



The Commission for
Local Administration in England

**The Local Government Ombudsman's
Annual Letter
Wealden 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 29 complaints against the Council during the year, the same number as last year. As in previous years the majority of complaints were about planning and building control matters and during this year 24 complaints fell within this category. Most complaints were about the way the Council has dealt with applications for planning permission.

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.

No reports have been issued against the Council during the year. However, two planning complaints resulted in local settlements with a total of £300 compensation paid by the Council. One of these complaints led the Council to agree to review its policy for the notification of the owners/occupiers of properties that are likely to be affected by planning applications. I look forward to receiving details of the outcome of that review. The Council also agreed to ensure that site notification notices are properly displayed and that, where possible, undelivered notification letters will be followed up by officers.

The other complaint related to the Council's failure to record properly the reason for seeking amendments to a planning application.

Other findings

One complaint was about matters outside our jurisdiction and 18 complaints resulted in findings of no or insufficient evidence of maladministration.

During the investigation of two planning complaints that we did not uphold we identified the importance of proper notes being maintained by officers to record the reasons for decisions they had taken. The Council told my investigator that it is working on a Development Control Manual to clarify procedures and this will include a range of pro forma worksheets to improve procedures and record keeping. I hope that this will help to reduce the number of future complaints about planning and building control issues. I should be grateful if you will let me know when the manual is completed.

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Your Council's complaints procedure and handling of complaints

During the year we referred six complaints to the Council for consideration under its own complaints procedure.

Five of the complaints we received during the year had previously been referred back to the Council to be dealt with under its own complaints procedure. Clearly those complainants were not satisfied with the Council's response. In three of them, my officers found no maladministration. The other two were still under consideration at the close of the year and so I cannot report the outcome in this letter.

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. I am pleased that we were able to hold courses for around 20 of your officers in February and March 2007. The feedback we received was very good.

We continue to develop in this area and 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 target time for responses to our enquiries is 28 days. I note the average time for your responses to our enquiries has improved from 33.7 days to 29.5 days and I hope you may be able to improve this further and reduce the average response time to below 28 days.

Following last year's annual letter one of my Assistant Ombudsmen visited the Council and was able to gain an understanding of locally relevant issues. The discussion included reference to the Council's own complaints procedure and how it is used in relation to some planning complaints. At the time the Council was considering revising its complaints protocol and I should be interested to hear of any further developments in this area.

I was glad that one of the Council's officers was able to attend a "link officer" seminar we ran in November. I hope that he found the event to be interesting and useful.

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.

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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
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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	Housing	Other	Planning & building control	Public finance	Total
01/04/2006 - 31/03/2007	1	3	24	1	29
2005 / 2006	2	4	23	0	29
2004 / 2005	2	6	15	0	23

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	2	0	0	18	2	1	6	23	29
2005 / 2006	0	1	0	0	12	3	4	10	20	30
2004 / 2005	0	3	0	0	10	1	1	5	15	20

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	11	29.5
2005 / 2006	11	33.7
2004 / 2005	14	36.9

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