



The Commission for
Local Administration in England

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

North Wiltshire 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

Volume and Character

The number of complaints received during the year was the same as last year. Of these 25 complaints, the largest group concerned the administration of Housing and Council Tax Benefit (10 complaints). When I wrote to you last year, I observed that problems arising from the introduction of a new computer system had been tackled. The current problems appear to be principally about delays in dealing with appeals, and some of these complaints date back to events in 2005-06.

I understand that, although initial efforts to tackle backlogs in benefits and appeals did not bear fruit as quickly as was hoped, the backlog of claims is now completely clear, and the Council expects to clear the outstanding backlog of appeal work within the next month. I am pleased to hear that of a total of 166 appeals outstanding six weeks ago, some 130 cases have been cleared already, and that the Council hopes then to be able to stay abreast of new claims and appeal work, without any further backlog building up.

The other large single group of complaints concerned planning issues (seven complaints). But this was only half the number (15) of 2005-06, and the reduction is contrary to the national trend.

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.

During the year I issued one report, on a planning matter, against your Council. This complaint originated in administrative faults in the Council's procedures for considering applications to develop sites in Conservation Areas in 1996, which have since been altered. A specialist officer now deals with such cases. However, a lack of clarity relating to planning permission given to a shed in the conservation area meant that the public were not aware that this also involved demolition of a historic wall.

The wall was demolished in December 2003 and, apparently partly because of the lack of clarity, the Council did not reach a clear decision as to whether the demolition had valid consents until some 20 months later. I recommended that the Council should apologise to the complainant and pay him £500 compensation for the confusion and frustration he'd been caused; and that it should review its procedures. I am pleased to record that my recommendations have been implemented.

Six other complaints were subject to local settlements.

One arose partly from differences in the way in which the Council had handled Conservation area and listed building consent applications in the past and the way in which they are now dealt with. The complainant owned a listed building on the edge of a Conservation area where buildings nearby had become very run-down. As a result, planning permission was given for a new commercial building on the grounds that, while within the Conservation area and close to the listed building, it was regarded as an improvement on the building which had previously stood there, and which had been in place long before the Conservation Area was first designated or the building listed. Although the Council was able to justify both that and a further planning decision relating to another property adjacent to the listed building, there had been administrative failures in the process which had prevented the complainant from knowing of, and having the ability to object to, the plans. Again, the case officer's report on the second development was unclear as to why approval of the application was recommended, which led the complainant to pursue the matter unnecessarily.

The Council agreed to pay the complainant £500 compensation and to apologise. The inadequate advertisement of the planning application appeared to be a one-off oversight. However, I am pleased to note that the Council's Development Control Manager met the complainant, his agent and my Investigator on site to explain the decisions. This was a clear and helpful way of remedying the failures noted above. The complainant was also put in touch with a named officer so that he could explore ways in which his own property could be improved.

A further planning complaint was received relating to an error in confirming that a planning condition had been discharged. This appeared to be an isolated human error rather than any systemic fault, and a valuation of the complainant's home before and after the administrative mistake indicated that it was unlikely to have been devalued as a result. I am pleased to see that the Council took very considerable trouble to reach a resolution which satisfied the complainant, by offering either a further independent valuation of his property (the outcome to bind both parties) or £350 compensation for his time and trouble in complaining. The way the Council handled both these planning complaints was excellent.

The other four complaints settled locally concerned errors in the administration of Council Tax, Housing Benefit and Council Tax Benefit. All four involved cases where complainants had frequent changes in their financial circumstances, with consequent alterations to their benefit entitlement and/or their liability to pay rent or Council Tax. Such complex cases can be very difficult for Councils to deal with, particularly where other means-tested benefits are in payment concurrently. It can also be very difficult for claimants to keep the Council informed as to what income they have, because with so many changes, it is easy to lose track of what changes have been reported and how they are reflected in the calculation of benefit or tax liability. It is therefore good to note the Council's progress, mentioned earlier in this letter, in dealing with a backlog of complex cases and appeals.

The complainants had all sought to challenge assessments, but had not been able to resolve the matter with the Council. When these complaints were sent to the Council by my investigators, they were thoroughly checked by an experienced officer who corrected any errors in the assessment, and the complainants received an explanation and were compensated appropriately. Total compensation paid as a result of these complaints amounted to £ 387.40. Nevertheless, they should not have been obliged to complain to me in order to obtain correct and satisfactory treatment of their benefit claims and tax assessment; and I am concerned at the level of error noted in these cases.

This brings the total amount paid by the Council in compensation to almost £1,750 in the year. I am pleased that in most cases the Council is ready to recognise and resolve complaints where things have gone wrong, and that officers have on occasion made offers of compensation without waiting for my recommendation.

Other findings

Of the other seven complaints investigated during the year, two were about matters outside my jurisdiction and I did not find evidence to indicate that maladministration had caused the other five complainants injustice.

Two complaints received towards the end of the period related to problems which led to the projected closure of three leisure centres in the area. One of these was regarded as premature, no firm decision having been taken at the time, while the other was still open at the year end.

Your Council's complaints procedure and handling of complaints

I would normally regard a complaint as being made to me prematurely if the Council had not had the opportunity to investigate and resolve it first, usually through its own complaints procedure. Your Council has a complaints procedure that is generally robust and easily accessible. Eight of the 25 complaints received were sent back to you to allow this to happen. This is not a figure which gives me any concern; and I have been impressed by some of the clear and helpful responses I have seen where complaints have been investigated internally.

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

Response times to our initial enquiries about complaints, which had decreased last year, have again crept up. At 31.5 days average, they exceed the 28 days we allow. This is probably a reflection of the complexity of some of the complaints received, particularly those relating to benefits complaints. However, justice needs to be timely if it is to be done, so it would be helpful if the Council were able to tighten up on its response times and return to the excellent performance of last year.

I was pleased to welcome one Member and six officers from your Council to the seminar I gave at County Hall on 6 December. I hope they found it useful.

No one from the Council has attended the annual link officer seminar recently and I understand that you wish to consider sending someone to the seminar to be held in November. Arrangements have therefore been made for an invitation to be sent in due course.

In addition, if it would help for Stephen Purser, the Assistant Ombudsman, to visit the Council and give a presentation about how we investigate complaints I would be happy to arrange this.

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.

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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	Total
01/04/2006 - 31/03/2007	10	0	6	7	2	25
2005 / 2006	5	0	3	15	2	25
2004 / 2005	13	1	3	8	3	28

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	6	0	0	3	2	2	8	14	22
2005 / 2006	0	3	0	0	5	4	3	11	15	26
2004 / 2005	4	7	0	0	5	6	5	10	27	37

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	10	31.5
2005 / 2006	7	26.4
2004 / 2005	12	33.3

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