



The Commission for
Local Administration in England

**The Local Government Ombudsman's
Annual Letter
Amber Valley Borough Council
for the year ended
31 March 2007**

The Local Government Ombudsman (LGO) investigates complaints by members of the public who consider that they have been caused injustice through administrative fault by local authorities and certain other bodies. 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 2006/07 - Introduction

This annual letter provides a summary of the complaints we have received about your authority. Where possible, we comment on the authority's performance and complaint-handling arrangements to 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 34 complaints about your Council during 2006/07, ten more than the previous year. This continues an upward trend over the last three years. Looking at the types of complaint received, the main changes are small increases in benefits, other and public finance complaints, with half of the other complaints (five) being about drainage and two about antisocial behaviour. Planning and building control remains the largest category of complaint but the number reduced slightly over the previous year, from seventeen in 2005/06 and fifteen in 2006/07.

Decisions on complaints

Reports and local settlements

A 'local settlement' is a complaint that is resolved by the Council taking, or agreeing to take, action which we consider is a satisfactory response to the complaint so that the investigation can be discontinued. In 2006/07 27.7% of complaints dealt with by the three Local Government Ombudsmen (excluding premature and those outside jurisdiction) were resolved by local settlement. When we complete an investigation we must issue a report.

We issued one report about your Council during the year, which found there had been no maladministration. The complainants were dissatisfied about the Council approving a planning application for and then providing a 'skate park' on a recreation ground opposite their homes and about the length of time it took to deal with problems of noise and anti-social behaviour. I concluded that on the information available at the time the decision to create a 'skate park' was reasonable. Although there was delay between the first complaints about noise and anti-social behaviour and the Council's decisive action of removing the equipment for skateboards, in the particular circumstances of this case, this was not maladministration. It was reasonable for the Council to leave some time after the equipment was installed to see how things 'settled down'. Although it would have been possible to introduce bye-laws more quickly and use more effective fencing, the speed with which the Council acted and the difficulties that occurred did not amount to maladministration.

There were five local settlements during the year. Two of these were related complaints about a parking ticket and involved a payment of £65 and a recommendation to review the Council's policies in the information provided to those who receive parking tickets. Another complaint concerned delays in enforcement action. A further complaint was about wrong advice given to a property owner that a conservatory could be erected at the rear of a listed building without planning permission or listed building consent. This resulted in a payment of £500 to the local Civic Trust and £100 to the complainant. The final complaint concerned a failure to advise a complainant of an impending change to the rules on backland development, which resulted in a subsequent planning application being rejected. The Council invited the complainant to submit a new application free of charge and this was approved.

Your Council's complaints procedure and handling of complaints

It took the Council an average of 34.2 days to respond to our first enquiries, against a target of 28 days. Response time has almost doubled since 2004/05, when it stood at 19 days. All responses to first enquiries on drainage complaints and five out of six planning complaints were received after 28 days. Although we recognise the importance of providing a considered and full response, and that some complaints are complex to respond to, speed of response is also important to complainants and to the Ombudsman being able to provide a quality service. I would ask that the Council assesses what action could be taken to respond more quickly to our enquiries, whilst ensuring their quality.

We decided 36 complaints during the year, thirteen of which (36%) were premature, as the Council had not had a reasonable opportunity to respond to them. This is a very similar proportion to last year, when the comparable figure was one-third. Of the complaints decided, four were resubmitted premature complaints and one of these resulted in a local settlement. Given the small numbers involved it is not possible to draw a meaningful comparison with the national figures but they do not give any cause for concern about how the Council's complaints procedure is operating.

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. The feedback from councils that have taken up the training is very positive.

The range of courses is expanding in response to demand and 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 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

You may be interested in the development of our initiative to improve the first contact that people have with us. A new Access and Advice Service will provide a gateway to our services for all complainants and enquirers. It will encourage telephone contact but will also deal with email, text and letter correspondence. We will let you have further details about how it will operate and the expected timescales and discuss with you the implications for the Council.

I hope you have received our latest special report about telecommunications masts. It draws on our experience of dealing with complaints about planning applications for masts which can be highly controversial. We recommend simple measures that councils can adopt to minimise the chances of maladministration occurring.

In July we will be publishing a special report about the difficulties that can be encountered with complaints when local authorities deliver services or discharge their functions through partnerships. *Local partnerships and citizen redress* provides advice and guidance on how these problems can be overcome by good governance arrangements that include an effective complaints protocol.

Conclusions and general observations

I welcome this opportunity to comment on our experience of complaints about the Council over the past year. I hope that you find the information and assessment provided useful when seeking improvements to your Council's services.

**Anne Seex
Local Government Ombudsman
Beverley House
17 Shipton Road
YORK
YO30 5FZ**

June 2007

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
01/04/2006 - 31/03/2007	4	1	10	15	3	1	34
2005 / 2006	1	0	4	17	0	2	24
2004 / 2005	1	0	7	12	0	2	22

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
01/04/2006 - 31/03/2007	0	5	0	1	8	4	5	13	23	36
2005 / 2006	0	3	0	0	3	6	0	6	12	18
2004 / 2005	0	2	0	0	6	2	2	7	12	19

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
01/04/2006 - 31/03/2007	11	34.2
2005 / 2006	12	28.1
2004 / 2005	8	19.0

Average local authority response times 01/04/2006 to 31/03/2007

Types of authority	<= 28 days %	29 - 35 days %	>= 36 days %
District Councils	48.9	23.4	27.7
Unitary Authorities	30.4	37.0	32.6
Metropolitan Authorities	38.9	41.7	19.4
County Councils	47.1	32.3	20.6
London Boroughs	39.4	33.3	27.3
National Park Authorities	66.7	33.3	0.0