

22 June 2012

By email

Mr W Sampson
Chief Executive
Borough Council of Harrogate
Crescent Gardens
HARROGATE

Dear Mr Sampson

Annual Review Letter

I am writing with our annual summary of statistics on the complaints made to me about your authority for the year ended 31 March 2012. I hope the information set out in the enclosed tables will be useful to you.

The statistics include the number of enquiries and complaints received by our Advice Team, the number forwarded by the Advice Team to my office, and decisions made on complaints about your authority. The decision descriptions have been changed to more closely follow the wording in our legislation and to give greater precision. Our guidance on statistics provides further explanation ([see our website](#)).

The statistics also show the time taken by your authority to respond to written enquiries. Although my office made only one set of formal enquiries, it took your Council 42 days to respond. I hope that you will be able to respond more promptly in the current year.

I will generally not continue an investigation when a council accepts that it has been at fault and agrees to remedy any injustice caused to the person affected. One such investigation was about the impact of an egg packing plant on neighbouring houses. Access to the business was from a narrow street with houses at one end. For many years the size and number of lorries going to and from the plant disturbed residents with noise, sometimes from 5 am, and made it difficult for them to park.

In 2006 an officer granted planning permission for an extension of the plant using delegated powers. The planning application said it would operate from 8 am to 5pm on weekdays and 8am to 10 pm on Saturdays. It also said that the 'existing and proposed' commercial vehicle movements would be limited to 30 tonnes and '30'. It did not say whether that was 30 vehicles an hour, day, week or month. The planning permission didn't restrict the number of vehicles or the hours of operation.

After another planning application and many complaints from residents the Council considered whether the plant had changed from producing and packing eggs (agricultural use) to packing eggs brought to it (industrial use). It decided that the use had changed to industrial for more than 10 years. This meant the use for packing eggs brought to the site had become lawful and the Council could not take enforcement action.

The Council should not have granted planning permission in 2006 without properly considering whether more lorries would use the narrow street and the plant would operate for longer hours. It should have made the applicant specify the time period of the 30 vehicle movements. Its highways service knew of complaints about problems with lorries but did not pass this information to the planning service.

The Council's highways service did not respond adequately to the residents' concerns or properly consider modifying the Traffic Regulation Order.

My investigator was satisfied that the Council is now working with the County Council to find ways of dealing with the noise and disturbance from lorries and is trying to find a new site for the plant. It also agreed to provide £2,000 for a community remedy to be agreed with the residents. The Council may want to ensure it monitors progress on these matters.

Changes to our role

I am also pleased to have this opportunity to update you on changes to our role. Since April 2010 we have been exercising jurisdiction over the internal management of schools on a pilot basis in 14 local authority areas. This was repealed in the Education Act 2011 and the power restored to the Secretary of State for Education. During the short period of the pilot we believe we have had a positive impact on the way in which schools handle complaints. This was endorsed by independent research commissioned by the Department for Education which is available [on their website](#).

Our jurisdiction will end in July 2012 and all complaints about internal school matters will be completed by 31 January 2013.

From April 2013, as a result of the Localism Act 2011, local authority tenants will take complaints about their landlord to the Independent Housing Ombudsman (IHO). We are working with the IHO to ensure a smooth transition that will include information for local authority officers and members.

Supporting good local public administration

We launched a new series of Focus reports during 2011/12 to develop our role in supporting good local public administration and service improvement. They draw on the learning arising from our casework in specific service areas. Subjects have included school admissions, children out of school, homelessness and use of bankruptcy powers. The reports describe good practice and highlight what can go wrong and the injustice caused. They also make recommendations on priority areas for improvement.

We were pleased that a survey of local government revenue officers provided positive feedback on the bankruptcy focus report. Some 85% said they found it useful.

In July 2011, we also published a report with the Centre for Public Scrutiny about how complaints can feed into local authority scrutiny and business planning arrangements.

We support local complaint resolution as the most speedy route to remedy. Our training programme on effective complaint handling is an important part of our work in this area. In 2011/12 we delivered 76 courses to councils, reaching 1,230 individual learners.

We have developed our course evaluation to measure the impact of our training more effectively. It has shown that 87% of learners gained new skills and knowledge to help them improve complaint-handling practice, 83% made changes to complaint-handling practice after training, and 73% said the improvements they made resulted in greater efficiency.

Further details of publications and training opportunities are on [our website](#).

Publishing decisions

Following consultation with councils, we are planning to launch an open publication scheme during the next year where we will be publishing on our website the final decision statements on all complaints. Making more information publicly available will increase our openness and transparency, and enhance our accountability.

Our aim is to provide a comprehensive picture of complaint decisions and reasons for councils and the public. This will help inform citizens about local services and create a new source of information on maladministration, service failure and injustice.

We will publish a copy of this annual review with those of all other English local authorities on our website on 12 July 2012. This will be the same day as publication of our Annual Report 2011/12 where you will find further information about our work.

We always welcome feedback from councils and would be pleased to receive your views. If it would be helpful, I should be pleased to arrange a meeting for myself or a senior manager to discuss our work in more detail.

Yours sincerely



Anne Seex
Local Government Ombudsman

LGO advice team

Enquiries and complaints received	Benefits & Tax	Corporate & Other Services	Environmental Services & Public Protection & Regulation	Highways & Transport	Housing	Planning & Development	Total
Advice given	0	0	0	1	0	0	1
Premature complaints	0	1	2	0	1	5	9
Forwarded to Investigative team (resubmitted)	1	0	0	0	0	0	1
Forwarded to Investigative team (new)	0	2	1	1	1	7	12
Total	1	3	3	2	2	12	23

Investigative team - Decisions

Not investigated			Investigated			Report	Total
No power to investigate	No reason to use exceptional power to investigate	Investigation not justified & Other	Not enough evidence of fault	No or minor injustice & Other	Injustice remedied during enquiries		
0	1	3	3	2	1	0	10

	No of first enquiries	Avg no of days to respond
Response times to first enquiries	1	42.0