



The Commission for
Local Administration in England

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

East Hampshire District 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

We received just 16 complaints in total against your Council during the year. Of these 15 concerned Planning/Building Control and the other was about Environmental Health.

Decisions on complaints

Reports and local settlements

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.

Of the 20 decisions I made in the year, three were local settlements. These were all planning cases the details of which are as follows:

- In two of the complaints the Council failed to notify the complainants of planning applications. It agreed to pay a total of £750 compensation for the opportunity the complainants had lost to have their say in the decision-making process. In one, although the Council had met the minimum statutory requirement to publicise the applications, it accepted that under its procedures the complainant should have had a letter giving her the opportunity to comment on the application before it was decided. In the other as well as the complainant losing the opportunity to object to the scheme, there was nothing on record to show what site visits had been made or how the officers had considered the impact of the development of his property. In neither case could I conclude that the decision would have been different had the complainants objected.
- In the third complaint the Council failed to take account of the amenity of a complainant's property when considering a planning application. It did not impose a condition for obscure glazing to be fitted to a facing window. In the event the applicant did not implement the consent, but submitted a further application which did have obscure glazing. The audit trail from the application to the decision was incomplete because no site visit notes or photographs were on record. Neither was there any note of what consideration was given to the complainant's amenity. The Council paid the complainant £200 for his time and trouble in pursuing the complaint.

I am pleased to see that the Council has taken the opportunity to learn from the similarities in these three complaints and reviewed its procedures accordingly.

Once again I have had no occasion to issue a report against your Council.

Other findings

We sent two complaints to your Council because it appeared that you had not had a reasonable opportunity to investigate them. Three complaints were outside my jurisdiction and I exercised my discretion not to pursue an investigation in another case. I found no or insufficient evidence of maladministration in eleven complaints.

Your Council's complaints procedure and handling of complaints

The two complaints we referred to you to investigate as it appeared you had not had a reasonable opportunity to do so through your own complaints procedure represent just ten percent of all the decisions made on complaints against your Council. As the national average for the year is 28 per cent this suggests that people are aware of your complaints procedure and how to use it.

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. We offer generic courses in Good Complaint Handling (identifying and processing complaints) and Effective Complaint Handling (investigation and resolution). 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

We made first enquiries on nine complaints this year. The Council's response time to these enquiries averaged almost 36 days, but this figure is distorted by just one complaint where the response took 77 days. Excluding that complaint brings the average time for the other eight down to 31 days. This is a great improvement over the 55 days it took in 2005/2006, but as we ask for a response within 28 days there is room for further improvement and I would hope that the Council can meet our target next year.

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.

J R White
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June 2007

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

Complaints received by subject area	Benefits	Housing	Other	Planning & building control	Public finance	Total
01/04/2006 - 31/03/2007	0	0	1	15	0	16
2005 / 2006	1	2	4	10	1	18
2004 / 2005	0	1	2	10	0	13

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

Decisions	MI reps	LS	M reps	NM reps	No mal	Omb disc	Outside jurisdiction	Premature complaints	Total excl premature	Total
01/04/2006 - 31/03/2007	0	3	0	0	11	1	3	2	18	20
2005 / 2006	0	1	0	0	3	3	3	4	10	14
2004 / 2005	0	1	0	0	2	4	5	1	12	13

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

Response times	FIRST ENQUIRIES	
	No. of First Enquiries	Avg no. of days to respond
01/04/2006 - 31/03/2007	9	35.9
2005 / 2006	6	55.0
2004 / 2005	3	26.0

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

Types of authority	<= 28 days %	29 - 35 days %	>= 36 days %
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