

Local Government  
**OMBUDSMAN**

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

**Mole Valley 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 Mole Valley District 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**

### ***Volume***

In 2007/08 I received 18 complaints against your Council. While complaint numbers do fluctuate over time, this was more than twice as many as in 2006/07 and more than in 2005/06.

### ***Character***

I received eight complaints about housing. Of these, four concerned allocations (two were from one complainant about the same matter), two were about tenancy management (both were from one complainant about the same matter), one was about repairs and one was about sales/leaseholds. In 2006/07 I only received one housing complaint. I am unaware of any underlying reason for the increase in numbers.

There were seven complaints about planning applications, two about environmental health (both from the same complainant about the same matter) and one about value for money in disposing of the Council's housing stock.

## **Decisions on complaints**

During 2007/08 I made decisions on 18 complaints.

### ***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. I did agree five local settlements. Four of these related to housing complaints and one was about planning.

In one housing case the Council failed to keep the complainant informed about a housing transfer application. To remedy this, the Council agreed to speak to the complainant about his application and to amend the standard letters it sends to applicants. In a housing repair case, works were delayed for over a year, but following my investigation the Council was prompt in agreeing to complete the repair and pay the complainant £75 compensation for inconvenience. In another case, the Council agreed a refund for unjustified tenancy charges and to review the housing management policy associated with the charge, to avoid further such problems. With the fourth housing settlement, I exercised my discretion to investigate a vulnerable leaseholder's complaint about service charges, although he had a statutory right to challenge the Council's charges. There were various procedural errors and the Council waived the charges.

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I also agreed a local settlement on a planning case. The complainant believed that if the Council had fully described a planning application to committee members (a balcony facing the complainant's property was not referred to), the committee's decision would have been different. The Council felt it was a matter of planning judgement what details should be included in a report and did not consider that the report was inadequate. I felt that the balcony was a significant feature and that the Council had failed to properly describe the proposal. After interviewing committee members, I could not conclude that the planning decision would have been different, but I did consider there would always be uncertainty about the decision. Although it disagreed with my view, the Council agreed to pay the complainant £500 compensation and to carry out works to screen the development.

### ***Other findings***

In four complaints (three about planning and one about housing) I found no evidence that the Council was at fault, and I used my discretion not to pursue investigations into two other planning complaints. One complaint was outside my jurisdiction. I sent the remaining six complaints back to the Council as I did not consider you had an adequate opportunity to consider and respond before I became involved.

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

I ask councils to reply to my enquiries within 28 calendar days. Your Council's average response time of 24.8 days is, therefore, within our target. It would have been significantly lower but for the 51 days taken to respond to my enquiries on a housing allocations complaint.

One matter upon which I wish to comment is the Council's positive attitude to settling complaints. I consider this was exemplified by the Council's attitude to the case concerning the balcony. It is to its credit that it accepted my recommendation as complaint 'umpire', when it was evident it felt I was wrong.

### **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. Five officers from your Council attended one of our complaint handling courses, held at a neighbouring Council's offices. 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 and I trust that your officers found the training useful.

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.

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## **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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**Millbank**  
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**June 2008**

Enc: Statistical data  
Note on interpretation of statistics  
Leaflet on training courses (with posted copy only)

<b>Complaints received by subject area</b>	<b>Benefits</b>	<b>Housing</b>	<b>Other</b>	<b>Planning &amp; building control</b>	<b>Transport and highways</b>	<b>Total</b>
<b>01/04/2007 - 31/03/2008</b>	0	8	3	7	0	<b>18</b>
<b>2006 / 2007</b>	0	1	1	6	0	<b>8</b>
<b>2005 / 2006</b>	1	4	5	2	1	<b>13</b>

**Note:** these figures will include complaints that were made prematurely to the Ombudsman and which we referred back to the authority for consideration.

<b>Decisions</b>	<b>MI reps</b>	<b>LS</b>	<b>M reps</b>	<b>NM reps</b>	<b>No mal</b>	<b>Omb disc</b>	<b>Outside jurisdiction</b>	<b>Premature complaints</b>	<b>Total excl premature</b>	<b>Total</b>
<b>01/04/2007 - 31/03/2008</b>	0	5	0	0	4	2	1	6	12	<b>18</b>
<b>2006 / 2007</b>	0	0	0	0	2	4	2	0	8	<b>8</b>
<b>2005 / 2006</b>	0	2	0	0	4	1	2	2	9	<b>11</b>

See attached notes for an explanation of the headings in this table.

<b>Response times</b>	<b>FIRST ENQUIRIES</b>	
	<b>No. of First Enquiries</b>	<b>Avg no. of days to respond</b>
<b>01/04/2007 - 31/03/2008</b>	5	24.8
<b>2006 / 2007</b>	2	5.5
<b>2005 / 2006</b>	4	27.3

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

<b>Types of authority</b>	<b>&lt;= 28 days %</b>	<b>29 - 35 days %</b>	<b>&gt; = 36 days %</b>
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