

Local Government OMBUDSMAN

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

Hart District 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 Hart District 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, eight fewer than last year. We expect to see fluctuations like this from year to year.

Character

Four of the complaints were about planning and building control and another four concerned transport and highways. One complaint was about benefits and one about public finance, and three complaints fell into the 'other' category. These were made up of two antisocial behaviour complaints and a waste management complaint and were all made by the same complainant.

Decisions on complaints

Reports and local settlements

When we complete an investigation we issue a report. I issued no reports against your Council this 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 in 2007-2008 and were about environmental health, parking, and planning applications. A total of £3250 was paid in compensation.

One complaint related to inadequate consideration being given to a complainant's amenity in granting planning permission for a commercial site and a failure to implement adequate planning controls over the site. My office found that there was confusion over the permitted uses of the land, a mishandling of reserved matters and discharge of conditions, and a delay in dealing with light intrusion. I recommended a payment of £3000 to the complainant in recognition of the outrage and frustration that this matter had caused. In addition, I asked that the Council produce a report to Members clarifying the authorised use of the land and confirm timescales for the replacement of external light fittings to alleviate the light intrusion.

Another complaint was about a parking fine. The Council failed to inform the complainant that he had an opportunity to pay an outstanding balance on a penalty charge notice before taking further action, including instructing bailiffs, which added to the debt. Upon investigation, my office proposed that the

Council accept the outstanding balance as full and final settlement of this complaint. The Council agreed to this settlement.

The final local settlement related to another planning complaint. The Council wrongly advised the complainant that a change he had made to his approved plans could be treated as a minor amendment. This was then compounded when the Council took seven weeks to realise the advice was wrong and that a new planning application was required. The complainant had finished building in the interim and so had the anxiety of not knowing if the alteration he had made would have planning consent. I am pleased to say that the Council had already refunded the complainant's minor amendment fee and new application fee, and it promptly agreed to pay £250 in recognition of the time and trouble the complainant had been put to in pursuing this complaint.

Other findings

Only one complaint was treated as premature and referred back to your Council so that it could first be considered through your Council's complaints procedure.

In two cases I took the view that the matters complained of were outside my jurisdiction.

Nine complaints were not pursued because no evidence of maladministration was seen and three complaints were discontinued at my discretion.

Your Council's complaints procedure and handling of complaints

The proportion of premature complaints determined was 8% (one complaint), much lower than the national average of 27%. This is a substantial decrease from 2006-2007, where 19% of complaints we received were premature, although it is difficult to draw safe conclusions when the overall number of complaints received is so small.

I am pleased to see that the information relating to complaints on the Council's website remains detailed and accessible, with a link from the home page and a link to my website, and leaflets that outline the complaints procedure available in two different formats. In addition, I am pleased to note that the size of the text on the screen can be increased, which helps to make the online information more accessible.

Liaison with the Local Government Ombudsman

As you are aware, we ask councils to respond to our enquiries within 28 days. Your average response time for first enquiries was 25 days. This is a marked improvement on 2006-2007, which was nearly 37 days on average. I would like to commend the efforts made by the Council to reduce its response times here.

One complaint that we received was about the incorrect issuing of a penalty charge notice and, while my office found that there was no significant injustice, we also recommended that the Council consider reviewing the training of its parking enforcement officers. I am pleased to note that the Council responded by informing my office that regular team meetings now take place and that, as a result of new legislation that came into force in April 2008, all parking attendants are working towards achieving qualifications up to NVQ or City & Guilds standards.

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.

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	Other	Planning & building control	Public finance	Transport and highways	Total
01/04/2007 - 31/03/2008	1	3	4	1	4	13
2006 / 2007	1	8	7	1	4	21
2005 / 2006	5	5	4	4	1	19

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	9	3	2	1	17	18
2006 / 2007	0	3	0	0	5	3	2	4	13	17
2005 / 2006	0	4	0	0	3	5	4	5	16	21

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	9	25.2
2006 / 2007	10	36.7
2005 / 2006	5	26.2

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