

Local Government  
**OMBUDSMAN**

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

Last year I received 29 complaints against the Council, slightly up from 26 in the previous year. The largest group of complaints was about planning and building control (eight): all concerned planning applications. There were also six complaints relating to transport and highways and five about benefits. Within our 'Other' category, two of the complaints were a continuation of previous concerns about land issues, relating to the North Denes and Southwold caravan sites.

## **Decisions on 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).

I made 34 decisions. None of the complaints we investigated this year justified the issue of a report. There were five local settlements, the same as in the previous year. Two of these settlements were about parking enforcement. With one complaint where the complainant had received a penalty charge notice, I found the Council's procedures provided very little scope for proper consideration of its discretion to waive the charge. The complainant described the Council's approach as 'over aggressive and unsympathetic to all extenuating circumstances'. The Council promptly accepted this and it agreed to waive the penalty, to pay £50 time and trouble and to review its procedures. The other parking complaint was similar: the Council accepted the local settlement to waive the penalty charge and to review its procedures. I have not been told the outcome of the Council's review. It would be helpful if the Council could let me know what happened.

A complainant felt unable to move into his new home immediately because it was not habitable. He was told to apply for overlapping housing benefit. He did so, was refused and appealed. The Council accepted the property had not been habitable, but he lost the appeal because the housing benefit regulations did not allow for two payments in these circumstances. Subsequently the Council disputed the property's condition, because the void inspection report did not suggest it was uninhabitable. This was unsigned, however, and had been written six months before it was offered to the complainant, who provided statements from three people to confirm its poor condition. To remedy the matter, the Council agreed to repay the complainant the first three weeks of his rent (the time it took him to carry out essential repairs) and to ensure that inspection reports are signed and up to date.

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In another housing complaint there were delays in assessing allegations of a noise nuisance and anti social behaviour. The Council agreed a payment of £200 to compensate for the uncertainty caused by allowing the matter to drift.

In a planning enforcement case there was unnecessary confusion about ownership of land used for a children's playground, and delay in dealing with the unauthorised children's slide (built on a mound and which caused overlooking), and delays in ensuring that the required self closing gates, adequate fencing and screening were installed. The Council agreed compensation of £250 for the complainant's time and trouble. It took two months to pay this.

In total the Council paid £1,000 in compensation.

### ***Other findings***

There were ten complaints where I decided there was insufficient evidence of administrative fault, and four were outside my jurisdiction. I used my discretion not to pursue seven other complaints: generally there was insufficient injustice to warrant my continued involvement.

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

Eight complaints were referred back to the Council because it had not been given a reasonable opportunity to investigate and resolve them 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 was 33.1, a slight increase on the previous year. But one complaint (about a planning application) took 79 days and one about parking took 74 days. Clearly, these adversely affected the average time taken. The Council may wish to explore the reasons for these delays in order to improve its response times for next year.

### **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.

### **Local Government Ombudsman 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	5	2	6	8	2	6	29
2006 / 2007	7	4	7	6	1	1	26
2005 / 2006	5	5	8	17	0	5	40

**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	5	0	0	10	7	4	8	26	34
2006 / 2007	0	5	0	0	10	6	4	5	25	30
2005 / 2006	0	3	0	0	11	4	4	15	22	37

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	12	33.1
2006 / 2007	10	31.3
2005 / 2006	14	36.5

**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