



The Commission for  
Local Administration in England

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

**Epping Forest District 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.

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**

We received 31 complaints during the course of the year; an increase of eight over the year before, with planning and waste management complaints predominating. I understand that the Council had significant problems with its waste collection contractor, who was eventually replaced in May 2006 since when the problems have been largely rectified. This one issue accounted for a large part of the increased numbers. Although the largest number of complaints were concerned with planning issues, the only linked complaints of any significance were those in relation to the telecommunications mast that you were endeavouring to settle locally – it would be useful if you could let me know how things stand there.

## **Decisions on complaints**

### ***Reports and local 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. When we complete an investigation we must issue a report.

There were three reports issued during the year. Two of those were about the same waste transfer station and related to events which had occurred 25 years ago in respect of the liaison which took place between your Council and the County Council which resulted in a Waste Transfer Station being licensed in circumstances when it otherwise may not have been. I believe that this investigation was unique and that the circumstances leading to my finding of maladministration causing injustice are highly unlikely to occur again.

The injustice identified in my third report was small compared with the first two but the investigation did reveal a number of very serious shortcomings in the Council's Planning procedures. You may recollect that although at the time I published this report, there had already been a number of procedural changes I did ask that a further review of policy and procedures be conducted. The Council has now completed that review and implemented a number of changes to ensure that such incidents do not occur in future.

There were also four local settlements agreed this year, with the Council agreeing to pay compensation or write-off costs totalling some £1,300. These related to a variety of issues including a failure to collect household waste, and a delay in resolving the issue of ownership of a watercourse.

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

We referred no fewer than 11 new complaints (including the two mentioned above about the telecommunications mast) back to your Council to deal with last year as it seemed that they had been made to me prematurely as the Council had not had a reasonable opportunity of dealing with them under its corporate complaints procedure.

## **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**

One of my investigators has been to the Council this year and has told me how well the arrangements for the investigation went. Of course my Deputy also visited last year and was able to talk to you, Heads of Service, and Members about our work and current developments. My investigative staff report that they continue to enjoy a very positive working relationship with your Complaints Officer, who I know has worked particularly hard on trying to ensure progress towards a remedy on the two cases concerning the waste transfer station which I referred to earlier, as well as ensuring that follow up action is taken in respect of the other report I issued.

## **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)

| Complaints received<br>by subject area | Benefits | Housing | Other | Planning &<br>building<br>control | Public<br>finance | Transport<br>and<br>highways | Total |
|--|----------|---------|-------|-----------------------------------|-------------------|------------------------------|-------|
| 01/04/2006 - 31/03/2007                | 0        | 6       | 9     | 14                                | 1                 | 1                            | 31    |
| 2005 / 2006                            | 3        | 3       | 6     | 8                                 | 2                 | 1                            | 23    |
| 2004 / 2005                            | 0        | 6       | 3     | 9                                 | 0                 | 0                            | 18    |

**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<br>jurisdiction | Premature<br>complaints | Total excl<br>premature | Total |
|-------------------------|---------|----|--------|---------|--------|----------|-------------------------|-------------------------|-------------------------|-------|
| 01/04/2006 - 31/03/2007 | 3       | 4  | 0      | 0       | 11     | 9        | 2                       | 11                      | 29                      | 40    |
| 2005 / 2006             | 0       | 1  | 0      | 0       | 11     | 3        | 2                       | 2                       | 17                      | 19    |
| 2004 / 2005             | 0       | 1  | 0      | 0       | 11     | 4        | 5                       | 3                       | 21                      | 24    |

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

| Response times          | FIRST ENQUIRIES           |                               |
|-------------------------|---------------------------|-------------------------------|
|                         | No. of First<br>Enquiries | Avg no. of days<br>to respond |
| 01/04/2006 - 31/03/2007 | 13                        | 12.8                          |
| 2005 / 2006             | 7                         | 12.4                          |
| 2004 / 2005             | 6                         | 11.0                          |

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

| Types of authority        | <= 28 days<br>% | 29 - 35 days<br>% | > = 36 days<br>% |
|---------------------------|-----------------|-------------------|------------------|
| 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              |