

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

Broxbourne 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 Broxbourne 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

In 2007/08 I received 23 complaints against your Council, a similar number to that received in 2006/07.

Character

The usual pattern for district councils generally, and for your Council, is for the majority of complaints I receive to concern planning matters. Last year was no exception. I received ten complaints concerning planning applications and two about planning enforcement. I also received two complaints about council tax, and others concerned parking, leaseholds, homelessness, noise nuisance, a commercial lease, environmental health, maintenance of Council owned land, waste management and depositing material at a site.

Decisions on complaints

During 2007/08 I made decisions on 31 cases.

Reports and local settlements

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 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). I agreed three local settlements. None of the complaints we investigated this year justified the issue of a report.

There are stringent national and local policies controlling development in the Green Belt. One local settlement concerned several planning applications for a house on a site in the Green Belt near the complainant's home. There were doubts as to how the Local Plan policy had been taken into account and whether an application had been properly decided by officers. There was inconsistency in how floorspace had been calculated, leading to misleading information being provided to the complainant. The Council agreed to apologise and review its working practices; in particular to adopt a consistent approach to floorspace measurement and to review the process for drawing up planning reports to ensure accurate information about dimensions is quoted and proper reference is made to relevant policy. It was also asked to ensure robust procedures were in place to determine whether planning applications met the criteria for referral to Committee. I am not clear if the review has been undertaken or what the outcome was, and would be grateful if you can let me know.

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Another settlement concerned complaints of noise nuisance from a playground. The Council had carried out some investigations, but the complainant considered they were ineffectual, and stopped reporting the nuisance. I asked the complainant to report continuing nuisance to the Council. I asked the Council to arrange a visit from the Anti-Social Behaviour Coordinator, to ask the Park Guard and the police for their records, let the complainant know if the playground could be redesigned and keep them informed of the Council's plans for a multi-use playground.

The final settlement was a payment of £25 for the Council's failure to put a formal complaint through your complaint procedure or to provide reasons why you did not wish to do this. There may be good reasons for not putting a formal complaint through a council's system, but the complainant should be given these reasons.

Other findings

In one complaint, where the Council was not at fault there appeared to be communication difficulties with a blind person and I suggested that use of an alternative method of communication be used, and asked the Council to explore whether it could provide any help in enabling him to find facilities such as his doctor's surgery.

In 12 of the cases I considered (six planning, two parking and four others) I did not find any evidence that the Council was at fault. Three complaints concerned matters outside my jurisdiction. In six cases I used my discretion not to investigate further. Finally, seven cases were referred back to the Council as I did not consider you had an adequate opportunity to consider a response before I became involved.

Liaison with the Local Government Ombudsman

I ask councils to reply to my enquiries within 28 calendar days. Your Council's average response time was 22.3 days which is commendable.

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 these courses specifically for social services staff and a course on reviewing complaints for social care review panel members. We can run open 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.

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LGO developments

We launched the LGO Advice Team in April, 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, which also came into force in April. 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.

Tony Redmond
Local Government Ombudsman
10th floor, Millbank Tower
Millbank
London
SW1P 4QP

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	0	3	5	12	2	1	23
2006 / 2007	1	3	5	10	1	5	25
2005 / 2006	4	2	3	17	0	3	29

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	12	6	3	7	24	31
2006 / 2007	0	1	0	0	7	15	3	4	26	30
2005 / 2006	0	0	0	0	7	1	6	2	14	16

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	22.3
2006 / 2007	10	19.2
2005 / 2006	16	21.1

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