

**The Local Government Ombudsman's
Annual Letter
Maidstone Borough 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 Maidstone Borough 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 36 complaints against your Council. This represents a slight increase on the 31 complaints I received in the previous year. Complaints about planning and building control fell from 27 to 19 but remain the largest group.

Decisions on complaints

During the year, we made decisions on 36 complaints against your authority. We found no maladministration in 11 complaints, and we exercised discretion to close a further nine without requiring action by the Council. We found that two complaints 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).

None of the complaints we investigated this year justified the issue of a report. My office settled seven complaints. The Council's action to settle complaints included agreement to pay compensation totalling just over £1,000. I give below details of the settlements and some other related matters.

Planning and building control

Three complaints concerned enforcement issues. In one the Council placed a letter from the complainant marked "private and confidential" on its website. The Council very promptly apologised and removed the letter in question. In the second some relatively modest works were required to complete a major development. After a helpful site meeting with the complainant and one of my investigators, two senior officers agreed that your Council would use its best endeavours to ensure that the developer completed the outstanding works within a short timescale.

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The third complaint turned, in part, on the failure of an officer (who had left the Council) to make a written note of his meeting with the complainant. The complainant said the officer had led her to believe that she would not require listed building consent to erect a small fence. When she erected the fence, the Council threatened enforcement action. In response to my investigation, the Council agreed not to take enforcement action and to ensure that officers make notes of their meetings with members of the public.

One complaint concerned the way the Council's Planning Committee had considered whether or not to modify a planning permission which it had previously granted. The complainant believed that officers had not put the case for modification even-handedly to the Committee. While the Council did not accept that it had been at fault, it offered to make a payment of £500 to the complainant to resolve the matter. The complainant declined the Council's offer.

We also dealt with a complaint about the way the Council had considered a breach of planning control over the lighting of a sports field and its consideration of an application for retrospective planning permission for aspects of that lighting. The Council had already apologised for the involved way in which it had reviewed the concerns and paid the complainant £100. The Council also helpfully reviewed its procedures for letting interested parties know about the conditions attached to planning permissions. We considered the Council's response sufficient and did not pursue the complaint further.

Antisocial behaviour

One complaint concerned the Council's demand for a fee before it would investigate concerns about a high hedge. The Council had not appreciated that the complainant did not have to pay a fee as she did not pay Council Tax. Once the position had been clarified, the Council agreed to consider and determine the complaint about the hedge.

Local taxation

One complaint concerned the Council's recovery of a Council Tax debt. It appeared that the Council had not made clear that it would instruct bailiffs to recover the debt. The Council helpfully agreed to settle the complaint by waiving the bailiffs' outstanding fee of £42.50, provided that the complainant paid the outstanding Council Tax promptly.

Transport and highways

One complaint concerned the way the Council had considered the complainant's representations against a parking penalty charge notice. The complainant had used two completely different postal codes when writing to the Council from the same address. This may have led to correspondence going astray. The Council helpfully agreed that charges of £426 which its bailiffs had levied should be refunded. There was then some confusion and delay by the bailiffs in making the refund. The Council has decided no longer to use the bailiffs in question.

Your Council's complaints procedure and handling of complaints

I am aware that the Council has done some useful work in the past year to refine its complaints procedure. Decision letters at the first stage of the procedure signpost complainants to the second stage, and decision letters at the second stage signpost disappointed complainants to my office.

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During the past year, my office referred seven 'premature complaints' to your Council for consideration, as we did not believe that you had had a full opportunity to deal with them through your own procedures. At 19% of all decisions, this was below the national average.

During that period, three premature complaints were resubmitted to me. I pursued one of these complaints, which the Council readily settled.

Liaison with the Local Government Ombudsman

The Council replies promptly to my first enquiries about complaints. Last year, the Council's average time for responding to first enquiries was 23.5 days, exactly the same average time as the previous year. This is comfortably within my target of 28 days. I welcome the Council's continued and consistent cooperation.

My staff appreciate the regular contact between our offices by meetings, telephone, email and fax. This contact saves the time of both our offices and assists complainants.

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.

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.

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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	0	2	3	19	3	2	29
2006 / 2007	1	1	3	27	0	1	33
2005 / 2006	1	5	2	21	1	5	35

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	7	0	0	11	9	2	7	29	36
2006 / 2007	0	2	0	0	2	15	5	7	24	31
2005 / 2006	0	5	0	0	5	6	4	10	20	30

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	14	23.5
2006 / 2007	10	23.5
2005 / 2006	17	25.1

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