



The Commission for  
Local Administration in England

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

**East Northamptonshire 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**

The aim of the annual letter is to provide a summary of information on the complaints about East Northamptonshire Council that we have received and try to draw any lessons learned about the authority's performance and complaint-handling arrangements. These might then be fed back into 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.

There are two attachments which 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***

We received 11 complaints during the year, a slight reduction on the 14 received last year. I expect to see some fluctuation over time, although it is pleasing that this is the third year running that overall complaint numbers to me have been low.

### ***Character***

As in previous years the majority of complaints we received, eight in total, concerned planning matters. This is a normal proportion for an authority that serves a largely rural area. The other three complaints were concerned with environmental health matters, specifically the investigation of alleged noise nuisance.

## **Decisions on complaints**

### ***Reports and settlements***

We use the term 'local settlement' to describe the outcome of a complaint where, during the course of our investigation, the Council takes, or agrees to take, some action which we consider is a satisfactory response to the complaint and the investigation does not need to be completed. These form a significant proportion of the complaints we determine.

This year, one complaint was settled locally. The complaint concerned a newbuild house, where the Council had previously agreed it had not taken sufficient steps to check land levels at the time of construction and had incorrectly described the height of an existing boundary fence to its Planning Committee. As a result there was a degree of overlooking from the new house into the complainant's property that would probably have otherwise been avoided. I discontinued a previous investigation into this complaint last year, when the Council offered to pay for a higher boundary fence and pay £250 compensation to the complainant. However, I launched a fresh investigation when the complainant queried if the higher fence would stop unwarranted overlooking from the new development.

To resolve this complaint the Council helpfully met with my investigator on site, together with the complainant and the developer. I am pleased to say that, as a result of that meeting, the Council agreed to pay for further modifications to the boundary fence between the properties that were acceptable to all parties.

When we complete an investigation we must issue a report. I issued one report against the Council during the year. This complaint was made by the resident of a relatively new housing estate who found that the condition of the road outside his home has remained incomplete since 2002 when he purchased his home; it had raised ironworks, inadequate drainage, unsightly weeds and no street lighting. I found that the Council had been at fault when the development was built. It had failed to notify the County Council of the building regulations approval for the development, which would have

enabled the County Council to issue an Advance Payment Code (APC) to the developer. The APC notice system is meant to provide householders with protection in the event that the developer does not complete a road to an acceptable standard (I also considered the County Council was at fault for deficiencies in the administration of the APC scheme).

In addition, the Council had failed to enforce part of a legal contract the developer had entered into with it, to provide a children's play area on the estate. Instead the earmarked land remained wasteland and was prone to fly-tipping.

In order to remedy this complaint I recommended that the Council, together with the County Council, use their best endeavours to bring the road outside the complainant's home up to an adoptable standard. In addition, the Council should pursue the developer for the failure to build the play area; and pay for the play area itself if this did not remedy the situation in six months. Finally, I recommended the Council (together with the County Council) pay the complainant £250 for his time and trouble in pursuing this complaint and for his loss of amenity due to the unfinished road and play area.

### ***Other findings***

Eleven complaints in all were decided during the year. Of these three were outside my jurisdiction. On two occasions this was because the complainant could appeal to another body, the Planning Inspectorate, about the matters complained about. On the other occasion the complainant had already appealed to the Magistrate Court following service of a noise abatement notice. Another two complaints were premature and so I asked the Council to deal with them through its own complaint procedures, giving the complainants a chance to resubmit their complaint later.

As I mentioned earlier, one complaint was settled locally and there was one report. The remaining four were not pursued because no evidence of maladministration was seen or because it was decided for other reasons not to pursue them.

### **Your Council's complaints procedure and handling of complaints**

I am satisfied that the Council's complaint procedure is working effectively. The low number of complaints indicates that the Council is able to resolve most complaints it receives at an early stage or else is performing so well that it is the subject of few complaints. Either is commendable. Second, the relatively few premature complaints I receive suggest that citizens know how to complain about the Council if they want to and that its complaint procedures are effectively publicised.

The only suggestions for improvement I can make remain the same as last year. I would still welcome the Council's website providing a link to my own and for it to include details of how to contact me in its complaint leaflet. I hope the Council will now agree to both requests.

### **Training in complaint handling**

As part of our role to provide advice in good administrative practice, we offer training courses for all levels of local authority staff in complaints handling and investigation. The feedback from courses that have been delivered over the past two and a half years is 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 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.

## **Liaison with the Local Government Ombudsman**

We made enquiries on four complaints this year, and the average time for responding was 19 days, against a target of 28 days. That is a significant improvement on the average 32 days it took the Council to reply to my enquiries last year. I am delighted to see such an improvement. The Council has evidently made a real effort to improve its performance in this area and I am very grateful.

I was pleased to welcome your link officer to the seminar I held in Coventry in November. I hope he found the seminar useful.

If it would be helpful for Stephen Purser, the Assistant Ombudsman, to visit the Council and give a presentation about how we investigate complaints then please contact him.

## **LGO developments**

I thought it would be helpful to update you on a project we are implementing to improve the first contact that people have with us as part of our customer focus initiative. We are developing a new Access and Advice Service that will provide a gateway to our services for all complainants and enquirers. It will be mainly telephone-based but will also deal with email, text and letter correspondence. As the project progresses we will keep you informed about developments and expected timescales.

Changes brought about by the Local Government Bill are also expected to impact on the way we work and again we will keep you informed as relevant.

We have just issued a special report that draws on our experience of dealing with complaints about planning applications for phone masts considered under the prior approval system, which can be highly controversial. We recommend simple measures that councils can adopt to minimise the problems that can occur.

A further special report will be published in July focusing on the difficulties that can be encountered when complaints are received by local authorities about services delivered through a partnership. *Local partnerships and citizen redress* sets out our advice and guidance on how these problems can be overcome by adopting good governance arrangements that include an effective complaints protocol.

## **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.

**J R White**  
**Local Government Ombudsman**  
**The Oaks No 2**  
**Westwood Way**  
**Westwood Business Park**  
**Coventry CV4 8JB**

**June 2007**

Enc: Statistical data  
Note on interpretation of statistics  
Details of training courses

Complaints received by subject area	Benefits	Housing	Other	Planning & building control	Public finance	Transport and highways	Total
01/04/2006 - 31/03/2007	0	0	3	8	0	0	11
2005 / 2006	1	0	2	10	1	0	14
2004 / 2005	0	2	2	11	0	1	16

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	1	1	0	0	3	1	3	2	9	11
2005 / 2006	0	3	0	0	12	2	1	2	18	20
2004 / 2005	1	1	0	0	14	2	2	0	20	20

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	4	19.5
2005 / 2006	6	32.0
2004 / 2005	20	34.8

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