



The Commission for  
Local Administration in England

**The Local Government Ombudsman's  
Annual Letter  
Rother 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 15 complaints against the Council during 2006/07, the same number as in the previous year. The largest category of complaint was planning and building control.

## **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.

We issued no reports against the Council during 2006/07. There was one local settlement when the Council accepted that it had failed to keep the complainant informed about how it was dealing with reports about the condition of a domestic garden.

### ***Other findings***

In a complaint which I did not uphold, the Council later confirmed that it had become standard practice to notify owners of memorials which are found to be loose but not immediately dangerous. This brings the Council's practice much closer to the criteria recommended in the special report on memorial safety in local authority cemeteries which we issued (jointly with the Public Services Ombudsman for Wales) in March 2006.

In another complaint we were concerned about the brevity of an environmental health assessment carried out when a planning application for an activity centre was being considered. We did not uphold the complaint because there was no evidence of any subsequent statutory nuisance. The Council resisted my view that it had been at fault but I am unconvinced by its arguments.

Another investigation related to a complaint about the Council's policy of not using neighbour notification letters when advertising planning applications. The Council's approach is to rely on newspaper advertisements and site notices. I was concerned about the possibility that such a policy might fetter the Council's discretion but following a review the Council decided not to change it. I may return to this subject in the event that the issues are raised in future complaints.

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

During the year we sent three complaints to the Council to be dealt with under its complaints procedure. Given the low level of complaints we have dealt with, there are no particular lessons we have learned this year about the way the Council's complaints procedure operates.

## **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 Good Complaint Handling (identifying and processing complaints) and Effective Complaint Handling (investigation and resolution) courses. 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**

The Council continues to respond promptly to our written enquires on complaints. There were eight such enquiries during the year and the Council's average response time was just over 22 days, well inside our target time of 28 days.

## **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>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>	2	5	7	1	0	<b>15</b>
<b>2005 / 2006</b>	1	0	11	3	0	<b>15</b>
<b>2004 / 2005</b>	5	2	15	0	1	<b>23</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	4	5	3	3	13	<b>16</b>
<b>2005 / 2006</b>	0	0	0	0	6	7	2	3	15	<b>18</b>
<b>2004 / 2005</b>	0	1	0	0	11	5	4	2	21	<b>23</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>	8	22.3
<b>2005 / 2006</b>	10	21.9
<b>2004 / 2005</b>	12	21.0

**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