



The Commission for  
Local Administration in England

**The Local Government Ombudsman's  
Annual Letter  
Broxbourne Borough Council  
for the year ended  
31 March 2007**

**The Local Government Ombudsman (LGO) investigates complaints by members of the public who consider that they have been caused injustice through administrative fault by local authorities and certain other bodies. The LGO also uses the findings from investigation work to help authorities provide better public services through initiatives such as special reports, training and annual letters.**

## **Annual Letter 2006/07 - Introduction**

The aim of the annual letter is to provide a summary of information on the complaints about your authority that we have received and try to draw any lessons learned about the authority's performance and complaint-handling arrangements. These might then be fed back into service improvement.

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

There are two attachments which form an integral part of this letter: statistical data covering a three year period and a note to help the interpretation of the statistics.

## **Complaints received**

In 2006/7 I received 25 complaints against your Council, compared to 29, 22 and 30 in the previous three years. I should expect some fluctuation in complaint numbers.

Ten complaints concerned planning matters (of which six related to planning applications. Three were about enforcement and one related to pruning or removing street trees). The predominance of planning complaints is common for District Councils.

The remaining complaints included five about transport and highways, three about housing and two about environmental health.

## **Decisions on complaints**

I made decisions on 30 complaints in 2005/6. Three were outside my jurisdiction and in 15 cases I used my discretion not to investigate further. These included 12 complaints about the Council's handling of an application for 'prior approval' of a mobile phone mast (see below). In seven cases I found no or insufficient evidence of fault to warrant my involvement.

We use the term 'local settlement' to describe the outcome of a complaint where, during the course of our investigation, the Council takes, or agrees to take, some action which we consider is a satisfactory response to the complaint and the investigation does not need to be completed. These form a significant proportion of the complaints we determine. When we complete an investigation we must issue a report. As in previous years I did not issue any formal reports against your Council.

In one case a local settlement was agreed. It concerned an application for erection of a mobile phone mast. The Council's failure to respond to an application for 'prior approval' within the statutory time scale meant that, although it had intended to refuse the proposals, permission for the mast was given by default. Agents for the operators offered to consider an alternative site if one was identified by the Council, but they received no reply. Residents who had been consulted on the application were not told the outcome, becoming aware only when work started on site.

I had 13 complaints about this, with one lead complainant. Following representations from residents and the Council, the mobile phone operator decided not to use the site and I decided that, while there had been fault, there was generally insufficient injustice to require a settlement. However, the lead complainant was put to time and trouble in pursuing the matter. The Council agreed to pay her £200 to reflect this injustice.

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

Four complaints were referred back to the Council because it had not had a reasonable opportunity to consider and respond to the matter before I became involved. This was a similar percentage to the previous year and somewhat below the national average of 28%. /...

## **Training in complaint handling**

As part of our role to provide advice in good administrative practice, we offer training courses for all levels of local authority staff in complaints handling and investigation. The feedback from courses that have been delivered over the past two and a half years is very positive.

The range of courses is expanding in response to demand and in addition to the generic Good Complaint Handling (identifying and processing complaints) and Effective Complaint Handling (investigation and resolution) we now offer these courses specifically for social services staff. We have also successfully piloted a course on reviewing complaints for social services review panel members. We can run open courses for groups of staff from smaller authorities and also customise courses to meet your Council's specific requirements.

All courses are presented by an experienced investigator so participants benefit from their knowledge and expertise of complaint handling.

I have enclosed some information on the full range of courses available together with contact details for enquiries and any further bookings.

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

I ask Councils to reply to enquiries within 28 calendar days. Your Council's average response time was well within this limit, for which I am grateful.

If a Council Committee formally considers this letter it would be helpful to be sent a copy of the minutes of the meeting, along with a copy of any report to the Committee.

## **LGO developments**

I thought it would be helpful to update you on a project we are implementing to improve the first contact that people have with us as part of our customer focus initiative. We are developing a new Access and Advice Service that will provide a gateway to our services for all complainants and enquirers. It will be mainly telephone-based but will also deal with email, text and letter correspondence. As the project progresses we will keep you informed about developments and expected timescales.

Changes brought about by the Local Government Bill are also expected to impact on the way that we work and again we will keep you informed as relevant.

We have just issued a special report that draws on our experience of dealing with complaints about planning applications for phone masts considered under the prior approval system, which can be highly controversial. We recommend simple measures that councils can adopt to minimise the problems that can occur.

A further special report will be published in July focusing on the difficulties that can be encountered when complaints are received by local authorities about services delivered through a partnership. *Local partnerships and citizen redress* sets out our advice and guidance on how these problems can be overcome by adopting good governance arrangements that include an effective complaints protocol.

/...

## **Conclusions and general observations**

I welcome this opportunity to give you my reflections about the complaints my office has dealt with over the past year. I hope that you find the information and assessment provided useful when seeking improvements to your Council's services.

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

**June 2007**

Enc: Statistical data  
Note on interpretation of statistics  
Leaflet on training courses (with posted copy only)

<b>Complaints received by subject area</b>	<b>Benefits</b>	<b>Housing</b>	<b>Other</b>	<b>Planning &amp; building control</b>	<b>Public finance</b>	<b>Transport and highways</b>	<b>Total</b>
<b>01/04/2006 - 31/03/2007</b>	1	3	5	9	1	6	<b>25</b>
<b>2005 / 2006</b>	4	2	3	17	0	3	<b>29</b>
<b>2004 / 2005</b>	3	11	5	2	0	1	<b>22</b>

**Note:** these figures will include complaints that were made prematurely to the Ombudsman and which we referred back to the authority for consideration.

<b>Decisions</b>	<b>MI reps</b>	<b>LS</b>	<b>M reps</b>	<b>NM reps</b>	<b>No mal</b>	<b>Omb disc</b>	<b>Outside jurisdiction</b>	<b>Premature complaints</b>	<b>Total excl premature</b>	<b>Total</b>
<b>01/04/2006 - 31/03/2007</b>	0	1	0	0	7	15	3	4	26	<b>30</b>
<b>2005 / 2006</b>	0	0	0	0	7	1	6	2	14	<b>16</b>
<b>2004 / 2005</b>	0	1	0	0	13	4	2	6	20	<b>26</b>

See attached notes for an explanation of the headings in this table.

<b>Response times</b>	<b>FIRST ENQUIRIES</b>	
	<b>No. of First Enquiries</b>	<b>Avg no. of days to respond</b>
<b>01/04/2006 - 31/03/2007</b>	10	19.2
<b>2005 / 2006</b>	16	21.1
<b>2004 / 2005</b>	7	18.9

**Average local authority response times 01/04/2006 to 31/03/2007**

<b>Types of authority</b>	<b>&lt;= 28 days %</b>	<b>29 - 35 days %</b>	<b>&gt; = 36 days %</b>
District Councils	48.9	23.4	27.7
Unitary Authorities	30.4	37.0	32.6
Metropolitan Authorities	38.9	41.7	19.4
County Councils	47.1	32.3	20.6
London Boroughs	39.4	33.3	27.3
National Park Authorities	66.7	33.3	0.0