

Local Government  
**OMBUDSMAN**

**The Local Government Ombudsman's  
Annual Letter  
St Albans City and 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 St Albans City and 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***

In 2007/08 I received 33 complaints against your Council, seven more than the number received in 2006/07.

### ***Character***

The usual pattern for district councils is for the majority of complaints I receive to concern planning matters, and last year with your council was no exception. I received 18 complaints about planning issues: three about building control, four about enforcement and the other 11 about planning applications. I also received five complaints about housing issues. The other complaints covered a wide range of services.

## **Decisions on complaints**

During 2007/08 I made decisions on 36 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).

None of the complaints we investigated this year justified the issue of a report. I did agree local settlements in eight cases. This is notably more than in previous years.

Three settlements concerned the same planning application. The Council failed to describe correctly a proposal, as a result of which one complainant believed she would not be adversely affected and so did not object. As a result, the application was decided under delegated powers rather than by committee. I concluded that permission would, in any event, have been granted. But to compensate the complainants for the uncertainty they will always have about whether the Committee would have come to a different decision, your Council agreed to pay £650 compensation.

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In another case involving a planning application, the Council failed to publicise an application affecting the setting of a listed building. The application was determined and approved. Its error was pointed out by the solicitor engaged by the complainant, and the application was re-determined properly. The Council agreed to reimburse the relevant legal fees. In the final planning complaint, the Council agreed to pay £500 towards the complainant's legal costs in relation to a judicial review of a decision made by the Planning Committee: judicial review would not have occurred if reasons had been given, as required, for a decision which was contrary to officer recommendation.

Two of the final three local settlement cases involved housing matters. In the first the Council failed to inform the complainant of their right to review of a housing application decision, with the result that he were denied the opportunity to appeal to a review panel. The Council promptly apologised and arranged to hold the panel hearing.

The second housing case was distressing. The Council suggested a housing transfer for a complainant, who had just had a leg amputated. It knew it did not have any suitable properties and failed to consider whether adaptations to her own property could have been carried out and sent her a letter giving her no medical priority. There was some delay and when the Council did agree to carry out adaptations to her property, it did not properly consider her views, did not immediately refer the matter to the Occupational Therapist, and delayed in responding to correspondence. £500 was paid to the complainant, in particular to reflect her initial considerable distress. I should be grateful if the Council would confirm that the works have now been completed.

The final local settlement involved the Council's failure to take action to address parking problems for local residents. It agreed to install a lockable post to the entrance of the area and to monitor the situation.

### **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 33 days and the majority of responses exceeded my target. The response in two (linked) cases took 64 days.

### **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**  
**10<sup>th</sup> 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)

<b>Complaints received by subject area</b>	<b>Benefits</b>	<b>Housing</b>	<b>Other</b>	<b>Planning &amp; building control</b>	<b>Public finance</b>	<b>Transport and highways</b>	<b>Total</b>
<b>01/04/2007 - 31/03/2008</b>	1	5	7	18	1	1	<b>33</b>
<b>2006 / 2007</b>	1	5	3	13	1	3	<b>26</b>
<b>2005 / 2006</b>	0	4	7	17	0	1	<b>29</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>01/04/2007 - 31/03/2008</b>	0	8	0	0	9	5	11	3	33	<b>36</b>
<b>2006 / 2007</b>	0	2	0	0	14	2	4	1	22	<b>23</b>
<b>2005 / 2006</b>	1	2	0	0	7	6	2	9	18	<b>27</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>01/04/2007 - 31/03/2008</b>	16	33.0
<b>2006 / 2007</b>	10	34.1
<b>2005 / 2006</b>	14	29.6

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

<b>Types of authority</b>	<b>&lt;= 28 days %</b>	<b>29 - 35 days %</b>	<b>&gt; = 36 days %</b>
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