

**The Local Government Ombudsman's  
Annual Letter  
Canterbury City 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 Canterbury City Council. 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**

In 2007/08 I received 48 complaints against your authority, the same number as the previous year.

The number of housing complaints fell from 16 to 11, while the number of planning and building control complaints remained steady at 14.

## **Decisions on complaints**

During the year my office made decisions on 55 complaints against your authority. We found no maladministration in 11 complaints, and we exercised discretion to close a further 12 without requiring action by the Council. I found nine were outside my jurisdiction.

## **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).

### *Report*

I issued one report against your authority last year regarding a complaint about a planning application. The Council failed to properly notify the complainant about an application for a two storey extension to a property at the rear of his own. I did not think the outcome of the application would have been any different had the complainant had the opportunity to comment. But I was concerned that the Council did not prepare reports on planning applications decided under powers delegated to its officers. It was unclear, therefore, what information was taken into consideration when deciding a planning application. As a result of my recommendations, the Council now has a pro-forma for use by officers. It also paid the complainant £500 compensation.

### *Local settlements*

We settled 12 complaints. At 33% of all decisions, excluding premature complaints and those outside jurisdiction, this is slightly above the national average.

One complaint concerned the Council accidentally placing personal information about the complainant, who was a planning applicant, on its website. The Council readily agreed to pay the complainant £400 compensation for the trouble she was put to as a result of the Council's fault.

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We settled one housing related complaint. The Housing Health and Safety Rating system is a new risk assessment tool to assess potential risks to the health and safety of occupants of residential accommodation. The Council failed to take enforcement action when it identified a category 1 (the most serious) hazard in privately rented accommodation. The complainants, both of whom had health problems, plus their young baby, spent a winter in the property with inadequate heating. The Council failed to increase their priority for rehousing as a result of the hazard. The Council has trained its staff on hazard rating and amended its procedures. It agreed to pay the complainants £500 compensation.

We settled two housing allocations complaints. In the first, the Council wrongly cancelled the complainant's housing registration even though her health visitor had confirmed she wanted to remain on the register. It delayed dealing with her homelessness application and doing a home visit to assess the extent of her overcrowding. The Council agreed to backdate her registration in a higher priority band and to pay compensation of £250. The second complaint was settled by the Council's offer to reinstate the complainant's right of appeal over the suitability of the temporary accommodation he was offered.

We settled one housing repairs complaint about the Council's delay in replacing a defective boiler. The Council agreed compensation of £140.

We settled three complaints about antisocial behaviour, all about the Council's delay in taking action to relocate a ball court. The Council failed to keep the complainants informed of the action it was taking. The Council agreed to pay compensation of £250 to each complainant and to contact the County Council about the possibility of moving the ball court to County owned land.

We settled two complaints about council tax. In the first the Council wrongly pursued the complainant for council tax arrears that were more than six years old. The Council agreed to write off the debt and the associated court costs. The second was about the Council's delay in conducting a land search on a property being sold by the complainant. This resulted in his paying more council tax for the property than he would otherwise have done but for the delay. The Council agreed to refund the overpayment.

We settled one planning complaint about the Council's failure to notify the complainant of an application to build another house attached to the side of his neighbour's house. This meant that what had been a pair of semi-detached houses had been turned into a terrace of three. The Council was satisfied that there were no grounds to refuse the application. The complainant accepted this but was aggrieved nevertheless that he had been denied the opportunity to comment. The Council agreed to remind staff and contractors acting on its behalf that they should check correct consultation has been carried out during a site visit and record this on site visit notes. The Council paid compensation of £250.

Finally we settled one complaint about the Council's handling of allegations that the complainants were misusing the domestic refuse collection service. An officer appears to have been rude to one of the complainants and failed to notify them of the next stage of the complaints procedure. The Council apologised to the complainants and provided details of the investigations it was conducting.

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

My office referred ten "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. This is down from 14 the previous year.

Three premature complaints were resubmitted to me during the 2007/08 period. We found no maladministration in one of these, while two have yet to be decided.

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

The target time for councils to respond when we make enquiries is 28 days. Your Council's average response time to enquiries is just under 25 days, which I commend.

There were difficulties in securing some of the settlements described above, particularly those concerning housing matters. On occasion my investigator had to press the case a number of times before the Council agreed. But my investigator was also able to progress matters following helpful discussions with an officer. There are also several examples where we have had very positive responses from the Council, and I welcome these. In particular, both local taxation complaints were settled by the Council in response to our enquiry letters. We received prompt and positive responses to our proposals for settling the domestic refuse and data protection complaints. One premature complaint was settled by the Council less than two weeks after we referred it for consideration.

## **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.

We also run, from time to time, seminars for Council staff who liaise directly with my office. I am pleased that one of your staff was able to attend a seminar last October and I hope the event was useful.

## **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.

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 providing advice and guidance on 'applications for prior approval of telecommunications masts' and '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	3	11	15	14	3	2	48
2006 / 2007	4	16	9	14	1	4	48
2005 / 2006	4	10	17	18	3	3	55

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	1	12	0	0	11	12	9	10	45	55
2006 / 2007	0	7	0	0	15	8	7	14	37	51
2005 / 2006	0	4	0	0	15	3	8	15	30	45

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	16	24.9
2006 / 2007	19	30.1
2005 / 2006	25	26.6

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