

24 June 2011

Mr T Riordan  
Chief Executive  
Leeds City Council  
Ground Floor West Gate  
6 Grace Street  
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Dear Mr Riordan

### **Annual Review Letter**

I am writing with our annual summary of statistics on the complaints made to me about your authority for the year ending 31 March 2011. I hope the information set out in the enclosed tables will be useful to you.

The statistics include the number of enquiries and complaints received by our Advice Team, the number that the Advice Team forwarded to my office and decisions made on complaints about your council. Not all complaints are decided in the same year that they are received. This means that the number of complaints received and the number decided will be different.

The statistics also show the time taken by your authority to respond to written enquiries and the average response times by type of authority.

The law allows me to discontinue enquiries and I will often do so when a council agrees to remedy the injustice caused to the person who has complained. Those decisions are described as local settlements. Last year there were 46 local settlements. Four of these raised issues that I think it is appropriate to draw to the Council's attention.

1. Issues about waste collection that are well known to the Council and in the City caused 13 residents to complain. In addition to dealing with these complaints, one of my investigators met with a senior manager from the service to understand how the Council was managing the situation. One of the residents is disabled and unable to walk very far. He had experienced problems for two years with missed collections and refuse bags not being collected. Although he had contacted the Council almost weekly the problems continued and he had to pay commercial traders to remove his refuse.

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In the summer of 2010 the Council suggested that he should become part of the 'wheel out' scheme whereby he would have a wheelie bin collected and returned to his property at each collection. By the spring of this year the bin had only been collected twice and each time it had not been returned to his property but left in the road. Collecting the bin and pulling it up steps was difficult for the resident and left him exhausted.

Officers agreed that a manager would visit to apologise in person and explain how the Council would ensure that the bin was collected and returned to the property, and to pay £500 in recognition of the difficulties caused. They also undertook to review what had happened over the previous two years and identify what had gone wrong.

Given the recent well publicised difficulties with waste collection and its duties under the Equality Act the Council may wish to satisfy itself that systems are now in place to identify any individual problems that are repeated and to take swift and effective action.

2. A planning applicant complained to me about being given incorrect planning advice and not being told of highway safety objections to his planning applications. My investigator found that relevant comments and opinions from a highways officer were placed on an area file. The applicant applied for planning permission in February 2008 and in March 2008 the Highways Development section objected on safety grounds as did a neighbour who provided a copy of one of the comments previously made by a highways officer. From April 2008 to November 2008 there were various discussions between the planning officer and the applicant about the proposed development and the applicant submitted three sets of revised plans. The highways objections were not mentioned during any of these discussions.

The plans submitted in November were passed to the Highways Development section that repeated its objection. This prompted the planning officer to write to the agent in January 2009 and send a copy of the highways comments. The planning application was finally refused in March 2009 – 54 weeks after it had been made – on grounds of over-intensive use of the land with an unacceptable impact on a conservation area and highway safety.

My investigator found that there had been delay and poor record keeping throughout the time that the Council had been considering the application. The Council agreed to reimburse the applicant with all reasonable professional costs incurred between March 2008 and January 2009 and pay 75% of the rental value of a property on the site that the applicant had left vacant whilst awaiting the Council's decision.

Two different complaints came from people whose businesses had been adversely affected by what they saw as unfair Council decisions or actions:

3. The Council acted on behalf of the 2009 Reggae & West Indian Carnival Committee and took payment for a hot food concession. All letters concerning the event were on Council headed note paper. When the concession holder arrived on the first day the stall was not in the place she had been allocated and suffered from lack of water and a poor trading position. She complained to one of the event co-ordinators to no avail and also to a Council officer who was unable to help. On the second day the stall had been allocated to a charity and the concession holder's gazebo had blown away. She complained to the Council. Officers passed her complaint to the Carnival Committee and also told her that she should contact the Committee but gave her no information about how to do so. The concession holder was unable to progress her complaint.

My investigator found that there was no written agreement between the Council and the Carnival Committee, no agreement between the Council and the concession holders and no contract between them and the Carnival Committee. Officers agreed that this year there will be clear written information making it clear that the Carnival Committee is responsible for the event and written agreements with concession holders. The fee paid by the concession holder was refunded by the Council.

4. A market trader complained that the Council unfairly rejected his tender for a pitch that he had been trading on for the previous year and awarded him his second choice of pitch. The Council invited people to apply for more than one site on the basis that they would only be allowed to trade from one. The Council said that each application would be judged on its merits including financial offer, quality and design of the unit, product and impact on surrounding businesses.

On investigating I found that the trader had made the highest bid for his first choice pitch but officers had given over-riding importance to what would give the Council the greatest income when they decided how pitches would be allocated. This had not been a criterion in any of the tender documentation. Officers accepted that if it had not been used the trader would have been allocated his first choice of pitch and paid him £5,300.

#### *Communicating decisions*

We want our work to be transparent and our decisions to be clear and comprehensible. During the past year we changed the way we communicate our decisions and reasons. We now provide a stand-alone statement of reasons for every decision we make to both the citizen who has complained and to the council. These statements replace our former practice of communicating decisions by letter to citizens that are copied to councils. We hope this change has been beneficial and welcome comments on this or any other aspect of our work.

In April 2011 we introduced a new IT system for case management and revised the brief descriptions of our decisions. My next annual letter will use the different decision descriptions that are intended to give a more precise representation of complaint outcomes and also add further transparency to our work.

#### *Extended powers*

During 2010/11 our powers were extended to deal with complaints in two significant areas.

In October 2010 all complaints about injustice connected to adult social care services came under our jurisdiction. The greater use of direct payments and personalised budgets mean that it is particularly important for us to be able to deal with such complaints irrespective of whether a council has arranged the care. The increasing number of people who arrange and pay for their own social care now have the right to an independent and impartial examination of any complaints and concerns they may have about their care provider.

In the six months to April 2011 we received 75 complaints under our new adult social care powers. Between 2009/10 and 2010/11 complaints about care arranged or funded by councils doubled from 657 to 1,351.

The Apprenticeships, Skills, Children & Learning Act 2009 introduced powers for us to deal with complaints about schools by pupils or their parents. This was to be introduced in phases and currently applies in 14 council areas. By the end of 2010/11 we had received 169 complaints about schools in those areas and 183 about schools in other areas where we had no power to investigate. The Education Bill currently before Parliament proposes to rescind our new jurisdiction from July 2012.

Our new powers coincided with the introduction of Treasury controls on expenditure by government departments and sponsored bodies designed to reduce the public spending deficit. This has constrained our ability to inform care service users, pupils and their parents of their new rights.

*Assisting councils to improve*

For many years we have made our experience and expertise available to councils by offering training in complaint handling. We regard supporting good complaint handling in councils as an important part of our work. During 2010/11 we surveyed a number of councils that had taken up the training and some that had not. Responses from councils where we had provided training were encouraging:

- 90% said it had helped them to improve their complaint handling
- 68% gave examples of how the knowledge and skills gained from the training had been applied in practice
- 55% said that complaints were resolved at an earlier stage than previously
- almost 50% said that citizens who complained were more satisfied.

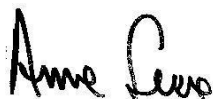
These findings will inform how we develop and provide training in the future. For example, the survey identified that councils are interested in short complaint handling modules and e-learning.

Details of training opportunities are on our web site at [www.lgo.org.uk/training-councils/](http://www.lgo.org.uk/training-councils/)

More details of our work over the year will be included in the 2010/11 Annual Report. This will be published on our website at the same time as the annual review letters for all councils (14 July).

If it would be helpful to your Council I should be pleased to arrange for me or a senior manager to meet and explain our work in greater detail.

Yours sincerely



Anne Seex  
Local Government Ombudsman