example, in the Merseyside and North Wales area formal representations to the Council[7] are referred to the appropriate Group Manager for a report and, if possible, settlement. About 95% of representations are successfully resolved at this point. Those which are not are put to the appropriate local committee for a recommendation. In most cases the decision of the local committee is accepted by the Board, which is represented at the local committee meeting by the Group Manager. The few local committee recommendations which are not acceptable to the Board are referred to the Council's General Purposes Committee, with the Board Chairman and Chief Officers in attendance. Such cases usually involve some point of principle or policy.

The Southern Electricity Consultative Council has a rather different procedure for dealing with representations. Representations are referred to the appropriate District Member, who makes contact with the board's district manager, in order to obtain the board's view of the case, and thereafter "will try to settle it by amicable agreement between the consumer and the district manager". In the event of failure at this stage, the member takes the matter to the District Committee, to which the Council normally invite the Area Manager, his senior officers and District Managers. The Board's own instructions on procedure at this point state: "An Area Manager will refer to Head Office for advice before finally turning down a representation which has the strong support of the District Committee and which on being rejected is likely to be taken to the next meeting of the full Consultative Council". In consequence, only a very small number of cases go beyond the district committee.

The South Eastern Electricity Board operates a centralised system of liaison with its consultative council. An Assistant Secretary at board headquarters is responsible for all liaison with the Council and its district committees, with full authority, subject to the Secretary and the Board itself, to settle on behalf of the Board. Representations are referred to the liaison officer who passes it on to the appropriate district manager for comment. His report – the board's side of the story, as it were – is

[6] See Appendix 2, Section A.

[7] See Appendix 1, Table B3

checked by the liason officer, with any 'grey areas' being investigated, and a report made to the Consultative Council secretary, with a recommendation from the liaison officer as to the solution of the dispute. If as a result of this, and possible further communication between the consultative council secretary and the liaison officer, the dispute is not resolved, then it is put before the appropriate district committee. At the district committee, the liaison officer represents the board with authority to settle disputes in the light of the district committee's discussion of the case.

Although there are significant variations in the arrangements for dealing with complaints from one area to another, a general pattern can be discerned[8]. The vast majority of complaints are resolved without a reference having to be made to a district committee. Relatively few cases have to proceed beyond the district committee to the consultative council; those that do usually involve a matter of policy or principle. A large part of the work of the consultative council is concerned with preventing complaints arising by intervening before policy is hardened and the constant monitoring of the board's operations – unlike gas, the chairman of the consultative council has a seat on the area board.

Visibility is a problem for the consultative councils. A consumer attitude survey carried out for the South Western Electricity Board by an outside agency at the end of 1973 found that only 26.8% of respondents knew of the consultative council's existence. The main publicity effort is through notices in showrooms and on the back of accounts. Councils meetings are open to the press and considerable efforts are made to obtain publicity through the local media. Links are also maintained with organisations such as citizens' advice bureaux and some of the councils circulate their annual reports extensively throughout their areas.

As with gas, it is difficult to assess the accessibility of the consultative council machinery, although it would seem to be relatively easy to put into operation provided that the consumer knows of its existence. The consumer attitude survey mentioned earlier found that whereas 26.8% of the respondents knew of the existence of an electricity consultative council in the south-west, only 15% knew how to get in touch with it. When the Southern Electricity Consultative Council moved from a country location to the centre of Reading, this resulted, according to the Secretary, in a far greater flow of complaints, especially from the Reading area. Nevertheless, there is still a problem of remoteness, given the large area the Council must cover (Reading, for example, is a long way from Weymouth).

The apparent independence of the consultative council has been enhanced by the trend for them to have their own offices and secretariats. For example, the East Midlands Electricity Consultative Council moved its offices from the Board's headquarters to a separate location in June

[8] See Appendix 1, Section B.

1974 in order to emphasise the Council's independence to the public. On the other hand the consultative councils are generally keen to continue the arrangement whereby the consultative council chairman is an ex-officio member of the board. The East Midlands Consultative Council consider that their role, as a *consultative* council, is as much to protect the consumers' interests in advance of decisions as afterwards, "when the damage has been done". They therefore consider it essential that they should, through their chairman, be able to influence board thinking "at the very earliest stage of policy formulation". Morever, "as a Board member, the Council Chairman has direct and frequent discussions with the Chairman, Deputy Chairman, Chief Officers and Managers of the Board. This ensures quick action in resolving and anticipating consumer problems and requirements. At the same time, because this consultation is close and continuous it breeds an attitude of consumer consciousness in the minds of the Board's chief executives". These views are shared by the other consultative councils. For example, the Southern Electricity Consultative Council comment in their last annual report that the removal of the Consultative Council chairman from the board "would be a retrograde step as membership of the Board gives early access to policy-making in the interests of the consumer. We shall resist any move in this direction".

The staffs of the councils include persons who have a background in the electricity industry. However, one consultative council visited in the course of the research pointed out that the board will in most cases accept the considered recommendation of the local committee because it represents the unbiassed view of a group of *lay* men; the analogy of a jury was cited. So expertise is not always the vital factor.

The consultative councils for the electricity industry would seem generally to satisfy the criterion of authority. The general picture in relation to individual representations is not dissimilar from that noted by the Southern Electricity Consultative Council in its annual report for 1974/5: "In all cases, satisfactory solutions were reached without reference beyond our own Council. It is rare indeed that intervention by this Consultative Council does not result in settlement of a dispute between the consumer and the Board to the satisfaction of the consumer".

Moreover, in the event of difficulty, there is the possibility of making a representation to the Electricity Council. Under Section 7(8A) of the 1947 Act (as amended), a consumer or intending consumer who has made representations to a Consultative Council and has been notified that they do not consider any action to be requisite may submit those representations to the Electricity Council. The Council are required to consult the appropriate Board and Consultative Council. If it then appears to the Electricity Council that a defect is disclosed in the Board's *general* plans and arrangements for the exercise and performance of their functions, they may give the Board such advice as they think fit for remedying the defect. Additionally, the Electricity Council may, if it thinks it necessary, make representations to the Energy Secretary arising out of advice given them to the Board. The Energy Secretary,

after consulting the Board and the Electricity Council, can give directions to the Board if it appears to him that a defect is disclosed.

Under further provisions of Section 7 of the 1947 Act, a Consultative Council may, after consultation with the Board concerned, make representations to the Electricity Council on matters arising out of conclusions, reports or representations notified or made to the Board by the Consultative Council. Under these procedures, the Consultative Council as well as the Electricity Council may make representations to the Energy Secretary after the Electricity Council has reported. As it happens, this procedure is invoked by the Consultative Councils very rarely – only once within the last eight years.

The procedure for consumers' representations has been used rather more – 6 formal representations were made in 1974, 9 in 1973 and 7 in 1972[9]. The Electricity Council have adopted, on legal advice, the view that complaints about appliance sales and servicing, and contracting fall outside the statutory provisions, although they have agreed to consider such cases informally.

The Electricity Council lay some stress on dealing with consumer representations as expeditiously as possible. If possible, depending on the circumstances, Council officers try, often successfully, to resolve cases executively by correspondence, but it is acknowledged that a consumer has the right to insist on the full formal procedure if he wishes. If he does, the Council Secretariat identify the main points at issue and write to the Board and Consultative Council requesting their observations and comments within two weeks. These may subsequently be shown to the consumer. When all the observations have been received they are circulated as appropriate to the Electricity Council's Advisers for comment and on that basis a brief is prepared for the Council including a "fair and objective summary of the issues in the Case".

In the light of the comments received, the secretariat consider again whether the matter might be resolved by the Area Board without formal presentation to a meeting of the Electricity Council – while preserving the consumer's right to continue with a formal representation. A decision is also made as to whether the matter should go immediately to the next convenient meeting of the Council for decision, or whether a Panel of Council Members should be constituted to hear the case. A panel consists of between three and five members of the Council. In addition to the Panel Members, proceedings are attended by representatives of the Board and the Consultative Council concerned, the consumer if he so wishes, appropriate officials of the Electricity Council, and a verbatim reporter. Unless the matter has been dealt with by correspondence, the Panel make a report to the Council whose sole statutory duty in the matter is to decide whether the complaint reveals a defect in the board's *general* plans and arrangements for the exercise and performance of their functions. In no case have the Council yet so found – although in a number of instances they have made criticisms on points of detail[10].

[9] See appendix 1, Table B8.

[10] See Appendix 2, Cases B8, 9 & 10.

Members of the consultative councils are appointed by the Secretary of State for Prices and Consumer Protection in consultation with the Secretary of State for Energy. The members of district committees are chosen by the consultative council, but nomination or support by a representative consumer group approved by the DPCP is required. The usual pattern is for about a third of the members to be local councillors of one kind or another with the remainder being supported from a cross-section of groups including trades councils, women's organisations and the National Farmers' Union. For example, of the 26 members of the Southern Electricity Consultative Council at the time the research was carried out, 10 were nominated by local authorities, 2 each by the CBI, TUC and NFU, and one each by the following: National Savings Committee; 'Agricultural Community'; National Chamber of Trade; Institution of Electrical Engineers; Association of Home Economics; National Federation of Women's Institutes; British Hotels and Restaurants Association; National Council of Women; Electrical Association for Women; and the Minister. Thus it can be seen that wide range of organisations is represented in the work of the electricity consultative councils.

Taken as a whole, the Electricity Consultative Councils see their main problem as two-fold – becoming more widely known, hence the frequent emphasis upon publicity; and improving their relationship with the Generating Board – the bulk supply tariff accounts for about three-quarters of the area boards' costs, but in practice it is almost impossible for the consultative councils to question it. In this respect, the Councils feel the lack of a national body like the National Gas Consumers' Council, although this has been filled to some extent by meetings of a conference of consultative council chairmen, on their own, with the Electricity Council and the Generating Board, and with representatives of government departments. As regards the complaints remedying function, the research indicates that once a representation is made to a consultative council, it will be remedied eventually – unless it concerns a major policy matter such as the level of tariffs which could affect all consumers.

Coal

The Domestic Coal Consumers' Council was established under the 1946 Coal Industry Nationalisation Act. The Council consists of a Chairman, Deputy Chairman, and currently 29 members appointed by the Secretary of State for Prices and Consumer Protection. As with the other councils in this sector, these appointments are from among nominations provided by interests likely to be affected – local authority associations, women's organisations, coal merchants' associations and so on. In addition to the appointed members, two representatives of the National Coal Board (a board member and the director-general of marketing) attend Council meetings at the invitation of the Council itself. Until recently these NCB representatives were full Council members.

The Council's terms of reference are to consider any representation on the sale or supply of solid fuel for domestic purposes made to them by consumers, or any matter which appears to the Council to be one to which consideration ought to be given. In practice, the Council has

mainly concerned itself with the broader issues such as the adequacy of supplies and service, price levels, and quality. The Board explains to the Council its plan for changes in the services and supplies it offers to merchants and the public and gives the Council an opportunity to comment and express its views.

The Council participates in the operation of the Approved Coal Merchants Scheme, established in the early sixties by the Co-operative Union, the Coal Merchants' Federation and the NCB, 'to define a basic standard of service below which no solid fuel retailer, delivering to consumers premises, should fall'. The Scheme is administered by a National Panel and 12 Regional Panels. The Chairman of the Council sits as an assessor on the national panel and consumer members of the Council sit on the regional panels in the parts of the country where they live. The Scheme has three classes of membership, varying with the facilities offered by the coal merchant. Entry into the scheme is controlled by the regional panels, who screen applicants. The scheme also provides that subsequent shortcomings in a merchant's operations can lead to termination of membership. The NCB's conditions of sale also provide for all retail merchants to be members of the scheme, unless exempted. One of the specific obligations undertaken by members of the Scheme is to investigate promptly and sympathetically all complaints by consumers regarding fuel or service and, where they appear justified, to make adequate and speedy redress.

Although this Scheme may appear similar to the local committees of the gas and electricity councils, it is important not to confuse the two. The ACMS is established by the industry itself as an exercise in self-policing. It is concerned with retail merchants, and not directly with the NCB's operations, and this reflects the largely indirect nature of the NCB's relationship with coal consumers, which is in this respect very different from that of the electricity boards or the gas corporation.

Part of the objective of the ACMS is that consumers with a complaint should have it resolved by the merchant concerned. If that fails, the consumer is encouraged to take his case to the secretary of the Regional Panel. The Panel itself only becomes involved in cases where a merchant has failed to put right a justified complaint after being approached by the Regional Panel Secretary. According to the DCCC, this is very rare and usually results in a member being expelled if he still fails to fulfil his obligations. The volume of complaints to panel secretaries is running at between 250 and 300 a year.

The existence of the ACMS as a complaints channel may be in part the explanation of the comparatively small number of representations made to the DCCC direct. Between 1972 and 1974 a total of 56 representations were made and although the 1975 total is over 40, even that is hardly large. The Council has been concerned about its visibility and circularises details of its operations, and of the ACMS, to bodies interested in consumer affairs, such as citizens advice bureaux. As regards accessibility, the DCCC itself is located in government offices in central London. Regional panels of the ACMS meet in a variety of places –

hotels, NCB offices, the Regional Office. They do not meet in public.

As regards independence, the DCCC has traditionally been operated as a form of government advisory committee, and serviced accordingly. In that respect there is no danger of its being too closely identified with the NCB although the inclusion of NCB members until recently did confuse the picture. The Regional Panels of the ACMS are obviously identified with 'the trade' and that impression is reinforced by the recruitment of regional panel secretaries from that source by the sponsors, who also finance the Scheme.

Although the grievance-redressing arrangements for coal are not as well developed as those for gas and electricity, some allowance has to be made for the different nature of the service provided and the different relationship between the NCB and the consumer. The DCCC, in common with the other consumer councils, has done more in recent years to emphasise its independence and to publicise its activities and the ACMS. This has certainly been needed.

THE TRANSPORT SECTOR

British Rail

Transport Users' Consultative Councils were first constituted under the 1947 Transport Act. They are concerned not only with British Rail, but also with the British Transport Docks Board and the National Freight Corporation. They consist of a Central Committee and eleven Area Committees covering Scotland; Wales and Monmouthshire; East Anglia; East Midlands; London; North East; North West; South East; South West; West Midlands; and Yorkshire. The Committees are empowered to consider representations by users of services and facilities provided by the stated authorities as to the quality of service provided and to make recommendations to the relevant authority and to the Secretary of State for the Environment. The Committees have special powers in relation to proposals to withdraw rail services under the 1962 Transport Act, but they are not empowered to consider proposals to reduce passenger services, withdraw freight services or close depots, or to concern themselves with fares or charges. In spite of their title, the committees' remit does not include bus services. The Central Committee's duty is to co-ordinate the work of the area committees, to consider recommendations from them on the quality of service matters and, if necessary, to make recommendations to the Secretary of State for the Environment – who has the power to direct the transport authorities. The Welsh Committee has direct access to the Secretary of State for Wales.

As with other consultative councils, visibility is a problem. The main publicity for the TUCCs is provided by notices at stations advising railway users what action to take if they feel dissatisfied. Such notices are by no means universal, but coverage has improved in recent years. In some areas notices have also been placed in town halls, public libraries, citizens advice bureaux and post offices. Since publicity has been improved, there has not been a noticeable increase in case-load. Some committees have issued press releases, but the material has rarely been

taken up by the media.

Any attempt to assess the accessibility of the committees is difficult in the absence of detailed figures about representations made to them. The TUCCs are somewhat chary about providing this kind of information. In evidence to the Select Committee on Nationalised Industries in 1971 the Central Committee quoted a total figure of 4,000 complaints per annum. Some of the area committees visited as part of the research programme estimated that their complaints total was in 'the low hundreds' and certainly two failed to reach three figures. These figures seem low given the total number of passenger journeys; it is difficult to believe that they reflect an exceptionally high level of customer satisfaction[11].

As with other consultative councils, there has been an improvement in recent years in the formal independence of the committees. Since the 1968 Transport Act the TUCCs have been financed by the Department of the Environment, albeit using British Rail as an agent. Prior to that, financial responsibility lay proportionately with the transport boards. Over a similar period of time the committees have moved from railway premises to separate addresses. Initially the committees were staffed by railway officers, on a part-time basis, which occasionally resulted in them corresponding with themselves. However, the committees are now serviced by full-time secretaries (covering two committees) who have been seconded from the railways. Both the secretaries themselves and the chairmen consider this railway background is important (some felt it indispensable) to the effective operation of the committees and none considered it inhibited them. Although expertise is thus ensured, there is sometimes a substantial discrepancy in the grade of the secretaries (who are on railway staff conditions) and the liaison officers with whom they deal on the railway side.

Although the level at which complaints are considered within British Rail varies between regions, once the TUCC is involved a relatively standard procedure is followed[12]. In most instances a user who is dissatisfied with the response of the railway management to a complaint and who wishes to pursue the matter will write to the secretary of the appropriate TUCC. He will then consider the complaint and make appropriate representations to the railway liaison officer (in practice the BR Divisional or Regional Manager is usually the liaison officer). The liaison officer's reply will be reported to the user, unless the TUCC secretary considers it raises issues which should be considered by the area committee. If the user is still dissatisfied, the TUCC secretary arranges for the case to be considered at the next area committee meeting, at which the railway liaison officer is present. (On a few occasions, a Chairman has also invited the complainant to attend to present his case personally). At this stage in the vast majority of cases the committee either agrees that action should be taken in line with the user's representations, to which the liaison officer agrees, or concludes that there are valid reasons

[11] See Appendix 1, Section C.
[12] See Appendix 2, Section C.

why the user's representation cannot be so dealt with. If, however, the Committee support the representation but are unable to reach agreement with the railway liaison officer, the Committee may make a recommendation to the Central Transport Consultative Committee (except in Wales). If the Central Committee support that recommendation, they may make a similar recommendation to the Secretary of State, who has the power – after appropriate consultations – to direct the Railways Board. Once the machinery is set in motion it seems that there are adequate arrangements to ensure that any decision taken on a representation by a TUCC can be made effective.

TUCC members are appointed by the Secretary of State for Prices and Consumer Protection – the Chairman and two other members direct, and the remainder on the nomination of bodies with an interest in transport services. In practice, the nominating bodies are principally the local authority associations, the CBI, TUC and NFU, but also included are the National Federation of Old Age Pensioners Associations, the Tourist Boards, the Co-operative Movement, the Ramblers Association and the National Federation of Women's Institutes. The committees are as representative as any body drawn from local councils and voluntary organizations can be.

British Transport Docks Board

Although TUCCs provide the statutory machinery for dealing with complaints against the British Transport Docks Board, the Board has also established Port Users' Consultative Committees for each of its ports. According to the Board's first annual report, 'the object of these committees is to bring the Managers and Officers of the ports into regular contact with representatives of port users for purposes of group discussion on dock operations and development'. A more recent report states that 'regular meetings of local Port Users' Consultative Committees and frequent informal contacts enabled the Board to maintain amicable and co-operative relationships with their customers'.

The TUCCs have taken the view that given the existence of these local port committees, their own involvement would mean unnecessary duplication. Complaints have been made to TUCCs about the board's activities but they are very rare indeed.

National Freight Corporation

The Corporation was established under the 1968 Transport Act and includes road haulage undertakings, British Road Services and National Carriers. The NFC commands only a small proportion of the freight transport market and most of its business is conducted with large undertakings. There is little contact with individual members of the public, certainly in comparison with British Rail or the energy boards. Section 55 of the 1968 Act placed the Corporation and all its subsidiaries within the area of competence of the TUCCs. However, very few cases have been raised with the Committees; an estimated half a dozen over the last three years.

British Waterways Board

This Board was set up under the 1962 Transport Act, which re-organised the British Transport Commission. Although initially within the area of competence of the Transport Users' Consultative Committees, the Board was taken out of that area by the 1968 Transport Act. There is, therefore, no statutory complaints procedure.

The Board has no formal complaints procedure as such. Its view is that the appropriate method for resolving substantive grievances is through the courts. It does, however, point to the Inland Waterways Amenity Advisory Council (IWAAC) which advises it and the Secretary of State for the Environment on any proposal to add to or reduce the cruising network. IWAAC can also consider, and make recommendations on, any other matter affecting the use or development for amenity or recreational purposes of the cruising waterways.

National Bus Company

The National Bus Company is a holding company established under the 1968 Transport Act. Its subsidiaries operate bus and coach services in England and Wales. All operators are subject to control as to fares, service frequency and route by licence from the Traffic Commissioners, renewable at three yearly intervals.

The National Bus Company and its subsidiaries are not within the purview of the TUCCs, nor of any other consumer consultative body. In their view, shared by recent governments, the safeguards available to the public through the Traffic Commissioners' powers under the licensing arrangements are sufficient. Although formal objections at the Commissioners' hearings cannot be made by individual members of the public (other than through local authorities), the Commissioners in practice do allow individuals to attend and to make representations – if they are aware that they can do so.

Air Transport

Unlike most of the other industries which have been considered, the air transport industry is not nationalised as such. The industry consists of both publicly and privately owned airlines, only a minority of which are based in the United Kingdom. However, the industry is publicly regulated, through the Civil Aviation Authority. Hence the context for the operation of both public agencies and complaints procedures is rather different from the usual one.

The Airline Users Committee (AUC) is a non-statutory advisory body which was set up in 1973 to assist the Civil Aviation Authority to perform its statutory duty towards consumers. That statutory duty is very generally stated in the Civil Aviation Act, 1971, as being 'to further the reasonable interests of users of air transport services'. The AUC's activities are therefore supplementary to the general duty of the Authority, which established the committee to assist in specific areas which would not normally be touched upon in the course of the CAA's normal procedures.

The AUC is aware that much needs to be done to improve its visibility. It commented in its first annual report, "We are concerned that the existence of the Committee is still not widely known to airline users who often do not know how and to whom they should address their complaints and representations". The AUC suggested to a number of airlines and other bodies that notices giving brief details of the Committee should be displayed in such places as ticket offices, check-in desks, town terminals etc. However, the response from the airlines was generally negative. The airlines were concerned, not only that complaints might inadvertently be put to the Committee in the first instance, but that the public might feel that the service they were about to receive might be unsatisfactory. The AUC found the views expressed by the airlines 'unconvincing' and is continuing to seek appropriate publicity for its activities.

The Committee and the Authority both consider it important that all airlines licensed by the Authority should have adequate complaints machinery, appropriate for the type and level of business in which they are engaged. Given this, the Committee are satisfied that it is right that a person with a grievance should take it up in the first instance with the airline, air travel organiser or travel agent concerned. The Committee's Secretariat become involved only when this fails. In dealing with such complaints, the Committee stresses two points: "First, whilst we can press, in suitable cases, for some redress to be provided, this cannot be guaranteed and our concern must often be with the general problems and abuses revealed by individual cases and the lessons to be learnt so that appropriate recommendations can be made either to the Authority or direct to the airlines themselves. Secondly, we cannot intervene in claims for refunds or compensation; these are matters for the individual to pursue direct with the other parties concerned in accordance with the law of the land". Like many other consumer bodies, the AUC feel that the usefulness of its complaints function is that it reveals particular features of the industry which require investigation (in the interests of passengers as a whole) – for example, overbooking of airline seats. The AUC accepts that the number of complaints (129 in the last year for which figures are available) 'would appear to be small in relation to the volume of air travel involved'[13]. In particular, the Committee have noted that the number of complaints they receive is 'insignificant in comparison with those handled in the United States by the Civil Aeronautics Board'. The problem is not that the arrangements are difficult to put into operation, but that relatively few air travellers know of the existence and functions of the AUC.

The AUC's link with the Civil Aviation Authority, an independent regulatory agency, helps to ensure its independence, expertise and authority. The AUC is staffed and serviced by CAA staff who also function as the Consumer Affairs section of the Authority. As has been pointed out, claims for refunds or compensation (24% of the total complaints in 1973/4) cannot be pursued by the AUC, but in many other

[13] See Appendix 1, Table C3.

cases it is possible for the AUC to obtain suitable redress.

It is not reasonable to expect a committee like the AUC to be 'representative of the public at large'. Although the AUC does include the usual businessmen, trade unionists and persons with extensive local government and public service experience, it also includes persons with 'extensive air commuting experience between Scotland and England' or who are described as 'frequent traveller by air on business visits'.

British Airports Authority

The AUC is not empowered to deal with questions of airport management. The British Airports Authority is responsible for the management of five major airports – Edinburgh, Gatwick, Heathrow, Prestwick and Stanstead. Under the Airports Authority Act, 1965, it is under a statutory obligation to consult those likely to be affected by airport operations and this obligation is at present discharged through the medium of Airport Consultative Committees at each airport. The committees' membership is a mixture of local authority representatives – who predominate – users and other interested bodies, such as local amenity groups. The Committee's terms of reference include the consideration of any matter referred to them by the Airport Director, any question in connection with the problems of the Airport as they affect communities represented and any matter connected with the administration of the Airport related to the interests of those communities. Although the Consultative Committees as such have no explicit procedure for dealing with users' complaints, the Heathrow Committee has recently established a passenger services sub-committee to deal with these.

No direct evidence is available as to the visibility or accessibility of the committees. As far as independence is concerned, the Committee's secretariat is provided by the principal local authority concerned (in Heathrow's case the GLC) but its expenses, including the chairman's remuneration, are defrayed by the Authority on an item-by-item basis. The agenda for the committees are determined by the committees themselves, but the Authority is represented at meetings by the Airport Director and the Director of External Relations, plus other BAA management who may be required.

If the Airport Director is unable to accept a committee recommendation, he is required to bring that recommendation to the attention of the Authority itself. Consultative Committee representations to the Authority are channelled through BAA's head office. The BAA chairman, with management support, has an annual meeting with consultative committee chairmen and, at the invitation of the committee chairman, attends committee meetings from time to time.

The BAA in practice agrees with the Committee and its Chairman which organisations should be represented (the Authority has the final right of veto) and then leaves it to the Committee and the organisation concerned to determine who the representatives will be. As an example, the Heathrow Committee at present consists of 18 local authority

representatives and one each from ABTA, the London Tourist Board, IATA, the London Chamber of Commerce, the National Chamber of Trade, the TUC, the Consumers' Association and the Federation of Heathrow Anti-Noise Groups. The passenger services sub-committee at Heathrow is to consist of six of the non-local-authority members of the main committee plus four co-opted members whose only required qualification is that they should be frequent air travellers. Some difficulty has been experienced in deciding how to select these, but it seems likely that the main committee will advertise. Apart from the special problem presented by air travellers, the committees display a pattern of membership similar to that found on other consumer councils.

Conclusion

In some respects, the system of consumer consultative bodies in the transport sector is less well developed and comprehensive than that in the energy sector. There are no consumer councils for the National Bus Company and the British Waterways Board; in the case of the National Bus Company, Traffic Commissioners are less accessible to the ordinary consumer than the conventional type of consumer council. The Airline Users Committee is still in the process of establishing itself and making its existence more widely known. Passengers with a complaint about airport facilities at a BAA airport may not realise that they have to contact the Airport Consultative Committee rather than the AUC; moreover, the Airport Consultative Committees are concerned with the environmental impact of airport operations as well as with users' complaints. The TUCCs' functions in relation to British Rail seem to be less well publicised than the functions of similar committees dealing with industries in the energy sector with a large number of customer contacts. In our concluding chapter a number of proposals will be put forward for improving the arrangements for redressing consumers' grievances in relation to the nationalised transport industries.

COMMUNICATIONS

The Post Office

As with other nationalised industries with a large number of customer contacts, the number of complaints made to the Post Office direct and dealt with internally far exceeds those dealt with through the consumer council procedure. On the postal service side about 300,000 written complaints are received each year compared with 1,300 raised by Members of Parliament and 1,000 made through the consumer council machinery at either national or local level. On the telecommunications side the South Eastern Telecommunications Region alone, for example, receives about 29,000 'enquiry contacts' a quarter, most of them seeking explanation, and most of them concerned with accounts. Over one three month period, a total of 284 cases were referred to the Region from outside, either by the national users' council, Post Office headquarters or MPs.

The Post Office National Users' Council was established under the

1969 Post Office Act which converted the Post Office into a public corporation. The Council is given the duty of considering representations made to it by or on behalf of users of the Post Office's services and of considering any matter relating to the services the Post Office provides, even if there has been no representation about it. There are three 'Country Councils' in Scotland, Wales and Northern Ireland but there is no comprehensive local organisation comparable to that in the electricity or gas industries. There are, however, a large number of Post Office Advisory Committees in existence which, under the 1969 Act, can be recognised by POUNC as 'bodies assisting the Council to ascertain the opinion of users'. In such circumstances POUNC is able to finance POACs and enable them to function independently of the Post Office. POUNC has issued a model constitution and set of rules for POACs to work to, and is encouraging, where it can, the spread of such bodies. However, it is recognised on all sides that although there are some two hundred POACs spread throughout the United Kingdom, coverage is very uneven, as is the quality of the Committees. The functions of POACs are to represent local matters to local Post Office management (usually the Head Postmaster); to consider general criticism and suggestions which could usefully be forwarded to POUNC or a Country Council; and to receive and disseminate information about Post Office services. Liaison between the Council and POACs is maintained in three main ways: first, by representation on the National Council – 9 members each represent POACs in a Post Office region; second, by the exchange of correspondence, especially the receipt of POAC minutes by the Council; and, third, by regional meetings of POAC representatives arranged by the relevant Council member. Under the model constitution POACs are enabled to receive complaints about local post office services. Although there are no figures available about these, it seems that relatively few cases arise in this way. POUNC itself is anxious to encourage the development of the POAC system and in particular, through the model constitution and rules, to 'unify them into a more effectively representative consumer organisation'.

The National Council meets in private, usually six to eight times a year. Press releases are handled through the Central Office of Information. The question of placing notices advertising the Council's existence and functions in Post Offices, Citizen's Advice Bureaux, Town Halls and the like took some time to decide, but a programme for achieving comprehensive coverage is now under way. The placing of a note about the Council on quarterly telephone bills is still being considered. POUNC is a relatively visible consumer council, in so far as it has attracted a substantial amount of media publicity as a result of its consideration of proposed tariff increases and its general monitoring of the standard of Post Office services. On the other hand, it seems to have received relatively few complaints given the extent of the Post Office's contacts with individual users – though a marked increase has been noticeable recently[14].

Most of the people who complain to POUNC have not in fact

[14] See Appendix 2, Section D.

previously taken up their case with Post Office management. POUNC practice is for the Secretariat – the members are discouraged from taking up complaints themselves – to refer a user's complaint to the appropriate regional level of management, usually a controller, for explanation and sympathetic review. The outcome of the interchange between the POUNC Secretariat and the Post Office Regional Management is then reported to the user. It is not POUNC practice to pursue beyond regional level cases in which the user has not obtained satisfaction after the Secretariat have taken it up. In this way POUNC acts as the users' advocate but does not attempt to adjudicate on the complaint. Only if some matter of policy is involved will a case be taken up by POUNC with the Headquarters Management of the Post Office. These procedures accurately reflect the decentralised nature of the Post Office's own management structure[15]. As has been pointed out, the majority of complaints are dealt with by the Post Office direct, but should a consumer wish to complain to POUNC, it would appear that putting the arrangements into operation is not unduly difficult.

POUNC is concerned to stress the reality of its independence, both of the Post Office and of government. Its chairman is not a member of the Post Office board, and its staff are civil servants, not Post Office employees. POUNC has in fact a staff of twelve civil servants, seconded from the Department of Prices and Consumer Protection (previous Industry and prior to that Posts and Telecommunications). The secondment is in principle indefinite, so the staff are able to acquire relevant expertise.

The Post Office is under a statutory obligation to consult POUNC before putting into effect 'any major proposals relating to any of its main services so as to affect the persons for whom they are provided'. If the Council is of the opinion that 'action ought to be taken' with respect to any of the matters it may consider, it is required to give to the Minister and the Post Office notice of that fact and of the action which the Council thinks ought to be taken. The criterion of authority would thus seem to be satisfied in the case of POUNC.

As far as representativeness is concerned, the arrangements follow the general pattern. POUNC is made up of a chairman appointed by the Minister; the chairman of the three country councils; such other members, not exceeding 26, as the Minister may appoint after consultation with such bodies as appear to him to be representative of the interests of persons likely to be concerned with matters within the competence of the Council; and such other members, not exceeding three, as the Minister may appoint without any such consultation.

It is the view of POUNC that 'constructive advocacy' is more important than simply dealing with complaints. Its principal concern is with the consultative process which arises from the Post Office's obligations under the Act to obtain the Council's views on major proposals before implementing them. This certainly means that the majority of the Council's work is concerned with responding to such proposals, especially in an era of

[15] See Appendix 1, Table D1.

frequent tariff changes. Thus like many of the consultative councils, POUNC sees dealing with customer complaints as a relatively small part of its task.

British Broadcasting Corporation

The BBC has three principal methods of keeping in touch with public reaction to its activities. First, it receives a considerable volume of unsolicited correspondence – currently about half a million letters a year. Most of these are enquiries about programmes, but it is estimated that perhaps a third are in some way critical and could be considered to be complaints. Unsolicited correspondence is unsystematic but the BBC's audience research activities are very much the opposite and are as much concerned with gauging reaction to programmes as with measuring the audience. Thirdly, and systematic in a different way, the Corporation has a network of 55 advisory bodies, the particular function of which is to channel public and specialist reaction to the Board of Governors. In addition the BBC continuously monitors Parliamentary and Press comment about its activities, and, in particular, receives a certain amount of correspondence from Members of Parliament covering their own and constituents' complaints.

In October 1971 the BBC established a Programme Complaints Commission to deal with those cases in which it was not possible to reach an amicable conclusion by discussion between the BBC's staff and a complainant. The prescribed purpose of the Commission is to give the Board of Governors a second opinion on such cases, in the form of an adjudication on the complaint. The nature of eligible complaints is closely defined in the Commission's terms of reference as: '... complaints from individuals or organisations claiming themselves to have been treated unjustly or unfairly in connection with a programme or a related series of programmes as broadcast. Unjust or unfair treatment shall include unwarranted invasion of privacy and misrepresentation'.

The complaint must be made in writing, to the BBC or the Commission, within thirty days of the transmission, or the end of the related series of transmissions, to which the complaint refers. In addition, complainants are required to give a written undertaking not to have recourse to the courts of law in connection with the complaint.

The Commission adjudicated on four complaints during 1974/5, compared with two the previous year and three the year before that[16]. The small number of complaints is not necessarily accounted for by lack of visibility or accessibility for it can as easily be explained by the limiting nature of the terms of reference, which exclude the largest category of complaints made to the BBC namely, those about matters of taste or policy. Criticisms of the latter kind are not considered to fall within the definition of unfair or unjust treatment of an individual or organisation. In the opinion of the BBC to allow an outside organisation into this area of judgement would undermine the position of the Governors and unduly

[16] See Appendix 1, Table D2.

restrict editorial and artistic freedom. It should also be noted that the Commission is concerned about *programme* complaints, not with those related to poor reception or schedules.

The Commission has three members, who hold office for three years. Initially it comprised Lord Parker, Lord Mawbray-King and Sir Edmund Compton, but on the death of Lord Parker, Sir Edmund Compton was made chairman and Sir Henry Fisher – a retired High Court judge – was added. Under the initial terms of reference, the Commission was asked to make recommendations to the BBC as to the mode of securing the appointment as their successors of persons of similar independent status. The Commission proposed that one Commissioner should always be a retired member of the higher judiciary with no political affiliations – if one could be found. The Commission also suggested that the BBC should not make an appointment without the Commission, or such members of it as might be available, being given an opportunity to be consulted and to recommend specific names for consideration. These suggestions were accepted by the BBC.

Although the Commission is thus appointed and financed by the BBC, the status and calibre of its members is assumed to be a sufficient guarantee of its independence. It is located in independent offices and has its own small staff. As it does not deal with complaints about reception, the Commission has less need of technical competence than might otherwise be the case, but appropriate advice on technical matters would be available from the BBC should it be required.

The Commission would appear to be authoritative within the relatively narrow sphere defined by its terms of reference. The Commission is required to report its adjudication on any complaint to the BBC, which undertakes to publish each adjudication in one of its journals (in practice *The Listener*) within thirty days of receiving it. If the Commission think fit, they may prepare their adjudication in a form suitable for broadcasting and require the BBC to transmit it, which the Corporation has undertaken to do. Apart from thus giving publicity to the Commission's findings, the BBC has undertaken to 'pay proper regard to the views expressed in each adjudication'. However, it is expressly stated in the Commission's terms of reference that the Corporation 'shall be free to comment' on any adjudication and to decide on what subsequent action, if any, is called for.

The Commission could not be said to be representative of the 'public at large'. However, it has been considered necessary to appoint persons of a high status and calibre in order to demonstrate the independence and authoritativeness of the Commission. In view of the crucial importance of the criterion of independence, a lack of representativeness can be justified in certain circumstances.

Independent Broadcasting Authority

The Independent Broadcasting Authority is primarily a regulatory authority; unlike the BBC, it does not itself provide programmes. Complaints to the Authority, therefore, about programme content are in

principle complaints to a regulatory body about action taken by programme contractors. Independent Broadcasting is a two-tier system and in this respect the Authority is in a significantly different position from the BBC, which in part explains why it declined to join with the Corporation in the establishment of the Programme Complaints Commission in 1971.

The IBA did, however, review its own machinery for dealing with public complaints, also in 1971. It decided to establish a Complaints Review Board 'as a means of strengthening its existing internal procedures'. The Board consists of the Deputy Chairman of the Authority, who acts as chairman of the Review Board, three members of the Authority's General Advisory Council, and the Authority's Deputy Director-General (Administrative Services). Under its terms of reference, the Board is concerned with complaints from the public or from persons appearing in programmes about the content of programmes transmitted or the preparation of programmes for transmission. It does not deal with advertising matters, with the business relations between programme companies and those appearing in programmes, or with matters which a complainant wishes to make the subject of legal action. Its functions are:

(i) to keep under review regular reports of complaints received and investigated by the Authority's staff;
(ii) to consider specific complaints referred to it by the Authority or any member of the Authority through the Chairman of the Authority
(iii) to consider specific complaints when the complainant remains unsatisfied after investigation and reply by the Authority's staff.

The Board is empowered to investigate in depth any such complaints and it may, at any time, select particular issues for further investigation when it considers that they have not been satisfactorily resolved by the normal procedures or that it would be inappropriate so to resolve them.

The Review Board meets quarterly. Most of its energies are devoted to the first of its functions ('regular review') for which it receives details of all complaints made to the Authority, together with individual reports on the most significant (this amounts to hundreds in the course of the year). Only in the most recent year has the Board been called upon to exercise its functions in relation to specific complaints, and then for a total of nine cases, in three of which the Board supported the complainant to a greater or lesser extent[17].

In the initial reply sent to complainants by the Authority's staff, a copy of a document setting out the terms of reference, composition and procedure of the Review Board is enclosed. In addition to this routine procedure, the Authority has made considerable efforts to publicise its own role in relation to complaints about programmes.

Although every possible effort is being made to ensure that the complaints procedure is visible, its accessibility is more open to question. Complaints are not automatically placed before the Review Board, but

[17] See Appendix 1, Table D3.

when they are the complainant is asked to submit for the Board's consideration full details of the complaint. It is not considered sufficient for the IBA staff simply to pass on the previous correspondence. Clearly, the Board needs as much relevant information as possible if it is to come to a considered decision. However, while these arrangements may be easy for the more articulate to put into operation or for an organisation to use, they may seem a little daunting to the ordinary viewer not used to providing a coherent and sustained presentation of his case.

As far as independence is concerned, although two out of the four Board members are drawn from the Authority's staff, they are not concerned with the day-to-day control of programmes. The Review Board is located at IBA headquarters, its annual report is issued as part of the Authority's Annual Report, and it is serviced by the Authority's secretariat, though not by staff members dealing with the day-to-day control of programmes. As the Board was designed to strengthen the Authority's *internal* procedures, its existing arrangements do, to some extent, lack the appearance of independence, although they do ensure that any necessary technical expertise is readily available to the Board.

The Board reports to the Authority, with whom the final responsibility – including that of replying to the complainant – rests. Replies about complaints considered by the Board are normally signed by its Chairman. In comparing the Board with the BBC's Commission it is worth noting that the Board can cover the whole area of programme content, taste and policy, and is able to act on its own volition on the basis of the regular reviews it conducts, moreover, it has done this, to some effect . Such activities are beyond the Commission's scope.

An element of representativeness is injected into the arrangements for reviewing complaints through the inclusion of two members of the IBA's General Advisory Council on the Board. The IBA's Board operates under less restrictive terms of reference than the BBC's Commission, although the latter body enjoys a greater appearance of independence. However, the IBA's fundamentally different role does make such direct comparisons difficult.

The agencies considered under the heading of 'Communications' have been grouped together largely for reasons of presentational convenience. In the case of the Post Office, we are dealing with what seem to be two separate organisations – telecommunications and posts – which happen to be organisationally linked at the top. As regards the broadcasting organisations, there are crucial differences between the constitutional arrangements and functions of the Corporation and the Authority and neither are commercially involved with the public in the same way as the other agencies we have examined. Given these difficulties, generalisations about complaints handling in the communications sector are almost impossible, although some limited comparisons are possible between the two broadcasting organisations.

MISCELLANEOUS

Agricultural Marketing

Because of their distinctive functions and constitutions, the Agricultural Marketing Boards cannot readily be grouped with any other agencies examined in this report. However, they do have an established procedure for dealing with public complaints.

These boards are set up under an enabling Act – passed originally in 1931, and consolidated in 1958 – under which schemes may be established to regulate the marketing of a particular agricultural product, subject to the consent of a (substantial) majority of the producers of that product, and of the Agricultural Ministers and Parliament. Boards have been established for hops, milk, bacon, pigs, eggs, potatoes, wool and tomatoes and cucumbers.

While the details of the schemes cannot be discussed here, it should be noted that, although they are established by statute, with the approval of Ministers and Parliament, they also need the approval of registered producers, and this can be – and has been – withdrawn. Although a handful of board members are appointed by the Minister, the vast majority are directly elected by registered producers. Once established, the boards may impose levies on their producers without recourse to Minister or Parliament, and if the scheme is revoked, it is to the producers that the assets are distributed, or by whom its liabilities must be met. Under the Act, every scheme must provide also that no sale of the regulated product shall be made by any producer who is not either a registered producer or specifically exempted under the scheme. This gives the boards a monoply and they have available thereby under the Act the complete range of powers necessary to control the marketing of their product in every aspect, price, quantity or description, as well as the power to determine to or through whom sales may be made. However, not all schemes have given the boards such extensive powers.

The Act requires the Minister to establish a committee (of seven members, including a chairman) capable of representing the interests of the consumers of all products covered by marketing schemes. This committee is charged with considering and reporting to the Minister on, first, the effect of any scheme on consumers of the regulated product, and secondly upon any complaints which may be made to them as to the effect of the scheme upon consumers.

Publicity for the Consumers' Committees (there are committees for Great Britain, for England and Wales, and for Scotland) has been minimal – though ways of improving it are currently being investigated. Their reports, which appear once every two or three years, are published by the Agricultural Departments and available without charge from them. They are summarised also in the Agricultural Ministers' Annual Report to Parliament on the operation of the marketing schemes. The average consumer is hardly likely to read such publications – although it should be pointed out that the average consumer hardly ever deals directly with the marketing boards anyway, since even when they

intervene in the market they are essentially wholesale rather than retail operators.

The lack of direct contact between the consumer and the boards and the low visibility of the Consumers' Committees results in very few complaints being received. It is therefore difficult to assess the accessibility of the arrangements. The Consumers' Committees might be thought to be less independent than some of the other bodies considered in so far as they are serviced by the agricultural departments and located within them. However, this arrangement does ensure that they have access to relevant expertise.

As far as authority is concerned, the procedure for acting on Consumer Committees' reports is protracted and complicated. First, the Minister is required to set up a committee of investigation, comprising five members and a chairman, charged with considering, on reference from the Minister: (i) any report from the consumers' committee; and (ii) any complaint made to the Minister as to the operation of any scheme which the Minister decides could not be considered by the consumers' committee. The committee of investigation has to decide whether the complaint, concerning a provision of a scheme, or act or omission of a board administering a scheme, is both contrary to the interests of consumers of the regulated product (or of persons affected by the scheme – the complainants to the Minister) and not in the public interest. If the committee reports that this is the case, the Minister may take one of four courses of action. First, he may do nothing. Second, he may make an Order amending the marketing scheme in whatever way he considers necessary to rectify the matter. Third, he may make an Order revoking the marketing scheme altogether. Finally, he may make an Order directing the board to take whatever steps to rectify the matter as may be specified in that Order. Before he acts, the Minister is required to give the board concerned a fortnight's notice of his intentions and to consider any representations that board may make. Moreover, any Orders he may make are subject to Parliamentary approval.

The committees include the usual range of persons active in public life and particularly in consumer affairs. As is usual with such committees, the 'ordinary consumers' who are not involved in any organisation or who have not held public office are conspicuous by their absence.

In the pre-war period the role of the consumers' committees was stressed as a means of preventing monopolistic action by the marketing boards to the detriment of consumers, particularly with regard to price. However, in the post-war period, with substantial government involvement through the guarantee system and similar support mechanisms, the boards no longer have primary, let alone exclusive, control of pricing. In consequence, the consumers' committees have been almost in search of a role and have tended to concentrate on quality, packaging and convenience.

Although acting on complaints is one of their statutory functions, the consumers' committees in fact rarely do this because very few

complaints are made. The one major report to emerge during the post-war period concerned the Egg Board's withdrawal of second quality eggs from the retail market in 1963/4 – a move designed to limit the market surplus and thus support the producers' price. Although the Committee acknowledged the reasonableness of the Board's action as a protector of the interests of registered producers, they felt it was equally unreasonable for consumers, some of whom would suffer hardship because of it. The Committee were far from convinced that health hazards justified the withdrawal of seconds, as had been argued for the Board. The Minister referred this report to the Committee of Investigation, which found that the Board's action had not been contrary to the public interest.

Other Bodies

In addition to the bodies considered in this report, a number of other statutory agencies have arrangements for dealing with complaints made by consumers. For example, the English Tourist Board considers a considerable number of complaints from dissatisfied tourists. However, unlike the agencies examined in this report, the English Tourist Board is not operating a national trading undertaking or providing facilities for the operation of trading undertakings (as does the Independent Broadcasting Authority). Rather, the English Tourist Board comments on, and seeks to influence, the activities of privately owned trading undertakings. The role of statutory agencies of this kind is an important topic but it is not within the scope of this report.

ASSESSMENT

The six criteria set out in the introduction apply to any set of arrangements for redressing grievances. However, while they do provide a common framework for assessment, the real questions arise when they are applied. It is self-evident, for example, that any set of arrangements must be well-known and complainants should be able to put them into effect easily. But how well-known ? and how easily ? How much publicity is necessary before these criteria can be considered satisfied ? What level of public awareness has to be achieved ? Is the criterion of accessibility a local bus-ride, a local telephone call or a well-known postal address ? Is a system which requires complaints to be put in writing inaccessible to those for whom writing a letter is a major undertaking ? To none of these questions is there an easy answer, shared by all and applicable in every circumstance. They are the questions upon which we have to exercise our judgement as we seek to apply the criteria.

A further difficulty with the criteria is that they can easily conflict. Expertise is frequently a matter of familiarity with and experience of the relevant subject-matter; such familiarity and experience are often only available through the organisation against which the complaints and grievances are arising. It can thus frequently conflict with the desire for independence – a conflict most readily apparent in the debate over the desirability of consumer councils' staff having backgrounds in the industry. Similarly, if one is considering the membership of such councils, one has to balance the requirements of expertise with those of representativeness: it is necessary to avoid the twin dangers of the lay mind being blinded by science and of the expert mind being blind to the needs of ordinary members of the public.

In applying these criteria we need to keep in mind the nature of the agencies against whom the complaints are directed. The complainants are neither simply consumers nor simply citizens. Although in most cases the complainant is an aggrieved customer, there is more to his relationship with the statutory agency than the simple market relationship of customer-vendor. The agencies are quasi-monopoly, publicly financed statutory corporations and each of those characteristics must have some effect on their relationship with their 'customers' and their treatment of complaints. On the other hand, the relationship is not totally dissimilar from the simple customer-vendor relationship, particularly as most of the agencies are under a (sometimes statutory) obligation to 'act commercially'. Throughout our assessment, therefore, we shall be trying to keep those two aspects of the relationship in balance.

A. Visibility

The criterion here is that 'the arrangements should be well-known, particularly to those likely to use them'. We have therefore two questions to answer: how well-known should the arrangements be ? and how well-known are they in fact ?

The prescriptive question is not entirely open-ended. If no-one knows, the arrangements fail. Equally, it would be impossibly unrealistic to expect that *every* member of the public should know the name, address and telephone number of the complaints bodies for all these services. It can, however, be argued that every member of the public should be able without difficulty to find out such information when necessary – and therefore that there should be some comprehensive method of publicity. If this view is taken, applying the criterion means examining what the councils do to publicise themselves rather than how many members of the public know what about which councils. Our judgement has been based on the expectation that the method of publicity adopted should be comprehensive.

On the factual question we need to be aware of two points: first, that the public's knowledge of what might loosely be termed 'public affairs' is notoriously poor (witness the inability of some to name correctly the Prime Minister and the Leader of the Opposition) even where there is saturation coverage in the media. Secondly, the public's knowledge varies considerably from one locality to the next, perhaps reflecting variable media coverage. A low rating can therefore have several explanations.

We have seen in the previous chapter that the National and Regional Gas Consumers' Councils have recently been undertaking a vigorous publicity campaign both nationally and locally. This campaign supplements the standard notice on the back of gas and fittings accounts which ensure that those who turn over and read such documentation know of the councils' functions and address. The Councils have also been cultivating the media with a view to increasing coverage of their activities but although this has led to more reporting of their meetings it rarely refers specifically to the complaints function, except when covering the Annual Report. The National Council commissioned an awareness survey last year which revealed that amongst gas users with complaints 21% were aware of the Gas Consumers' Council and a further 8% knew there was a special organisation set up to consider problems but could not name it correctly. These are national average figures which mask a wide range of regional figures. We acknowledge that the Gas Councils have done and are doing much to remedy their visibility problem but it remains our view that at present they remain simply not visible enough.

If one turns to electricity, the situation is similar. The south-western survey quoted in the previous chapter may be untypical, but its figures are remarkably close to the gas ones. As the electricity consultative councils lack a national council they have been unable to undertake a publicity campaign like that sponsored by the NGCC, but their area efforts have been similar. Again the standard notice on the back of accounts is supplemented by notices in showrooms, citizens' advice bureaux and similar places and the annual report is used as the main means of attracting publicity. But, also again, it is difficult to sustain media interest.

For the TUCCs to the problem of attracting media interest is added

the absence of an account on which to print details of the committees' functions and how to contact them. In consequence, their principal means of publicity is the placing of formica notices near station booking offices with additonal posters occasionally appearing elsewhere. On the other hand the TUCCs did benefit in the mid sixties from the publicity attached to their hearings of 'hardship' objections to proposed railway closures. Although we do not have survey evidence of public awareness, it is our view that the TUCCs do suffer greatly from lack of visibility.

The remaining bodies do little overt publicising of themselves. The Airline Users' Committee is having to contend with lack of co-operation in this regard and POUNC is having some difficulty in evolving the appropriate form of local publicity for what is essentially a national council. The IBA has given publicity to its own regulatory role, but not generally to that of the Review Board. The BBC publishes PCC adjudications in *The Listener* but otherwise complainants must rely on being told of the existence of these channels if they do not already know of them.

It is our general view, therefore, that in spite of some progress in some sectors, the grievance-redressing machinery as a whole should be much more visible than it is at present. While awareness of the gas consumers' councils remains disappointing, if other councils were able to match their publicity effort, there would be an undoubted general improvement in visibility.

B. Accessibility

By this criterion we mean that 'likely users should be able easily to put the arrangements into operation'. Clearly this is closely connected with visibility: knowing the function and location of consumer council means one is more than halfway towards being able easily to contact it. For those for whom the use of the telephone and writing formal letters present no difficulty, indeed, that will be the end of the matter, at least until the need for person-to-person contact arises. However, as we have already pointed out, there are many in our society for whom the use of the telephone and writing formal letters is an obstacle and who prefer to conduct their affairs by calling personally at the appropriate location. For them the accessibility of that location is crucial. Here the consultative council system can, at least in theory, score very highly, for it provides not only the possibility of a centrally located office, such as the southern electricity consultative council's office in Reading, but also the widespread distribution of points of contact in the form of members of of the local committees, a significant proportion of whom are local councillors. Unfortunately, the theory tends to break down in practice because local councillors, even under a reorganised local government system, are not very visible themselves. In practice, therefore, the councils are easily accessible only to those who are happy to use the telephone or write and those who happen to live in the town in which the council offices are situated. Inevitably, given the size of the areas covered even by the regional/area councils, the latter category is a relatively small one.

Again, the gas and electricity councils have been trying to counter

this problem by publicising the names of local representatives, usually by notices in showrooms and similar places. Unfortunately, the evidence of the use made of local representatives by complainants is too uneven to enable a reliable conclusion to be drawn about it. However, it does not seem to be the case that the system has yet been able to fulfil its theoretical promise. We acknowledge, of course, that most social agencies have an accessibility problem of this kind.

Another aspect of accessibility relates to council meetings: how open are they to the public, and in particular to a complainant whose case is under discussion ? Here there may be a conflict between substantive and procedural conceptions of justice. It is of course desirable that justice should be seen to be done but it is also desirable that people should be able to avoid having their personal affairs, especially financial and domestic affairs, revealed in the public press. Most of the councils have decided upon the compromise solution of having only those meetings at which personal cases were not to be discussed open to the public and the press. We are inclined to the view that this is a sensible solution, which preserves reasonable expectations of privacy.

Practice with regard to the attendance of the complainant varies: some councils encourage the complainant to appear to put his case, others virtually prevent him doing so. We believe that it would be better if practice were universal here and that the complainant be given the opportunity to appear if he wishes, and to present his own case if he wishes. This may mean that his case is not presented as well as it would have been by the council's secretariat and it may be that in some cases the case might not be treated as sympathetically. Nevertheless, it remains our view that the complainant has a right to present his own case, to hear the answer to it and, where appropriate, to contest the evidence. He is much more likely to feel he has had a fair hearing if he has been present than if he has been excluded.

C. Independence

This criterion is that 'any person or body deciding on the validity of a complaint or grievance and the appropriate remedy should have no interest in the way in which the case is decided'. Again, this neutrality must not only be the case, but also be seen to be so. This means looking at several features of the arrangements: the appointing process, membership of other bodies, remuneration of members, staffing, location and finance. But in addition to those institutional points one must also look at the performance of the grievance-redressing body: does it, in practice, reach significantly different decisions from those of the statutory agency ? Only if it is known to do so will the public have confidence in its independence.

The advent of the Department of Prices and Consumer Protection has made an important difference to the institutional arrangements. That department now 'sponsors' the consumer/consultative councils for gas, electricity, transport, coal and the Post Office – i.e. all the major ones. It is the Secretary of State for Prices and Consumer Protection who

appoints the members, albeit after consultation with interested parties in most instances, and who funds the councils' activities. It is also that Secretary of State who is responsible for approving staffing levels and the like. Prior to the establishment of the DPCP, such powers were exercised by the sponsoring departments of the industries concerned (industry, environment, energy and so on) and in a number of cases the industries themselves were responsible for providing the finance. Undoubtedly the breaking of the link with the industry and the establishment of the link with the 'consumers'' ministry rather than with the 'industry's' ministry have helped to underline the formal independence of these councils.

For the other committees, the links with the body whose activities they are reviewing are rather different. The CAA's Airline Users' Committee and the IBA's Complaints Review Board are attached to authorities which have regulatory responsibilities and do not themselves provide the services which are likely to give rise to complaints. They may, of course, be implicitly criticised for not having exercised their regulatory powers so as to prevent a complaint arising. However, their regulatory position does not prevent their close links with the review bodies from compromising the latter's independence. The BBC's Programme Complaints Commission and the BAA's Airport Consultative Committee are formally linked with their 'parent' bodies but the way in which the appointment and financing provisions are operated does seem in practice to protect the independence of the reviewing bodies.

Location is one of the most important factors affecting the appearance of independence. If a review body shares the address and telephone number of the organisation it is reviewing, it will be extremely difficult to convince an aggrieved member of the public that the links go no further than that. It was, in our view, unfortunate that for so long the situation was allowed to continue in which most of the councils were located on the same premises as the statutory agencies. Since the mid sixties, however, in most cases they have removed to separate premises and we welcome this. We note that the regional panels of the Approved Coal Merchants Scheme are mostly located on the NCB premises: although the NCB is not directly involved as a party, we are inclined to the view that most consumers would not consider their premises 'neutral territory'.

Two key positions in any organisation are those of chairman and secretary. From the point of view of independence these are crucial too. At present only the chairman of the electricity consultative councils are also members of the boards they are established to check. The device of making the chairman of the consultative council an *ex-officio* member of the board has frequently been criticised on the grounds that it compromises the independence of the council and places the chairman personally in an untenable position. It has been noticeable in our research that the electricity councils are strongly of the opinion that this link should be maintained and the gas councils, which lost the link when the British Gas Corporation replaced the area gas boards, regret its loss. We have been impressed by the arguments and evidence which suggest that,

far from compromising the council's position, the chairman's position on the board increases the council's influence to a significant degree. We have not seen evidence that the chairman 'pulls his punches' when dealing with board management at council or local committee meetings. Moreover, at a time when serious consideration is being given to the involvement of employees' representatives in management and policy-making, it seems odd to remove consumers' representatives on the grounds that involvement/participation is compromising. It is, therefore, our view that the chairmen of the major councils should be made *ex officio* members of the appropriate industrial board. (In the case of gas, this would mean the BGC adopting a regional board system similar to that employed by the Post Office in some regions, in which outside 'lay' members sit with managers.)

In the case of secretaryships, the argument is rather different. We have now, fortunately in our view, moved from the system of part-time secondment for servicing of the councils and most councils have their own appointed staff. What is at issue now is whether that staff should have a background within the industry. Undoubtedly, the main argument is that of expertise, to which we shall be returning under the next criterion. However, it does appear to some that a secretary whose previous career has been on the staff of the statutory agency which is the subject of the complaint may *ipso facto* be biassed in favour of the statutory agency. Certainly, a secretary who is on secondment from the agency will be suspected of being so biassed, even if he has no intention of returning. We have noted that the secretaries of the regional gas consumer councils have mixed backgrounds: some were previously employed by the gas corporation/area boards, others have backgrounds outside the industry, e.g. in local authority work. It has not been evident to us that these different backgrounds have made a significant difference to the effectiveness of the councils – i.e. it does not appear to be the case either that the expertise arising from the industrial background is essential, or that the bias which might come from the same background is inevitable.

Another aspect of this problem is that a background within the industry makes status comparisons possible. It is invidious if the representative of the statutory agency's management with whom the council secretary is dealing is obviously very much senior in rank. The position is much worse if the secretary is on secondment, but it is not wholly satisfactory even when he is not. Although this point relates more directly to the authority criterion, it has obvious relevance to the effect of secretarial backgrounds on the independence of the councils.

Although some of the features discussed above do raise doubts as to the reality of the councils' independence, the evidence of the actual operation of the councils rarely confirms those doubts. Particularly – but not only – in gas and electricity, we have seen ample evidence of the councils' willingness to support complainants against the industries and agencies and to criticise them firmly and openly. In the last resort, it is this which counts. If a council has a strong and independent

chairman (and the Secretary of State has clear responsibility for that), then the fact of its independence will soon become apparent to potential complainants. The number of complaints which have been satisfactorily resolved by the councils in recent years underlines the significance of this[18].

D. Expertise

'Any body deciding on the validity of a complaint or grievance and the appropriate remedy should have itself, or easily available to it, the technical competence necessary to the making of a reasonable decision' is the criterion we are applying here. We have already mentioned that this criterion can conflict with the desire for independence. It has also to be borne in mind that it can conflict with the desire for representativeness. It is an implicit feature of the consultative council system that the council members are 'lay' rather than expert, even though their membership may be a consequence of nomination by an interested party. The predominant category of members is that of local councillors, who are representative at least in the sense that they are the product of an electoral system. It is also assumed that they are not untypical of consumers of the goods or services provided by the statutory agency in question.

It is also necessary, however, that the statutory agency's management should not be able to pull the wool over the council's eyes with technical argument; or, to put the point more positively, the council members should be sufficiently confident in matters to which technical considerations are relevant to be able to contest the manager's judgement or argument. While there is much that can be achieved by the intelligent layman, it is also true that, in the energy and communications sectors particularly, technical matters frequently loom large.

Judging from the membership of the councils and the backgrounds of their staff, we have concluded that they seem to be adequately served in this matter of expertise. There is, however, always the possibility that a particular situation might arise in which a council does lack the necessary expertise. In such instances we believe that they should be able to obtain it from outside consultants, where these are available – 'in electricity supply there are few experts outside the boards'. The Department of Prices and Consumer Protection should therefore ensure that adequate provision is made in consultative council budgets to cover such contingencies.

E. Authority

This criterion is that 'any person or body deciding on the validity of a complaint or grievance and the appropriate remedy should be in a position to ensure that its decision is effective'. It is of little help to an aggrieved complainant to be told that he is right but that nothing can be done about it. Effective action rather than sympathy is what the aggrieved seek. The question is, therefore, whether the grievance-redressing bodies

[18] See Appendix 1.

are able to ensure that action is taken. Formally, the answer to that question is clearly no. The councils are ultimately advisory bodies, with no executive or judicial powers. Their decisions are binding on no-one. Executive authority remains with the statutory agencies, in whom it is vested by Parliament.

It is not our view that the councils should be put in a position to make decisions which are formally binding on the statutory agencies. Not even Ombudsmen can do that. The councils' authority cannot be extended into the executive or judicial spheres. This means that in the last analysis theirs will be a role of influence rather than of power. However, that having been said, it is our view that the councils should be very influential indeed and that their considered advice – at least on the subject of representations/complaints/grievances – should only de disregarded in the most extraordinary circumstances. In short, it is our view that the councils should exercise effective, though not formal, power in this sphere.

We have been glad to learn from the research that for many of the councils the position in practice is very close to that. It was evident from our investigation of the gas and electricity councils that, on the matter of representations, it was very rarely the case that the region or area board stood out against the considered view of the council[19]. The trend of this evidence was confirmed by our inability to discover many instances of aggrieved complainants who remained aggrieved after going through the whole procedure. We are not, however, so sanguine about the position with the other major councils, with whom there seemed to be a greater disposition to accept the explanation offered by the statutory agency, be it British Rail or the Post Office. In the case of POUNC this may well be because complaints work features much less in their activities than it does with the other bodies. Even so, it was apparent that both the TUCCs and POUNC were also able to achieve remedies for complainants which had not previously been forthcoming.

The BBC's complaints body is a good example of how authority can be generated irrespective of formal powers. The nature of its membership guarantees that its findings will not be lightly disregarded and we have no doubt that it meets the authority criterion both in theory and practice. The IBA's complaints body does not carry the same weight, but then it is performing a rather different role. Given the regulatory role which the IBA itself has to perform, it seems to us that the CRB does carry the necessary authority. Whether this is fully apparent to potential complainants is another matter – particularly if associated with their complaint against a programme is the view that the IBA should have exercised its powers to prevent the complained of matter appearing.

Amongst the more general criticisms of the consultative council system which are sometimes to be heard is the charge that they are 'toothless'. While this is formally true, and in our view should be so, we do not find

[19] See Appendix 2, in particular A & B.

that in practice it is generally the case. On the other hand, we do feel that for some of the complaints bodies a lack of authority is evident.

F. Representativeness

By this criterion we mean that 'any person or body deciding on the validity of a complaint or grievance and the appropriate remedy should be reasonably representative of the public at large'. We have already alluded to the possibility of conflict between this criterion and the fourth, expertise. Our adoption of representativeness as a criterion is based on two judgements: first, we believe it is in accordance with the norms of our democratic society that public participation should be maximised. Second, and more significantly in this context, we believe that decisions from broadly representative bodies are more acceptable – to both complainant and statutory agency. It was noteworthy in the research that a number of managers explained their willingness to defer to the judgement of a local committee or consumer council in terms of the broad, lay character of such bodies. We also believe that an aggrieved member of the public will have more confidence in such a body, will feel more confident in his own ability to deal with it, and will accept decisions going against him more readily.

The major consultative councils score heavily on this criterion, mainly – though not only – through the local authority representation. On the other hand, the BBC and IBA complaints bodies come out poorly – no doubt because their function is more limited. It was significant in our view that the Heathrow Airport Consultative Committee, having decided to establish a Passenger Services Sub-committee which could deal with complaints from members of the public, found the question of recruitment to that sub-committee difficult to solve. Airline passengers and airport users are not typical of the public at large anyway, nor are those who have the qualities desirable to make judgements on complaints. Moreover, one important qualification is the ability to make onesself available, which is certainly not equally shared throughout the population. We are aware that those responsible both for appointing members of the councils and for co-opting members to committees have had difficulties in finding potential members who were both suitable in terms of maintaining the representativeness of the council or committee and available. The often most sought after recruit, the young mother, is also the least likely to be able to serve in practice.

We adopted representativeness as our sixth and last criterion and believe that that is its appropriate position in relation to the others. It is desirable that grievance-redressing bodies should be representative, but not so desirable that, for example, their evident independence or accessibility should be reduced to achieve it.

G. Overall Assessment

It is clear that there are imperfections in the present machinery as well as strengths. Two imperfections concern us most: first, the seemingly low visibility of the councils; and second, a lack of more evident independence. The two could well be connected. The visibility problem continues

to exist in spite of considerable efforts by some of the councils in recent years to improve public awareness of their activities. In our survey of M Ps it was noticeable that most respondents reported that their constituents had not sought the aid of the appropriate consumer council, and that in their (the M Ps ') opinion it was unlikely that they had heard of it. Indeed it was apparent that a good number of M Ps are as poorly informed in this area as are their constituents.

It is also clear from even a cursory examination of the media that a not inconsiderable number of people choose to approach them, and their consumer programmes or action columns in particular, when they have a complaint which is unresolved. The choice may be uninformed, in that the complainants do not know of the existence of the councils, or it may be deliberate, in that complainants do not think they will obtain satisfaction from such a body. We do not wish to suggest by this that the media are 'doing a better job' (partly, of course, because their 'job' is a very different one from that of the councils) but rather that the fact that complainants resort to the media in spite of the existence of the councils is indicative of the extent of the visibility problem, and perhaps of the independence problem also.

To be fair, we must note that in one respect both the media and M Ps have an important advantage over the councils: because they handle many fewer cases *in toto*, and because they are more public, they are able to resolve cases much more quickly. The ability to go direct to the board chairman, as in the case of M Ps, or to senior board management as is often the case with the media, is only available if it is rarely used. It certainly will not operate if hundreds of cases are involved – and the councils are dealing with hundreds of cases, whereas the other channels are dealing at the most with tens. The other channels, therefore, are a means of jumping the queue – and like many such means work only so long as relatively few use them.

Nevertheless, it remains our view that the current machinery should be more visible and in our recommendations we have addressed ourselves to the question how this could be achieved.

The independence problem is also in our view as much a matter of visibility as anything else. It will be apparent from our discussion of this criterion that we have not found much evidence to suggest that the consultative councils are in fact dependent: they clearly do act independently and to the benefit of the aggrieved. Moreover, we have noted the stress on their independence in much of their recent public relations material and the improvement in the appearance of independence which has accrued from the changes in financing, staffing, and locating the councils. However, even when all that is taken into account, it appears to us that the independent position of the councils in something which has to be *demonstrated*, rather than being self-evident. It is quite clear that many of the public, albeit mistakenly, equate the gas and electricity councils with their respective boards. This may indeed be an inevitable consequence of the terminology: it is not difficult to see why the layman

should connect the 'southern gas consumers' council' with 'southern gas' until he learns otherwise. The confusion is likely to be even greater with the title 'southern electricity consultative council'.

The crucial point in our view is that the independence of the machinery must be clear for all to see. As it happens, although the machinery is in fact largely independent, it is not on the whole believed to be so by the general public. This may be part of the explanation for the public's – or, more strictly, some of the public's – unwillingness to use the official machinery.

The lack of public confidence in the independence of the consultative council system is also reflected in the public's view of its authority. Again, when discussing that criterion, we noted that in practice the system does seem to be authoritative, in spite of the absence of formal powers. Nevertheless, it is a commonly held view that these councils are 'toothless'. Three explanations seem to apply here: first, simple ignorance about what the councils can and do achieve – a not inconsiderable factor in respect of M Ps for example; second, a prior assumption that the councils lack independence and cannot therefore be authoritative; and third, the councils' own emphasis on conciliation rather than arbitration. The fact that the councils often deliberately eschew an adversarial role does lead some to conclude that they are not independent, or authoritative.

As a result of our assessment, therefore, we have concluded that two particular aspects of the consultative council system are a cause for concern: first, their lack of visibility; and second, lack of public confidence in their independence and authority.

ALTERNATIVE SYSTEMS

In this chapter a number of alternative systems remedying grievances are evaluated in the light of the criteria used in this study. The Committee gave serious consideration to these alternatives, as a result of which it came to the idea, discussed in the final chapter, of a Nationalised Industries and Agencies Commissioner.

1 Concentration of consumer councils

It was suggested that there could be general purpose regional consumer councils, each of some thirty or so members, with area committees as at present exist for gas and electricity. The regional councils would be appointed as at present from nominations made by local authorities and interest groups. These councils would receive consumer complaints in respect of gas, electricity, coal, railways, buses and other nationalised transport industries and also the postal and telecommunications services. Because of the specialised clientele served, separate arrangements would still be necessary for the airlines and airports. The arrangements for broadcasting complaints and for agricultural marketing boards would continue as at present. The resolution of complaints about broadcasting bodies often requires special facilities and/or expertise which it would be difficult and expensive to provide on a regional basis.

Each council would have a full-time chairman and two deputy chairmen, and would be staffed by a co-ordinating secretary and deputy secretary with a small staff (as at present) for each industry in the region. There would also be a National Council to act as an appellate and co-ordinating body with perhaps some 'first instance' jurisdiction for matters of policy.

Visibility would be more easily achieved with the suggested concentration of functions. It should be easier to obtain publicity for – and, more importantly, make an impact on the public mind – with one consumer body instead of a complex system of bodies with different functions and powers. With the concentration of staff, it might be possible for one staff member to devote all or most of his time to the improvement of relations with the mass media.

Accessibility would be improved. The consumer would only have one body to approach and as members of staff would specialise in particular industries, contacts with the industries would not suffer. A greater measure of *independence* could be achieved and the councils could be more convincingly presented as being independent. Instead of having a series of bodies associated with particular industries, there would be a single body associated with the idea of obtaining redress for the consumer.

Expertise would be retained as the council would have the staff who specialised in each industry. As far as *authority* is concerned, there could

be no assurance that the recommendations of the newly formed regional councils would be adopted, but at least they would be seen to be bodies of consequence whose decisions might seem 'newsworthy' to the media. This proposal fulfils the criterion of *representativeness* better than proposals for a regional commissioner or 'Ombudsman'. An element of citizen participation is preserved through the nominated membership of the regional consumer council.

These proposals would cost relatively little to implement. The running cost might in the long run not be greatly increased, as any initial increase in staff would be offset by the reduction in the overall number of councils and committees and of persons serving on them. However, revising the existing machinery and setting up new bodies would inevitably involve some expense which ought if possible to be avoided in present circumstances. Although they saw merit in the proposed general purpose regional consumer councils, the committee was of the view that they did not go far enough in the direction of creating a set of grievance redressing mechanisms which satisfy the crucial criterion of independence.

2 'Ombudsmen'

It was suggested that consumer complaints against the nationalised industries could be handled by a 'Ombudsman' or 'Ombudsmen'. There are various forms of this proposal :

1. The 'Ombudsman' could be concerned with complaints in the first instance or he could be limited to cases where the complainant was dissatisfied with the decision of the consumer council machinery.
2. The 'Ombudsman' could simply be concerned with complaints against the nationalised industries; his jurisdiction could extend to other statutory agencies such as the Highlands and Islands Development Board and the tourist boards; or there could be a comprehensive reform of the 'Ombudsman' system which would include provision for dealing with complaints against the nationalised industries and other statutory agencies. One could have a single national 'ombudsman' or a series of regional 'ombudsmen'. One of the advantages of having a series of regional 'ombudsmen' is that they could, by making appropriate use of the local media (including radio stations), become highly visible figures in their regions.

Canadian experience shows that the provincial ombudsmen there can deal effectively with complaints against public trading bodies and some of the Canadian provinces have a similar population range to that of an English region.

New Zealand offers an interesting example of a country with political institutions and arrangements similar to those of Britain in which an Ombudsman deals with complaints against state trading undertakings. One significant difference, however, is that New Zealand has generally favoured the departmental form of organisation for its public utilities (e.g. electricity and railways, although there are exceptions such as the New Zealand Natural Gas Corporation).

In addition, however, New Zealand Governments have sometimes felt that it is preferable to organise, in the form of corporate bodies, trading activities in which the Government has a more limited interest. Whilst these are under the direct control of a ministerially appointed board and legally separate from a government department, a Minister of the Crown is usually designated as being in charge of such a corporation, the constituting statute normally requires that they comply with governmental directions, and they are staffed by members of the Public Service. Corporations such as the Public Trust Office, the State Insurance Office, the Housing Corporation of New Zealand, and the Rural Banking and Finance Corporation of New Zealand, fall into this category. Both Government departments and these closely associated corporations are subject to the Ombudsman's jurisdiction.

On the other hand, there are two main forms of trading organisation in which the Government maintains a less direct and extensive control and which are not at present within the Ombudsman's investigatory power. First, there are the statutory corporations which corresponds to the public corporation we have in the United Kingdom. Whilst they may be required to comply with directions from the Government, they are not subjected to the control or charge of a Minister of the Crown and are not staffed by civil servants. Examples are the New Zealand Natural Gas Corporation and the corporate bodies which have been set up to provide broadcasting and television services in New Zealand. Secondly, there are the companies incorporated under the Companies Act. In a number of cases the Government have acquired quite extensive shareholdings in companies established under this Act, such as Air New Zealand, the Bank of New Zealand and the New Zealand Shipping Corporation. Over these special statutory corporations and companies, the Ombudsman has at present no jurisdiction, although it has recently been suggested that the Ombudsman's jurisdiction should be extended to include at least the corporations relating to television and broadcasting.

The New Zealand Ombudsman, Sir Guy Powles, informed the Committee that he had not experienced any particular difficulties in dealing with complaints against straightforward trading undertakings and, indeed, that the availability of private sector trading activities as a yard stick made his task somewhat easier than with purely governmental functions. This view was confirmed by Dr L.B. Hill of the University of Oklohoma who has carried out extensive research into the work of the New Zealand Ombudsman. Dr Hill also pointed out that although some of the problems raised are highly complex and technical, usually it is not very difficult to reduce them to manageable terms.

The committee felt that, in this country, any system of regional ombudsmen would not be able to operate effectively if their powers were as limited as those of the Parliamentary Commissioner are at present. In particular, it was suggested that regional ombudsmen should not be limited to maladministration but should also be able to report on unreasonable actions or decisions by government departments, nationalised industries or other statutory agencies. The public would need to have direct

access to all ombudsmen.

As has been pointed, a system of regional ombudsmen would be more *visible* than the present arrangement. Provided that there was direct access, *accessibility* would be enhanced. An ombudsman would be seen as more *independent* than the present arrangements, although this would have to be balanced against the loss of *representativeness* that would result from the replacement of a system of consumer councils which have a representative element by a non-elected official. Whether there was a loss of *authority* would, in large part, depend on the restraints under which the ombudsmen had to operate. There would be a loss of *expertise*, although this would in part depend on the qualifications of the staff employed to help the ombudsmen.

The introduction of a system of ombudsmen to deal with complaints against the nationalised industries would undoubtedly help to improve one of the main deficiencies of the existing system of consumer councils, their lack of visibility. It would also help to remedy another of their major deficiencies, their apparent lack of independence. However, the proposal for a system of ombudsmen would be expensive to implement. If one accepts that the present system of consumer councils works reasonably well, given the need for the nationalised industries to retain some autonomy, then it is difficult to justify the considerable disruption that would inevitably occur in the change to a fundamentally different system for dealing with consumer complaints.

3 Local Authorities

The suggestion here is that local authorities, whose consumer protection functions have been considerably expanded in recent years, be empowered to take over the complaints function at present performed by the consultative councils. In effect, therefore, an aggrieved complainant would take his case to the consumer protection department at the town or county hall, whose officials would then pursue it with the appropriate statutory agency on his behalf.

The attractions of this suggestion are several: the local authorities, especially those with consumer advice centres, have become much more *visible* recently with regard to consumer protection. They already have some powers – e.g. under the Trades Description Act – which can involve their taking up a consumer's complaint with the gas, electricity or postal services. The public at large are at least as familiar with the consumer protection role of local authorities as they are with the functions of the consultative councils, and it is easier to promote that role through local authorities than through the individual consultative councils. Moreover, even after local government reorganisation, the offices of local authorities are much more *accessible* and familiar to most members of the public than those of the consultative councils, whose areas cover at least several different counties, not to mention districts.

As regards *independence*, there can be no denying that the local authority consumer protection departments are more obviously independent of statutory agencies like the Gas Corporation than a body named the Gas

Consumers' Council. However, it is still possible, and may be even likely, that members of the general public would continue to identify local authority departments with 'them' in a similar way to their tendency to identify the consumer councils with the boards now. This would be even more likely if cases were dealt with almost exclusively by officials, as would almost certainly happen in most local authorities.

While local authority consumer protection departments obviously have experience and *expertise* in dealing with consumers' problems, it is unlikely that they could match that which is currently available under the consultative council system[20]. The range of problems which a local authority consumer protection department has to deal with is inevitably much larger and only if considerable numbers of staff were available so as to permit specialisation could they match the expertise of a consultative council secretariat dealing exclusively with the problems of their particular industry. This has been apparent in some of the cases uncovered by our research in which both C A Bx and local authority consumer protection departments found themselves unable to deal with problem cases and belatedly referred them to the appropriate consultative council. Equally important, the background of local authority consumer protection work is broadly that of 'trading standards enforcement'. This is rather different from the conciliation-arbitration approach which the consultative councils have used when dealing with consumer problems with the nationalised industries. The difference between the two could be a considerable handicap. (We do not consider that the 'trading standards enforcement' approach is particularly suitable for grievances against statutory agencies, since the grievances which arise are rarely of that kind. If such an approach were adopted, it would in any case tend to be less advantageous to the aggrieved consumer than the conciliation approach, since the consumer would have to show a breach of the standards. At present his sense of grievance in itself gives him a *locus standi.*)

With the *authority* criterion, much would depend on what powers were to be given to the local authorities. If the pattern of their present powers with respect to other goods and services is followed, there would be no advance on the present situation since statutory agencies are already subject to them. If additional powers are granted – presumably on the grounds that further controls are needed for statutory quasi-monopolies in receipt of public funds – one would again be encroaching on the executive authority of the statutory agencies, which, as we shall argue later, is unacceptable. In short, therefore, it is difficult to see how this criterion would be more effectively achieved by a shift from consultative councils to local authorities.

In respect of *representativeness*, the shift would not only not help, it would actually make things worse. We have already noted the substantial local authority representation on the consultative councils, so there would be no positive gain. What would be lost would be the representation

[20] See, e.g., Appendix 2, Case B2.

of other groups, voluntary organisations and the like. Moreover, it is our impression that council and committee members are more involved in the treatment of individual cases under the present consultative council system than are the elected members of local authorities when they are dealing with case work. On this criterion, therefore, a definite loss would be registered.

In present circumstances, we must also take into account financial implications. The general pressure upon public expenditure is especially fierce in the local authority sector, so much so that further cuts in services and standards are under active consideration. Any extension of the consumer protection function in the manner suggested would be expensive, in terms both of money and manpower. This must be a powerful argument against this suggested solution. If the function of redressing grievances against statutory agencies is to be more effectively performed, and especially if one requires more visible and more accessible machinery, then it must be placed where more, rather than fewer, resources are likely to be devoted to it.

We have not, however, rejected this solution on grounds of finance alone. Considering the criteria together, we are not convinced that the advantages which would accrue from the switch to local authorities in terms of visibility, accessibility and perhaps independence, would outweigh the loss of expertise and representativeness, and possibly authority. If one also takes account of the disruptive effect of such a change, then it becomes clear that it is not worth making.

4 Office of Fair Trading

This alternative envisages extending the powers of the Director-General of Fair Trading to enable him to intervene with statutory agencies on behalf of aggrieved complainants. He would, in effect, become a sort of consumers' ombudsman, capitalising on the current fashion of the media to project him as the consumer's 'chief watchdog'. One advantage this proposal has over the Ombudsman alternatives discussed earlier is that the Office of Fair Trading already has a network of Consumers Advice Centres upon which to draw. It is admittedly a limited network, but the Government is committed to extending it.

In assessing this proposal in terms of our six criteria we will see that it has the combined advantages and disadvantages of the ombudsman and local authority proposals. The Director-General of Fair Trading has the same *visibility* advantages as an ombudsman and can be easily promoted on a nationwide scale. In terms of *accessibility*, the network of Consumers Advice Centres would need to be substantially extended to give anything like the coverage a local authority based system would provide – which would be expensive. The *independence* of the Director-General, and the Centres, of the statutory agencies against which complaints were being laid would be manifest, although there would be a similar – perhaps greater – tendency to link a central government official with 'them'.

Expertise would be more of a problem. The first Director-General of Fair Trading had a legal and industrial background, admirably suited to

his chief task of extending consumer safeguards through the law, voluntary codes of conduct and the like. The task of taking up an aggrieved consumer's case with one of the nationalised industries is rather different. He could, of course, delegate this task to staff employed specifically for the purpose – and indeed he would have to do so to handle the likely case-load. However, the difference between this proposal and the existing consultative system under which most cases are dealt with by staff employed for the purpose, would be negligible.

The *authority* of the Director-General of Fair Trading under this proposal would be similar to that of an ombudsman, or indeed any other system, with the additional advantage that he has the ability to recommend legislative change. However, we do not consider that in practice that advantage would prove to be particularly significant. As regards *representativeness,* this proposal suffers markedly in comparison with the consultative council system, or indeed a local authority based system. In this respect it would constitute a regression.

It is, therefore, our general opinion that this alternative does not offer a significant balance of advantage over the present system. We also doubt whether the basic concept of altering the Office of Fair Trading's functions would be acceptable to government.

CONCLUSIONS AND RECOMMENDATIONS

Introductory

It will be apparent from the previous chapters that we have concluded that the alternative systems of redressing grievances would not mark a significant advance on simply strengthening the existing arrangements. In the light of the research undertaken, we believe that the existing arrangements, if strengthened in three ways, can provide a satisfactory mechanism for redressing grievances. The three ways in which we believe the system needs strengthening are: first, to ensure that its independence is more manifest; second, to improve the visibility and accessibility of the arrangements; and third, to improve public confidence in those arrangements. This last is the vital factor. However satisfactory arrangements might seem to those who design or operate them, or indeed to those who study them from the outside, if the public lacks confidence in them, then they have failed. This is especially true of arrangements designed to redress grievances. The aggrieved citizen or consumer must be confident that he will receive a fair deal when he makes a complaint or representation; otherwise, he will not bother to complain and will retain his sense of grievance.

It is our belief that public confidence is closely linked to the manifest independence of the arrangements. The aggrieved citizen or consumer will only believe he will get a fair hearing if he is convinced that the ultimate decision does not lie in the hands of someone who has an interest in the outcome. This was our criterion of independence and we do not think its importance can be under-estimated. It is because of this that we make our most substantial recommendation, which is for the establishment of a Nationalised Industries and Agencies Commissioner (NIAC), along lines similar to the Parliamentary Commissioner for Administration. We believe that such a figure, independently appointed and of national significance, would be clearly seen to be independent of the statutory agencies against which people might want to complain. As a national figure, he would not only be more visible than the consultative councils anyway, but he could also be more easily promoted through the media. The existence of such a figure at the head of the complaints system would give it a much-needed unity which would aid public understanding, and provide a link with other systems of redressing grievances in the public domain, particularly if the office were held by the same person as the Parliamentary Commissioner. For those reasons, we believe that the establishment of a NIAC along lines which set out in more detail later in this chapter would give a much-needed boost to public confidence in the machinery for dealing with complaints and grievances against statutory agencies.

However, we do not believe that with the establishment of a NIAC all would automatically be well. Indeed, the research has convinced us that several other improvements must be made if the system is to function effectively. All of these are improvements which have been tried some-

where or other already, and to that extent this part of our recommendation can be seen as the application of 'best practice' across the whole field of redressing grievances against statutory agencies. If these improvements are adopted, the task of the NIAC will be rendered much easier, and we shall therefore consider them first, before setting out in detail how we envisage the NIAC operating.

Improving the present system

The first improvement which is necessary is the *standardisation* of arrangements and procedures wherever possible. It is true that the goods and services provided by statutory agencies are different in many important respects, but it is equally true that there are important common elements to the process of dealing with complaints. This is especially so in the same industry. Since the establishment of the National Gas Consumers' Council the regional gas councils have begun to standardise their arrangements, for example for recording complaints and analysing them. It is surprising this has not happened before, and that it has not yet happened in electricity or transport. In many cases, the councils are dealing with similar problems – *e.g.* excessive energy consumption or poor servicing – and certainly the basic process, from complainant to council to the industry's management, is the same [21]. Councils vary in their own administrative procedures and in their area or divisional committee structure. Sometimes there may be good reasons for these variations, but equally they are sometimes different for no reason at all. We believe that the councils should operate as far as possible in the same way, in accordance with standards which could be laid down after consultation, by the Department of Prices and Consumer Protection. Where necessary, such standards could be disregarded, but the onus would be on the Council to convince the Secretary of State that there was a good and particular reason for such disregard.

Some of the matters in which standardisation is desirable, like links with the press, staffing and the like, we discuss below, but the most important process to be standardised is that of communication with the complainant and the industry. Very often ineffective communication is at the root of complaints. It is even more infuriating if one discovers the same phenomenon in the bodies established to remedy complaints. At least one regional gas consumers' council has agreed standards for its own operations and for its liaison with regional gas management which lay down such things as the maximum length of time for replies, interim or final. The complainant who is kept in touch with progress, even if that progress is slow, will at least be sure he has not been forgotten. Again, some councils encourage complainants to appear and personally argue their case, some permit the complainant to appear if he wishes, others discourage personal appearances. We have already made clear our view that the aggrieved party should be able to appear in person, and should be aware of this. We also believe that this should be standard practice.

The second matter which requires improvement is *access*, which follows

[21] See Appendix 2.

directly from our criteria for assessment. We believe that councils should do everything possible to permit easy access. One obvious way is by links with Citizens Advice Bureaux and Consumers' Advice Centres. These are all purpose complaints bodies and the former certainly benefits from its non-identification with officialdom. For many with a complaint the High Street office of a CAB or a CAC would be the most convenient and least intimidating place to go. In our view, the consultative councils should capitalise on this by developing their links with the bureaux and centres as much as possible. By this we do not mean simply that they should ask the bureaux and centres to act as post boxes: rather, they should go beyond this and assist the bureaux and centres themselves to deal with cases as they arise[22]. This could be achieved either by secondment of consultative council staff or by the consultative councils helping to train bureaux volunteers or CAC staff in the particular problems of their industry. The prime objective should not be how many clients each organisation deals with, but rather how many clients are dealt with altogether. If the consultative councils and CABx/CACs can be knitted together in this way we believe that not only will many complainants have their grievances resolved who fail to do so at present, but that public confidence in the consultative councils themselves will be extended.

In some circumstances it would be possible to take these links even further. There would be considerable advantages in the regional centres, for example, having the consultative councils and consumer advice centres located in adjacent if not the same premises. In other places where the centres are being set up, the local members of the district/area committees of the various consultative councils could hold surgeries, which would disseminate awareness not only of the consultative councils but also of their local representatives. Potentially these local representatives could provide a much more extensive coverage than even the most ambitious schemes for a network of consumer advice centres. That potential can only be fully realised if their existence and function is made known.

That takes us to our third improvement, in *publicity*, which is linked again to the criterion of visibility. We have noted in particular the campaign by gas consumers' councils which we believe sets an example which should be followed by others. Our proposal for a NIAC would have some publicity spin-off for the consultative councils, especially if he publicises his activities. Similarly, if the consultative councils simplify and standardise their procedures, then joint or even common publicity would become a real possibility. And the development of close links with the citizens advice bureaux and the consumer advice centres is bound to have a significant impact upon visibility. But in addition to all this, we believe there is one particular direction in which the councils can help themselves and that is in their relations with the media. First of all we believe that it should be standard practice to give the media every opportunity to report on the activities of the councils, consistent with the protection of individual privacy. We recognise that there are difficulties here, but they are not insuperable and the gain from more extensive press coverage would be

[22] See e.g. Appendix 2, Cases A6 and A9.

considerable. Not only would it improve public awareness of the councils' activities but it would also improve public confidence. Secondly, we believe that the councils should seek press coverage over and above the simple reporting of their meetings. Some councils do this already, mainly through the efforts of their secretaries, but public relations is an art in itself, in which someone needs to specialise. In our view this means that each council should designate one of its staff as responsible for public relations and have that person trained and equipped accordingly. We believe that the benefits in terms of public awareness would be substantial.

The fourth improvement we consider necessary is concerned with the *staffing* of the consultative councils. It is we believe of prime importance that the staff in general, but especially the secretary, should be of a sufficiently high level and calibre to deal without embarrassment with their 'opposite numbers' in the industries. In many cases this is true already. The Department of Prices and Consumer Protection should take action to ensure that it becomes true in all cases as soon as possible.

We also believe that in the appointment of staff it should be kept in mind that there are other considerations in addition to that of familiarity with the industry. For example, we consider it vital – as indicated when discussing our first recommended improvement – that the highest standards of administrative practice should be maintained by the councils. It is also vital that the staff should be able to relate successfully to the aggrieved consumer as well as to the industry's management, and we have already referred to the importance of public relations work. These different qualities will be required of staff serving all the councils and it may well be, therefore, that a common recruitment and training pattern could be established, if not a unified career pattern. Moreover, given those different requirements of individual staff, the councils should be encouraged to look more widely in their recruitment. While relevant expertise will of course be available from those who have a background in the industry, different but equally relevant expertise can be found in those with very different backgrounds – e.g. in local government or with voluntary agencies.

The fifth improvement we consider necessary is concerned with the *coverage* of the consultative council system. The system is not a comprehensive one and we acknowledge that given the diversity of function of the industries and agencies it is unlikely that it ever could be. However, we do believe that some of the gaps in the system could be filled, and that to do this would render the whole system more effective and increase public confidence.

The first gap which needs attention is the absence in some cases of a national level to the arrangements. The most striking example is *electricity*, and the oddity of it will be underlined if the recent recommendation of the Plowden Report on the structure of the industry is accepted. It is our firm view that the area consultative councils need a proper vehicle for making their views known at national level, especially if more decision-making in the industry is to occur at that level. At present the only channel available is the conference of consultative council chairmen, which we recommend should be extended to form something similar to the

National Gas Consumers' Council, with the addition that its chairman should be a member of whatever is to be the central authority for electricity at national level.

The second gap is the reverse, the absence in the *post office* arrangements of any regional/area organisation. Local Post Office Advisory Committees do exist in some areas, and are recognised by POUNC, but their quality is uneven and many places do not have them. Moreover, they are not designed to deal with complaints and very rarely consider individual cases. By contrast, the Post Office is a very large organisation, the declared policy of which is to decentralise. It has a powerful regional organisation (and it is at this level that POUNC normally takes up individual complaints[23]) and seeks to promote to the public the role of the local post master and telephone general manager, particularly in relation to complaints. We believe that this structure should be paralleled by users' councils, operating in much the same way as do the gas and electricity regional councils and local committees. Such an arrangement would improve users' access to the complaints machinery and have the additional advantage of improving the contacts between local and regional post office management and their customers.

The third gap is an omission: there is no statutorily provided machinery for dealing with *bus complaints*, or indeed long distance coaches. Some people assume that the Transport Users' Consultative Councils include buses in their terms of reference, as would seem reasonable from their title. We believe that their term of reference should include buses and coaches, particularly now that the National Bus Company has developed. We also believe that the TUCCs should be allowed to comment on fares and other tariffs. We cannot think of any good reason why users should be excluded from commenting on rail and bus fares when they are able to comment on post office charges and gas and electricity tariffs. The disparity adds needlessly to public confusion about the role of the consultative councils. The TUCCs' terms of reference should be amended to enable them to deal with the same range of nationalised inland transport activities as the user councils for the Post Office, Gas Corporation and Electricity Boards are able to deal with.

The fourth gap occurs because of lack or co-ordination. We believe that a unified users' complaints machinery is needed for *airline and airport users*, to avoid the frustration which occurs from divided responsibility. Although the establishment of passenger services committees by the Airport Consultative Committees is a laudable attempt to fill an obvious lacuna, it is our view that the Colsultative Committees themselves do not represent the right context for such an operation: their composition, and the way they have developed, makes them very suitable for dealing with the effect of airports on the local community and similar interests. We feel that what is required for the protection of passengers' interests, and dealing with their complaints, is an organisation with passengers as its principal concern and able to deal with the whole 'passenger career' –

[23] See Appendix 2, Section D.

i.e. not limited to that part of the journey which is within the jurisdiction of the airport authority, but also able to deal with the airline. We recognise that the existence of non-state-owned and foreign airlines creates a difficulty, but we do not consider this insuperable. The Airline Users' Committee is able to cover both. One other advantage of our proposal here is that the AUC would be taken out of its present CAA environment, with its probably institutionalised bias in favour of the industry.

The fifth gap we wish to see fulfilled concerns the *broadcasting* authorities. We have indeed been impressed by the arrangements made by the BBC and IBA for obtaining a 'second opinion' on complaints about their programmes. These arrangements have been designed and operated with the intention of assuring the complainant that his case has been thoroughly investigated and fairly and independently adjudicated. We acknowledge that this intention has been largely achieved, even though few complainants actually make use of the machinery. Our identification of a gap here needs to be seen in this context. While we acknowledge what has been done, we believe that there are serious limitations which should be removed.

The first, and most important, limitation is that both complaints bodies are literally the creatures of the broadcasting organisations. It is explicitly the BBC's Programme Complaints Commission and the IBA's Complaints Review Board operates within the Authority itself. We do not doubt the actual independence of the Commission's distinguished membership, nor that the Board's membership is unconnected with programme review, nevertheless the appearance of independence, especially to the uninformed potential complainant, would be strengthened if these close links with the broadcasting organisations were removed. We recognise that the particular features of the respective structures of the Corporation and the Authority represents a difficulty here. We do not wish to undermine in any way the ultimate authority of either the Board of Governors or the Authority. But we do not believe that an entirely independent complaints body, expressing its opinion on cases after thorough and fair investigation, would undermine their authority – indeed there is much to be said for the view that it would actually strengthen it by increasing public confidence.

The second limitation concerns the terms of reference of the complaints bodies. Both are limited to complaints about programmes, and the PCC is debarred from considering issues of 'taste'. Although programme complaints will always be the major concern, we do consider that, given the status of the BBC and the IBA as public authorities, there should be provision for the resolution of other kinds of specific complaints about their activities (e.g. reception problems, transmission and engineering) from members of the public. Equally, while we acknowledge that judgement about taste is necessarily subjective, and that Parliament has laid upon the Board of Governors of the BBC a particular obligation in respect of programmes, we remain of the opinion that there is a case for independent adjudication of complaints about taste. We doubt whether the introduction of independent adjudication would undermine the Governors' position or unduly restrict artistic or editorial freedom. There is no evidence that this has happened in independent broadcasting.

We are conscious that these are matters upon which the recommendations of the Annan Committee on the Future of Broadcasting may well impinge. Our view is that there is a need for an independent body to review complaints about the activities of both broadcasting organisations. We believe such a body should be appointed and financed by central government, which could well use either the PCC or the CRB as a base. We are not here recommending a form of 'broadcasting council' to supervise the BBC and IBA – such an issue is outside our terms of reference. Should, however, such a council be recommended by the Annan Committee, its relationship to our proposed complaints body would have to be carefully considered.

Those five groups of improvements to the existing grievance-redressing arrangements are intended to make them more visible, more accessible, more effective and more understandable to the public at large, whose confidence in the arrangements is so vital. Those intentions are also the key to our recommendation for the establishment of a Nationalised Industries and Agencies Commissioner (NIAC), which we will now consider in detail.

The Nationalised Industries and Agencies Commissioner

The model for Nationalised Industries and Agencies Commissioner is to be found in the Parliamentary and Local Government Commissioners. We recommend that he be appointed by Parliament and financed by a separate vote. We do not envisage that he would require a large staff. The crucial requirement is that he should be an entirely independent, national figure, with no direct links with either the statutory agencies or their sponsoring ministers. He would thus be in a position to command the confidence of the public at large, that their grievances would be quite impartially considered and appropriate recommendations made. The importance of this initial confidence cannot be too strongly stressed.

The task of the NIAC would be to investigate and report on cases where the complainant was not satisfied with the outcome of a consultative council's action or the subsequent response of the statutory agency. Such cases could be referred either by the complainant or the consultative council with the agreement of the complainant. The consultative councils should draw the complainant's attention to the possibility of reference to the NIAC in the final letter setting out their own decision. It should also be possible for a Member of Parliament to refer a case to the NIAC if he is not satisfied with the outcome of his own approach to a statutory agency.

We envisage that the cases referred to the Complaints Commissioner would be concerned with individual grievances of a particular kind, and that the consultative councils would continue to refer to the appropriate minister any policy disagreements with the statutory agencies. We do not consider, however, that it would be desirable formally to exclude the Commissioner from considering cases with a policy content, which would unnecessarily complicate and judicialise the reference process. A much

better method of proceeding is to enable the Commissioner to exercise his own judgement as to whether a case would be better pursued by the consultative council with the minister or considered by himself. In due course a pattern would emerge from his decisions in this area which would act as a guide to complainants, the consultative councils and the statutory agencies.

If the NIAC reports are to command the confidence of all the parties involved, complainants, consultative councils and statutory agencies, it is essential that they be based on the most thorough investigation of all the relevant information. If this is to happen, the NIAC must be empowered to require the production of documents and other relevant material so that he can make his own judgement. It is possible that some such documentation will be thought confidential, either because it is of a personal nature or because of its technical or commercial content. We do not believe that this is a reason for denying the Commissioner access to it. Rather the individuals or agencies should draw the Commissioner's attention to its confidentiality and request him not to disclose such information to the press or to other parties. Normally one would expect the Commissioner to accede to such a request, but the final judgement must in our view be left to him. We do not anticipate that the holder of such an office would act irresponsibly.

Following the pattern of the Parliamentary Commissioner for Administration, we see the NIAC as an officer of Parliament, reporting to Parliament. The basic reason for this is that the statutory agencies, upon whose activities he would be reporting, are the creations of Parliament and partly financed through it. Naturally, as he will be reporting upon individual complaints, the Commissioner should notify his findings to the complainant and to the statutory agency concerned and where the case has been referred to him by a consultative council or a Member of Parliament, a copy of the findings should be sent to them also. Finally, as the only formal sanction available to him, we believe that the Commissioner should be empowered to make a report to the statutory agency's supervising minister recommending that, if necessary, the minister should direct the agency to take action to remedy a grievance or ensure it is not repeated.

We do not anticipate that the formal sanction just mentioned would be frequently used: indeed, we would not be surprised if it were not used at all in the first decade of the Commissioner's operation. We believe that the real sanction available to the Commissioner would simply be publicity, that reports from him would be noted by Parliamentarians and officials and ministers of the supervising departments of state who are known to exercise a considerable influence upon the statutory agencies. It has been evident from our research that the nationalised industries in particular are very sensitive to adverse publicity, even locally. We doubt that they would relish the prospect nationally, so that its possibility would give added encouragement to them to co-operate with the Commissioner, to respond positively to his findings, and – most desirable of all – deal sympathetically with complainants so as to minimise the possibility of cases being referred to the NIAC. We anticipate that in most cases which do

reach the NIAC a satisfactory solution would emerge and be implemented during his investigation: satisfactory, that is, to complainant and commissioner as well as to the statutory agency.

As an officer of Parliament, the NIAC would make an Annual Report to it on the exercise of his functions, and be empowered to make such special reports as he felt necessary. His Annual Report should include a summary of the cases he has considered during the year as well as his general observations on his own activities and the way in which statutory agencies deal with complaints. While it would be open to Parliament to debate the report as a whole, we believe that it should be referred paricularly to the Select Committee on Nationalised Industries, which includes most of the statutory agencies we have considered within its terms of reference. In this respect the Select Committee on Nationalised Industries would act as a support to the NIAC in a way analogous (but not entirely the same as) the PCA's own Select Committee supports him.

The NIAC's function is to give a final and unquestionably independent judgement on complaints which the consultative council machinery has been unable to resolve satisfactorily. He would therefore reinforce public confidence in the whole system of obtaining redress of grievances against statutory agencies. As the capstone of that system, he would provide a means of increasing uniformity across it and providing it with a national focus which would enhance public awareness of it at all levels. Taken together with our recommendations for detailed improvements to the system, it is our firm belief that the NIAC will considerably improve the system's effectiveness: its independence will be more manifest: its visibility and accessibility more apparent: and as a consequence the public at large will have much more confidence in it.

APPENDIX ONE – TABLES

TABLE A1

REGIONAL GAS CONSUMERS' COUNCILS REPRESENTATIONS, 1973–1975

Part I: By Region

Region	1973	1974	1975
Eastern	4,542	3,836	4,365
East Midlands	973	1,031	836
North Eastern	1,001	1,344	2,017
Northern	6,499	6,902	7,475
North Thames	8,505	5,402	4,704
North Western	6,920	6,758	5,979
Scottish	1,836	2,196	2,587
South Eastern	6,808	6,100	7,259
Southern	1,192	1,057	1,413
South Western	937	1,181	1,291
Wales	2,440	2,077	1,842
West Midlands	1,874	2,002	3,039
TOTAL	43,527	39,886	42,807

Part II: By Subject

Subject	1973	1974	1975
Sales and Service	10,568	12,740	16,803
Natural Gas Conversion	9,824	9,267	10.079
Disputed Gas Accounts	12,123	7,639	4,929
Other Disputed Charges	3,637	2,945	3,467
Central Heating Problems	2,782	3,096	3,290
Meter Problems	1,945	1,685	1,799
Miscellaneous	2,648	2,514	2,440
TOTAL	43,527	39,886	42,807

(Years ending 31st March)

Source: National Gas Consumers' Council Secretariat.

TABLE A2

SOUTH WESTERN GAS CONSUMERS' COUNCIL

Representations, 1972–1975, by Subject

Subject/Year	1972/73	1973/74	1974/75
Charges	122	105	123
Disputed Gas Accounts	75	59	58
Meters	28	18	12
Sales and Service	315	394	638
Central Heating	72	81	51
Natural Gas Conversion	185	411	223
Miscellaneous	26	23	91
Sub Total	823	1,091	1,196
Dealt with by Members	114	90	95
GRAND TOTAL	937	1,181	1,291

Source: SWGCC Annual Reports

TABLE A3

NORTH THAMES GAS CONSUMERS' COUNCIL

Representations, 1973–1975, by Subject

Subject	1973	1974	1975
Charges	404	378	356
Disputed Gas Account	2,978	1,719	1,140
Meters	271	186	218
Sales and Service	2,151	1,613	1,721
Central Heating	558	456	464
Conversion	1,643	750	545
Miscellaneous	500	300	260
TOTAL	8,505	5,402	4,704

Source: NTGCC Annual Reports

TABLE A4

SCOTTISH GAS CONSUMERS' COUNCIL

Representations, 1973–1975, by Subject

Subject	1973	1974	1975
Charges	202	79	91
Disputed Gas Accounts	169	166	116
Meters	58	80	68
Sales and Service	542	574	759
Central Heating	190	245	344
Natural Gas Conversion	632	1,014	1,166
Miscellaneous	43	38	43
Sub Total	1,836	2,196	2,587
Miscellaneous Enquiries	n.a.	107*	99
Enquiries on Resale Price of Gas	n.a.	11*	15
Complaints/Enquiries Passed to Region for Initial Attention	n.a.	565*	547
GRAND TOTAL	–	–	3,248

* Figures for 15 months, 1 January 1973 to 31 March 1974

Source: SGCC Annual Reports

TABLE A5

SOUTHERN GAS CONSUMERS' COUNCIL

Representations, 1975 – Full Analysis

Part 1: Representations by Subject

Charges – Fittings Account	
Work carried out	176
Standard Charges (Fittings)	34
Hire Purchase	16
Delayed Account or Refund	8
Disputed Payment/Final Notice	46
Disputed or Delayed Estimate	34
Sub Total	314
Charges – Gas Account	
Delayed/Amended Account/refund/rebate	9
Disputed arrears, payment or final notice	33
Budget payment	18
Disputed standing charge	26
Disputed reading, charge or estimate	126
Sub Total	212

Table A5. Part I; *contd.*

Meters	
Faulty Meter	11
Delay in Fitting Meter	12
Delay Reading Meter (Quarterly)	3
Delay Testing Meter	1
Meter Charge	6
Meter clearance and rebate (slot)	13
Meter Thefts (slot)	3
Sub Total	49
Sales and Service	
Defective Appliances (New)	190
Unsatisfactory Repairs	196
Spares – delay	68
Delayed attention, installation or repairs	233
Gas pressures (Mains)	6
Appointments not kept	96
Unsatisfactory Installation	50
Sub Total	839
Central Heating	
Unsatisfactory Installation	51
Unsatisfactory Maintenance or Service	79
Delay in installation, repair or maintenance	53
Delay in supplying part	22
Sub Total	205
Conversion to Natural Gas	
Unsatisfactory Conversion	184
Miscellaneous	
Not covered above	191
GRAND TOTAL	1,994

Note: These 1,994 complaints came from 1,413 consumers.

Part II: Consumers Using SGCC, 1975

Those making Official Representations	1,413
Those dealt with by Local Committee Members (estimate)	1,000*
Enquiries actioned by SGCC Secretariat without official representation to Southern Gas	653
Not Southern Gas (private installers)	48
Total Number of Consumers using SGCC Services	3,114

* Members have only recently been asked to complete a regular return showing the complaints they have dealt with direct. This estimate of 1,000 is based on a sample of returns already received and on the number of complaints members have mentioned at Local Committee meetings.

Source: SGCC Annual Report, 1975

TABLE B1

ELECTRICITY CONSULTATIVE COUNCILS

Total Representations, 1973–75

Area	1973	1974	1975
Eastern	620	715	1396
East Midlands	430	493	664
London	1133	982	1016
Merseyside & North Wales	1584	1213	1031
Midlands	627	592	617
North East	761	670	629
North West	1113	1025	1662
Southern	889	804	1153
South Eastern	956	834	696
South Western	1006	890	1019
South Wales	982	992	1042
Yorkshire	386	360	502
Total	10,487	9470	9427

Notes

(i) Figures are for the year ending 31 March

(ii) It is acknowledged that not all the Councils use the same criteria for inclusion in their figures

(iii) The two Scottish and the Northern Ireland councils have been excluded because of the different statutory basis for their activities. For the year ending 31 March 1975, these Councils quote the following totals of representations received:–

North of Scotland	288
South of Scotland	539
Northern Ireland	392

Source: Annual Reports

TABLE B2

EAST MIDLANDS ELECTRICITY CONSULTATIVE COUNCIL

Representations Received, 1973–1975, by Subject

Subject	1973	1974	1975
Disputed electricity accounts	83	76	182
Prepayment meters, rebates, etc.	5	10	14
Disconnections, final notices	32	33	36
Account payment facilities	7	1	4
Tariffs and assessments	10	8	70
Supply interruptions/voltage fluctuations	27	31	22
Provision of new or additional supplies	22	38	32
Substations and other Board apparatus	1	18	3
Street Lighting	16	28	41
Retailing	61	41	39
Appliance repairs	96	91	89
Contracting	45	24	41
Miscellaneous	25	48	33
Resale of Electricity		46	58
Total	430	493	664

Source: Annual Reports

TABLE B3

MERSEYSIDE AND NORTH WALES ELECTRICITY CONSULTATIVE COUNCIL

Representations, 1973–1975, by Subject

Subject	1973	1974	1975
Disputed Consumption	224	167	147
Disputed/Incorrect Accounts	309	156	159
Prepayment/Budget Meter Accounts	105	101	79
General Account Queries	60	98	53
Account not received for more than one quarter	148	80	44
Hire Purchase/Credit Sale	43	37	37
Methods of paying accounts and Requests for time to pay	45	37	45
(Threatened) Disconnection for non-payment of accounts	51	32	27
Estimated accounts	59	29	47
Final Notice/Disconnection after account paid or during dispute	30	22	26
Meter Readings	19	10	16
Appliance servicing	102	108	137
Supply/Installation of Appliances	13	73	13
Contracting charges	49	56	64
Consumer service	146	39	9
New supplies/connection charges	16	31	11
Requests for prepayment meters	61	28	32
Tariffs	13	24	22
Voltage	41	19	19
Interruptions in supply	–	15	8
Street lighting	15	6	5
Miscellaneous	35	45	37
Total	1584	1213	1031

Source: Annual Reports

TABLE B4

SOUTH WESTERN ELECTRICITY CONSULTATIVE COUNCIL

Representations, 1973 to 1975, by Subject

Subject	1973	1974	1975
New Supply	6	5	4
Terms of Supply	16	17	12
Tariffs	32	31	68
Metering/Accounts	575	414	534
Low/Variable Voltage	20	13	9
Service	276	284	280
General	81	126	112
Total	1006	890	1019

Source: Annual Reports

TABLE B5

ELECTRICITY COUNCIL

Complaints, 1972–1974

Part I: Complaints Received

	1972	1973	1974
Direct from Public	87 (56)	90 (54)	78 (45)
Via Members of Parliament	26 (13)	13 (5)	41
Handled in accordance with representation procedure	7	9	6
	120	112	125

Notes:

(i) figures in brackets indicate complaints forwarded to Area Boards for action

(ii) the introduction of the full fuel cost adjustment to off-peak tariffs gave rise to the large number of complaints received via MPs during 1974

Part II: Subjects of Complaint

	1972	1973	1974
a Direct from Public:			
electricity supply	56	52	55
Contracting and Sales of Appliances	31	38	23
b Via Members of Parliament:			
electricity supply	23	5	39
Contracting and Sales of Appliances	3	8	2
c Representations:			
electricity supply	7 [3]	6 [4]	4 [2]
Contracting and Sales of Appliances	–	3 [1]	2

Note:

figures in square brackets indicate complaints considered formally by the Electricity Council in accordance with Section 7(8A) of the Electricity Act 1947, except for that concerning contracting and sales of appliances which was considered informally.

Source: Electricity Council Secretariat

TABLE C1

YORKSHIRE TRANSPORT USERS' CONSULTATIVE COMMITTEE

Representations, 1971 to 1974, by subject

Subject	1971	1972	1973	1974
Quality of Service, British Rail	26	15	23	23
Bus Matters	6	8	2	4
Miscellaneous	6	1	8	14
TOTAL	38	24	33	41

Note: These are representations received by letter, not all of which were considered by the Committee. Some – e.g. all those on bus matters – are outside the Committee's terms of reference.

Source: TUCC Secretariat

TABLE C2

NORTH EASTERN TRANSPORT USERS' CONSULTATIVE COMMITTEE

Subject	1971	1972	1973	1974
Quality of Service, British Rail	15	9	17	15
Bus Matters	2	6	5	5
Miscellaneous	4	1	6	3
TOTAL	21	16	28	23

Note: These are representations received by letter, not all of which were considered by the Committee. Some – e.g. all those on bus matters – are outside the Committee's terms of reference.

Source: TUCC Secretariat

TABLE C3

AIRLINE USERS' COMMITTEE

Complaints Received, 1973–1975

Part I: Analysis of Type of Service

	Airlines		Travel Organisers and Agents		Total	
	1973/74	1974/75	1973/74	1974/75	1973/74	1974/75
Scheduled	32	162	3	48	35	210
Advance Booking Charters	4	18	56	98	60	116
Inclusive Tours	8	26	19	65	27	91
Affinity Group Charters	–	2	2	17	2	19
Exempt Charters	–	1	5	–	5	1
Cargo	–	4		1		5
TOTAL	44	213	85	229	129	442

Part II: Analysis by Nature of Complaint

	Airlines		Travel Organisers and Agents		Total	
	1973/74	1974/75	1973/74	1974/75	1973/74	1974/75
Advertisements	1	1	3	–	4	1
Timetables	–	7	–	1	–	8
Reservations	–	8	–	20	–	28
Tariffs	–	27	–	36	–	63
Tickets	1	18	10	43	11	61
Overbooking	9	12	4	–	13	12
Security	–	3	–	1	–	4
Change in Flight Arrangements	–	29	36	108	36	136
Flight Cancellation or Delay	6	20	7	4	13	24
Baggage	5	27	1	2	6	29
In-Flight Service	5	30	–	3	5	33
Airports and Air Terminals	–	19	–	2	–	21
Surface Arrangements	–	12	–	9	–	21
Miscellaneous	36	–	57	–	93	–
TOTAL	63	213	118	229	181	442

Source: AUC Annual Reports

TABLE D1

POST OFFICE USERS' NATIONAL COUNCIL

Complaints, 1972 to 1975

Period	Posts	T–C	Giro	Total
1 Dec 72 – 31 May 73	420	188	8	616
1 June 73 – 30 Nov 73	201	156	5	362
1 Dec 73 – 31 May 74	213	198	6	417
1 June 74 – 30 Nov 74	274	322	15	611
1 Dec 74 – 31 May 75	414	480	26	920
1 June 75 – 30 Nov 75	570	1,925	23	2,518
TOTAL	2,092	3,269	83	5,444

Notes

(i) 'T–C' means telecommunications

(ii) 'Giro' includes postal remittances

(iii) The substantial increase in the last six-monthly period reflects the two tariff increases which occurred during that period (e.g. complaints about phone bills alone numbered 711) and POUNC's own publicity campaign.

Source: POUNC Secretariat

TABLE D2

BBC PROGRAMME COMPLAINTS COMMISSION

Complaints Considered, 1972 to 1975

Year	Complainant	Adjudication
1972/73	1. Brannon Thermometers Ltd.	Partly Upheld
	2. Mrs M. Learing	Partly Upheld
	3. Mr H. Soref, M.P.	Not Upheld
1973/74	1. Scottish National Party	Upheld
	2. Salford City Council	Partly Upheld
1974/75	1. Dr D. Purves	Not Upheld
	2. Young Enterprise	Upheld
	3. Mr V. Angell	Not Upheld
	4. National House Builders Registration Council	Substantially Upheld

Total: 9 cases, in 6 of which the complaint was upheld, wholly or in part

NOTE: In most cases, the complainant had more than one complaint. 'Partly upheld', therefore, usually means that the Commission upheld some complaints but not others.

Source: PCC Annual Reports

TABLE D3

IBA COMPLAINTS REVIEW BOARD

Part I: Complaints Considered

Year	IBA	CRB	Adjudications
1972	2,645	1	Not Upheld
1973	2,398*	0	
1974	2,557	7	4 Not Upheld 3 Upheld, wholly or in part

* excluding complaints about the ATV documentary 'Andy Warhol' which numbered over 7,000.

NOTES

(i) the 'IBA' column refers to complaints made to the Authority, the majority of which come by telephone. The Board receives details of all these, and individual reports of several hundred on the most significant ones.

(ii) the 'CRB' column refers to complaints made direct to the Board, indicating dissatisfaction with the Authority's initial response to complaints.

Source: IBA Annual Reports and Secretariat

Part II: Complaints to the Authority, by Category, 1972–1975

	1972	1973*	1974	1975
Taste and Decency	376	431	444	435
Language	198	110	104	132
Accuracy	196	142	298	198
Impartiality	305	318	265	236
Violence	48	46	129	154
Scheduling	834	576	592	544
General and Others	688	775	725	615
TOTAL	2,645	2,398*	2,557	2,314

* excluding 'Warhol'

Source: IBA Secretariat

APPENDIX TWO – ILLUSTRATIVE CASES

Section A – Gas

- A1 Cutting off Procedure
- A2 Payment of Account
- A3 Contested Meter Reading
- A4 Contested Meter Reading and Estimates
- A5 Disputed Gas Account
- A6 Dispute over Re-possession of Appliance
- A7 Contested Fittings Charge
- A8 Payment of Arrears Accumulated through Region's Error
- A9 Disputed Meter Reading
- A10 Terms of Budget Plan Payments

Section B – Electricity

- B1 Faulty Installation of Equipment
- B2 Disputed Energy Account
- B3 Faulty Central Heating System
- B4 Disputed Meter Reading
- B5 Faulty Appliances
- B6 Faulty Slot Meter
- B7 Supply of Spares
- B8 Meter Reading Dispute – representation to Electricity Council
- B9 Disputed Energy Account – representation to Electricity Council
- B10 Disputed Connection Charge – representation to Electricity Council

Section C – Transport

- C1 Wrongly Charged Fare
- C2 Lack of Sunday Train Service
- C3 Inadequate Train Service
- C4 Unsatisfactory 'Golden Rail' Holiday Arrangements
- C5 Unsatisfactory Transfer Arrangements

Section D – Communications

- D1 Trunk Call Problems
- D2 Delayed Connection of Telephone
- D3 Compensation for Lost Parcel

Case A1: Cutting off Procedure

1 Mrs A wrote to her Regional Gas Consumers' Council on 13 November 1974 as follows:

'I wish to make a complaint about the damage done to my property. Last week I received a letter about the arrears I owed. Having only got a gas water heater. Those at (name of town) knew I only paid it once a year. Arriving home on Wednesday night what greeted me was a broken window, venetian blinds all twisted, glass all over everywhere. My neighbour across the road told me the gas man had broken the window to take the meter out. They did not try to get in touch with me or my family and my mother only lives two minutes ride away. We had intended paying it by this Friday morning as I have got a 17 months old baby and need hot water. I want things making right and I am taking further action.'

2 The letter was acknowledged by the RGCC and a copy sent to the Secretary of the Gas Region asking for a report. The Secretary of the Gas Region wrote to the Gas Consumers' Council Secretary on 29 November 1974 as follows:

'You wrote to me on 14 November enclosing a letter from (Mrs A) and I would now like to let you have the results of my investigation.

Unfortunately we have always experienced difficulty in obtaining payments from (Mrs A) and in fact the latest gas account sent includes arrears that have accrued since early 1973.

After many unsuccessful attempts to collect the arrears we delivered a 'Rights of Entry' letter to (Mrs A) on 31 May stating that entry to the premises would be sought on 14 June for the purpose of removing the supply under Schedule No 4, Paragraph 25 (1)C of the Gas Act 1972. On 14 June the collector called and was again unable to gain access and consequently a Magistrates Warrant was applied for and granted.

On 12 November in the presence of a Police Constable our debt collector gained access to the premises by breaking the kitchen window, and the meter was removed and the supply capped. In accordance with Schedule 4 Paragraph 26 of the Act the premises were left secure by boarding up the broken window. My investigation has shown that no other damage was caused and if (Mrs A) would care to submit an account for the replacement of the damaged window we will be glad to make payment.

I am pleased to say that on 15 November (Mrs A) paid all the outstanding gas arrears plus a reconnection fee of £2-43. Because of the history in this case it was our intention then to install a prepayment meter but due to lack of space in the meter cupboard this was not possible and another credit meter had to be fixed. In the circumstances, however, it is our intention to request a security deposit of £15 from (Mrs A) and under normal circumstances failure to comply with this request would result in the disconnection of the gas supply. We will of course not pursue this intention until the matter has been considered by your Council.'

3 The case was considered by the appropriate District Committee at its next meeting, as a result of which the Council Secretary wrote to the Secretary of the Gas Region as follows:

'Following consideration of this case by the (appropriate) District Committee it was agreed that (Gas Region) be asked to look again at the possibility of installing a prepayment meter, the cost to be borne by (the Gas Region) as the committee felt this would prove a saving to (the Gas Region) in the long run and also prevent the problem arising again.'

4 The Secretary of the Gas Region replied to that letter on 19 February 1975, as follows:

'I refer to your letter of 17 January which was written following the meeting of the (appropriate) District Committee.

The views of the (appropriate) District Committee have been considered and I am pleased to be able to tell you that a prepayment meter was fitted for (Mrs A) on 1 February 1975. On this occasion no charge will be made to (Mrs A).'

Case A2: Payment of Account

1 Mr B wrote to his Regional Gas Consumers' Council on 13 December 1974 as follows:

'I paid my gas bill on 30th September into (name of street) Post Office. Through Giro. Since that date I have had some letters from (the Gas Region) threatening to cut off my gas.

This has been going on since 30th September until present. I would like the matter cleared up as soon as possible please, with an apology from the person concerned.'

2 The letter was acknowledged by the RGCC and a copy sent to the Secretary of the Gas Region asking for a report. The Secretary of the Gas Region wrote to the Gas Consumers' Council Secretary on 6 January 1975 as follows:

'On receiving your letter of 13 December 1974 I enquired into the question raised by (Mr B) concerning a gas account for £8-22 for the period ended 5 September 1974 and, as he will know, one of the Senior Accountancy Representatives (Mr Z) visited him on 21 December when they discussed the subject.

(Mr Z) explained that payment of the account into the Post Office Giro System had not been received by our Finance Department by the time action became due to obtain settlement. I regret to find, however, that we did not discontinue this action when it became known that the account had, in fact, been paid.

Our apologies for this unfortunate error were offered by (Mr Z) and I am glad to be able to inform you that (Mr B) accepted them and expressed satisfaction that the matter was now resolved. Our Customer Accounting Manager has written briefly to him confirming the outcome of the visit.'

3 It later transpired that a packet of Giro payment documents from the particular Post Office referred to had gone astry and was not received at the main Giro Headquarters until much later.

Case A3: Disputed Gas Bill

1 Mr C wrote to his Regional Gas Consumers' Council on 22 July 1974 as follows:

'We are writing to you re a dispute we have with the local (name of region) Gas Board re an outstanding Gas bill. This bill was first submitted to us for approximately 6 month period amount being £193-00. It has since been reduced to £142-64. This dispute arises because under no circumstances could we use or ever have used for the period August to April 1972-1973. We use gas for heating purposes only having one small wall heater and one larger thermastat controlled heater at 63° f.

We had a new meter installed earlier that year. The heaters were not used until the Autumn. On switching on the larger heater we found it to be faulty (Oct-Nov). We phoned (private electrical firm) who told us that the thermastat wasn't working properly. They took the old one out and we waited 4 weeks for one. The heater over this period was out of use. A new thermastat was eventually fitted but still the heater didn't work. (The private electrical firm) had to visit us on 8 other occasions before the heater was put right. By this time it was January 1973, so the bulk of the gas used was from January to April, hence our reason thinking this bill outrageously high. We have suggested to the Gas Board that in all fairness it would be better to base this bill on the same period of the next year which is the heaviest period, (bearing in mind that gas has increased in price) and is only £60-00 per quarter, which we submit proves that the Gas bill in dispute is too high.

When the new meter was installed we omitted to check if it was on zero. It may well have had units already on it. The small wall heater we can only use for an hour a day owing to its position on the wall, the heat is too fierce on the heads of some of the men. We trust that you will look into this and look forward to your fair reply.

P.S. To show our good faith we have already sent a £50.00 cheque as part payment of this bill. This was done earlier this year at the Gas Board's request.'

2 The letter was acknowledged by the Council and a copy sent to the Secretary of the Gas Region asking for a report. The Secretary of the Gas Region wrote to the RGCC Secretary on 13 August 1974 as follows:

'You wrote to me on 25 July 1974 concerning representations from Mr C about an account for £143-50 for gas supplied to (address).

I am enclosing a statement of gas charges (not reproduced) relating to this Company from which it will be seen that the account in dispute covers a period of almost 8 months from 22 August to 17 April 1973: not approximately 6 months as (Mr C) suggests. The bill was based on an actual reading of the meter and there is no reason to doubt its accuracy. At the time of installation on 21 August 1972 the index was 2834 hundreds cubic feet and this was, of course, deducted from the reading on 17 April 1973 to arrive at consumption for that period.

(Mr C) has suggested that regard should be paid to subsequent consumption but, as you know, under the terms of the Gas Act 1972 the register of the meter provides prima facie evidence of the quantity of gas supplied. In any event, an exact comparison is not possible because of the unusual period of 238 days covered by the account in dispute. It can, however, be calculated from the attached statement (not reproduced) that slightly less than 8 hundred cubic feet of gas per day were used on average from 22 August 1972 to 17 April 1973. The nearest comparison can be obtained by amalgamating the two periods commencing 22 October 1973 and ending on 29 April 1974, when the average daily consumption was higher at nearly 8.6 hundred cubic feet.

I would also mention that our (district) Industrial Gas Manager has been closely concerned in this matter and he has confirmed the feasibility of this daily average rate of consumption.

(Mr C) refers to the submission of an original bill. This was for £188-56 based on the General Purpose Tariff and it was amended to £143-50 consequent upon an application for the Non Domestic Two Part Tariff.

The investigations into this case have been protracted but they have produced no reason for doubting the accuracy of the meter or the account and I trust that (Mr C) will be able to arrange early settlement of the outstanding balance.'

3 On 19 August 1974 Mr C wrote again to the RGCC, as follows:

'We thank you for your letter of the 16th inst., we have had no further communication with anyone since this was placed in your hands. Whilst we do not dispute when the meter was fitted, it was never connected up to our heaters until October 72. We know that if we had had these heaters running 24 hours every day, which is impossible, we still would not have used that amount of gas. Therefore we would still wish you to look into this matter on our behalf.

We await your comments.'

4 The RGCC Secretary sent a copy of that letter to the Gas Region's Secretary, who replied on 11 September 1974 as follows:

'I refer to your letter of 20 August 1974 with which you enclosed copy of a further letter from (Mr C) relating to an account for gas supplied to (address) amounting to £143-50 during the period from 22 August 1972 to 17 April 1973.

As you know I wrote to you about this matter on 13 August and feel there is little I can add to the comments contained in that letter. It is noted that the heaters in the works were not brought into use until October 1972 but while this increases the daily average consumption I am advised that the quantity of gas used during the period is entirely feasible having regard to the equipment in use.

In my earlier letter I referred to the fact that the Gas Act 1972 provides that the register of the meter shall be prima facie evidence of the quantity of gas supplied. As you know, there is a further provision in the Act for the independent testing of meters. An offer to have this done in the case of (address) is being made to (Mr C).'

5 On 4 October 1974, after the case had been considered by the appropriate District Committee, the RGCC Secretary wrote to Mr C as follows:

'I refer to the correspondence concerning your dispute with (Gas Region) which was submitted to the recent meeting of the (appropriate) District Committee.

In view of the facts presented the Committee regrets that there is nothing further it can do to assist in the matter. The only course of action left open to you is a meter test.'

Case A4: Contested Meter Reading and Estimates

1 Mr D asked for the assistance of a member of the District Committee of his Regional Gas Consumers' Council in connection with a dispute he was having with the Gas Region about a gas bill. He had moved to his present address on 20th July 1973 and the first bill covered the period from 19 July to 25 September, with a charge of £21-82 for a consumption of 245.10 therms. The next quarter's bill from 25 September to 21 December 1973 was estimated and it amounted to £17-83, based on an estimated consumption of 165.77 therms. The meter was next read on 28 March 1974 and this resulted in a bill for £100-18, with a consumption of 1367.86 therms. Mr D had immediately disputed the bill, as he did not believe that he could have used so much gas, even allowing for the fact that the estimated bill for the previous quarter was probably too low. He was convinced that one of the digits on the meter must have jumped and that consumption for the quarter should have been 367, not 1367, therms.

2 In the course of investigating Mr D's complaint, the Gas Region arranged for the meter to be independently tested by the Department of Energy. When the result of this test became available in September, it showed that the meter was over-registering the quantity of gas passed through it by 6.4%. In accordance with this result an allowance of £7-24 was given in respect of the disputed bill and for the period up to the removal of the meter for testing. Subsequently, in the interest of good customer relations, an additional allowance of 72p was given in respect of the estimated bill of £17-83 for the December quarter.

3 Even taking account of the allowances given, Mr D still maintained that the consumption figure for the winter quarter was too high and he was not convinced that the meter test had cleared up his point about the possibility of one of the digits on the meter having jumped. The Gas Region took up this latter point with the Department of Energy, who subsequently confirmed that in the course of the meter test the index mechanism had been removed from the meter, visually examined and tested over the whole range. Mr D, however, was still not fully satisfied with the reply from the Department of Energy, as it had not stated either that any fault was found or that it was completely impossible for there to be a fault.

4 It was at this point in the dispute that Mr D contacted a member of the RGCC District Committee, who referred the complaint to the Council office for investigation. Mr D also paid 50% of the disputed bill pending further information which the Gas Region had requested from the Department of Energy regarding the testing of the index.

5 In their report on the complaint to the RGCC Secretary, the Gas Region could only confirm the investigations which had already been carried out. They also advised that a representative had called on Mr D to discuss the complaint on 7 November. At his visit he took a check reading of the meter which indicated to the Gas Region that Mr D's gas consumption showed an increase during the period from September to November compared with earlier periods. The Region considered that the level of Mr D's gas usage was not abnormally high for the size of the heating installation and they pointed out that in the year before Mr D took occupancy of the house, the previous occupant had used over 2,000 therms of gas, although they agreed that this might not be a strictly true comparison as individual usage could differ.

6 In reply to these points made by the Gas Region, Mr D wrote to his District Committee member. He said that the increased consumption between September and November arose because an additional radiator had been installed in the lounge and because two other radiators not previously much used had been in greater use during that period. He did not consider that a comparison with the previous owner's consumption was valid as he considered that he had used the house uneconomically. The Gas Region had suggested that a typical average annual usage for his house would be 1500 to 1600 units and yet he had been charged for 1345 units for one quarter. He was very dissatisfied with the attitude of the Gas Region's officials and particularly with their arbitrary outlook and reluctance to concede any point.

7 In view of the customer's dissatisfaction it was agreed to submit his complaint to the District Committee. This Committee took the view that in this particular case it looked as if the customer was being charged for gas which had not been used and therefore recommended that Mr D be given an allowance of £67. This recommendation was accepted by the Gas Region and Mr D.

Case A5: Disputed Gas Account

1 Mr E sought the assistance of his Regional Gas Consumers' Council in connection with a dispute about a gas bill for the January to April quarter of 1974. Mr E had moved into the house concerned on 22 October 1973, the meter having been read on 5 October 1973 for the previous occupant. The first bill issued to Mr E covered the period from October 1973 to 10 January 1974; it was an estimated bill, which amounted to £7-69. The meter was read on 10 April 1974 and Mr E received a bill for £90-77, which he disputed.

2 Mr E appreciated that the first estimated bill might have been too low but even allowing for this he did not see how he could have incurred gas charges of over £98 from his entry in October 1973 up to 10 April 1974. The appliances installed in his house were a cooker, a fire and a back boiler, but he did not use the back boiler. The fire was in use only in the evening after he and his wife returned from work and they were often away from home at weekends.

3 The meter was removed and sent for an independent Department of Energy test in July 1974 and as a result it was found that the meter was registering 2.6% fast. The appropriate allowance of £3-75 was given, thus reducing the disputed bill to £87-02. Mr E, however, still considered that this charge was much too high: he pointed out that his subsequent bills for the quarters to July and October 1974 amounted to £12-27 and £8-48 respectively. This confirmed his belief that he could not possibly have burned the quantity of gas which was said to have been used during the two winter quarters. He was of the opinion that one of the digits on the meter index must have slipped.

4 The RGCC asked the Gas Region's Accounting Department for a report on the complaint and specifically whether the index of the meter had been tested in the course of the Department of Energy test. In their reply the Accounting Department confirmed that there had been an actual reading of the meter on 5 October 1973 before Mr E moved into the house. They also confirmed the result of the Department of Energy test but said that the meter had not been put through a full index test. The full test of the index was carried out on direct indicating meters as a matter of routine, but on the dial type of meter the index was not tested unless requested by the Region or the customer. An index test had not been requested in this particular case and as the meters were held for only 21 days after the Certificate was sent to the customer, it was by then too late to have any further tests made.

5 The Accounting Department also pointed out in their report to the RGCC that Mr E's bills had been charged on the General Purpose Tariff: although Mr E's attention had been drawn to the Optional Tariffs available, he had not made any application to be charged on an Optional Tariff. In addition, the Accounting Department advised the Council that they had arranged for the appliances in Mr E's house to be examined but no faults had been found. This examination had also confirmed that the back boiler unit was not in use.

6 Mr E was not satisfied with the further investigation into his complaint and it was therefore agreed to submit it to the appropriate RGCC District Committee. In the meantime he paid £30 of the disputed account, leaving £57-02 outstanding. When the District Committee met, it came to the conclusion that Mr E was probably being charged for gas which he had not used and it therefore recommended that an allowance of £50 be given to him. This recommendation was accepted by the Gas Region and also by Mr E.

Case A6: Dispute over Re-possession of Appliance

1 In January 1975 Mrs F telephoned her Regional Gas Consumers' Council office to seek assistance in resolving a dispute with the Gas Region about the re-possession of a cooker. The appliance had been purchased some years previously but, according to Mrs F, for some considerable time it had many faults and defects. Sometime in 1972 the Hire Purchase Agreement was the subject of a court case and Mrs F was instructed to make regular payments by the court. As she and her husband were both old and handicapped, and had to move to a special bungalow, Mrs F wrote to the Gas Region asking if the cooker could be taken back as she was unable to maintain payments. After some considerable time, a fitter called at the bungalow, stating that he had been trying to obtain the cooker from Mrs F's previous address. As the

cooker was not available for collection when the fitter called, Mrs F was advised to telephone the local gas office when the appliance was ready for collection. Mrs F stated, in her call to the RGCC office, that after packing all the bits and pieces together and wrapping them in newspaper, she telephoned the local gas office and the cooker was duly collected. This occurred, she maintained, sometime in the middle or latter part of 1972 and she heard nothing more about the matter for more than a year. However, in January 1975 Mrs F received a third and final letter from the Gas Region stating that their records did not confirm that the cooker had been collected and that unless she could prove that it had been collected within 14 days, a summons would be issued against her.

2 Mrs F's first reaction was to approach her local Citizens' Advice Bureau, who advised her to contact the RGCC and also to take legal action. As a result of her approach to the Council, the Secretary wrote to the Secretary of the Gas Region asking for an investigation of the case and for comments. He also added 'I would draw to your attention that when an appliance is collected either as a trade-in or a hire purchase repossession, the Region do not issue a receipt to the consumer, so naturally the consumer would be unable to prove that her appliance had been collected'. The Secretary also wrote to Mrs F confirming that he had taken up her case with the Gas Region.

3 In the meantime, Mrs F had also taken legal advice and her solicitors wrote to the Gas Region and entered a county court action. This was unfortunate, because gievn the absence of any receipt, Mrs F would have been unable to prove that the appliance had been collected. However, the Gas Region took the point raised by the RGCC Secretary and in their solicitor's reply agreed not to proceed. The key paragraph of that reply was as follows:

'In view of the length of time that has elapsed since the original request to recover the goods has been made and your client's circumstances, I am prepared to recommend, without prejudice, that the Corporation take no further action in this matter, on the understanding that each side will bear their own costs.'

4 On 10 February 1975 the Gas Region's Secretary reported to the RGCC secretary on the outcome of his investigation of Mrs F's representation. Attached to the report was a copy of the Gas Region solicitor's letter quoted above.

5 The case was reported to the Local Committee of the RGCC in March 1975, when the Secretary pointed out that the involvement of Mrs F's solicitor following the advice given by the Citizens' Advice Bureau had almost destroyed Mrs F's case, since in the absence of a receipt re-possession could not be proved. However, as he knew that it was not the Region's practice to issue receipts in such cases, he had anticipated the point in his letter to the Region's secretary with the initial representation. As a result, the Region had not pursued the threatened court action and Mrs F was now satisfied that her complaint had been resolved.

6 Following this report from the Secretary, there was considerable discussion within the Committee of the role of Citizens' Advice Bureaux, in the course of which the view was expressed that the Bureaux should pass such cases direct to the RGCC, either through the Local Committee member for the area or direct to the Council office. The Council Chairman pointed out that he and the secretary had met all the area organisers of the Citizens' Advice Bureaux within the Gas Region's territory, and it was agreed that they would issue instructions to their local offices that complaints from gas consumers should be referred to the RGCC.

7 In further discussion, the Local Committee member involved in the case stated that she felt consumers should receive a receipt when an appliance was collected by the Gas Region. The Area Service Manager of the Gas Region pointed out that this would be difficult in cases where the consumer was not at home during the day, and went on to explain the normal procedure whereby a consumer was asked to endorse the work sheet. In spite of this, the Committee agreed that the Gas Region should be asked to provide a receipt to a consumer when an appliance was removed because of a bad debt.

8 That recommendation was endorsed at the subsequent meeting of the full Consumers' Council and referred to the Gas Region's Secretary. It was accepted in principle by the Gas Region in June and after some discussion of the precise form of the documentation the scheme to provide customers with a written acknowledgement of the repossession of an appliance came into operation in August 1975.

Case A7: Contested Fittings Charge

1 On 29 October 1975 Mr G wrote to the Secretary of his Regional Gas Consumers' Council to ask for assistance in his dispute with the Gas Region about a fittings account. He explained that he had been writing to the Region's Finance Department about it for some months without success. The issue was a sum of £3-36, being the difference between the quotation he maintained he had been given for fixing a gas fire and the price charged by the Region in their account. Although he had suggested referring the issue to the RGCC, the Finance Department were now threatening further action if the account were not settled within 14 days.

2 On 31 October the RGCC referred to Mr G's representation to the Secretary of the Gas Region and wrote to Mr G explaining that this had been done. Three weeks later Mr G complained to the RGCC's Secretary that the Region's Area Service Manager had written to him, referring to his own letter of complaint to the Council and seeking 'at great length to prove that what this customer says is wrong'. Mr G felt this cast doubt on whether the Council was acting on his behalf.

3 The RGCC Secretary explained in reply to Mr G on 25 November that the Council's method of operation was to refer a consumer's representation to the appropriate senior executive of the Gas Region. A copy of the letter of complaint was sent to ensure that the executive was fully aware of the points being raised and could obtain from his staff the information needed for a report back to the Council. The Council appreciated that this often necessitated a letter or visit to the consumer from the Region's officers. Finally, the Secretary pointed out that the Council's position was 'something akin to an arbitrator (in which) we must ask for information from both parties. We endeavour then to arrive at a conclusion without favour or prejudice'. Mr G was also asked to forward any further information about his case which might be helpful.

4 The Area Service Manager's letter to Mr G stated that he had signed orders on 6 March 1975 for the supplying and fixing of one gas fire, at a total price, including VAT, of £25-33, and a separate order to 'run supply and provide fire point – Quotation subject to survey'. The letter continued 'My surveyor who called on 21 March quoted a total charge of £12-83 for this latter work and his order sheet was signed, accepting this price, by yourself'.

5 In response to the RGCC's Secretary's request in his letter of 25 November Mr G wrote at length on 4 December setting out in detail all that had happened since he had seen a special offer of gas fires advertised in a local weekly newspaper in January 1975. The main points of his letter were:-

(i) the advertised special offer price excluded fixing. On 10 February therefore he had called at a gas showroom – not his local one, but one in a town he was visiting – to enquire what the fixing charge was. On being told it was £8 for fixing a fire point, including 3 feet of pipe run, he explained that he would need more than 3 feet of pipe run and also asked about flue conditions. He was then told that a survey would be necessary to establish how much piping would be needed and to check the flue.

(ii) On 7 March Mr G signed an order for the gas fire and a further order for 'survey and quote' at his local gas showroom. As a result a surveyer called on 21 March, took the necessary measurements and checked the flue. Mr G emphasized that he 'was not shown or quoted anything'.

(iii) On 7 April, not having had a written quotation following the survey, Mr G called at the showroom he had first visited, taking with him a sketch plan, including a measurement of the necessary pipe run. Although he was dealt with by a different assistant from before, she confirmed what he had been told on 10 February, except that VAT had to be added. This assistant wrote down £25-33 for the fire and fixing, which Mr G copied and accepted. She also wrote down that an additional nine feet of pipe run would cost £9-47, having deducted three feet from the twelve feet shown on Mr G's sketch plan. This figure Mr G copied and accepted.

(iv) On 24 April, a fortnight after the fire had been fitted, Mr G received two invoices: one for £25-33 for the gas fire, and one for £12-83 for 'supply and provide

fire point'. He thereupon wrote to the Gas Region's Finance Department pointing out that he had been quoted £9-47 and objected to the increased charge. He stressed that this was the first time the figure of £12-83 had been mentioned to him.

(v) There then followed an extended exchange of letters with the Finance Department in which they maintained that the £8 standard charge did not include any pipe run, and further that Mr G had signed a survey order for £12-83. Mr G, on the other hand, maintained that this contradicted what he had been told on two different occasions by different showroom staff and that when he had signed the survey order there had been no figures on it.

6 Having thanked Mr G for his 'most helpful' letter, the RGCC Secretary referred it to the Secretary of the Gas Region and put to him five points:

a. how much pipe run was in fact used ?

b. if it was 12 feet, as Mr G claimed, it did appear from Schedule of Standard Charges that 3 feet of pipe was included in the £8 Standard Charge, which would explain Mr G's contention that he should be charged for only 9 feet of piping;

c. under the old Schedule of Charges this would be covered by the figure of £9-47 (including VAT) which was quoted to Mr G in the showroom;

d. could the RGCC see a breakdown of the account ?

e. did Mr G indeed sign a blank Quotation form ?

7 The Secretary of the Gas Region sent his report on Mr G's representation to the RGCC Secretary on 5 January 1976. He explained that the standard charge for installing a gas fire *to a point*, including materials and pipe was £8. The gas supply to the point from an existing source was quite a separate matter, for which the charge was £8-77 for up to 3 metres, plus £3-20 for each additional metre, exclusive of VAT. He continued:

'The price for supplying and fixing the fire to a point was quoted at the time the order was placed and the cost of running the supply to the point was quoted by the Surveyor at the time the survey was carried out. Mr G signed the respective orders against the charges quoted. We did in fact run 4 metres of pipe to the point as per the survey. The breakdown of the charges is as follows: (not quoted)' The Region's Secretary concluded 'There is no justification for any reduction and Mr G should now pay the balance due'.

8 The RGCC Secretary considered this report and wrote to Mr G on 8th January. He explained that the standard kit for fitting a gas fire included a maximum length of 3 feet of stainless steel pipe which is used to fit the fire to a gas point no more than three feet away. He added 'This kit is standard and, as you know, a standard price is quoted for fitting a gas fire. The price is not varied even if the entire contents of the kit is not used. The price has been geared to account for the fact that all the parts are not always used, but some may be returned to the stores for inclusion in kits being made up.' The Secretary further explained that Mr G was being charged for 12 feet of copper pipe which was necessary to run the supply and make and form the point to which the stainless steel pipe is connected. He added 'The price for supplying and fixing the fire to a point was quoted to you at the time the order was placed. The cost of running the supply to the point was quoted by the Surveyor at the time the survey was carried out. The Region confirms that you signed the respective orders against the charges quoted.' The RGCC Secretary then gave the full breakdown of the charges and concluded 'We feel we can only now recommend that you pay the account without delay.'

9 Mr G replied to this letter on 14 January, stating that if he had been given an explanation of what was in the standard kit in the first place, the problem would never have arisen. But he reiterated his statement that he had been quoted, by two differnt people. a price for fixing the fire which included a three feet pipe run and that one of them had actually done in his presence the calculation of the price by deducting the three feet from the twelve feet shown on his sketch plan. He further reiterated that the 'survey and quote' form had been blank when he signed it and that until he received the invoice for the pipe run on 24 April the only figure mentioned to him as £9-47.

10 Mr G also complained about the contents of the RGCC Secretary's letter which he suspected to be 'a straight quote from what you have received from the Gas Board'. He added, 'I do not wish to appear unfair, but I am a consumer, and expected when I sought your help that the consumers council would be well disposed towards me, but your letter of 8 January appears to accept what the Board says without query, and you have not said why you do not agree with what I have said and written'.

11 Replying to Mr G, the RGCC Secretary explained that the information contained in his letter was 'based on the report from the Secretary of (the Gas Region), together with our own knowledge and experience of (the Gas Region), its policies and pricing policy'. He also stated that, in view of Mr G's assertion that he did not sign for the charge of £12-83 and was not advised of it by anyone, he would seek further information from the Region.

12 In order to obtain that further information, the RGCC Secretary wrote to the Gas Region's Secretary pointing out that Mr G was still disputing the fact that he was ever quoted £12-83 and denied that he had ever signed a work sheet against such a price. The RGCC Secretary asked for the Region's further comments on this, and also for copies of the documents Mr G had signed, including the two in the showroom, the survey order and the fitter's worksheet. These documents were forwarded to the RGCC by the Region on 29 January 1976.

13 Having examined these documents, the RGCC Secretary wrote to Mr G on 5 February 1976 pointing out that his signature was on them, against the price quoted. He added 'I am obviously unable to comment as to whether your signature was on a blank piece of paper and the price inserted afterwards or completed before you signed. I can only comment that your signature is against and on the order which has the price completed. This leaves me with very little option other than to accept that the charge of £12-83 for running a supply is correct... If you signed an uncompleted order in the showrooms, I am unable to substantiate this unless you can provide me with an independent witness'.

14 In reply to this, Mr G wrote again on February 11, reiterating that there were no figures on the survey from when he signed it, and that he had at no time received a written quotation for the pipe run, only the verbal one of £9-47. Although 'I do not see why I should be asked to provide witnesses for what I am telling you, and which is true', Mr G referred to a particular Gas Board employee who was in the showroom at the time he signed the survey form and about whose function he had enquired.

15 The RGCC Secretary sent a copy of this letter to the Gas Region Secretary with a request that he 'please review this case and consider very carefully the consumer's comments'. However, the outcome of this was the Region's Secretary re-stated their position that Mr G had duly signed the order at the time the survey was carried out and the price on the document was entered by the surveyor. It was not possible for a showroom to quote a price unless they knew the exact length of the pipe run. The figure quoted to Mr G in the showroom was for a supply not exceeding 3 mettres. In these circumstances, the Region's Secretary felt unable to recommend any reduction in the charge.

16 The RGCC Secretary thereupon wrote to Mr G to inform him that the Region were not prepared to reduce the charge, because they still maintained he had signed the order against the price. The Secretary concluded 'I regret in view of the evidence and the view taken by (the Region) I am unable to be of further assistance to you'.

17 Mr G's final response to this was that it simply did not meet the particular points he had raised. However, he noted that 'you have decided to be done with me' and thanked the RGCC Secretary for 'an interesting experience'.

Case A8: Payment of Arrears Accumulated through Region's Error

1 Towards the end of January 1974 Mrs H, aged 89, wrote to the Secretary of her Regional Gas Consumers' Council (RGCC) asking for an explanation of an account for £5-03 she had received from the Gas Region which she could not understand. She said that she had received no reply to a letter she had written to the Region. The RGCC Secretary referred the representation to the Gas Region's Secretary and wrote to Mrs H to say that it would be investigated and dealt with

as promptly as possible.

2 As a result of the representation, the Region's Customer Contact Officer wrote to Mrs H on 11 February 1974. He explained that in spite of a thorough search they had been unable to trace her previous letter. The account for £5-03 arose because the amount being collected from her meter was insufficient to cover both the general charge for gas actually consumed and the primary charge, which was a contribution towards the cost of providing and reading the meter, emptying the coin box and so on. The Customer Contact Officer admitted that this shortfall had been building up since March 1971 and that the Region should have drawn her attention to it previously. In the circumstances, they were prepared to accept regularly monthly payments of £1 commencing in March.

3 The Gas Region's Secretary reported on the representation to the RGCC Secretary on 18 February 1974, enclosing a copy of the Customer Contact Officer's letter to Mrs H, and repeating that, in order to assist Mrs H, the Region had suggested that she make regular payments of £1 to clear the arrears.In response to this, the RGCC Secretary expressed his concern to the Region that the arrears had not been drawn to Mrs H's attention earlier, so that 'this comparatively large figure' would not have accumulated. He suggested that even regular payments of £1 per month could be a strain on the finances of a lady of 89. He therefore asked the Region's Secretary to review the case, and also for an assurance that particular attention be paid to other elderly consumers using only small amounts of gas so that similar situations could be avoided in future.

4 The Gas Region's Secretary replied to the RGCC Secretary on 13 March pointing out that the tariff applied to Mrs H only operated in a small area of the Region whose customers were previously customers of the adjacent Region. The debt had accrued over a long period and Mrs H had now paid it.

5 The representation was considered at the March meeting of the appropriate RGCC Local Committee, who endorsed the concern expressed by their Secretary and asked for a further report at their next meeting. In view of this, it was agreed that Mrs H be visited by the local committee member living in her area. After a number of attempts to do so, he succeeded in contacting Mrs H and ascertained that she had in fact paid the arrears account – in two parts – because she was afraid the gas would be cut off. He also confirmed that she was living solely on the Old Age Pension and that she was absolutely deaf. He suggested that the Region be asked to refund the arrears to her.

6 This information was reported at the next meeting of the RGCC Local Committee who agreed unanimously that the Region's action was 'deplorable' and recommended to the Council that the Region be requested to refund to Mrs H 'the amount of £5-03 that had been paid under duress'. The Region's Area Sales Manager, who was present at the Local Committee meeting, also undertook to ensure that the Region would liaise appropriately with the social services to ensure Mrs H received the specialised help she needed.

7 Following the Committee meeting, the Region's Secretary wrote to the RGCC Secretary on 1st July 1974 to say that the case had been reviewed and 'in the special circumstances of this very elderly customer, it has been agreed to waive the account of £5-03'. Arrangements were being made for repayment. He added that 'a very detailed enquiry was made into the circumstances in which the account built up into the final figure of £5-03 and there is nothing at all to suggest that Mrs H made the payment, which was the correct charge for gas consumed, under any form of duress'. Finally, the Secretary reported that Mrs H had been transferred to her new Region's tariff as soon as it became clear from the complaint that it would be to her financial advantage.

8 On 10 July the RGCC Secretary wrote to Mrs H to tell her that following his Council's representations, the Region had reviewed her case and agreed to refund the the £5-03 and transfer her to a different tariff so that the situation would not arise again. At the subsequent meeting of the Local Committee, the Region's decision was welcomed, as was the consequential improvement of liaison between the Region and the social services.

Case A9: Disputed Meter Reading

1 Mrs ZA received a much higher bill than usual for her March 1972 gas account and therefore wrote to the Gas Region disputing it. The Gas Region pointed out that the bill was based on a self-reading of the meter and that the previous reading had been an estimated one, which might explain the high bill. The Region also offered Mrs ZA a meter test. In the course of a protracted correspondence in which the local Citizens Advice Bureau became involved, Mrs ZA eventually refused to agree to a meter test because she was not willing to pay the £3-60 fee which she would have incurred if the meter was found to be registering correctly. Given this, the Region pointed out that in law the meter reading was prima facie evidence of the amount of gas consumed and that they were therefore entitled to rely upon it. (By now several quarters had passed, with readings about which there was no dispute.) Since there was no evidence that the meter was wrong and Mrs ZA had refused the independent test, the Region insisted that they be paid. The Citizens Advice Bureau on Mrs ZA's behalf argued that Mrs ZA was not being given a fair chance to prove her point and that under the meter test regulations she could not win since if the test proved the meter wrong, its effect could only be backdated to the previous quarter – not back to quarter in dispute. The Region's response to this was the meter test regulations were statutorily binding upon them and provided an independent Department of Trade and Industry check upon the accuracy of the meter. It was unfortunate that Mrs ZA had refused the meter test but having done so the Region were legally entitled to rely on the meter readings.

2 Eventually, the Citizens Advice Bureau referred all the correspondence to the Regional Gas Consumers' Council (RGCC) in November 1973. The RGCC Secretary referred the representation to the Region's Secretary for a report and placed it on the agenda of the appropriate Local Committee. That Committee decided that the correspondence should be sent to the Council member living in Mrs ZA's area and that she be asked to visit Mrs ZA and the Citizens Advice Bureau, with a representative of the Gas Region.

3 In January 1974 the Region's Secretary sent his report on the case to the RGCC Secretary, giving full details of Mrs ZA's consumption back to 1969. He stressed the reading for the disputed quarter was from a self-reading card sent in by Mrs ZA, the previous quarter's was an estimate, and the quarter before that also from a self-reading card – in each case because the meter reader had been unable to obtain access. Mrs ZA had been charged in accordance with the meter reading, and subsequent readings had given no indication that the index was wrongly recording. Having refused a meter test, Mrs ZA had to be charged for gas used as evidenced by the meter reading. The Secretary concluded with a strong recommendation that Mrs ZA agree to a meter test.

4 The case was considered again at the Local Committee meeting in February 1974. It was noted that, in the light of the consumption history back to 1969 the March 1972 quarter was very high and out of line. A very lengthy discussion ensued in which members felt there was no apparent reason for the very high reading. The Council member who had visited Mrs ZA reported that she was a widow, extremely frugal in her expenses in view of her limited income. She was out all day until 7 in the evening. The Committee decided to ask the RGCC Chairman to discuss the case with the Chairman of the Region.

5 The meeting between the two chairmen took place on 4 March 1974. It was agreed that Mrs ZA should be offered a meter test at the Region's expense. This test showed that the meter was over-reading by 2.6% and the necessary small adjustment to Mrs ZA's account was backdated to March 1972. However, the Region accepted that this adjustment was not large enough to account for the very high consumption recorded for the March 1972 quarter. The Region's Chairman therefore agreed 'as a special case and not to be taken as a precedent' that the account for that quarter should be adjusted and based on the pattern of previous gas consumption, which resulted in a rebate to Mrs ZA of £13-61.

6 The RGCC Secretary and Mrs ZA were formally informed of this decision on 15 May 1974 and it was reported to the subsequent Local Committee meeting. At this meeting it was stressed that the case had been prolonged and very complicated owing to the involvement of the Citizens Advice Bureau and the misleading advice

they had given. The Secretary reported that he and the Chairman were to meet in an attempt to prevent similar misunderstandings in future.

Case A10: Terms of Budget Plan Payments

1 At the end of 1974 the British Gas Corporation announced the discontinuance of the Silver Star Tariff for gas supply and advised customers using it to transfer to the revised Gold Star Tariff. Mr ZB, an old age pensioner living on a tight budget, wrote to his Gas Region at the end of January 1975 enclosing a form he had completed for the new tariff. He stated that his average consumption over the past three years was 537 therms, at an average cost of £67-88, and enquired what the cost was likely to be under the Gold Star Tariff.

2 On 6 February 1975 Mr ZB was advised by the Region's Finance Department that the annual cost of 537 therms charged on the Gold Star Tariff at present rates would be £69-01. Mr ZB then decided he would use the Region's Budget Plan Payment scheme and obtained the necessary form of application. However, he calculated that on the basis of the rules set down for the scheme, which estimated consumption from the number and rating of appliances in use, he would be required to pay £10 per month, totalling £120 a year, that is to say £50-99 more than his own estimate based on previous average consumption. He therefore wrote to the Section Officer responsible for the budget scheme in the Region's Customer Accounting Department pointing out that although he would have the overpayment refunded, it amounted to a substantial credit to the Region which he thought very exorbitant. He therefore asked for it to be checked.

3 Some eight weeks later, after sending a reminder, Mr ZB received a reply from the budget plan section officer confirming that he would be required to pay £10 a month if he chose to use the budget plan scheme. The section officer explained that the figures were worked out on the basis of average consumption for certain appliances and that the guidelines could not be broken. He added that the customer was entirely free to decide whether to use the budget scheme or continue paying on a quarterly basis.

4 On 9 May 1975 Mr ZB wrote to the Secretary of his Regional Gas Consumers' Council (RGCC) complaining of the dictatorial tone of the section officer's letter. Mr ZB stressed that he economised strictly in his use of gas. Under the guidelines he would be paying £120, more than £50 more than the Region's admitted cost of £69-01. This excess charge he considered extortionate, particularly as any refund was not made until the end of 12 months. He therefore asked the RGCC Secretary to 'take the matter up with the Board and protect my interests'.

5 The RGCC Secretary duly took up Mr ZB's representation with the Region's Secretary and on 20 May Mr ZB received a letter from the Region's Customer Contact Officer. This denied that it was the Region's intention to be arbitrary or dictatorial in the operation of the budget scheme, particularly as it was optional. The estimate of cost used was based on 'many thousands of appliances related to average use'. It was impossible to predict any individual's consumption, but 'we do deal with many thousands of similar accounts and it would be quite impractical to make any individual exceptions'. A copy of this letter was sent to the RGCC Secretary on 2 June 1975 as the substance of the Region's report on the representation.

6 On 16 June 1975 Mr ZB's case was discussed at length at the appropriate Local Committee of the RGCC. The Section Officer, who attended by invitation, explained that when calculating the figures the Region sought to ensure that they would not have to ask a customer for extra money at the end of the year. The system had worked very well. Mr ZB was admitted to be a very economical consumer, but if his circumstances changed and his gas consumption rose higher than anticipated, then the Region would have to ask for more money at the end of the year, which could create a great deal of trouble. It was the Region's deliberate policy to give a refund at the end of the year. However, it was acknowledged that Mr ZB was an unusual and individual case and the Controller of Gas Accounts for the Region had agreed to treat him as a special case if the Local Committee felt it necessary. After much discussion, the Local Committee decided, by a majority, that Mr ZB should be treated as a special case and recommended that the Region use the figure of £90 as

the basis of a compromise. The Committee emphasised that this decision should not prejudice the Region's policy on budget payment guidelines as a whole.

7 On 27 June 1975, therefore, the Region's Customer Contact Officer wrote again to Mr ZB. He explained that, as a result of representation on his behalf by the RGCC, the matter had been reconsidered and the Region had agreed to take the figure of 573 therms (approximately the figure for the last year) as the basis for their calculations. At present tariff rates this would produce an annual bill of £74-34. As there was a tariff increase about to be announced, the size of which was not yet known, they had added 20% to cover this, which yielded an estimated annual charge of £89-21. If this were divided by twelve and the result rounded up to the nearest pound, it produced a figure of £8 per month, on which basis the Region hoped Mr ZB would be prepared to enter the budget plan payment scheme. A copy of this letter was sent to the RGCC Secretary on 3 July as the substance of the Region's final report.

8 On 3 August 1975 Mr ZB wrote to the RGCC Secretary to say that the Region's new terms were much more realistic and that he was 'most gratified' with the Council's efforts on his behalf.

Case B1: Faulty Installation of Equipment

1 A Member of Parliament sought the assistance of the area Electricity Consultative Council in resolving a dispute between one of his constituents, a commercial tomato and iris grower, and the Area Electricity Board. The dispute concerned a claim for compensation for loss of an iris crop due to disease which the grower attributed to the alleged faulty installation of fan heaters in his greenhouses. In previous lengthy correspondence extending over 18 months with the Member of Parliament, the Board and their insurers had denied liability, putting forward horticultural arguments in support of their view.

2 It seemed to the ECC, however, that independent evidence was needed as to the efficacy or otherwise of the electrical installation. At their secretary's suggestion, therefore, the ECC asked the National Inspection Council for Electrical Installation Contracting (NICEIC) to arrange for one of their inspecting engineers to inspect the installation in the presence of the iris grower, representatives of the board and their insurers, and a representative of the ECC itself.

3 When this inspection took place, it revealed a defect in the electrical installation, as a result of which the fan heaters had failed to operate at a crucial stage in the growth of the iris crop. The defect was, however, a most unusual one, and not of the type originally suspected by the iris grower, which fact tended to obscure the real cause of the trouble.

4 On receipt of the NICEIC Inspector's report, the Area Board at once remedied the defect revealed, and their insurers settled the iris grower's claim in the sum of £550.

5 The ECC Secretary subsequently received confirmation from the iris grower of his satisfaction with the outcome. In his letter the iris grower commented 'it is nice to think that the small grower can be given an impartial and fair hearing when he feels he has a justifiable grievance'.

Case B2: Disputed Energy Account

1 Mr J received an account for £227-72 in respect of arrears of electricity consumed which had built up over a period of two years owing to the Area Board's failure to submit correct accounts. As he had paid the accounts originally submitted in good faith, Mr J challenged the Board's right to recover the whole of the balance which had accumulated through the Board's error. He did not dispute that he had consumed the amount of energy for which the Board was now trying to charge him.

2 When Mr J challenged the account for the arrears, the Board pointed out that for the last eight quarters their representative had been unable to gain access to his premises. Mr J found this rather strange since his wife did not work and was at home with their two small children most of the time. Moreover, the representative had in any case left the usual meter card, which Mr J had duly completed and returned each quarter. Not being satisfied, therefore, with the Board's explanation, Mr J sought the assistance of his local authority's Consumer Advisory Service and also wrote to his area electricity consultative council.

3 In response to a request for a report on the case from the Electricity Consultative Council, the board admitted that, owing to an administrative failure on their part, Mr J's card reading had been altered from 10,000 to 1,000 units. However, since the correct meter reading was accepted by Mr J, the Board simply reiterated the suggestion made to Mr J previously that he should reach an agreement with their accounts office about payment of the account.

4 The ECC, however, were not satisfied with this. The Secretary suggested to the Board that, on the basis of their decision in a similar case some seven years earlier, his Local Committee were likely to recommend that the Board should seek to reach a compromise agreement on something like a 50:50 basis. The board's area manager eventually agreed to this suggestion, which was noted with satisfaction by the Local Committee at its next quarterly meeting. This action was later endorsed by the full Council, together with the Local Committee's concern at the failure of the board's administrative arrangements in this case.

5 The ECC's recommendation was accepted by the Board and Mr J was given an allowance of £113-86.

Case B3: Faulty Central Heating System

1 Mr K, in a letter to the Secretary of his area Electricity Consultative Council, sought assistance in connection with his complaints to the Area Electricity Board about his central heating system. Mr K maintained that the system had never been satisfactory, although he had complained to the board about it many times and service engineers had been to deal with it no less than six times.

2 The case was referred to the appropriate local committee, who recommended that Mr K accept the Board's offer of a visit by a Head Office Heating Engineer. This recommendation was endorsed by the full ECC, but when it was put to Mr K, he was unwilling to agree to it.

3 At the next local committee meeting, the matter was considered again. The committee still felt that a Head Office Heating Engineer should inspect the unit, but took the view that Mr K would be more likely to agree to this if the engineer were accompanied by a representative of the manufacturers. A locally resident member of the committee, who had already been in touch with Mr K, was therefore asked to visit him in order to obtain his agreement to the proposed course of action. It was subsequently agreed that the ECC Secretary should also attend the inspection to act as an observer on the Council's behalf. After the visit by the local committee member, Mr K duly agreed to their proposal.

4 When the joint visit took place, it revealed that Mr K was indeed fully justified in feeling dissatisfied. It was evident from the number and type of faults found that the central heating system had never been properly commissioned in the first instance. The Board therefore agreed, inter alia, to replace the entire heater unit, reline the plenum box, fix new heater cable, move the position of the thermostat and commission the heater to Mr K's satisfaction.

5 In a subsequent letter to the ECC secretary, Mr K confirmed that he was fully satisfied and thanked the Council for their assistance.

Case B4: Disputed Meter Reading

Mr L called at the office of his area Electricity Consultative Council on 13 November 1975 with a complaint about meter reading. He said that he had been trying to point out to the Area Board since February 1975 that there was a 10,000 unit meter reading discrepancy. He had exchanged letters with the Board, received an amended account and been visited by the Board's representatives. However, when the meter reader made his routine reading in the autumn there was again a 10,000 unit discrepancy. Mr L asked the ECC to investigate the matter.

The ECC Secretary referred Mr L's complaint to the Board's district manager. In a letter of reply on November 17 the district manager listed Mr L's consumption over the last three years, including a meter change in December 1972. Two suspect readings and a check reading were included, and the 10,000 unit discrepancy acknowledged. The Manager pointed out that the firm readings of the meter in February, May and November 1975 yielded average daily consumption figures of 18.93 units in the February to May quarter and 13.39 units in the May to November quarters. Although those average consumption figures were considerably in excess of the estimated consumptions used on the quarterly bills, it was felt that the consumer would agree that, given his installed load, his consumption had been considerably under-estimated over the past three years. As the consumer had pointed out the meter reading error as far back as March 1975, the District Manager proposed that the 10,000 units be charged at the 1973 price.

Ten days later the District Manager wrote again to the ECC Secretary with the results of further investigations. In the Manager's view the 10,000 unit meter reading discrepancy had been caused by the fact that since the present meter was installed in 1972, the consumer's accounts had been almost wholly estimated. In the period 19 December 1972 to 3 November 1975, 19264 units were consumed in 1,048 days, an average of 18.38 units a day. This, the District Manager wrote, 'is in line with the 3 actual readings of the meter taken this year... the two supposedly firm readings obtained in November 1973 and November 1975 are, in my opinion, false and I shall be pursuing this aspect with the operatives concerned. The meter has been checked

and found to be recording correctly, and with an installed load of 0.82 kw of lighting, 5.9 kw of heating, 3.0 kw of water heating and 6.45 kw of other appliances, a daily average consumption over the year of 18 units is not abnormal. Since the consumer pointed out the meter reading error to us as far back as March 1975 I propose that half of the 10,000 units be charged at the 1973 rate and half at the March and June 1974 quarters' rate, i.e. 5,000 units at 0.929p and 5,000 units at 0.971p, amounting to £95.01. If the consumer is unable to pay this amount in one sum, I am prepared to allow him to pay it off in six equal monthly instalments, provided that his new accounts are paid as rendered'.

In the light of this the ECC Secretary wrote to Mr L to say that while the Board's district manager agreed that misreadings had occurred, there was no doubt that the total number of units had been used. The fact that 8 out of 12 readings had been estimated had undoubtedly aggravated the situation. The Secretary went on 'Having said this, a 10,000 units error is clearly evident. The District Manager had agreed quite rightly to the adjustment of the charges, reducing the bill to £95-01 and has further agreed that an ex gratia payment of £20 be allowed against that account as an act of good will. Arrangements can be made direct with the District Manager for settlement within a period to be mutually agreed. I strongly recommend that you accept the above arrangement and sincerely hope that you will have no further cause for complaint in your dealings with the (area) electricity board'.

On 22 December 1975 the Board wrote to the ECC Secretary to inform him that Mr L had accepted the proposal put to him by the Secretary and the matter was therefore considered closed.

Case B5: Faulty Appliances

On 21 November 1975 Mr M wrote to his area Electricity Consultative Council as follows:–

'I am writing to confirm my telephone conversation with you this lunch-time and am enclosing copies of the correspondence which has taken place regarding the faulty Electra deep freeze and faulty Electra fridge supplied by the (area) electricity authority to me at my home address.

As you will see, the main points are that in August this year we reported that our deep freeze, which is located in the garage, appeared to be permanently switched on with the motor going and it was arranged that a service engineer would call. Coincident with this, we received an electricity account but as it was so excessive, we asked if the figures could be checked. We did this by telephone and we received a visit from the meter reader who checked the meter and confirmed that he had read it correctly on the previous occasion.

The service engineer called, checked the freezer in the garage and the fridge in the kitchen and confirmed that both were faulty, and were still under guarantee. The service department very promptly corrected the freezer, but had to order a part for the fridge.

Due to some slip up in the administration procedures, the part for the fridge apparently was not ordered but after subsequent telephone calls it was, and was duly delivered. Someone from the Engineering Department called but said that the part, which consisted of a rubber surround for the door, was not necessary and closed the door and taped it in the closed position with some insulating tape, requesting that we leave the door closed for a period of an hour or so and said that this would correct it. When the insulation tape was removed, the door returned to its former position so that at the top, at the end where the hinges are, it is close to the fridge, and then it runs away in an ever widening gap. We still have the rubber part.

My complaints are:–

1 because we received equipment under the Electra name, supplied by (area electricity board), which has proved to have been faulty under the guarantee, that we have used more electricity than we would have done with normal efficient equipment and therefore the difference between the electricity which would normally have been consumed and the additional electricity consumed because of the faulty equipment should be the subject of a credit from (the area electricity board).

2 that the fridge which was purchased from (the area electricity board) is faulty,

that it has not been repaired, as promised, to a satisfactory state, and has caused further damage with excessive icing inside the fridge, to the freezer compartment, and possibly additional use of electricity'.

On 25 November Mr M's complaint was referred by the ECC office to the local ECC member who took it up with the appropriate district manager of the area Board. However, on 16 December a disconnection notice was served on Mr M who, being very upset at such action being taken while the account was in dispute, telephoned the ECC to complain. The ECC Secretary immediately took up this further complaint with the Board's district manager, who then wrote to Mr M as follows:–

'I confirm our telephone conversation of this afternoon during which we agreed a credit to your account of £20 in full and final settlement of any claim arising from your recent complaint. Contact will be made with you separately by telephone to arrange a convenient time to call and remedy the refrigerated door seal.

Please accept my sincere apology for the disconnection warning left at your premises today. Clearly this should not have happened as your account was still in dispute'.

On December 29th Mr M wrote to thank the ECC Secretary for his intervention with the Board. He reported that the £20 rebate had been agreed and that when the engineers came to put the fridge right, they certified it faulty and it was replaced on Christmas Eve. Mr M commented: 'My wife and I are most grateful to you – we don't know what we would have done without your help as we were getting into an impossible sort of situation'.

Case B6: Faulty Slot Meter

On 3rd March 1976, Mr N wrote to his area Electricity Consultative Council as follows:–

'We would like to complain about the way the Electricity Board have completely ignored our telephone calls, letters and personal appearances at the local showrooms, regarding our coin slot meter, which had £57-52 outstanding arrears when it was emptied on the 12th November 1975. Details are listed below briefly:–

1 14th May 1975... meter was emptied and everything was in order.

2 During May the electricity went off for about two days, we got in touch with local Council, who sent a man to look at the fuse box etc. A completely new fuse box was fitted and the Electricity was working again.

3 In August 1975 we were on holiday during the collection and had a note put through the door. We went into the local office who said to wait until the next collection unless the meter was full.

4 November 12th 1975 – the meter collector called and said we owed £57-52 although the coin register was correct. We 'phoned the District Office a number of times and wrote but still got no reply or a visit from an inspector as the District Office kept saying on the 'phone.

5 13th February – meter collector called again he had a note on the meter and asked if we had had it checked. This time the units used and money was O.K. but the refund was kept and taken off the outstanding amount without the Board even checking the meter etc.

6 We went into the showrooms again to ask for the matter to be looked into, 14th February.

7 Wrote to District Office on the 15th February and to date, have still had no reply. As we are expecting to be moving shortly to another place, we would like the matter cleared up as soon as possible.

Hoping we will at least get something done this time to sort out this worrying problem'.

On 4th March 1976 Mr N's complaint was referred to the local ECC member who took it up with the area Board's district manager.

On 21st April Mr N wrote to the ECC to express his thanks for their help in resolving his complaint. 'The matter has now been completed by a new meter fitted and in perfect working order. My wife was truly worried by the money we were alleged to owe and now a great cloud has been lifted, we are both very relieved'.

Case B7: Supply of Spares

In January 1975 the automatic mechanism of Mrs P's cooker failed. A new switch was needed for the timer and panel light and at the same time a solenoid was required for her Expelair fan. After two unsuccessful attempts to obtain those parts from two local showrooms, Mrs P was advised by the Area Electricity Board to try yet another showroom, which duly took the order and a deposit on 24 January.

During the following three months Mrs P telephoned the Board from time to time to enquire what was happening and was assured that 'any week now the spares could be expected'. In April Mrs P telephoned to make an addition to the order and was told that although the showroom was to close at the end of April, arrangements were in hand with the local Post Office for parcels to be forwarded.

During May Mrs P heard nothing further and in June she decided to enquire into the situation and telephoned another showroom. She was referred by them to a third showroom where she was told that the fate of any business left over from the closed showroom which had ordered the goods was a mystery.

On 5th July Mrs P wrote to a member of her area Electricity Consultative Council, who in fact did not cover her particular locality and therefore passed the letter on to the ECC Secretary. He in turn referred it to the appropriate local ECC member, who took up the case with the Board's district manager on 11th July. On July 14th the District Manager wrote to Mrs P apologising for the delay and making available the spares required.

Case B8: Meter Reading Dispute – representation to Electricity Council

1 Mr O moved into his present home in February 1970. He received an account for the November 1972 quarter which showed an advance of 11535 units on his 'off-peak' meter. Feeling that this was three to four times higher than his previous consumption, Mr. O wrote to his local Electricity Board district office querying the account. The district office had the meter re-read, which confirmed the original reading as correct. A test on the installation revealed no sign of any electrical leakage and a Board check meter confirmed that the house meter was recording within the statutory limits of accuracy. The Board suggested to Mr O that the high bill might have resulted from a low estimate in the February 1972 quarter, followed by misreadings in the next two quarters (May and August).

2 Mr O did not accept this explanation and took his case to the area Electricity Consultative Council, whose Local Committee considered it on 5 April 1973. Mr O did not question the accuracy of the meter but maintained that the 10,000 units dial on the meter had been consistently misread. In putting forward his case, Mr O made three main points:–

a. the consumption recorded in his account for the November 1972 quarter was totally out of proportion to other bills;

b. the account was opened in February 1970 and the base reading of the newly installed meter was stated to be 00009; he felt that this reading should probably have been 10009 and that the 10000 digit had been consistently overlooked until November 1972, when he had been overcharged by 10,000 units;

c. that meter readers had resorted to 'common sense' meter readings.

3 The Board told the Local Committee that the November 1972 meter reading was confirmed and a test of the installation revealed no sign of leakage; further a Board check meter confirmed that the house meter was recording within the statutory limits of accuracy. The Board were satisfied that Mr O had used the electricity he had been charged for, reasoning thus:

i. if the opening reading had been 10009 it would have meant that there had been seven subsequent misreadings, which they considered unlikely;

ii. Mr O said that he had been making more use of his storage radiators, yet, if his November 1972 account had been overstated by 10,000 units, his consumption would have been less than in the same quarter of the previous year;

iii. the consumption since the disputed quarter supported their view that the estimate in February 1972 was too low. There were misreadings in the two following quarters.

4 The Local Committee felt that the February 1972 estimate had probably been low and agreed that this, coupled with two mis-readings, seemed a reasonable explanation. They concurred with the Board's suggestion that the outstanding arrears should be spread over two quarters. The Committee also recorded their concern that in the period of a year the Board had apparently made one serious under-estimation followed by two inaccurate meter readings.

5 The case was reconsidered by the Local Committee on 6 December 1973 when Mr O made a personal appearance. The Committee concluded that he might be right. They were impressed by his apparent sincerity and his honest opinion that he had been overcharged by 10,000 units. They agreed to re-affirm the concern they had expressed at their April meeting that in a period of a year the Board had apparently made one serious under-estimation followed by two inaccurate meter readings. Not being satisfied with the situation revealed, the Committee recommended the Board to meet the claim on a fifty-fifty basis. The minutes of the Local Committee were reported to the full ECC on 11 January 1974.

6 The Board, however, adhered to the view they expressed at the first Local Committee meeting (paragraph 3 above) and therefore declined to accept the recommendation that the claim from Mr O be met on a fifty-fifty basis. Mr O therefore exercised his statutory right to make a representation to the Electricity Council. That Council's officers asked the area Board and the ECC for their observations on the case and, in accordance with Electricity Council policy, the full-time Deputy Chairman of that Council set up a panel of Council members to consider the case. The panel consisted of the Deputy Chairman himself in the chair, two area Board chairmen (not from the Board involved in the case), and a member of the Generating Board. The hearing was attended by Mr O, the ECC Secretary, and two representatives of the area Board.

7 In the hearing, two further points came to light:

a. the load installed at Mr O's home included only one storage heater from February 1970 to 1971. Between May and August 1971 he had installed four more storage heaters. After October 1972 Mr O had made more use of his storage heaters, but this was not known to the Board until the account was disputed in November 1972.

b. the meter was located in a very difficult position for readings: it was seven feet off the ground and behind some workshop equipment. The meter reader needed a torch and sometimes used a step ladder provided by Mr O.

8 The Panel questioned the Board's representatives on the general arrangements for meter readings and billing and the following points were noted:

i. the Board did not provide the consumer with a note of the opening reading of a newly installed meter;

ii. meter readers' slips used to record consumption showed likely upper and lower readings which were calculated by computer. The computer programme for determining these upper and lower readings provided for a fixed variation of 1500 units, without regard to the class of consumer, the tariff being charged or the load installed;

iii. there was no system whereby abnormal readings, once they had been recorded by the meter reader, were presented for special scrutiny by billing staff;

iv. the Board's meter reading procedures did not provide for the use of self-reading cards;

v. no information was given to meter readers to warn them when they were about to take a reading that the previous account was based on an estimate;

vi. the Board's computer programme for calculating estimates of consumption resulted in the February 1972 estimate given to Mr O being based on the figure for February 1971, which was also an estimate, and the

May 1971 reading. Both estimates had been based on electricity consumption by only one storage radiator.

vii. the decision not to accept the ECC's recommendation that the Board write off half the disputed amount was made by the Group Manager.

9 The Panel agreed with the Board's view that the February 1972 estimate had been too low and that the May and August 1972 readings had been inaccurate. In view of the increase during 1971 in the installed load of the storage radiators to about 12 kw – an estimate which Mr O had agreed – the Panel took the view that the total consumption for which he had been billed up to November 1972 was probably correct. They also concluded that the meter was accurate. These views were supported by the subsequent consumption.

10 The Panel finally concluded that, although they were concerned about some aspects of the situation described in paragraph 8 above relating to meter reading and billing, consideration of Mr O's representation had not disclosed a defect in the Area Board's general plans and arrangements. The Panel reported this finding to a full meeting of the Electricity Council, which endorsed it. Mr O was then informed of the Council's decision on his representation.

Case B9: Disputed Energy Account – representation to Electricity Council

1 In July 1971 Mr Q received an electricity account for his shop which he challenged because it was based on a considerably higher unit consumption than previous accounts. A check meter showed that the meter was recording correctly, within the statutory limits, and a survey by the Area Board of apparatus in circuit and likely usage supported the overall level of consumption charged over the period August 1969 to May 1971.

2 On the basis of this evidence Mr Q accepted that the units had been used in that period but he maintained that, as he had not been correctly charged quarter by quarter for units consumed because of the shortcomings by the Board's staff, a reduction in the July 1971 account would be appropriate. Mr Q further maintained that, although his shop premises were open six days a week, from 8.30 a.m. to 8.30 p.m., meter readers were repeatedly making estimates and that apart from the February and August 1970 quarters, which the Board recorded as estimated, some of the other readings recorded by the Board as actuals were in fact estimates. In addition Mr Q contended that the February and August estimates were inaccurate and Board staff should have noticed trends in the pattern of meter readings, especially following extensions to his premises which were completed in May 1968. Mr Q said that if he had known his true consumption, his profit margins could have been adjusted to cover true overheads and he could have practised economies.

3 On 14 June 1972 Mr Q received a quarterly account for the sum of £114·97. Because this account was unusually large the Board made arrangements to check the recorded meter reading of 08970 on which the account was based. The Board employee sent to check the reading reported that it was correct but the Board were not satisfied and arranged for a further check by a meter engineer. This revealed that the reading should have been 98970, i.e. 10,000 units less than the reading on which the account was based. As a result an amended account for £31·57 was forwarded to Mr Q. On 22 July 1972 Mr Q received a reminder notice for the sum of £130·60. The Board confirmed that this notice was sent by mistake and followed a clerical error by the Board in double posting the cheque for £31·57 in settlement of the amended June 1972 account with the result that the £31·57 was credited against the outstanding account of £162·17.

4 However, the Board remained of the opinion that reduction in the July 1971 account was unjustified and would show undue preference because their check meter installed at the premises indicated that the meter was recording within statutory limits and a survey of apparatus installed and hours of usage indicated that, taking the period of August 1969 to May 1971 as a whole, the overall average consumption was justified.

5 Nevertheless, the Board accepted that the disputed quarter's consumption was incorrect as it stood and further admitted that it was clear that some time after November 1969 an incorrect meter reading was taken and the error perpetuated resulting in an excessive account being rendered in July 1971. The Board stated that

they had severely reprimanded the staff concerned in the incorrect readings and, through the ECC, had apologised to Mr Q for the inconvenience caused to him. Furthermore, the Board agreed that the cost of removing the meter to a more accessible position, which would normally be charged to the consumer, would be met by the Board. The Board gave Mr Q the opportunity to settle the outstanding account by quarterly instalments spread over 12 to 18 months. The Board added that they were not aware of the extensions to the premises until the account was queried by Mr Q in July 1971. In their view Mr Q himself should have noticed the trend in his accounts and challenged them accordingly. The Board further stated that they regretted the error with the June 1972 account and had apologised to Mr Q.

6 The Chairman of the ECC wrote to the District Manager on 30 November 1971 expressing concern about the background of events leading to the submission of the account of 15 July 1971. He considered that the Board should accept responsibility for the mistakes made by the Board's employees and felt strongly that the Board should consider making 'a considerable reduction' in the account. This suggestion was rejected by the Board because Mr Q had not been billed for more electricity than he had actually used over the period May 1969 to June 1971 as a whole. Subsequently after full consideration of the representation, the ECC Chairman indicated that he supported the arguments submitted by the Board. The Local Committee of the ECC agreed, after discussion, that there was not sufficient justification for them to recommend that the account should be reduced.

7 The Electricity Council considered Mr Q's case on 5 September 1972 and accepted that it revealed certain shortcomings in meter reading and administration which the Board had admitted and on which they had stated they had taken action. The Council sympathised with Mr Q's viewpoint but noted that the ECC had not recommended a reduction and that Mr Q himself had accepted that he had, overall, used the units for which he had been billed. The Electricity Council did not have the power to recommend a reduction in the account and agreed that no defect had been disclosed in the Board's general plans and arrangements for the exercise and performance of their functions. These conclusions were reported to Mr Q in a letter from the Secretary of the Electricity Council.

Case B10: Disputed Connection Charge – representation to Electricity Council

1 Mr R applied for a supply of electricity to his country cottage in February 1964 under a Rural Electrification Scheme whereby supply was provided to domestic premises at a standard connection charge which, if paid over seven years by quarterly instalments, amounted to 28 guineas. During the period of the scheme the Area Board established priorities for connecting supply to obtain the best use of the capital employed. In June 1964 Mr R was told in a letter from the District Office that the priority of his case was such that connection could not be made in the financial year 1964/65. In a further letter on 26 June 1964, Mr R was told that it might be two years before supply could be made available to the cottage. With this letter a leaflet was enclosed detailing the charges then in force and the letter expressly stated that these charges could be subject to alteration. Mr R sought confirmation from the Board that the charge would be in accordance with the leaflet, approximately £30. The District replied, in August 1964, that 'the cost would be in the region of £30, based on (the area Board's) connection charges' and that 'Two years would be a reasonable time factor'.

2 The scheme ended on 31 March 1966 and the new rural connection charges scheme, as applicable to premises like Mr R's cottage, limited to £250 the portion of the costs of connection to be borne by the Board. In February 1967, the District sent Mr R a preliminary estimate of £534 for providing an overhead supply and asked if he wished to proceed and have a firm quotation. Mr R said that this was the first time he had had any idea that such a large sum was involved and, through telephone discussions with a commercial engineer at the District Office, claimed entitlement to the 28 guineas rate chargeable at the time of his first application for supply three years previously. Mr R alleged that in this series of telephone calls the Board employee rang him on 3 April 1967 to say that the 28 guineas charge had been agreed after discussion with Group Headquarters and formal sanction would take

about four weeks. Mr R further claimed that, on 8 May 1967, he sought final confirmation by telephoning the engineer who immediately telephoned Group and received an affirmative reply.

3 For their part, the Board denied that they promised to make the connection for 28 guineas. Their version of the telephone calls on 8 May 1967 was that the Group Office agreed only that the cost of the scheme and the claim for the 28 guineas connection charge should be submitted to them for the Group Manager's consideration. The engineer had accordingly prepared a draft capital authorisation form which included a statement of the claim. In the event, the District Manager did not approve the form for submission to the Group Manager and it was cancelled. Mr R visited the District Office on 6 May 1968 and was told that the document prepared for the Group Manager's approval of the 28 guineas charge was no longer valid and that supply would only be connected on a capital contribution of £588 13s 6d from the consumer.

4 Mr R signed the agreement which provided for payment of this contribution by 28 instalments of £25 1s and returned it on 11 July 1968. Supply was connected on 12 September 1968. Thereafter the instalments were paid up to and including the June 1970 quarter when they ceased. In December 1968 Mr R, feeling that he had been unfairly treated, entered into a lengthy but inconclusive correspondence with the Board's officers and in November 1969 he made a representation to the Electricity Consultative Council. That Council's Local Committee examined the case and concluded that there was no evidence that the Board were committed to carrying out specific work for Mr R to provide a supply of electricity under the Rural Development Scheme which ended in March 1966.

5 Mr R then took his case to the full ECC, where it was heard on 8 May 1970. The Council decided that, although Mr R's basic claim for the 28 guinea rate was unproven, the confusion and misunderstanding created by unrecorded discussions ought to be taken into account and in the circumstances it would be appropriate to make a reduction in the capital contribution. The Council recommended to the Board that the charge be reduced from £588 to £350. In the light of this recommendation, the Board re-assessed the capital charge to take into account the fact that a longer line had been required for the connection because, through the resiting of a CEGB line between the date of his original application for supply and the date of the connection, the overhead service line had to be extended by about 110 yards. The Board offered to reduce the charge from £588 to £450. The ECC accepted this as a reasonable offer and so informed Mr R by letter on 13 July 1970.

6 Mr R made a further representation which was considered by the ECC on 12 March 1971. At the hearing Mr R said that after signing the agreement to pay £588, he began to suspect that other people who had applied after him had been connected after March 1966 on the old rural charge basis. He has gleaned this from conversation with local inhabitants, but had no direct evidence. Mr R agreed that the reduced offer of £450 was not unreasonable, but complained that the Board had given concessions to other people.

7 Mr R received a letter from the Group Manager, written on 25 August 1969 to explain how the Board's priority system for rural connections had been operated. Farms and premises used for individuals working on the land had priority over, for example, 'weekend cottages'. The Board were at pains to use their capital to the best advantage, having regard for example, to likely consumption of power. Here again the cottage ranked low in priority. The few cases connected after April 1966 on pre-April 1966 terms had a higher priority than Mr R's cottage and capital expenditure for them had been authorised prior to 1 April 1966. In an attempt to assure Mr R that he was not being discriminated against, the letter gave details of all rural connections in the District during the period 1964 to 1968, but this did not satisfy Mr R. In the light of all this, the ECC at their meeting on 12 March 1971 adhered to their earlier conclusion and saw no reason to change their approval of the Board's revised charge of £450.

8 Mr R remained dissatisfied and made a representation to the Electricity Council, the full-time Deputy Chairman of which formed a Panel of Council members to consider the case on 14 December 1971. The Board produced copies of the capital submission form referred to above. The Panel took the view that this document did not constitute authorisation by the Board officials whose clearance was required, but

was in the nature of a draft application to be connected at a cost of 28 guineas. Mr R did not produce any specific evidence to support his charge that he had been unfairly treated and, when pressed on the point, accepted that the information supplied by the Group Manager had been frank and that he had no reason to doubt what he had said or the supporting schedule of connections produced by the Board for the representation. Mr R indicated that he did not wish to pursue his complaint of discrimination by the Board against him. The Panel therefore concentrated on his claim that the Board had promised to connect his cottage for about £30 and had failed to honour that promise.

9 The Panel concluded from the evidence presented to them that, as acknowledged by the Board representatives, communications from the Board to the consumer had not been all they might have been. In particular, letters sent to Mr R in 1964 could have been more realistic about the extremely low priority his cottage had for connection, and during the later stages in 1967/68 there were too many telephone conversations and too few specific letters. The Panel also noted Mr R's observation that the Board had failed to inform him personally of the cessation of the original scheme and of the financial consequences of this for low priority applications for rural supply such as his, for which capital expenditure had not been authorised before 1 April 1966. Mr R argued that this would not have been a difficult matter as there could only have been a few people affected by the change. The Panel asked the Board's secretary at the hearing what steps the Board had taken to publicise the revised terms which took effect on 1 April 1966. In providing that information for the Panel the Board's secretary confirmed that Mr R did not receive personal notification of the revised terms or of their implications for him.

10 The Panel concluded that there were shortcomings in the communications from the Board to the consumer, which was admitted by the Board. On the main issue, however, the Panel were of the opinion that the Board were not under obligation to connect supply to Mr R's cottage for a charge of 28 guineas and that Mr R was bound by the agreement he had signed and on which he had already paid a number of instalments. The Panel's recommendations were reported to the Electricity Council at their meeting on 19 January 1972 and that Council concluded that there were no defects in the area Board's general plans and arrangements.

Case C1: Wrongly Charged Fare

1 Mrs S wrote to the Station Master at Railway Station 'A' the following letter of complaint on 17 November 1974:–

'My son, a member of the R.A.F. stationed at 'A' arrived at 'A' Railway Station on Friday evening to catch the 6.05 to 'B'.

While he was waiting at the ticket office a loud speaker announcement told people waiting for this train to board the train, and they would be issued with their tickets on the train.

Later when the ticket collector got to my son and was asked for a return to 'B' he was told that there were only single tickets, and my son was charged £2-25. The return fare would have been £3-27 which means my son, when he returns to 'A' this evening, will have to pay a further £2-25 which means that for the return journey he has been overcharged the sum of £1-27.

Surely if the practice of issuing tickets on the train is a common thing, then surely the ticket collector should be issued with both return and single tickets.

I would appreciate an explanation of this extortion of the travelling public, in this case member of Her Majesty's Forces, and what steps you intend taking to see that this kind of thing does not occur again.'

2 The Area Manager at 'A' replied to Mrs S as follows:–

'I have investigated your complaint regarding your son's journey between 'A' and 'B' on 17th November. I find that such a ticket was issued by the guard after the train left 'C' (an intermediate station). The guard concerned, in a written statement, has said that under no circumstances did he refuse to issue a return ticket, 'A' to 'B', and that he was, in fact, asked for only a single ticket.'

3 Mrs S was not satisfied with this reply so she contacted her local Citizens' Advice Bureau, who advised her to write to the (area) Passenger Transport Executive. Their reply stated that they could not help as the matter was not in their area of jurisdiction. Mrs S again contacted the Citizens' Advice Bureau, who suggested she write to the Secretary of the Area Transport Users' Consultative Committee. This she did on 8th December 1974, explaining her previous attempts to get the complaint resolved and enclosing copies of the correspondence. The TUCC Secretary took up the case with the Divisional Manager, who replied as follows:–

'Thank you for your letter of 13th December.

I have considered the circumstances relating to this case and am attaching a copy of letter I have sent to Mrs S refunding the difference between two single tickets and the weekend return ticket which he apparently required.'

4 The Divisional Manager's letter to Mrs S was as follows:–

'I have received copies of letters you have exchanged with my Area Manager at 'A' and the Transport Users' Consultative Committee for the (appropriate) Area.

I appreciate that a misunderstanding probably occurred when your son obtained his ticket on the train and I am enclosing £1-27 representing the difference between two single fares and the weekend return fare from 'A' to 'B'.'

5 On 5th January 1975 Mrs S wrote to the TUCC Secretary as follows:–

'Thank you for your letter of 30 December 1974. I received (the Divisional Manager's) letter yesterday, (Jan 4th) it had been sent via 'D' (another station) enclosing the cheque for £1.27.

My son and I are very grateful for your help in this matter and thank you very much.'

Case C2: Lack of Sunday Train Service

1 Mr and Mrs T wrote to their Area TUCC in November 1974 complaining about the lack of an evening Sunday service between 'D' and 'E' ('E' being a sea-side resort also having a university). Mr and Mrs T argued that in view of the number of students currently in 'E' and returning weekenders like themselves, there would surely be support for an evening train service.

2 At the same time Mr and Mrs T wrote to the Department of the Environment asking why there was no Sunday service on British Rail to 'E' outside the summer period, in spite of there being a large student population, who would no doubt make use of it.

3 The Department of the Environment wrote back to Mr and Mrs T explaining that 'as you may appreciate, the reason for the current lack of a winter Sunday train service between 'D' and 'E' is the high cost in relation to the level of demand'.

4 The Area TUCC Secretary took up Mr and Mrs T's representation with the appropriate Divisional Manager, who replied to Mr and Mrs T as follows:

'With reference to the correspondence you have had with (Area TUCC Secretary) and in particular the question of a Sunday return service to 'E' from 'D'; this has been looked at on a number of occasions, but the cost of opening the line and running a train in both directions would far exceed the extra revenue which we could expect.

I regret therefore that it is not possible to introduce an additional service on this line.'

5 Mr and Mrs T, who had been informed by the Area TUCC Secretary that their representation had been taken up with the Divisional Manager, wrote to the Area TUCC Secretary on New Year's Day 1975 as follows:–

'Thank you very much for your letter of 21.11.74, we appreciate your efforts on our behalf.

We are not sure how demand can be judged, and when the last survey was made. It may be that the extra student population in residence at 'E' would make the proposition more economically viable.'

6 The Area TUCC Secretary took this point up with the Divisional Manager and received the following reply:–

'No recent survey has been carried out but, having regard to the fact that even in years gone by it was not considered a Sunday evening service from 'D' to 'E' was justified, it is still considered the demand would not justify the very heavy costs which would be involved in providing such a service even when account is taken of the student population at 'E'.

The students are able to use the early mail train to 'E' on Monday mornings (dep 'D' 0415, arr 'E' 0657) although the number of passengers using this service at most times of the year is quite small.'

Case C3: Inadequate Train Service

1 In 1970 Mr U had written unsuccessfully to the then Ministry of Transport and to British Rail's Divisional Manager about the inadequate public transport facilities available to and from 'F'. The Minister's decision in 1968 on the 'G' to 'H' closure proposal had effected a reduction in the number of trains calling at 'F'. In Mr U's view the frequency of bus services – a maximum of 13 or 14 buses each way per day – had been one of the factors which had influenced the Minister, but the frequency of these buses had since been reduced to only 5 each way per day.

2 In January 1972 Mr U took the matter up with the Area TUCC Secretary. As regards the train service to 'F', he pointed out that:–

(a) on Mondays to Fridays there was a gap of about 10 hours (from about 0800 to 1800) without any trains calling at 'F';
(b) on Saturdays there was no train from 'F' to 'G' (a major urban centre) until 2208.

Mr U suggested that the quality of the service would be greatly improved if one extra 'G' to 'I' (another major urban centre) train called at 'F' each weekday morning and evening and similarly in the reverse direction. He contended that these additional stops would not add more than about two minutes to the overall journey times. He also pointed out that the recently introduced improvements to the services between 'F' and 'H' (a not so major urban centre) was meeting with a good response.

3 The Area TUCC Secretary submitted the matter to the British Rail Divisional Manager, who made the following comments in his reply:–

(a) the existing train service to and from 'F' had been agreed with the Minister of Transport following his decision in 1968 on the relevant closure proposal;

(b) since that time there had been some experiments centred round, for example, the services to 'H' on Saturdays to cater for people attending football matches and for shoppers, but generally speaking the position was not materially different from that which had dictated the action in 1968;
(c) no other complaints of a similar nature had been reveived;
(d) the particular trains referred to by Mr U (between 'G' and 'I') were Inter-City in character and efforts were being made to accelerate them. No consideration could therefore be given to the suggestion of stopping them additionally at 'F'.

4 In view of Mr U's continuing dissatisfaction it was agreed that his representations should be discussed at an Area TUCC meeting. At this meeting, British Rail was represented by their Regional Liaison Officer, and Mr U was accompanied by other residents of 'F'.

In presenting his case Mr U explained that he had travelled with his wife and two small children from 'G' to 'F' to visit his brother. The bus service was unsuitable because perambulators could not be carried and, since there was no train service between 0720, which was too early, and 1718, which was too late, these visits were very difficult to make. In fact, he argued, there was little point in having a train from 'G' to 'F' at 1718 on Saturdays without an earlier outward service to enable residents of 'F' to get to 'G'.

Mr U further maintained that the present train service at 'F' was of no use to many people working in 'H'. They now travelled by bus but would travel by rail if there were a train arriving at 'H' at about 0840 and a return train from 'H' at about 1715.

Mr U added that the station at 'F' had a derelict appearance, with no station name or details of train services exhibited outside; many residents of 'F' probably thought the station was closed. In his opinion a strenuous marketing campaign was required, not only to advertise the present services, but also to make known any additional services which might be provided.

5 In support of Mr U, the first resident of 'F' pointed out that, for people going on holiday on Saturdays to destinations involving travelling via 'G', it was necessary to travel first to 'H' to board a train for 'G'. This meant that one hour after commencing their journey they were passing through 'F', the point from which they had started. They were also, of course, involved in the extra cost of travelling the 14 miles to 'H' and back. The same difficulty was often experienced on return journeys.

6 The second resident of 'F' argued that the bus services were unsuitable for mothers with young children travelling to 'H' on shopping expeditions. Many mothers in 'F' had said that they would use the train services if the timings were more convenient. The bus journey from 'F' to 'H' took more than 30 minutes, compared with only about 13 minutes by train, but there was no point in leaving 'F' at 0755 when the shops in 'H' did not open until 0900. A great many people would use a mid-morning or mid-afternoon train.

This resident also pointed out that the 1350 experimental train from 'F' to 'H' on Saturdays did not appear in the timetable, which meant that many local people did not know it existed.

7 The Railways Liaison Officer explained to the Committee that the trains passing through 'F' were Inter-City trains and efforts were being made to accelerate them. It was desirable to counteract competition from the new motorway. Because of the heavy gradients and curves of the line additional stops at 'F' would add about five minutes to the journey times and it had been established that a few minutes difference in throughout journey times had a marked effect on revenue. There would also be the problem of maintaining rail connections at 'G', 'H' and 'I'. Several stations on the route had requested additional stops and conceding one request might create difficulties about not conceding others. He agreed, nevertheless, that for some people the service at 'F' was unsatisfactory.

8 After a lengthy discussion, the TUCC Chairman requested the Railways Liaison Officer to re-examine the situation in the light of all the relevant considerations and inform the Committee whether the service at 'F' could be improved. The Liaison Officer agreed to this. The TUCC Secretary was to inform Mr U of the outcome of this further investigation.

9 Before the investigation was completed, Mr U wrote again to the TUCC Secretary raising further points about the train service at 'F', including the condition of the station buildings and publicity. These points were referred to the Railway Liaison Officer, who answered them in a comprehensive reply to the Secretary, which was summarised for the Committee at a meeting in February 1973. The main points were: –
(a) the stopping of Inter-City trains at 'F' was out of the question because it would counteract efforts currently being made to speed up trains. This was vital because of the imminent competition of the competing motorway link between 'G' and 'I'. Moreover, if the trains stopped at 'F', there would be demands for stops at other intermediate stations as well;
(b) the possibility of introducing a special diesel multiple unit (DMU) service at 'F' to connect the Inter-City trains at 'H' had been examined, but enquiries had shown that the likely patronage would not remotely cover the cost of operation;
(c) However, it would be possible to adopt Mr U's suggestion that the 22.30 'G' to 'H' train should call at 'F' daily instead of on Saturdays only, and that the two empty DMU trains (i.e. the 06.27 SX 'H' to 'F' and the 1708 SO 'F' to 'H') should be advertised and convey passengers;
(d) door to door distribution of leaflets in 'F' had been discontinued following staff economies, but an offer made by Mr U to assist in the distribution of leaflets had been accepted;
(e) arrangements would be made for 'F' to be included in the 'I' to 'H' to 'G' train service cards, and on the 'H' line route map;
(f) plans were in hand for certain improvements to be made to the station buildings at 'F';
(g) the TUCC formica notice at 'F' station, which had been pulled down by vandals, had now been replaced.

10 In reply to questions raised by Members at the Committee's meeting which considered the Railway Liaison Officer's reply, one of his staff reiterated that speed was a vital factor in attracting passengers to Inter-City services and that the stopping of inter-city trains at 'F' could not therefore be contemplated. As to additional DMU trains, the evidence clearly showed, in the Railways Management's view, that even with the assistance of the small number of passengers who might be forthcoming at 'J' and 'K' (other stations between 'G' and 'H') the trains would be far from viable. The likely financial deficit was, in fact, so relatively considerable that British Railways would not feel justified in applying to the Department of the Environment for the requisite extra grant aid.

11 After a long discussion, the Committee resolved regretfully to accept that, in all the circumstances, they could not support the case for Inter-City trains to call at 'F' or for additional DMU trains to be provided. The Committee, however, requested that, for an experimental period, the 22.30 'G' to 'H' train should call at 'F' daily and that the two empty DMU trains mentioned should be advertised as passenger trains. The Railways representative agreed to arrange for these additional facilities, which were introduced on 5 March 1973.

12 As instructed by the Committee, the Secretary wrote to Mr U informing him of the outcome of their deliberations. In reply, Mr U stated that, while he was naturally disappointed with the final result, he was grateful for the Committee's assistance and courtesy.

13 At the TUCC's regular meeting in October 1973, it was reported that as a consequence of changes in train working arrangements, British Rail had found it possible to provide, from 1st October 1973, additional trains Monday to Friday at 17.04 from 'H' to 'F' and at 17.19 from 'F' to 'H'. In the ensuing discussion a member of the Committee who lived in 'H' expressed the view that residents of 'F' now had, with bus and rail taken together, ample public transport in the direction of 'H'. Difficulties were, however, being experienced by passengers travelling to 'G' because they almost always had to go to 'H' first to board a train for 'G'. This opinion was endorsed by other members of the Committee.

14 In response to this, the Railways Liaison Officer stated that, while he had a great deal of sympathy with that view, the train service at 'F' had really resulted from a closure proposal in connection with which the Minister had merely stated that a commuter service would be maintained. The present level of service was

designed to meet that requirement.

15 While noting that statement, the Committee took the view that, irrespective of what had happened in the past, the train service between 'F' and 'G' hardly seemed sensible: shoppers and the like had a suitable return service from 'G' to 'F' at 17.18, but no outward service from 'F' to 'G' after 08.05 from Monday to Friday and no outward service at all on Saturday. The Chairman therefore requested the Railway Liaison Officer to re-examine the possibility of introducing a mid-morning service from 'F' ro 'G' from Monday to Saturday. This he agreed to do.

16 At the Committee's meeting in January 1974, the Secretary reported that the Railway Liaison Officer, in agreement with the area Passenger Transport Executive, was arranging for a recently introduced experimental service between 'J' and 'G' to run between 'H' and 'G' and give stops at 'F'. The service would operate on Tuesdays only, leaving 'F' for 'G' at 09.48, and returning from 'G' at 15.25. Passengers would be checked in the hope that they would be sufficient to justify the area PTE and the Department of the Environment agreeing to the service being continued. Meanwhile, further consideration was being given to the possibility of providing a service from 'F' to 'G' on Saturday mornings.

17 Also in the meantime Mr U had written again to the TUCC Secretary to raise some points made at a meeting organised by the Community Association at 'F'. These points widened the area of complaint about the train service at 'F', and for the purpose of this case study we shall concentrate upon one aspect only – the provision of additional train services from 'F' to 'G' and 'H'. In this connection, the Community Association meeting had welcomed the news of the 'Tuesdays only' train to 'G' and requested a weekday service from 'F' to 'H' at 10.00, returning at 15.00. These points were reported to the TUCC meeting in January 1974 and the Chairman asked the Railway Liaison Officer to report the Railway's response to the Secretary.

18 At the next meeting of the Committee, in April 1974, the Liaison Officer reported that, since the introduction of the Tuesday experimental service, the number of passengers at 'F' had been very disappointing: it had varied between none and six, except on Easter Tuesday, which could not be regarded as representative. Nevertheless, the question of introducing a Saturday service from 'F' to 'G' had been put to the appropriate Passenger Transport Executives. As regards the requested additional service between 'F' and 'H', the Railway Region could not see any case for it, but if Mr U and the Community Association at 'F' could give a reliable estimate of the likely passengers the possibility of introducing such services would be further considered.

19 Before the next meeting of the Committee in July 1974, the Chairman and Secretary visited 'F' themselves. The Chairman reported to the July meeting that the journey time from 'F' to 'H' by train was 10 minutes, compared with 40 minutes by bus, and that the station, which had a not unreasonable road approach, was situated about a quarter of a mile from what was in effect the centre of 'F'. As regards the experimental Tuesdays only train, the point had been made that it was no help to people who wished to shop in 'L' or 'M' because Tuesday was half closing day at both. The July meeting also received a report from the Secretary on Mr U's response to the points made at the April meeting, which had been reported to him by the Secretary. In addition to reiterating his basic arguments, Mr U questioned whether the service at 'F' had been advertised in the most appropriate newspapers (identified by a Committee member). He also enquired what the prospects were of the suggested Saturday service between 'F' and 'G' being introduced soon.

20 The Railway Management's response to these further points from Mr U was reported to the October meeting of the Committee. It was confirmed that the experimental Tuesdays only service had been advertised in the appropriate local newspapers, including those named by the Committee member at the July meeting. In addition, a house to house distribution of leaflets had been carried out in 'F', so the Railway management were satisfied that adequate publicity had been given to the new service. On the question of the Saturday service to 'G', this would be introduced in time for Christmas shopping, provided agreement was reached with the Department of the Environment and the 'G' Passenger Transport Executive. At the committee meeting, the Railways Liaison Officer reported verbally that negotiations on this were not going as well as expected: whilst British Rail were sympathetic to

the need for a Saturday morning service from 'F' to 'G', the PTE at 'G' were concerned about rising costs and, therefore, were not prepared at that juncture to give their support for the provision of the additional train. The Railway management, however, still hoped to persuade the PTE to agree to the experiment.

21 At the next meeting of the TUCC in January 1975, the Railways Liaison Officer gave a further report on these negotiations. A detailed memorandum had been sent to the Area PTE within which 'F' was located (i.e. not the 'G' PTE) and discussions had taken place at senior management level. However, these discussions indicated that the PTE were not enthusiastic about the additional service requested. Moreover, in the prevailing economic climate, they might decide not to take over financial responsibility for the 'H' to 'F' service, for which the deficit was £40,000 per annum. While that service was also of interest to the 'G' PTE, they were concerned with the section of the line to 'J' – i.e. not as far as 'F'. If it transpired that the Area PTE decided not to support the 'H' to 'F' service, British Rail might have to ask the Minister whether 'F' station should again be put forward for closure.

22 After a discussion of this report, and further general points made in a lengthy submission from Mr U, the Committee agreed that, because of the small number of passengers at 'F' and the loss which the service was incurring, they were not at present justified in pressing for any more trains for 'F'.

Note: This case is in fact still continuing. After the decision described in the final paragraph above, Mr U suggested that the local Member of Parliament should be involved in the discussions, as well as the Passenger Transport Executives, and the subject-matter considered was greatly widened.

Case C4: Unsatisfactory 'Golden Rail' holiday arrangements

1 Mr Y wrote to his area transport users' consultative committee to complain about the failure of British Rail to respond satisfactorily to his complaints to them about a Golden Rail holiday.

2 Mr Y and several companions had booked the holiday through a local travel agent. It proved disastrous. First, the reserved seats had been double booked, and the party had to stand to their destination. Second, there was no time for luncheon at the exchange point as promised. Third, on the return journey, the promised taxi failed to arrive. And, finally, the reserved seats did not materialise and once again the party had to stand all the way with their cases for the whole journey.

3 Upon complaining to British Rail, Mr Y and his companions were offered £2-50 each as compensation. Although British Rail expressed regret for the serious breakdown of the travel arrangements made for the party, they did not feel able to make a higher refund than that, on the grounds that the holiday took place on a Saturday at the height of the season.

4 Mr Y and his companions refused to accept this, as they considered they had been badly dealt with. Mr Y therefore wrote to the area TUCC, whose secretary made representations to British Rail. This led to a complete review of the case, following which British Rail reported to the Committee that, in the light of the evident disappointment which had led Mr Y's party to complain at such length, and in particular the very unsatisfactory circumstances of the return journey, it had been decided to authorise a refund of the whole of the party's rail fare, including the Saturday supplement – a total of £9 per person.

5 Subsequently, Mr Y wrote to the Committee as follows:–

'Thank you for your letter received yesterday, advising my companions and I to accept the amount offered to finalise our claim against the Rail Board. I have written to the appropriate Department in this vein etc and as soon as the cheque arrives we will consider the whole issue closed. We would not have pursued this so vehemently had we had a reasonable response in the first instance from the Board.

(My companions and I) wish to send thanks to you for seeing this issue to a successful conclusion. In such cases, we, the general public, are at a loss to know the best course to adopt, not knowing of your existence until advised of it, but in future if any of our friends are in need of help we won't hesitate to put them in touch with you with a high recommendation, so once again thanks for all your help.'

Case C5: Unsatisfactory Transfer arrangements

1 The Revd Z wrote to his area transport users' consultative committee to complain of the failure of British Rail to respond satisfactorily to his claim for a refund of taxi fares for a scout party for whom adequate connecting arrangements had not been made.

2 The Revd Z wrote as follows:

'From this Church I conducted 23 young people on holiday to Guernsey and back at the end of July. We travelled by rail and boat. On the outward journey on July 25th, we had no travelling difficulties. The return journey, Friday August 1st and Saturday August 2nd, however, was not so pleasant.

We arrived in Weymouth **Quay** and went through the Customs by 5.30 a.m., only to find the train we were booked to travel on, with reserved accommodation, left Weymouth **Town** station some distance away at 5.48 a.m.; there was no means of transport provided by British Rail to convey us between the two stations. To walk with 23 youngsters, plus their luggage, in 18 minutes was out of the question. Eventually we had to hire some 7 taxis at a total cost of £2-50; might I add that many of the young people were broke, not expecting to pay for such extra transport.

All the arrangements were made for us by British Rail. They did not inform us beforehand of there being two stations at Weymouth and they did not make it known to us that we would be expected to provide our own transport out of our own expenses in order to catch the 5.48 a.m. train they had booked us on.

I have been in correspondence with British Rail (the area manager) over this and they refuse to reimburse the young people. They did offer me an ex gratia payment of £1 towards the costs, which I have refused, believing this to be less than just for the young people concerned.'

3 The TUCC made representations to the appropriate Divisional Manager on behalf of the Revd Z and he agreed to an ex gratia payment of £2-25 being made. Subsequently, the Revd Z wrote to the Secretary as follows:–

'Thank you for your letter of 30th December 1969. I have received a letter from British Rail, admitting their failure in this matter and he has authorised the Claims Department to make a payment of £2-25 as soon as possible.

May I take this opportunity of thanking your Committee for assisting me successfully in this matter. On behalf of the young people concerned I am most grateful.'

Case D1: Trunk Call Problems

1 Mr V, a travel agent, telephoned the Post Office Users' National Council in July 1973 to complain that (a) when ringing London he was frequently cut off when 'queueing', sometimes even after being answered; and (b) when re-connected by the operator, he had been charged for an operator call, rather than at STD rates, and given only 1 unit allowance.

2 The POUNC Secretariat took Mr V's complaint up with the Controller (Services) in his telephone region, asking for reconsideration of the amount of rebate allowed and for comments on the trunk line situation between the town concerned and London.

3 After two interim reports to the effect that the complaint was still being investigated, the Controller (Services) wrote to POUNC in September 1973, explaining that when STD equipment is being employed ineffectively an automatic release operates after 3 to 6 minutes, which is sufficient in the majority of cases. Tests carried out had produced no cases of the release being required, but these tests had not been during the peak season. The London Telecommunications Region was therefore being asked to request travel agencies to review the adequacy of their telephone arrangements. As regards the rebate, it was felt that this was adequate but 'to retain this customer's goodwill and bring the dispute to a speedy conclusion', the account would be reduced by 50p. It was further explained that because of the acknowledged congestion on the trunk route concerned, facilities had been increased and it was hoped the situation would improve. POUNC was asked to convey the Post Office's apologies to the user.

4 A fortnight later the POUNC Secretariat wrote to Mr V, conveying to him the substance of the letter they had received from the Post Office.

5 In March 1974 Mr V telephoned POUNC again, complaining that he was still experiencing difficulty calling a well-known London travel agency and reporting that another travel agent in his town was suffering similarly.

6 The POUNC Secretariat wrote again to the Controller in the telephone region concerned asking for a further investigation. In his reply at the end of April, the Controller reported that investigations by the London Telephone Region had shown that some callers were experiencing difficulty, but that the main causes were a combination of staff shortages and seasonal congestion. No immediate improvement was likely. The Post Office view was that Mr V's difficulties were occasional and 'it is possible that he is somewhat intolerant of difficulties which perhaps the average user might accept as being a reasonable occupational hazard in all the circumstances'. Their investigations had revealed no evidence that any other travel agent in Mr V's locality was having similar trouble.

7 In mid May 1974 the POUNC Secretariat wrote to Mr V explaining that tests carried out by the Post Office had revealed seasonal congestion. It was pointed out that the Post Office could not guarantee a trouble-free service, and that Mr V probably met more problems because of his greater use of the telephone. POUNC's letter concluded that 'in view of the Post Office comments there is nothing more we can do to help you in this matter'.

Case D2: Delayed Connection of Telephone

1 Mrs W, who had seen a reference to the Post Office Users' National Council in a woman's magazine, wrote to the Council in November 1974 complaining of difficulty she was experiencing in getting a telephone installed. She had moved to a new residence at the beginning of October, having had a telephone at her previous address. It had been arranged with the Post Office that a telephone would be installed at her new address the day after her move, but when the engineer called to do this he found that the cable was broken which, he said, would take about a week to repair. Six weeks later, in spite of several calls to the local telephone manager asking for action to be taken the telephone had still not been connected.

2 The POUNC Secretariat took up Mrs W's complaint with the Service Controller in the appropriate telephone region and asked for service to be provided as soon as possible.

3 In early December 1974, the Controller replied to POUNC, explaining that the delay had occurred because of the limited number of staff available and the fact that a continuous period of wet weather had meant an abnormal number of faults. Priority had been given to the clearing of business lines. However, Mrs W had been connected at the end of November.

4 The POUNC Secretariat wrote to Mrs W in mid December conveying the substance of the Controller's explanation and expressing the hope that all was now satisfactory.

Case D3: Compensation for Lost Parcel

1 In October 1974 Mr X, a photographic dealer, wrote to the Post Office Users' National Council complaining about the Post Office's refusal to pay him compensation for a camera which had been lost in the post. Mr X explained that he had posted the camera in a compensation fee parcel in early March 1974. In August 1974 he had written enquiring about it to the Post Office's Returned Letters Branch and asking for compensation if it could not be traced. That Branch confirmed that they were unable to trace the parcel, but refused to pay compensation because the three months limit for claims had expired. In a subsequent exchange of letters with Mr X, the Branch pointed out that if successful enquiries were to be made about a missing item, the Post Office needed to know about it as soon as possible. The Branch also maintained that a leaflet setting out the conditions of the compensation fee parcel service was available at any Post Office. Since the time limit for a claim had expired, the Branch could see no reason for changing their decision.

2 The POUNC Secretariat wrote to the Services/Marketing Manager in Mr X's Postal Region setting out his complaint and pointing out that it had also been referred to the Council Chairman, Lord Peddie, by Mr X's Member of Parliament. The Secretariat suggested to the Postal Region that an exception should be made to the compensation rules in this case. They pointed out that there was no mention of the time limit for claims on the certificate of posting, nor in the previous edition of the leaflet describing the compensation fee parcel service. In fact, the time limit had been introduced only recently, by the publication of an amendment to the Post Office Guide. The Secretariat therefore pressed for reconsideration of the decision to refuse compensation.

3 The Postal Region replied to POUNC in early December. They maintained that it was not unreasonable to reject the claim, especially as Mr X had known of the loss as early as March 27. However, they did take, and were looking into, POUNC's point about the lack of reference to the time limit for claims on the certificate of posting. In the circumstances the Region was prepared to waive the rule and compensation would be paid.

4 On 19 December 1974 the POUNC Secretariat wrote to Mr X, setting out the points made in the Postal Region's reply and asking to be informed of the amount of compensation paid.

5 In mid January 1975 Mr X reported to POUNC that he had received £29-50 compensation and thanked them for their help in settling his complaint.

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