



The Commission for  
Local Administration in England

Local Government Ombudsman

# Digest of Cases 2001



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		<b>Equal opportunities</b>	
		The Commission is committed to providing equal opportunities in employment and in the services it provides. The Commission seeks to ensure that no complainant, job applicant or Commission employee is treated any differently from another because of their colour, race, nationality, ethnic group, regional or national origin, age, marital status, disability, political or religious belief, sex, trade union activity, sexuality or class.	

# Introduction

This is our sixth annual *Digest of cases*. Our aims in publishing the *Digest* are to:

- promote good local administration; and
- increase understanding of what we do and how we do it, and the reasoning behind our decisions.

We have selected cases which highlight points of particular interest or general application. We have also included some cases which illustrate the nature of our work and the kind of complaints we receive.

Our experience in dealing with complaints gives us a unique perspective on the detail of how services are delivered and where problems can occur. We are very anxious that all authorities should be able to benefit from our work. We invite all authorities to take note of the lessons which can be learnt from complaints to us – not only the authorities concerned, but others too. In this context, the *Digest* is a significant publication and we hope it will be helpful to all authorities.

We would like to highlight two areas of complaint. The first is housing benefit.

Two years ago in the *Digest* we drew attention to the increasing and sometimes severe problems in the administration of housing benefit. We are pleased to say that the volume of complaints on this topic has reduced since that time. However, many difficulties persist and some of the general points which will be seen from the illustrations this year are that councils should take care to:

- deal with claims promptly in accordance with the regulations;
- provide proper notification of the determination of claims;

- respond reasonably to enquiries about the progress of claims;
- not repeatedly ask claimants for information or documents they have already provided;
- maintain records properly;
- make payments direct to landlords where this is required;
- make interim payments (payments on account) where the regulations require;
- deal promptly with complaints; and
- ensure that there is proper liaison between departments so as to avoid situations where councils are, on the one hand, failing to deal with housing benefit claims and, on the other, taking court action to evict tenants because of rent arrears.

The other topic we would like to highlight is school admissions.

We believe that admission authorities should:

- have admissions criteria which are clear, fair and objective;
- apply the admissions criteria as published and avoid the use of other hidden criteria which are not known to parents;
- not interview parents or children as part of the admission decision-making process except for the purpose of assessing religious or denominational commitment in respect of admission to a faith school;

- give parents who have been refused a place an adequate explanation of the reasons for refusal;
- supply adequate information to appeal panels and parents in advance of hearings about why additional children could not be admitted; and
- ensure that appeal panel members and clerks are properly trained.

It is important that appeal panels should:

- properly test the question of whether the admission of additional children would cause prejudice to efficient education or the efficient use of resources;
- properly consider whether the admission arrangements were correctly applied;
- properly undertake the balancing stage described in the *Code of practice on admission appeals* and consider whether the case for the parents outweighs any prejudice to the school; and
- be fair and independent and take care to ensure that no party to the appeal is alone with the panel in the absence of the other party (except where a parent chooses not to attend the hearing).

In drawing attention to those two topics, we do not of course imply that other areas of complaint are not just as important. They certainly are. There are useful lessons to be learnt from them too – both general points about good administration, and particular points about the specialist area concerned.

Throughout the *Digest* we have used pseudonyms to protect the privacy of complainants and others. Most of the selected cases are taken from published reports. We shall be happy to supply the full text of reports on request<sup>1</sup>. But we cannot disclose more details about cases where the decision on the complaint was given by letter (for example a 'local settlement').

We have a website on the Internet:  
[www.lgo.org.uk](http://www.lgo.org.uk)

The information on the website includes:

- the text of the six issues of our *Digest of cases*;
- the text of our six guidance notes on good practice;
- our most recent annual report and full accounts; and
- summaries of recent published reports on investigations.

Printed copies of some of our guidance notes and previous issues of the *Digest* are available on request<sup>1</sup>.

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*Local Government Ombudsmen*  
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<sup>1</sup> Available from the Commission, 21 Queen Anne's Gate, London SW1H 9BU.  
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