

Local Government OMBUDSMAN

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

**Basingstoke and Deane
Borough Council**

**for the year ended
31 March 2008**

The Local Government Ombudsman (LGO) provides a free, independent and impartial service. We consider complaints about the administrative actions of councils and some other authorities. We cannot question what a council has done simply because someone does not agree with it. If we find something has gone wrong, such as poor service, service failure, delay or bad advice, and that a person has suffered as a result, the Ombudsmen aim to get it put right by recommending a suitable remedy. 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 2007/08 - Introduction

This annual letter provides a summary of the complaints we have received about Basingstoke and Deane Borough Council. We have included comments on the authority's performance and complaint-handling arrangements, where possible, so they can assist with your 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.

Two attachments 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

Volume

We received 13 complaints against your Council during the year. This was one more than last year, but the numbers involved are small and have remained at a relatively low level since 2005-2006.

Character

Three complaints were about planning and building control matters, a broadly similar proportion compared with last year, and concerned planning applications.

Four complaints were about other matters concerning anti-social behaviour, environmental health, land and one miscellaneous matter. Complaints in this category slightly increased from last year and accounted for almost a third of the total received.

We received two complaints about housing matters, the same number as last year. Both complaints were about housing allocations.

Two complaints were received about housing benefit compared with four last year. Complaints were also received about public finance and local taxation (one) and transport and highways matters (one).

Decisions on complaints

Reports and local settlements

When we complete an investigation we issue a report. I was not required to issue any reports against your Council last year.

A 'local settlement' is a complaint where, during the course of our investigation, the Council has agreed to take some action which we consider is a satisfactory response to the complaint. The investigation is then discontinued. In 2007/08 the Local Government Ombudsmen determined some 27% of complaints by local settlement (excluding 'premature' complaints - where councils have not had a proper chance to deal with them - and those outside our jurisdiction).

Three complaints were settled locally this year, and the Council paid a total of £3,250 in compensation.

In one complaint about housing, I found that the Council failed to carry out a homelessness/housing advice interview or to consider properly the circumstances of the complainant. In response to my recommendation, the Council agreed to conduct a homelessness/housing advice interview with her to clarify her housing needs; and it corrected its record of her housing application and preferred areas.

In a complaint about the handling of a planning application, I found that the case officer failed to check that the site notice was adequately displayed by the developer and the application was described as being in the incorrect ward. As a result, local Members did not take as active an interest in the application as would have been the case if they had been properly alerted to the location of the site. And without these faults, the complainants and their neighbours would have learned of the application and made strong objections, in which case it is likely that the application would have been determined by Committee. The Council's file records were also inadequate.

The injustice to the complainants was that there was a lost opportunity to influence the Council's decision on the application and a reasonable possibility that there could have been a better outcome, with less overshadowing from a differently designed development. In response to my recommendation, the Council paid the complainants £3000 for their lost opportunity and it has revised its procedures so that planning applications are now plotted using its GIS system which provides accurate information on ward/parish boundaries. The Council has also amended its procedures so that officers must photograph the site notice for the file records as well as making a proper record of the display or otherwise of the notice when writing a report.

In the third complaint, I found that the Council failed to notify the complainant of a planning application at the rear of her property. The Council had taken the view she did not have an adjoining boundary because there was a driveway in between, but it subsequently accepted she should have been notified. There was also an incomplete audit trail, with inadequate site visit notes and a case officer's report that did not explain how her amenity had been considered. I decided that there were no grounds for believing that the outcome would have been different had she been able to object. But, in response to my recommendation, the Council agreed to pay her £250 for her outrage at not being able to comment on the application that she felt affected her amenity. The Council also undertook to review its procedures for neighbour notification and the keeping of full site visit notes.

Other findings

Three complaints were treated as premature and referred back to your Council so that they could first be considered through your Council's complaints procedure.

In one complaint about a noise abatement notice, I decided that the complaint was outside my jurisdiction as the complainant had a right of appeal to the Court against the service of the notice. Three complaints were not pursued because no evidence of maladministration was seen. I decided not to pursue three other complaints, mainly because no significant injustice flowed from the fault alleged.

Your Council's complaints procedure and handling of complaints

The number of complaints treated as premature showed a small decrease, but has remained broadly similar since 2005-2006. The proportion of premature complaints was slightly under the national average.

I am pleased to note the low and relatively static number of complaints received against your Council. This suggests that the authority has customer-focused service arrangements and effective complaints procedures.

Liaison with the Local Government Ombudsman

Enquiries were made on six complaints during the year. Your Council narrowly failed to meet my target timescale of 28 days for responses to first enquiries. But I am grateful for the steady reduction that has been achieved in your authority's average response time since 2005-2006. I ask the Council to give renewed commitment to continuing to improve response times as this will reduce uncertainty for complainants and assist the investigation of complaints by my office.

Training in complaint handling

Part of our role is to provide advice and guidance about good administrative practice. We offer training courses for all levels of local authority staff in complaints handling and investigation. This year we carried out a detailed evaluation of the training with councils that have been trained over the past three years. The results are very positive.

The range of courses is expanding in response to demand. In addition to the generic Good Complaint Handling (identifying and processing complaints) and Effective Complaint Handling (investigation and resolution) we now offer courses for groups of staff from different 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.

I note that your Council sent a representative in 2005-2006 to the annual seminar run by my office for local authority complaints officers on the work of the Ombudsman and complaints handling. We receive very positive feedback on the content and value of the seminars. We will be sending out invitations in due course for this year's event and would welcome your authority's attendance.

LGO developments

We launched the LGO Advice Team in April 2008, providing a first contact service for all enquirers and new complainants. Demand for the service has been high. Our team of advisers, trained to provide comprehensive information and advice, has dealt with many thousands of calls since the service started.

The team handles complaints submitted by telephone, email or text, as well as in writing. This new power to accept complaints other than in writing was one of the provisions of the Local Government and Public Involvement in Health Act 2007, which also came into force in April 2008. Our experience of implementing other provisions in the Act, such as complaints about service failure and apparent maladministration, is being kept under review and will be subject to further discussion. Any feedback from your Council would be welcome.

Last year we published two special reports providing advice and guidance on 'applications for prior approval of telecommunications masts' and 'citizen redress in local partnerships'. Again, I would appreciate your feedback on these, particularly on any complaints protocols put in place as part of the overall governance arrangements for partnerships your Council has set up.

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 2008

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	Transport and highways	Total
01/04/2007 - 31/03/2008	2	2	4	3	1	1	13
2006 / 2007	4	2	3	3	0	0	12
2005 / 2006	1	2	2	6	2	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
01/04/2007 - 31/03/2008	0	3	0	0	3	3	1	3	10	13
2006 / 2007	0	2	0	0	2	3	1	4	8	12
2005 / 2006	0	2	0	0	5	2	0	4	9	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
01/04/2007 - 31/03/2008	6	30.8
2006 / 2007	4	31.5
2005 / 2006	6	39.7

Average local authority response times 01/04/2007 to 31/03/2008

Types of authority	<= 28 days %	29 - 35 days %	> = 36 days %
District Councils	56.4	24.6	19.1
Unitary Authorities	41.3	50.0	8.7
Metropolitan Authorities	58.3	30.6	11.1
County Councils	47.1	38.2	14.7
London Boroughs	45.5	27.3	27.3
National Park Authorities	71.4	28.6	0.0