

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

We received 29 complaints against the Council which is the same as the number received in each of the preceding two years.

Planning continues to form the bulk of the complaints that we receive but the number of planning complaints fell to 19 (down from 24 the previous year). These were mainly about decisions taken by the Council to grant planning permission.

The six complaints which fell within our 'other' category included licensing, land, environmental health and antisocial behaviour.

Decisions on complaints

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.

During the year we decided 31 complaints (excluding premature complaints). None of the complaints we investigated this year justified the issue of a report. We decided three planning complaints as local settlements resulting in compensation payments by the Council amounting to £22,000.

- The largest single payment of £20,000 was for a case where the Council had not kept proper records of how it had assessed the impact of a development upon a neighbouring property when it decided to grant planning permission. The Council agreed to improve the way it records information about the assessment of planning applications (for example site visit notes, Team Leader's notes and references to policy in delegation reports). It also agreed to provide training to officers on the assessment of loss of light. I hope these changes will help to ensure that similar problems do not happen in the future.
- In another complaint we felt there was uncertainty as to whether the Council had taken proper account of all the relevant factors when considering a revised application (the original application had been refused at appeal). In particular we felt that overshadowing/loss of light issues had not been properly considered. The Council paid compensation of £1,500 and confirmed that officers would receive training.
- The assessment of loss of light/overshadowing issues was also a factor in the third local settlement and the Council agreed to pay compensation of £500.

Other findings

Of the remaining 28 complaints, five were outside jurisdiction, 20 resulted in findings of no (or insufficient evidence of) maladministration and we exercised discretion not to continue investigation of the remaining three complaints.

Your Council's complaints procedure and handling of complaints

During the year we referred three premature complaints to the Council so it could deal with them under its complaints procedure. We also decided two complaints which had previously been referred back to the Council in this way but where the complainants came back to us, dissatisfied with the Council's reply. We did not uphold one of these and the other resulted in a local settlement of £20,000 to which I have referred above.

The Council has for some time operated a two stage complaints procedure and its performance on complaint handling is reported regularly, with reports available on its website.

Liaison with the Local Government Ombudsman

The Council has improved on last year's response times: the average time for responses to our written enquiries was 24.4 days. This is well within the target timescale we set and I welcome this improvement.

I was pleased that an officer from the Council was able to attend the Link Officer seminar which we held in November 2007 and I hope she found the event informative.

In March an Assistant Ombudsman attended a meeting of the Council's Heads of Service where he answered a number of questions, mostly about our approach to planning complaints. You have previously expressed an interest in how the Council might deal more effectively with such complaints and so I hope that the visit, together with the discussions on the local settlements to which I have already referred, have been helpful in this regard.

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 (including yours) 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 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, 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.

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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	1	2	6	19	0	1	29
2006 / 2007	0	1	3	24	1	0	29
2005 / 2006	0	2	4	23	0	0	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	20	3	5	3	31	34
2006 / 2007	0	2	0	0	18	2	1	6	23	29
2005 / 2006	0	1	0	0	12	3	4	10	20	30

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	13	24.4
2006 / 2007	12	31.3
2005 / 2006	11	33.7

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