

Local Government  
**OMBUDSMAN**

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

**Aylesbury Vale District Council**  
**for the year ended**  
**31 March 2008**

The Local Government Ombudsman (LGO) provides a free, independent and impartial service. We consider complaints about the administrative actions of councils and some other authorities. We cannot question what a council has done simply because someone does not agree with it. If we find something has gone wrong, such as poor service, service failure, delay or bad advice, and that a person has suffered as a result, the Ombudsmen aim to get it put right by recommending a suitable remedy. 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 2007/08 - Introduction**

This annual letter provides a summary of the complaints we have received about Aylesbury Vale District Council from 1 April 2007 to 31 March 2008, as well as the decisions we have made on complaints against the Council during this period. We have included comments on the authority's performance and complaint-handling arrangements, where possible, so they can assist with your 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.

Two attachments 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***

During the year 20 complaints were received by my office about your Council. This was a slight decrease from last year when 24 complaints were made. As with previous years, and in keeping with the profile of complaints made to me about most District Councils, the majority of complaints were about the Council's handling of planning applications. These accounted for 17 of the 20 complaints made. Of the remaining three, one concerned the administration of Benefits, one related to Local Taxation, and the final complaint was about Housing.

## **Decisions on complaints**

My office made decisions on 22 decisions on complaints about your Council during the year. I decided that nine of these were premature complaints and so referred them back to your Council because I considered you had not had a sufficient opportunity to consider and reply to them. One complaint was not within jurisdiction. Of the remaining 12 decisions, I found no evidence of fault in six cases, exercised my discretion to discontinue my involvement in a further three (usually because of insufficient evidence of injustice), and upheld the remaining three which we settled when the Council agreed to take specific action by way of providing redress.

### ***Reports and local settlements***

A 'local settlement' is a complaint where, during the course of our investigation, the Council has agreed to take some action which we consider is a satisfactory response to the complaint. The investigation is then discontinued. In 2007/08 the Local Government Ombudsmen determined 27% of complaints by local settlement (excluding 'premature' complaints - where councils have not had a proper chance to deal with them - and those outside our jurisdiction).

None of the complaints we investigated this year justified the issue of a report. Three complaints were agreed as local settlements.

Two of these settlements concerned delays in dealing with applications for permission to put up telecoms masts within the stipulated time limit of 56 days which resulted in the applicants obtaining deemed consent. I have been sufficiently concerned about the number of similar complaints I have received about telecoms masts to issue guidance to local authorities in the form of a Special Subject Report. I hope that this will go some way to ensuring that similar incidents do not occur in future.

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In another planning case where there had been fault in the way in which the Council dealt with an application to retain a tree house, the Council visited the complainant – a neighbour – and assessed the impact of the tree house on her privacy. It then offered advice on what trees and shrubs to plant along the boundary to screen the tree house and offered a contribution of £850 towards the costs of buying mature plants.

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

As has previously been stated I referred nine complaints back to the Council as premature, as I was not satisfied that the Council had had a sufficient opportunity of dealing with them. Although this rate of 40.9% is much higher than the national average of 26.9%, it did involve a multiple complaint where a number of neighbours had complained about the same issue.

### **Liaison with the Local Government Ombudsman**

My office made enquiries on five complaints this year, and the average response time was 19.2 days, well within my requested timescale of 28 days. Nationally 56.4% of District Councils respond to our first enquiries within this target period. I am grateful to the Council for its speed of response. It is in the interest of both the Council and the complainant that I complete my consideration of a complaint as soon as possible, and my ability to do this is greatly aided by local authorities such as yours responding within the targets I set.

### **Training in complaint handling**

Part of our role is to provide advice and guidance about good administrative practice. We offer training courses for all levels of local authority staff in complaints handling and investigation. This year we carried out a detailed evaluation of the training with councils that have been trained over the past three years. The results are 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 now offer these courses specifically for social services staff and a course on reviewing complaints for social care review panel members. We can run open courses for groups of staff from different 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.

### **LGO developments**

We launched the LGO Advice Team in April, providing a first contact service for all enquirers and new complainants. Demand for the service has been high. Our team of advisers, trained to provide comprehensive information and advice, has dealt with many thousands of calls since the service started.

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The team handles complaints submitted by telephone, email or text, as well as in writing. This new power to accept complaints other than in writing was one of the provisions of the Local Government and Public Involvement in Health Act, which also came into force in April. Our experience of implementing other provisions in the Act, such as complaints about service failure and apparent maladministration, is being kept under review and will be subject to further discussion. Any feedback from your Council would be welcome.

Last year we published two special reports. I have already mentioned the first of these which provided advice and guidance on 'applications for prior approval of telecommunications masts'. The second concerned 'citizen redress in local partnerships'. Again, I would appreciate your feedback on these, particularly on any complaints protocols put in place as part of the overall governance arrangements for partnerships your Council has set up.

### **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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**June 2008**

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
01/04/2007 - 31/03/2008	1	1	0	17	1	0	20
2006 / 2007	1	5	2	13	1	2	24
2005 / 2006	0	3	2	9	0	0	14

**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
01/04/2007 - 31/03/2008	0	3	0	0	6	3	1	9	13	22
2006 / 2007	0	0	0	0	10	6	4	5	20	25
2005 / 2006	0	3	0	0	5	1	3	2	12	14

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
01/04/2007 - 31/03/2008	5	19.2
2006 / 2007	11	23.9
2005 / 2006	3	25.7

**Average local authority response times 01/04/2007 to 31/03/2008**

Types of authority	<= 28 days %	29 - 35 days %	> = 36 days %
District Councils	56.4	24.6	19.1
Unitary Authorities	41.3	50.0	8.7
Metropolitan Authorities	58.3	30.6	11.1
County Councils	47.1	38.2	14.7
London Boroughs	45.5	27.3	27.3
National Park Authorities	71.4	28.6	0.0