



The Commission for  
Local Administration in England

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

I received 228 complaints against your Council in 2006/07, continuing the downward trend which I mentioned in last year's letter. As in previous years, most complaints were about housing (77), housing benefit and/or council tax benefit (40) and transport and highways (64).

Complaints about housing fell slightly compared to last year. Complaints about disrepair accounted for a quarter of all housing complaints last year and this proportion has increased to over 31%. In your response to my letter last year, you drew attention to the review of the repairs service being done by CityWest Homes and I would be interested to learn more about the outcome of that review and an analysis of the complaints received by City West Homes and the Council about disrepair.

The other categories of housing complaints received included tenancy management (22%), allocations (19%), homelessness (14%) and sales/leaseholds (13%).

There has been a further fall in the number of complaints which I have received about benefits: just 40 cases compared to the 177 received in 2004/05 and 67 last year.

Last year I also commented on an increase in complaints about highways, mostly relating to parking. There has been a welcome reduction this year, but the parking service – which you say is Europe's largest parking operation - still generates a significant number of complaints.

## **Decisions on complaints**

When we complete an investigation we must issue a report. But there is a significant proportion of investigations that do not reach this stage. This is because we settle the complaint during the course of our investigation. 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.

My office decided 253 complaints against the Council last year. This included one report into the Council's Parking Services in which I found both maladministration and injustice. I decided to issue this report because I felt it would be in the public interest to do so. It concerned a complainant who wrote on four separate occasions to ask Parking Services to waive a parking fine. The service failed to reply to the complainant, ignored his subsequent letters of complaint, and instead took recovery action for payment of the fine (including the instruction of bailiffs). The Council accepted it had been at fault and explained that these problems arose because of the introduction of a new computer system in March 2005. I am pleased that the Council agreed to pay compensation to the complainant

and to cancel the fine. However, the Council confirmed that this case was not unique and estimated that cases involving several hundred penalty charge notices were similarly affected each month from late 2005 until early 2006 when the problems were eventually resolved. So I recommended that the Council should also deal promptly with any similar complaints it received. The Council has since confirmed that one other claim arose as a result of my report and any similar cases arising will be dealt with speedily and appropriately.

In addition to the published report, I decided 55 complaints as local settlements. Excluding complaints which were outside my jurisdiction or which I returned to the Council to be dealt with under its complaints procedure, settlements accounted for around four in ten of all complaints I decided. Although this is less than the proportion settled last year for your Council, it is significantly above the average for all authorities (28%). I summarise below the main points from the settled complaints.

### **Parking**

Twelve of the settlements were on complaints about parking. A common fault was delay in responding to representations made following the issue of penalty charge notices. There were also examples of wrongful recovery action being taken in relation to penalty charge notices. While it is true to say that many of the complaints about parking penalty charges were outside of my jurisdiction because appeal rights were available or had been used, others clearly fell within my jurisdiction and settlements included compensation totalling over £600 and a range of actions such as the cancellation of charge notices and the refund of fines. During the year the Council has changed its arrangements for dealing with parking challenges and I should be interested to know how the new arrangements are working and whether levels of customer dissatisfaction have been reduced. The Council also agreed to send us a copy of its parking enforcement policy once it had reconsidered its approach to loading and unloading for private as compared with commercial vehicles.

### **Housing benefit and council tax benefit**

I decided seventeen local settlements on complaints about benefits. Delay in dealing with claims was the most common problem and in total the Council paid compensation of over £3,000.

### **Disrepair**

Eleven complaints about disrepair were settled, with compensation of over £11,000 in total. Much of this sum was paid in respect of three cases involving delays of between 11 and 17 months in arranging for repair work to make properties habitable. The level of compensation reflects the real difficulties experienced by tenants whose home and family life is severely disrupted by prolonged disrepair.

### **Other housing complaints**

Other complaints about housing included a case where the Council failed to follow its own procedures in seeking to trace relatives of a vulnerable tenant. As a result of this failure the Council obtained possession of the property and cleared it of all the tenant's possessions without first completing an inventory. A relative of the tenant complained to me and the Council agreed to write off the rent arrears, to award compensation of over £2,000 and to pay the complainant £400 in recognition of their time and trouble in making a complaint to me. In another complaint the Council paid compensation of £1,000 in relation to faults in the way it dealt with the homeless complainant's possessions.

Two complaints about antisocial behaviour revealed fault in the way the Council dealt with noise nuisance diaries and the consideration of a management transfer request. In another complaint the Council failed to properly follow up statutory noise abatement notices.

In one complaint about a transfer to alternative temporary accommodation, we noted that there were no written procedures for officers dealing with transfers between the different units of accommodation. We asked the Council to think about whether there is a need for such guidance and I should be interested to know the outcome.

### **Local taxation**

The Council agreed to pay compensation of several hundred pounds to remedy injustice caused by its handling of complaints about council tax recovery action and a failure properly to deal with a refund of council tax.

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

During 2006/07 my office referred 57 complaints to the Council because it had not yet had a reasonable opportunity to deal with them under its own complaints procedure. This represents just over 22% of all decisions we reached last year on complaints about Westminster which is less than the average for all authorities (28%).

During the same time my office decided 18 complaints which had previously been referred to the Council but where the complainants resubmitted their complaints because they were unhappy with the outcome. Of those, I did not uphold 11 but I obtained local settlements in the remaining seven. At almost 39%, this rate of settlement on resubmitted complaints considerably exceeds the average for all authorities (21.5%).

### **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**

This year the average time taken by the Council to reply to our written enquiries on complaints was just over 25 days which represents a significant improvement on previous years and is now within the target we set of 28 days. Please pass on my thanks to those involved for this welcome improvement, which helps ensure that complainants receive decisions on their complaints more quickly. My staff have noted in relation to a number of complaints that your officers have been helpful in keeping us informed about progress, in the quality of written responses and in working proactively to achieve resolution of complaints.

Earlier this year I was pleased to meet with the Council's Corporate Management Board and had a positive discussion about various issues including the Annual Letter; our new Access and Advice Service and our relationship with the Council generally.

Our officers have also met twice during the year to discuss, in particular, benefits complaints but also other matters relating to complaints about housing disrepair and parking. I am pleased that in November two officers from your Council attended our link officer seminar. There continues to be effective liaison between our two offices.

### **LGO developments**

With regard to our Access and Advice Service, which will provide a gateway to our services for all complainants and enquirers, the project is progressing and 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**  
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**Millbank**  
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**June 2007**

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

Complaints received by subject area	Adult care services	Benefits	Children and family services	Education	Housing	Other	Planning & building control	Public finance	Social Services - other	Transport and highways	Total
01/04/2006 - 31/03/2007	2	40	3	3	77	17	5	17	0	64	228
2005 / 2006	5	67	2	1	74	20	12	17	2	71	271
2004 / 2005	8	177	4	2	57	20	10	19	4	52	353

**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 iurisdiction	Premature complaints	Total excl premature	Total
01/04/2006 - 31/03/2007	1	55	0	0	48	35	57	57	196	253
2005 / 2006	0	87	0	0	41	25	64	71	217	288
2004 / 2005	2	115	0	0	43	50	50	86	260	346

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	72	25.9
2005 / 2006	110	29.1
2004 / 2005	169	35.7

**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