



The Commission for  
Local Administration in England

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

The aim of the annual letter is to provide a summary of information on the complaints about your authority 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. I am pleased to see that last year's Annual Letter was circulated to members as part of the Council's Information Bulletin.

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**

In 2006/07 I received 23 complaints against your Council, three more than in the previous year, although four complaints were made by one person (two relating to housing benefit and two about housing allocations).

Planning was the subject of eight complaints (six concerned planning applications, two concerned enforcement), two fewer than the year before but as then still more than any other service area. Planning is frequently the main area of complaint for district councils. I also received six complaints about transport and highways matters. The remaining complaints related to housing benefits, housing allocations, local taxation, environmental health and minicab licensing.

## **Decisions on complaints**

Last year I made 22 decisions on complaints against your Council. In eight cases I found no or insufficient fault with what the Council had done to warrant my involvement and with four complaints I exercised my discretion not to pursue the matters because there was insufficient injustice to the complainant to justify further action. Three complaints were not within my jurisdiction because the complainant had an alternative remedy which it was reasonable to expect them to pursue. I referred four complaints back to your Council because you had not had a reasonable opportunity to deal with the matter before I became involved. Two of these were from the same complainant.

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. When we complete an investigation we must issue a report. In 2006/07 I agreed three local settlements. I issued no reports against your Council.

In one case the Council did not take a homelessness application from a complainant who was threatened with homelessness. This meant that the Council never formally decided whether she was homeless, although it treated her as though she was not. She was uncertain whether the outcome would have been different if the matter had been handled properly and she lost her statutory right of appeal. The Council apologised and paid £200 compensation and agreed to review its procedures. I should be grateful if you would provide details of any changes that have been made.

In a benefits case the Council paid housing benefit which should have gone to the claimant, to his landlord. His landlord had already been paid by the claimant, but would not refund the money. The Council responded proactively to my enquiries by paying the complainant. In another case, the Council introduced a new testing regime for minicabs without proper consultation, but suspended it after concerns were raised and carried out a new consultation. Both of these cases suggest a welcome willingness to respond positively to complaints.

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

Nationally 28% of all complaints to me are referred back to councils to consider before I get involved. In the Council's case it was a smaller proportion, but the numbers were relatively few.

The complainant who made two premature complaints to me was not satisfied by the Council's response on either and resubmitted her complaints to me. In one case I concluded that there was not sufficient injustice resulting from fault by the Council to pursue the matter, but in the other I agreed a local settlement (this was the homelessness complaint referred to earlier).

## **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 and in addition to the generic Good Complaint Handling (identifying and processing complaints) and Effective Complaint Handling (investigation and resolution) we now offer these courses specifically for social services staff. We have also successfully piloted a course on reviewing complaints for social services review panel members. 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**

As you know I ask councils to respond to my enquiries within 28 days. Your Council's average response time was 26.3 days. Although worse than in the previous year, this is still within my target.

Last year I asked if you would consider providing a link to our service from your website and I am pleased to note that this has been done. We can provide a static banner for this link: please do contact my office if you would be interested in this.

I welcomed the opportunity to visit the Council last December and was impressed with the engagement shown by both officers and members. I note from your Information Bulletin that the Council also hoped to be able to attend our Link Officer seminar although this did not in fact prove possible. I do hope that you will be able to send a representative to a future session.

## **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 that 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.

**Tony Redmond**  
**Local Government Ombudsman**  
**10<sup>th</sup> floor, Millbank Tower**  
**Millbank**  
**London**  
**SW1P 4QP**

**June 2007**

Enc: Statistical data  
Note on interpretation of statistics  
Leaflet on training courses (with posted copy only)

<b>Complaints received by subject area</b>	<b>Benefits</b>	<b>Housing</b>	<b>Other</b>	<b>Planning &amp; building control</b>	<b>Public finance</b>	<b>Transport and highways</b>	<b>Total</b>
<b>01/04/2006 - 31/03/2007</b>	3	3	2	8	1	6	<b>23</b>
<b>2005 / 2006</b>	1	1	2	10	1	5	<b>20</b>
<b>2004 / 2005</b>	0	0	1	6	0	0	<b>7</b>

**Note:** these figures will include complaints that were made prematurely to the Ombudsman and which we referred back to the authority for consideration.

<b>Decisions</b>	<b>MI reps</b>	<b>LS</b>	<b>M reps</b>	<b>NM reps</b>	<b>No mal</b>	<b>Omb disc</b>	<b>Outside jurisdiction</b>	<b>Premature complaints</b>	<b>Total excl premature</b>	<b>Total</b>
<b>01/04/2006 - 31/03/2007</b>	0	3	0	0	8	4	3	4	18	<b>22</b>
<b>2005 / 2006</b>	0	3	0	0	5	3	3	5	14	<b>19</b>
<b>2004 / 2005</b>	0	1	0	0	3	2	0	2	6	<b>8</b>

See attached notes for an explanation of the headings in this table.

<b>Response times</b>	<b>FIRST ENQUIRIES</b>	
	<b>No. of First Enquiries</b>	<b>Avg no. of days to respond</b>
<b>01/04/2006 - 31/03/2007</b>	13	26.3
<b>2005 / 2006</b>	9	21.0
<b>2004 / 2005</b>	4	27.0

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

<b>Types of authority</b>	<b>&lt;= 28 days %</b>	<b>29 - 35 days %</b>	<b>&gt;= 36 days %</b>
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