

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

### ***Volume***

We received 20 complaints against your Council during the year, a reduction of almost a half in the total for the previous year. This is a marked drop and your authority can, I believe, take some satisfaction from this outcome that reflects well on the Council and the services provided.

### ***Character***

Complaints received about planning and building control matters showed a significant fall making up just over a third of the total during the year, compared with last year when complaints about this area accounted for nearly two thirds of the total received. Five complaints concerned planning applications. Two were received about trees.

Five complaints were about other matters and concerned anti-social behaviour, land, waste management and one miscellaneous matter. Complaints in this category remained relatively stable compared with last year and accounted for a quarter of the total received.

We received four complaints about housing matters, a reduction of almost a half from last year. Housing complaints received concerned housing allocations, housing repairs, managing tenancies and regeneration and improvement.

Two complaints were received about public finance and local taxation. Two complaints were also received about transport and highways and concerned highways management and parking. Both areas show an upward trend since 2005-2006, but the numbers involved are small. No complaints were received about benefits, as was the case last year.

## **Decisions on complaints**

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

When we complete an investigation we issue a report. I was not required to issue any reports against your Council last year.

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 some 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).

Five complaints were settled locally this year, and the Council paid a total of £830 compensation.

In a complaint about housing repairs, I found that the Council took an unacceptably lengthy period of

20 days to complete repairs to the complainant's windows, plumbing and bathroom tiles. The Council also failed to use its formal appointments system which led to a failure to notify the complainant when an officer could not attend at the property. The Council agreed to pay the complainant £80 for his time and trouble. The Council had already reminded staff of the need to use the formal appointments system for bookings and cancellations of repairs.

In a complaint about an unresolved problem of damp in the complainant's property, the Council had replaced a chimney in 2001, but he continued to report damp in his bedroom. In 2006, the Council concluded that the cause was condensation. The complainant remained unhappy and said he could not use the bedroom because of the damp and staining on the ceiling and a wall. The Council agreed to reinvestigate the problem and concluded that an area of plaster was absorbing water. The Council undertook to re-plaster the affected area and decorate the room.

In one complaint about local taxation, I found that the Council failed to inform the complainant that it was collecting Council Tax arrears from her and not her ex-husband, after a gap of over four years had elapsed. She found out about the Council's decision after it sent bailiffs to collect the debt from her. The information available also indicated that the Council may have issued a Court summons to her ex-husband's address not hers. The Council accepted that it had failed to communicate properly with the complainant about the debt. It agreed to waive its Court costs and pay her £200 compensation for her distress. The Council also agreed to take the debt back from the bailiffs and to reach an arrangement with her for payment by instalments.

In a complaint about the handling of a planning application, the Council accepted that it had failed to refer the application to Committee for determination, contrary to the scheme of delegation. The Council agreed that the complainant had lost the opportunity to have her objection put to the Committee before the authority reached its decision. Following interviews by my investigator with Members of the Committee and Ward Members, I reached the view that, even if the application had gone to Committee and the complainant had been afforded the opportunity to make representations to Members in person, the outcome would most likely have been the same and the application would have been approved. The Council agreed to give the complainant a formal apology and pay her £500 for her lost opportunity to influence its decision-making.

Another complaint settled locally concerned trees. I found that the Council had failed to communicate efficiently with the complainant about trees on land next to his home that were the subject of tree preservation orders. This led to confusion and caused the complainant avoidable difficulty. The Council agreed to pay the complainant £50 for his time and trouble and to meet him on site to explain the situation concerning the trees and to answer his queries.

### ***Other findings***

I did not find it necessary to treat any complaint as premature.

Ten complaints were not pursued because no evidence of maladministration was seen. I decided not to pursue six other complaints mostly because no significant injustice flowed from the fault alleged.

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

The absence of premature complaints last year was a very positive indicator for your authority and suggests that the Council's complaints process is accessible and working well.

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

Enquiries were made on 10 complaints during the year. Your Council failed to meet my target timescale of 28 days for responses to first enquiries, but the authority's average response time has continued to improve since 2005-2006. I ask your Council to keep this issue under review as the average response time of just over 34 days for last year showed only a slight improvement on the previous year's performance.

## **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 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.

I note that your Council sent a representative in 2006 to the annual seminar run by my office for local authority complaints officers on the work of the Ombudsman and complaints handling. We receive very positive feedback on the content and value of the seminars. We will be sending out invitations in due course for this year's event and would welcome your authority's attendance.

## **LGO developments**

We launched the LGO Advice Team in April 2008, 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 2007, which also came into force in April 2008. 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.

**J R White  
Local Government Ombudsman  
The Oaks No2  
Westwood Way  
Westwood Business Park  
Coventry CV4 8JB**

**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>Public finance</b>	<b>Transport and highways</b>	<b>Total</b>
<b>01/04/2007 - 31/03/2008</b>	0	4	5	7	2	2	<b>20</b>
<b>2006 / 2007</b>	0	7	6	24	0	0	<b>37</b>
<b>2005 / 2006</b>	1	4	1	27	0	3	<b>36</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	10	6	0	0	21	<b>21</b>
<b>2006 / 2007</b>	0	1	0	0	19	6	1	6	27	<b>33</b>
<b>2005 / 2006</b>	0	2	0	0	14	9	7	6	32	<b>38</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>	10	34.4
<b>2006 / 2007</b>	24	35.9
<b>2005 / 2006</b>	16	41.9

**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