



The Commission for
Local Administration in England

**The Local Government Ombudsman's
Annual Letter
Sevenoaks 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

In 2006/07 I received 22 complaints against your authority, a slight increase compared with last year. There has been no significant change in any particular service delivery area. Planning continues to be the biggest category with 11 complaints, albeit a slight drop on last year.

Decisions on complaints

During the year my office made decisions on 28 complaints against your authority. We found no maladministration in 11 complaints and we exercised discretion to close a further 5 without requiring any action by the Council. We found that 4 complaints were outside jurisdiction.

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.

I did not issue any reports against your authority last year. My office settled four complaints, all of which were about planning. In one case the Council paid £500 compensation after it wrongly considered an application for a house extension under delegated powers when it should have allowed a councillor to refer the matter to Committee. In a second case the Council paid £1000 compensation after it failed to attach conditions to a planning approval for a petrol station and shop development to restrict delivery times to the site. The Council also had some success in seeking to resolve the matter through a new planning application and informal negotiations with the developer. In a third case, the Council paid £500 compensation for its failure to consult on amendments to an approved plan, which affected the complainant's amenity. Again, the Council sought to negotiate with the developer, but without success on this occasion.

The final settlement was for a planning enforcement matter where the Council failed to realise that trees were on a site within a conservation area and to protect them from removal. At least one tree was removed without the Council giving proper consideration to whether it should be retained. It was not possible to say whether others had been removed without the required permission as the officer concerned did not keep notes of site visits and conversations with landowners. The Council agreed to draw up a simple pro-forma for officers to use to record details of visits and conversations. This has now been provided, for which I am grateful. The Council also agreed to serve a notice on the landowner requiring replacement of trees on the site. In the event this was not done because of advice received from your Legal Department, but officers did not tell my Investigator this until she asked the Council for a copy of the notice. It would be helpful in future if officers could discuss any changes to agreed settlements with my Investigators.

Other decisions

One complaint concerned the Council's insistence that the complainant complete a means test before it would agree to arrears of Council tax being paid by instalments. My office queried the Council's approach. The Council explained that it does this to ensure that the instalments are realistic. In this case, the Council's concerns were confirmed when the complainant paid the instalments but was unable to pay her current council tax and so fell into further arrears.

A second complaint involved an overpayment of council tax benefit. It became apparent that the Council issues invoices for recovery of overpayments before expiry of the period in which claimants might appeal. There is nothing unlawful about this, but I should like to take this opportunity to remind the Council that I am likely to be critical if further recovery action is taken before the end of the appeal period.

Your Council's complaints procedure and handling of complaints

My office referred four 'premature complaints' to your authority for consideration, as we did not think you had had sufficient opportunity to deal with them through your own procedures. At 14% of all decisions this is well below the national average.

Two premature complaints were resubmitted to me during the period. No maladministration was found in either complaint. My office also noted that the Council's own investigation of an Environmental Health complaint regarding staff rudeness was very thorough. We did not pursue this complaint when it was referred to us. This evidence suggests that the Council handles complaints well. It is also notable that planning officers are willing to negotiate with developers to try and remedy errors.

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

The target time for councils to respond when we make enquiries is 28 days. Your Council's average time to respond to my enquiries was nearly 36 days, more than double the response time of last year. But planning was the only department taking longer than 28 days to respond to our enquiries. Its average response time was 50 days. While this figure was inflated by one exceptional case there does not appear to be any reasonable explanation why these difficulties have occurred. I would be grateful if the Council could consider this issue and take what steps it can to reduce response times in planning and thus overall.

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.

Conclusion

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
10th 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 by subject area	Benefits	Housing	Other	Planning & building control	Public finance	Transport and highways	Total
01/04/2006 - 31/03/2007	2	2	4	11	1	2	22
2005 / 2006	0	1	2	13	3	0	19
2004 / 2005	2	3	0	14	3	0	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	4	0	0	11	5	4	4	24	28
2005 / 2006	0	2	0	0	5	1	2	2	10	12
2004 / 2005	0	2	0	0	9	4	1	5	16	21

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	35.9
2005 / 2006	7	17.4
2004 / 2005	10	20.9

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